



SPECIAL REPORT

Inmate Services and  
Conditions of Custody in  
Saskatchewan Correctional  
Centres

October 2002

10



# Remand Inmates



## Remand Inmates

*The general picture for adults on remand is of isolated, anxious, sad, disturbed and often desperate men and women, many with children. Before coming into prison they were likely to be living in impoverished circumstances and dependent on the State for survival. Most were without work, living alone and a significant number were misusing drugs and/or alcohol. Their precarious position and mental state is further jeopardized by the experience of imprisonment which threatens housing, work and, particularly for women, contact with their children.<sup>1</sup>*

### Introduction

Remand inmates are people who have been charged with an offence but have not yet been tried. Although there has been no determination of guilt, they are kept in custody for one of two reasons: there is a high risk they won't appear for their court hearing or there is a high risk they will commit another offence.

In 2001, three provinces, British Columbia, Alberta, and Manitoba, had facilities designed specifically for remand inmates. The other provinces keep remand inmates in institutions that hold both sentenced and remand inmates.<sup>2</sup> Saskatchewan is one of these provinces.

One would suppose that inmates who had not yet been tried, found guilty and sentenced would be treated differently than inmates who had. In fact, they are treated differently.

One would also expect that due to their unconvicted status they would be treated better not worse, but this is seldom true. In fact, they generally have fewer liberties, fewer opportunities for recreation, and fewer or no opportunities for work, education and training.

In Saskatchewan, with the exception of inmates at Pine Grove (which treats remand and sentenced inmates the same), all of the inmates we spoke to told us that it was easier to serve time as a sentenced inmate than as a remand inmate. This is reflected in the courts' sentencing practices, which as a rule count time spent on remand as double time. Interestingly, in a few cases in other jurisdictions, the courts have counted remand time as triple time.<sup>3</sup>

It is not uncommon for remand inmates to serve several months on remand status. In the fiscal year 2000/2001, the average length of time served by remand inmates in Saskatchewan was about thirty-three days.<sup>4</sup> Average stay, however, may be a misleading statistic as the average is skewed upwards by those inmates who have been on remand status for an exceptionally long time.

The median stay is only 5 days, which means that half the inmates who are admitted to the centre on remand status serve five days or less. This may also be misleading, as it does not require many cells to accommodate a succession of inmates who are only staying for a few days.

What is more useful to know is the percentage of inmates at any given time who are serving more than a few days on remand status. In the fiscal year 1999/2000, the most recent year for which statistics are available, 84% of the remand inmates in Saskatchewan's jails were serving more than thirty days, and 72% were serving more than sixty days.

These statistics indicate that the remand units comprise mostly inmates serving far more than a few days. Many of these inmates could benefit from services that are presently offered only to sentenced inmates.

<sup>1</sup> Her Majesty's Chief Inspector of Prisons for England and Wales, *Unjust Deserts: A Thematic Review by HM Chief Inspector of Prisons of the Treatment and Conditions for Unsentenced Prisoners in England and Wales* (London: Home Office, 2000), 24. Although the quote refers to conditions in England, it applies equally to Saskatchewan.

<sup>2</sup> Heather Gilmour, *The Use of Custodial Remand in Canada, 1988-89 to 1997-98* (Canadian Centre for Justice Statistics, 1999), 3.

<sup>3</sup> *R. v. James Douglas Taylor*, Alberta Court of Queen's Bench, 2002 ABQB 266.

<sup>4</sup> Pine Grove: 22.12 days; Prince Albert: 50.54 days; Regina: 25.85 days; Saskatoon: 38.87 days.



## Inmate Services and Conditions of Custody in Saskatchewan Correctional Centres



Not only are remand inmates serving more time on remand, but there are also more remand admissions. Between 1988 and 1998, most jurisdictions in Canada experienced an increase in remand admissions. During the same period, Saskatchewan remand admissions increased from 4,464 to 6,685.<sup>5</sup>

### Remand Issues in Saskatchewan

Each of the four correctional centres in Saskatchewan, working within the authority specified in *The Correctional Services Act*, sets its own rules for remand inmates. This has resulted in significant differences in privileges from one centre to the next.

A common explanation is that each centre works with a different staff and inmate culture and, with the exception of Saskatoon and Prince Albert, in a different physical environment. These differences are said to require different rules for managing remand inmates.

Circumstances at the women's centre differ markedly from those at the men's centres.

Remand inmates at Pine Grove live with and are given the same privileges as sentenced inmates. At Saskatoon and Prince Albert, only those remand inmates who are assessed as low-risk and are placed in the dormitories live and work alongside sentenced inmates. Remand inmates in Regina are kept separate from sentenced inmates.

