



The Crisis in Provincial Correctional Services: Overcrowding

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The office of the National Union of Public and General Employees is on the traditional and unceded territory of the Algonquin peoples and is now home to many diverse First Nations, Inuit, and Métis peoples.

We recognize the crimes that have been committed and the harm that has been done and dedicate ourselves as a union to moving forward in partnership with Indigenous communities in a spirit of reconciliation and striving for justice.

Bert Blundon, President

Jason MacLean, Secretary-Treasurer



The Crisis in Provincial Correctional Services: Overcrowding

This paper provides an overview of the overcrowding crisis in adult correctional facilities in Canadian provinces.

The administration of correctional services in Canada is a shared constitutional responsibility between the federal government and the provincial and territorial governments. The Correctional Service of Canada is responsible for the federal system and has jurisdiction over adult offenders (18 years and older) serving custodial sentences of 2 years or more, and is responsible for supervising offenders on conditional release in the community (such as parole or statutory release). The provincial and territorial correctional services programs are responsible for adults serving custodial sentences that are from 60 days to a maximum of two years less a day, persons on remand (awaiting trial, sentencing or other proceedings), offenders sentenced to short terms (approximately 60 days or less), offenders serving community sentences such as probation, and offenders awaiting transfer to a federal or provincial correctional facility. In the provinces, the correctional facilities housing these offenders are correctional centres, jails, and detention centres. ¹

This paper will not address federal penitentiaries, but will examine correctional facilities operated by Canadian provincial governments.

Introduction

Federal and provincial governments have created a crisis in the pan-Canadian criminal justice system. They promote public policies that consistently focus on crime and punishment, but at the same time they fail to allocate the necessary resources to finance such a system. As a result, Canada's correctional facilities continue to face a serious problem of overcrowding, and with that, correctional officers continue to experience significant occupational hazards.

As Canada's social safety net becomes torn more than ever before, we see our jails increasingly populated by those who are politically, socially, and economically marginalized, such as Indigenous people and racialized people.

It is an indictment of these governments that those who suffer from addictions and mental health problems are not able to receive the help that they need and are subjected to incarceration. In our jails, these individuals are frequently at risk, or present a risk to both staff and other inmates.

Our provincial justice systems are seeing an increase in organized criminal elements, such as gang members. This prison population makes the job for correctional officers increasingly precarious and dangerous.

Workers in the criminal justice system experience unfair caseloads in violent and dangerous workplaces. Furthermore, changes in the operations of provincial correctional facilities have resulted in officers being less able to maintain order.

Canada needs to adopt more humane and worker-friendly ways to respond to the challenge of crime and criminals in our communities, one that balances the needs of inmates and the interests of correctional workers who deal with them. This will make our communities safer and our correctional facilities places of rehabilitation.

Incarceration Rates: Sentenced Custody v. Remand

Canada's adult correctional system currently faces a serious problem of overcrowding. The system is bursting at the seams. Provincial correctional facilities have far more inmates than they are designed or staffed to hold. Accounts abound of double-bunking—housing twice as many inmates as the cell was built for—or even triple-bunking.

Most correctional facilities in Canada currently house more inmates than they were designed for. New evidence suggests that the overall aggregate federal and provincial adult incarceration rate is declining, and this might lead us to believe that the situation could be improving.² But these official statistics do not clearly explain the extent of the problem in provincial and territorial jails because they aggregate all adults in custody: federal, provincial and territorial. That is, they aggregate all federal and provincial offenders in correctional facilities as a result of court-ordered sentences (custodial sentences), and all those in remand (temporary detention awaiting trial or pending sentencing). Since it is the responsibility of the provincial correctional services to incarcerate adults in remand, the remand statistics are what offers a clearer overall picture of prison overpopulation in the provinces.

What these statistics tell us is that while the overall aggregated federal and provincial incarceration rate has been declining among the custody population of adults who have been sentenced, the overall rates of those in remand are dramatically increasing. And the remand population continues to exceed the sentenced-custody population. This means that for Canada's provincial and territorial jails, the problem is actually getting worse.

The Growing Problem of Remand

One of the major contributing factors to overcrowding in Canadian correctional institutions is the growing number of people in remand. Remand is the "temporary detention of a person while awaiting trial, sentencing or the commencement of a custodial disposition. According to the *Criminal Code*, adults and youth can be admitted to remand for a variety of reasons, including to ensure attendance in court, for the protection or safety of the public or to maintain public confidence in the justice system."³

Both the Canadian Civil Liberties Association and Statistics Canada have observed this phenomenon of the growing remand population for many years. A May 2011 study by Statistics Canada reported that from 2000 to 2010, the number of adults in remand increased 84%, while the number in sentenced custody declined by 9% over the same period. The study found that the number of adults in remand on any given day had been steadily increasing over that decade. This increase in the adult remand population coincided with a gradual decrease in the number of adults in sentenced custody. Beginning in 2005, and for consecutive years thereafter, the number of adults in pre-trial detention

(remand) began to outnumber those in sentenced custody.⁴ Indeed, as the Canadian Civil Liberties Association emphasized, 2005 marked “the first time in Canadian history”⁵ that the remand population exceeded the population in sentenced custody.

In 2014, the Canadian Civil Liberties Association reported on a series of studies that found that the remand figures revealed a range of equity and social justice concerns. For example, although Indigenous adults comprised less than 4% of the Canadian adult population, they accounted for up to 25% of all admissions to remand (with Indigenous women making up an astounding 37% of females awaiting trial or sentencing). The studies also showed evidence that Black people accused “were much more likely to be remanded to custody before trial than offenders from other racial backgrounds.”⁶

Another frightening trend they reported on was the growing proportion of individuals with mental health or addictions-related issues spending time under pre-trial detention. A study of individuals supervised by bail programs in Ontario showed that 70% had issues with substances (alcohol or drugs), over 40% reported that they had current mental health issues, and 31% had concurrent mental health and substance use issues. Approximately one-third reported being homeless.⁷

New evidence suggests that this trend is continuing. This evidence confirms that the percentage of adults in remand has grown by as much as 300%⁸ since 1984, even though the sentenced population has declined. It shows that the remand population continues to outnumber those in sentenced custody, and that a disproportionate number of individuals in pre-trial detention have mental health or substance abuse issues, are Indigenous and racialized, and are socio-economically marginalized.

Increasing Population of Remanded Individuals

According to studies by Public Safety Canada and Statistics Canada, the proportion of remand inmates is increasing, and the number of remanded inmates is exceeding the number of sentenced inmates. The remand population increased by 29.6% from 2013–2014 to 2015–2016, and since 2006–2007, remanded inmates have exceeded the number of sentenced inmates.⁹

Likewise, Statistics Canada reports that in the provinces and territories, the gap between remanded and sentenced populations is increasing: since 2004–2005, the total number of adults in remand has exceeded the provincial and territorial custody population of sentenced adults. On a typical day in 2016–2017, adults in remand outnumbered those in sentenced custody by a ratio of 1.5 to 1. As a result of the increasing proportion of remanded individuals, Statistics Canada notes that “provincial and territorial correctional services face challenges providing services, such as rehabilitation and housing.”¹⁰

It must be remembered that there are many shorter-term jails and lock-ups across the country. Most of these are managed by a municipal or provincial police force as well as by the RCMP. Anecdotal accounts suggest that these facilities are experiencing their own overcrowding problems.

