

Chapter 28

Justice – Planning for Inmate Capacity of Adult Correctional Facilities

1.0 MAIN POINTS

Over the past 10 years, Saskatchewan’s adult inmate population has grown by 51%, mainly due to a 104% increase in the number of inmates on remand. This significant growth creates challenges in planning facility capacity for housing and rehabilitating adult inmates. At July 2016, the Ministry of Justice (Justice) had 12 adult correctional facilities.

Inmate facility capacity planning must consider space that inmates require for both living and rehabilitation programming at the present and in the future. Inmate facility capacity planning is complex and involves a large number of parties. Poor facility capacity planning can lead to using public funds inefficiently or operating over the capacity of the correctional facilities. Operating over the capacity of the facilities may result in unsafe or inhumane conditions for inmates or correctional officers, or ineffective rehabilitation of inmates.

This chapter reports the results of our audit of Justice’s processes to plan for inmate capacity of provincial adult correctional facilities. For the 12-month period ended July 15, 2016, Justice had, other than the following, effective processes. Justice needs to:

- › Establish written guidance for use in facility capacity planning. Written guidance supports a co-ordinated approach that makes expectations clear and sustains the planning process.
- › Define how it will determine the inmate capacity of its existing adult correctional facilities to guide facility capacity planning decisions. Clear processes to determine existing inmate capacity of correctional facilities would facilitate effective decisions about utilization, modification, or construction of facilities.
- › Promptly forecast demand for rehabilitation program space, and complete its analysis of alternatives to meet needs for adult correctional facility inmate living and program space. Saskatchewan’s growing adult inmate population increases the need for Justice to forecast demand and complete its analysis of alternatives as soon as possible.

To determine the need for rehabilitation program space, Justice requires forecasts of demand for rehabilitation programs, including the nature and extent of these programs. Analysis of alternatives, including those that do not involve major construction or renovation of facilities, provide a foundation for developing long-term strategies to plan for inmate capacity in its facilities.

- › Regularly update written contingency plans to meet unexpected changes in demand for inmate living and program space. Written plans would help ensure Justice provides inmates with adequate housing and required rehabilitation programming.
- › Develop a written long-term plan to manage inmate capacity in its adult correctional facilities. Such a plan would help Justice have the right space to provide adequate housing and rehabilitation programming to adult inmates at the right time. In



addition, it would reduce the risk of incurring unnecessary operational or construction costs.

2.0 INTRODUCTION

Justice is responsible for promoting safe and secure communities and providing supervision and rehabilitation services for adult **offenders** (including adult inmates – see **Section 2.1** for definition of inmates).¹ Under *The Correctional Services Act, 2012* (Act),² it is responsible for:

- › Establishing, administrating, maintaining, and operating correctional facilities
- › Co-ordinating, developing, implementing, and promoting policies and programs with respect to correctional facilities and correctional services
- › Providing correctional services and programs including the assessment, supervision, treatment, training, control, custody, rehabilitation, or reintegration of inmates³

Under the Act, the guiding principles Justice must apply in carrying out its responsibilities include:

- › The safety of the public be enhanced by addressing the needs and circumstances of offenders through programs and services designed to promote the rehabilitation and reintegration of offenders into the community
- › Offenders be subject to the least restrictive measures consistent with the protection of the public, staff members, and other offenders
- › Offenders be entitled to fair treatment
- › Correctional policies, practices, programs, and services be respectful of gender, ethnic, cultural, and linguistic differences and be responsive to the particular needs of women, as well as the needs of other groups of offenders with special requirements⁴

See **Glossary** in **Section 6.0** for definition of terms in **bold** font.⁵

2.1 Defining Adult Inmates

Adult⁶ inmates are either:

- › Sentenced to imprisonment in an adult correctional facility for a term of less than two years⁷ (i.e., sentenced inmates).

¹ Ministry of Justice, *Annual Report for 2015-16*, p. 3.

² *The Correctional Services Act, 2012* has regulations—*The Correctional Services Regulations, 2013*.

³ *The Correctional Services Act, 2012*, s. 4(2).

⁴ *The Correctional Services Act, 2012*, s. 3.

⁵ The term is in bold font where it is used for the first time in this chapter.

⁶ Adults are individuals of 18 years of age or older.

⁷ *Criminal Code*, s. 743.1 (3).

- Lawfully detained (e.g., arrested) or confined and are awaiting trial or sentencing by the courts (i.e., inmates on **remand**).⁸ The length of time in which an inmate is on remand can vary significantly (from a few days to several years) and is not easily predictable. The length of time on remand depends upon timing of court appearances, trials, and decisions of the judicial system (e.g., courts).

2.2 Types of Adult Correctional Facilities

Saskatchewan uses its adult correctional facilities to house inmates and provide them with **rehabilitation programming** (e.g., effective decision making, drug and alcohol treatment) aimed at reducing reoffending and preparing inmates to reintegrate back into their communities.⁹

Justice has two types of correctional facilities for adult inmates¹⁰—**secure-custody facilities** and **reduced-custody facilities**. Its 12 facilities are located throughout the province.

Secure-custody facilities are designed to restrict and monitor the movements and activities of inmates, while supporting the delivery of rehabilitation programs. Reduced-custody facilities accommodate sentenced inmates who are low risk and can leave the facilities to attend programming in the community (e.g., education, employment) designed to help the inmates reintegrate into society.

At July 15, 2016, as shown in **Section 5.0**, Justice had five secure-custody facilities (three for men, two for women) comprised of four provincial correctional centres and one remand unit; and seven reduced-custody facilities (six for men, one for women) comprised of one community correctional centre, five training residences, and one camp.¹¹

2.3 Spending on Adult Correctional Services

Each year, Justice spends about \$100 million on adult inmates in its correctional facilities.¹² In 2016-17, Justice budgeted \$6.6 million (2015-16 actual: \$4.5 million)¹³ for capital projects for adult correctional facilities. This does not include the Saskatchewan Hospital North Battleford – Integrated Correctional Facility that Justice will share with the Ministry of Health. This integrated facility will include 96 secure-custody beds for offenders living with mental health issues.

Correctional facilities are expensive to build and operate. In 2014-15, Justice paid, on average, \$166 per day per inmate (e.g., \$60 thousand per year per inmate) to operate its correctional facilities.¹⁴ This does not include the cost to build the correctional facility.

