

# INTRODUCTION

## SPECIAL REPORT

### INTRODUCTION

*One must resist the temptation to trivialize the infringement of prisoners' rights as either an insignificant infringement of rights, or as an infringement of the rights of people who do not deserve any better. When a right has been granted by law, it is no less important that such right be respected because the person entitled to it is a prisoner.<sup>1</sup>*

■ Every society has to contend with individuals who either won't or can't comply with accepted codes of conduct or laws. Attempts to deter individuals from violating a society's laws have ranged from an emphasis on proper socialization and education to threats of extreme punishment. In many societies throughout history, the ultimate punishment of death has been used, and not necessarily as a last resort. For the last several hundred years, western society has preferred some form of temporary isolation in an austere environment characterized by relatively harsh conditions. It is only in the last few decades that correctional philosophy has moved to a preference for isolation accompanied by work, education and training designed to rehabilitate inmates and help them reintegrate into the general community.

In Saskatchewan, the transition to a rehabilitative model of corrections began in the 1960s. Since then, the training and responsibilities of corrections staff have evolved to reflect the new model. Correctional centres have also undergone changes. In the early 1980s, in both Prince Albert and Saskatoon, the Corrections Division of the Department of Justice (which became a division of the Department of Corrections and Public Safety in 2002) built new correctional centres designed to facilitate rehabilitation. These units are more open, inmates have solid doors on their cells rather than bars, there is a strong emphasis on normal living conditions, and staff members work more closely with inmates. In

1988, Corrections constructed three detached units at the Regina Correctional Centre, which are very similar to units in Prince Albert and Saskatoon. The transition to modern, rehabilitative correctional facilities, however, is still not complete. Both the main complex at the Regina Correctional Centre and the Pine Grove Correctional Centre reflect the old model of Corrections, an unfortunate circumstance that affects inmates' chances of successful rehabilitation.

Corrections' transition to a rehabilitative model is hindered not only by old and inappropriate facilities but also by public perception. The average citizen still thinks of jail as a place where inmates go for punishment rather than as punishment. The fact that inmates retain all the rights of free citizens except those that are necessarily lost as a result of incarceration is unknown to most. One of those rights is the right to be treated humanely. Yet, many are shocked to discover that meals are varied and nutritious, that inmates receive education, training and counselling as well as exercise and leisure time, that inmates can have televisions and radios, or that some inmates are permitted to occasionally visit their families on the outside. Not only are all these privileges part of the right to be treated humanely, they are also part of an overall rehabilitation program that has been shown to work.

All inmates were at one time members of the community, and all inmates will soon be members of the community again. In fact, the average sentence for inmates in Saskatchewan is just three months. What kind of community members they will be will depend in large part on their experiences in jail. If conditions were poor and Corrections were to do nothing but guard inmates, there would be no reason to expect them to return to the community any different than when they left. In fact, research has shown there would be good reason to expect them to be more likely to offend.

<sup>1</sup> Louise Arbour, Commission of Inquiry into Certain Events at The Prison For Women in Kingston (Public Works and Government Services of Canada, 1996), 182.



# INTRODUCTION

## SPECIAL REPORT

Our communities have a large stake in Corrections' efforts. The safety of our communities depends in part on how well Corrections performs its job. It is important, therefore, that inmate services and conditions of custody do not detract from, but rather further, the goal of rehabilitation. Thus, policy and procedures must be lawful, fair and reasonable, and correctional facilities need to reflect current correctional philosophy. Corrections cannot accomplish all this on its own. It is a publicly funded government institution, and as such it needs the public's support if it is to effectively deliver rehabilitative programs.

Although Corrections' official philosophy fully embraces the rehabilitative model, in practice the transition from a power and control model is not complete. Much of what we found in the course of our review reflects the incompleteness of this transition. Although a complete transition is likely not possible, we support Corrections' efforts to that end.

I stated at the beginning of this review that this was not going to be an exercise in fault-finding, but rather a collaborative effort in which the Corrections Division, other stakeholders and my office would work together to ensure that inmates in Saskatchewan's correctional centres were treated lawfully, respectfully and fairly. I am pleased to report that the Corrections Division and other stakeholders have consistently been co-operative and supportive throughout the review. We are well aware of the complexities attendant upon the management of an incarcerated population, and we understand that in a large organization things sometimes go wrong. I trust the spirit of co-operation that has so far imbued this exercise will in no way be diminished by what I hope will be perceived as understanding and constructive comments.

One of the challenges of reviewing any system is that systems are continually evolving. The correctional system in Saskatchewan is no exception. Improvements and changes to bring the correctional system in line

with the rule of law, the duty of fairness, and best practices are ongoing. Consequently, one should not be surprised that many of the recommendations following our examination of correctional operations mirror the results of Correction's own internal analyses of its operations. I do not believe this diminishes the importance of an independent review. Corroboration from an independent source will serve to reinforce what's right.

This review addresses thirteen areas that we believe encompass those aspects of correctional operations that have the most significant impact on inmate services and conditions of custody. It was simply not possible to address all the issues that could be addressed. Instead, we attempted to strike a balance between addressing issues that are so general they defy resolution and issues that are too small to be of much significance. Those who disagree with the lines we have drawn can take comfort in the knowledge that this report does not discuss every issue we examined, and the review is most certainly not the last opportunity to bring unfair practices to light. We will continue, as always, to address issues that are presented to us by inmates and that come to light through other avenues.

I announced my intention to review inmate services and conditions of custody in Saskatchewan's correctional centres in October 1999. At that time, I was hopeful that the review would be completed in about a year. That time frame, in retrospect, was very optimistic. The complexity and depth of the task far exceeded our expectations. In the end, I believe I can say without exaggeration that the task was very ambitious for a small office with limited resources.