Warehousing Prisoners in Saskatchewan

A Public Health Approach

By Dr. Jason Demers

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By Dr. Jason Demers

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About the Author

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Cover Image: *Double-bunking in the California Department of Corrections*

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**This report focuses on the provincial prison system in Saskatchewan.*

***Provincial prisons house offenders with sentences of less than two years, and inmates who are on remand. Inmates on remand have not been tried or sentenced. They are awaiting trial or a bail hearing.*

Introduction

In his book on the imprisonment binge in the United States, penal scholar John Irwin (2005) describes how the American war on crime produced new "warehouse prisons" where activities, programming, and mobility have been deemphasized, and prisoners are "merely stored to serve out their sentences" (p. 57). While we may think of prison warehousing as a uniquely American problem, it is increasingly emblematic of the Canadian experience as well. As the following report will demonstrate, Saskatchewan's provincial prisoners are currently being warehoused.

Indeed, Saskatchewan boasts one of the most highly strained provincial prison systems in the country. For instance, critics have recently argued that overcrowding in the Saskatoon Provincial Correctional Centre — which has been operating over maximum capacity since 2010 — poses a risk for inmates, staff, and the general public alike (Warwick, 2014). In his 2011 annual report, provincial ombudsman Kevin Fenwick (2011) notes that the province's prisons currently house "almost twice as many inmates as they were designed for" (p. 3).[1] To accommodate this crisis, classrooms, gymnasiums, workshops, and visiting rooms are being converted into dormitories, and most of the province's cells are being double bunked (the practice of putting two inmates in a cell built for one). Fenwick notes that triple bunking may become necessary, raising concerns about the impending impact of recently passed tough-on-crime legislation on a system that is already working at double capacity (p. 3). If lack of infrastructure is a problem, overincarceration is a cause.

Triple-bunking in California

The following study seeks to evaluate the problem of prison overcrowding in Saskatchewan in order to identify its effects, and to propose alternatives that would improve prison conditions and correctional outcomes in the province. It delves beyond the disconcerting numbers that currently characterize Saskatchewan's correctional system to examine the human effects of overcrowding. To accomplish this, the report is largely centered around the accounts of former inmates and their families. While incarceration rates can be reduced via policy change in the province's courts (these issues will be addressed in the "primary prevention" section of the report), the conditions in which inmates are kept in the province's prisons also contribute to correctional outcomes like rates of recidivism and intergenerational crime. When inmates are warehoused, rehabilitative programming suffers, as do opinions of the criminal justice system. With the input of former inmates, this report explores issues including overcrowding, lack of program

availability, food shortages, a lack of adequate healthcare, conditions in segregation, and the province's overincarceration of Aboriginal peoples.

A Public Health Approach to Justice and Corrections

Mass imprisonment is not a consequence of increased criminal activity; it is a state-made disease. While the United States is beginning to take steps to inoculate itself against this disease of its own making, the Government of Canada is passing legislation that threatens to spread the virus north of the border. While a rhetoric of public safety drives the tough on crime agenda, we can learn a lot from taking a public health approach instead. What is particularly appealing about taking a public health approach to the problem of overincarceration is that it ultimately works in the interest of public safety.

Ernest Drucker (2011), a scholar of criminal justice and social and family medicine, recently employed epidemiology — the study of the patterns and causes of the spread of disease — to demonstrate how drug laws and mandatory minimum sentences in the United States have created a self-sustaining "plague of prisons." The epidemic is not only self-sustaining because draconian laws criminalize low-level offenders; like other diseases, imprisonment spreads according to proximity and exposure. As an epidemic, this plague victimizes the children of incarcerated parents and, in extreme cases, entire low-income neighborhoods become spaces of contagion.

Drucker's work is helpful because it provides logical, targeted advice. The public health model of prevention is split into primary, secondary, and tertiary prevention. While primary prevention is used to prevent new cases (i.e. immunization, water purification), secondary prevention is about medical care where disease has occurred (curing disease or diminishing symptoms), and tertiary care seeks to minimize suffering in areas or cases where it may not be cured (lifetime medication, wheelchairs, eyeglasses). Applied to mass incarceration, primary care involves sentencing policy reform; secondary care involves creating better conditions inside prisons, including focus on family and community contact; and tertiary care involves a post-incarceration focus on access to education and housing. While all levels of intervention are important, the focus of this report is on primary and secondary prevention with an emphasis on corrections itself. How might the number of inmates in Saskatchewan be reduced, and how must conditions inside prison be improved so that rehabilitation, rather than warehousing, becomes the focus of corrections once again?

Methodology

Quantitative and qualitative methods were employed to assess the extent and consequences of overcrowding in Saskatchewan's provincial prisons. Publicly available data regarding sentencing, adult corrections, and female offenders (2000-present) were collected from Statistics Canada. Individual requests to interview the Directors of Saskatchewan's four provincial prisons and to conduct site visits were re-routed through the Executive Director of Corporate Affairs, and were denied. Additional data maintained by Saskatchewan prisons was therefore gathered via Freedom of Information Act requests. This data included information regarding inmate counts and measures employed when operating over capacity. Further information of this nature was obtained from the Intergovernmental Affairs and Justice Committee Hansard, and discussed

in a personal interview with Executive Director of Custody Services, Heather Scriver, Director of Adult Custody Services, Mark McFadyen, and Director of Corporate Affairs, Drew Wilby.

To obtain a better understanding of the conditions and regime inside provincial prisons, open-ended qualitative interviews were conducted with former inmates, their families, and the directors of regional advocacy groups like the Elizabeth Fry Society (Sue Delanoy), the John Howard Society (Shaun Dyer), and the Saskatchewan Coalition Against Racism (Bob Hughes). Snowball sampling was employed to gain contact with former inmates and their families.

Former inmates and family members were informed that the research being conducted was independent and impartial, and that participation was voluntary. Due to the sensitive nature of some of the topics being discussed, participants were informed that they were free to end the interview at any time. Participants were also informed that confidentiality and anonymity would be respected. In order to ensure anonymity, the statements below are not attributed to numbered participants. The names of specific prisons have also occasionally been omitted, such as in the case of alleged instances of abuse.

This qualitative approach was particularly valuable to the report because accounts of Saskatchewan's provincial prisons via the men and women who have experienced them help to provide profound insight into, and to humanize those most closely affected by, the current state of corrections in Saskatchewan. While we could not review, or confirm the accuracy of all statements, based on the way in which information was revealed during interviews, all that we could do was trust the accuracy of the subjects' accounts.

Primary Prevention: Unpacking the Prisons

Although the provinces administer the justice system, the Criminal Code of Canada is written by the federal government. While the Canadian government has embarked on a program of tougher laws and sentencing — neglecting research by sociologists and criminologists, and eliminating judicial discretion — there are a few front-end options that could be immediately employed to provide some relief to the increasing prison population. The following outlines a number of changes that could be implemented relatively quickly to relieve the current strain on the prison system in Saskatchewan.

Prosecutorial Discretion and Pre-trial Conferencing

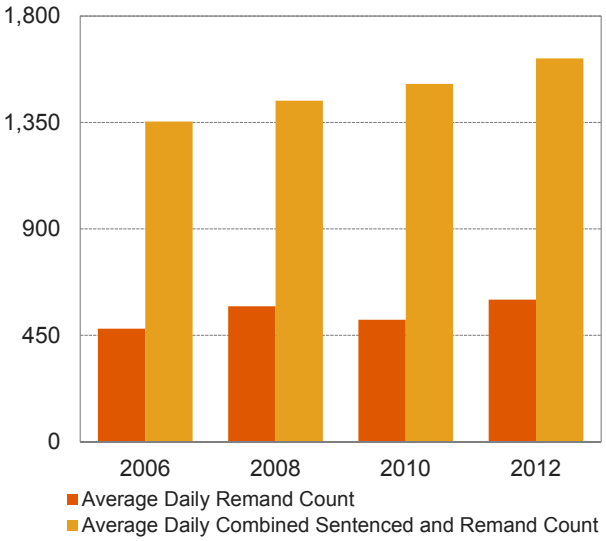
Recognizing that drug laws in particular were the primary culprit for the prison epidemic in the United States, and that dismantling mandatory minimums would be slow-going, U.S. Attorney General Eric Holder has instructed prosecutors to omit details (like quantities of illegal substances) that would handcuff judges into sentencing people to jail time ("Harper's tough on crime laws are outdated," 2013). Crown attorneys in Ontario have recently employed similar methods to evade mandatory minimums (Fine, 2014). Crown attorneys in Saskatchewan could be given similar directives by the government.

Pre-trial conferencing — where judge, crown, and defense discuss things like issues with evidence and pre-trial application schedules — can be used to expedite trials, or, via court-ordered participation in programs at this stage, divert people from both the courtroom and corrections entirely. A recent pilot project in British Columbia found that conferencing had a positive impact on courtroom efficiency (Supreme Court of British Columbia, n.d.).

Relief for Remand: Pre-charge Screening

Individuals on remand — meaning that they have been charged but not tried or sentenced — should be granted bail when appropriate. Remand constitutes dead time. At best, an inmate is held in warehouse conditions without access to work or rehabilitation programs (which are restricted to sentenced inmates). At worst, overcrowded facilities are poorly equipped to deal with a revolving door of inmates with mental health issues and physical health problems. Overcrowding also leads to an increased risk of contracting and spreading communicable diseases. To use prison as a space to warehouse individuals awaiting trial or a bail hearing does not make logical sense. The percentage of inmates on remand on any given day (Regina Provincial Correctional Centre [40 percent], Pine Grove Correctional Centre [40 percent], Saskatoon Provincial Correctional Centre [26 percent], Prince Albert Provincial Correctional Centre [32 percent])[2] is indication of a significant backlog in court cases. With the exception of a slight dip in 2010, the number of inmates on remand has climbed alongside the total inmate count, exacerbating the problem of overcrowding (Figure One).

