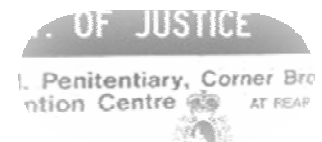


DECADES OF DARKNESS MOVING TOWARDS THE LIGHT



A REVIEW OF THE PRISON SYSTEM IN NEWFOUNDLAND AND LABRADOR



October 2008

October 1st, 2008

The Honourable Jerome Kennedy
Minister of Justice
Government of Newfoundland and Labrador

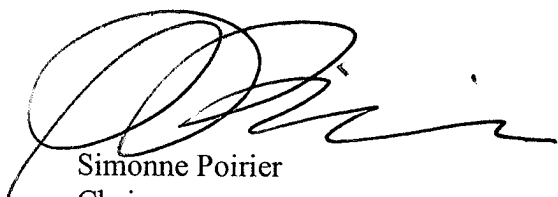
Dear Minister,

I have the privilege of submitting on behalf of the Panel, a report which reviews, as mandated, the issues surrounding Adult Custody in the Province of Newfoundland and Labrador. This report is an independent assessment of the status of the provincial prison system and contains advice on how the Panel believes the current system can be improved.

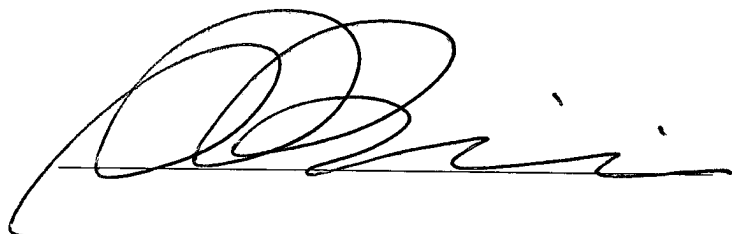
Throughout the past several months, the Panel members have visited every facility in the Province, and have interviewed many current and former staff members, inmates, ex-inmates and their families, as well as many key stakeholders who are involved in Adult Corrections. The Panel is extremely appreciative of the openness of all those who participated and provided valuable insight and feedback during this review.

The Panel believes the recommendations contained in this report, if implemented, will assist in moving the provincial prison system forward in the Province of Newfoundland and Labrador and position Adult Corrections well in moving towards future challenges.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Simonne Poirier', with a stylized, flowing script.

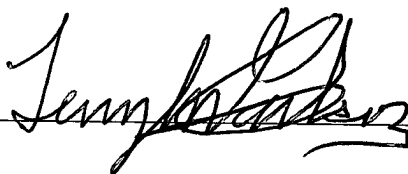
Simonne Poirier
Chairperson
Review Panel

A large, stylized handwritten signature in black ink, featuring several loops and a long horizontal stroke at the end.

Simonne Poirier, Chairperson,
Review Panel, Adult Corrections, Province of NL

A handwritten signature in black ink, consisting of a large, stylized 'G' followed by a horizontal line.

Gregory R. Brown, Panel Member

A handwritten signature in black ink, featuring a large, stylized 'T' followed by a horizontal line.

Terry M. Carlson, Panel Member

TABLE OF CONTENTS

1.	Executive Summary	4
2.	Review of the Management and Organizational Structure	12
3.	Review of Facilities and Physical Infrastructure	16
	Her Majesty's Penitentiary (HMP)	16
	Labrador Correctional Centre (LCC)	20
	Newfoundland and Labrador Correctional Centre for Women..	26
	St. John's Lockup (SJLU)	30
	Bishops' Falls Correctional Centre (BFCC).....	31
	West Coast Correctional Centre (WCCC)	32
	Corner Brook Lockup (CBLU).....	34
4.	Review of Human Resource Levels and Practices	36
	Human Resources Issues	36
	Hiring and Training Practices	38
	Seniority	41
	Employment Equity	42
	Resource Levels – Classification Officers – all sites	46
	Resource Levels – Correctional Officers – all sites	48
	Casual System	53
	Kelly Time	57

5.	Review of the Status of Labour Relations and the Adequacy of Internal Communications	62
6.	Review of the Practices and Procedures Relating to the Response to, and Investigation of Critical Incidents and Allegations of Professional Misconduct	75
	Employee Assistance Program (EAP).....	78
	Critical Incident Stress Management (CISM).....	80
7.	Review of Provincial Legislation	82
	Prisons Act	82
	Prison Regulations under the Prisons Act	84
8.	Review of the Adequacy of the Policies and Procedures Manual(s) ..	86
	Policy and Procedures Manual (Binder 1 of 3).....	87
	Policy and Procedures Manual (Binder 2 of 3)	92
	Policy and Procedures Manual (Binder 3 of 3)	97
	General Findings.....	101
9.	Review of Occupational Health and Safety Issues Relevant to Safety and Security of Employees.....	102
	Work Refusal Process.....	103
	Life Safety Issues.....	106

10.	Review of the Provision of Health Services to Inmates.....	108
	General Health Care.....	109
	Mental Health Care.....	113
	Current Mental Health Services.....	117
11.	Deficiencies and Concerns Identified.....	127
	Programming and Structured Leisure Activities.....	127
	Evidence Based Programs.....	127
	Programming Needs and Challenges.....	128
	Aboriginal Offenders.....	132
12.	Judging the Prisons of Newfoundland and Labrador: The Perspectives of Inmates and Ex-inmates.....	135
13.	Recommendations.....	197
14.	Appendix A.....	219
15.	Appendix B.....	221
16.	Appendix C.....	224
17.	Appendix D.....	225

Executive Summary

On April 18, 2008 the Honourable Jerome Kennedy, Q.C., Minister of Justice and Attorney General for Newfoundland and Labrador announced the appointment of an independent Panel to review the operations of Adult Corrections in the province as part of the Department of Justice's commitment to ensure a safe environment for both corrections staff and those in custody.

The Panel consisted of Simonne Poirier and Gregory Brown who have held senior management positions with the Correctional Service of Canada. The Panel was later joined by Terry Carlson, the former Executive Director of the John Howard Society of Newfoundland and Labrador, who was asked to provide the perspectives of inmates and ex-inmates and to examine issues related to health services and programming.¹

Mandate

The Panel was mandated to provide recommendations on policy, procedures, and administration with a goal of improving the working and living conditions of correctional facilities in Newfoundland and Labrador.

The terms of reference for the independent review included:

- A review of the management and organizational structure;
- A review of the facilities and infrastructure;

¹ Biographical information on the Review Panel can be found in Appendix A.

- A review of human resource levels and practices;
- A review of the status of labour relations and the adequacy of internal communications;
- A review of the practices and procedures related to the response to, and investigation of, critical incidents and allegations of professional misconduct;
- A review of provincial legislation;
- A review of the adequacy of the policies and procedures manual(s);
- A review of occupational health and safety issues relevant to safety and security of employees;
- A review of the provision of health services to inmates;
- Generally, a review of the practices, policies, and procedures applicable to adult corrections; and,
- Where any deficiencies or concerns are identified in relation to the above noted matters, to provide a range of options which would allow for consideration to effect necessary changes.

Background

Adult Custody Services are the responsibility of the Director of Corrections and Community Services. Adult Custody is one of five sections within the Division of Corrections & Community Services within the Department of Justice. The other sections include: Victim Services; Adult Corrections (Probation); Adult Alternative Justice, and Youth (Secure Custody).

The Adult Custody Section is responsible for:

- Accommodating and managing offenders sentenced to provincial terms of imprisonment (two years less a day);
- Accommodating and managing accused persons remanded in custody by the courts;
- Accommodating and managing low risk offenders sentenced to federal terms of imprisonment (two or more years); and,
- Providing programs and services, including academic/vocational, personal/social and forestry/agriculture, to assist offenders in reintegrating into the community after release from custody.

This Section comprises five correctional facilities and two detention centres which provide services and programs for sentenced, remanded, and detained offenders.

These facilities are:

- Her Majesty's Penitentiary, St. John's;
- St. John's Lockup;
- West Coast Correctional Centre, Stephenville;
- Newfoundland & Labrador Correctional Centre for Women, Clarenville;
- Bishop's Falls Correctional Centre, Bishop's Falls;
- Corner Brook Lockup; and,
- Labrador Correctional Centre, Happy Valley-Goose Bay

These facilities have a total capacity for 281 inmates, employ 214 permanent staff, 54 temporary staff (full time equivalent), and are overseen by a Superintendent.²

Review Process

As the goal of the independent review is to improve the working and living conditions of the correctional facilities in Newfoundland and Labrador, the Panel visited all seven correctional facilities in the province and engaged in consultation processes with many staff, inmates, and community stakeholders.

The Panel held a total of 275 meetings (157 staff and private contractors, 90 inmates, ex-inmates and their families and 28 key individual and community stakeholders).³ The Panel received written correspondence from both institutional staff and community participants. This Review does not duplicate the work of the Office of the Auditor General in the January 2008 *Report on Departments and Crown Agencies*.⁴

Panel members Simonne Poirier and Greg Brown concentrated on such matters as organizational and resourcing requirements, legislation, labour relations, and policy. They interviewed management and staff from all seven correctional facilities and when possible joined Terry Carlson (who concentrated on inmate

² The Organizational Chart is found in Appendix C.

³ The complete listing of key stakeholders interviewed can be found in Appendix B.

⁴ Report of the Office of the Auditor General of Newfoundland and Labrador, *Report on Departments and Crown Agencies*, January 2008.

programs and services), for interviews with individual stakeholders and community agencies. In a separate article written by Carlson and entitled “Judging the Prisons of Newfoundland and Labrador: The Perspectives of Inmates and Ex-inmates,” respondents provided a compelling account of their prison experiences and a straightforward assessment of the operation of provincial institutions. It is noteworthy that the Panel, which in some respects operated independently, found a high degree of commonality in the issues identified by staff, inmates, and community stakeholders.

Themes

As the Panel examined each of the terms of reference within the review process a number of themes arose with respect to Adult Custody in Newfoundland and Labrador. The Panel made 77 recommendations in an attempt to address the broad range of issues that arose and the significant themes that emanated from them. The major themes are as follows:

Organizational requirements, and in particular the need to adapt a model of correctional operation which focuses on dynamic security, where there is more interaction between inmates and staff in provincial institutions.

Resourcing requirements, such as the need for updated organizational charts, more decentralized recruitment and training, implementation of the ALOSS (Attendance Leave Overtime Shift Work System) formula to ensure adequate staffing levels at all sites, the promotion of employment equity, and the elimination of inefficient staffing mechanisms.

Labour relations and the critical need to address the mistrust and divisive relationship between Management and Union, the low degree of job satisfaction, and workplace stress.

Legislative recommendations involving such matters as: the need to revise the terminology in the *Prisons Act* to reflect a more rehabilitative approach and to ensure that inmate rights are protected.

Policy recommendations relating to inmates that address such matters as: the need to ensure humane treatment, particularly as it relates to those placed in segregation; the need to provide upgraded services such as an orientation kit for newly arriving inmates; and the provision of less intrusive and less costly methods of communication with the outside world.

Policy recommendations relating to staff that address such matters as: training needs related to emergency response and use of force; occupational health and safety concerns; the provision of adequate safety equipment; harassment; and mandatory staff training pertaining to Aboriginal culture and issues.

General health recommendations include: education programs for staff and inmates around infectious diseases; a comprehensive program for the screening, treatment and contact tracing for communicable diseases; consideration for expansion of the Methadone Maintenance Treatment program; and the provision of a broader array of nutritional foods for inmates. Additional resource requirements include the contracting of services for an infectious disease control nurse.

Mental health recommendations include the development of a comprehensive strategy so that the quality of care and support to offenders is based on professionally accepted standards. In this regard, staff training in mental health issues and the contracting of the services of a psychologist, a mental health nurse, and a mental health and addictions professional is required. Also, a multi-disciplinary team which would include community partners is necessary to ensure a continuity of care from the time of admission to the inmate's release into the community.

Programming recommendations are a response to the high need of additional programs and activities as identified by staff, inmates, and community stakeholders. These involve the hiring of a Coordinator to assess, develop, promote, and oversee programs and to ensure that a minimum standard of daily structured leisure activity is provided in all provincial institutions. Additional staff resources are required to provide programming at Her Majesty's Penitentiary, the Newfoundland and Labrador Correctional Centre for Women, and the Labrador Correctional Centre.

Continuity of institutional and community services involve recommendations to ensure connections and mutual support between correctional institutions and community-based agencies, so that upon release an offender can access effective programs and services to facilitate his or her safe and successful reintegration into the community.

Moving Forward

The scope of this review is broad and covers the entire provincial prison system in Newfoundland and Labrador, which for several decades has been under-resourced and in need of upgrading. Inmate and ex-inmate respondents and community stakeholders clearly want a more rehabilitative atmosphere in provincial prisons. With respect to staff, the Panel observed that despite difficult working conditions, fractured communications, and low morale at some work sites, there are many examples of perseverance, dedication, and passion by all levels of staff at all locations. Many came forward not only to speak about working conditions, but also to express concerns about the needs of the inmate population.

The Panel believes the recommendations within this review will provide a roadmap to help move the organization forward. However, this will not be achieved without the cooperation of all parties and it will take time to accomplish.

Review of the Management and Organizational Structure

The organizational model in place in Newfoundland and Labrador's prison system is one of a paramilitary nature, which essentially means that correctional officers strictly enforce the rules and have minimal interaction with inmates.⁵ Overall leadership begins with the Superintendent of Prisons. Under this position leadership at each site rests with the Assistant Superintendents except at the two lockups in St. John's and Corner Brook where Captains are in charge. As part of the executive team there is a Manager of Institutional Programs and a Manager of Support Services. These positions report to the Superintendent and have an area of responsibility for the whole of Adult Custody in Newfoundland and Labrador.

Beyond the Assistant Superintendent's level, the management structure differs in the various sites. At Her Majesty's Penitentiary, Captains report to the Assistant Superintendent and are in charge of the institution during the off hours and weekends. The Duty Captains are rostered positions and therefore work shift work. At HMP there are also three Captains who work day shifts; each having a different area of responsibility. One is responsible for security; one for training; and one for Occupational Health and Safety issues. There are also Lieutenants who are assigned to the units and are responsible for the day to day operation of their unit from Monday to Friday on the day shift only. There seems to be some lack of clarity in terms of who are the actual supervisors of the Correctional Officers. While the Lieutenants provide some guidance at the unit level, most staff believe that their supervisors are the Captains. The roles and responsibilities are not clearly understood by staff.

At the Labrador Correctional Centre and the West Coast Correctional Centre the Assistant Superintendents each supervise five Lieutenants who are responsible for the management of the facilities on the off hours and weekends. The Lieutenants work a shift schedule and supervise the Correctional Officers as do the Captains at HMP.

At the Newfoundland and Labrador Correctional Centre for Women the Assistant Superintendent supervises two Lieutenants who work twelve (12) hour day shifts. As the Lieutenants only work day shifts, this results in the most senior Correctional Officer being “in charge” during the night shift and when the Lieutenants are not present. This causes some anxiety for staff as they do not feel prepared to take on this role.

At the Bishop’s Falls Correctional Centre the Assistant Superintendent supervises five Lieutenants who in turn supervise five Correctional Officers.

The Corner Brook Lockup and the St. John’s Lockup are managed by Captains, who supervise the Correctional Officers, and report to the Superintendent of Prisons.

There are several different organizational models utilized in corrections. While the paramilitary model has some benefits, other models may assist in improving dynamic security,⁶ particularly at Her Majesty’s Penitentiary. Other sites appeared to operate in a less paramilitary style than HMP; and interactions between inmates

⁵ The Organizational Chart is found in Appendix C.

and staff appeared to be more positive than those at HMP. The present model utilized by the province of Newfoundland and Labrador focuses more on static security⁷ measures than dynamic security. The exception to this was the West Coast Correctional Centre which had no control posts and subsequently a higher level of staff-inmate interaction.

Other jurisdictions employ the Living Unit Model or the Unit Management Model. Historically the Living Unit Model was based on positive interactions between staff and inmates. Within such models, there are two different groups of Correctional Officers; one group who work directly with inmates while the second group perform static security functions such as tower duties or security escorts.

The Unit Management Model is structured with a Manager in charge of each Housing Unit and associated security posts such as segregation. This Manager supervises the associated Correctional Officers, Classification Officers, and support staff who work in the Housing Unit.

At HMP there was an attempt to introduce a Living Unit Concept in the 1980's; however, this was not successful. What emerged was a "secure" control post in the Units which supervised two wings of cells. The secure control post results in inmates talking to staff through small port holes. Other than during rounds there did not appear to be very much positive staff-inmate interaction. The Panel constantly heard the term "direct supervision" and were unsure of how the term

⁶ Dynamic security includes those elements that contribute to the development of professional, positive relationships between staff members and the offenders with whom they work.

was being used. If it was believed to be simply sitting in a secure control post and supervising inmates in that fashion it remains static in nature. The focus should be on “dynamic” security where interaction with the inmates is such that staff know the inmates and can detect any change in their behaviour and react accordingly.

It is recommended that the organizational model be reviewed to determine if there are models other than the paramilitary model that can be adapted to institutional sites so that a greater emphasis can be placed on dynamic security.

It is recommended that Adult Corrections move towards a consistent organizational structure at each site.

⁷ Static security is a model whereby there is little staff-inmate interaction and is primarily characterized by the presence of closed control posts and security barriers.

Review of Facilities and Physical Infrastructure

To understand the physical infrastructure of the various correctional facilities the Panel toured each of the seven facilities in the province.

Her Majesty's Penitentiary – (HMP) -St. John's

Facility

Her Majesty's Penitentiary, a remnant of the Victorian era of prison construction, was first occupied in 1859. The original 149 year old Centre Block still remains. In the mid-1940s the East and West Wings were constructed and in 1981 Living Units were added. HMP is the main institution in Newfoundland and has a capacity of 145 male offenders. It houses both sentenced and non-sentenced (remand) offenders, who are provincial and federal inmates. The Penitentiary also has a Segregation Unit and a Special Handling Unit.