In most provinces, correctional facilities are also double- and triple-bunking inmates, but there is no centralized source of information on the overcrowding crisis in Canada's provincial jails. We must instead rely on internal reports from each province on inmate counts and the number of spaces in an institution. The following snapshots paint a picture of problems faced by provincial facilities across Canada.

British Columbia

In January 2015, (the last time a report was published addressing the situation regarding corrections) British Columbia's Auditor General, Carol Bellringer, released an audit of the province's correctional facilities. Bellringer found that in 2013/2014, approximately 16,000 people were admitted into the province's jails. These inmates were almost equally divided between those who had been sentenced and those on remand (awaiting bail, trial, or sentencing). The growth of the inmate population, combined with the 2002 closing of 10 provincial facilities, has resulted in "extensive double-bunking in cells, almost all of which were designed single occupancy."¹¹

Bellringer also noted with significant concern that

Correctional Centres in British Columbia are over capacity, operating at 140% occupancy on average with individual centres ranging from 107% to 177%. Prison overcrowding increases risks to both inmates and staff, and contributes to rising tension and the potential for conflicts. Although the Adult Custody Division regularly inspects, assesses risks, and monitors and reviews critical incidents, it cannot adequately demonstrate whether operating its prisons at these levels provides for safe custody.¹²

The audit further found that despite increased capacity becoming available through planned expansion projects, the occupancy rate is still expected to be about 121% by 2022/2023, with 35% of inmates double-bunked.¹³

B.C. correctional officers reported a serious increase in violence (assaults and threats) connected to the level of overcrowding. In 2014, B.C.'s Parliamentary Secretary to the Minister of Justice and Attorney General for Corrections, Laurie Throness, reported on this violence occurring within the province's correctional facilities over a five-year period.

He reported an 18% increase in assaults and a 129% increase in threats against staff, an increase in the intensity of violence (injury) against staff (over 400 staff injuries), and an increase of up to 48% in violence between inmates.¹⁴

This account may in fact be seriously under-representing the scope of the problem. BC criminologist Neil Boyd conducted a study of the exposure of correctional officers to stressful incidents in the province's correctional facilities. In his report, he wrote that

more than 90% had been exposed to blood, and more than 75% to feces, spit and urine. Notably, more than 90% had responded to requests for staff assistance and to medical emergencies, two-thirds had received a credible threat of harm from an inmate, almost 40% had been hit by feces, urine, vomit, spit, more than one in four had been physically assaulted by an inmate, more than 80% had responded to a serious injury to an inmate and almost 20% had witnessed the death of an inmate.¹⁵

There is very little evidence that this linked pattern of overcrowding and subsequent violence is abating. And as we shall see, it's a familiar pattern across Canada.

Alberta

There have been reports of severely overcrowded Alberta jails for well over a decade. In 2013, Alberta had more than 2,900 inmates being held daily in provincial correctional and remand centres, a 22.5% increase over 5 years.¹⁶ That year, hopes were raised that the situation would improve with the opening of a new remand centre in Edmonton. The \$569 million Edmonton Remand Centre can hold up to 2,000 inmates, with contingency plans to build additional housing units to hold 800 more if required. Prior to the new centre's opening, approximately 800 people were housed in the downtown remand centre, nearly 3 times the capacity of that building.¹⁷

But now, 6 years later, the results are mixed. In the short term, the new centre has solved the problem of overcrowding. But the long-term problem remains because Alberta's overall population of pretrial inmates is exploding. Since it opened, Alberta's adult remand population has surged to 2,682 inmates compared to 1,032 inmates in sentenced custody—or 72% of Alberta's provincial inmate population (up from 57% in 2010—2011). This is a larger proportion than before the new remand centre opened, and the highest proportion in Canada.¹⁸

The new centre has also created other problems. A major concern for correctional officers is the *direct supervision* method used at the centre. According to a Correctional Service Canada report, this method places guards "right in the living unit where they are required to have continuous, direct, personal interaction with inmates."¹⁹ It should come as no surprise, therefore, that correctional officers have repeatedly complained about safety issues at the facility.²⁰

Saskatchewan

According to a report by the Canadian Centre for Policy Alternatives (CCPA), Saskatchewan has "one of the most highly strained provincial prison systems in the country."²¹

In April 2012, Saskatchewan's provincial prisons had a total of 817 cells. Even with most cells double-bunked, the system is said to have the capacity to house 1,050 inmates. However, in 2011-2012, there was an average daily count of 1,400 inmates in the province's jails.²²

Overcrowding is not a new problem in Saskatchewan. According to the CCPA,

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. 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.²³

The 2011 annual report by Saskatchewan’s Ombudsman, Kevin Fenwick, notes that

with respect to the continuing problem of overcrowding in correctional facilities, we are very concerned that the current situation could go from bad to worse. Correctional centres in Saskatchewan already house almost twice as many inmates as they were designed for. With the recent passage of the federal omnibus crime bill, Bill C-10, this situation has the potential to deteriorate further. No one can predict with certainty how great the impact will be, but it would be naïve to suggest that the impact will be anything less than significant. Some of the problems are obvious. Double-bunking is already common in cells that were designed for one person, and there is the potential that three inmates may be squeezed into cells designed for one. Classrooms have been converted into dormitories. Entire sections of our jails that had been closed due to their age and poor condition, and should have remained so, have been re-opened because there is nowhere else to put the inmates.²⁴

Fenwick further says, “The problem of overcrowding is not just about the humane treatment of prisoners. Overcrowding does pose serious health and safety risks for the inmates, but it also poses risks for the corrections workers tasked with supervising them.”²⁵

In the 2016 annual report, Saskatchewan’s Ombudsman, Mary McFadyen, singled out the Saskatoon Correctional Centre, which “has run at or over its operational capacity since it opened 35 years ago.” The centre received media attention in the summer of 2015 when inmates wrote an open letter to the media, describing the living conditions as inhumane, and stating that these conditions and the increased violence at the facility were a result of overcrowding.²⁶

McFadyen investigated and assessed “the physical living conditions and whether the conditions we observed met reasonable standards.”²⁷ After reviewing accommodations, beds and bed space, and access to toilets and showers, McFadyen wrote,

We saw inmates using mattresses on the floor in the medical, holding, secure and remand units, and the dormitories. . . . Inmates double-bunked in cells, including specialized unit cells with toilets, had no privacy. In some cells, there is minimal space between where inmates sleep or eat and where they use the toilet. Inmates in the specialized living units told us they spend the bulk of their day in these cramped living conditions.²⁸

McFadyen noted that “some progress” was made,²⁹ albeit largely cosmetic, such as new flooring, repairs, cleaning, and painting. She noted that a shower, sink, and a urinal were added to one of the dormitories in the main building, and “better quality temporary beds” were supplied, “so inmates do not have to sleep on mattresses on the floor when the centre’s population exceeds capacity.”³⁰

Despite these largely superficial improvements, McFadyen’s report paints a pretty bleak picture:

While Corrections does not have control over how many people are remanded, or sentenced to serve time in a provincial correctional centre, it does have control over the operation of these correctional centres. In our opinion, Corrections should establish minimally acceptable standards for inmate accommodations, beds/mattresses, privacy and the use and availability of toilets and showers—and it should ensure these standards are met.³¹

