



SPECIAL REPORT

Inmate Services and
Conditions of Custody in
Saskatchewan
Correctional Centres

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Inmate Property Control



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Introduction

In the last thirty years, there has been a trend in correctional philosophy away from an environment characterized by surveillance and control toward one that emphasizes individual responsibility in more normalized living conditions. The intent is to "reduce senses of institutionalization and sensory deprivation" and, through increased staff and inmate interaction, "raise the level of prisoner and staff security."¹ In Saskatchewan, the new concept is described this way:

One of the Core Elements of the Living Unit Program is a normalized living environment which "is based on the objective of using the day-to-day routines and living environment to teach and reinforce to inmates the realities of non-incarceration living, to assist inmates in learning to successfully cope with personal care and group living responsibilities, and to minimize the impact of institutionalization. Hence, the inmate is responsible for following regular work routines, taking care of self and his personal living space, some meal preparation, wearing of own clothing, and successfully living in a residential-like group living situation."²

In keeping with the philosophy of the Living Unit Program, inmates in the correctional centres have been allowed to possess considerable amounts of personal property. Although this makes for a more normalized living environment for the inmates, it has presented problems, not the least of which is keeping track of all the property.

In all four centres, an inventory of personal property is taken when an inmate is admitted and the inventory is updated every time property is received or sent out. To facilitate record keeping, and to discourage muscling, trading of property is forbidden. Despite this, property does get

traded, and is sometimes stolen or simply goes missing.

Complaints from inmates about lost or damaged property are common. The issue is almost always who was in possession of the property when it was damaged or lost, as we have consistently concluded that responsibility lies with the person or agency in control of the property at the relevant time.

Responsibility would be easy to determine if movement of property was properly recorded as directed by local policies. Unfortunately, this is not always the case.

In instances where the paper trail is incomplete because staff members have failed to properly record a transaction and we find no other way to corroborate the inmate's or staff member's account, responsibility for the loss is usually assigned to staff, as it is Corrections' responsibility to keep its records organized.

When an inmate is admitted to a correctional centre, policy requires staff members to make a detailed record of all his or her property on a master sheet. From that time on, all property movements are to be recorded on the master sheet. This means that when property is sent in, sent out, purchased, moved to storage, or removed from the inmate and placed under the control of staff, the transaction is to be recorded.

Admissions and releases occur daily and property is continually being shipped in and sent out, and the number of daily transactions easily measures in the hundreds. Without proper record keeping, the situation would be chaotic.

The regulations provide only limited guidance on property control, so the primary responsibility rests with each correctional centre. The local policies in the four centres are generally similar, although some provide more or less detail about various aspects of property control.

¹ G. W. Brawn, *An Evaluation of the Living Unit Concept in North American Correctional Planning, Programming and Architecture* (University of Melbourne Criminology Council Grant, 1982), 1. See also: Joseph C. Johnston, "A Psychological Perspective on the New Design concepts for William Head Institution (British Columbia)," *Forum* 3.2 (1991), 10.

² Terry Youngman, *Saskatchewan Living Unit Review* (July 1992).



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None of the four centres has set a dollar limit on the value of personal property an inmate is allowed to have in his cell, but all of the centres have set limits on the type and number of articles of personal property an inmate can have. Possessing property in excess of the allowed limits is a chargeable offence under the discipline regulations.

All of the centres keep track of property by using variations of a master inventory list for each inmate. Property transactions are to be dated and signed by staff and inmate whenever possible. In instances where an inmate can or will not sign, such as when property is packed following an escape, when an angry or uncontrollable inmate is moved to a segregation unit, or when an inmate is simply unwilling to sign, two staff members sign the list accompanying the property.

In all centres, each inmate is ultimately responsible for ensuring that all of the property in his or her possession is on the master inventory list.

Issues Regarding Property Allowances and Handling

This review examined many aspects of property control that we determined were in order, including some aspects that we decided were better addressed in other sections of the review. This section of the review addresses only those issues that we believe warrant a recommendation for improvement or that stakeholders have expressed an interest in.