Staffing complement consists of eight Captains, three Lieutenants, one Word Processing Equipment Operator, five Classification Officers, and one Nurse as well as 80 Permanent Correctional Officers and 68 Casual Correctional Officers.⁸

Issues

Three specific areas were noted as quite concerning as it related to the physical infrastructure of HMP:

The first was the deplorable physical condition of the Penitentiary. The cleanliness or the lack of it is horrendous. There is a build up of dirt and grime throughout the

Penitentiary. This was especially evident around radiators, steps, and in the corners of several rooms. It appeared that the interior of the Penitentiary had not been painted in years as there were areas where paint was literally peeling off the walls and ceilings. In other places there were holes in the plaster that had been left unrepaired. These holes did not appear to be recently damaged. Washrooms were filthy and staff often had to resort to cleaning them on their own. While some cells had been renovated, others had been plastered at some point and had gaping holes in the walls.

In Kevin N. Wright's ⁹ book *Effective Prison Leadership*, J. Michael Quinlan, a former Director of the U.S. Federal Bureau of Prisons, described a standard of sanitation for well-run prisons.

When one enters a facility for the first time, it does not take long to determine the quality of Management. An unused mop leaning against the wall in the entry way lets you know that the institution lacks administrative attention to detail. From there, you may note substandard conditions of sanitation – dirt and grime in the corners of rooms, cockroaches scampering beneath kitchen equipment, and leaky sewage pipes. Hallways may be dank and dark, with walls in need of painting and floors not recently shined. In poorly run prisons, inmates mill around with no particular destination or work to do. You hear shouts, insults, and incessant testing of one another. Violence occurs routinely and inmates easily acquire drugs and alcohol. Low-quality Management produces depressed staff morale and low job-satisfaction. Professional pride among the staff and hope among the inmates rarely develops in poorly run prisons.

⁸ All information as it relates to staffing complement in the various sites provided by Senior Administration of Adult Custody.

⁹ Kevin N. Wright, *Effective Prison Leadership*, William Neil Publishing (1997).

Willie Gibbs, former Chairman of the National Parole Board and former Senior Deputy Commissioner of the Correctional Services of Canada, in his book, *The Cons and the Pros* notes how cleanliness reflects the general discipline that should permeate a prison, and that “it really does contribute to good order and some mutual respect between inmates and staff.”¹⁰

Certainly, the physical conditions at HMP are such that neither staff nor inmates derive any pride working or living in these conditions. Given that inmates are for the most part idle and have complained about the lack of any activity, it would seem that the necessary resources are at hand to improve the cleanliness. The Panel cannot understand why inmates are not allowed to clean the control posts. The only places inmates are not allowed to clean at federal facilities are armed control posts. Inmates could clean all areas of the Penitentiary provided they are under supervision by correctional staff.

It is recommended that inmate labour be used to clean all areas of Her Majesty's Penitentiary and that a designated correctional officer be assigned to ensure that this is done.

The second area that raised concerns was the Segregation Unit. There are no windows in the cells, it lacks cleanliness, and has the potential for quadruple bunking with mattresses on the floor. This issue is further discussed under the Policies and Procedures section of this report.

¹⁰ Willie Gibbs, *The Cons and The Pros*, Info 1000 Mots Inc, (2004).

The third area that was of a concern to the Panel was the East Wing Top of the facility where the kitchen inmates sleep. As there is no capability of sound in that section the range has no means of being heard throughout the night unless a round is being done by staff (which is at every hour). This is an area with significant life safety issues. Cameras only provide a visual of the range and not the inmate cells. If an inmate was in crisis there is no way he could alert the staff between rounds.

It is recommended that an intercom be placed on the East Wing Top to ensure inmates can contact staff on the night shift if they are needed.

Overall, Her Majesty's Penitentiary, has outlived its life expectancy. The Department of Justice is in the preliminary stages of planning for a new institution. The Panel believes there is an urgent need to move forward with this plan in order to provide a humane, safe environment for both correctional staff and inmates.

Labrador Correctional Centre - (LCC) Happy Valley-Goose Bay

Facility

During the two-day visit to the LCC in Happy Valley-Goose Bay, Labrador, a total of 11 staff members were interviewed.

The Labrador Correctional Centre is a 24 year old building that requires some structural changes to rectify deficiencies. The building was officially opened in October 1984 and was built to accommodate 38 inmates. At the time of the visit there were 53 inmates with approximately 10 waiting for a bed at the facility. These 10 inmates were being housed at the local RCMP lockup. There is an average of 30 to 60 days before a bed is available at the LCC.

The staffing complement consists of five Lieutenants, one Classification Officer, and one Clerk IV as well as 17 Permanent Correctional Officers and five Casual Correctional Officers.

Issues

Double bunking and overcrowding are serious issues at that facility. The high inmate population has had an impact on recreation, programs, and feeding. This facility was not designed for the high numbers of inmates and a maximum capacity has been established at 53 inmates in order to comply with the Fire Marshall's direction. Staff office space as well as programming space at the facility is very cramped.

While the inmate population has increased, resources and staffing levels at the LCC have dramatically decreased since opening in 1984. At that time, the facility was staffed with 21 Correctional Officers supervising 38 inmates and now the staff compliment has been reduced to 17 Correctional Officers supervising 53 inmates.

There was also some discussion around increasing capacity at that facility to include the Aboriginal women offenders. Although it would be feasible to house the Aboriginal offenders in their community, the Panel caution that they should not be housed at the male facility. *Creating Choices; The Report of the Task Force on Federally Sentenced Women (1990)* noted the unique and special needs of female offenders. This report should be reviewed before any planning takes place to house female offenders in male institutions.

The Labrador Correctional Centre was left without an Assistant Superintendent for approximately 11 months in 2007, thus leaving the five Lieutenants to run the shifts. The direction and supervision of the facility was assumed by the Superintendent from St. John's who made sporadic visits to the LCC. Other than those visits, the facility was managed by the five Lieutenants and staff were left often confused by the differing and inconsistent management styles. The Panel find this practice unacceptable due to the lack of leadership, responsibility, and accountability at the site level. In the future, the Panel suggest that an individual be placed in the acting capacity of Assistant Superintendent to provide leadership to the staff.

An issue on the purchasing of items also arose at this facility in that three quotes are required by government standards for a minimal purchase of \$10.00. With the

limited amount of available resources in Happy Valley-Goose Bay, managers find this policy very restrictive, time consuming, and a form of micro-management. The Panel recognize their frustration; however, the Department is accountable for all expenses under the *Financial Administration Act*. In general there seems to be a lack of understanding of this Act by the managers. It is noteworthy that similar issues were reported at other sites as well. A further review was not conducted of this financial issue as this was beyond the mandate of the independent review process.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] As well,

there were two cells which were out of commission due to plumbing problems. The above two issues have been reported to the Department of Transportation and Works but are yet to be fixed.

[REDACTED]

[REDACTED] Requests have been made for this equipment. However, funding remains an issue.

An inspection has been conducted by Occupational Health and Safety (OHS) and very few deficiencies have been identified. A committee is in place and is addressing the OHS issues as they are recognized.

The inmate population at LCC is 94% Aboriginal (Innu, Inuit, and Métis), while the other 6% is Caucasian. Staff have identified a serious lack in programming and outdoor recreation for this population. It is difficult to provide programming when the program facilitator is a Correctional Officer as he/she needs to be relieved of his/her Correctional Officer duties in order to deliver offender programming. Staff shortages make this very difficult to accomplish. Training was provided to a staff member for the delivery of the National Substance Abuse Program. The Panel question why the training would not have been specifically focused on the Aboriginal inmates as they compose almost the entire prison population.

The Labrador Correctional Centre has a supportive full-time Classification Officer (who speaks Innu) as well as an Inuit Liaison Officer and an Innu Liaison Officer who provide services under contract. The contract teacher is also very involved with the services provided to the inmate population. The teacher has secured resources to conduct a Fetal Alcohol Syndrome Disorder study through another government department and is currently awaiting the appointment of a coordinator to conduct this piece of work. The implementation of this initiative has been significantly delayed due to the various procedural and administrative requirements involved in securing such funding.

The nurse at the LCC provides health services to the inmate population. It is noted that the Aboriginal population has a high incidence of diabetes and the lack of recreational facilities compounds this issue. Concern was expressed regarding the diet and food choices for inmates. A nutritionist did a review of the existing menu and it was noted to provide over 3000 calories per day. A revised menu has now been completed to reflect the Canada Food Guide.

Mental Health issues were also identified by staff at the LCC. As a result of increased admissions of offenders who are diagnosed with mental health issues combined with a lack of training for staff in that area, staff members feel ill-equipped to deal with this population.

Within the LCC there are trade shops and a soapstone shop operated by a correctional officer. The inmates have access to these facilities and have an opportunity to learn new skills or improve upon existing ones. Many staff spoke positively about the Aboriginal Land Based Program which served to begin the healing process by returning inmates to their native culture. Unfortunately this program does not exist anymore. The Panel was advised that this is partially due to the 2000 investigation into the escape of a prisoner. After that investigation the tool utilized to classify inmates was amended and resulted in inmates having a much higher security rating making them not eligible for escorted temporary absences and unable to participate in such activities in the community.

The issue of staff identification cards was raised at LCC. Most staff do not have a valid identification card and none have a badge like that used by some other correctional jurisdictions. Staff often conduct escorts using airline services and have no identification to show they are correctional officers. Staff find this embarrassing and some type of official identification card would assist them in the performance of their duties.

Staffing

The Casual program does not work well at the LCC as in other areas, as the staff that are recruited are from St. John's and while they have to relocate to Labrador

must do so without financial support. As well the LCC has a minimal number of casual Correctional Officers to draw upon. This creates frustration for permanent staff as there is no replacement available; therefore they end up being on stand-by and call-back, thus warranting overtime. From a financial point of view, it is very costly. The lack of proper resources also has an impact on the inmate population, as it curtails their recreational and shop activities.

The Panel propose that discussions be held with the Elders in Aboriginal communities to assess the possibility of recruiting Aboriginal staff where they would provide the appropriate supervision and community support in a culturally sensitive manner to the inmates thus allowing increased recreation, programming, and shop activities.

It is recommended that discussions be held with the Elders in Aboriginal communities to assess the possibility of recruiting Aboriginal staff.

Staff training was identified as an important issue. Very little staff training has occurred and should be augmented, specifically in the areas of Aboriginal culture. Refresher training to help staff effectively conduct their daily work is also required. Staff further identified the lack of opportunity for advancement and the absence of succession planning. However, in such a small facility, it is difficult as there are a limited number of positions available.

Newfoundland & Labrador Correctional Centre for Women – (NLCCW) - Clarenville

Facility

The Newfoundland and Labrador Correctional Centre for Women is the only female institution in the province. The facility was constructed in 1982 and formerly housed male offenders. On April 1, 1996 the women (who since 1982 had been incarcerated at the NLCCW in Stephenville), were moved to the vacated Clarenville site. NLCCW houses up to 22 inmates, including Aboriginal offenders and some federal inmates who are retained at the site or awaiting transfer. A total of nine staff members were interviewed at the NLCCW.

The staffing complement consists of two Lieutenants, one Clerk IV, and one Classification Officer as well as 12 Permanent Correctional Officers and three Casual Correctional Officers.

Issues

The facility is very small with limited programming space and minimal outdoor recreation area. Quarters are cramped for both staff and inmates and there is limited space availability for the doctor and nurse practitioner. There is a high percentage of inmates with a history of psychiatric and psychological disorders.

The segregation cells are not isolated from the main living area nor are they soundproof. Therefore, inmates cannot be isolated when psychiatric and security considerations require it. The behaviour of an acting out or distressed inmate can be heard by all the other inmates on the range. Most of the general population cells

are monitored by a video system and as well some cells have an audio system. The Panel find this practice to be very intrusive.

On a daily basis at the facility, staff are faced with female inmates in crisis, due to a variety of mental health issues. Little training is provided in the area of mental health to staff. The psychiatrist, Dr. David Craig, provides services to the inmates through visits to the site on a monthly basis. As this physician is based in St. John's, the women who are in crisis are taken to the St. John's Lockup where they are seen by Dr. Craig.

Staffing

Although the NLCCW is a female facility, the Assistant Superintendent, and one Lieutenant's position are both staffed by male individuals. The second Lieutenant's position was vacant at the time of the site visit and a male individual was acting in that position. This staffing procedure follows the collective agreement on seniority. At the present time there are very few women who have enough seniority to move into management positions. This is an issue of seniority where females, having been introduced to Adult Corrections in the last two decades, do not have enough accumulated time to be senior to most male staff. Conversely, the Assistant Superintendent is not a unionized position – the appointment is recommended by the Minister of Justice and approved by Cabinet. This issue is later discussed in the Employment Equity section of this report.

The facility was left without a Classification Officer for a period of almost one year during 2003-2004, [REDACTED]

[REDACTED] The Classification Officer's duties were

completed by a Lieutenant and correctional staff. The Panel has been informed that at the present time (August 2008) the institution is once again without a Classification Officer. The incumbent Classification Officer is [REDACTED] and had been replaced by someone who has since taken a position at HMP. For a time this individual was working with the staff of NLCCW via telephone and traveling to the facility one day per week. That arrangement was less than ideal as the replacement had to travel from St. John's to Clarendville during work hours as Management would not authorize overtime. The result was that the Classification Officer was travelling four hours per day and after taking a lunch break, was left with only three hours to attempt to complete the duties of the position. According to staff a decision was made by Management to cancel this arrangement. The incumbent will return from [REDACTED]

Staff identified relationship dynamics as problematic within the workplace at NLCCW. Respectful Workplace Intervention was brought to the site and this was initially beneficial, however staff note ongoing issues still exist. Some staff feel issues exist due to a lack of management presence and direction as well as inconsistencies in applying policy and procedures at the facility.

Gender issues were also identified at NLCCW. One is an issue of seniority regarding call-back as well as calling casual officers. The shift will sometimes be staffed by one female officer and two male officers. This puts the burden on the female officer as there are gender issues regarding women offenders that have to be respected and can only be performed by a female officer.

Some staff note that the women's facility should be located in the St. John's area as most of the women (with the exception of the Aboriginal inmates), come from the Avalon Peninsula. Professional resources are easier to access in St. John's, and most families reside in St. John's and would be able to maintain visits, while in Clarenville, it is a long drive for both professionals and families to access the women offenders.

St John's Lockup - SJLU-St. John's

Facility

This facility was constructed in 1903 in the basement of the Supreme Court. It has a capacity of 11 male cells and 3 female cells as well as an area referred to as the drunk tank. The Lockup holds people arrested under the *Criminal Code* and detains individuals under the *Mental Health Act*, *Detention of Intoxicated Persons Act*, *Immigration Act*, and *Highway Traffic Act*. The facility can also hold remands or sentenced offenders for short durations.

Staffing complement consists of one Captain and one Labourer as well as 10 Permanent Correctional Officers.

Issues

The Lockup is an inadequate facility, poorly situated in a basement of the Supreme Court. It requires a high level of maintenance and has major security concerns such as a manual door system, long hallways prohibiting appropriate visual surveillance, inadequate cameras and audio systems, poor ventilation, insufficient lighting, and poorly designed cells which are especially inadequate to prevent suicide attempts and difficult to access by staff.

Staffing

Interviews with Lockup staff are captured and reflected under the previous section relating to HMP.

Bishop's Falls Correctional Centre –BFCC - Bishop's Falls

Facility

The Bishop's Falls Correctional Centre was constructed in 1993 and has a capacity of 26 male inmates. This facility houses a diverse population of male offenders who are rated as minimum security inmates. There are no long term or remand offenders at this facility. Four staff including the Assistant Superintendent were interviewed at this facility. Bishop's Falls Correctional Centre, situated in Bishop's Falls, has a bed capacity of 26 male inmates.

Staffing complement consists of five Lieutenants, one Clerk IV, and one half-time Classification Officer as well as five Permanent Correctional Officers and two Casual Correctional Officers.

Issues

Some of the issues highlighted were the outdated policy and procedures and the latter not being adapted to the specific site; low staffing levels, the inefficient and ineffective administrations of the casual system, as well as a lack of training, career planning, and mentoring. Staff felt the lack of health services, including doctors, nurses and/or nursing practitioner was the most important issue regarding inmates.

Overall, the Assistant Superintendent enjoys the respect of his staff and respect for this same individual was mentioned at the other sites as well.

West Coast Correctional Centre (WCCC) - Stephenville

Facility

The West Coast Correctional Centre was constructed in the 1940's and remodelled in 1978. This building was constructed as a military barracks and therefore was not designed appropriately for use as a prison. The facility has a capacity for 50 male offenders; 35 federal offenders and 15 provincial offenders.

Staffing complement consists of five Lieutenants, one Classification Officer, one Clerk IV, and one Word Processing Equipment Operator as well as 18 Permanent Correctional Officers and nine Casual Correctional Officers.

Issues

Some of the issues identified within the WCCC were:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

At the WCCC it was interesting to observe the dynamic security between staff and inmates. It was very prevalent. Part of the reason for this is that staff are not behind a closed controlled post and therefore interaction between inmates and staff is

enhanced. Staff expressed a concern for egress; however, the Panel would not recommend a full control post. In order to maintain dynamic security, which in the view of the Panel is the best way to manage a facility, an open control post could be built to enhance the flow of traffic.

It is recommended that if a control post is constructed at the West Coast Correctional Centre it be an open control post model to maintain dynamic security.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Windows have been replaced at this site as a result of past escapes.

Staff shortages have an impact on recreation and visitation. These two activities are often suspended until the shift complement is fully staffed. Federal core programs are provided to the inmate population with the exception of the Family Violence Program which is offered at HMP. The Department of Justice has an Exchange of Service Agreement with Correctional Service Canada whose staff provide programs to federal and provincial inmates. This facility has received accreditation for programs. It also has a hobby shop where inmates can do hobby work such as woodworking, thus gaining skills and enhancing personal growth.