For the most part, McFadyen’s report shows that not much has really changed. And this sad truth is confirmed by recent incidents of violence. For example, on December 14, 2016, one inmate was killed and 8 were injured in a riot at the Saskatchewan Penitentiary, in which as many as 200 medium-security inmates took part.³²

In the annual report released in 2017, Ivan Zinger, the Correctional Investigator of Canada considered “some other plausible explanation for the incomprehensible violence and mayhem” beyond bad or inadequate food. He noted that overcrowding was one of the possible explanations. Zinger noted that “some of the cells in that forbidding and antiquated facility housed two inmates even though there is barely adequate space for one.” He added: “Standing in the middle of another cell, I could reach out and touch the sides of both walls.”³³

Manitoba

Manitoba ranks with Saskatchewan as having the most overcrowded provincial jails. According to Statistics Canada, Manitoba has the highest incarceration rate of 240 per 100,000 adult population.³⁴ According to the Manitoba Auditor General’s 2014 report, (the last time such a report addressed the situation regarding corrections) between 1990/91 and 2004/05, “the Province’s average adult-custody population grew from 989 to 1,147

offenders, an increase of 158, reflecting modest growth of 16% over these 15 years.” But in the 9 years from 2004/05 to 2012/13, “it grew from 1,147 to 2,425 offenders, an increase of 1,278, reflecting growth of 111%.”³⁵

Despite efforts to create more space for inmates, overcrowding remains a persistent problem in Manitoba. According to the 2014 Auditor General’s report,

while the total adult custody population varies day to day, at times during 2012 it surpassed 2,500 offenders. . . . The Department spent \$182 million adding 651 beds to its adult correctional centres between May 2008 and May 2013. This increased the total rated capacity of centres by 52% (from 1,242 to 1,893 beds), and helped to reduce the level of overcrowding, but did not completely eliminate it. The total adult custody population was 147% of rated capacity on May 15, 2012, but this was reduced to 126% by May 15, 2013.³⁶

The Auditor General’s report also provided some noteworthy insights into what overcrowding means for the living and working conditions of inmates and correctional officers alike:³⁷

As overcrowding has persisted despite increasing bed capacity by 52% since 2008, in order to house offenders the Department [of Justice] has:

- Double-bunked offenders in what were previously single-occupancy cells.
- Quadruple-bunked offenders in what were previously double-bunked cells.
- Added dorm-style bunk beds to recreational and program space (gym space and space used for training and treatment programs).
- Placed offenders in temporary holding cells, originally intended only for reception because of their smaller size.
- Triple-bunked offenders (when necessary) by putting floor mattresses on top of plastic platforms in cells already equipped with bunk beds.

The Auditor General’s report went on to note the following broader systemic impacts:³⁸

- Reduced rehabilitative, training, educational, and recreational programming for offenders.
- Less space and time for visitors, including family and lawyers.
- Greater challenges in keeping the large and growing number of different gangs apart, as per department practice.
- More frequent transfers of offenders between correctional centres to relieve overcrowding pressures, leading to higher costs for transporting offenders.

- Greater mixing of remand (charged, but not yet convicted or sentenced) and sentenced offenders.
- Offenders spend more time in their cells for safety and security reasons.
- Less offender privacy.
- Increased tension, leading to greater risk of security incidents.
- More labour issues related to the more stressful work environment.
- More overtime.
- Senior management time and attention is overly focused on finding places for offenders.
- Greater risk of disease.
- Department data showed the number of “serious incidence” security events in 2012 totaled 2,552—43% higher than the 1,783 security events reported for 2009.

The report went on to acknowledge the concerns of labour unions: “While overcrowding would not be the only reason for the increase, it would be a key factor. In public announcements, union representatives have described the overcrowding as a crisis causing an unsafe work environment.”³⁹

Ontario

The word *crisis* best describes the state of Ontario’s correctional facilities. A significant number of the province’s jails are aging and crumbling institutions that are inadequate for housing the numbers and categories of inmates coming into the system. There are barely enough staff to maintain order, or to provide rehabilitative programs. Multiple violent incidents occur daily.

The Ministry of Community Safety and Correctional Services reported in 2012 that on an average day, 14 of Ontario’s 29 jails held more prisoners than they were designed for. In that same year, the reported province-wide capacity hit 98.5%, matching the previous peak of 2008/09. However, this figure was only slightly higher than the average rate in the intervening 4 years.

Unfortunately, there is a significant disconnect between the province’s official stated capacity for current facilities and the numbers the buildings were originally designed to hold. Some retrofitting of older institutions has resulted in the Ministry of Community Safety and Correctional Services significantly increasing their capacity figures, while double-bunking has become commonplace in facilities not designed to accommodate such crowded living arrangements.

As a result, these institutions have, like their counterparts in other provinces above, witnessed dramatically increased rates of violence in the past couple of years. An investigation by *Global News* reported that inmates in Ontario’s jails are

caught in a penal system whose violence-related crowding is even worse than depicted on paper: Older prisons retrofitted to hold many more inmates than their original design capacity are more likely to be scenes of brutality, analysis of numbers obtained through access-to-information requests reveals.⁴⁰

The 2013 murder of an inmate at the Elgin-Middlesex Detention Centre, and a subsequent class action lawsuit brought against the institution, placed the crisis in Ontario's jails before the media and public.⁴¹ Built in 1977, with an intended 208-inmate capacity, Elgin-Middlesex underwent renovations to increase capacity to 382. On average, however, in past years it has held 420 inmates in custody.

Staff and inmates at Elgin-Middlesex view the overcrowding problem in this facility—as in others across the province similarly bursting at the seams—as contributing to a volatile living and working environment. *Global News* reported that between 2008 and 2013 there were almost 1,200 reported violent incidents at the facility, “making it one of the five most dangerous jails in Ontario.”⁴² The report noted in comparison that the Central East Correctional Centre in Lindsay (with more than double the London jail's average inmate population) “had just over 1,400 violent incidents in that time period.”⁴³ It concludes: “Our analysis shows that provincial jails built before 2000 have significantly higher instances of both overcrowding, compared to their original design capacity, and inmate violence.”⁴⁴ The news story went on to reveal that in 2013, there were approximately 3,000 reported prisoner-on-prisoner assaults, a major increase from the 2,300 incidents reported 5 years earlier.

Another Ontario facility facing crisis is the Ottawa-Carleton Detention Centre (OCDC). Built in 1972 to hold 176 inmates, the OCDC has housed on average 567 inmates over the past 5 years, but is not considered to be overcrowded because its capacity is reported to be 585. However, both staff and inmates see OCDC as dangerously overcrowded, a conclusion supported by the reported number of violent incidents by inmates—1,770—over a 5-year period.⁴⁵

It's a similar story in Milton, at Ontario's Maplehurst Correctional Complex. While the jail has an official capacity of 1,144 inmates, it was originally designed to hold 420. Not surprisingly, 1,950 violent incidents were reported there during a 5-year period. Reporting on these statistics, *Global News* drew a “direct relationship between crowding, in relation to a facility's original capacity, and violence rates.”⁴⁶

The situations in the institutions mentioned here are symptomatic of a provincial system in crisis. Incidents in these jails have received media attention, while many other institutions are similarly in crisis without being subjected to outside scrutiny.