Figure One: Average Daily Sentenced and Remand Count by Year (Government of Saskatchewan, Ministry of Justice, 2014b)



Pre-charge screening is a process whereby a crown prosecutor, rather than a police officer, determines whether a charge will formally be laid and proceed to court. Of charges laid in Canada, 65 percent result in a finding of guilt, while only 5 percent lead to acquittal. The remainder of charges (30 percent) are stayed or withdrawn by the Crown (Penney, Rondinelli, & Stribopoulos, 2011, p. 446-448). By allowing prosecutorial screening earlier in the process, British Columbia, Quebec and New Brunswick — the only three provinces that employ this method — have been able to reduce the percentage of charges withdrawn or stayed relative to other provinces. In 2010-2011, the percentage of charges withdrawn or stayed in Saskatchewan (32.7 percent) was slightly above the national average (31.9 percent), while in British Columbia (27.8 percent), Quebec (9.2 percent), and New Brunswick (18.2 percent) the percentages were either below, or well below the national average (Statistics Canada, 2012b). Although BC has experienced more modest results from the implementation of pre-charge screening, in the face of overcrowded prisons and backlogged courtrooms there, the BC Civil Liberties Union notes that it has been a positive move which has saved the province from pursuing an estimated 7,000 additional cases at a cost of tens of millions of dollars (Tilley, 2012, p.5).

Employing this method in Saskatchewan would not only remove those who would ultimately never be charged from the prison population, it would also provide some relief in the court system, and ensure that cases would proceed in a more timely fashion. Due to the overrepresentation of Aboriginals in the criminal justice system in Saskatchewan, it is further recommended that those involved with Crown charge review should be provided with formal training in Gladue principles (see below), including visitation and observation at a Gladue court.

Application of Gladue Principles

That the Aboriginal population in Saskatchewan's prisons is consistently over 85 percent is not indication that Canada's first peoples are inherently "criminal." Rather, it is a reflection of the inherently discriminatory nature of the Canadian justice system and society in general. Both section 718.2(e) of Canada's Criminal Code and the 1999 Supreme Court case *R. v. Gladue* state that judges take systemic discrimination, adverse cultural background factors (residential schools, the sixties scoop), and the overrepresentation of Aboriginals in prison into account when assessing cases involving Aboriginal defendants, and when making sentencing decisions.[3] Seeing as how current practices are neither acting as a deterrent nor providing rehabilitation, a restorative approach to sentencing would be more appropriate when dealing with Aboriginal offenders and communities in

particular. Restorative justice is an approach that prioritizes healing with emphasis on repairing harm through the meeting of victims, offenders, and community members.

Gladue principles are especially important in a province where the vast majority of people that appear before the courts are Aboriginal. Several provinces (Alberta, British Columbia, Newfoundland and Labrador, Nova Scotia, Ontario, Prince Edward Island) provide judges with training regarding application of the Gladue decision and section 718.2(e) of the Criminal Code. While Saskatchewan's judges are provided with educational sessions on the history and culture of people in Canada, training regarding 718.2(e) and Gladue is not provided or required in Saskatchewan (April & Magrinelli, 2013, pp. 6-7). Judges and other justice officials are certainly aware of these matters — Gladue factors are regularly included in court proceedings in the province — but it has been noted that there is a lack of standards regarding what a Gladue report is supposed to look like, and certain judges are more likely to consider Gladue factors than others when they are introduced by counsel (Guly, 2013). Saskatchewan would certainly stand to benefit from a more systematic implementation of Gladue analysis in its courts.

Saskatchewan would also benefit from the erection of more Gladue courts, particularly in urban areas like Regina and Saskatoon.[4] The Gladue decision called the overrepresentation of Aboriginal peoples in Canada's prisons "a crisis in the Canadian criminal justice system," and directed courts towards restorative sentencing options when dealing with Aboriginal offenders (R. v. Gladue, 1999). Gladue courts would promote community healing by employing a restorative justice approach that included sentencing circles. Just as the new mental health (Regina, Saskatoon) and drug treatment courts (Regina, Moose Jaw) in Saskatchewan were designed in the interest of needs, support, and fairness, this culturally specific approach might keep low-level offenders out of prison, and get them into programs to deal with addictions and traumatic histories. These are the types of programs that the overcrowded provincial system has been forced to scale back due to lack of space and resources.

Secondary Prevention: Tackling Warehouse Conditions

Unlike changes to the federal criminal code, improving prison conditions is certainly within the province's purview; improvement in this area is also in Saskatchewan's best interests. By improving prison conditions, Saskatchewan can reduce rates of recidivism and intergenerational crime. Between 2001-02 and 2010-11, the percent of sentenced offenders not readmitted to adult custody within two years of completing their sentence has hovered between 49 percent and 52 percent. As the Saskatchewan Ministry of Corrections, Public Safety, and Policing (2012) itself notes in citing this statistic, successful program delivery reduces reoffending (p.8).

Saskatchewan boasts one of the most highly strained provincial prison systems in the country. In April 2012, provincial prisons had a total cell count of 817. With most cells double bunked, the system is characterized as having a capacity of 1,050, but the system still had, in 2011-12, an average daily count of 1,400 inmates (Government of Saskatchewan, Legislative Assembly, April 2 2012, p. 26). This problem is not new. The province already built a 90-bed dormitory style facility in Saskatoon in 2009 to deal with overcrowding issues and a growing prison population. In October 2013 the province opened 30 new cells in the Pine Grove Provincial Correctional Centre for women, and they have broken ground on a 72-cell expansion at the Prince Albert Correctional Centre (Ibid). Even if all of these new cells are double-bunked — and plans suggest that they will be — the bed count still falls short of the average daily count.[5]

Double Bunking

In Canada's federal penitentiaries, double bunking is treated as though it is standard practice. Former and current Ministers of Public Safety Vic Toews and Steven Blaney have argued that double bunking is current standard practice (Paperny, 2012; Stone, 2014), with Blaney even going so far as to say that "we don't feel that prisoners are entitled to their own cell" (Stone, 2014). Not only does this suggest that the current Canadian government's understanding of appropriate conditions of confinement is superior to the wisdom and standards set by international bodies, but it also obscures the issue that double-bunking involves two prisoners being bunked in a cell that was built for one inmate. Definitions and procedures are being rewritten to accommodate current practices: in early 2013, the Commissioner of the Correctional Service of Canada deleted the principle that "single occupancy accommodation" is the most correctionally appropriate manner to house offenders, and the double-bunking cap was raised from 10 to 20 percent (even though as many as 50 percent of cells, including cells meant for segregation, are being double bunked in the Prairie region) ("The Costs of Double Bunking," 2013). In 2010, double-bunked inmate Jeremy Phillips was killed in his cell in BC's Mountain Institution. This is the extreme consequence of overcrowding. A prison sentence is not a death sentence; the correctional service is responsible for the inmates that it has in its custody.

As is the case in Canada's federal penitentiaries, double bunking in Saskatchewan's provincial prisons is a matter of fact when it should be a matter of concern. The murder of 28-year old inmate Elvis Lachance within hours of being double bunked in remand at Saskatoon Correctional has been directly attributed to double bunking and overcrowding by the Correctional Officers union (Adam, 2014). In spite of the dangers inherent to double bunking, Saskatchewan's Ministry of Corrections takes a similar approach to the federal government regarding this serious issue. In meetings of the Intergovernmental Affairs and Justice Committee, former Minister of Corrections, Public Safety and Policing Yogi Huyghebaert routinely quoted cell counts and doubled them in the same breath, as though double bunking represented the actual capacity of Saskatchewan's prisons. (Government of Saskatchewan, Legislative Assembly, April 2 2012, pp.24-27; Government of Saskatchewan, Legislative Assembly, April 19 2012, p. 72). According to Canadian and international standards, the practice should only be used for short periods of time, and under exceptional circumstances. The stated position of the Union of Canadian Correctional Officers is that "double bunking is an unsafe, ineffective means by which to address population management, and will inevitably prove problematic for correctional officers, correctional staff, offenders, CSC and, finally, the general public" (Union of Canadian Correctional Officers, 2011, p.3). In other words, in spite of what politicians say outside of prison, everyone who has experience or a stake inside of prison maintains that double bunking is not a safe or feasible way to deal with issues of overcrowding.

Overcrowding

While photographs of orange jumpsuit-clad inmates lined up in bunk beds in a gymnasium are famously associated with the crisis in California's prison system, this situation has also become a reality in Saskatchewan's provincial prisons. Beyond the permanent conversion of the Regina Provincial Correctional Centre gymnasium into sleeping quarters, classrooms, visiting rooms, and a mechanical shop have either temporarily or permanently been converted into sleeping quarters. An inmate provides an account of the noticeable change in conditions of confinement at Prince Albert Provincial Correctional Centre:

> "Towards the end of my stay, more inmates started coming in on remand, and they started taking the school classroom, and the church, and they started just putting beds in there, and tvs, just to house inmates while they were waiting on remand. So they were taking our [rehabilitative] programs away just to make room for sleep."[6]

Due to extreme overcrowding, the construction of new wings at the Regina and Pine Grove Correctional Centres has not provided much relief. New spaces are filled as quickly as they are opened. What inmates have noticed is a disparity in living conditions.