Corner Brook Lockup (CBLU) - Corner Brook

Facility

The Corner Brook Lockup was constructed in 1986. This facility holds people arrested under the Criminal Code and detains individuals under the *Mental Health Act*, the *Detention of Intoxicated Persons Act*, the *Immigration Act* and the *Highway Traffic Act*. It can also hold remands or sentenced offenders for short durations. Young offenders can also be held at this facility. The Lockup forms part of the Royal Newfoundland Constabulary building. The Corner Brook Lockup has a bed capacity of two female inmates and 15 male inmates. A total of four staff were interviewed as well as Union representatives.

Staffing complement consists of one Captain, three Matrons, as well as nine Permanent Correctional Officers and three Casual Correctional Officers.

Issues

As the facility can sometimes house young offenders, staff note that training should be provided in dealing with young persons. Another issue that came to the forefront was the lack of training for staff in the areas of mental health.

Comments received from some staff were that women should not work in the male facilities and similarly, men should not work in female facilities. The staff see themselves as the “poor cousins” in the Justice System and forgotten “beyond the overpass”. There is no clerical support at this site, therefore all clerical work is done by the Captain.

Staff noted not feeling valued or recognized for their work and feel that there should be some public relations initiative to educate the community regarding the role of correctional officers. Staff noted that at a recent career fair the Royal Newfoundland Constabulary were well represented and had state of the art presentations while staff of Adult Corrections were provided very few tools to assist in their presentation.

The control post at the Corner Brook Lockup is a combination of control post, kitchen, and washroom. Space is very limited and cramped for staff.

Review of Human Resource Levels and Practices

Human Resource Issues

The head office of Adult Custody has an operational team and consultants, managed by the Superintendent of Prisons, who reports to the Director of Adult Corrections. Staffing complement consists of one Manager of Corporate Services, one Manager of Institutional Programs, one Lieutenant, one Management Analyst, one Correctional Officer, one Stores Supervisor, one Administrative Clerk, one Sentence Administration Officer, one Clerk IV, two Clerk Typist III positions, one Clerk Typist II, and one Word Processing Equipment Operator. Contrary to other jurisdictions, all five heads of institutions are called Assistant Superintendent with the exception of the two Lockups who have captains. All report to the Superintendent of Prisons.

The Panel reviewed the Newfoundland and Labrador organizational chart dated August 2008. It is noted that the organizational chart is not up to date. As well, more recent changes to the organization were provided to the Panel to reflect the current staffing model in Newfoundland and Labrador at the executive levels and at the institutional levels including the two lockups. Please refer to the Organizational Chart, Appendix C.

It is recommended that the Organizational Charts for the Adult Corrections Division be updated to properly reflect the staffing complement.

The responsibility for the whole of Adult Custody in Newfoundland and Labrador rests on this Executive. Given the complexities of managing a system as large and diverse as this, their task is daunting given the geographic area covered.

In addition, the Executive are located in a building which is physically next door to Her Majesty's Penitentiary. It becomes very easy to leave the prison and walk to the adjacent administrative building when an employee has any issues. (Examples of emails were provided by staff to the Panel which indicate employees having contact with the Superintendent at his office.) Given the already heavy workload this adds to the demands on the head office employees.

It is recommended that individuals presently housed in the Administration Building next to HMP be relocated to an area away from HMP.

There are many resource issues at the management level of Adult Custody within the province. The sites do not have sufficient administrative staff. Supervisors and managers often have to prepare their own correspondence and complete other administrative duties.

Hiring and Training Practices

During the course of the review as it pertains to the hiring and training practices, it became very clear that all processes are conducted in the St. John's area. As there are satellite sites in Corner Brook, Bishop's Falls, Clarenville, Happy Valley-Goose Bay as well as Stephenville, it would seem logical that there needs to be recruitment processes specific to those areas of the Province.

The Panel strongly believes that there should be recruitment in all communities where the satellite sites are situated. NLCCW, BFCC, CBLU, and WCCC could be grouped together; however, there are particular differences at each site. The second recruitment community would be the Happy Valley-Goose Bay area and the third would be in St. John's.

Staff Recruitment for NLCCW, BFCC, CBLU and WCCC

The first satellite site could be in Clarenville where the NLCCW is situated. The Panel strongly believe that staff should be recruited directly in Clarenville for employment at the women's facility. This change in process would eliminate the need for women correctional officers recruited in St. John's to travel to that facility to provide relief especially as there is no travel or accommodation assistance for the staff to go to Clarenville. The target audience recruited should mainly be women.

Prior to doing any recruitment, a plan of action must be developed. This plan should consider the number of positions that could be filled permanently or on a part-time basis. Such flexibility would provide the opportunity for women to have

a balance between their family and work life. The Panel supports the training for Correctional Officers be done in that community or within the most convenient of the four sites in proximity. The trainers can be the travelling team rather than the recruits having to live in St. John's during the Correctional Officer training.

To recruit locally there should also be some public relations and education in the community with different organizations, such as town councils, community colleges, rotary clubs, church groups, and schools. Community forums and focus groups should also be held. Another option would be to invite interested groups to a tour of the facility. Volunteer groups in the area may be of assistance in such an initiative. It is important to develop a planning process thus laying the groundwork and clarifying any issues beforehand in order to achieve success.

Secondly, WCCC, Bishop's Falls, and the Corner Brook Lockup would be required to recruit both genders but with the same principle as above – community involvement, education, and public relations prior to any recruitment and training.

It is recommended that recruitment and training for the Newfoundland Correctional Centre for Women, the West Coast Correctional Centre, the Bishop's Falls Correctional Centre, and the Corner Brook Lockup be done in the community of Clarenville or proximity in order to recruit, retain, and promote the appropriate staff for the different needs of each facility.

Labrador Correctional Centre– LCC

The LCC has its own particularities. There needs to be a strong connect with the Aboriginal population of the area to engage and include the Innu, the Inuit, and the Metis communities in the recruitment process. A plan of action needs to be established in consultation with the Elders of each community. In the group of trainers, there needs to be at least one representative of the Aboriginal peoples. Therefore the recruitment, retention, and promotion within the LCC requires the input and representation of the Aboriginal communities.

It is recommended that recruitment and training for the Labrador Correctional Centre be done in the Aboriginal communities of Labrador in order to recruit, retain, and promote the appropriate staff as well as engaging community participation and recruiting an Aboriginal trainer for the training team.

Her Majesty's Penitentiary/St. John's Lockup

It is felt that the current recruitment practice in the St. John's area would be enhanced by more public relations efforts in the community with special emphasis on the urban Aboriginal populations as this resource has been under utilized.

It is recommended that recruitment and training include the urban Aboriginal population in the St. John's area.

Seniority

Although most staff are supportive of promotion by means of competition and seniority, there were some staff that totally disagreed with this practice. The Panel strongly believe that seniority should only be a factor in the area of annual leave allotment. Having the clause regarding seniority in the Collective Agreement is a detriment to the operation of an effective organization. As discussed in this report, the fact that a casual can work four hours every six months and yet still be senior to someone who has worked every day in that six month period is inconceivable. However, the Union would argue that if Management followed their own rules, seniority would work without problem. Once staff apply for the Lieutenant's or Captain's Rosters they must pass an exam and then have their performance evaluated when they act in those positions. From the Panel's point of view, the problem is that people are placed in acting positions based on their seniority. The best candidate may never get the opportunity to be selected for an acting position and be properly evaluated. Competition by merit most certainly brings the best person to the forefront in either a Management role or in an instructor role.

It is strongly recommended that during the next round of negotiations that the seniority clause be put on the table for discussion in order to limit its use to the allotment of annual leave.

Employment Equity (EE)

The recent work of the Employment Equity Committee was examined. This material only refers to women in non-traditional roles. Identified groups under EE also include Aboriginal peoples, Persons with Disabilities, and Visible Minorities. There is no mention of the latter three groups within the material reviewed. It is strictly for women in non-traditional roles.

The following statistics were captured by the committee and provided to the Panel:

Province	Correctional Officers-Male	Correctional Officers-Female	Management-Male	Management-Female
Newfoundland	187 (81%)	45 (19%)	36 (90%)	4 (10%)
Nova Scotia	202 (75%)	69 (25%)	20 (69%)	9 (31%)
Prince Edward Island	50 (81%)	12 (19%)	9 (90%)	1 (10%)
New Brunswick	188 (71%)	78 (29%)	12 (71%)	5 (29%)

As indicated above there are 232 Correctional Officers, including casual employees, in the Newfoundland and Labrador prison system. Of this number there are 187 (81%) male Correctional Officers and 45 (19%) Female Correctional Officers.

Within the Adult Correctional system there are 151 permanent Correctional Officers.

- Male Correctional Officers hold 85% of the permanent positions while female Correctional Officers hold 15% of permanent positions.

There are 81 Casual Correctional Officers.

- Among the 81 casual Correctional Officers, males hold 72% of the casual positions while female hold 28% of the casual positions.

*In the Management Cadre, Senior Managers consist of 1 Superintendent (male), 5 Assistant Superintendents (4 males -1 female), 2 Captains (2 males), 1 Manager of Institutional Programs (female), and 1 Manager of Support Services (female).

** Middle Managers consists of Captains and Lieutenants

- 70% of senior managers are male, 30% are female
- 97% of middle managers are male, 3% are female

The above referenced statistics note that Newfoundland and Labrador is below the norm in representation for women in non-traditional roles compared to the provinces of New Brunswick and Nova Scotia. They are however on par with Prince Edward Island. One of the barriers that the Panel have identified during the review was the casual system (which is discussed later in this report) as well as the seniority clause in the Collective Agreement. As correctional officers need to demonstrate competence in the process of becoming a Lieutenant there is also a seniority clause in the Collective Agreement that needs to be respected. It is very difficult for women to aspire to Lieutenant rank as most women do not have the

years of service. With the introduction of the Captain's roster, the potential exists for women to aspire to those positions as the Collective Agreement does not apply in this case. However, according to staff and as already noted, the introduction to the Captain's roster was seen by staff as a mechanism by Management to avoid the seniority clause in the Collective Agreement. Comments heard from some staff, regarding gender equity seemed etched in stone. Male staff commented on a number of occasions that women should not be working in male prisons as correctional officers noting "it is not their place".

The Panel's experience has shown that the introduction of women correctional officers in institutions across Canada, whether provincially or federally has made the institutions less vulnerable with women bringing a more calming effect on the prison environment. The move should occur to identify some of the Captain's or Lieutenant's positions to be staffed with women only. There will be a need for support mechanisms if these women are to become successful in these roles. The organization has to position itself to provide staff training to promote a change in attitudes in order for this initiative to be successful.

As previously noted any employment equity plan should consist of women in non-traditional roles as well as including Aboriginals, persons with disabilities, and visible minorities. With a booming future economy driven by the oil industry, the diversity of the population (both public sector and inmates) is likely to change and the Government in general will need to address these issues. Pre-planning for success will be key in these matters of Employment Equity.

It is recommended that an Employment Equity Plan be developed, particularly for the Justice Department, and expanded to include all four groups of Employment Equity: Women in non-traditional roles; Aboriginal peoples; Visible Minorities; and Persons with Disabilities.

It is recommended that action be taken to identify managerial positions to be staffed only by persons in the Employment Equity group; and that the necessary support and training be provided to make such an initiative successful.

Resource Levels - Classification Officer – all sites

HMP is resourced for five classification officer positions. It was noted that, on occasion, classification staff were off for extended periods of time (on sick leave) with no resources to replace them. Some of the satellite sites operated without a classification officer for as much as nine and 12 months at a time. Programming is also a classification officer responsibility. Offender programming is impacted when classification officers are required to backfill their absent colleagues, therefore programming becomes secondary and resources are stretched to the limit.

The Panel have been informed that the educational requirements for a Classification Officer include a university degree in the social sciences along with additional training. Opportunities are not being afforded to Correctional Officers to have them take on the role of Classification Officer. In areas of acting assignments, it would be to the advantage of the management team to provide such opportunities for correctional staff, which would include appropriate orientation and training. Correctional Officers noted that there are little opportunities for advancement and promotion or even a change of roles within the institutions. The Panel believes that it is important to cross-train staff where opportunities present themselves. Such cross-training helps to make a seamless organization; it maximizes resources, and fosters a supportive team environment.

Another option would be for the Department of Justice to partner with Memorial University and hire senior or graduate level students to provide assistance in the Classification Officer role during peak leave periods. This would enhance the students experience and assist in the recruitment of potential future employees.

This initiative would need to be strictly under the supervision of a seasoned Classification Officer.

It is recommended that a plan be developed to afford opportunities for correctional officers to act in the classification officer position to sustain a functional organization and respond to offender needs. This plan should be developed for all sites.

It is recommended that the Department of Justice liaise with Memorial University for the hiring of senior or graduate level students during the peak leave period in order to enhance resources and the capacity to relieve classification officers.

Resource Levels - Correctional Officers - all sites

The resourcing levels for the five prisons and two lockups in Newfoundland and Labrador have been examined. It is noted that there is no formula utilized to determine the number of Correctional Officers at each site. Rather, historically a number of officers have been assigned to each site based on what was thought to be sufficient numbers to meet operational needs. Over the years these numbers have been reduced in response to cut-backs by fiscally-challenged governments.

The lack of formula based resourcing has led to a number of issues which include rising overtime costs and staff burn-out. It has also resulted in increased reliance on the casual employee system. (The discussion on the casual employee system and its issues are examined in the following section). As there is no formula utilized there is no way to determine how many employees are actually required to provide coverage for absences such as sick leave, family leave, annual leave, training, etc.

It is recommended a formula be developed similar to the Attendance Leave Overtime Shift Work System (ALOSS) which is employed by the Federal Government. This system indicates how many full-time equivalent employees (FTEs) are required to fill an eight hour post 365 days per year. This formula can also be used to calculate how many FTEs are required to operate a 12 hour post, 365 days per year or 250 day posts which are staffed from Monday to Friday for eight hours per day.

The basic formula is as follows:

The total number of days per year (including leap years) = 365.25/7 weeks = 52.17 weeks

52.17 weeks at 40 hours per week = 2086.8 hours per year

2086.8 hours per year/8 hour shifts = 260.85 average scheduled work days per year.

From this number one subtracts the following average leave with pay by employee for the site: Average number of sick days used per year; average number of annual leave days used; average number of family leave days used; average number of training days per site.

Example: 260.85 days to cover post – 15 sick days used – 15 annual leave days used – 2 family days used – 5 training days = 223.85 average days worked per year.

365 day post

365 days per year/ 223.85 available days = 1.63 FTE's to cover 8 hour post

Conversion to 12 hour shifts:

One 12 hour shift would require 1.5 shift x 1.63 FTE's = 2.44 FTE's

For a 24 hour period – 3 8 hour posts x 1.63 = 4.89 FTE's

2 12 hour posts x 2.44 = 4.88 FTE's

Based on the work schedule provided from Her Majesty's Penitentiary, and assuming all posts are 12 hour posts there are 20 day shifts and 10 night shifts (Positions on the work schedule marked as spares are not included in these numbers). To have sufficient coverage and relief capacity for sick leave, annual leave, family leave, and training HMP would require 30 posts x 2.44 = 73.2 FTE's. Based on the schedule provided, HMP has six squads of 11 Correctional Officers for a total of 66 full time equivalents. Therefore HMP is short 7.2 FTE. The addition of 7.2 FTE's would provide each squad with an additional Correctional Officer which would provide two additional spares on the day shift and one

additional spare on the night shift. This has the potential to eliminate 36 hours of overtime or casual usage per day. This could also have a direct impact on the amount of Kelly Time¹¹ that could be given on a daily basis. It could also assist in reducing the number of 24 hour shifts that pose serious issues at the present time.

A similar situation was also found at the Labrador Correctional Centre. The LCC operates with five posts on the day shift and three posts on the night shift for a daily total of eight 12 hour posts. If the ALOSS was applied at 2.44, the institution would be staffed with eight posts x 2.44= 19.52 full time Correctional Officers. This total does not include the shop man position which would be one additional full time equivalent position.

Other sites have reported similar staff shortages. It is extremely important that the ALOSS be calculated correctly based on the actual leave usage of the Service. The 2.44 factor used in the calculations above is only for demonstration purposes.

It is recommended that an Attendance Leave Overtime Shift Work System (ALOSS) formula be calculated for each facility in Adult Corrections in Newfoundland and Labrador and that each site be staffed according to this formula.

[REDACTED]

[REDACTED]

[REDACTED]

¹¹ Kelly Time will be discussed on page 57 of this report.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] The Panel see no need to provide relief at the outside hospital, especially when two escorting officers are present and can relieve each other for short periods of time.

It is recommended that the practice of providing relief to escorting officers at outside hospitals cease.

Another issue that came to the attention of the Panel was the practice of having staff work 24 straight hours when sufficient coverage cannot be attained for the shift. This practice is totally unacceptable. To believe that someone can function at any appropriate level after working 16 hours straight is not realistic. In addition, the Panel believes that should an incident occur and staff not react appropriately the Department of Justice may well be held accountable. As well, the Panel believes should an employee be involved in a motor vehicle accident while returning home from a 24 hour shift the Department could also be held liable. The only site where 24 hour shifts do not occur is at the West Coast Correctional Centre. At that site staff working the previous shift have their shift extended for four hours and then someone from the following shift is brought in early to relieve them.

It is recommended that the practice of keeping staff on duty for 24 straight hours cease immediately due to the liability and accountability issues associated with this practice.

The Casual System

Newfoundland and Labrador prisons have utilized a casual system for a number of years. The system has two different types of casual employees. One group are considered full time temporary employees who are scheduled in advance and work regular hours. This group are backfilling for staff who are absent from the facility for reasons such as sick leave or those who have taken a temporary position at another facility. The other group of casuals are called in as required on a daily basis.