Responsibility for Property Issues

Prince Albert has dedicated one person to handling property issues on a trial basis. This person troubleshoots, deals with property complaints from inmates, and coordinates the movement of incoming and outgoing property. The centre believes that there has been some reduction in property losses, and consequently a decrease in the number of staff hours spent resolving property issues.

Having one person dedicated to property control has resulted in a marked improvement in record keeping and property movement, thanks to this person's acquired competence in dealing with the complexities of property handling. This idea has merit.

SUGGESTION

+ Consider dedicating one person to property issues in each centre.

Personal Property Allowances

Our comparison of the property allowances in the four centres revealed that the allowances for basic items are similar, but clearly not identical. For example, Saskatoon and Prince Albert allow two pairs of footwear, Pine Grove one pair, and Regina five pairs. Prince Albert and Pine Grove allow five shirts or sweaters, Saskatoon six, and Regina fifteen. There are also differences in the allowances for miscellaneous items, but the differences are not significant.

While one can understand that differences in physical layout and inmate profiles between the provincial centres might account for differences



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in allowances, from the point of view of fairness, it is difficult to understand why there is not more consistency.

As this section was being written, Corrections was in the process of revising its property policy and we understand that consistency is one of the issues to be addressed.

We tried to compare Saskatchewan's experience with other jurisdictions in Canada but discovered that Saskatchewan is the only jurisdiction that allows inmates to wear personal clothing.

At the Brandon Correctional Centre in Manitoba, for example, inmates are not allowed personal clothing inside the centre except for personal footwear. Institutional clothing is limited to 2 pairs of pants, 2 long sleeve shirts, 2 pairs of socks, 2 t-shirts, 2 pairs of shorts, 1 pair of shoes, 1 pair of slippers or thongs, and 2 pairs of white socks (if authorized for medical purposes).

There are several reasons why other jurisdictions do not allow personal clothing:

- + They believe it would result in too much property in inmate cells;
- + Institutional clothing makes it easier to identify inmates in the event of an escape;
- + It avoids the inevitable status issues that go along with who is wearing what and helps to prevent inmate groups from wearing identifiable clothing;
- + It minimizes trading and loss claims; and
- + It reduces pressure on families to provide additional clothing.

Despite the arguments favouring issuing institutional clothing, Saskatchewan Corrections has decided against this because it believes institutional clothing tends to conceal individual differences and encourage stereotyping. It prefers to encourage recognition of each inmate as an individual with unique criminogenic needs that require individualized case plans. There is also the consideration of the cost that would be involved if inmates were all provided with institutional clothing.

Allowing inmates to wear personal clothing, however, is not without drawbacks. Personal clothing

clearly adds to an inmate's possessions in jail and consequently increases the risk of an inmate's possessions being lost or damaged.

Inmates are responsible for their own possessions unless the centre has taken control of them, which happens when an inmate escapes, is moved into a segregation unit, or transferred to another facility.

Unfortunately, corrections staff sometimes lose or damages inmate property in their control. This inevitably leads to lost property claims that are costly, time-consuming, and difficult to resolve. At least two matters make resolution of property claims difficult. The first is the matter of who was in control of property when it went missing or was damaged. The second is the matter of what value is to be attached to the property. Attaching a value commonly results in conflicting accounts. Was the jewellery gold or gold coloured? Were the pants name brand or generic?

Other jurisdictions, such as Correctional Service Canada (CSC), have addressed this problem by valuing property when an inmate is admitted. If CSC inmates won't cooperate with the appraisal, staff members value the property and note the inmate's refusal to cooperate.

This could prove to be very time-consuming and may not be justified given the much higher turnover of inmates in the provincial system. On the other hand, in the absence of prior valuation or other evidence, in fairness, the benefit of the doubt ought to be given to the inmate.