One inmate being held in the old section of Regina Correctional over the summer noted that there was no relief from thirty-degree temperatures in the form of air conditioning and, furthermore, the "range" he was on — the common area which individual cells within a secured prison unit open onto — lacked ventilation. Sleeping was made increasingly difficult by the fact that there were no in-cell washroom facilities. In order to go to the bathroom, inmates had to throw a towel under their locked cell to get the guard on duty to let them use the washroom. This could take hours, so, although they would face punishment for it, inmates were urinating in their

garbage cans. The range smelled of stale sweat — inmates are only given a change in clothes (including underwear) every three days — and urine and feces from spilled wastebaskets and leaking toilets. In order to escape conditions within the old building, one inmate explained how his only recourse was to act up:

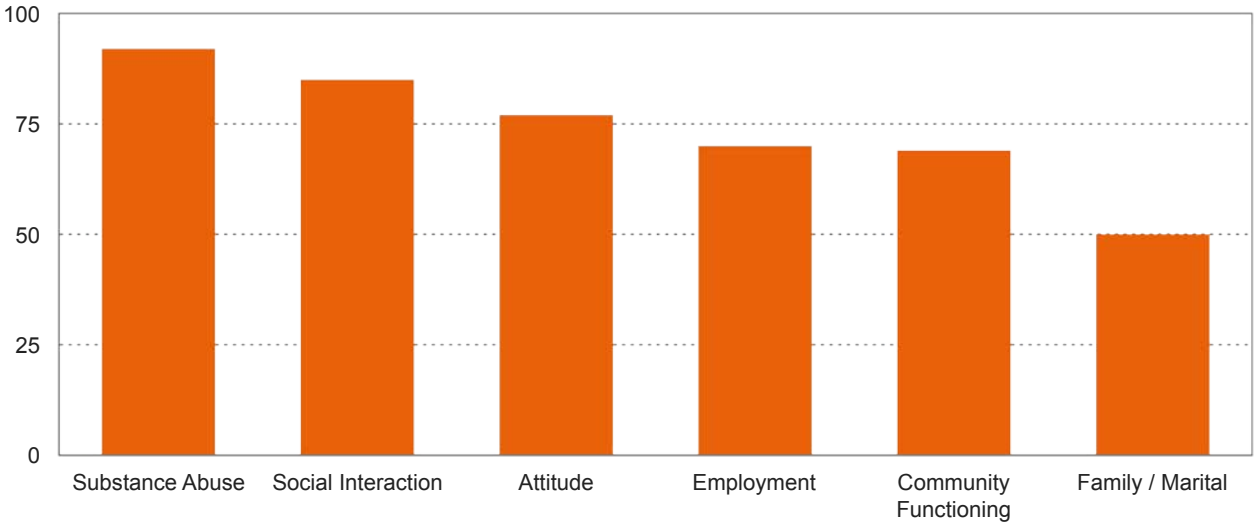
> "It got to the point that me and another guy were so hot there, we didn't want to spend any more time on that range. We wanted to go into the new building, and the only way to get into the new building was either remand or segregation, and we were already sentenced so our only bet was segregation. So we basically acted up, we got in trouble, to get moved to seg. And we got thrown in segregation. At least there was air conditioning. It was new. The cells were big. And me and the same roommate were there together, so we were okay with that."[7]

As the above suggests, poor conditions of confinement are bad for morale and can contribute to violent incidents. Reviewing the work of former inmate Victor Hassine alongside corroborating anecdotes by Correctional Officers, Rick Ruddell (2009) notes that while poor conditions are accelerants to violence, the presence of basic amenities like air conditioning can reduce violence (p.202).

Lack of Program Availability

According to Statistics Canada, prisoners in Saskatchewan exhibit four of six rehabilitative needs including substance abuse problems, family or marital issues, problems with attitude (which would include things like anger management issues), and problems with social interaction (criminal peers and companions) (see Figure Two). 92 percent of inmates in Saskatchewan have substance abuse issues. 44 percent of inmates over the age of 25 have not completed high school (Statistics Canada, 2012a). Considering these statistics, programming should be a priority once inmates are sentenced. Saskatoon Provincial Correctional Centre, Pine Grove Provincial Correctional Centre, and Prince Albert Provincial Correctional Centre all admit that, due to overcrowding, adjustments are being made to programming. One of the primary consequences

Figure Two: Percentage of Adults in Sentenced Custody, by Type of Rehabilitative Need, Saskatchewan, 2010-2011 (Statistics Canada, 2012a)



of overcrowding is that programming scheduling is delayed while space is used for sleeping quarters.[8]

Unfortunately, too much demand combined with a lack of programming space means that, on an individual level, programming is delayed until the end of inmates' sentences. This often means delaying release. According to one former inmate:

> "It was really hard to get into any program in Regina. Most guys would get through three quarters of their time without getting into anything. That didn't matter if it was two years or six months, they seemed to want to let you get through three quarters. But by then you're eligible to put things in to leave — what they would do is they would say well you haven't done any programs so you can't leave. They have a violence prevention program. I delayed my parole decision just so I could take this program. Make it look good."[9]

Delays in programming combined with a perception that programs are used punitively rather than rehabilitatively, makes inmates skeptical about the worth of programs. One former inmate remarked:

> "Usually you're not in an institution long enough to get into their program, and they design it like that for a reason. You get on a waiting list for a program. It's not designed to get you the program, it's designed to get you back."[10]

Another former inmate added that:

> "Programs weren't serious. When they had programs it wasn't a serious program, or they would use … how you were in that program against you. I did very well in the program — in all the work — I just had a bad attitude. I was bored. I'm sitting around all day. There's nothing challenging."[11]

Because inmates with various learning levels and disabilities were all housed in the same program, a fill-in-the-blank page that took an inmate one minute to complete could take forty-five minutes for another, and prove impossible to comprehend for an inmate who was not literate. Not only was a one-size fits all approach to inmates with various learning disabilities challenged, but the applicability of programs in general was flagged as an issue:

> "The programs — it's not about the day to day realities of what we all live, it's all medical and statistics. Not life."[12]

The experience of former inmates tended to be that storage of prisoners was a priority while programming was an afterthought. If part of the purpose of imprisonment in Canada is rehabilitation, prison overcrowding and the conversion of classroom and workspace into sleeping quarters diminishes the possibility of prisoners returning to the community with the life skills required to properly integrate into society. Space for programming, religious worship, recreation, and visitation should be renewed. These spaces are essential to inmate rehabilitation and should not be used as sleeping quarters Programs should be available to inmates from the beginning of their sentences. Considering the racialized constitution of Saskatchewan's inmate population, programs could be retooled with the assistance of elders.

Strained Food Services

The influx of inmates beyond institutional capacity has made for a decline in the amount of food offered. Both Prince Albert Correctional and Saskatoon Provincial Correctional admit that adjustments are made to meals when they operate over capacity.[13] This is not lost on the inmates who have seen a change in the amount of food available. According to one former inmate:

> "They used to serve a big portion at one time … and on the weekend they only give you two meals. They give you a meal at lunchtime and at five o'clock and then you don't eat until eleven o'clock the next morning, so how many hours is that between meals? You don't have bread or anything you can make toast with in the morning, at night. So you're only basically getting two meals on the weekend, so everybody's hungry, and they're wondering why guys are always scrapping over food."[14]

Another former inmate who worked in the kitchen noted that adjustments were not made to the amount of food prepared, regardless of the number of inmates inside:

> "The problem that we saw in PA, we started to see a lot of people on remand there. PA is made for 300 people. Now you're seeing 400 people, but you're still cooking enough food for only 300 people. I worked in the kitchen, and we were making the same amount of food. And we were trying to tell the kitchen guy to bring in more equipment, but they said you can't handle more equipment, so just make what you were making. And he even voiced his opinion on that and said it's not right, because guys are going hungry now. And I remember at the beginning there was tons of bread, tons of milk, and now you're fighting for it, you're hiding things away, you had to stash things."[15]

While Regina Provincial Correctional Centre did not note any change in food services due to overcrowding, an inmate who had spent time in both Prince Albert and Regina noted that the food situation was dire while he was in the latter:

> "Regina Correctional was worse. You were always hungry. The food portions were not enough. You can't get by with 4 pieces of macaroni and a hot dog every 10 or 12 hours."[16]

Furthermore, the food served in the provincial system is not always the most nutritious. This can lead to a decline in health and, particularly amongst the female inmate population, a decline in self-esteem. As Sue Delanoy of the Elizabeth Fry Society notes:

> "Women gain so much weight while they're in jail because the food is carb heavy. The food is good, but the food is good in a bad way. Mashed potatoes and gravy and deep-fried this and that. It's not healthy food at all. There's no access to unlimited fruits and vegetables. Your health deteriorates while you're incarcerated. For women especially — men beef themselves up. Women don't. They have body image problems. Women gain a lot of weight while they're in jail. They don't feel good about themselves after."[17]

According to two former inmates interviewed, meals are not coordinated during transfers. Due to scheduling and procedure, inmates go without food at point of origin, in transit, or at their final destination point. One former inmate noted that on a transfer from Regina to Prince Albert, he was given neither food nor a washroom break.[18]

The problem in provincial cells extends to Regina city cells where, as one former inmate remarked, inmates are not only underfed, the contempt

with which they are handled extends to their food, leading them to suspect that any food they receive might be mismanaged:

> "You get nothing. You're lucky if you get a tea. You get toast that's stepped on with their boots. You see their bootprint on your toast. They put your toast on the floor and they step on it. I seen that a couple of times when I was there. And that's all you get all day. They don't give you anything else. They'll give you an orange juice for lunch and an orange juice for supper if you're lucky. Probably pissed in it, if anything, because it's in a Styrofoam cup, and you don't know if you can trust it."[19]

With the recent announcement that Saskatchewan was considering privatizing prison food services, a change in food services seems to be in the cards (Gardner, 2014). Considering the track record of privatized prison food services in the United States, there is reason to be skeptical. As Simon Enoch (2014) demonstrated in a recent report, privatization in the United States has often led to increased price, diminished quality, lower quantities of food, and a lack of food safety controls.