As the following discussion of services provided to remand inmates will reveal, it is not always easy to understand how differences in services provided by the four centres can be justified.

### The Admission Process

None of the provincial correctional centres has policy specifically addressing the needs of remand inmates in the first few days after they are admitted. All of the centres told us that their staff members were willing to help inmates who are having trouble adjusting to their new situation.

When asked how they were received when they were admitted on remand, inmate representatives in the men's centres said they were "processed". They did not find the staff members helpful, and some found the experience intimidating. In contrast, representatives from the women's centre thought the reception was all right.

The gap in perception is interesting. With the exception of Pine Grove, the message that staff members are apparently willing to help new admissions who are having difficulty is not getting through to the inmates. The uncertainty remand inmates face and the anxiety felt by many, especially first timers, put these inmates at a greater risk of stress-related health problems, including depression and self-harm.

An inmate's perception of the willingness of staff to help plays a large role in his or her ability to cope. For this reason, it is important that staff members communicate their willingness to help remand inmates who are having trouble.

<sup>5</sup> Gilmour 6.



## Inmate Services and Conditions of Custody in Saskatchewan Correctional Centres

### RECOMMENDATION

+ Draft policy addressing protocol for the reception of remand inmates that emphasizes the need to balance professional vigilance with compassionate support.

### Telephones access

Pine Grove turns on the phones from 6:00 am till 10:30 pm. Both incoming and outgoing calls are allowed.

Prince Albert turns on the phones from 8:00 am till 10:00 pm. Both incoming and outgoing calls are allowed on the Remand Unit and in the Dormitory, where some of the remand inmates are held.

Saskatoon, on the other hand, only allows each remand inmate two fifteen-minute calls per day. This arrangement is more restrictive than the other centres, but allowing each of approximately 20 inmates on a unit with a half hour of phone calls daily works out to only a little less than allowing the same number of inmates to share the phone for 14 hours per day. Incoming calls are allowed between 9:00 pm and 10:00 pm only. Professional calls are allowed as needed, within reason.

On Regina's remand unit, the phones are turned on at 9:00 am and remain on until 10:30 pm. Inmates are to monitor their own time to give everyone a chance to use the phone. Incoming calls are not allowed except from professionals, such as lawyers and the Ombudsman. Regina has the ability to monitor calls placed by remand inmates, while the other centres do not.

Regina's ability to monitor all calls by simply picking up an extension presents problems for inmates who want to make a confidential call to, for example, their wife, the ombudsman or a lawyer. Because of the physical set up of the Remand Unit in Regina, inmates have no way of knowing if their call is being monitored because the extension is in the staff office, which is out of sight.

It should be noted that remand inmates in Regina can request the use of another phone

that is private. However, arranging the use of a private line can be complicated by other demands on staff members that result in lengthy delays.

There is nothing inappropriate about monitoring an inmate's calls if there is good reason to suspect the inmate is using the phone to commit an offence. Otherwise, inmates are entitled to some measure of privacy. Other centres are managing without the ability to monitor calls. We have found no good reason for its use in Regina.

It is not clear why two centres can manage incoming calls all day but two others either can't or won't. Clearly, allowing remand inmates to both make and receive calls allows for easier communication with family and other supports. It is also more in line with Corrections' principle of using the least restrictive measures to manage inmates.

### RECOMMENDATIONS

- + Standardize phone privileges in the four centres.
- + Provide remand inmates in Regina with better access to a private line for phone calls.

### Time Spent Out of Cells

Pine Grove remand inmates are out of their cells from 6:00 am till 10:30 pm along with the sentenced inmates. Regina remand inmates are out of their cells 15.5 hours per day. In Prince Albert, remand inmates in the remand units, which hold about thirty inmates, are out of their cell 12.5 hours per day. Saskatoon's remand inmates are out of their cells 6.5 hours per day.

Although Saskatoon is structurally the same as Prince Albert, Saskatoon's two remand units hold 12 more inmates. This changes the staff-to-inmate ratio and the larger number of inmates is more difficult to manage. Due to the lower staff-to-inmate ratio and to lower the number of inmates out of their cells at one time, Saskatoon has staggered program times so that only one half of a unit is out of their cell at one time. In both Saskatoon and Prince Albert, many low-security remand inmates are placed in the general population dormitory where there are no cells. This allows these remand inmates considerably more freedom of movement.



## Inmate Services and Conditions of Custody in Saskatchewan Correctional Centres

Since Pine Grove fully integrates remand and sentenced inmates, its rules for out-of-cell time should not be used as a point of comparison with Saskatoon and Prince Albert, which practice only partial integration. Comparisons between Saskatoon, Prince Albert and Regina, however, are legitimate.