⁸ *The Correctional Services Act*, 2012, s.2 (p).

⁹ Ministry of Justice, *Annual Report for 2015-16*, p. 6.

¹⁰ Under the *Federal Young Offenders Act*, some youths may be held in the adult correctional facility system. Generally, under the *Youth Justice Administration Act*, youths in custody are to be held separate and apart from any adult held in custody.

¹¹ Saskatchewan also has one federal penitentiary in Prince Albert—a secure-custody facility operated by Correctional Service Canada (the Government of Canada). Federal penitentiaries are for offenders sentenced to terms exceeding two years.

¹² statcan.gc.ca/pub/85-002-x/2015001/article/14163/tbl/tbl05-eng.htm (16 May 2016).

¹³ Source: Ministry of Justice.

¹⁴ www5.statcan.gc.ca/cansim/a26?lang=eng&retrLang=eng&id=2510018&&pattern=&stByVal=1&p1=1&p2=35&tabMode=dat aTable&csid (6 October 2016).

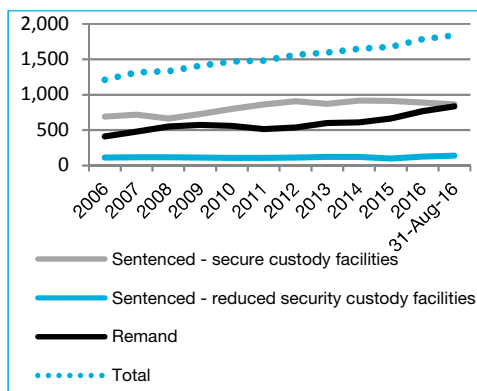


2.4 A Growing Adult Inmate Population

In 2015-16, Saskatchewan had on average 1,786 adult inmates (of which 769 were on remand—43%).¹⁵ Saskatchewan’s adult inmate population fluctuates. At August 31, 2016, the year-to-date average was 1,839 adult inmates (of which 839 were on remand—46%).

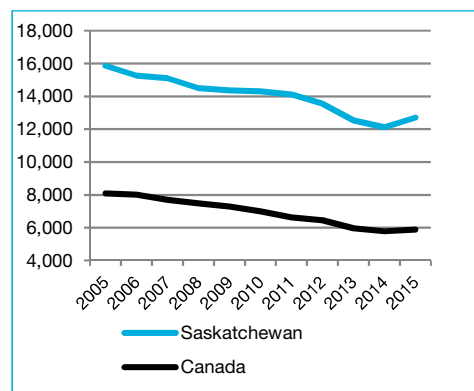
As shown in **Figure 1**, over the past 10 years, the number of adult inmates in Saskatchewan increased by about 51%. This increase is mainly due to a 104% increase in the number of inmates on remand over this period (as compared to a 25% increase in the number of sentenced inmates).

Figure 1—Average Counts of Adult Inmates in Saskatchewan Provincial Adult Correctional Facilities at March 31



Source: Justice’s Criminal Justice Information Management System.

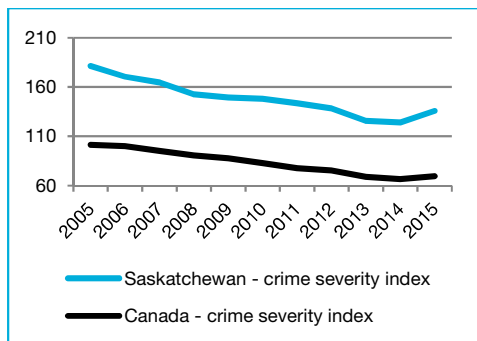
Figure 2—Crime rate trends in Saskatchewan Compared to Canada at December 31 (per 100,000 population)



Source: Statistics Canada.

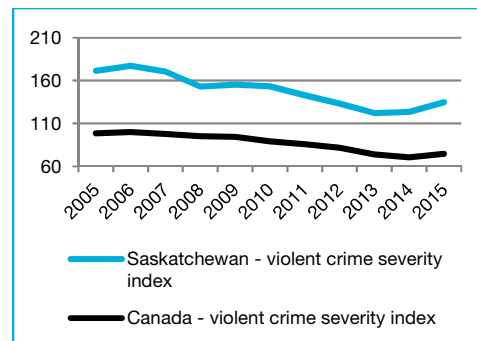
Over the past 10 years, Saskatchewan’s crime rates have generally declined as shown in **Figure 2**. In 2015, Saskatchewan had the highest crime rate among the provinces, at more than double the national rate. It also had the highest crime severity¹⁶ and second highest violent crime severity¹⁷ indices among the provinces (see **Figures 3** and **4**).

Figure 3—Crime Severity in Saskatchewan Compared to Canada



Source: Statistics Canada.

Figure 4—Violent Crime Severity in Saskatchewan Compared to Canada



Source: Statistics Canada.

¹⁵ April 1 to March 31.

¹⁶ The crime severity index measures changes in the level of severity of police reported crime in Canada from year to year. It includes all Criminal Code violations including traffic, as well as drug violations and all Federal Statutes. In the index, all crimes are assigned a weight based on their seriousness. More serious crimes are assigned higher weights, and less serious offences lower weights.

¹⁷ The violent crime severity index measures changes in the level of severity of violent crime reported in Canada from year to year. It includes all Incident-Based Uniform Crime Reporting Survey violent violations.

The current growth in inmate population is contrary to declines in Saskatchewan's crime rates.

In 2014-15, Saskatchewan's adult incarceration rate¹⁸ of 195/100,000 adult population was more than twice the average rate of other provinces and territories (i.e., 85/100,000), and more than three times that of Canada's federal facilities (i.e., 53/100,000).^{19, 20}

2.5 Crowding in Saskatchewan Correctional Facilities

As the Saskatchewan Ombudsman Office highlighted in 2011, Saskatchewan is experiencing problems with crowding in Saskatchewan's correctional facilities. It reported that in addition to being places of security and punishment, correctional facilities are meant to be places of rehabilitation that better prepare inmates to be contributing members of society upon release.²¹ As such, these facilities must have enough space to house inmates, as well as rehabilitate sentenced inmates.