The Canada Food Guide and the Food Guide for First Nations, Inuit, and Métis should be used as the standard for providing inmates with adequate nutrition while in custody. Inmate food should be handled with respect, and inmates being transferred between prisons must be provided with adequate nutrition.

Inadequate Health Care

In a recent report on health care in Canada's federal prisons, Correctional Investigator Howard Sapers found that there were problems with diagnostic services, follow-up, treatment, and administration of medications (Office of the Correctional Investigator, 2014). Echoing this, several inmates and family members expressed concern of quality of care in Saskatchewan's prisons.

A woman who spent time in Saskatoon's Regional Psychiatric Centre (RPC) and the Okimaw Ohci Healing Lodge in Maple Creek is terrified to reenter the system due to two near-death experiences. While given too high a dose of methadone at RPC, she was made to urinate in a pan for two days at Okimaw Ohci to prove that she was not [as claimed], passing urine. By the time she was taken to hospital, she could barely move, and was delusional to the point that she thought that her husband was her doctor.[20]

While these experiences took place at federally-operated institutions in Saskatchewan, medical services at provincially operated institutions are similarly dismal. Speaking about her experiences in RCMP F division in Regina (where women are often held due to the long distance of transfer from Regina to the Pine Grove Provincial Correctional Centre in Prince Albert), one woman spoke about how specific instructions for the administration of medication are universally disregarded:

> "You take your meds when they want you to take them. So if they just brought them 3 hours before, you'll get your bedtime meds. Like, for instance, you get your supper at 4:30, 5:00, they bring your bedtime meds, and sometimes you're not supposed to take them that soon, but they don't care. They don't ever follow the recommended daily dose. Ever. In any institution. The closest one is RPC, but they overmedicate. They keep you so doped up because they figure you're a threat."[21]

A former inmate was provided with treatment for Hepatitis C while at Regina Correctional Centre. The treatment involved injections followed by a round of pills, and it required monitoring in the form of periodic blood tests. Because blood tests required the inmate to go to hospital due

Inmate health-care in Arizona Department of Corrections

to a lack of viable veins for taking blood, he was simply not monitored. Within three weeks, the inmate was experiencing severe abdominal swelling and could barely move. When he arrived at hospital, his viral load was twenty times higher than where it started. Untrusting of medical care at the institution, the inmate requested use of milk thistle to relieve symptoms, but was denied because it is not a recognized treatment.[22] An elderly woman taking calcium pills for bone and joint issues faced similar issues at Pine Grove.[23]

Confidentiality has been raised as an issue at Prince Albert Provincial Correctional Centre. According to one inmate, the procedure for getting in to see a doctor involves writing down a medical problem on a piece of paper which is then handed to guards who inevitably turn over the sheet to read the problem when they see a medical checkmark on the form. Guards often laugh or make jokes upon reading these requests. As a result, inmates are often uncomfortable filling in these forms.[24]

While problems with oral health are connected to overall health, inmates are unlikely to receive access to dental care while in provincial prison in Saskatchewan. As one former inmate who spent time at Regina and Prince Albert Correctional puts it:

> "The dentist there — I did 2 years and I never seen a dentist once. I put in [for a dentist] the first or second week I was there and I never seen one. There's no dentist right now, and we ask them why … I never seen a dentist. The guys who do — he just pulls out teeth. [The dentist] says 'I don't get paid to do fillings.'"[25]

As Williams (2007) puts it, "men and women confined to prisons and jails are not held in a vacuum. Even under lock and key, they remain parents, husbands, wives, daughters, sons, and neighbors who will return to their homes once released. As such, their health is inextricably linked to the health of our society" (p. 82).[26] Contracting disease due to conditions of confinement certainly constitutes cruel and unusual punishment, and putting public health at risk due to overincarceration is bad policy. Like citizens outside of prison, inmates should have access to adequate medical care and a second opinion. Inmates in a country that prides itself on a legacy

of access to health care remain citizens while they are incarcerated. Prison health is public health. It is in the interest of public health and public safety that inmates receive the same quality of health care as other Canadian citizens. This means that inmate confidentiality must be respected so that illnesses are reported, prescription schedules must be followed to ensure the effectiveness of medication, and proper monitoring of treatment is necessary, even if it means frequent transport to hospitals or medical clinics.

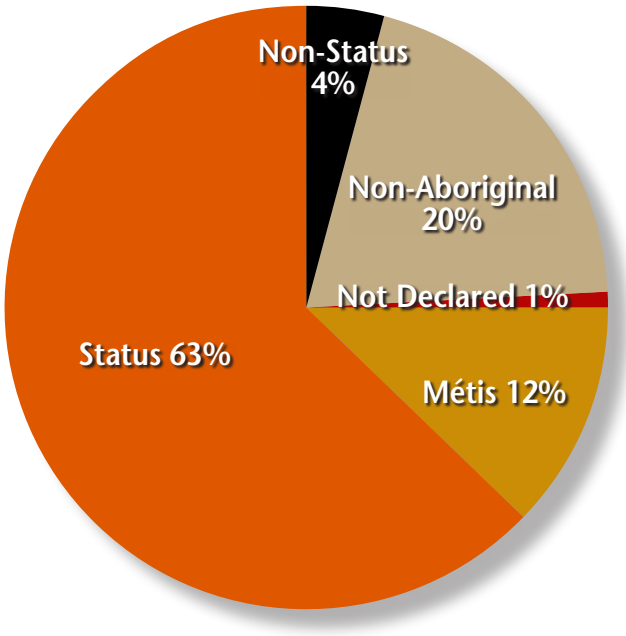
Warehousing Aboriginal Peoples

The percentage of Aboriginal inmates in provincial custody in Saskatchewan is invariably high. In 2012, due to the disproportionate number of Aboriginals in federal corrections, Correctional Investigator Howard Sapers published *Spirit Matters*, a special report regarding the treatment of Aboriginal Offenders with respect to sections 81 and 84 of the Corrections and Conditional Release Act (CCRA). Sections 79 through 84 of the CCRA pertain specifically to Aboriginal offenders, and were written to address cultural and spiritual needs, and the overrepresentation of Aboriginal peoples in the Canadian criminal justice system. Sapers wrote his 2012 report because Aboriginal peoples constituted 21.5 percent of inmates incarcerated in federally operated institutions (Office of the Correctional Investigator, 2012, p. 11). While official statistics released by the Ministry of Justice suggest that the Aboriginal population in Saskatchewan's prisons in 2012 was approximately 80 percent (see Figure Three), unofficial accounts by Ministry officials and advocacy groups put that number at 90 percent or above (Government of Saskatchewan, Legislative Assembly, April 27 2012, p. 84).[27] In 2012, Saskatchewan revamped the Correctional Services Act (CSA), the provincial equivalent of the CCRA. In spite of the fact that nearly all inmates in Saskatchwan's prisons are Aboriginal, there is no mention of Aboriginal peoples in the CSA. Interviewees identified a number of problems regarding the treatment of Aboriginal peoples in the Saskatchewan correctional system.

Former inmates and family members uniformly complained that provincially incarcerated Aboriginals did not have access to spiritual leaders or services:

> "I was really upset when I was in Regina Correctional. I wasn't recognized for my own religion, but if I went to church or anything, oh, no problem … You weren't allowed to complain about having no right to the sweat lodge or smudging. You couldn't even smudge inside the building. You had to go outside. If you couldn't go outside during your exercise time, that's it. You couldn't smudge. How stupid. Just ignorant. Plain ignorant."

Figure Three: Average Daily Count, Provincially Sentenced Offenders by Ethnicity, 2011-12 (Government of Saskatchewan, Ministry of Justice, 2014b)



Although Regina Correctional has a sweat lodge, inmates argue that it is not accessible:

> "Another thing that I ran into in the provincial prison was getting into the sweat lodge. When my father died there was no elder at the correctional centre, so I couldn't even get an elder to talk to, or anything like that, and they thought it was a joke that I was trying to get into a sweat lodge after my father died … so basically they denied me my right to practice my own religion … I don't know how many of my elders suffered to have that sweat lodge in the first place. And now they're just playing with it like it's a joke."