Regina and Prince Albert remand inmates are out of their cells for most of their waking day. Saskatoon is much more restrictive. While the explanation for Saskatoon's practices makes sense, the result is not fair for the remand inmates who get only half as much time out of their cell as remand inmates in the other institutions.

Correctional centres that practice double-bunking are aware of the risks and try to ensure that cellmates are compatible. However, even when cellmates are compatible, they still have to share a toilet that affords no privacy, which most find very offensive, and also have to accommodate each other's behavioural idiosyncrasies, which over time can become very trying.

While one can understand the difficulty Corrections faces in trying to balance limited resources with increasing needs for space, it is not fair to expect inmates to suffer affronts to their dignity and increased risks to their safety because the system is short of resources.



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### RECOMMENDATION

+ Standardize out-of-cell time for remand inmates in the four centres.

### Double-Bunking

The issue of double-bunking (placing two inmates in one cell) is not restricted to remand inmates. The following discussion, however, applies only to remand inmates. Double-bunking of sentenced inmates is discussed in "Living Conditions."

Pine Grove does not practice double-bunking anywhere, but all of the men's centres do in their remand units and elsewhere. In general, inmates do not like double-bunking as it is an intrusion on privacy and potentially places them at an increased risk of harm.

Corrections says that double-bunking has become necessary with the rise in remand admissions in the last several years. All of the men's centres in Saskatchewan practice double-bunking.

The United Nations Standard Minimum Rules states under section 9 (1):

*Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.*

More specifically under section 86, it states: "Untried prisoners shall sleep singly in separate rooms, with the reservation of different local custom in respect of the climate."

The Standard Minimum Rules were approved by the United Nations Economic and Social Council as an authoritative guide to meeting binding treaty standards. As such, compliance with the Standard Minimum Rules should not be considered optional but minimal.



## Inmate Services and Conditions of Custody in Saskatchewan Correctional Centres

### RECOMMENDATION

+ Resort to double-bunking for remand inmates only as an extraordinary, temporary measure in response to an emergency until other accommodation can be found.

### Exercise

Because of the uncertainty of their futures, remand inmates experience more stress than sentenced inmates. One way to alleviate this stress is through exercise. Consequently, and in keeping with Corrections' policy of using the least restrictive measures necessary to maintain order and security, it would be best if Corrections maximized the exercise time available to remand inmates.

Remand inmates in Regina have access to the weight room for one hour per day and access to the remand compound for one hour per day. The remainder of their time is spent on the unit, where there are no exercise facilities.

Saskatoon's remand inmates have access to the gym or compound for a half hour four days per week and one hour for three days per week.

Remand inmates in Prince Albert have access to the gym, pool room or courtyard at various times for a total of 5 hours per day.

Pine Grove's remand inmates get two half-hour periods in the courtyard daily and can engage in recreational activities after 6:00 which, depending on the day, include time in the exercise room or aerobics in the program wing.

The difference between Saskatoon's and Prince Albert's allowable time for recreation and exercise requires an explanation. In general, opportunities for exercise at all of the facilities should be maximized.

### RECOMMENDATION

+ Maximize the exercise time available to remand inmates and, to the extent possible given the differences between the physical structures of the four centres, standardize the available exercise time.



### Visits

Even for those remand inmates who are only on remand status for a few days, visits from family or other support people are important. Remand inmates face an uncertain future and are living under very stressful conditions.

For remand inmates serving longer periods, which on any given day is the vast majority, visits are essential if they are to maintain their family ties and cope with their circumstances. This and their unconvicted status clearly argue for maximum visiting allowances.

Visiting allowances, however, are not generous. Regina remand inmates are permitted one three-hour personal visit per week on Saturday. Saskatoon allows two ninety-minute personal visits per week. Visits are allowed seven days per week between 7:30 am and 9:30 pm. Prince Albert allows two two-hour personal visits per week. Pine Grove allows one personal visit per week between 6:00 pm and 8:15 pm. All centres allow business visits as needed.

Provincial policy requires a minimum of one one-hour personal visit per week. All centres are exceeding this minimum, with Prince Albert and Saskatoon being the most generous.

The visiting policy together with the phone policy would seem to be adequate to maintain family



## Inmate Services and Conditions of Custody in Saskatchewan Correctional Centres

and community ties in the very short term, but not in the long term.

By way of comparison, remand inmates in the United Kingdom are entitled to unlimited visits. At present, this is not practicable in Saskatchewan but it illustrates what can be done.

### RECOMMENDATION

+ Maximize visiting allowances for remand inmates, especially those serving longer periods on remand status.

### Programming

On any given day, approximately 80% of the

### RECOMMENDATION

+ Offer case management and programming to remand inmates, especially those serving extended periods of time on remand status.