Adult correctional facilities operating over their capacity can:

- › Increase risks of violence and illness for inmates
- › Make separating incompatible inmates (e.g., gang members) challenging
- › Reduce space for rehabilitation programming (e.g., converting rehabilitation or fitness space to bed space for inmates), which in turn may hinder efforts to reduce reoffending
- › Cause workplace hazards and stress for corrections staff (e.g., increase tension and risk of conflict between inmates and staff)^{22, 23}

Given the potential consequences and risks to adult inmates, corrections staff, and society from operating over facility capacity, Justice must actively plan for changes in the inmate population and its impact on the correctional facilities.

Effective planning for inmate capacity of adult correctional facilities includes investigating capital and non-capital alternatives (e.g., reducing the inmate population, reorganizing space, innovating ways to classify and separate inmates). Effective planning with a longer-term view allows sufficient time to seek approval to modify, expand, or construct facilities when necessary.

3.0 AUDIT OBJECTIVE, SCOPE, CRITERIA, AND CONCLUSION

The objective of this audit is to assess the effectiveness of the Ministry of Justice's processes to plan for inmate capacity of provincial adult correctional facilities for the 12-month period ended July 15, 2016. The audit does not include correctional facilities for

¹⁸ Adult incarceration rate is the average number of adults in custody (sentenced custody, remand and other temporary detention) per day for every 100,000 adults in the population.

¹⁹ statcan.gc.ca/pub/85-002-x/2016001/article/14318-eng.htm (12 October 2016).

²⁰ 2015-16 statistics were not available at July 15, 2016.

²¹ ombudsman.sk.ca/uploads/document/files/omb-ar-2011-en.pdf, p. 3. (16 May 2016).

²² Auditor General of British Columbia. *An Audit of the Adult Custody Division's Correctional Facilities and Programs*, (2015), p. 13.

²³ ombudsman.sk.ca/uploads/document/files/omb-ar-2011-en.pdf (16 May 2016).



young offenders. We also did not examine police or judicial decisions to incarcerate adult inmates.

To conduct this audit, we followed the standards for assurance engagements published in the *CPA Canada Handbook – Assurance*. To evaluate Justice’s processes, we used criteria based on our related work, reviews of literature including reports of other auditors, and consultations with management. Justice’s management agreed with the criteria (see **Figure 5**).

We examined Justice’s policies and procedures that relate to planning for inmate capacity of adult correctional facilities. We also assessed its facility studies and work to develop strategies for managing facility inmate capacity (e.g., program review charter, terms of reference, draft work plan). We visited selected correctional facilities. We interviewed management and employees in Justice’s central office and correctional facilities.

Figure 5—Audit Criteria

Processes to:
1. Determine demand for correctional facility space
1.1 Determine existing inmate capacity of correctional facilities
1.2 Forecast demand for correctional facilities (e.g., short, medium, long term; sentenced, remand; male, female; housing, rehabilitation programming, administration)
1.3 Analyze the gap between existing capacity and forecasted demand
2. Prioritize needs for space at correctional facilities
2.1 Determine needs for space using gap analysis
2.2 Analyze alternatives to meet needs for space (e.g., reorganization of programs, use of external programs, renovation/expansion)
2.3 Select correctional facility space priorities
2.4 Confirm priorities with key stakeholders (e.g., government, public, First Nations)
3. Develop a long-term correctional facility inmate capacity plan
3.1 Plan strategies for meeting needs and unexpected changes in demand
3.2 Identify resources to implement planned strategies (e.g., financial, human resource)

We concluded that for the 12-month period ended July 15, 2016, the Ministry of Justice had, other than the following, effective processes to plan for inmate capacity of provincial adult correctional facilities. Justice needs to:

- › Establish written guidance for use in facility capacity planning**
- › Define how it will determine the inmate capacity of its existing adult correctional facilities to guide facility capacity planning decisions**
- › Promptly forecast demand for rehabilitation program space, and complete its analysis of alternatives to meet needs for adult correctional facility inmate living and program space**
- › Regularly update written contingency plans to meet unexpected changes in demand for inmate living and program space**
- › Develop a written long-term plan to manage inmate capacity in its adult correctional facilities**

4.0 KEY FINDINGS AND RECOMMENDATIONS

In this section, we set out our key findings along with related recommendations.

4.1 Written Guidance for Long-Term Facility Capacity Planning and Overall Plan Needed

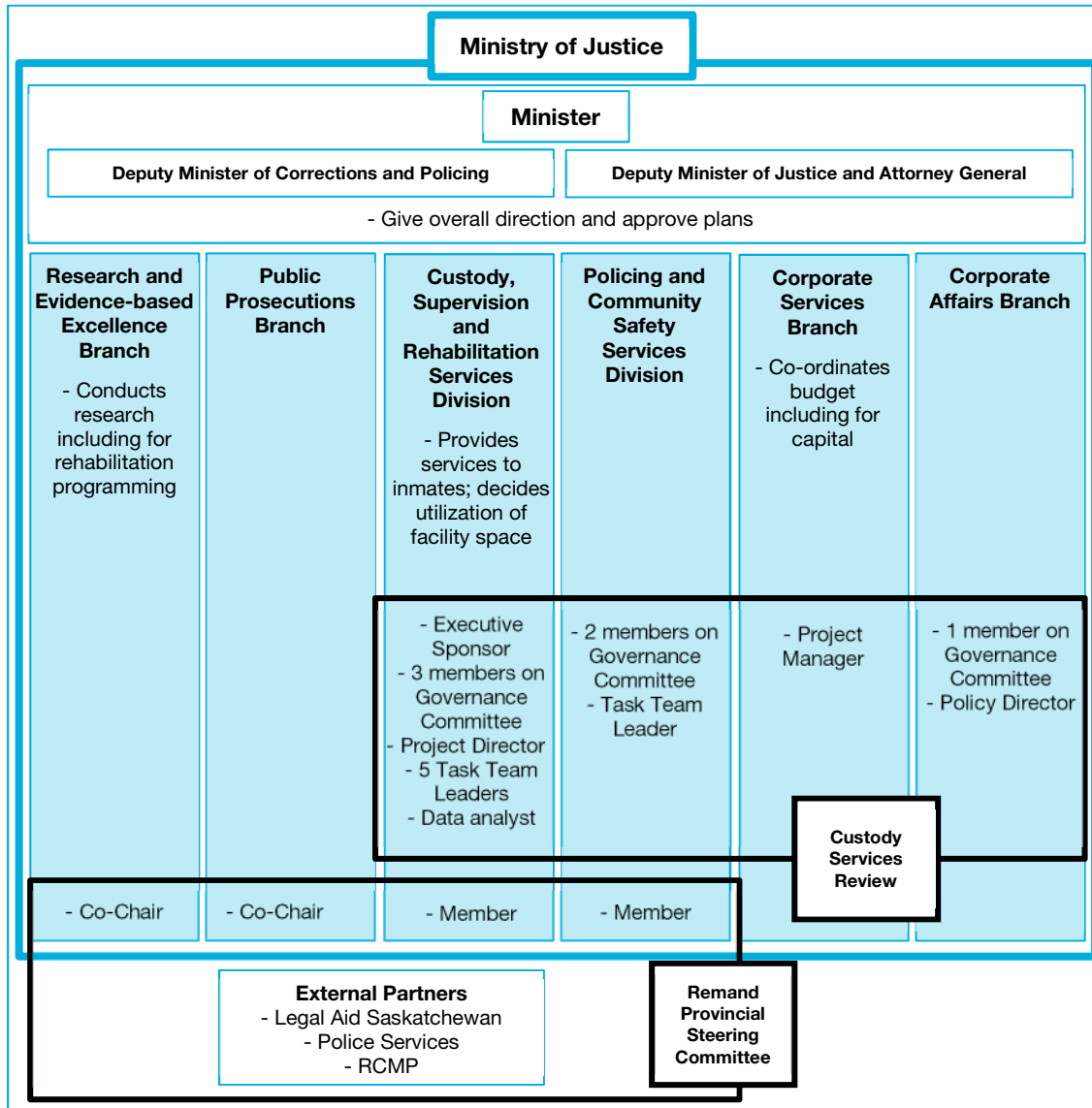
Facility capacity planning is the process of determining the number of inmates a facility can effectively house and rehabilitate and responding to changing demands. Capacity planning involves a long-term view given building and operating facilities require, a long-term commitment of resources.