RECOMMENDATION

- + Except where differences can be reasonably justified, standardize personal property allowances in the four centres.

SUGGESTION

- + Determine whether valuation of inmate property is warranted.

Packing of Cell Property

Policy in the province's four correctional centres is basically the same regarding the packing of cell property. Whenever possible, when an inmate moves from his or her cell voluntarily or



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involuntarily, the inmate is responsible for packing his or her own property. When this is not possible, the inmate's cell is to be secured immediately.

If the inmate is sharing a cell, his or her belongings are also to be secured immediately. When an inmate cannot pack his or her own belongings, the packing and itemizing is to be done by two staff members, who are to date and sign the property list.

A copy of the property list is to be given to the inmate unless this is not possible because the inmate has escaped or is unlawfully at large.

On the other hand, staff should secure the property as soon as practically possible upon discovering that the inmate has escaped. The more time that elapses before the property is secured, the higher the risk of theft.

If there is an avoidable delay in securing the inmate's property and property goes missing, the question that has to be addressed is who should be held responsible?

While the incidence of escapes is small, the issue of securing the escaped inmate's property should be addressed in policy to avoid problems in the future.



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Inmates have repeatedly requested that an inmate representative be present when an inmate's cell is being packed by staff. This is indicative of the inmates' distrust of staff. Notwithstanding the inmates' concerns, we are unaware of any instances of staff colluding to steal inmates' belongings when they are packing up items in a cell.

Perhaps if relations between staff and inmates were better, having an inmate representative monitor the packing would be acceptable. As it is, placing an inmate in what could be considered a monitoring role over staff would not be acceptable to staff, and we have not seen any indication that it is necessary.

Escapes

It is not clear in Corrections' policy who is responsible for an inmate's property from the time the inmate escapes until the property is secured. Once it is secured, it is clearly Correction's responsibility. Before that, one could argue it is the inmate's.

RECOMMENDATION

+ Develop policy addressing handling of escaped inmates' property.

Initial Cell Search

There is no policy in any of the four centres that addresses the inmate's responsibility regarding articles present in the cell before the inmate occupies it for the first time. Inmates are expected to search the cell and report the presence of any contraband articles in their cell to staff.

Problems occur when inmates do not notice concealed articles in the cell that are later discovered by staff, who then attribute ownership to the current occupant.

Some inmates are very clever at concealing contraband in their cells. Inmates with experience in a jail might have a good idea where to look for contraband, but inexperienced inmates could easily miss something. Staff members, on the other hand, at least those with some experience,



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should be familiar with the usual hiding spots. If an experienced staff member were to search a cell before a new inmate occupied it for the first time or supervised the inmate while he or she did the search, the risk of missing something would be minimized, as would the risk of accusing an innocent inmate of possessing contraband.

This would not be much of an issue if there were some way for the new occupant of a cell to prove his or her innocence when contraband is found sometime later. The only way this could be proven would be if a former occupant admitted that the contraband was his or hers, and this is not likely to happen. Short of this, the inmate can only hope that staff will take him at his word.

We have received several complaints over the years on this issue and have often ended up with the same question Corrections faces: whose word are we going to accept?

Inmates have asked us on several occasions why a staff member could not be present when an inmate searches his or her cell for the first time. As noted above, this idea has merit.

RECOMMENDATION

+ Search the cell before an inmate occupies it for the first time or supervise the search when an inmate searches his or her cell before occupying it for the first time.

Policy on Property Loss

Property loss in the correctional centres is a fairly common occurrence. Property can go missing a number of ways: it can be traded, it can be stolen, it can be lost, and it can be destroyed.

However it goes missing, Corrections will not accept responsibility unless it was under the control of corrections staff. Even so, the inmate is not entirely on his or her own, and staff will help where they can.

At present, however, none of the centres has a policy that addresses the procedures that staff members should follow when an inmate claims that his or her property has gone missing.