All staff members in recent years have been hired as casual employees. It can take many years to move from a casual status to full time employment. During the review process the Panel met with staff that have been working as Correctional Officers as long as nine years and still do not have full time status.

The casual system has many problems which are compounded by the issue of seniority. This issue presents itself at the onset of one's employment with the prisons. Once a new recruit has successfully completed the Correctional Officer Recruitment Training they are ranked by order of merit. This becomes the basis of their seniority. The recruit ranked number one is senior to all the other recruits hired at that time. To maintain seniority, a casual must work four hours every six months. In effect a casual employee could work eight hours in a calendar year and be senior to another casual who has worked every day during the same calendar year. As full time employment or full time temporary status is gained based on seniority this has caused much concern amongst staff.

Casual employees can gain full time employment if they are willing to relocate to the Labrador Correctional Centre. However, due to its geographic location many casuals do not want to relocate to that area. A casual, with less seniority, who is willing to move to the area will gain full time employment while someone who is more senior but unwilling to move remains a casual.

The casual system has had an effect on morale at many of the sites. It was not uncommon to hear that casuals could pick and chose the times they wanted to work with no repercussions. A casual could work through the week and then not be available on the weekend. This has resulted in full time staff at some sites being placed on standby for weekends. This requires the staff member on standby to be available should they be needed even though it is their weekend off. The Panel heard of many instances where staff on standby were unable to report to work due to family commitments, such as child care and were subsequently placed under investigation for not reporting to work while on standby.

Casuals can also be ordered to work at other sites. For example, a casual who lives in St. John's may be ordered to work at the Labrador Correctional Centre. The expectation is that this person must report to that site and if they fail to do so they may lose their status as a casual and not be offered further employment in the service. In addition, the casual is not offered any assistance with travel, accommodations, or meals but are expected to pay his/her own living expenses. The Panel were told of one case where an individual had to sleep in their vehicle as they could not find accommodation at the site where they had to report.

An issue pertaining to casuals was also raised at the Newfoundland and Labrador Correctional Centre for Women. The institution is located approximately two hours from St. John's. Casuals who live in St. John's can be called to work in NLCCW at 0530 hours and be expected to be at the site by 0730 hours. Even if the vacancy is known well in advance the call to the casual will not be made prior to 0530 hours on the day the employee is expected to report.

The Panel interviewed several casual employees during the review. Some casuals feel they were not treated fairly during the hiring and training process. They were told they may or may not have to pay for the Correctional Officer Recruit Training Program which amounted to five thousand dollars (\$5,000). One casual claimed that this was still not clear on the day the training was to start and the final decision was that the recruit would have to pay. As well, the casual claimed to have been led to believe that the starting pay would be in the range of \$20 per hour (when in fact that was the top of the scale). The recruit also claimed that they were told they would have all the work they wanted and now are getting very few hours of employment. Many staff feel this is unfair while the Sheriff's Office recruits (also under the Justice Department) do not have to pay for their training and are paid while they participate in the training program.

The Panel believes that the casual system is not financially viable and would recommend discontinuing it or at least the "as required" (call-in) aspect of the system. In New Brunswick Corrections, it is reported that the casual system is working well. However, they do not use call-in as required and hire casuals for six month temporary positions which are scheduled in advance. In Prince Edward Island, they also have a casual system and it is used as call-in as required.

Management in Prince Edward Island find the system does not work as people find jobs elsewhere and become less available. They are then faced with overtime, lack of resources, and ongoing recruit training. Nova Scotia does not use a casual system but uses part time employees and reported that system works well.

It is recommended that the casual system be discontinued or at minimum move to permanent part time or term positions.

Kelly Time

One of the major challenges facing correctional operations in Newfoundland and Labrador is the issue surrounding Kelly Time. Kelly Time arose as an issue when the staff of Newfoundland and Labrador Adult Corrections moved to a 12 hour shift cycle. The 12 hour shift cycle resulted in staff working 48 hours one week and 36 hours the following week for a total of 84 hours during a two week period. As the Collective Agreement stipulated an average work week of 40 hours the following clause was placed in Schedule “F” of the Agreement:

Article 11 – 11.01 (b) Employees who work in excess of 80 hours in a fortnight as a result of the 12 hour shift scheduling (excluding scheduled overtime), will receive time off at a later date on an hour-for-hour basis.

At the time of introduction of Kelly Time, the granting of this time off was not foreseen to be problematic. Gradually, however, the opportunity to avail of this time off became less and less frequent. Due to scheduling it is impossible to be granted Kelly Time on the night shift when institutions are at minimum staff.

Numerous staff noted that after an inmate escape and subsequent investigation in 2000, security was enhanced resulting in more escorted temporary absences being sent with two staff members rather than one. This extra staffing requirement has reduced the availability to access Kelly Time. Another factor is that some staff work only on night shift. This creates a situation where they (the night shift staff) cannot access Kelly Time as the staffing complement on the night shift is at minimal levels.

To avail of Kelly Time staff must place their name in a book at HMP at the start of their day shift (0800 hours) to have Kelly Time from 1700 hrs to 2000 hours. Kelly Time is granted on a first come, first served basis which has resulted in some staff coming on shift at 0600 hours to ensure they are first in the book for time off. In effect, they are coming in two hours early (without pay) in an attempt to get three hours off. Staff report that casuals are often sent home at 1700 hours resulting in permanent staff not being granted their Kelly Time on that day.

At the present time there is a total of 30,416 hours of Kelly Time owed in the Newfoundland and Labrador prison system. The majority of this is at Her Majesty's Penitentiary and the St. John's Lockup (26,155 hrs). Other sites also have accumulated Kelly Time: Labrador Correctional Centre (2,090.5 hrs); West Coast Correctional Centre (1,064.5 hrs); Newfoundland and Labrador Correctional Centre for Women (490.25 hrs); Corner Brook Lockup (322.75 hrs); and Bishop's Falls Correctional Centre (293 hrs) respectively.

If one calculates the average hourly rate for Correctional Officer's at \$24.50 per hour, the Government of Newfoundland and Labrador would be required to spend \$745,192 to pay out the Kelly Time presently accumulated. It is unlikely that the Government would be willing to pay out this amount of money, therefore, another solution must be found. There are two basic issues that need to be addressed. Firstly, something needs to change to avoid the further accumulation of Kelly Time. Secondly, the issue of existing Kelly Time within the various facilities must be resolved.

A solution is available to address the first issue; however, it will require scheduling changes. This would involve changing the present schedule so that in a two week period one of the shifts worked is an eight hour shift. This would result in the employees working 80 hours in a two week period and therefore average 40 hours of work per week. An alternate option would be to add an extra rest day every six weeks. Depending on the interpretation of Article 52.01 and Article 11 of Schedule F, it may be necessary to negotiate with the Union on this change.

It is recommended that consultations occur with Newfoundland and Labrador Association of Public Employees to change the Correctional Officer schedules to reflect the correct hours of work.

The second issue will require some expenditure of resources but would be less expensive than a payout of Kelly Time. The application of the ALOSS formula as outlined in this report would create an extra person per squad at HMP and more resources at the other sites. This would assist in allowing staff to avail of more Kelly Time during non-peak leave periods. Another possibility that should be considered is to engage temporary positions solely to backfill for Kelly Time.

It is recommended that temporary positions be created that would be solely dedicated to backfill for Kelly Time during off-peak leave periods.

In the example below employees work a total of 84 hours every two weeks while being paid for 80 hours. Therefore, every two weeks they are working four more hours than they are being paid. Employees work a total of 168 hours every four weeks while being paid for 160 and are working eight hours more than they are being paid. They work 252 hours in a six week period. Under the Collective Agreement they are paid for a total of 240 hours. Therefore, every six weeks they are working 12 hours more than they are being paid.

To resolve the Kelly time situation, the following options are possible:

- 1) ensure during each two week period that each employee works one eight hour shift versus a 12 hour shift;
- 2) ensure during each two week period that an employee works one four hour shift versus a 12 hour shift; or,
- 3) ensure during each six week period that an employee is given an additional rest day.

Option one would still give the same staff complement overall in terms of number of Correctional Officers on shift. However it would result in two posts changing from 12 hour posts to eight hour posts three days per week, which may be more feasible than the third option.

The third option would allow the time off to be spread over a six week timeframe. Thus over the six week period each individual in the squad would be given one more rest day. This could possibly mean a reduction on day shift by two Correctional Officers three days per week.¹²

¹² Schedule examples can be found in Appendix D.

Review of the Status of Labour Relations and the Adequacy of Internal Communications

The issue of labour relations has been a longstanding and divisive issue in Newfoundland and Labrador's provincial prisons. On December 6, 1991 a brief on the conditions at HMP was completed by NAPE which outlined several security concerns. According to many senior staff the issues between Management and Labour stem from 30 years ago and have never been adequately addressed. In 1992 another report was completed by personnel of the Correctional Service of Canada at the request of the Newfoundland and Labrador Justice Department.¹³ This operational review made several recommendations, many of which were actioned. Other recommendations were not addressed which left staff with the impression that those recommendations actioned were those where a reduction in staffing levels and resources could be made, such as the elimination of various security posts. Since that time there have been mass walk-outs by staff over various issues. One occurred in 1996 and another in October 1999.

The former Director of Adult Corrections and the former president of NAPE both describe their longstanding professional relationship as strained. During this time it would appear that they found very little common ground and Management-Union relations were unproductive.

Communications at Her Majesty's Penitentiary remain fractured and this has led to a great deal of frustration and confusion. Neither formal shift briefings nor labour-

¹³ Correctional Services of Canada Report on Her Majesty's Penitentiary.

management meetings are currently being held at HMP. Other sites such as the Labrador Correctional Centre meet with the Union on a regular basis and morale appears to be much better there as compared to HMP. Effective communications are vital to the well being of any organization and this is especially true in a correctional environment. The lines of communication need to be open, clear, direct, and reciprocal so that both employees and inmates are treated consistently. Inconsistency is one of the main causes of turmoil in this environment. [REDACTED]

[REDACTED]

[REDACTED]

A constant theme of micro-management was reported from various ranks within the organization. This was not only reported by Correctional Officers, but also from Management levels as well. Delegation is one of the principles of modern management styles and it has been generally absent. Staff have [REDACTED]

[REDACTED] little or no input into decision-making.

When decisions are made they are often communicated without explanation. One example is the prohibition of carrying cell phones at the work place. Staff were told only managers would be permitted to have cell phones. This caused a great deal of frustration for front-line staff. However, once they were given a possible rationale from the Panel, staff quickly understood the underlying issue. The cell phone detector cannot differentiate who has the cell phone in their possession - staff or inmates.

Senior management has not played a strong advocacy role for correctional staff in Newfoundland and Labrador. The Panel has heard few, if any, examples where management has publicly supported staff. An example often cited by staff, was of a group of female rowers who had never previously rowed in the Regatta. Last year this group, while training mostly on their own time, managed to participate competitively in the Regatta. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] This was a missed opportunity to connect with and support staff. In such cases, timely support would slowly begin to build a bridge between Management and front-line staff.

The absence of employee recognition in other areas of the prison environment is also evident. Many of the staff who were interviewed reported that they had not been provided with performance evaluations in years. If you are content to be a Correctional Officer and do not apply for a Lieutenant's or Captain's roster it is possible that after your first year on the job you will never receive written feedback on your performance. One staff member advised that they had not received a performance evaluation in 28 years. There is no formal assessment of staff strengths and needs; and good performance goes unrewarded while poor performance goes unaddressed.

During the review process the Superintendent was asked if staff were formally recognized for their work. Such recognition was attempted at one point but was criticized by the Union as "cherry picking" and only recognizing a few handpicked staff. As a result formal recognition was discontinued. Also, for several years

HMP had an active Honour Guard; however, staff felt a lack of support by Management and it was disbanded.

[REDACTED] assumed [REDACTED] duties in [REDACTED] after a brief posting at [REDACTED] and a [REDACTED]

Given the historical context of the lack of cooperation between Management and Union [REDACTED] was faced with the seemingly insurmountable challenge of trying to move the provincial prison system into the new century.

Under the circumstances, the Panel believes that

Also, it is not clear if [REDACTED] with the support required to deal with such difficult circumstances.

There is no doubt that [REDACTED] has had many accomplishments such as the move towards [REDACTED]. Unfortunately, even these moves were not seen as a positive step forward by staff, but rather as a means to undermine the seniority clause in the Collective Agreement. [REDACTED]

[REDACTED] This perception was further heightened as many of these individuals were less senior than other staff members or were not Lieutenants nor on the Lieutenant's roster.

During the review process, it was noted that

was made to compete in the selection process

for the [REDACTED] position at [REDACTED]
[REDACTED] In this process, the individual's interview was completed via telephone, while other candidates had direct in-person interviews. This position was eventually filled by [REDACTED] who also applied. One would tend to believe that when you are at the level of [REDACTED] you would not need to compete for the same position at another location. The Panel was left with the impression that senior Management had no intention of allowing the individual to fill this position, yet were not forthcoming enough to indicate that to the individual. It is issues such as this that give staff the perception that there are real problems with the hiring process.

[REDACTED] was also tasked with representing the Department of Justice at the collective bargaining process. From the Panel's perspective, having [REDACTED]
[REDACTED] present at the bargaining table was not a wise decision. Moreover, during this time one of [REDACTED] also sitting at the table [REDACTED]; and shortly thereafter sat with [REDACTED] at the same bargaining table. This was seen by the Union as "rubbing salt in an open wound" and as Union busting.

More recently [REDACTED] was asked to sit at the Arbitration Panel in [REDACTED]
[REDACTED] as the [REDACTED] was being arbitrated. During the review process several staff made reference to [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] The Panel strongly believe that [REDACTED]
[REDACTED] should never have been asked to be involved in this process, nor

should [REDACTED] have been placed in a situation where [REDACTED] would have to [REDACTED]
[REDACTED] Such an atmosphere was ripe for controversy and negativity; and these
[REDACTED], which whether or not they were fully
accurate, served to further damage the relationship between [REDACTED] and the
Union.

The Panel heard direct accounts from staff at every site [REDACTED]
[REDACTED], whatever their intended meaning, ended
up being received by staff as: [REDACTED]
[REDACTED] The Panel also heard direct
accounts of people being told [REDACTED]
[REDACTED]

Kevin Wright in his book *Effective Prison Leadership*¹⁴ discusses the challenges
facing prison administrators as they operate in complex public bureaucracies where
their days are often filled with meetings. He notes some common frustrations and
coping styles of these overworked prison administrators who feel isolated and
unsupported.

One is tempted to accuse the CEO's of such prisons of neglect, irresponsibility and perhaps even dereliction of duty. But these administrators have not stopped caring. Instead, what I have observed were weary, overwhelmed, exasperated, and sometimes inept managers. They felt overworked and unappreciated . . . They feel that budgetary and policy constraints allow few options for change, and have little confidence in the ability of subordinates to carry out reforms. Because these executives have failed to visualize a course of direction for their

¹⁴ Kevin N. Wright, *Effective Prison Leadership*, William Neil Publishing (1997).

institutions, they fall back on policies, procedures and rules for decision-making. They become preoccupied with administrative requirements, which may blind them to the original goals of running safe, humane and productive prisons. . . The result is executives who are “functional bureaucrats” rather than effective leaders.

One of the persons interviewed stated [REDACTED], spoke of the atmosphere of mistrust and stated that “the environment is such that you have to be careful who you tell things to.” Several times during the Panel’s interviews with [REDACTED] referenced what [REDACTED] perceived to be the lack of support from “the hill”, noting that he had files of documentation that would support [REDACTED] claim.

Of the 157 staff interviewed, approximately 16% had emotional breakdowns during the interviews. This was not limited to front line staff, but also included people who were in management positions. While some of these were undoubtedly the symptoms of personal issues the Panel believes the majority were symptomatic of the ongoing labour issues and the sense of helplessness felt by staff in the institutions.

Morale at Her Majesty’s Penitentiary is at a critical stage and much effort will be required from both the Union and Management to improve the situation. The vast majority of staff members have identified harassment as a major factor in the low level of staff morale. While some of this perceived harassment is simply holding individuals accountable for their actions, there have also been numerous accounts of staff being berated in front of other staff by Management, and references to sexual harassment by staff and Management.

In 2007 there were a total of 91 grievances filed at HMP. Of the 91 grievances filed, 32 were withdrawn and one was sent for mediation. The remainder remain unresolved. Of the grievances withdrawn, 25 were not withdrawn until early 2008. Many of these grievances are about Article 12 of the Collective Agreement which deals with Standby. Many others are filed under Article 34 – Discipline. As of July 1, 2008 there have been 24 grievances filed for the year at HMP and all remain unresolved. Many of these grievances were filed under article 29 - Seniority. For comparison purposes the West Coast Correctional Centre had one grievance filed to date and only two filed in 2007. At the Labrador Correctional Centre there were no grievances submitted so far this year and eight filed in 2007. At the Corner Brook Lockup there have been no grievances filed in 2007 or 2008. Having this many unresolved grievances at Her Majesty's Penitentiary only serves to undermine an already fragile morale situation.

_____ has a very challenging job. _____ works hard and has attempted to surround _____ with capable people; _____. Based on interviews with staff _____ is among the managers for whom staff state _____

_____ This behaviour was identified by various levels of staff and was reported not only from Correctional Officers. However when discussed with _____, this behaviour was adamantly denied to the Panel.

A few staff members made the comment, “I decided to join the crowd that would support me until my retirement”. Many staff perceive a lack of respect by Management and have turned for support to the Union. This has given an already powerful Union further strength as people gravitate to people who they feel will protect their interests.

Labour-Management relations, while still having some challenges, are more positive at the Labrador Correctional Centre. Staff morale, not surprisingly, is also more positive there. Staff at the LCC have stated that Management at that facility are willing to work together to attempt to address any issues that arise. Issues such as casuals, stand-by, and 24 hour shifts were identified at LCC as well. The lack of resources for inmate programming is a consistent issue noted by staff.