Planning for inmate capacity of correctional facilities is complex. It is particularly complex because:

- 】 The nature, type, and location of correctional facilities needed depend upon the desired direction of correctional services. Justice’s 2016-17 Mission Statement indicates its programs and services include providing offender management that promotes public safety and rehabilitation, and strategies that reflect the cultural and demographic realities of the province.²⁴ In addition, as noted in **Section 2.0**, laws set out guiding principles that Justice must apply when delivering correctional services to inmates.
- 】 Justice cannot directly control the inflow and outflow of inmates into and out of its facilities. Inmates are either offenders sentenced to serve their sentences in correctional facilities or inmates on remand. Justice can work with its partners (see **Figure 6**) to support means other than incarceration to fulfil sentencing requirements (e.g., Building Partnerships initiative).²⁵ These are often referred to as non-capital alternatives.
- 】 It involves co-ordination of the direction and activities of many of its branches with diverse responsibilities—Justice has made its Custody, Supervision and Rehabilitation Services Division responsible for day-to-day decisions about the use of correctional facility space, including how much space to make available for rehabilitation programming. Its Research and Evidence-based Excellence Branch researches the rehabilitation programming for delivery in correctional facilities; the nature and extent of rehabilitation programming drives the need for facility programming space. See **Figure 6**.
- 】 It involves co-ordinating and aligning its efforts with external partners (e.g., police services, Saskatchewan Legal Aid, health agencies, First Nations and Métis organizations). See **Figure 6**.
- 】 It involves alignment with the Government’s priorities—it must work with central agencies (e.g., SaskBuilds and Ministry of Finance) on its long-term capital plans and to obtain resources.

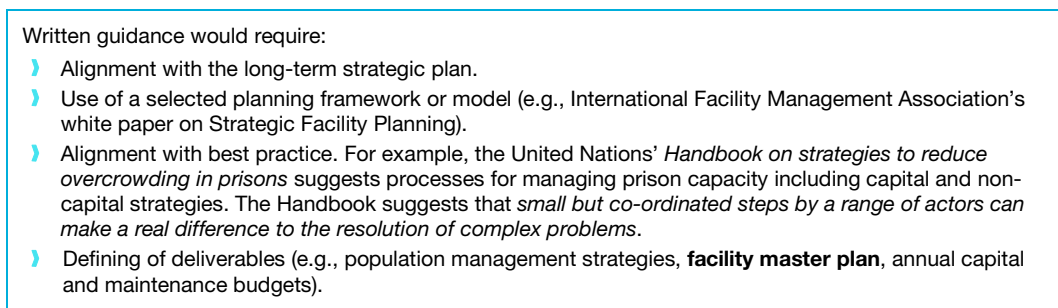
²⁴ finance.gov.sk.ca/PlanningAndReporting/2016-17/JusticePlan1617PRINT.pdf (6 October 2016).

²⁵ Provincial Auditor of Saskatchewan, *2016 Report – Volume 1*, Chapter 10.

**Figure 6—Stakeholders Involved in Correctional Facility Capacity Planning**

Source: Provincial Auditor Saskatchewan (2016).

We found Justice was carrying out various correctional facility capacity planning activities to respond to the growth in Saskatchewan's adult inmate population without the benefit of written guidance. **Figure 7** describes the general content of written guidance for effective facility capacity planning.

Figure 7—General Content of Written Guidance for Effective Facility Capacity Planning

- › Setting and assigning of roles and responsibilities.
- › Involvement of stakeholders (e.g., Legal Aid, police services, community).
- › Regular updates (e.g., annual review as part of budget submission, five-year strategic refresh).

Source: Provincial Auditor Saskatchewan (2016).

Written guidance for facility capacity planning supports a co-ordinated approach that makes expectations clear and sustains the planning process. Written guidance is particularly important when planning involves a large number of parties and is complex. Without written guidance to plan space in its correctional facilities, Justice may not complete timely and effective capacity plans for delivering services in its adult correctional facilities.

1. We recommend that the Ministry of Justice establish written guidance for use in planning capacity for delivering correctional services and programs to inmates in its adult correctional facilities.

Management advised us that Justice used its executive committee to lead its facility capacity planning activities across the Ministry. It used its strategic plan to guide this planning and prepared capital plans following the Government's annual budget process.