While Saskatchewan's Correctional Services Act makes no mention of Aboriginal cultural and religious practices, section 83.1 of the CCRA notes that "aboriginal spirituality and aboriginal spiritual leaders and elders have the same status as other religions and other religious leaders" (Corrections and Conditional Release Act, S.C. 1992). A Commissioners Directive further stipulates that indoor and outdoor space be reserved for spiritual and traditional activities including encouragement of smudging (a healing ceremony that involves the burning of tobacco) (Commissioner's Directive 702, 2013). Provincially, in deeming tobacco a contraband substance, the Correctional Services Act in Nova Scotia notes that tobacco may be permitted for Aboriginal spiritual services (Correctional Services Act, S.N.S, *2005)*. Aboriginal inmates should have ready access to elders, and policies must be created that accommodate the use of substances like ceremonial tobacco for spiritual purposes. Spiritual rooms should be available in every unit for these purposes. As Bob Hughes of the Saskatchewan Coalition Against Racism notes, "if you want a positive outcome and a sense of peace and security, you want [spirituality] to be going full tilt … the calmness, respect, everything comes in then."[28]

While the system is in drastic need of change, efforts are being made to expand Aboriginal programming in Saskatchewan. The Pine Grove Provincial Correctional Centre for women recently introduced a new Cultural Centre for Aboriginal offenders. While its location in a moldy trailer recently deemed unfit as living quarters is disconcerting, the two week program is incredibly popular amongst inmates.[29]

Beyond access to spiritual and religious programming, overt racism amongst staff was also identified as a problem. One non-Aboriginal inmate reflected on instances of racism that he witnessed in one provincial institution. Not only did he have the impression that the guards always had the back of Caucasian inmates in any dispute that they had with Aboriginal offenders on his range, but white inmates were also given preferential treatment (early release, quicker access to halfway houses), and Aboriginal inmates were subject to racist treatment and remarks:

> "I remember one guard came out to give a job to somebody. The guy had only been there two weeks and another guy had been there three months on the range and he comes out and he says, "Yeah — new guy gets the job." And buddy who's been there for three months says, "Why didn't I get the job?" And the guard plainly says, "cause you're Indian." And he says, "Are you serious?" He says, "Yeah" — and walks away."[30]

Statistics demonstrate that discrimination against Aboriginal peoples in Saskatchewan is systemic. To take a public health approach to corrections is to recognize the importance of relevant programming — as well as a newfound sense of understanding and respect for Aboriginals — to curtail this epidemic. The commissioners of a 1991 report on the overincarceration of Aboriginal peoples in Manitoba concluded that "the causes of Aboriginal criminal behaviour are

rooted in a long history of discrimination and social inequality that has impoverished Aboriginal peoples and consigned them to the margins of Manitoba society" (Hamilton & Sinclair, 1991, p.85). To systematically incarcerate Aboriginal offenders is to continue a legacy of colonial institutionalization that will only lead to negative intergenerational outcomes. The statistics in Saskatchewan are staggering, and the lived experience of Aboriginal overincarceration is worse. Saskatchewan must take responsibility for this problem in order to break from this continuing cycle.

The overincarceration of particular communities has a negative effect on those communities. As Todd Clear (2002; 2007) points out, a public safety approach to incarceration mistakenly assumes the position of "addition by subtraction." The logic is that removing people who commit crimes from a community makes that community better by ridding it of its negative elements. The problem with this approach is not only that it assumes that someone who has committed a crime cannot possibly have any positive impact on his or her community, but it also overlooks the fact that the bulk of public safety work is done in the community. Clear's research in poor African American communities in the United States demonstrates that high incarceration rates lead to more imprisonment, a phenomenon that he links to the destabilization of families and communities. The loss of a family member to incarceration creates stigma, economic problems, issues with self-esteem, and puts children at risk for dropping out of school and having problems with the law. To have a parent flowing in and out of the prison restricts a child's social interactions. Furthermore, high crime rates lead people to isolate themselves from their neighbours (neighbourhood interactions instill social norms outside of the family), and personal experience of a legal system that disproportionately imprisons visible minorities leads people to have a low opinion of that system.

One woman who tried to maintain — and eventually lost — a business with her locked up husband was particularly cynical about the justice system in Saskatchewan:

> "[The prison system is] not designed to rehabilitate us, because if they rehabilitated us and we actually stayed out, where would their money be? It's designed not only to keep us, but it's also designed to cause problems with our families — how am I going to make that money [to pay phone bills associated with an incarcerated husband and father]? What am I going to do to make that money? It's probably not going to be legal, right? Who could come up with thousands of dollars every month like that? And still come up with all the things they need each month? So, obviously, it's probably not legal, so it's designed to get their families to think illegally, to do illegal things to still feed their families. And where do the kids end up? In the system. It's still corporate, right? So they end up in that same system. And then their kids, and their kids. It's designed to keep us all in. It's designed for Aboriginals mainly. It's designed to keep us all in, and eventually, we're all going to be locked up in prison somewhere with no hope … Look at the stats — it's working, isn't it? Now look at the stats in social services. I bet it's 90 percent [Aboriginal], too. And the 10 percent that ain't, it's white people that are in a minority class anyway."[31]

Segregation

While Saskatchewan's updated Correctional Services Act contains no provisions for Aboriginal offenders, the public safety approach employed to update the Act features provisions to increase search, surveillance, and use of segregation (Government of Saskatchewan, Ministry of Justice, 2014a). Segregation is defined in the

Correctional Sevices Act as "separation of an inmate from the general inmate population of the correctional facility in which the inmate is being confined or detained" (Ibid, p.8). While segregated from the general population, all activities and services are performed and received in isolation.

According to Juan Mendez, the UN Special Rapporteur on Torture, inmates should be spending no longer than 15 days in segregation. Scientific studies demonstrate that this marks the point at which lasting psychological damage begins to set in ("Solitary confinement should be banned in most cases, UN expert says," 2011). In spite of this, inmates often spend months in federal and provincial segregation cells in Saskatchewan.

As one inmate relates, inmates in segregation are locked up for 23 hours each day and get one hour outside of their cell to shower, make phone calls, or use the exercise yard. In segregation, an individual's scheduled rotation for yard time moves back an hour each day (from 10AM to 9AM and so on). When the scheduled time reaches 8AM, the final slot, it is pushed to 8PM the next day to restart the rotation.[32] This means that inmates, as a part of the regularly scheduled rotation, are going for 36 hours without any time outside of their cell. The UN Standard Minimum Rules for the Treatment of Prisoners dictates that inmates must be provided with at least one hour of open air access each day (Shalev, 2008, pp. 43-44). Former inmates describe acquiring skin conditions from being forced to wear the same clothes for too long in segregation at Regina Correctional; being unable to experience natural sunlight for weeks on end (the exercise yard in Regina Correctional Centre consists of a walled courtyard with steel mesh over top of it, obscuring view of the sky); only being served two sandwiches a day; and getting sores from being forced to sit and sleep for weeks on a concrete, hockey-mat lined floor in "the hole" at Prince Albert Correctional Centre.[33]

People's bodies are not only subject to unhealthy conditions in segregation but, because inmates sent to segregation are often considered to be a problem, they sometimes face abuse at the hands of guards. A former inmate described witnessing a particularly distressing scene in his neighbouring cell:

> "There was a guy they brought into segregation … it was probably about 10:30 [or] 11:00 at night. They dragged him in. Five, six guards. Big guys. And he was handcuffed. He was screaming. They went in there, you heard them kind of laughing. They come out with that guy's underwear in their hands, ripped right off of him. The next day they let us out for exercise. We were the first guys to go, and that guy was still sitting in his cell. Bare cell. No mattress. Naked. Bleeding. Nothing at all. He was just there. Sitting. Up all night. They just left him like that, you know, for 24 hours before they came and even gave him anything. It was the next night, probably nine o' clock that they brought him bedding, a mattress, and some clothes. So I don't know, like … that was pretty cruel to see … He was probably maced because he was covered in something. They didn't even let him wash

Administrative segregation: An inmate waits in a temporary holding tank at the R.J. Donovan Correctional Facility in San Diego County

up, you know. They should have let him do that at least."[34]

The practice of solitary confinement dates back to the early 19th Century. The practice was scaled back during the first half of the 20th Century after a United States Supreme Court review of the practice found that it signified cruel and unusual punishment beyond a prison sentence itself, it was leading to increased prevalence of suicide and violent insanity, and it was rendering inmates useless upon return to their communities (Shalev, 2009, pp.16-17). The practice was reinvigorated in the late 1970s as a way to manage prisoners rioting for improved conditions. In the age of warehouse imprisonment — where it is not rehabilitation, but incapacitation and effective administration that drive policy — solitary confinement is a risk management strategy akin to the overuse of tranquilizers. Prisoners who are mentally ill are its most common victims. Illustrating the way in which this type of punishment is administered as though prison is a vacuum, a prison official interviewed by Sharon Shalev (2009), a scholar specializing in solitary confinement, noted that what happens after release is not a concern because the inmate at this juncture becomes a citizen; he is no longer an inmate in the institution for which the prison management is responsible (p. 203).

The overuse and effects of solitary confinement have been on the radar in Canada in recent years. In 2013, a Saskatchewan woman sued the Correctional Service of Canada for keeping her in solitary confinement for 3½ years ("End solitary confinement, says former female inmate," 2013). It was also a factor in the prison suicide of Ashley Smith, who died while in federal custody in the Grand Valley Institution for Women in 2007.

Amidst the 104 recommendations by the Coroner's jury in the Ashley Smith Inquest are three that provincial prisons should implement regarding solitary confinement:

- Use of indefinite solitary confinement should be abolished
- Use of segregation or seclusion should be restricted to a maximum of fifteen consecutive days
- No criminalized person should be placed into segregation for more than sixty days in a calendar year (Office of the Chief Coroner, 2013).

Warehousing Women

Incarcerated women tend to have histories of physical or sexual abuse, and often suffer from mental health issues. The vast majority of all federally sentenced women (80 percent) report having been physically and/or sexually abused (Canadian Human Rights Commission, 2003).[35] While data regarding mental health issues is not systematically gathered in the provinces, a recent study in British Columbia found that 76 percent of women in the correctional system in British Columbia between 1997 and 2004 had a substance use or mental disorder (Somers, Carter & Russo, 2008, p.53). The crimes for which women are most often accused are theft under $5,000, assault level 1 (minor assault), and administration of justice violations (Mahoney, 2013). Whereas men charged with violent crimes tend to victimize acquaintances (46 percent), women's violent crimes are more often committed against spouses or intimates (46 percent) (ibid). This is because women charged with violent crimes are often reacting against abusive partners.

Most women in the Canadian criminal justice system tend to be poor, undereducated, unskilled, and are disproportionately Aboriginal.