At the Newfoundland and Labrador Correctional Centre for Women staff – management relations are described as “sometimes good, sometimes not so good”. Management at the NLCCW is characterized as reasonable and approachable. Inconsistencies among front-line staff have played a role in reducing staff morale. Issues with the casual system and lack of programming for offenders have also been raised at the NLCCW.

Staff at the West Coast Correctional Centre indicate that labour relations at the facility has improved. Staff views the Acting Assistant Superintendent as being a caring individual who does his best to look after the interests of staff and inmates. Given the staff complement, very few staff asked to meet with the Panel. While this can be interpreted in several ways, the Panel believes this is reflective of a

relatively satisfied staff who are having some of their concerns addressed in a proactive manner.

Staff at the Corner Brook Lockup believe morale at the site level is improving. However, issues remain tense with senior staff in St. John's. One comment is reflective of this: "We are always fighting for information from St. John's". This statement was made in reference to both Management and Union leaders in the city. Issues surrounding casuals and the physical environment are factors which affect morale.

Bishop's Falls Correctional Centre staff appear to be a cohesive unit. Issues that have an impact on morale are the casual system and poor communications. Human resource issues are also identified as a problem at Bishop's Falls. The resourcing levels for Labrador Correctional Centre, Newfoundland and Labrador Correctional Centre for Women, and Bishop's Falls Correctional Centre are not the same even though the facilities themselves are very similar in design.

A common theme arose at sites other than HMP. The saying "it doesn't get by the overpass" is used to demonstrate the isolation felt at the other sites. Sites other than HMP feel communication ends at the overpass and information is often not passed on from Senior Management to the other sites. Many of the policies and procedures that relate to HMP are not appropriate at the other facilities, but there is no differentiation in policy.

The question often asked was will a new institution resolve the problems in Newfoundland and Labrador Corrections? As one employee stated "*If you have a*

broken marriage and move to a new house, you still have a broken marriage.” The Panel believes it is of utmost importance that the issues identified in this report be resolved quickly.

Throughout Adult Corrections a constant message received in the review concerned the lack of trust. This was reported by both front-line staff and managers. It was sometimes the front-line staff who did not trust their fellow workers or managers, and sometimes it was expressed by managers who did not trust the staff or other managers. This lack of trust has resulted in micro-management.

Ole Ingstrup and Paul Crookall note, “trust is a reciprocal commodity with a limited bank balance.”¹⁵ It appears that in the world of Adult Corrections in Newfoundland and Labrador the account is bankrupt. Ingstrup and Crookall state, “In a non-trusting organization – a fearful organization – people’s first loyalty is protecting themselves. They believe their leaders are not trustworthy. Growth is thwarted.” We believe this is part of the reason the Union is so strong: the Union has the trust of the employees.

Ingstrup and Crookall talk about the four types of trust that any well running organization requires:

- 1) Professional trust, which manifests itself in delegation, clear and open communications, sharing of information, etc. This trust is built by managers

¹⁵ Ole Ingstrup and Paul Crookall, *The Three Pillars of Public Management, Secrets of Sustained Success*, McGill-Queen’s University Press (1998).

who are able to manage change safely and who are concerned about their employees' welfare, training, and development.

- 2) Personal Trust which manifests itself in the belief that others are honest. Without this trust staff become concerned about their own personal protection and "covering their backsides".
- 3) Political Trust is the confidence felt by government that the service is performing well and is striving to meet its mission. Government must feel that the organization is being run competently so it does not have to increase its (Government's) external control.
- 4) Public Trust must be felt by the public; the people the organization is responsible to. The public must view the service as providing satisfactory service and ethical behaviour. If this trust is not present the service must continually be in damage control.

Adult Corrections of Newfoundland and Labrador must work to meet these goals and bring the organization out of the level of mistrust that is now present. At this point both Union and Management have become very rigid and have drawn lines in the sand. This is particularly unfortunate as the Panel observed the perseverance that employees at all levels within the organization have demonstrated and the dedication that many have for their work. To move forward both Union and Management must agree to work collaboratively.

It is recommended that a committee comprised of representation from all levels be formed to look at the issue of trust, facilitated by a consultant with a solid background in organizational behaviour, with the goal of developing an action plan to bring trust back into the organization.

Review of Practices and Procedures Relating to the Response to, and Investigation of Critical Incidents and Allegations of Professional Misconduct

The reaction to the allegation of professional misconduct is the subject of much discussion among staff. Staff perceive that they are treated differently than their partners in the criminal justice system and note that there are many inconsistencies within Adult Corrections itself. The latest incident at the St. John's Lockup where two correctional officers were suspended has only served to heighten this perception. [REDACTED]

[REDACTED]

[REDACTED]

Another incident was noted where a corrections staff member has been suspended with pay for several months which lends itself to the confusion that staff are feeling. Staff cannot understand why one employee is at home being paid while another is suspended without pay and has lost all of his benefits. Staff strongly feel that they are being found guilty before an investigation has been conducted.

Such issues are very difficult and delicate. When there is alleged professional misconduct it is incumbent on Management to deal with the issue fairly and expeditiously especially when it is an incident which draws public attention to the service. That being stated, Management's first responsibility is to ensure the behaviour does not reoccur by having the staff member removed from the duties he/she was performing at the time of the incident. Many criminal justice partners do not suspend their staff but move them to "desk jobs" which removes them from

contact with the public. That may or may not be an option for a Correctional Officer and the choice may come down to suspension with or without pay. The Union of Canadian Correctional Officers have managed to negotiate during collective bargaining to have a clause inserted in their collective agreement which states that staff will be suspended with pay if the incident is inmate-related.¹⁶ This would protect staff from those rare cases where frivolous accusations are made by inmates.

Given the present labour relations atmosphere, an agreement to suspend officers with pay may be in everyone's best interest. Should the officer be found liable; either criminally or administratively, action could be taken at that time either in terms of a financial penalty or other action. Staff have to be aware however that the possibility of corrective action rests on the balance of probability that an act occurred and not on the balance of reasonable doubt.

It is recommended that staff who are accused of inappropriate behaviour involving inmates be suspended with pay pending the final outcome of the investigation.

Several staff have commented on the investigation process that is used in the prisons in Newfoundland and Labrador. It was not uncommon to hear of officers being given a letter at the start of their shift telling them they were under investigation. Usually this was as a result of being on stand-by and not answering their phone or for using family leave without proper documentation. The Panel has

¹⁶ Collective Agreement between Union of Canadian Correctional Officers and Federal Treasury Board

heard of several instances where staff were told they were under investigation and several months had passed without any further discussion on the subject. In fact in one instance an individual was charged under the *Prisons Act* over ten years ago for refusing a direct order and has not yet had a hearing on the issue. It appears there is little to no effort to discuss the situation and circumstances with the staff member prior to them being given notification they were under investigation.

The Panel was provided a copy of an email sent by an officer to [REDACTED] at Her Majesty's Penitentiary. The email questions:

Approximately 1.5 years ago, an investigation was conducted into matters related to Officer . . . Could you please inform me of the status of this internal investigation. Is the investigation concluded? If so, what is the outcome? Will I be facing internal charges under the prisons act/regulations as a result of this investigation?

If an officer has to raise these questions a year and a half after being informed he was being investigated it obviously points to an extreme lack of communications. The Panel has also had access to other correspondence sent to a Correctional Officer advising him that he was being investigated. The letter states,

In compliance with Article 34.02 of the Correctional Officers Collective Agreement as a result of information received by [REDACTED], please be advised that an investigation is being conducted into the following matter: Complaints from inmates. Pending the result of this investigation charges may be laid against you.

Section 34.02 of the Collective Agreement states: that Management shall notify an employee in writing of any dissatisfaction concerning his work within five working

days of the occurrence or discovery of the incident. It goes on to state the notification shall include particulars of work performance which led to such dissatisfaction. The Panel does not believe the statement, “complaints from inmates” is sufficient disclosure nor does it meet the intent of the Collective Agreement Section 34.02.

It is recommended that the investigative process be modified to ensure it is fair, timely, and consistent.

Employee Assistance Program (EAP)

The Employee Assistance Program is a joint Program of Government, Newfoundland and Labrador Association of Public Employees (NAPE), and the Public Service Management Association (PSMA). The program offers training in the areas of Personal Counselling, Critical Incident Stress Debriefing, Workshops/Training, and Advisory Services. This program provides an opportunity for employees to receive help for personal problems and for work related issues. It also provides an opportunity for supervisors to deal with employees whose work performance has deteriorated because of a personal problem. EAP responds by completing assessment, short term counselling, referrals to community based services, and private services. There are two Employee Assistance Co-ordinators for the Government of Newfoundland and Labrador. Employees can contact them directly and supervisors can refer employees to the Co-ordinators for assistance.

As the Co-ordinators are situated in St. John's, access to them by the satellite sites can be difficult and it creates delays in addressing issues. Federal Corrections have an extended Employee Assistance Program where staff volunteer to become peers and referral agents. Professional resources are identified in the community to which referral agents have access and the employee is referred. There is no procedure developed specific to Adult Corrections of Newfoundland and Labrador to complement the already existing EAP program in the province. Given the nature of the business, the stressful environment, and the number of staff interviewed during the Panel's review (16%) who displayed severe emotional upset, the present resources are not sufficient. The Department of Justice should develop a process and procedures, including the identification and training of referral agents and peer counsellors.

It is recommended that the Department of Justice develop a comprehensive Employee Assistance Program including identification and training of referral agents and peer counsellors in each Adult Corrections Facility.

Critical Incidence Stress Management (CISM)

Critical Incidence Stress Management falls under the umbrella of the Employee Assistance Program. Again, this is a joint Program of Government, NAPE, and the PSMA. Adult Corrections of Newfoundland and Labrador has developed a procedure under the CISM called “Defusing”, Annex 6, s. 1 to 7. This document is not dated or signed. It is an explanation of the procedures to follow should a critical incident occur for staff. At HMP four staff are trained in critical stress diffusion and management is in the process of recruiting more staff to complement the existing team. In addition, qualified professional individuals have been identified and are drawn upon to conduct the debriefing. During the Panel’s review, there had been two recent deaths at HMP. Staff involved explained that the procedure was followed for critical incident stress debriefing and felt that with the exception of a few issues; the process was conducted efficiently and effectively.

A number of inmates mentioned that after the above-mentioned sudden deaths at the Penitentiary there was little or no post-traumatic stress counselling provided to those inmates in nearby cells who were affected by the events. While some incidents appear to have been well handled there is no formal policy. Traumatic incidents affect inmates as well as staff and therefore inmates need appropriate support and counselling as well. Management confirmed that the psychiatrist or the chaplain of the institution sees inmates on an individual basis.

It is recommended that the existing Annex on Critical Incident Stress Management be dated and signed by the Institutional Head and further be developed to include a process to address inmates when they are exposed to a critical incident.

Review of Provincial Legislation

PRISONS ACT

The Prisons Act, Chapter P-21 (amended: 2006c 40 s21), An Act Respecting the Penitentiary for the province of Newfoundland and Labrador was reviewed and compared with several other provincial pieces of legislation (Nova Scotia, New Brunswick, Prince Edward Island, and Saskatchewan) as well as with the Federal *Corrections and Conditional Release Act*.

During this jurisdictional analysis it was noted that the term Prison Act is not utilized. Other provinces utilize the terminology “The Correctional Services Act” or “The Corrections Act” and have revised the word “prisoner” to “offender” or “inmate”. Similarly the Head of a correctional facility is “Superintendent” and not “Assistant Superintendent”.

It is recommended that the terminology utilized throughout the Prisons Act be modified to reflect a more rehabilitative approach.

As well, it was noted that in all other jurisdictions the Head of the facility is called a Superintendent and not Assistant Superintendent. As in the case with Her Majesty’s Penitentiary, because of the proximity of the Superintendent, roles are very often confusing and a title change would alleviate this confusion.

It is recommended that the title Superintendent should be adopted for all the facilities in Newfoundland and Labrador and another title be given to the existing Superintendent.

It is noted that there is a reference in the *Prisons Act* to the Salmonier Correctional Institution and no mention of the other facilities existing. The Salmonier Correctional Institution has been closed for five years. The other existing facilities Bishop's Falls Correctional Centre, West Coast Correctional Centre, Newfoundland and Labrador Correctional Centre for Women, Labrador Correctional Centre, Corner Brook Lockup, and St. John's Lockup are not mentioned in the Act.

It is recommended that either the Prisons Act specify all correctional facilities by name or refer only to correctional facilities in general.

Terms pertaining to inmates in the Prison Act are not defined. These include such terms as Administrative Segregation, Discipline, Search and Seizure, Program for Offenders, Aboriginal Offenders, and Grievance Procedure.

It is recommended that the Prisons Act be modified to include areas that would ensure inmate's rights are respected.

Prison Regulations under the Prisons Act

The Prison Regulations (Consolidated Newfoundland and Labrador Regulation 993/96) for the province of Newfoundland and Labrador were reviewed and compared to the Prison Regulations of several other provinces (Nova Scotia, New Brunswick, Prince Edward Island, and Saskatchewan) as well as the *Corrections and Conditional Release Regulations*.

The Newfoundland and Labrador Prison Regulations outline the duties of the Superintendent as well as expectations relating to an officer's performance of duty. The regulations also outline prohibitions on an officer's conduct as well as the disciplinary process for staff. In comparison to the regulations of other provinces and the federal regulations, the duties of staff are described, as well as expectations of staff performance. In Nova Scotia such expectations have been included as a Code of Professional Conduct. The disciplinary process for staff is not outlined in any of the other regulations examined. Other jurisdictions have created a separate policy entitled "Code of Professional Conduct" or "Standards of Professional Conduct", which includes: standards on responsible discharge; conduct and appearance; relationships with other staff members; relationships with offenders; conflict of interest; and protecting and sharing of information. This is reviewed with employees and upon hiring they must sign the document acknowledging they understand and will adhere to the standards.

The Prison Regulations for the province of Newfoundland and Labrador also reference isolation cells. The proper terminology should be "segregation". There is no reference of the following in those regulations: a grievance process for

inmates; search and seizure of contraband; use of force, etc. The section on “Rights of Prisoners” deals only with written correspondence and does not reference rights such as religious freedom under the *Canadian Charter of Rights and Freedoms*, nor is there any reference to Aboriginal offenders.

It is recommended the Prisons Act and the Prison Regulations be thoroughly revised and approved by the Government of Newfoundland and Labrador.

Review of the Adequacy of the Policies and Procedures Manuals

Policy Manuals

A review of the Policy Manuals presently in effect was completed. These manuals are given to every staff member who is then responsible for their upkeep. This upkeep includes the insertion and deletion of sections of the manuals as directed by Management. The policy manuals provided to the Panel were housed in three large binders. These binders were collectively identified as Manual Set 418 and then further defined as Book 1 of 3; Book 2 of 3; and Book 3 of 3. The manuals appear to be severely outdated. Terminology including “Chief Warder”; “Clarendville Correctional Centre”, and “Jailer” are found on the organizational chart in the first manual. In the index many of the policies are marked as “REMOVED” with no indication of why they were removed or if they had been replaced with new policy. Many of the policies are dated April 1, 1982 which suggests that some of these policies have not been reviewed in 26 years. The Panel understands that a review of manuals was presently under way and strongly support this review.

It is recommended that all policies be reviewed and updated as soon as possible to ensure the policies are reflective of actual practice employed by the correctional institutions in Newfoundland and Labrador.

It is recommended that once updated, legislation and policy be published electronically and that all hard copy manuals be destroyed.

Policy and Procedures Manuals

The following section highlights the review of the specific policy manuals and identifies changes needed in terms of procedure and policy.

Policy and Procedures Manual (Binder 1 of 3)

Procedure Number 1.18 entitled, “Communication Sharing Among Management” directs that each site shall identify a person as an Institutional Coordinator who will be responsible to keep a reading file up to date with information such as Labour Management Minutes; Occupational Health & Safety Minutes; Job Postings; etc. This is a hard copy file and is redundant in this age of electronic data sharing.

Procedure Number 2.14 entitled, “Report Writing” and Procedure Number 2.16 entitled, “Confidentiality” serve little use as procedures. They should be discussed during the initial Correctional Officer Recruit Training. If a procedure on confidentiality is needed, it should be in a Code of Professional Conduct as previously discussed.

Procedure 2.18, “Assaults on staff by inmates” directs that when a staff member has been assaulted by an inmate the Superintendent should be notified. The notification should be to the Assistant Superintendent of the facility where the assault took place. The procedure also directs that the Superintendent determine if the staff member wishes to lay a charge of assault against the inmate. If a staff member is assaulted there should be automatic consultation with the Police force having jurisdiction in the area to determine if charges against the inmate are warranted.

Procedures 2.19 and 2.20 concerning complaints by inmates or the public should be brought to the attention of the Superintendent. If, as discussed earlier in this report, the title of Assistant Superintendents is changed to Superintendent no changes are required to these procedures.

Procedure 2.21, “Conflict of Interest” should be removed and placed in a Code of Professional Conduct.

Procedure 3.06, “Inspection of Facilities” references a “Chief Warder” and is outdated.

Procedure 3.07, “Rounds” should make reference to ensuring that all inmates are accounted for during the hourly rounds and that each inmate is alive and well.

It is recommended that the policy of institutional counts include the terminology 'the count of live bodies' to ensure inmate health and safety.

Procedure 3.10, "Seizures and preservation of physical evidence" requires a thorough review. More focus should be given to the protection of life and the need to render first aid or CPR until medical authorities have arrived on the site.

Procedure 3.13, "Remand Inmates" makes reference to SCI [Salmonier Correctional Institution) which is now closed.

Procedures 3.16, "Admissions & Releases, Special Handling, Administrative, Punitive and Observation Segregation"; 3.16 (a), "Administrative Special Handling"; 3.16 (b), "Administrative Segregation"; 3.16 (c), "Observation Segregation"; 3.16 (d), "Dry Celling"; and 3.16 (e), "Punitive Segregation" should be combined into one procedure to reduce the repetitiveness of the documents.