In addition to projects and initiatives noted in **Figure 8**, Justice had:

- › The Custody Services Review—the Review is to include work to help determine factors driving growth in inmate populations and develop strategies to reduce or address this growth. It involves Justice staff from four branches (see **Figure 6**), acting in various governance, leadership, and other roles.
- › The Remand Provincial Steering Committee—the Committee is to identify remand strategies. It is co-chaired by two branches of Justice, and includes members from across Justice and its external partners (see **Figure 6**).

Figure 8—Recent and Planned Correctional Facility-Related Projects or Initiatives

During the past few years, Justice started or completed several projects related to inmate capacity planning, including:

- › In October 2013, Justice completed construction of a \$13.2 million 36-cell (72-bed) unit in its Pine Grove Provincial Correctional Centre.^A This is a cost of about \$183 thousand per inmate (including common places for living and rehabilitation programming).
- › In April 2014, the Government announced its plans to build a new Saskatchewan Hospital North Battleford – Integrated Correctional Facility at a cost \$407 million including financing and 30-year maintenance agreement. Construction commenced in 2015 and the facility is expected to open in 2018. It is to include 96 secure-custody beds for male and female offenders living with mental health issues.^B
- › In October 2014, Justice completed a study of its inmate correctional facilities (2014 Facility Study). The Study included recommendations for a facility master plan (i.e., schedule of capital projects including estimated construction costs and timing to expand facilities to meet demand), correctional facility unit staffing levels, and various facility planning practices. Justice did not accept the recommended facility master plan in its entirety due to the significant capital investment required (\$341 million over ten years). It has implemented some parts of the plan (e.g., conversion of Orcadia Youth Residence into a low-security adult facility [White Spruce Training Centre]).
- › In October 2015, Justice completed construction of a \$21.2 million 72-cell (144-bed) unit in its Prince Albert Provincial Correctional Centre.^A This is a cost of about \$147 thousand per inmate (including common places for living and rehabilitation programming).
- › In 2016-17, Justice plans to complete the first of two phases to replace the kitchen at the Prince Albert Provincial Correctional Centre. It expects this project will address occupational health and safety concerns, health code violations, and structural degradation.^C



In addition to new construction, Justice moved to using **double bunking** in all correctional centres, and converted rehabilitation program space to dormitories. Justice also temporarily used other spaces (e.g., visiting areas) to accommodate inmates when available bed space could not keep up with demand.

Source: Provincial Auditor of Saskatchewan (2016).

^a Ministry financial records.

^b www.saskbuilds.ca/projects/Saskatchewan%20Hospital%20North%20Battleford.html (6 October 2016).

^c www.finance.gov.sk.ca/PlanningAndReporting/2016-17/JusticePlan1617PRINT.pdf (6 October 2016).

We found it was not clear how these projects and initiatives aligned with Justice's guiding principles (e.g., least restrictive measures, promotion of rehabilitation). In addition, although Justice had been working to address the growth in the inmate population for several years, at July 15, 2016, it did not have an overall facility capacity plan to provide overall direction for its various activities.

Justice employees advised us that the increase in adult inmate populations has led to increased issues and incidents (e.g., disturbances resulting in property damage, hunger strikes, in-custody deaths, escape attempts). They also noted that they spent more time addressing daily demands, rather than thinking about and co-ordinating strategic solutions to manage inmate capacity at the adult correctional facilities.

See **Recommendation 6** about the need for a **long-term plan** to manage inmate capacity in its adult correctional facilities.

4.2 Definition of Inmate Capacity Needed

Justice had not determined the number of inmates that its existing correctional facilities can effectively house and rehabilitate (i.e., inmate capacity). As a result, Justice could not calculate if it was operating within its inmate capacity.

Justice tracked the number of beds available in each facility, and monitored bed utilization using reports from its Criminal Justice Information Management System (CJIMS). As shown in **Section 5.0**, at August 31, 2016, Justice had operational bed capacity of 2,005 comprised of 1,858 beds in secure-custody facilities and 147 beds in reduced-custody facilities. Operational bed capacity reflects the number of permanent beds located in cells and other areas within correctional facilities. It does not necessarily equate to inmate capacity.

The amount of space required for an inmate can vary depending on a variety of factors. These include condition of the building, amount of time inmates spend in the sleeping area, number of inmates in that area, ventilation and light, facilities and services available, and extent of supervision available. These factors increase the complexity of setting minimum space standards (e.g., living, program, fitness).

There is no internationally accepted standard for living and program space for an inmate. Europe has set minimum standards for living space.²⁶ Also, the International Committee of the Red Cross has recommended technical standards for space,²⁷ but it does not consider these to be minimum standards.²⁸

²⁶ www.cpt.coe.int/en/working-documents/cpt-inf-2015-44-eng.pdf (24 October 2016).

²⁷ icrc.org/eng/assets/files/other/icrc-002-0823.pdf (24 October 2016).

²⁸ icrc.org/eng/assets/files/publications/icrc-002-4083.pdf, p. 10 (24 October 2016).

Justice has not set standards for living and program space.²⁹ Instead it relies on architects to design correctional facility space based on practices of the time. Over time, correctional practice has evolved (e.g., new rehabilitation strategies and programs, shift to **direct supervision**),³⁰ resulting in the use of a variety of different designs for Justice's correctional facilities and space allocations for inmates.

Justice had information about the original design of its adult correctional facilities and the design of its major construction projects that expanded those facilities; this information included inmate capacity.

From time to time, Justice hires outside experts to help it approximate the existing inmate capacity of its facilities. For example, in 2014, Justice hired consultants with expertise in corrections planning, architecture, and engineering to review the existing facilities against the evolving system needs. These consultants used information about original facility design and expansions and rehabilitation programming to approximate the existing inmate capacity of the facilities. In 2014, Justice estimated that its facilities could handle 1,653 inmates comprised of 1,583 beds in secure-custody facilities and 70 beds in reduced-custody facilities.

In their study (i.e., 2014 Facility Study), the consultants recommended Justice develop a range of space standards (living and program) and functional guidelines for use in facilities planning. As of July 15, 2016, Justice had not done so.

In addition, the 2014 Facility Study identified concerns with Justice's practice of converting program space to living space (i.e., dormitories) for inmates. Justice advised us that it converted space to provide beds for the increasing inmate population, in particular increases of inmates on remand.