### Maintaining Accommodation and Employment

Remand inmates who are incarcerated for more than few days face the possibility of losing their jobs and their place of residence if they are renting.

Her Majesty's Prison Service, which is responsible for prisons in England and Wales, recognizes the need to help remand inmates maintain



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remand inmates in Saskatchewan's correctional centres have served or will be serving thirty or more days on remand status. At present, with the exception of Pine Grove, time spent on the remand unit is idle time.

Since these inmates are on remand status, they are under no obligation to participate in any kind of programming. Nevertheless, many, if not all, would benefit from programming. If programming were offered, some inmates would undoubtedly volunteer to address needs, others would volunteer simply to ease the boredom, and some wouldn't be interested.

Even if only some of the remand inmates benefited from their participation in programming, it would be an improvement on the current situation where none benefit. Giving remand inmates the option of voluntarily addressing their needs is an opportunity that should not be missed.

accommodation and employment in its Prison Service Standards, which states: "Remand prisoners must be offered help in preserving accommodation and employment, pursuing legitimate business interests, maintaining family and community ties, and applying for bail."

According to the inmate representatives we talked to, this is not an issue that is discussed with them. If they experience problems with maintaining employment and accommodation, they believe they are on their own.

With the exception of Pine Grove, remand inmates are in fact on their own in maintaining accommodation and employment. The men's centres provide phone and mail services but are not actively involved. Pine Grove staff will write letters to landlords or employers and will also solicit help from social workers.



## Inmate Services and Conditions of Custody in Saskatchewan Correctional Centres

It would be in the best interests of both the remand inmates and the community if Corrections took steps to help remand inmates retain jobs and accommodation. Since many remand inmates will lose their jobs and accommodation, they will also need help securing a new job and accommodation. This assistance could come directly from the inmate's case manager, or Corrections could solicit help from volunteer organizations.

At the very least, remand inmates who have lost their job or accommodation and are not sentenced to a term of incarceration should be provided with referrals to employment and housing agencies that are willing to help them.

### RECOMMENDATION

+ Develop policy addressing the need to help remand inmates retain employment and accommodation.

### Transportation To and From Court

Remand inmates are transferred to and from court in a passenger van.

In Regina and Saskatoon, Court Services and RCMP Provost share responsibility for this transportation. A member of Court Services and Provost are in the van for each trip.

In Prince Albert, the city police transport inmates to and from court. Inmates are always handcuffed and are sometimes handcuffed together. The van doors can only be unlocked from the outside, and there are no seat belts.

In the event of a serious accident or fire, the inmates are at risk of serious harm. Because the doors are locked from the outside, there is a risk that they would not be able to get out. There do not appear to be any procedures in place for what to do in the event of a serious accident, and inmates claim they are given no instructions.

Legislation in Saskatchewan does not require seat belts for inmates being transferred to and from court, but neither are they prohibited. In the event of a serious accident, inmates in transit are at grave risk of injury.

Steps need to be taken to minimize this risk while at the same time providing responsible supervision and security.

### RECOMMENDATION

+ Take steps to minimize the risk of harm to inmates in transit.

## Conclusion

The average daily count of remand inmates rose from 179 in 1995 to 304 in 2001. With the exception of Pine Grove, this has resulted in increased crowding in the remand units and fewer privileges. The trend does not show signs of abating, much less reversing.

Remand inmates are innocent of the charges against them unless and until they are convicted. Until that time, they ought to be provided privileges that are at least equivalent to the privileges provided to sentenced inmates.

This does not happen in Saskatchewan and, in fact, seldom happens anywhere. This is largely the result of an unfortunate belief held by some that if remand inmates participate in rehabilitative programming they risk implying their guilt, so remand inmates will not participate in programming even if it is offered.

Considering the circumstances of many remand inmates, this doesn't make much sense. Many inmates' histories reveal long-standing substance abuse, violent behaviour, or other problems that indicate a need for help. Availing themselves of help should not compromise their situation.





## Remand Inmates

### SPECIAL REPORT

#### RECOMMENDATIONS

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- + Standardize phone privileges in the four centres.
- + Provide remand inmates in Regina with better access to a private line for phone calls.
- + Standardize out-of-cell time for remand inmates in the four centres.
- + Resort to double-bunking for remand inmates only as an extraordinary, temporary measure in response to an emergency until other accommodation can be found.
- + Maximize the exercise time available to remand inmates and, to the extent possible given the differences between the physical structures of the four centres, standardize the available exercise time.
- + Maximize visiting allowances for remand inmates, especially those serving longer periods on remand status.
- + Offer case management and programming to remand inmates, especially those serving extended periods of time on remand status.
- + Develop policy addressing the need to help remand inmates retain employment and accommodation.
- + Take steps to minimize the risk of harm to inmates in transit.