Unit One at HMP consists of two wings which extend from a central closed control post. The right wing is called the Special Handling Unit while the left wing is Segregation. Inmates who are assessed as being suicidal are placed in the segregation side of the unit. The inmate is placed in a cell with no exterior window and a light that is on 24 hours a day. In the Panel's opinion this adds to the psychological stress the inmate is already experiencing. The Special Handling Unit has windows and would be more appropriate to house inmates who are in crisis.

It is strongly recommended that the Special Handling Unit be utilized to house inmates who are assessed as being suicidal, as it is more humane.

Procedures specify that the segregation areas, including the Special Handling Unit must be visited every day by the Unit Manager or the Duty Lieutenant. Segregation is one of the most volatile areas of any correctional facility and constant monitoring is required to ensure that inmates are being provided with essential services. The use of the restraint chair should be limited to those inmates who are self-harming and always prohibited for disciplinary purposes.

It is recommended that the segregation areas be visited every day by the Duty Captain to ensure that inmate's rights are being respected and that they are being provided with showers and exercise.

Procedure 4.10, "Allegations of Assault of an Inmate" and Procedure 2.19, "Complaint by Inmate(s) Against Staff or Another Inmate" should be combined into one procedure as both deal with allegations against staff.

Procedure 6.02, "Inmate Personal Property" needs to be revised. This section does not take into consideration that institutional inmate clothing is no longer issued to inmates. In the view of many staff, this decision has had a negative effect on security within HMP. When the decision was made to end the issuing of institutional clothing inmates were then allowed to have clothing sent to them from

the community. There have been reports of delays in inmates receiving their clothes and some inmates having little in the way of personal clothing in addition to that which they are wearing. Conversely there appeared to be little restriction on the amount of clothing that an inmate could receive. The decision has opened a conduit for the importation of illegal drugs into the institution as drugs have been seized from the hems of pants and other parts of the clothing.

It is recommended that the decision to stop providing institutional inmate clothing be reviewed, and that if the decision is made to maintain the current practice, that a limit on the amount of personal clothing and the number of times it can be received by the inmate be developed.

It is recommended that a procedure be put in place to ensure that a basic issue of clothing be provided upon arrival to those who are deemed to need it.

Procedure 8.10, “Daily Routine” is outdated making reference to a ‘Head Warder’.

Policy and Procedures Manual (Binder 2 of 3)

Administrative Order A2:00, “Admission of Inmates Serving Intermittent Sentences” is outdated, making reference to the institution providing tobacco to inmates.

Administrative Order A3:00, “A.A. Meetings” is outdated, making reference to a ‘Head Warder’.

Administrative Order A5:00, “Inspection of Duty Posts at Commencement of Shifts and Relief Assignments” is outdated, making reference to ‘Warders’.

Personnel Management Number 3.10.02, “Employee Evaluations – Permanent Staff” is marked as pending. Virtually every staff member interviewed in the review process commented on the lack of feedback on their performance. As discussed previously in this report the Panel notes this as one of the key issues facing correctional operations and impacting on staff relations and staff development in Newfoundland and Labrador.

Personnel Management Number 3.15.02, “Staff Development – In service Training” is also identified as ‘pending’. This indicates that staff will be provided with a minimum of forty hours of training annually. While some progress has been made in this area, none of the employees interviewed indicated that they had received forty hours of training. Employees also felt they required training in the area of drug recognition. There seemed to be a general lack of recognition and understanding of harassment and further training is required in this area.

During the review process the Panel recognized a lack of understanding on Aboriginal cultural issues at the staff and Management levels. This lack of staff knowledge was also reflected in the comments of a number of inmates.

It is recommended that a training schedule be developed that will ensure that mandatory training be completed on an annual basis in the areas of Use of Force, First Aid and CPR, Emergency Response, and Suicide Prevention.

It is further recommended that specific training be developed to deal with the issue of harassment within Adult Corrections.

It is recommended that mandatory training be provided to all staff on Aboriginal culture to better enable them to understand and deal more effectively with Aboriginal inmates.

Personnel Management Number 3.15.04, “Staff Development – Emergency Response Training” makes reference to firearms training. This is no longer appropriate given the decision some years ago to remove weapons from the service.

Personnel Management Number 3.20.04, “Conduct And Deportment – Reporting Criminal Charges” references the obligation of staff members to report any criminal charges against themselves. This section does not specify a timeframe for the reporting of the charges and should also include potential charges they may be facing.

It is recommended that the policy on the obligation of staff members to report any criminal charges (or potential charges) against themselves be revised to include a timeframe.

Personnel Management Number 3.20.06, “Conduct and Deportment – Political Activities” outlines the need for an employee to resign their position prior to running as a candidate in a provincial or federal election.

It is recommended that the policy on political activities be reviewed to determine if it is legal under the *Canadian Charter of Rights and Freedoms*.

Personnel Management Number 3.20.12, “Conduct and Deportment – Attendance Management”. This policy has been criticized by both line staff and Management as being ineffective as it is not being applied.

It is recommended that the policy on Attendance Management be enforced and monitored for compliance.

Personnel Management Number 3.25.01, “Selected Benefits – Leave Requests” makes reference to Chief Warders and Head Warders.

Personnel Management Number 3.25.06, “Selected Benefits – Accommodation of Pregnant Staff” needs to be reviewed. This was a very contentious issue among staff at several sites. There does not appear to be a clear understanding of this policy by either staff or Management. This also should include a review of other accommodation issues, such as short term physical disability.

It is recommended that a clear policy on accommodation for staff during pregnancy be developed.

Personnel Management Number 3.35.01, “Promotions – Senior Management Positions” makes reference to Chief Warder and needs revision.

Security and Control Number 13.15.02, “Security Fundamentals – Count Principles” makes no reference to ‘live bodies’.

Security and Control Number 13.20.01, “Security Searches – General Rules”. Some jurisdictions have developed a search plan which outlines what areas of the institution will be searched, and what searches are deemed to be routine in nature

(not requiring suspicion or belief), such as strip search on admission to segregation.

It is recommended that a Search Plan be developed for each institution that would ensure all areas of the institution are searched on a regular basis and that the issue of routine and non-routine searches be included.

Security and Control Number 13.35.01, “Use of Force – General”. Paragraph 28 outlines the conditions when Oleoresin Capsicum (OC) Spray can be used. The policy states that it “will be used in circumstances where extensive property damage is being caused or where death or grievous bodily harm is likely to result”. The Panel finds this to be a very restrictive policy which severely limits the options for the use of OC. While agreeing that OC should be used in the prior noted circumstances, it should also be considered in circumstances where the likelihood of physical handling is high. A short spray of OC could result in the lessening of injury to both staff and inmates. Given the relatively simple decontamination of individuals who have been sprayed, its use to alleviate physical confrontation should be considered in some situations. For example, if an inmate is going to be extracted from a cell and he/she is not compliant, a short burst of OC may gain compliance of the individual thereby, reducing the need for physical confrontation between the inmate and officers. The Panel does not recommend the routine carrying of OC by Correctional Officers with the exception of those working in Unit 1; however, feel the policy should be reviewed.

It is recommended that the policy on the use of Oleoresin Capsicum be modified to authorize its use for pre-planned use of force situations and the routine carrying of it by Correctional Officers in Unit One only.

Policy and Procedures Manual (Binder 3 of 3)

Section 17.00- “Inmate Rights” contains a general policy statement that was issued on May 1, 1986 as well as copies of the United Nations Standard Minimum Rules for the Treatment of Prisoners and the *Canadian Charter of Rights and Freedoms*. The panel does not see the need to have copies of these documents included in a policy. They are extremely important documents; however, the most important issue is their intent and that such direction be incorporated into the policies of Her Majesty’s prison system.

Section 18.00 refers to Inmate Discipline, makes reference to the need for an inmate handbook. The Panel understands that a new Inmate’s Handbook is currently in the process of being developed. Upon arrival, inmates are often unsure of prison rules and regulations and their rights. They ask many questions and at Her Majesty’s Penitentiary often experience delays in obtaining bedding, personal clothing, and basic items of personal hygiene such as deodorant. This has caused much frustration for both inmates and staff.

It is recommended that an orientation kit be provided to inmates upon admission to adult correctional facilities in Newfoundland and Labrador. At a minimum it should contain: an Inmate's Handbook; all relevant application forms; a bedroll; and items of personal hygiene.

Section 18.10.01 outlines violations which are considered to be serious in nature, while the following directives (18.10.02 & 18.10.03) outline intermediate and minor violations. For purposes of clarity, the Panel would recommend revising these to two classifications of violations: serious and minor. It is further recommended that disciplinary hearings for serious violations be conducted by an independent chairperson to ensure procedural fairness. The various directives surrounding discipline should be combined into one directive.

It is recommended that policy be developed to outline two distinct categories of inmate offences – serious and minor, and that serious violations hearings be conducted by an independent chairperson.

It is recommended that all present policies on discipline be combined into one policy document.

Section 19.00 deals with Inmate Communications

19.05.01 (Section 2) states that an inmate is to have a maximum of five names on a correspondence list and that the inmate can change the names on their every three months. The panel does not see any logical reason to limit the number of persons an inmate can correspond with provided the inmate is responsible for any associated costs. Section 4 outlines the right of the staff to censor correspondence. While it is understandable that incoming correspondence be checked for contraband, the Panel cannot understand the need to censor each letter without reasonable grounds.

It is recommended that policy clearly outline that correspondence to inmates is not to be read unless there are reasonable grounds to believe the security of the institution is at risk or that the correspondence constitutes an activity which is unlawful and that any censorship be approved by the Institutional Head.

19.10.05 – Telephone Access

PHONE CALLS

Currently it costs an inmate \$2.50 + tax to make a local phone call with profits returned from the phone company to provide for the purchasing of recreational equipment for the inmates. The current system has generated a lot of complaints as some families cannot afford to take collect calls, and some inmates, because of

financial circumstances go without making contact. This arrangement has also generated mistrust, as some inmates have questioned how the money is being spent for their recreational fund.

It is recommended that a review of current arrangements for phone use take place and that other means be employed to provide for an appropriate and adequate amount of recreational equipment. It should cost an inmate no more to make a call in the prison than it would if he was living in the community.

19.15 – Inmate Visiting - The Panel noted the inadequacy of the visiting room environment which impedes any contact with family members. Maintaining contact with the family is very important. Even in maximum security prisons there are contact visits. The Panel finds the program for visitation to be limiting, overly restrictive, and discouraging for visitors and suggests that a review of the visiting rules and restrictions take place.

Standing Orders

The intent of Standing Orders is to operationalize Policy at the site level, thereby outlining how a certain policy should be set in place at a given site.

Standing Orders (Security and Administrative) consist of memorandums that are filed by date written and without any classification of subject matter. For example there is a memo dated Nov 6, 2001 which was sent to staff informing them “that some staff were smoking within the confines of HMP”. Another memo dated November 21, 2002 contained exactly the same message.

It is recommended that Standing Orders be developed to operationalize policy with a specific format and that they be signed off by each Institutional Head.

General Findings

The three Policy binders contain much duplication. For example, Inmate Personal Property is covered under policy 6.02 and also under 20.05.03. Many of the policies are several years old with no indication if they have been reviewed for relevance to present operations. Overall, there is a need to revise many of the aforementioned policies and procedures as they relate to inmates and staff. These updated policies and procedures then need to be reflected in policy that all staff can access electronically and be consistently updated so staff are aware of the current practices. Policy should be reviewed as well to ensure that it can be applied at all sites. If it cannot be applied to all sites it should specify the sites where it is applicable.

Review of Occupational Health and Safety Issues Relevant to Safety and Security of Employees

A review of the documentation provided on Occupational Health and Safety was conducted. In 2005, Workplace Health, Safety & Compensation Commission (NL) conducted a review at Her Majesty's Penitentiary as it pertains to the *Occupational Health and Safety Act*. In recognition of OHS issues HMP was given 116 orders to fulfill. In 2006, another review was conducted and an additional 23 orders were given. In 2007, upon completion of the review, three orders were given. To date, OHS orders from calendar years 2005, 2006, and 2007 have been completed and closed by the OHS Division.

While the majority of OHS issues have been fully resolved or deficiencies corrected, there are a number of initiatives still in the assessment or implementation stage. Action plans have been developed to guide these processes, all of which have been accepted by the OHS Division as a satisfactory resolution to the orders. Work is ongoing to see these initiatives through the completion.

Under the umbrella of the Department of Justice, the Division of Corrections and Community Services, HMP, and St John's Lockup have a comprehensive Occupational Health and Safety Program including Terms of Reference. Committees have been established at all sites and a Manager of Occupational Health and Safety has been temporarily appointed at the Captain's level managing the file for Adult Correctional Facilities. The Panel acknowledges the major efforts and achievements in this area.

During the course of the interviews with staff members, a number expressed the lack of Management's commitment to the Occupational Health and Safety issues. Upon reviewing the documentation provided, the panel noted that Management have addressed all the orders from the OHS reviews of 2005, 2006, and 2007 which could be completed and have further developed action plans to address any long term issues.

Work Refusal Process

The policy and process as it relates to the refusal to work was reviewed.

Three steps are identified in a work refusal:

- (1) The Officer in charge of the institution shall be notified to attempt to resolve this issue to the satisfaction of the employee and the employer.
- (2) If unsuccessful, the Officer in charge shall call a co-chair of the committee who will then convene a meeting of at least three members to try and resolve the issue to the satisfaction of the employee and the employer.
- (3) If unsuccessful, the co-chair will contact the Department of Government Services and request the services of an inspector. The inspector will investigate and take appropriate action.

During the course of discussions, it was explained that in practice, a step is added between steps (1) and (2) and is as follows: that the issue is taken to the Assistant

Superintendent and Superintendent to address. The Panel does not agree with this extra step and concur that the policy should be followed as written.

The Panel supports the existing Work Refusal Process and recommends that Management follow the process in policy.

At the time of the review, there were two outstanding work refusals. There was one in the gymnasium as a result of an altercation between two inmates and the second was in the Intermittent Unit¹⁷. In this unit, only one staff member is deployed. The work refusal was as a result of the number of inmates housed in this unit who staff feel are not assessed properly. As a result staff are requesting to have two staff members on the unit. Both work refusals were at step one and have not yet been resolved. These work refusals have now been outstanding for over three months.

The Workplace Health Safety and Compensation Commission is silent on time frames for responses to work refusal. As well, the policy developed by HMP is also silent on time frames in steps one and two. In comparison, the Government of Canada incorporates time frames into its policy on OHS in order to assist resolving the work refusal in a timely manner.

¹⁷ Intermittent Unit – Inmates doing weekend sentencing only

It is recommended that the Department of Justice initiate conversations with Workplace Health, Safety and Compensation Commission to pursue the issue of including time frames for the work refusal process and that Her Majesty's Penitentiary Management amend their policy to also include time frames.

At the time of the Panel's discussions with the Assistant Superintendent, the Intermittent Unit was closed and intermittent sentenced inmates were being housed within East Wing Bottom with the overflow being placed at the St. John's Lockup. This interim change (in place while awaiting a decision on the work refusal) was reviewed by the Panel, and found that it would have been more effective to post another staff member in the Intermittent Unit. The reasons for this option were of a security nature. As a result drugs are more easily being transported through the Intermittent Unit to the other units at HMP. With the overflow going to the St. John's Lockup it also creates an overcrowding problem at that facility.

As for the incident in the gymnasium which occurred in the latter part of April 2008, staff requested three staff members; two on the floor, and one upstairs in a glassed office overlooking the gymnasium. Management and Union could not come to a consensus; therefore the gym has been closed since the work refusal. Outside exercise is being provided to the inmate population and it requires the same number of staff to conduct supervision. It is noteworthy that no matter the type of weather during that period, outside exercise was conducted on a daily basis.

During the review process management was of the opinion that they were not going to move on these issues. The Panel felt that in both the above-mentioned cases, that there appears to be no will from Management or Union to bring a resolution to these issues.

Life Safety Issues

During the review process almost every staff member talked about the need for protective equipment for Correctional Officers. The equipment that was repeatedly requested were batons, Oleoresin Capsicum, and stab resistant vests. In the Panel's opinion batons are an offensive weapon and would serve no purpose in everyday interactions with inmates. In fact, the provision of batons to staff would be viewed by inmates as intimidation further eroding dynamic security. While the staff will argue that their criminal justice partners have this equipment the Panel feel that it is very hard to compare the roles. The role of Correctional Officers is different than that of the Sheriff's Office. The Sheriffs Office, for the most part, does not spend 24 hours a day caring for inmates but usually spend portions of their days transferring inmates to and from court. The Panel would agree that correctional staff escorting inmates should have batons available during the escorts provided they are given the appropriate training.

Stab resistant vests are another piece of equipment that staff are requesting. Statistically the number of times Correctional Officers have been stabbed would be very low. However, even if it prevented a serious injury to only one staff member it would be an injury avoided. Some jurisdictions have attempted to provide these vests by having a pool of vests which staff would wear on duty. There have been a

number of issues with this type of arrangement. One issue is that the pool of vests would have to be large enough to ensure that staff is issued a vest that fits properly. As well there would be personal hygiene issues surrounding the sharing of such vests amongst staff. The reasonable conclusion is that staff must be measured and properly fitted for stab resistant vests individually.

The issue of Oleoresin Capsicum has been discussed previously in this report.

It is recommended that collapsible batons be issued to staff who are escorting inmates to areas outside the confines of the various correctional facilities and that all Correctional Officers be issued with stab resistant vests.

Review of the Provision of Health Services to Inmates

Inmates, ex-inmates, staff, and other key stakeholders identified problems in provincial prisons, which can negatively impact on health. These were particularly widespread at Her Majesty's Penitentiary in St. John's where complaints about the dilapidated condition of the antiquated facility, its unhygienic conditions, the food, the lack of fresh air and exercise, have been frequent and varied. According to the doctor and nurse inmates seek medical help for a variety of conditions ranging from colds to skin diseases.