As reflected in **Figure 8**, since the 2014 Facility Study, Justice's correctional facilities have been expanded, and it has continued with double bunking and converting rehabilitation space into dormitories without the use of minimum space standards. During our visits of correctional facilities, corrections staff highlighted concerns with space to deliver rehabilitation services to inmates.

Conversion of program space to living space for inmates on remand directly impacts space available to rehabilitate sentenced inmates.³¹ Thus, as the number of inmates on remand grows, the space available to deliver required rehabilitation programming to sentenced inmates is shrinking.

Not defining the existing inmate capacity of its adult correctional facilities increases the risk that Justice may not make effective decisions about utilization, modification, or construction of facilities. It may result in inmates in different facilities having differing and insufficient space available for living and programs. Poor facility decisions could

²⁹ Justice follows the *Standard Minimum Rules for the Treatment of Prisoners* published by the United Nations, but these rules do not set standards for living or program space. The United Nations is an international organization formed to increase political and economic co-operation among member countries. It works on economic and social development programs, improving human rights, and reducing global conflicts. It has 193 Member States, including Canada.

³⁰ Direct supervision is a method of supervising inmates where corrections staff are in the living unit to enable continuous, direct personal interaction with inmates. **Indirect supervision** is a method of supervising inmates where corrections staff monitor inmate living areas from enclosed areas outside of the living units. Justice uses direct supervision in its facilities, although this is done through modified processes in facilities that were designed for indirect supervision (e.g., door to enclosed area is left open so staff can interact continuously with inmates).

³¹ Rehabilitation programming is primarily focused on sentenced inmates because they are in the correctional facilities long enough to allow for completion of the programs.



potentially result in inhumane or unsafe conditions for inmates or correctional officers, ineffective rehabilitation of inmates, or inefficient use of public funding.

- 2. We recommend that the Ministry of Justice define how it will determine the inmate capacity of its existing adult correctional facilities to guide facility capacity planning decisions.**

4.3 Inmate Growth Forecasted and Monitored

Justice forecasted growth in inmate counts.

The 2014 Facility Study analyzed 10-year inmate trends and forecasted inmate populations for 2014, 2018, 2023, and 2028. The forecasts considered trends related to demographics, courts, crime rates, and arrest rates. Consistent with the past 10-year trends, the Study forecasted continued growth in inmate populations with faster growth of inmates in remand than sentenced inmates. The Study did not analyze the reasons for estimated increases in remand populations. As shown in **Section 5.0**, the Study forecasted inmate populations would exceed 2,000 by 2018.

Since 2014, Justice has monitored the accuracy of these forecasts. It has found they are generally accurate.

4.4 Rehabilitation Program Demand Not Forecasted

Justice did not forecast demand for rehabilitation programs and related facility space.

The 2014 Facility Study did not forecast demand for rehabilitation programs, other than vocational and job skills training.

Justice maintained information about rehabilitation programs currently offered in its facilities and mental health treatment programs it expects to offer at the Saskatchewan Hospital North Battleford – Integrated Correctional Facility to adult male and female offenders. At July 2016, Justice had not identified further changes it planned to make, on an overall or by facility basis, to its current rehabilitation programs and related facility space requirements to address future needs and to make sure its programming aligned with its guiding principle—having programs and services designed to promote the rehabilitation and reintegration of inmates into the community.

During our visits of correctional facilities, corrections staff expressed concern about the impact of crowding on rehabilitation programs. In addition, they noted that rehabilitation needs are changing as the profile of the average inmate changes (e.g., inmates are more likely to be younger, on remand, have gang associations, and have significant mental health issues).

Inmate capacity planning must consider space required for rehabilitation programming at the present and in the future. To determine program space, Justice requires forecasts of demand for rehabilitation programs. To do this, it must first determine the nature and extent of programs it plans to deliver. Not having timely forecasts of demand for

rehabilitation programs increases the risk that Justice may not have sufficient and adequate space when needed to rehabilitate inmates.

3. We recommend that the Ministry of Justice promptly forecast demand for rehabilitation program space in its adult correctional facilities.

4.5 Analysis of Alternatives Incomplete

Justice had not completed its analysis of alternatives or developed strategies to meet needs for inmate living and program space in its adult correctional facilities.

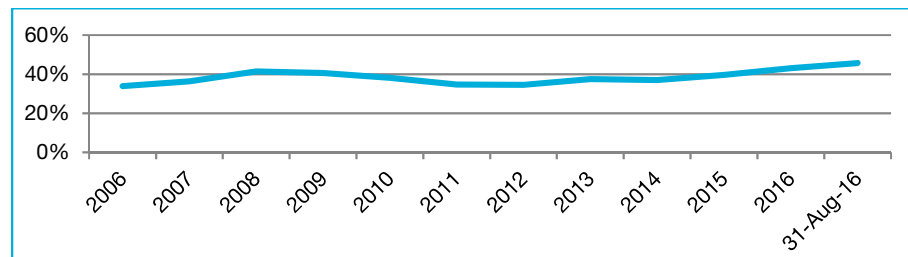
Because Justice had not estimated its demand for rehabilitation space, it had not formally determined whether it has sufficient and suitable space for rehabilitation programs. It was aware of concerns expressed by correctional facility staff about current space available to deliver rehabilitation programs.

With respect to living space, through the 2014 Facility Study, Justice identified a gap between its then estimated facility capacity and forecasted demand for inmate living space. The Study noted the length of stay for most inmates on remand was relatively short (e.g., less than 30 days). It suggested capital options to address the gap for inmate living space, and estimated the cost and impact on capacity.

As shown in **Section 5.0**, in 2014, Justice's facilities were designed for 1,395 beds. Through initiatives such as a 144-bed expansion at the Prince Albert Correctional Facility, double bunking, and conversion of a youth facility into an adult facility and space, Justice had an operational bed capacity of 2,005 at August 31, 2016.

Since 2014, Justice has been analyzing alternate strategies to meet needs for inmate space including those made in the 2014 Facility Study. At July 2016, it had not completed its analysis of these alternatives. It has focused its analysis on understanding the reasons for the growth in the remand population and strategies to address those increases. In 2016, Justice has partnered with the University of Regina to assist with remand data models and analysis (e.g., forecasting remand trends).