In 2008/09, 50 percent of women in provincial and territorial prisons had not completed secondary school. According to Census data from 2006, only 15 percent of women over 25 in Canada had not obtained their high school diploma (ibid). While 12 percent of adults in Saskatchewan are Aboriginal, in 2009, 85 percent of women in custody in Saskatchewan were Aboriginal (ibid). According to the Executive Director of the Saskatchewan branch of the Elizabeth Fry Society, in August 2013, only 5 of the approximately 140 inmates at Pine Grove at the time were non-Aboriginal.[36]

The profiles of women in custody at any given juncture are testament to the fact that the current practice of warehousing women does little to address the nature of crimes committed. From lashing out at abusive partners, to shoplifting to support an addiction to morphine acquired after the death of a child, to returning to prison for shoplifting to support a renewed addiction after being beaten by a spouse upon reunion, women in Saskatchewan's provincial prisons are ill-served when they are bunked in dark, musty, and sometimes bed-bug infested barracks to serve their time. To their peril, inmates frustrated by the unjust nature of their confinement are sometimes insubordinate; the likelihood of a 4-6 month sentence being extended by institutional charges is high.[37]

The moment that a woman enters the justice system, emphasis should be placed on reentry into the community: of primary concern should be reunion with children, housing, and access to continued addictions counseling and medication. Rows of bunks should be replaced by rooms and programs devoted to literacy, relationships, parenting, and career planning.

Regarding career planning, the work opportunities that women receive in Pine Grove are unlikely to — as per the Ministry of Justice website — "improve[e] their opportunities to obtain and maintain employment in the community after they are released" (Government of Saskatchewan, Ministry of Justice, 2014d). A small percentage of women are able to participate in the PRISM Industries work program. While the Ministry of Justice maintains that "inmates participating in PRISM Industries programming receive meaningful work and related experience" (ibid), in terms of career planning and preparedness, the only option for women in Pine Grove is sewing. That men work with wood and metal while women sew is reminiscent of the gender divide that arose when the first prison for women, the Mercer Reformatory, was constructed in Canada in 1872: men had access to diverse programs while women received moral and domestic training that taught them their place in society. Things have changed since the 19th Century. Women have become correctional personnel, and otherwise enter the prison and justice workforce with training in law, medicine, and social work. In spite of these changes, the regressive reinforcement of traditional female sex roles — entirely out of touch with the 21st Century Saskatchewan economy — remains standard when it comes to work programs in Saskatchewan's provincial prisons.

Breaking Up Families

Prison has a profound impact on families. As Donald Braman (2002) argues, the increased use of incarceration since the 1980s in the United States "in many ways missed its mark, injuring the families of prisoners often as much as and sometimes more than criminal offenders themselves" (p.117). Incarceration alters a family structure, and has an impact on income levels, emotional support, and living arrangements. Children, in this sense, are hidden victims of incarceration. The location of prisons often means that children and parents are separated by great distances, making visitation difficult if not impossible. Maintaining contact via telephone is limited by cost, with collect charges and company surcharges rendering meaningful, regular contact with children impossible.

The effect of incarceration on children depends on the age of the child. While an infant or toddler would experience impairment in bonding with the parent, a child of 2-6 years might experience separation anxiety, impaired socio-emotional development, and acute traumatic stress reactions. In middle childhood (7-10 years) and early adolescence (11-14 years), children continue to react poorly to trauma, including an impaired ability to overcome future trauma. At this point, there are also developmental regressions and a rejection of limits on behaviour. In late adolescence, there is often a premature termination of the dependency relationship with parents, and intergenerational crime and incarceration (Travis, McBride & Solomon, 2005, p.3). While we often hear about this final consequence regarding the children of incarcerated parents, the affect of parental arrest and incarceration on children of all ages is rarely discussed.

Beyond the benefits of maintaining contact for children, it is a well-researched fact that inmates who are able to maintain family contact are less likely to reoffend (Hairston, 1998; Martinez & Christian, 2009). It is therefore not only beneficial to the families of prisoners to maintain contact, but it is ultimately beneficial to public safety. Having recognized the staggering number of parents behind bars — in 2007, 53 percent of inmate in the United States were parents of children under eighteen — the Department of Corrections in Oregon conducted an 11-year study to determine ways in which parents could be kept out of prison. They found that inmates who took parental training while inside were 95 percent less likely to recidivate than those in a control group within one year of receiving the training (Flatow, 2014).

With the implementation of a no-contact visit policy and a new contract with American telecommunications company Telmate (which emphasizes profit over service), Saskatchewan's prisons do not do well when it comes to encouraging the maintenance of family and community contact.

Visiting Loved Ones: Long Distance, No Contact

When it comes to contact, an unfortunate trend in corrections is that security trumps the maintenance of family ties. Not only do long distances often separate incarcerated parents and children — as there is only one prison, and one healing lodge for women in the province, proximity makes visitation particularly difficult for the friends and families of women — but

invasive and intimidating security measures and a lack of proper visiting facilities act as further disincentives for visitation.

Saskatchewan's provincial prisons have implemented a "no-contact" visitation policy once restricted to only the most dangerous inmates, but which is becoming increasingly prevalent in the age of warehouse imprisonment. While incarcerated women are allowed to have contact with their children during visits, men are not. As one parent and grandparent said of his visits with his son at Regina Correctional:

> "I used to go in with our grandchild and his dad was there. And there were kid things and the dad could have a coffee. [After] the new [construction] — you'd think you'd want to move ahead. It's absolutely no contact. Glass. Kids come, they've got to visit through glass. It's absolutely regressive. And for couples — it used to be that you could have a hug. It's outrageous. Long term, for the outcomes, it's just terrible. You're in federal maximum security facilities and you're in there rolling around with your kids and you come back here [to Regina Correctional] and you can't even touch."[38]

Parents rightfully worry about the effects of a lack of physical contact with their children. As Joyce Arditti (2003) observed in a study in Virginia, children, unable to understand why they cannot cross a glass pane to be with a parent, are distressed by such visits. Frequency of, and problems with, visitation are also associated with offender parenting distress (Beckmeyer & Arditti, 2014). A management model that strives to minimize the possibility of potential incidences within prison, irrespective of collateral consequences, is not the best model for

overall correctional outcomes. No contact visits should be abolished in both men's and women's facilities.

While female inmates are allowed contact with their children when they visit, several things could be done to encourage visitation, and to solidify family bonds during these visits. Due to distance, visitation is extremely rare. Having enough patience to endure a long drive is not the only barrier to making the trek; transportation for long trips is often difficult to arrange for impoverished families. As one woman explains:

> "Women don't get visits. And it's really hard not to get visits. They put us so far away that there's no way our families can afford to come. Women have children and yet we're the farthest they place. What are our families supposed to do?"[39]

Her husband expanded on the difficulties associated with family visits in Saskatchewan:

> "$45 to come from the bus depot to the jail just to have a visit with your wife. For an hour. It might cost you $300 just to take the trip. To get a one hour visit. You can't even kiss them — you can't even touch them or anything. No contact. Travelling six hours to visit, and then they can't even kiss you or touch you. How insulting can you be? I don't know anybody that's that bad. No contact is everywhere now."[40]

The effect on esteem, as well as concerns about intergenerational outcomes, are tangible:

> "They make it so hard for woman in any institution to have any contact with their fucking families. Excuse my language, but I'm emotional about that. We are the ones that bring all life to this world, and yet we are treated the worst when it comes to sentencing. And usually — usually — our crimes are to do with our financial situations: trying to feed our families. And yet when we do that, because of the financial circumstance we're in — because there's already an incarceration — they punish us by sending us further away so we can have no contact and they take our kids. And then it starts another process. Another circle. Because they go in the system and now they're there. They destroy — they don't even know what they destroy. And esteem echoes right to the babies before they're even born, because we're considered trash."[41]

Child poverty amongst Indigenous people in Canada is a real concern. Amongst Métis, Inuit, and Non-Status First Nations children, the child poverty rate is 27 percent, and amongst Status First Nations children, the poverty rate is 50 percent (MacDonald & Wilson, 2013, p.13). The rates are worse in Saskatchewan, where 64 percent of First Nations children live below the poverty line (ibid, p.16).

Making correctional institutions more accessible for family visits should be a priority. There are several programs in the United States that serve as examples of how accessibility can be improved. California's Get On the Bus program provides free transportation for children to visit their incarcerated parents on Mother's and Father's Day, while states like Florida and New York also have transportation programs to help families remain in touch (Thompson, 2014). There are currently no such services in Canada's federal or provincial prisons. As family unity is beneficial not only for immediate outcomes, but in preventing intergenerational crime, Saskatchewan would stand to benefit from looking into establishing transportation services that would help families to remain in touch during a parent's incarceration.

According to Sue Delanoy of Elizabeth Fry, visiting conditions in women's prisons exacerbate the problem of distance:

> "Facilities are not currently as family friendly as they could or should be. It is important that prisons include spaces where children can enjoy the time that they spend with their parents. While there is supposed to be a mother-child program offered at all institutions, typically most inmates do not know of the program, because it is non-existent, or the women have heard that it has been cancelled. It's a right for women to have access to this program, but most institutions don't advertise this, or plan for this. Women are telling me, when their families do make the 5 hour drive down — to Okimaw Ohci [a federally run healing lodge in Saskatchewan] and Pine Grove — there is no play area that is family friendly, and the practice has been to have their kids sit at a table to visit their mother, and [they are] told to behave and not run around. "[42]

A Mother Child program should be readily available and well-publicized at Pine Grove, and family-friendly visitation spaces including toys and children's furniture should be provided. The types of visits described above can sometimes be as distressing as a lack of visitation. If visits from children are truly encouraged, a child-friendly space should be established for this purpose. This could also be extended beyond toys and children's furniture. In Tenessee, inmates with low security designation are able to do outdoor cooking and picnicking with their families (Boudin, Stutz & Littman, 2012). Because long distances are a barrier, overnight visits in a designated secure area separated from other inmates should be considered. In the United States, overnight visits are allowed in California, Colorado, Connecticut, Mississippi, Nebraska, New Mexico, New York, and Washington (Ibid). Pine Grove already provides modular homes so that women who give birth while incarcerated can stay with their baby for 2 to 3 days before separation. These homes would provide suitable and secure accommodation for overnight visitation.