The inmates visit a small, makeshift clinic in the basement near Unit 1. There they see a full-time nurse who is scheduled to work regular daytime hours, and a general practitioner who visits the prison once a week. The nurse, Rolanda Ryan and the physician, Dr. Maureen Gibbons both began working at HMP just under a year ago. They are working on contract in cramped conditions under the glare of fluorescent lights. In a separate nearby small room outside the medical clinic the methadone maintenance program is administered by a local nursing company, under the supervision of the prison psychiatrist, Dr. David Craig. Another private company comes by each week with supplies to collect blood and deliver samples to local laboratories. The nurse, who sees all new inmates upon admission, in addition to those who need ongoing medical attention, said that she routinely works late, as one full-time nursing position is inadequate to cover her many and diverse duties.

GENERAL HEALTH CARE

One area that medical staff raised as a concern was the diet and the lack of nutritional options. Nearly half of the inmate and ex-inmate respondents and a significant number of staff members also identified the quantity, and to a lesser extent, the quality of food as being an issue. The main complaint related to the small portion sizes of servings. The need for a broader array of healthier food choices was also noted, not only with meals, but also through the canteen. Food is an extremely important commodity which can have a major impact on the prison atmosphere. Inmates are entitled to be adequately fed, and when they are it makes for a much smoother functioning institution.

It is recommended that a review of the quantity and quality of the food at Her Majesty's Penitentiary take place, that steps be taken to ensure that adequate meals are provided to inmates at all times, and that a wider variety of nutritional options be provided.

A few inmates raised issues concerning their physical health; a couple specifically mentioned Hepatitis C. However, unfortunately one may be infected with the virus and not know it. This chronic, blood-borne infection which can remain symptomless for many years is much more common among inmate populations where many are injection drug users and engage in other high-risk activities such as tattooing. According to Dr. Gibbons, recent screening for Hepatitis C has revealed the prevalence of the virus among HMP inmates to be approaching one

quarter of the inmate population (34/150 or 22.6%), which appears to be about average for a prison population and many times more than that of the general population.¹⁸ Dr. Gibbons feels that inmates should be screened on a monthly basis for exposure to the virus.

The medical team would like to see a properly established, maintained, and functioning program to do screening, treatment, and contact tracing for communicable diseases. They would also like to see a method in place to ensure that patients (inmates) who need consultations with a Hepatologist or another consultant do not ‘fall through the cracks’ if they were transferred to another part of the province prior to seeing a specialist. A universal vaccination program for Hepatitis A and B should be implemented at point of entry, as has been accepted for implementation by the Public Health Authority in Newfoundland and Labrador.

It is recommended that a comprehensive program be established to do screening, treatment, and contact tracing for communicable diseases in the provincial prisons in Newfoundland and Labrador.

There is considerable misinformation surrounding such matters as Hepatitis C. In the past the Aids Committee of Newfoundland and Labrador (ACNL) have provided some education around Hepatitis C, harm reduction practices (e.g. safer tattooing practices), and HIV/AIDS. ACNL has found it difficult to get access to

¹⁸ “A Health Care Needs Assessment of Federal Inmates in Canada, Appendix 5 – Summary Comparison of Health Indicators: Inmates Versus Canadian Population,” *Canadian Journal of Public Health*, 95(March/April 2004) S62.

some provincial prisons to present information on these subjects. The expertise of ACNL along with hepatologists and nurses places them in a very good position to conduct this education work.

It is recommended that an education program pertaining to Hepatitis C, HIV/AIDS, and harm reduction practices be provided on an ongoing basis to staff and inmates of provincial prisons in Newfoundland and Labrador.

Other concerns expressed by medical staff mirrored inmate complaints as well as those expressed by others interviewed: the dirty conditions of the prison and its excessively hot areas; the appalling, unhygienic conditions in segregation; the poor air quality; the lack of recreation and fresh air; the poor condition of mattresses; the fact that some inmates go without pillows; the lack of hygiene; the need for practical measures such as ‘flip flops’ and ‘crocs’ to prevent common ailments such as athlete’s foot and other infections; the concern with long delays in seeing a specialist or a dentist for an appointment due to staff shortages; the concern that young men are losing their teeth as the prison pays for extractions, but not fillings; and that methadone clients are predisposed to having teeth problems.

There are usually anywhere from 12 to 15 participants in Methadone Maintenance Treatment (MMT), a program for opioid dependent inmates (those addicted to such drugs as heroine and OxyContin), who were already being prescribed methadone when they arrived at Her Majesty’s Penitentiary. This harm reduction practice, administered daily through oral ingestion, reduces or eliminates the cravings for

drugs, the painful effects of withdrawal, including the spreading of infectious diseases in the prison and the community and associated criminal activity. The program is subject to “clean” weekly urine screens and compliance with the prescribed methadone program. The current program, which is also offered at the Newfoundland and Labrador Correctional Centre for Women, is not initiated at HMP or NLCCW, nor are doses increased while the inmate is in custody.

MMT has been used for more than a decade in the federal prison system and a team, including a nurse, has been put in place to incorporate MMT into the inmate’s correctional plan. Consideration should be given to expanding the program to include new methadone recipients subject to the capacity to offer quality care, support, and monitoring of each inmate. This service should include those who are assessed as needing MMT, but who are not receiving it upon arrival; and mechanisms should be put in place to ensure that there is a continuity of service between the prison and community methadone treatment programs.

It is recommended that consideration be given to expanding the current Methadone Maintenance Program to include those who are assessed as needing MMT, but who are not receiving treatment upon arrival at Her Majesty’s Penitentiary and the Newfoundland and Labrador Correctional Centre for Women; and that further consideration be given to expanding the program to other correctional institutions in the province.

The Panel believes that these health issues need to be addressed; and that one of the most important ways of protecting the health of inmates, staff, and the public is to prevent the transmission of infectious diseases. It is quite evident that identified inmate needs and the workload required to meet those needs means an enhancement of nursing staff is required to enable a part-time equivalent nurse with some specialization in infectious disease control to be hired on contract.

It is recommended that a part-time equivalent nurse with some specialization in infectious disease control be hired on contract at Her Majesty's Penitentiary and provide extended services to the Newfoundland and Labrador Correctional Centre for Women.

MENTAL HEALTH CARE

The environment of Newfoundland and Labrador provincial prisons often has a detrimental effect on mental health. This is particularly true of Her Majesty's Penitentiary. Inmate and ex-inmate respondents described a gloomy, tension-filled prison, with a lack of programs and recreational opportunities. They spoke of boredom, of frustrations in getting things done, of their isolation from family and friends, and the often fearful and sometimes violent atmosphere, which at times manifests itself in assaults, desperate self-mutilating behaviour or suicide attempts. A number spoke of fellow inmates with mental disorders who are highly vulnerable, who often have difficulty understanding the rules, have a limited ability

to cope and whose unpredictable behaviour has to be tolerated by the inmate community and managed by the prison staff. They live with the uncertainties about what might happen on the inside, and the worries about challenges such as housing, work, and basic survival that they will face on the outside. They realize that there are inadequate mental health services and counselling supports in place to help them deal with these cumulative and particularly unsettling issues.

The viewpoints of inmates were shared by many community professionals. Dr. Kevin Hogan, Clinical Chief at Eastern Health spoke of the “criminalization of the mentally ill, who end up at the Lockup and the Penitentiary.” Dr. Nizar Ladha, a forensic psychiatrist noted that many mentally ill people who develop criminal careers have not been treated. He said, “Because you are a criminal doesn’t mean that you have a body and a mind that cannot acquire disease.” He stressed the importance of viewing inmates afflicted with mental disorders as patients first, and of providing mental health professionals who work in corrections with as much autonomy as possible. Peter Ralph, a staff solicitor with Legal Aid who works for the Mental Health Court said that after experiencing the environment at HMP, many clients end up “sicker” than when they arrived. The prison is a debilitating environment for anyone who already has limited coping skills and the deplorable conditions at HMP epitomize an unhealthy prison.

The recent Kirby (Senate Committee) Report, *Transforming Mental Health, Mental Illness and Addictions Service in Canada*, which dedicated a chapter to federal offenders, advocated a standard of mental health care for federal and provincial inmates equivalent to that available outside of prisons.

*The Committee has one primary goal for federal offenders – and by extension, for provincial correctional populations – it wants the standard of care for adult mental health within correctional institutions (and in post-release settings) raised to be equivalent to that available to “non-offender” members of the general community.*¹⁹

While the principle that inmates have a right to an equivalence standard enjoys a broad acceptance among international health and human rights organizations, some advocates go so far as to propose that given the extreme health problems in prisons and the implications of poor prison health on overall public health, that equivalent health standards, even if achieved, might not be enough. Standards should be promoted that achieve equivalent objectives.²⁰

In Newfoundland and Labrador the greatest need for mental health services was identified by staff, inmates and stakeholders to be at Her Majesty’s Penitentiary and the Newfoundland and Labrador Correctional Centre for Women. These institutions do not have the services of a psychologist, a mental health nurse, or a mental health and addictions professional to help inmates effectively cope and prepare for release; and at these institutions the identified need for more extensive mental health services is arguably as great as anywhere in the country.

A special edition of the *Canadian Journal of Public Health* published in 2004 provided a comprehensive profile of the health (including the mental health) needs

¹⁹ Michael Kirby and Wilbert Keon, *Out of the Shadows at Last: Transforming Mental Health, Mental Illness and Addiction Services in Canada. Final Report* (Ottawa: Canada Senate, 2006), 311.

²⁰ Rick Lines, “From equivalence of standards to equivalence of objectives: The entitlement of prisoners to health care standards higher than those outside prisons,” *International Journal of Prisoner Health* 2 (4) (December 2006): 269-280.

of federal inmates in Canada. With regard to inmates' mental health it provides a succinct summary of some key areas relating to what is already known.

- Inmates have substantially higher prevalences of mental disorders compared with the general public; rates of most disorders are higher in females than in male inmates;
- The majority of inmates suffer from a substance abuse disorder and in many cases, their substance use contributed to committing the crime that led to their incarceration;
- Suicide rates in inmates are substantially higher than in the comparably aged general public and are higher than those observed in prisons in several other countries.²¹

The Correctional Service of Canada (CSC) has noted that there has been a considerable increase in the number of offenders experiencing mental health problems upon admission to CSC facilities. The relationship of mental disorder to criminal behaviour and the growing number of inmates afflicted with mental illness has increased attention to the plight of mentally ill offenders, has prompted the development of innovative treatment interventions such as mental health courts, and has led the Correctional Service of Canada to develop a comprehensive mental health strategy. According to CSC, currently 12% of men and 21% of women have been diagnosed as having a mental health disorder at intake.²² Some other studies have shown higher prevalence rates for mental disorder among

²¹ *Canadian Journal of Public Health*, 2004, p. S 48.

²² Correctional Service of Canada, "Mental Health Strategy – Quick Facts", December 2007.

inmates, who have high rates in all diagnostic categories when compared to the general population.²³

Current Mental Health Services

In Newfoundland, the current psychiatric services for HMP and NLCCW are provided by Dr. David Craig a member of the medical staff of Eastern Health and an Associate Professor of Psychiatry with the Faculty of Medicine at Memorial University. He estimates that approximately 25% of male inmates and 60 % of female inmates have a diagnosis of a mental disorder upon admission to prison. These relate mainly to clinical disorders, including mood disorders such as major depression and anxiety, bipolar disorders, ADHD (Attention Deficit Hyperactivity Disorder), and schizophrenia. However, while he believes that there are substantial over-diagnoses, he notes that approximately 90% of inmates have mental health issues, when other categories such as substance abuse and antisocial personality are included. Either way, the situation in Newfoundland prisons regarding mental health issues and treatment requires immediate attention; and Dr. Craig agrees that most of the inmates need an array of mental health services in addition to those offered by psychiatry.

For more than nine years, Dr. Craig has been visiting the Penitentiary weekly and on an as-needed basis. He currently provides a one-half day clinic at HMP each week, a half-day clinic at NLCCW approximately once a month, a one-day clinic

²³ Johann H. Brink, Diana Doherty and Alexandra Boer, "Mental disorder in federal offenders: A Canadian prevalence study", *International Journal of Law and Psychiatry*, 24 (2001), 339-356.

at LCC also about once a month, and a one-day clinic at the WCCC approximately every second month.

Dr. Craig is known for his conservative approach to prescribing medications, and soon after he began work at the prisons, he started cutting back on prescribed medications to inmates. He felt that some medications were inappropriate as he observed that most inmates had substance-use disorders and/or personality disorders and were not otherwise mentally ill. Over a three-month period he revised each patient/inmate's medication regime, in many cases tapering or cutting off benzodiazepines (valium-like drugs) and sleeping pills. He notes receiving reports that since some of these psychotropic medications were reduced, inmates were more alert and were more attentive when participating in programs. Also, there was no apparent increase in the number or severity of disciplinary or other incidents at HMP. Also, according to the doctor, all of those whose medications had been tapered or stopped were seen in follow-up at least once to ensure that tapering or curtailment of medications had not caused harm, to assess the inmate's mental health, and to see if there was any need for further treatment. According to Dr. Craig, the number of inmate-psychiatrist contacts dropped from approximately 80 per week to approximately 20–25 per week and the number of psychiatric medications dispensed decreased by about a half. He reported that there were no adverse effects and that complaints were rare. However, many inmates were far from content.

Inmates filed approximately 20 complaints to the College of Physicians and Surgeons of Newfoundland and Labrador from late 2005 through early 2007. According to Dr. Craig none of the complaints has resulted in disciplinary action.

About half have been dismissed and the other half have yet to be dealt with by the Complaints Committee. With regard to the inmates themselves, the issue is still controversial as about a third of respondents, including four of every 10 inmates interviewed at HMP raised the ‘cutting of medications’ issue.

Also, not all professionals agree with Dr. Craig’s approach, as clearly there have been many inmates on prescribed medications for many years in the community who have had their medications reduced and/or cut since they have been in prison. There are different schools of thought in the psychiatric community about the diagnosis of such illnesses as bi-polar disease and attention deficit disorder and which medication to use and when to use it. As Dr. Michael Nurse, a community psychiatrist noted, “there is a broad spectrum of opinion when it comes to treating people with medications”. One thing is certain: without the support of a mental health team active in the prison, the needed comprehensive mental health services and treatment are not available at Her Majesty’s Penitentiary.

Some of the same complaints have been raised by inmates of the NLCCW, where a disproportionate number of women inmates have mental health disorders. At that small facility, where women are cramped together, tense and uncomfortable, a mental health counsellor from Eastern Health visits once every two weeks; and that support was praised by several of the inmate respondents, who at the same time indicated that much more needs to be done.

It is recommended that a comprehensive strategy be developed to address the mental health issues of offenders so that the quality of care and support is based on professionally accepted standards.

The needs of mentally ill people need to be further addressed by professionals who can provide additional services to those of psychiatry. Throughout the federal prison system and in many provincial prisons, psychologists perform important work ranging from clinical assessments to individual and group counselling. According to Randy Penny, a contract psychologist who provides services to both the Correctional Service of Canada and the Newfoundland and Labrador Youth Centre, operated by the provincial Department of Justice, “The psychologist’s role has something that psychiatry doesn’t offer. The therapy and therapeutic goals are less reliant on the medical model.” A psychologist can participate in therapeutic work with mentally ill individuals and be involved in the delivery of cognitive-behavioural group programs to special needs clients.

It is recommended that a full time psychologist be contracted to provide therapy and counselling services to inmates of Her Majesty’s Penitentiary and to also provide services to inmates at the Newfoundland and Labrador Correctional Centre for Women.

Nurses have ongoing contact with many inmates during their stay in prison and play an important role in helping inmates to manage their health care needs. Respondents at HMP and other provincial prisons provided positive feedback on nursing personnel consistent with the high level of trust that Canadians hold for that profession.²⁴ The Panel believes that a mental health nurse would play a key role in assisting inmates to cope with the many challenges of incarceration, especially those who suffer through episodes of depression and those who are placed in segregation. The nurse could help develop strategies for positive personal goals, play an important role in health education, and form an essential part of a mental health team.

It is recommended that a full-time equivalent Mental Health nurse be contracted to provide services to Her Majesty's Penitentiary and to the Newfoundland and Labrador Correctional Centre for Women.

Many inmates who have mental health problems also have a concurrent disorder involving substance abuse. Self reports from three quarters of inmate and ex-inmate respondents admitted problems with or an addiction to alcohol and/or drugs. Stella Burry Community Services has advocated for additional and specialized addiction services to women incarcerated at NLCCW. The Panel believes that a mental health and addictions professional would be able to provide informational and therapeutic group work to reduce dependence on substances

²⁴ Julian V. Roberts, "Public Confidence in Criminal Justice in Canada: A Comparative and Contextual Analysis", *Canadian Journal of Criminology and Criminal Justice*, 2 (2007). 153-184.

such as alcohol and drugs. He/she would liaise with the other professionals such as classification staff in the institutions and mental health workers in the community to facilitate discharge planning and to help provide a continuity of services.

It is recommended that a full-time equivalent mental health and addictions professional be contracted to provide services to inmates at Her Majesty's Penitentiary and the Newfoundland and Labrador Correctional Centre for Women.

The above-noted professionals would help to promote a continuum of care from admission to release into the community. In that regard discharge planning is a critical issue and was raised by a number of prison staff, community organizations, inmates, and ex-inmates. The work of the classification officer plays a critical role from the time of admission to discharge planning.

It is recommended that a classification officer position be provided with specialized mental health training to take a lead, coordinating role in sharing expertise and ensuring that classification staff are well equipped to deal with mental health problems from admission to discharge.

Security staff has most contact with the inmates. However, correctional officers commented that they have never received any mental health training. Staff need

training to detect and better understand symptoms of mental illness so that they interact more effectively with inmates and are better equipped to handle a mental health crisis. Management should also receive such training.