Figure 9—Percentage of Remand as Compared to Sentenced Population, at March 31 of Each Year



Source: Criminal Justice Information Management System.



Justice's 2015-16 remand analysis indicated:

- › As shown in **Figure 9**, the percentage of inmates on remand is significant as compared to sentenced inmates (i.e., in 2015-16, was on average 43%) and is forecasted to increase.
- › Other provinces are also experiencing large increases in their populations of inmates on remand (e.g., inmates on remand make up over 60% of the total inmate populations in Manitoba and Ontario).³²
- › On average, an inmate on remand costs nearly double that of a sentenced inmate.³³ As previously noted in **Section 2.3**, each inmate costs an average of \$166 per day.³⁴
- › 58% of inmates on remand are released within two weeks, and 70% within 31 days. Management advised us that when inmates are released from remand within a shorter period, it indicates that the courts did not find the inmate to be high risk.
- › Timing of court proceedings impact the length of time inmates are on remand; an inmate arrested on a Friday is often on remand until the middle to end of the following week because courts do not operate over the weekend.
- › The few³⁵ inmates on long-term remand (i.e., greater than two years)³⁶ account for significantly more **bed days** during their total time in the correctional centres as compared to the large number of inmates annually on short-term remand (i.e., less than one week).

At July 15, 2016, Justice was starting to use its remand analysis to develop strategies to reduce the inmate on remand population. It recognized that reducing the inmates on remand population could make more space available for sentenced inmates.

Justice was also developing plans to review its population management and inmate classification processes to help it develop strategies to better manage inmate capacity. For example, it noted initiatives to divert lower-risk sentenced inmates and inmates on remand to community supervision could reduce the future inmate population (e.g., non-capital alternatives).

During our visits of adult correctional facilities, we observed that in addition to double bunking, Justice sometimes housed inmates in program and other (e.g., visiting) areas when it did not have sufficient beds to meet capacity. We noted some of these areas did not have washroom facilities, requiring correctional officers to escort an inmate to use the washroom. Such arrangements require additional correctional workers' time.

Analysis of alternatives, including those that do not involve major construction or renovation of facilities, provide a foundation for developing long-term strategies to plan for inmate capacity in its facilities. The current situation increases the need for Justice to

³² www5.statcan.gc.ca/cansim/a26?lang=eng&retrLang=eng&id=2510005&&pattern=&stByVal=1&p1=1&p2=35&tabMode=dat aTable&csid= (3 October 2016).

³³ Justice noted inmates on remand require frequent transport between facilities and the courts for court appearances and trials.

³⁴ www5.statcan.gc.ca/cansim/a26?lang=eng&retrLang=eng&id=2510018&&pattern=&stByVal=1&p1=1&p2=35&tabMode=dat aTable&csid= (6 October 2016).

³⁵ The number of inmates on long-term remand can fluctuate as inmates reach two years on remand, are released, or sentenced to federal penitentiaries. At July 15, 2016, 27 inmates in Justice's correctional facilities had served two years or more on remand.

³⁶ Inmates can generally be sentenced to a provincial correctional facility for a maximum of two years less one day. There is no time limit for remand. Generally offenders who serve more than two years in remand, if found guilty, will be sentenced to a federal penitentiary.

complete its analysis of alternatives as soon as possible. Without timely and effective analysis of alternatives for planning facility capacity, Justice is at greater risk of spending public resources that address issues only on a short-term basis (e.g., renovations to convert space) and are not sustainable over the long term (e.g., double bunking).

- 4. We recommend that the Ministry of Justice promptly complete its analysis of alternatives to meet needs for adult correctional facility space, including those alternatives that do not require major construction or renovation of the facilities.**

We found during our audit that Justice was recommending capital projects to renovate and expand correctional facilities (see **Figure 8** for recent planned capital projects) without an overall facility capacity plan. Rather, for prioritizing capital projects it recommended for consideration and approval for 2016-17, Justice used criteria (e.g., scope of economic impact [community, region, provincial], social impact [improving quality of life]) set centrally in the Government.³⁷ At this time, the centralized process did not require Justice to confirm its priority needs for additional correctional facility space with its key partners. See **Recommendation 6** about the need for a long-term overall plan to manage inmate capacity in its adult correctional facilities.

4.6 Facility Contingency Plans Incomplete and Not Centrally Reviewed

Justice did not have documented or centrally co-ordinated plans designed to address unexpected temporary changes in demand in inmate space (i.e., contingency plans) for all of its correctional facilities.

We found it reasonable that Justice did not have contingency plans for reduced-custody facilities. Justice used an application process to select, based on available space, inmates to transfer from secure-custody adult correctional centres to reduced-custody facilities.³⁸ Use of an application process helped Justice to operate the reduced-custody facilities within their capacity. We observed that Justice occasionally deferred applications because of lack of space in a reduced-custody facility. The application process helped it to manage available space.

For secure-custody facilities, Justice used weekly meetings with management of central office and secure-custody facilities to discuss inmate capacity concerns. This group discussed alternatives and made recommendations to address immediate shortages of beds.

For three of its four secure-custody adult correctional centres, Justice had written contingency plans. We found these plans were designed to address unexpected changes in demand for living space (e.g., beds in program rooms) without consideration of the impact on program space. The fourth secure-custody adult correctional centre did

³⁷ SaskBuilds is responsible for co-ordinating long-term infrastructure planning across the Government, including the Government's significant public-private partnership projects. It leads the development of the Government's integrated long-term infrastructure plan; it updates this plan annually to inform the development of the Government's summary budget.

³⁸ Inmates who are low risk may be transferred from secure-custody facilities to reduced-custody facilities in the communities as part of plans (e.g., education, employment) to help them reintegrate into society.



not have a written contingency plan. Correctional staff of that facility indicated they had informal contingency plans to manage unexpected changes in demand for living space.³⁹ We noted that facility was experiencing increased shortages of space.

Justice did not centrally review these contingency plans to identify inconsistencies in space prioritization, and ensure all facilities use acceptable or best practices.

We found strategies to address increases in demand varied between secure-custody facilities. For example, we found one secure-custody adult correctional centre converted its gym into a dormitory for inmates, while another centre used visiting rooms for beds as its staff cited the importance of preserving the gym space for inmates.

Without effective and written plans to address unexpected changes in demand, Justice increases the risk of inmates not being provided with adequate housing, or receiving required rehabilitation programming.