A reflection of the growing problems in these jails is the increased use of lockdowns to bring critical situations under control. Reports from staff indicate that a combination of high inmate counts and low staffing creates volatile situations where a general lockdown is the only safe course of action.

Ontario's Ombudsman, responding to complaints by inmates of assaults by correctional officers, reported that

correctional officers told us one of the primary causes of conflict is chronic overcrowding of inmates—two or even three to a cell (known as double- or triple- bunking). Senior officials at various institutions echoed this concern. One deputy superintendent suggested there might be a direct correlation between high inmate counts and incidents of use of force. Another said overcrowding often leads to the application of force against inmates.

The problem of overcrowding in correctional facilities has been the subject of judicial consideration in sentencing of inmates, numerous media reports, and was addressed in the Ontario Auditor General's 2010 annual report. Our Office has been aware of this issue for many years. Over the past four years, we received almost 200 complaints about crowded inmate living conditions.⁴⁷

The 2010 Ontario Auditor General's report, referenced by the Ombudsman above, pointed out that

the Ministry's transformation strategy, launched in 2004/05 with plans to eliminate 2,000 beds by 2007/08 and save \$60 million annually, had not produced the anticipated results. Adult Institutional Services had almost 1,000 more inmates than when the strategy was introduced, and Ontario's correctional institutions were operating at 100% capacity. They were overcrowded and at increased risk for inmate disturbances, labour-relations issues, and health and safety problems for staff and inmates. The Ministry predicted at that time that it might be short 2,000 beds by 2010/11.⁴⁸

The problems in Ontario's jails were compounded when the Ministry imposed a hiring freeze, contributing to the potent combination of understaffed and overcrowded facilities that is linked to dangerous levels of inmate-on-inmate violence.

Of particular concern is the dramatic increase in assaults committed by inmates against staff. According to statistics provided by the Ministry of Community Safety and Correctional Services, between 2010 and 2013 inmate assaults against staff skyrocketed from 321 to 855.⁴⁹

Since this data was released, the situation has deteriorated in Ontario jails, with violent acts against correctional officers increasing dramatically. The hazards correctional officers face daily include threats, spitting, punching, kicking, and attacks with feces, urine, and weapons.

According to 2 reports (interim and final) on institutional violence in Ontario published in 2018 by the Independent Review of Ontario Corrections,⁵⁰ there were 1,389 such incidents reported in 2017 at the province's 25 jails, the highest by far compared to the previous 5 years.⁵¹ And one of the reasons cited for this prison violence is overcrowding: "Violence does not just happen," the reports explain, but "arises in a context."⁵²

Prison violence is the product of "complex, multiple, and intersecting variables" that include (to name "just a few"):⁵³

- inmate crowding and corresponding staff levels
- training
- management competence
- gaps in oversight and accountability
- gang activity
- internal contraband economies
- mental health and addiction issues
- limited staff experience
- facility design
- poor operating policies and procedures (including inadequate intake assessment classification, and placement)
- abuse of authority
- lack of trust
- arbitrary decision making
- lack of meaningful activities for inmates
- lack of support for staff
- predatory conduct of some inmates
- fear

The Interim Report explains that

globally, trends indicate that in countries where prisons and jails are overcrowded, or where there is an increase in prisoner population, there is more violence among prisoners, and more violence directed against correctional staff. These countries typically experience a reduced staff-to-prisoner ratio which leads to ineffective supervision, fewer resources for correctional programming opportunities, more

lockdowns, and ultimately lessens the chances for successful reintegration, putting public safety at risk.⁵⁴

The institution deserving particular mention, and that is the subject of a case study in the Final Report, is the Toronto South Detention Centre (TSDC). Between 2016 and 2017, this notorious jail saw an 85% jump in inmate-on-staff violence—"the highest number and greatest rate of increase in reported incidents" for any institution in Ontario.⁵⁵ And according to the report, the overwhelming majority (85%) of inmates involved were on remand.⁵⁶ As a result of this violence, nearly three-quarters of corrections officers surveyed at the TSDS said that they don't feel safe at work, and 58% said they worry about being assaulted by an inmate at least once a day.⁵⁷ The Final Report described these safety concerns as follows:

In written responses to the Independent Review Team, some TSDC staff expressed concern regarding the safety of their working environment. This sentiment is captured in the feedback received from a correctional officer who wrote, "every day I come to work I have to wonder if me or my partner will end up as a 911 call." Concern for safety was not unique to officers; for example, one staff member who was not a correctional officer remarked, "I worked for twenty-two years at the Don Jail and never during that time did I feel my safety was jeopardized. Since starting at TSDC I have never felt secure. It's a ticking time bomb."⁵⁸

The Ontario Public Service Employees Union has long maintained that a contributing factor to the growing violence is the problem of overcrowded, aging, dilapidated prisons, combined with understaffing. And all this affects inmates and those who guard them. With lockdowns and administrative segregation, prisoners are prevented from socializing, exercising, or receiving proper health care, which contributes to frustration, violence, and death. And working under such hazardous and dysfunctional conditions of constant fear of harm and the consequences of violence is taking a "huge toll" on correctional officers and their families, with high rates of post-traumatic stress disorder.⁵⁹

So, it is not surprising that in his *2017-2018 Annual Report*, the Ontario Ombudsman Paul Dubé wrote that "correctional facilities traditionally generate more complaints to our Office than any other aspect of the Ontario public sector" and that complaints about Ontario's adult correctional facilities are "significantly higher" than previous years.⁶⁰ And many of the complaints from inmates concern overcrowding.

Quebec

Quebec's correctional system has not been immune from the crisis of provincial overcrowding. Overcrowding remains a chronic problem.

In her 2013-2014 report, Quebec's Ombudsperson Raymonde Saint-Germain (who also acted as Quebec's correctional ombudsperson) found that

prison overcrowding in Québec has been growing steadily for at least a decade. For example, occupancy levels increased from 108.3% in 2010–2011 to 122.8% in 2013–2014. In its 2012–2013 Annual Report, the Québec Ombudsman detailed the many harmful effects that overcrowding has on detainees, including repeated transfers from one facility to another.

The number of inter-institutional transfers increased by 16.6% (from 29,291 in 2012–2013 to 34,154 in 2013–2014). Some of these transfers had nothing to do with overcrowding, notably in cases of court appearance and release. However, the purpose of the vast majority of the transfers was to relieve overcrowding in prisons bursting at the seams and to assign inmates to other detention centres.⁶¹

The excerpts below from the Quebec Ombudsman's 2012-2013 report provide important insight on the impact of overcrowding on the province's correctional facilities:

Prison overcrowding is not a recent phenomenon. In its 2006–2007 annual report, the Québec Ombudsman noted that the capacity of Québec's detention facilities had long been exceeded and that overcrowding had been steadily growing for years. It has many causes, including a large number of offenders in preventive custody, an increase in people declining release on parole, mass arrests following large-scale police operations, and tougher sentencing ordered by the federal government.

This year has seen violent demonstrations in some detention facilities. While in some cases overcrowding was to blame, the Québec Ombudsman found that this was not always the case.