Privatized Phone Services: Profit Over Family Ties

If maintaining a physical relationship with an incarcerated parent is rendered difficult due to proximity and security measures, maintaining contact by phone is increasingly being made into a for-profit endeavor that further restricts contact. As recently reported in the *Regina Leader-Post*, the price of inmates phone calls in Saskatchewan is becoming a barrier to maintaining family contact (Spray, 2014). This is due to the new calling costs associated with inmate telecom service provider, Telmate, which now has contracts in Saskatchewan, Alberta, Nova Scotia, and Prince Edward Island. It is not only phone companies that stand to profit from contracts with telecom companies, but correctional services themselves. While telecom providers specializing in inmate phone services are new to Canada, American State and Federal prisons have been experimenting with prison phone contracts since the mid 1980s. General information about how these contracts work in the American context highlight some of the potential issues that lie ahead for Saskatchewan.

Commissions / Kickbacks

The economics of prison phone contracts are not entirely straightforward. In requesting bids for phone services, correctional agencies do not typically seek out the company that provides the best services, or even the least expensive rates; instead, correctional agencies often look for the contract that will provide the best commissions. In exchange for an exclusive contract to provide phone services, telephone companies provide kickbacks in the form of commissions. When soliciting bids for their prison phone contracts, both Louisiana and Alaska's Request for Proposals (RFP) indicated the most significant criteria was rate of commissions (Dannenberg, 2011). In the United States, commissions average 42 percent nationally, and can reach as high as 60 percent (Ibid). Revenue from commissions in state prisons alone in the United States amounts to $143 million nationally (Ibid). Recognizing that it was unethical to make money off of the families of inmates, the state of California slotted more money towards inmate funds in prison before following suit alongside seven other states who no longer accept commissions. Four additional states are working to phase out the practice ("Facts about inmate telephone commissions," 2013).[43]

While Telmate's contract with Saskatchewan Custody, Supervision, and Rehabilitation Services (CSRS) contains a commissions clause, the percentage awarded — 10 percent — falls well below the American national average. Furthermore, all funds go towards the Collective Trust account in each of the four prisons where Telmate is the provider. Collective Trust monies are to be used for projects, activities, and property (such as gym equipment) that benefit offenders. Although the contract includes a clause that would increase the commissions amount to 25 percent if remand inmates were charged for local calls, CSRS is not currently exercising that option.

Although CSRS should be commended for not seeking a higher commissions amount, and for putting commissions received into Collective Trust, the contract is problematic for other reasons. The problem with inmate telephone contracts is not simply the unethical incentive provided in the form of kickbacks, but the expensive and confusing set of fees that service providers charge inmates and their loved ones over top of the actual cost of each call that is made. This is why the inmate telecom industry is thriving: service providers give incentive to clients in the form of kickbacks and then more than make up for lost profits through a system of user fees.

Base Charges

While the base cost for a phone call does not look like much on the surface, in the age of flat rate long distance plans, amounts charged for long distance calls in particular quickly add up. Billing for calls is as follows: local collect calls are charged a flat rate of $1.85 for 20 minutes, and long distance calls cost $1.50 to connect plus $0.30/minute and a $0.45 bill rendering fee. This amounts to approximately $8.00 for a 20-minute phone call. It costs $1.00 to leave a voicemail (Government of Saskatchewan, Ministry of Justice, 2014c).

Although it is slightly cheaper for an inmate to charge a call to his or her own account, one inmate reported that the amount of pay made from working inside prison puts this option out of easy reach:

> "It's five days work to make one phone call outside of jail. Four phone calls a month if you work every day … [My wife] told me to phone every day. I couldn't phone every day because if you don't have enough money on your account you can't phone."[44]

Fees

While base costs are exorbitant in themselves, the cost for phone calls rise exponentially when hidden fees are considered. The following information about Telmate's fees was obtained via their automated phone system and customer service.

Establishing an Account: To establish telephone contact with an inmate, families can either set up a prepaid account, or use the "quick connect" method to accept an incoming phone call. Although a prepaid account is the most economical option, Telmate charges convenience and processing fees amounting to $8.20 on a $25 deposit. This effectively means that, using the most economical means to stay in touch, it would cost $33.20 to make three, 20-minute long distance phone calls. While the initial deposit of a larger sum is more cost-effective in the long run, a "future investment" of this type is not likely to be amongst the priorities of families living below the poverty line.

Reimbursement: When a prisoner is released, Telmate will only reimburse funds, upon request, if the account has funds remaining in excess of $50. If this is not the case, Telmate provides two options: the account holder can top up the account to $50 so that a reimbursement can be processed, or, the amount remaining will be placed on a calling card and sent to the account holder for future use. The economic hardship of families experiencing an incarceration make the former option unfeasible for most.

Quick Connect: If families cannot, or do not set up a prepaid account, they can accept calls from an inmate via the Quick Connect method. The only way to identify these calls is that the person receiving the call will be asked for the three digits on the back of their credit card. There is a credit card and handling fee of $7.95 on each call that is made in this fashion, irrespective of the duration of the call. A call that would normally cost $2.75 can cost up to $15-20 once the handling fee as well as other taxes and fees are assessed.

Security Measures: The Saskatchewan Ministry of Justice is in line with all other jurisdictions in barring the practice of 3-way calling. From a security standpoint, this makes complete sense. Inmates can only call people on a pre-approved list. This practice prevents inmates from harassing witnesses and victims, or continuing to engage in criminal activity while inside.

The problem is that phone companies often use this security measure to make additional profit. 3-way detection works by detecting line pop noises. Once line noise is detected, calls are dropped. In Florida, one company programmed its equipment so that any line noise would result in a call being dropped. This meant that, if his or her call was dropped, an inmate would have to place the call again. This would incur another service fee, and the inmate would once again be charged the most expensive first minute of the call. Upon investigation, it was determined that customers had been cheated out of $6.3 million by this technique. When AT&T implemented 3-way call detection in North Carolina, it projected a five percent increase in revenues (in spite of the fact that, technically speaking, addition of the feature meant that more calls would be blocked) (Hamden, 2009).

In Saskatchewan, Telmate has turned detection of 3-way calls into a direct revenue stream: if an inmate is found to have engaged in a 3-way call, the number called is blocked, and his or her account is charged a $25 fee. An inmate can only initiate a review within two days of the charge by using Telmate's automated phone service within the prison. Review cannot be initiated from outside of the prison. The inmate is not formally informed that a 3-way call has been detected, and will only discover that this

has happened if a call is dropped and he or she can no longer call that number. While providing assurance that mistaken detection often results in reimbursement, a customer service representative noted that Telmate's equipment is so sensitive that it dropped a call when phone noises were made on a television set playing in the background. Inmates and their families have identified improper identification of 3-way calls as a problem in Saskatchewan. The use of security measures like 3-way call dropping should be subject to performance review.

Profit Over Contact

Based upon a comprehensive, nationwide study in the United States, Telmate stood to collect approximately 40 percent extra in fees on each $20 payment (Kukorowski, Wagner, & Sakala, 2013). These hidden fees are therefore how prison phone companies like Telmate make profit in spite of commissions that reduce company income on base rates. On top of the $143 million in state revenue from commissions, the families of incarcerated people in the United States pay an estimated $386 million/yr in fees (Ibid). Alongside Alberta, Nova Scotia, and Prince Edward Island, Saskatchewan has brought this commission and fee system into Canada.

Given the above, Saskatchewan Corrections should refuse to enter into contracts with companies that are not transparent about their collection of fees. In the meantime, the Ministry should take responsibility for Telmate's lack of transparency by updating the Ministry web page on "Inmate telephone system information" to reflect the actual cost of phone calls. In addition, to ensure that this information is accessible to low-income families who may lack internet access or the skills necessary to negotiate the complexity of the inmate telephone system, the Ministry should provide information and debriefing sessions.

Remaining in contact with family and close friends can provide the groundwork and motivation for inmates to get and stay clean. By taking commissions for phone services, Saskatchewan is following the lead of a number of American states in gouging mostly poor — and, in the case of Saskatchewan, Aboriginal — families whose only crime is to have a family member in prison. Families should not have to decide between paying for rent and groceries and keeping in touch with a husband, wife, parent, son, or daughter in prison.

Bob Hughes of the Saskatchewan Coalition Against Racism notes that the move from a calling card system to Telmate is counterintuitive: "Inmates used to ask me, 'Bob, can you get me a $5 phone card,' and I'd buy it and tell them what the number was, or send the number in to them. With a $5 phone card you can call lots of times, and I assume you want people to keep connected with their family, because they'll be coming out again, and you don't want their family messed up. You want to talk to your kids, and the kids want to talk to mommy and daddy. Now, we're seeing hundreds of dollars in phone bills."[45]

Telephones are an integral part of correctional institutions. The cost should therefore be borne by — and accountable to — taxpayers, not the predominantly poor family members of inmates. Contact with family and community improve correctional outcomes, leading to lower rates of recidivism. If incarceration is for public safety, and telephone privileges are an essential part of corrections management, the cost of phone services should be part of what provincial taxes pay for.[46]

Summary of Recommendations

In 2009, Stephen Harper's former chief of staff Ian Brodie pointed out that it is politically advantageous for "sociologists, criminologists, and defense lawyers" to question and criticize the Conservative tough-on-crime agenda because "all are held in lower repute than Conservative politicians." As a result, Brodie concluded, "we never really had to engage in the question of what the evidence actually shows about various approaches to crime" (Geddes, 2009). That prisons were already overcrowded before disingenuously branded bills ("safe streets and communities," "truth in sentencing") were passed is testament to the impoverished nature of a highly politicized "public safety" approach to criminal justice in Canada.