5. We recommend that the Ministry of Justice regularly update written contingency plans to meet unexpected changes in demand for living and program space in its secure-custody adult correctional facilities.

4.7 Long-Term Overall Facility Capacity Plan Needed

As noted in **Section 4.1**, Justice did not have an overall facility capacity plan designed to address long-term needs for space in its adult correctional facilities. At July 2016, Justice was developing plans based on its recent remand analysis (as noted in **Section 4.5**) and Custody Services Review (see **Section 4.1** for details). It expects these plans to identify selected strategies, work plans, and required resources for reducing inmates on remand and managing the sentenced inmate population. At July 15, 2016, it had not set timelines for completing the development of strategies.

Not having a written long-term plan to manage inmate capacity in its adult correctional facilities increases the risk that Justice may not have the right space to provide adequate housing and rehabilitation programming to adult inmates at the right time. Inadequate planning also increases the risk of incurring higher operational or construction costs than necessary.

6. We recommend that the Ministry of Justice develop a written long-term plan to manage inmate capacity in its adult correctional facilities.

³⁹ Management advised us that this was because the fourth facility had not experienced significant capacity issues until recent years. As shown in **Section 5.0**, all secure-custody facilities experienced significant capacity issues as of August 31, 2016.

5.0 BED COUNTS BY ADULT CORRECTIONAL FACILITY

Facility	Original Design Capacity ^A	Operational Bed Capacity ^B	Average Daily Count (Year-to-Date at August 31, 2016) ^C	Peak (April 1, 2015 to October 1, 2016) ^C	Peak Day ^C	Projected Need			
						2018 ^A	2023 ^A	2028 ^A	
Secure-Custody Facilities – Men									
Prince Albert Provincial Correctional Centre	260	484	458	484	10-Sep-16				
Regina Provincial Correctional Centre	460	764	640	700	12-Sep-16				
Saskatoon Provincial Correctional Centre	370	434	427	511	14-Aug-15				
Secure-Custody Facilities – Women									
Pine Grove Correctional Centre (Prince Albert)	130	158	162	192	29-Sep-16				
White Birch Remand Unit (Regina)	18 ^D	18	12	19	18-Sep-16				
Subtotal Secure-Custody Facilities	1,238	1,858	1,699			1,891	1,960	2,029	
Reduced-Custody Facilities – Men									
Buffalo Narrows Community Correctional Centre ^E	18	---	8	20	11-Nov-15				
Besnard Lake Correctional Camp	25	25	25	27	15-Jun-16				
Battlefords Community Correctional Centre	21	30	26	36	06-Jul-15				
Prince Albert Community Training Residence	12	10	10	20	18-Apr-16				
Regina Community Training Residence	12	12	13	20	18-May-16				
Saskatoon Community Training Residence	15	12	15	17	26-Mar-16				
White Spruce Training Centre	39 ^F	42	31	39	05-Apr-16				
Reduced-Custody Facilities – Women									
Saskatoon Community Training Residence	15	16	12	16	11-Jul-15				
Subtotal Reduced-Custody Facilities	157	147	140			183	190	196	
Total	1,395	2,005^G	1,839			2,074	2,150	2,225	

^A Source: Ministry of Justice 2014 Facility Study except as otherwise noted. Projected need is based on a 2013 incarceration rate model.

^B Source: Criminal Justice Information Management System at August 31, 2016. Justice included all permanent beds in its operational bed count including those added due to new construction and renovations (e.g., adding second bed to a cell, permanently putting beds into a program or other room that can meet basic needs such as washrooms and showers). Justice did not include in its operational bed count contingency beds (e.g., beds put into a program room that does not meet basic needs such as washrooms).

^C Source: Criminal Justice Information Management System. Note: for community training residences, the peak count may be higher than capacity where some inmates are staying in a residence but are temporarily away (e.g., completing treatment with another agency such as drug detoxification, on temporary absence such as visiting home for a weekend) and other inmates use their bed space while they are away.

^D Source: Ministry of Justice. This facility opened in 2014 so did not exist at the time of the 2014 Facility Study.

^E The Buffalo Narrows Community Correctional Centre closed during 2016-17. As it was open for part of 2016-17, the design capacity, year-to-date average at August 31, 2016, and peak for April 1, 2015 to October 1, 2016 are included above. The operational capacity above is nil as these beds were no longer available at August 31, 2016.

^F Source: Ministry of Justice. This facility opened in 2015 so did not exist at the time of the 2014 Facility Study.

^G The 2014 Facility Study stated that correctional systems should operate with 20% additional bedspace above the in-custody headcount to allow for peak count days and separation of incompatible inmates. This would also allow time for maintenance of the facilities (i.e., beds cannot be used while major maintenance is being done).



6.0 GLOSSARY

Bed Day – Use of a correctional facility bed by an inmate for one day.

Direct Supervision – A method of supervising inmates where corrections staff are in the living unit to enable continuous direct personal interaction with inmates.

Double Bunking – The practice of housing two or more inmates in a cell designed for one person.

Facility Capacity Planning – Planning to meet future demand for space in the facility.

Facility Master Plan – A document outlining future plans to meet facility capacity needs including capital projects and estimated construction costs and timing.

Indirect Supervision – A method of supervising inmates where corrections staff monitor inmate living areas from enclosed areas outside of the living units.

Long-Term Plan – In the context of facility planning a long-term plan includes a planning horizon of five years or greater.

Offender – A person who is an inmate, is under the supervision of a probation officer, or is subject to the terms of a supervision order.

Rehabilitation Programming – Various programs to help inmates reintegrate into the community and not commit further crimes following release from custody. Rehabilitation programming can include employment training, education, addictions treatment, life skills training, and other programs seeking to help improve outcomes when offenders complete their sentences.

Reduced-Custody Facility – A facility for holding sentenced individuals, who have been assessed as low risk, and are therefore offered increased freedom in order to seek employment, education, or programming in the community while completing their sentence.

Remand – Lawfully detained (e.g., arrested) or confined and awaiting trial or sentencing by the courts.

Secure-Custody Facility – A facility for holding individuals with ongoing supervision by correctional staff. Secure-custody facility inmates are separated from the general community.

Young Offender – A youth between the ages of 12 and 18 years who has committed a criminal offence.

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