The main consequences of overcrowding as ascertained by the Québec Ombudsman are the deterioration of prison conditions, lack of privacy, tension between detainees and with staff, an increase in transfers from one facility to another, wrong classifications, medical appointment postponements and staff exhaustion. One of the subjects covered by the Québec Ombudsman's special report on services for detainees with mental disorders, submitted in 2011, was the effect overcrowding has on this particularly vulnerable group.⁶²

The Ombudsman pointed out that Quebec’s Ministry of Public Safety adopted a number of strategies to counter the effects overcrowding and increase prison capacity, having negative implications. One strategy was “to house two or even three inmates in cells designed for one.”⁶³ The Ombudsman noted: “when a cell must serve double capacity, the consequences are lack of air, dirt, violence and tensions requiring physical intervention on the part of prison staff.” And such consequences can present “a safety risk for both prisoners and staff.”⁶⁴

More recent reports and updates suggest that the overcrowding crisis persists. In November 2017 in the National Assembly, the public security critic for the Parti Québécois, Pascal Bérubé delivered a lengthy speech on the province’s detention system, which he described as “bursting at the seams.” As reported by *Vice News*, Bérubé said, “There’s overcrowding, shortage of staff, maintenance deficits, drone flights, riots and other problems that are only getting worse.” And furthermore, the same news story explained that according to the Société québécoise des infrastructures’ annual report, 33% of the province’s jails have received a rating of E, a failing grade, which qualifies the buildings as being in “very bad” shape. Research obtained by *VICE News* also showed that one third of the centres are either full and/or well over capacity.⁶⁵

And the overcrowding crisis continues to be a persistent concern raised by Quebec’s correctional ombudsperson.

In her 2015-2016 annual report, Ombudsperson Raymonde Saint-Germain wrote that offenders were often “crammed into the same room where the air quality leaves much to be desired and the heating is inadequate,” or bunked so close together in common areas “that it is difficult to navigate the mattresses on the floor.”⁶⁶

The same criticisms and concerns were repeated in the 2017-2018 Ombudsperson report. Ombudsperson Marie Rinfret wrote,

The phenomenon of overcrowding has affected the correctional community for many years. Faced with this problem, correctional facilities end up putting as many as three people in a cell meant for only one person. These detainees therefore have to share an area measuring approximately 7.5 m². The Québec Ombudsman denounces this overcrowding and expects the Ministère de la Sécurité publique to take the required corrective measures.⁶⁷

A news release stated that “the Ombudsperson is critical that some Quebec correctional facilities cram as many as three people into a cell meant for one detainee.” Rinfret declared: “I’m speaking out against this overcrowding that jeopardizes detainees’ safety and increases the risk of violence.”⁶⁸

New Brunswick

In New Brunswick, there are 5 adult provincial correctional institutions accommodating close to 500 inmates at any given time.⁶⁹ Prison overcrowding was a serious problem until the opening of 2 new facilities in 2011 and 2012 added space for more than 140 custodial inmates. In 2011, the new Dalhousie Regional Correctional Centre replaced the century-old Dalhousie Correctional Centre and the Bathurst Detention Centre. And in 2012 the Southeast Regional Correctional Centre in Shediac replaced the old Moncton Detention Centre. These new facilities seemed to solve the problem of overcrowding. For example, in 2009–2010, a daily average of 457 inmates were held in spaces that could only accommodate 402. By 2013–2014, the average daily count of 431 inmates appeared to be better accommodated by the province’s maximum capacity of 546 beds.⁷⁰

However, there were reports that on some days, the daily count was much higher than the average of 431. And in a stunning confession made before the new facilities were open, even the provincial Department of Correctional Services predicted that the ability to provide adequate space for the offender population would not last. In a report entitled *Business Plan 2011-2015* that can now only be retrieved through an internet archive, the New Brunswick Deputy Minister of Public Safety, Dale Wilson, admitted that:

Two new adult facilities are scheduled to open in the fall of 2011 and this will increase bed capacity. However, offender population forecasts suggest that, even with the new institutions, overcrowding will continue to be a challenge.⁷¹

And indeed this prediction does appear to be coming true: more recent offender population forecasts suggest that the ability to provide adequate space for the offender population will not last. According to Statistics Canada, of all the provinces and territories, New Brunswick is experiencing the largest increase in the average number of adults in remand in comparison to 2005/06. The average number of adults in remand was 112% higher in New Brunswick compared to the pan-Canadian average increase of 35%.⁷² And according to the latest report from the New Brunswick Department of Public Safety, the average daily count 6-year trend has been gradually increasing, from 432 in 2012 to 472 in 2018.⁷³ If this trend continues at the same pace, in a little over a decade, the adult population will exceed the province’s capacity of 546 beds. This means that even with new institutions, overcrowding will continue to be a challenge in New Brunswick.

Prince Edward Island

Prince Edward Island (PEI) is one of the most beautiful places in Canada. When people think about the Island, bucolic images are usually what come to mind. However, as with the rest of Canada, there is crime on the Island and the need for the administration of justice.

There are 3 correctional institutions on PEI: 2 adult (male and female) and one youth. The province’s correctional facilities house prisoners on remand and those serving both provincial and federal sentences. Changes to federal legislation have had a disproportionate impact on the province’s correctional system.

In 2010, the Provincial Correctional Centre (located in Sleepy Hollow) built a new wing, adding 48 beds to the jail. Previously the facility had frequently experienced an overcrowding problem, holding as many as 30 inmates more than it was built for.⁷⁴

However, the relief from overcrowding was short lived. As reported by CBC news in 2011, Doug Currie, Justice Minister at the time, reported that there had been a 30% rise in admissions in the province as a result of “the federal government's drive to lengthen prison sentences.”⁷⁵ According to Currie, the facility was intended to house about 80 inmates full-time, with 48 beds designed to be used by weekend inmates. “But those beds are being put into service to house full-time prisoners, and sometimes even those haven’t been enough. There are 146 beds in the province, and at times they’ve been used to hold as many as 162 prisoners.”⁷⁶

For a small province, the costs associated with this increase and the implementation of federal legislation is considerable. This is one of the conclusions reached in 2012 in a report tabled by the Parliamentary Budget Officer (PBO). The PBO was requested to assess the fiscal impact of Bill C-10, which proposed legislative changes to the *Criminal Code*, altering the eligibility criteria for conditional sentences of imprisonment.⁷⁷ The PBO examined what the fiscal impact would be had the legislation been in force in 2008. The PBO analysis explained that in 2008 there were 2 offenders in Prince Edward Island who would have been incarcerated instead of being put on house arrest. While house arrest costs approximately \$3,000 a year, the cost of incarceration would have been more than \$55,000 for both.⁷⁸

When Bill C-10 was passed in the House of Commons in March 2012, the PEI Justice Minister Janice Sherry told the media,

Our bed days in Prince Edward Island have increased 30% over the last year, so when you look at the implications of Bill C-10, we are certainly recognizing the fact that there will be impacts.

70% of the people who are serving time in our criminal justice system are dealing with alcohol-drug addiction or serious mental illness.

If those dollars that we will now be spending to incarcerate people could have been used in preventative programs in our communities to help individuals with these types of issues, what a difference we would make.⁷⁹

One of the problems in the Island’s correctional system is the high number of intermittent sentences handed out. This frequently means that weekends will see a large influx of inmates, exacerbating any overcrowding problem.