This raises questions about the guidelines for helping inmates find their missing property. For



example, should staff conduct a search on and off the unit, should other inmates be questioned, and should staff facilitate a call to the police if the loss is significant?

Pine Grove addressed the problem of lost property in part by establishing a lost and found. Any property that is not claimed and unauthorized property found in an inmate's cell is placed in the lost and found. Inmates can retrieve articles from lost and found with proof of ownership, which means it must be listed on the official property record.

By using a lost and found, inmates whose property is found in the possession of another inmate can retrieve their property without risking a confrontation with the other inmate.

If the loss is significant and the inmate believes his property was stolen, he or she is free to contact the police, but many inmates are not aware of this right and there is nothing in policy to indicate they have this right. As a result, inmates told us they thought they had no recourse but to accept the loss.

RECOMMENDATIONS

- + Develop policy addressing procedures to be followed when an inmate claims his or her property is missing.
- + Ensure that inmates are aware that they can report suspected theft to the police.



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Policy when Inmate Property Comes under the Control of Corrections

It is not uncommon for a correctional centre to take control of an inmate's possessions. This can happen, for example, when an inmate escapes or is placed in administrative segregation or disciplinary confinement. Once a centre takes control of an inmate's possessions, it assumes responsibility for its safekeeping. If articles are lost or damaged, the centre will usually be liable.

The policies the four centres have adopted for handling inmate property that comes under its control are much the same. In each centre, the property is to be itemized by two staff and placed in a clear plastic bag.

If the property has come under the control of the centre because the inmate has been moved to a segregation unit, articles of basic necessity are given to the inmate to have while he or she is segregated. The remaining property is stored in a secure area.

In all cases, one copy of the itemized list of property is to be given to the inmate (except in the instance of an escape) and one copy is to be placed in the property bag.

When policy on property control is followed closely, there is a clear paper trail that begins on the day of admission, when all of the inmate's property is recorded, and continues to the day the property comes under Corrections' control. If documentation is in order, the paper trail will be complete in most cases, but not all.

For example, when two staff bag and itemize an inmate's property it is always possible that some of the inmate's property is already missing. We are then left with the staff members' word that they packed everything that was in the cell. Of course, it's also possible that some of the property does not make it into the bag, but we are unaware of any evidence to support the claim that is sometimes made by inmates that staff members have taken their property.

It is assumed, reasonably we believe, that in the absence of compelling evidence to the contrary, the two staff members who itemize and bag the inmate's cell contents have produced a complete list of everything that was in the cell.

As long as all the documentation is in order, there is usually no dispute over who is responsible for property that is lost or damaged. In the Ombudsman's experience, however, documentation is not always in order.

Since it is Corrections' responsibility to keep its records in order, if there is a dispute over responsibility for lost or damaged property and the records are not in order, we assign responsibility to Corrections.

RECOMMENDATION

+ Ensure that all documentation regarding inmate property is always completed properly.

Conclusion

The policies in the four correctional centres that address property control are, on the whole, well designed to track the movement of inmate property. For the policies to work, however, the documentation required by policy must be completed. This is not to say that staff members commonly fail to comply with the policy, although we have seen instances where documentation is completely absent.

While itemizing inmate property that comes under Corrections' control may seem tedious, it is less tedious than trying to resolve the inevitable lost property claims that will result if the property is not itemized.



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RECOMMENDATIONS

- + Except where differences can be reasonably justified, standardize personal property allowances in the four centres.
- + Develop policy addressing handling of escaped inmates' property.
- + Search the cell before an inmate occupies it for the first time or supervise the search when an inmate searches his or her cell before occupying it for the first time.
- + Develop policy addressing procedures to be followed when an inmate claims his or her property is missing.
- + Ensure that inmates are aware that they can report suspected theft to the police.
- + Ensure that all documentation regarding inmate property is always completed properly.

SUGGESTIONS

- + Consider dedicating one person to property issues in each centre.
- + Determine whether valuation of inmate property is warranted.