To take a public health approach to corrections is to recognize that overincarceration begets overincarceration. Not only does drastically punitive legislation mean that more low-level offenders will be entering into overcrowded prisons, incarceration puts family members and entire low-income neighborhoods at risk of being pulled into the penal system.

A public health approach to the current crisis must be two-pronged. Work must be done in the courts: by systematizing Gladue principles and pre-trial conferencing, and by introducing pre-charge screening, unnecessary incarcerations will be avoided. This will allow more meaningful work to be done in the prisons: once the burden on provincial prisons is lifted, emphasis on programming and reintegration can be restored.

Given the current state of Saskatchewan's correctional centres outlined throughout this report it is imperative that immediate action be taken to both reduce unnecessary confinement, and to improve conditions inside. To take a public health approach to the crisis in corrections is to recognize that physical and psychological harm is being done to inmates when they are subjected to warehouse conditions. Not only does this have an impact on individual inmates, but also on the families and communities throughout Saskatchewan to which they return.

While recommendations have been suggested throughout this report, a more thorough and itemized list is provided below.

Front-End Diversion

- Pre-trial conferencing should be employed to both reduce trial length and divert individuals from custodial sentences.
- Pre-trial screening has been demonstrated to reduce the number of charges stayed or withdrawn. Crown charge review should be used as a means of keeping individuals from unnecessarily entering the prison population on remand.
- While Gladue factors are considered in Saskatchewan's courts, there are currently no standards regarding the format or assessment of Gladue reports. Policy should be drafted to ensure that Gladue analysis is systematically implemented in the province's courts. To better serve the needs and culture of Aboriginal offenders, specialized Gladue courts should be erected in Saskatchewan's urban areas.

Improving Conditions of Confinement

Programming

- Rather than delaying programming to the end of inmate sentences — a practice that can lead to delays in parole application — programs should be available to inmates from the beginning of their sentences.
- Space for programming, religious worship, recreation, and visitation should be renewed. These spaces are essential to inmate rehabilitation and should not be used as sleeping quarters.
- Considering the racialized constitution of Saskatchewan's inmate population, programs could be retooled with the assistance of elders.

Food Services

- The Canada Food Guide and the Food Guide for First Nations, Inuit, and Métis should be used as the standard for providing inmates with adequate nutrition while in custody.
- Inmates being transferred between prisons must be provided with adequate nutrition and periodic access to bathroom facilities.

Health Care

- Inmate confidentiality should be respected. Inmates should not be required to pass information about specific health problems through the hands of Corrections Officers.
- The administration of medication must follow the prescribed dosage and scheduling instructions.
- Oral health is a crucial part of overall health. Inmates should be provided with adequate access to dental care while incarcerated.
- Inmates undergoing treatment must be properly monitored to avoid complications, even if that means routine transport to hospital.

Respecting Aboriginal Needs and Culture

- The Correctional Services Act should be amended to include a section on the cultural needs of Aboriginal offenders.
- Indoor space should be reserved to accommodate the use of ceremonial tobacco for spiritual purposes.

Segregation

Amidst the 104 recommendations by the Coroner's jury in the Ashley Smith Inquest are three that provincial prisons should implement regarding solitary confinement:

- Use of indefinite solitary confinement should be abolished.
- Use of segregation or seclusion should be restricted to a maximum of fifteen consecutive days.
- No criminalized person should be placed into segregation for more than sixty days in a calendar year (Office of the Chief Coroner, 2013).

Women in Custody

- Upon incarceration, rehabilitation should initially be about stabilization, but career planning should also be a part of preparing an inmate for reentry into society.
- The old gender divide between women's and men's work must be eliminated from Saskatchewan's prisons so that women are afforded better opportunities to find work once released.

Family Contact

- No contact visits should be abolished in both men's and women's facilities.
- Transportation services should be established to help families remain in touch during a parent's incarceration. A pilot project might begin by offering such services on Mother's Day and Father's Day.
- A Mother Child program should be readily available and well-publicized at the Pine Grove Provincial Correctional Centre.
- Family-friendly visitation spaces should include toys and children's furniture.
- Considering the long distance to Saskatchewan's only prison for women, family visitation should be extended beyond one hour.
- Overnight family visits in a designated secure area separated from other inmates should be considered.
- When entering into a contract with a phone company, corrections should refuse to accept commissions.
- Corrections should refuse to enter into contracts with companies that are not transparent about their collection of fees. In the meantime, the Ministry should take responsibility for Telmate's lack of transparency by updating the Ministry web page on "Inmate telephone system information" to reflect the actual cost of phone calls. In addition, to ensure that this information is accessible to low-income families who may lack internet access or the skills necessary to negotiate the complexity of the inmate telephone system, the Ministry should provide information and debriefing sessions. The sessions would both help people understand the costs of keeping in touch with loved ones, and it would be a space to voice concerns.
- The use of security measures like 3-way call dropping should be subject to performance review.
- The cost of the phone system should be borne by taxpayers, not the predominantly poor family members of inmates.

Endnotes

1 Representative of this trend is Bill C-10, "The Safe Streets and Communities Act." The omnibus crime bill, passed in March 2012, introduced new mandatory minimum sentences, changed eligibility criteria for certain conditional sentences, and introduced new penalties for drug crimes.

2 Response to Freedom of Information Act Request CP47013G

3 In March 2012, the Supreme Court reaffirmed Gladue principles in R. v. Ipeelee (2012), stating that: "when sentencing an Aboriginal offender, courts must take judicial notice of such matters as the history of colonialism, displacement, and residential schools and how that history continues to translate into lower educational attainment, lower incomes, higher unemployment, higher rates of substance abuse and suicide, and of course higher levels of incarceration for Aboriginal peoples."

4 The Cree and Aboriginal courts only serve north-eastern and north-western Saskatchewan respectively.

5 Response to Freedom of Information Act Request CP47013G

6 Personal Interview.

7 Personal Interview.

8 Response to Freedom of Information Request CP47013G

9 Personal Interview.

10 Personal Interview.

11 Personal Interview.

12 Personal Interview.

13 Response to Freedom of Information Request CP47013G

14 Personal Interview.

15 Personal Interview.

16 Personal Interview.

17 Interview with Sue Delanoy. 15 August, 2013.

18 Personal Interview.

19 Personal Interview.

20 Personal Interview.

21 Personal Interview. This final comment about RPC is in line with Correctional Investigator Howard Sapers's recent finding that psychiatric drugs are being overused on women in Canada's federal prisons. He has recently launched an investigation into the practice (Miller, 2014).

22 Personal Interview.

23 Interview with Sue Delanoy. 15 August, 2013.

24 Personal Interview.

25 Personal Interview.

26 Keeping prisons at or above capacity poses serious public health risks. While health care is available in prison, prisons are not the ideal location to contain and treat serious ailments like HIV/AIDS, Hepatitis C, or tuberculosis (TB). In fact, if a prison is overcrowded and has inadequate ventilation, it becomes an amplifier for airborne, communicable diseases like TB. As Natasha H. Williams (2007) points out, once prisoners are released, they return to relationships that were interrupted by incarceration, and this can lead to the spread of illness and disease contracted within prison (p. 83). In 1989, New York City experienced a full-blown outbreak of drug resistant TB that originated in prison (Farmer, 2002, p. 239). The rise in HIV infection amongst African American women in the United States has been correlated with the release of HIV-positive men from prison (Adimora, Schoenbach, & Doherty, 2006; Clemetson, 2004).

27 In August 2013, Sue Delanoy, Executive Director of the Saskatchewan branch of the Elizabeth Fry Society suggested that only five of the approximately 140 inmates at Pine Grove Correctional were non-Aboriginal (Personal Interview).

28 Interview with Bob Hughes, 30 September 2013.

29 Interview with Sue Delanoy, 23 May 2014.

30 Personal Interview.

31 Personal Interview.

32 Personal Interview.

33 Personal Interviews.

34 Personal Interview.

35 The number of federally incarcerated women who have a history of physical or sexual abuses rises to 90 percent amongst Aboriginal women (Canadian Human Rights Commission, 2003).

36 Interview with Sue Delanoy. 15 August, 2013.

37 Interview with Sue Delanoy. 15 August, 2013.

38 Personal Interview.

39 Personal Interview.

40 Personal Interview.

41 Personal Interview.

42 Interview with Sue Delanoy, 15 August, 2013.

43 Commissions have been eliminated in Nebraska, New Mexico, New York, Rhode Island, Michigan, South Carolina, California, and Missouri. New Hampshire, Kansas, Arkansas, Montana are following suit. Legal challenges, the passing of House Bills, and simply signing commission-free contracts has led to decreases ranging from a modest 14.2 percent to a whopping 87 percent per 15-minute call (Dannenberg, 2011).

44 Personal Interview.

45 Personal Interview, 30 September 2013.

46 Furthermore, it is unclear why Saskatchewan's provincially-run prisons are seeking out telephone contracts with the private sector. Saskatchewan is the only province that has a crown telecommunications corporation. While Saskatchewan's inmate telephone system is sold as a means to protect victims and the public from fraudulent telephone use, one would imagine that SaskTel is innovative enough — and well-situated — to provide the security and technology required of such a contract.

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