One advantage the province's correctional facilities have is that they are relatively small community-based institutions. This appears to mitigate, somewhat, the tensions that arise in overcrowded conditions. There appear to be proportionately fewer critical incidents or acts of violence in these facilities than elsewhere in the country.

Still, Prince Edward Island is not immune to the pressures of overcrowding witnessed in other more populated provinces. According to data released in 2017 by Statistics Canada, and reported by the CBC, over a 5-year period from 2010/2011 to 2014/2015, PEI sent people to jail at a higher rate than the national average, despite having a violent crime rate well below the average.⁸⁰ In 2014/15 the Island's incarceration rate per 100,000 population was 88.93, compared to 85.46 nationally. And over a decade, as compared to the decade before, there was an increase of 13.3% in the incarceration rate, as opposed to just 7.5% nationally.⁸¹

In a statement to CBC News, PEI's Department of Justice and Public Safety said there were a number of factors contributing to the rise, such as impaired driving:

Some of the known factors that have contributed to the increased custody over the last decade included significant criminal law reform such as length of sentence for repeat impaired driving, minimum mandatory sentences, and restrictions on the use of conditional sentence orders and credit for time served.⁸²

Nova Scotia

With the decommissioning in January 2015 of the Antigonish and Cumberland Correctional Facilities, and their replacement with the Northeast Nova Scotia Correctional Facility commencing operation in February 2015, there are now 4 adult correctional facilities in Nova Scotia. These facilities have a total capacity of 700 beds (up from 554 beds⁸³): Cape Breton (Sydney), Central Nova Scotia (Dartmouth), Northeast Nova Scotia (Priestville, Pictou County), and Southwest (Yarmouth). Of the adult facilities, the Central Nova Scotia Correctional Facility (CNSCF) is the largest, with more than 50% of the beds, and the greatest number of new arrivals.⁸⁴

According to the Nova Scotia Department of Justice (NSDJ), over the 5-year period 2012-2013 to 2016-2017, the total average daily count in Nova Scotia was variable, ranging from a high of 524 inmates in 2013-2014 (approximately 94% capacity on average when there were 554 beds in the province's adult facilities) to a low of 483 inmates in 2015-2016 (approximately 69% capacity on average when there were 700 beds).⁸⁵

In 2016-2017, the average daily count was 489 adults in custody (approximately 70% capacity on average), which was relatively stable compared to the prior year, with just a slight increase (6 inmates or 1.24%).⁸⁶ The number of adults in provincial sentenced custody decreased by 6%, while the number on remand increased by 6% in 2016-2017. Adults on remand consistently outnumbered those in sentenced custody. In 2016-2017,

more than half (57%) were on remand, while a smaller percentage (38%) were in sentenced custody.⁸⁷

With the province's jails at approximately 70% capacity on average, it is clear that on some days these facilities are overcrowded. For example, consider the case of the Central Nova Scotia Correctional Facility (CNSCF), which contains over half of all the 700 beds in Nova Scotia.

A number of news reports over the past 5 years have typically depicted this jointly run federal and provincial prison as the poster child of the crisis in Nova Scotia corrections. And CNSCF correctional officers have repeatedly and consistently reported that problems with overcrowding contribute to a highly volatile and dangerous environment inside the jail.

A particularly difficult year was 2014, when concerns about an unsafe work environment led to a work stoppage at CNSCF. On February 15, 2014, a Halifax *Chronicle Herald* story about the stoppage reported 18 violent incidents. These included "serious assaults," the most serious of which involved a female corrections officer who was knocked unconscious and suffered broken facial bones following an assault by a male prisoner awaiting trial for attempted murder. According to the newspaper, "Overcrowding at the facility remains a chief concern for the union members and their safety."⁸⁸

In 2015, a media report described the same jail as an "understaffed, overcrowded hellhole" because of attacks on staff and inmates.⁸⁹ And 2 years after that, throughout 2017, correctional officers once again engaged in work stoppages. For several weeks in May, and for over 2 days in November, guards refused to work in a section of the jail due to concerns about health and safety, and a lack of training to work with mentally ill inmates.⁹⁰

By 2018, nothing had changed. In his May 2018 report, Auditor General Michael Pickup offered a stark portrayal of Nova Scotia's correctional facilities and their deficiencies in safety, security, and training. He noted that more than 600 assaults took place over the 22-month period he and his team audited the work at the 4 jails, 75 of which were on staff members.⁹¹

Auditors criticized the province for not having completed a comprehensive risk assessment of the jail system despite the level of everyday violence at provincially run jails. The report said that "without a comprehensive risk assessment framework, it is harder for management to ensure all risks, including new and changing risks such as new methods of smuggling in drugs, have been identified and adequately managed," and "Risks include violence against offenders and staff, drugs coming into facilities and mistaken releases."⁹²

The most egregious problems had to do with deficiencies in screening employees during the hiring process; for example, there was an instance where "one individual . . . had no reference, criminal record, vulnerable sector, or child-abuse registry check; nor did they have a pre-employment questionnaire completed," the Auditor General noted.⁹³ Jason MacLean, NSGEU President, said he was shocked to learn of these deficiencies in screening employees during the hiring process. He told CBC news that managers of jails in the province are taking short cuts. "We need to slow it down because it has to be safety first,"

MacLean said, “and if you’re going to have people cutting corners, then it’s not going to be safe.”⁹⁴

In July 2018, a CBC story reported the ongoing safety concerns and frustrations of correctional officers, one of whom quit his job after 9 years at the CNSCF, because he could no longer work in an unsafe, “toxic environment.”⁹⁵ In August, the *Halifax Examiner* published a statement written by prisoners at the CNSCF declaring that they were engaging in a non-violent protest to call attention to prison conditions, and to make 10 demands on the Nova Scotia government aimed at “a more productive rehabilitative environment that supports the wellbeing of everyone in the system.”⁹⁶ The headline of another newspaper announced “the evidence shows Nova Scotia is failing its prison population.”⁹⁷

Newfoundland and Labrador

If there were a top 10 list of the worst jails in Canada, first place would almost certainly go to a notorious 160-year-old facility in the capital city of Newfoundland and Labrador: Her Majesty’s Penitentiary (HMP) in St. John’s.

The largest institution in the province, and the oldest operating correctional facility in Canada, HMP has parts originally built the same year Charles Darwin published *On the Origin of Species* and Charles Dickens published *A Tale of Two Cities*.

Conditions are so bad in this overcrowded and decrepit institution that many see it as the most dangerous, most unfit, and most inhumane prison in Canada. The President of NAPE, Jerry Earle, calls its crumbling infrastructure “almost impossible to describe.”⁹⁸ Its corrections officers have described it as “a dungeon,” and have repeatedly decried their unsafe and unhealthy working conditions, recently described as “grim and often unnerving.”⁹⁹ A January 2017 story in the *Toronto Star* described it as an understaffed and overcrowded “tinderbox.”¹⁰⁰ In March 2019, at a protest of former inmates and allies of those still serving time inside, one observer said, “That is hell in there. That is torture.”¹⁰¹

In general, conditions in Newfoundland and Labrador correctional facilities have been a matter of some concern for decades. And after 3 reports on the province’s correctional system over 10 years, with over 94 combined recommendations, there appears to be no political will to fix the problems anytime soon, despite promises to do so.¹⁰²

One of these reports, entitled *Decades of Darkness: Moving Towards the Light* was released in 2008 by the Department of Justice. With 77 recommendations, the report was intended to provide a roadmap for modernization and upgrading of Newfoundland and Labrador’s jails.¹⁰³

The report mentions statistics originally published in another report released that same year, the Auditor General of Newfoundland and Labrador’s *Report of the Auditor General to the House of Assembly*, which devoted a specific section to corrections. It found that in 2005-2006 and 2006-2007, the province’s facilities were at 99% capacity. However, the 2 largest prisons in the province—HMP and the Labrador Correctional Centre—were each slightly more than 110% capacity.¹⁰⁴ According to the Heritage Foundation of Newfoundland and

Labrador,¹⁰⁵ HMP was completed in 1859 with three corridors of 35 cells. In 1944 and 1945, 2 additions to the facility added 41 cells, and by 1981 the whole prison had been substantially renovated and modernized leading to further growth in the prison population. By 1981, HMP was home to 96 cells, but both 2008 reports credit HMP with a capacity of 145 inmates.¹⁰⁶

By all accounts HMP is in such an extreme state of deterioration that for many years critics have argued that the building is beyond repair.¹⁰⁷ Nevertheless, while the province continued to cite the 2008 *Decades of Darkness* report in its strategic plans, there has been little progress toward increasing the capacity of correctional facilities. Past provincial governments have made commitments to proceed with building a new jail, but a combination of lack of political will, limited fiscal capacity, and jurisdictional squabbling has resulted in deadlock. The jurisdictional dispute is between the province and the federal government, which uses HMP to house federal inmates. Both parties acknowledge that something must be done either to renovate or to replace the facility, but have failed to reach an agreement on who should foot the bill. The limited fiscal capacity exists in part because of dramatic changes in world commodity prices, particularly crude oil, on which the province is so heavily dependent, and because of the Muskrat Falls boondoggle. The lack of political will exists for several reasons: health care and education always take higher priority; the fiscal capacity of provincial governments has been continually compromised and reduced as a result of decades of tax cuts, and federal cuts to provincial transfer payments; and simply put, there is a general lack of public sympathy.

10 years after the Auditor General's report and the publication of *Decades of Darkness*, another report was completed on December 12, 2018, written by Marlene Jesso, retired Royal Newfoundland Constabulary Superintendent. A heavily redacted version of the report was given to media on February 6, 2019. Its aim was to investigate 4 prison deaths: 2 at HMP and 2 at the Clarenville Correctional Centre for Women. The mandate did not specifically include examining prison services, such as mental health services, or physical structure. But, as Jesso explains, over the course of the review, "it became clear that the issues in the prison system are contributing to the poor mental health of inmates." And one of these issues is a "lack of physical space to house inmates," which Jesso says "makes it difficult to meet the security and health needs of inmates."¹⁰⁸

Jesso offers 17 recommendations on improving a correctional system, including building a new prison, creating mental health units in existing institutions, and cutting down on the drug trade in prisons.¹⁰⁹

The jail singled out for its exceptional failures is HMP, and the report spares no criticism concerning the overcrowding crisis it faces. Jesso describes HMP as "dilapidated, overcrowded and in a constant state of disrepair,"¹¹⁰ and whose population management is complicated by "overcrowding, staff shortages, and infrastructure deficiencies," where inmates are "triple-bunked in cells that normally have two people," or accommodated in makeshift cells in the gymnasium, all of which leads to "increased safety and security concerns."¹¹¹ Furthermore, mental health and addictions issues are commonplace, and

drugs cause "chaos" when they are present inside the prison leading to "an increase in assaults, threats of violence, and adverse health reactions...which compromises the safety and security of the inmates and staff."¹¹²

The report concludes with reference to *Decades of Darkness* and its 77 recommendations for change. "Most of the issues identified have existed for many years and have been identified by past reviews," it reads. "Even with implementation of many of these recommendations, the changes did not go far enough to have a lasting impact."¹¹³

Conclusion: A System in Crisis

This overview of Canada's correctional system leaves us with a disturbing picture. We have focused primarily on provincial correctional facilities, but indications are that the situation is just as bad in territorial centres.

Without a doubt, the majority of provincial correctional facilities in this country are either at capacity or overcrowded. We have seen reports of institutions operating at nearly 200% capacity, which is twice as many inmates as the facility was built to hold.

However, as we have also seen, figures can be deceiving, and may seriously underestimate the situation. The stated capacity of some institutions has been altered to reflect the normalization of double-bunking, and renovations made to older facilities may have created more room, but not necessarily adequate facilities. The new capacity figures may also reflect the fact that cell sizes are smaller and common areas have been reduced.

With overcrowding there appears to be an increase in violence and serious incidents, from inmate-on-inmate violence to incidences between inmates and correctional officers. While most of the reports we have cited are careful not to proclaim a direct causal relationship between overcrowding and violence, they all see the two as having some connection.

Part of the overcrowding problem stems from the growing number of people on remand—yet to be convicted or sentenced—in provincial correctional facilities. In this environment, the rehabilitative function of these facilities is pretty much non-existent. The resources are simply not there to provide programming.

We have also seen that there are ever greater numbers of people with mental health or addictions problems entering our correctional facilities. A significant number of these people are housed under remand, only to be returned to the community without treatment or options that will keep them out of the kinds of conflict that led them into the criminal justice system in the first place. Our jails are not meant to be treatment centres for people with mental health or addictions problems. Indeed, we cannot imagine how traumatic such an experience must be for such individuals, and being subjected to segregation or lockdown as a response to their illnesses only serves to exacerbate an already inhumane situation. This is a recipe for truly tragic consequences.

Something needs to change in Canada's correctional facilities. This report was intended to shed light on what is an ongoing and growing crisis. It is hoped that it will contribute to the continuing public dialogue on how to move forward in creating a correctional system that reflects the values and human rights concerns of Canadians, and that guarantees the occupational health and safety of corrections workers.

Appendix A:

An Excerpt from Crisis in Correctional Services: Overcrowding and Inmates with Mental Health Problems in Provincial Correctional Facilities¹¹⁴

Recommendations

1. Restore Statistics Canada's long-form census to provide accurate information on the incidence of crime in Canadian society.
2. Improve and expand on the ability of Statistics Canada to compile data and report on provincial justice systems.
3. Develop and implement a national system of data collection on offenders in the provincial/territorial correctional systems.
4. Restore federal funding to research on corrections.
5. Convene a national commission to examine and report on Canada's correctional system at both the federal and provincial/territorial levels.
6. Federal government should create a number of targeted transfers to support the modernization of provincial/territorial correctional systems.
7. Develop and implement national standards on adequate and safe ratios on correctional officers to inmate populations.
8. Develop and implement national guidelines on the appropriate size of correctional facilities, including standards pertaining to cell size and allotted space for inmates.
9. Strive to move to a more community-based system of corrections with smaller-sized facilities providing for closer contact between inmates and home.
10. Develop and implement national standards for the use of segregation.
11. After consultation with appropriate stakeholder organizations, develop and implement national standards and training for correctional officers, including course modules on dealing with mentally ill and addicted offenders.
12. Expand the job scope for correctional officers to include more therapeutic and rehabilitative functions, including the dispensing of prescribed medication.
13. The federal government should dedicate funds to help with the implementation, for both federal and provincial institutions, of the 2010 Mental Health Strategy for Corrections in Canada: A Federal-Provincial-Territorial Partnership.
14. The federal government should work with its provincial and territorial counterparts for the full implementation of the 2012 Mental Health Strategy as formulated by the Mental Health Commission of Canada. In particular, those recommendations quoted below from the strategy require immediate attention:

Reduce the over-representation of people living with mental health problems and illnesses in the criminal justice system and provide appropriate services, treatment and supports to those who are in the system.

2.4.1 Increase the availability of programs to divert people living with mental health problems and illnesses from the corrections system, including mental health courts and other services and supports for youth and adults.

2.4.2 Provide appropriate mental health services, treatments and supports in the youth and adult criminal justice system, and ensure everyone has a comprehensive discharge plan upon release into the community.

2.4.3 Address critical gaps in treatment programs for youth and adult offenders with serious and complex mental health needs.

2.4.4 Increase the role of the “civil” mental health system in providing services, treatment and supports to individuals in the criminal justice system.

2.4.5 Provide police, court and corrections workers with knowledge about mental health problems and illnesses, training in how to respond, and information about services available in their area.

15. Develop supports and resources to be available for correctional officers or inmates suffering from post-traumatic stress disorders (PTSD).

Notes

- ¹ For youth, the provinces and territories are responsible for administering correctional services for both custody and community sentences, including youth being held while awaiting trial or sentencing (pre-trial detention). Jamil Malakieh, *Adult and Youth Correctional Statistics in Canada 2016/2017*, Statistics Canada, Released June 19, 2018, <https://www150.statcan.gc.ca/n1/pub/85-002-x/2018001/article/54972-eng.htm>; Ontario Ministry of the Solicitor General, “Facilities - locations and visiting hours,” Queen's Printer For Ontario, Last Modified: April 8, 2019, https://www.mcscs.jus.gov.on.ca/english/corr_serv/facilitieslocationsandvisitinghours/facilities.html.
- ² Statistics Canada reports that there were a total of 25,448 adults in provincial and territorial custody and 14,425 in federal custody on an average day in 2016/2017. And except for “a slight increase” from 2014/2015 to 2015/2016, the incarceration rate in federal and provincial/territorial custody has been declining steadily since 2012/2013. They state that there has been a 2% decrease from 2015/2016 and a 4% decrease from 2012/2013. Furthermore, the incarceration rate for adults has decreased in 7 provinces and territories, with Yukon marking the largest decrease (-12%) from the previous year. Malakieh 2018, 3.
- ³ Lindsay Porter and Donna Calverley, *Trends In The Use Of Remand In Canada*, Statistics Canada Juristat, Catalogue no. 85-002-X, May 17, 2011, 6, https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2011001/article/11440-eng.pdf?st=33_GZvl.
- ⁴ Ibid, 7.
- ⁵ Canadian Civil Liberties Association, “Set Up to Fail: Bail and the Revolving Door of Pre-trial Detention,” July 2014, website accessed April 2019, <https://ccla.org/dev/v5/>, and PDF Version, 5, https://ccla.org/dev/v5/doc/CCLA_set_up_to_fail.pdf.
- ⁶ Canadian Civil Liberties Association, “By the Numbers: Crime, Bail and Pre-trial Detention in Canada,” 1, <https://ccla.org/cclanewsites/wp-content/uploads/2015/02/2014-07-23-By-the-numbers1.pdf>; Porter and Calverley 2011, 14.
- ⁷ Canadian Civil Liberties Association, “By the Numbers”
- ⁸ Canadian Civil Liberties Association, “Set Up to Fail,” website, and pdf, 5.
- ⁹ Public Safety Canada, *2017 Annual Report: Corrections and Conditional Release Statistical Overview*, Public Works and Government Services Canada, July 2018, 35, <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ccrso-2017/ccrso-2017-en.pdf>.
- ¹⁰ Malakieh 2018, 4.
- ¹¹ Carol Bellringer, *An Audit of the Adult Custody Division's Correctional Facilities and Programs*, Office of the Auditor General of British Columbia Victoria, BC.: January 2015, 11-12, <http://www.bcauditor.com/sites/default/files/publications/2015/special/report/AGBC%20Corrections%20report%20FINAL.pdf>.
- ¹² “Auditor General's Comments,” Bellringer 2015, 4.
- ¹³ Ibid, 14.
- ¹⁴ Laurie Throness, *Standing Against Violence: A safety Review of BC Corrections*, December 2014, 6, <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/corrections/reports-publications/standing-against-violence.pdf>.

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- ¹⁵ Neil Boyd, *Correctional Officers in British Columbia, 2011: Abnormal Working Conditions*, School of Criminology, Simon Fraser University, 2011, i, <http://former.bcgeu.ca/sites/default/files/FINAL%20Boyd-Report-2011.pdf>.
- ¹⁶ CTV News, “Alberta Seeks to Hire Staff for New Mega-Jail,” November 13, 2011, <http://www.ctvnews.ca/alberta-seeks-to-hire-staff-for-new-mega-jail-1.725210>.
- ¹⁷ Ibid.
- ¹⁸ Malakieh 2018; Jonny Wakefield, “Edmonton Remand Centre: Five Years In, Critics Question Value Of Super-Sized Jail,” *Edmonton Journal*, April 15, 2018, <https://edmontonjournal.com/news/crime/edmonton-remand-centre-five-years-in-critics-question-value-of-super-sized-jail>; Jonny Wakefield, “'Disgusting': 72% of Alberta Inmates Haven't Been Convicted of Crimes — The Highest Proportion in Canada,” *Edmonton Journal*, June 20, 2018, <https://edmontonjournal.com/news/local-news/seven-out-of-10-alberta-prisoners-havent-been-found-guilty-of-a-crime-the-highest-proportion-in-canada>.
- ¹⁹ Forum on Corrections Research, “Direct Versus Indirect Supervision in Correctional Institutions,” Correctional Service Canada, Date Modified: 2015-03-05, <https://www.csc-scc.gc.ca/research/forum/e032/e032d-eng.shtml>.
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- ²¹ Jason Demers, *Warehousing Prisoners in Saskatchewan: A Public Health Approach*, Canadian Centre for Policy Alternatives – Saskatchewan Office, September 2014, 5, https://www.policyalternatives.ca/sites/default/files/uploads/publications/Saskatchewan%20Office/2014/10/warehousing_prisoners_in_saskatchewan.pdf.
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- ²³ Ibid.
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- ²⁶ Mary McFadyen, *Ombudsman Saskatchewan Annual Report 2016*, Regina, SK: April 2017, 4-5, <https://www.ombudsman.sk.ca/uploads/document/files/omb-ar-2016-en.pdf>.
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- ²⁸ Ibid, 5.
- ²⁹ Ibid.
- ³⁰ Ibid.
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- ³² David Giles, “Report Blames CSC For Deadly Saskatchewan Penitentiary Riot,” *Global News*, November 1, 2017, <https://globalnews.ca/news/3836539/saskatchewan-penitentiary-riot-ivan-zinger-correctional-service-canada-food-cells/>.
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- ³⁶ Ibid, 245-246.
- ³⁷ Ibid, 247.
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