It is recommended that Management and front-line staff be provided with training to ensure a better understanding and identification of the signs and symptoms of disruptive mental health behaviour to provide the most effective response.

The prison has operated in relative isolation from the community and its resources. There is no continuity of services. Mental health case workers who have worked with clients in the community either lose contact or have minimal contact with them during their incarceration; and inmates return to the community without proper pre-release planning and adequate supports in place. A number of key stakeholders including representatives from Eastern Health, the Canadian Mental Health Association, Choices for Youth, Turnings, and the John Howard Society stressed that Her Majesty's Penitentiary cannot remain isolated from the community. Strong community partnerships must be forged between prisons, other government departments and various community organizations such as Stella Burry Community Services that provide mental health programming in the community.

It is strongly recommended that a Multi-Disciplinary Case Management Team, which would include community partners, be established to ensure a continuum of care from the time of admission to the inmate's release into the community. At a minimum there should be representation from institutional and community mental health, psychology, classification, and security.

The offender's behaviour and problems which were managed by the prison accompany him/her as he/she returns to the community. Unfortunately many do not have a strong and stable support network to help provide for basic needs. It is important that once an offender is discharged that supports remain as he/she attempts to reintegrate. Gainful employment, adequate housing, programs, treatment services, and supervision are necessary for offenders as they make the transition from the institution to the street. Improved mental health discharge planning in collaboration with community partners such as Stella Burry Community Services, Choices for Youth, the Native Friendship Centre, the Wiseman Centre, and Turnings in St. John's, Labrador Legal Services and the Native Friendship Centre in Goose Bay and the John Howard Society in St. John's, Stephenville and Corner Brook should help the offender to make a smoother transition back into the community.

It is recommended that all provincial prisons partner with community stakeholders and service providers to ensure that offenders generally, and mentally ill offenders in particular, are provided with a continuity of care and continue to receive support to address housing, employment, addictions, and mental health needs in the community.

Mental illness can cause a great deal of pain and anguish not only to the person affected, but also to his loved ones whose support is strong and often unconditional. It is clear from the families interviewed that family members want to be provided with information so that they can assist in helping their loved ones to deal with their illness and increase the likelihood of a successful transition back to the community.

It is recommended that information be provided to inmates on the nature of their mental illness, and with their consent, that this information be provided to those families who request it, to enable both to better cope while the person is in prison and to know when and how they should seek help upon release.

The Panel is aware that both the federal Correctional Investigator and the New Brunswick provincial Ombudsman have recommended that a national strategy related to corrections and mental health be developed. Such a strategy would help to ensure better coordination among federal/provincial/territorial correctional services and mental health care for a more effective and standardized delivery of mental health services to offenders in this country.

It is recommended that the Government of Newfoundland and Labrador participate in ongoing consultations to develop a national strategy relating to corrections and mental health.

Deficiencies and Concerns Identified

PROGRAMMING AND STRUCTURED LEISURE ACTIVITIES

The biggest issue identified by inmates was the need for more programming. This was true for all the institutions with the exception of the West Coast Correctional Centre, which operates a number of federal programs under an Exchange of Service Agreement between the province and the federal government. The need for: more evidence-based programs, psycho-educational programs, work programs, and for programs to teach basic skills, along with those which focus on creative and artistic endeavours is clear. While the limited programming offered was valued by the inmates, the common complaint was that there are not enough programs and other activities to constructively occupy their time.

Evidence-based Programs

There is recognition that some programs operating in and outside of prisons are more effective than others. Research has shown that effective correctional treatment programs employ principles of risk, need, and responsivity. The risk principle proposes that higher risk offenders should receive more treatment. The need principle states offenders' criminogenic needs; those factors that have been associated with criminal behaviour and can be changed, should be targeted. These include among others, factors such as antisocial attitudes, substance abuse, problem solving skills, and lack of employment. The responsivity principle contends that the intervention is more likely to be effective if it is a cognitive-

behavioural treatment program that matches the style of service delivery with the offender's learning style.²⁵

Programming Needs and Challenges for Provincial Prisons

The characteristics of the inmates and ex-inmates interviewed underline the need for more programs. At least three-quarters of the respondents had alcohol and/or drug problems. Most had unstable work histories, as nearly six of 10 were unemployed at the time of the offence and two-thirds had not completed high school. Nearly half of those interviewed had been incarcerated for violent offences. Thus, the need for more programming in areas such as substance abuse, employment and employability programs, and anger management is apparent.

The challenge for the provincial system with its short-term sentences is to offer meaningful and effective programming. There is some evidence that the principles of effective correctional treatment can be applied in a “real world” prison setting and that “dosage” or length of treatment plays a significant role in reducing recidivism among offenders of various risk and need categories.²⁶ In its report *A Roadmap to Strengthening Public Safety*, the CSC Review Panel noted the effectiveness of the cognitive-behavioural approach, and acknowledged that “every effort should be made to review the modules of cognitive-based behavioural programs to identify and lessen redundancies, thereby shortening program content

²⁵ D. A. Andrews and James Bonta, *The Psychology of Criminal Conduct* (Anderson Publishing Co., Cincinnati, Ohio, 2001).

²⁶ Guy Bourgon & Barbara Armstrong, “Transferring the Principles of Effective Treatment into a ‘Real World’ Prison Setting”, in *Criminal Justice and Behavior*, vol. 32, no. 1, 2005.

and required time frames.²⁷ Such an approach may well apply to provincial prisons such as Her Majesty's Penitentiary where programs may be set up on a continuous intake basis with short-term modules.

In addition to treatment programs, a greater focus needs to be placed on psycho-educational programs such as "Respectful Relationships", which has been noted positively by respondents in four of the prisons. More people need to be availing of educational activities. The first 'rehabilitation' program offered in the province was the HMP school program established in 1931. Throughout the years it has helped many to upgrade their education. The current school program offered in all provincial prisons through the Discovery Centre is thoroughly enjoyed by participants. However, it is only one-half day per week; and it is of concern to the Panel that at the time of their visit in June, the HMP program had only four participants.

In addition, inmates and ex-inmates often noted how they have benefited from other programs such as pastoral care, and of programs and activities which help them to cope and meet personal, educational, and spiritual needs. Programs such as Alcoholics Anonymous which takes place in all provincial prisons, and the 1 2 1 Prison Visitation Program and the Prison Library run by John Howard Society volunteers at HMP are important. Other programs such as conflict resolution and creative writing which have been piloted successfully at HMP could be offered on a continuous basis. Another beneficial program noted by various stakeholders is family parenting. Two-thirds of respondents had children and many commented on how important their children were to them, thus pointing to the need for family

²⁷ CSC Review Panel, *A Roadmap to Strengthening Public Safety*, Canada, October 2007.

parenting programs. Increasing program delivery times beyond the normal 0900 hours to 1700 hours per day can increase space availability. This is now done at HMP with some volunteer-based programs.

Both staff and inmates identified the lack of recreational activities and the uncertainty of scheduled recreation taking place as a big problem. Staff felt that the lack of programming and recreation was not only important for the inmates, but also for the smooth functioning of the institution. Structured days and opportunities are required, and that includes structured leisure activities. Structured leisure activities usually involve physical activity and sports, but may also include such activities as arts and crafts, writing, and music. These activities help inmates to develop a constructive use of their leisure time, to discover new interests, and to set personal goals. Well-organized recreational activities help reduce tension and can benefit the overall atmosphere and mood of the prison. All provincial prisons must have staff dedicated to structured leisure activity and adequate funding to ensure that appropriate resources are in place.

Currently the programs offered were either coordinated through or with the participation of classification staff. At Her Majesty's Penitentiary classification staff had often gone back and forth between programming and their classification work, sometimes able to offer only sporadic programming and often ending up short-staffed with their classification work suffering. At the Newfoundland and Labrador Correctional Centre for Women the classification position has gone unfilled for periods of time in the past. Classification officers need to focus more of their efforts on discharge planning to ensure that people are placed appropriately in the community.

There is a strong need for a coordinated, focused effort to secure more programming in provincial prisons. A thorough needs assessment along with ongoing research is required to ensure that meaningful programming and structured leisure-time activities are prioritized, offered, maintained, and enhanced. A person to coordinate the above and to ensure that a high standard of structured leisure activities are in place in the provincial prisons is required. A Provincial Coordinator, familiar with ‘best practices’ programming would supervise several staff, and report to the provincial Director of Institutional Services. The Coordinator would also encourage and promote more input and participation from community organizations and other government agencies and help facilitate a continuum of programming services from the institution to the community.

It is recommended that a permanent Coordinator of Programming and Structured Recreational Activity be hired to assess, develop, promote, oversee, and when necessary adjust programming in provincial institutions. He/she would also ensure that a minimal standard of daily structured leisure activity is adhered to in all provincial prisons.

Additional staff resources dedicated specifically to programming is needed to ensure that programs are delivered to meet the greatest needs of inmates. This is particularly true at Her Majesty’s Penitentiary, the Newfoundland and Labrador Correctional Centre for Women, and the Labrador Correctional Centre. In all cases, respondents have indicated a need for more programming. Classification Officers have dual responsibility for case planning and program delivery and a

greater focus needs to be placed on program delivery. Classification officers need to be freed up to fulfill their other duties. The Panel feels that two program facilitators with qualifications in social work and/or the behavioural or social sciences are required. As an alternative, a supplement, or as a temporary measure, to ensure that programming needs are met, contracts should be pursued with community organizations qualified and experienced in program delivery to provide such services.

It is recommended that two permanent Program Delivery Facilitators responsible to the Provincial Coordinator be hired to provide programming at Her Majesty's Penitentiary in St. John's and to assist in program delivery at the Newfoundland and Labrador Correctional Centre for Women.

Aboriginal Offenders

Aboriginal males, especially the Inuit and Innu, like their female counterparts, are significantly over-represented in Newfoundland and Labrador's prison system. The Inuit, Innu, and Métis of Labrador routinely comprise 94–98 % of the population at the Labrador Correctional Centre. When the Panel visited in June, 50 of 53 inmates in the overcrowded prison were of Aboriginal descent, with 47 of the inmates being either Inuit or Innu. Aboriginals in Labrador represent only about 3% of the provincial population, but compose nearly 20% of the total provincial prison population. This ratio is about the same as the general over-representation

of Aboriginals in provincial prisons in Canada.²⁸ During the visit to Labrador it became apparent to the Panel that more Aboriginal-specific types of programming should be provided to inmates of the overcrowded LCC, where high needs include mental health issues, and that partnerships be created with Aboriginal communities to facilitate the offenders' smooth transition to the community.

It is recommended that a third Program Delivery Facilitator also responsible to the Provincial Coordinator be hired to provide services at the Labrador Correctional Centre. This facilitator would work with the Classification Officer, the Inuit and Innu Liaison staff, and outside agencies to provide programs appropriate to the needs of Aboriginals.

There was an expressed opinion by a number of stakeholders that the temporary absence program could be effectively utilized to a greater extent. As a result of an inmate escape and subsequent investigation in 2000, the Temporary Absence (TA) Program has been severely curtailed. The new risk assessment tool has limited the number of inmates who may avail of TAs to community residential facilities, work placements, and community programs. The Panel feels that every opportunity should be taken to facilitate the gradual and safe release of the offender into the community.

²⁸ Julian V. Roberts and Robert Melchers, "The Incarceration of Aboriginal Offenders: Trends from 1978 to 2001", *Canadian Journal of Criminology and Criminal Justice*, vol. 45, no. 2, 2003. p. 211-242.

It is recommended that action be taken to identify and process low-risk inmates to ensure that the provincial temporary absence program is utilized to a greater extent.

Classification staff and community stakeholders noted the need for stronger partnerships between the correctional system and community agencies to help ensure that when an offender completes his prison term that adequate supports are in place for the person in the community. Community-based correctional programs are more cost-effective than keeping offenders in prison and help to promote the rehabilitation and reintegration of the offender.²⁹

It is recommended that the corrections system develop policies to promote continuity between institutional and community-based programs; and that the offender's re-entry needs are addressed by contracting with local agencies to provide required programs to help reintegrate offenders safely into the community and reduce victimization.

²⁹ Richard M. Zubrycki, "Community-Based Corrections in Canada," in Julian V. Roberts and Michelle G. Grossman, *Criminal Justice in Canada: A Reader* (Canada: Nelson, 2004), 280-288.

JUDGING THE PRISONS OF NEWFOUNDLAND AND LABRADOR
The Perspectives of Inmates and Ex-inmates

by

Terry Carlson

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The Perspectives of Inmates and Ex-inmates

TABLE OF CONTENTS

Abstract	137
Background	140
Methods	140
Data Collection	141
Findings: Participants	143
VOICES OF INMATES AND EX-INMATES	145
HER MAJESTY’S PENITENTIARY	147
Reception	147
Programming	149
The Conditions Inside and the Desire to Get Outside	152
Food	155
Tension and Fear	156
Mental Health and Medication Issues	158
Treatment by Management and Staff	160
Segregation	163
On Not Having a Voice	165
Contact with the Outside World	166
General Health	167
Release Planning	169
FAMILIES	171
WEST COAST CORRECTIONAL CENTRE	176
BISHOP’S FALLS CORRECTIONAL CENTRE	181
LABRADOR CORRECTIONAL CENTRE	184
NEWFOUDLAND & LABRADOR CORRECTIONAL CENTRE FOR WOMEN	189
CONCLUSION	194
Acknowledgments	196
TABLES	
Table 1 Problems Identified by Inmates and Former Inmates of HMP	153
Table 2 Problems Identified by Inmates and Ex-Inmates of the WCCC	178
Table 3 HMP in Comparison with Other Institutions	183

ABSTRACT

The perspectives of inmates and ex-inmates of five provincial prisons in Newfoundland and Labrador were sought as part of an independent review of adult correctional facilities in the province. Using qualitative interview techniques and a semi-structured format, in-depth, personal interviews were held with a total of 87 inmates and former inmates of: Her Majesty's Penitentiary (HMP) in St. John's; the Newfoundland and Labrador Correctional Centre for Women (NLCCW) in Clarenville; the Labrador Correctional Centre (LCC) in Happy Valley-Goose Bay, Labrador; the Bishop's Falls Correctional Centre (BFCC) in Central Newfoundland; and the West Coast Correctional Centre (WCCC) in Stephenville. Of those interviewed, 65 were randomly selected, while 22 others had requested meetings. Following a number of closed questions pertaining to such background information as socio-demographic characteristics and time spent incarcerated, the 75 men and 12 women engaged in discussions around a variety of matters pertaining to their experiences in prison. Some had spent time in more than one prison, thus enabling some comparisons to take place. Responses were categorized and tabulated, thus also permitting some quantitative analysis to occur. In addition, interviews were held with members of three families of inmates and former inmates at their request.

Lack of programming was found to be the most frequently identified issue in all but the West Coast Correctional Center in Stephenville. The programming concerns were compounded to a greater or lesser extent in all institutions by the physical and environmental conditions, the lack of recreation, the delays in getting things done, and uncertainties regarding cancellations and lockdowns. At HMP in St. John's and the NLCCW in Clarenville, mental health issues were prominent among concerns. In Clarenville and Happy Valley-Goose Bay, Labrador, unique issues relating to women and Aboriginal peoples respectively were also identified. Inmates and ex-inmates of Her Majesty's Penitentiary often raised other concerns. Even when interviewed at other prison locations, respondents who had served time at the Penitentiary, spent most of the interview complaining about that institution.

Her Majesty's Penitentiary received the poorest reviews of all the prisons. In addition to complaints over lack of programming and recreation, delays and uncertainties, this facility received heavy criticism for its decrepit and 'unhealthy' conditions. Respondents also held strong views about problems related to such matters as food, mental health issues, the cutting of medications, an atmosphere of tension and fear, the treatment by staff, the conditions in segregation, and the lack of inmate rights. The old, run-down, high security prison was regarded as the worst facility in which to serve time. Whether inmates had been incarcerated in Stephenville, Bishop's Falls, Happy Valley-Goose Bay, a federal penitentiary or a provincial prison in another province, there was an overwhelming belief that any of those prisons compared quite favorably to HMP.

The West Coast Correctional Centre was the most highly regarded of all the prisons, with its federal programming, overall good conditions, the high level of interaction between staff and inmates, the relaxed environment and a general feeling by inmates that they were treated with respect. While some respondents criticized aspects of the WCCC, those complaints were generally of a less serious nature.

The Bishop's Falls Correctional Centre was felt to be a safe, if somewhat tedious place to serve time. It is a small, quiet and clean facility where many inmates from the area and other parts of rural Newfoundland are incarcerated. It was criticized for its lack of programs and frequent lockdowns.

At the Labrador Correctional Centre Aboriginal peoples comprising Inuit, Innu, and Métis, routinely compose almost the entire population. Their crimes are almost always related to substance abuse, particularly alcohol. The LCC is frequently overcrowded. In common with most other Newfoundland and Labrador prisons, lack of programming was the biggest issue. The need for more recreation and the tension caused by overcrowding, boredom, and uncertainty were also major concerns. There was an expressed desire for more sensitivity to cultural differences and the special needs of Aboriginal inmates.

Inmates and ex-inmates of the Newfoundland and Labrador Correctional Centre for Women in Clarenville were usually plagued with serious drug or alcohol problems and were mostly single mothers, a number of whom had a diagnosed mental illness at the time of their offence. Respondents identified issues surrounding mental health, the lack of programming and other activities to constructively occupy their time as their most serious concerns. These were compounded by the tension caused by limited space, the need for more recreation, and frustration over lock-downs.

Overall, inmates and ex-inmates provided a forthright and balanced assessment of the prisons of Newfoundland and Labrador. While they were highly critical of conditions in some prisons, they commended good programs, services, and treatment. The common denominator in their overall assessment was the lack of programs and services being offered throughout the provincial prison system and the varying conditions under which they served their time. Some, especially inmates and ex-inmates of HMP, spoke passionately about deplorable prison conditions and the effect they have on their ability to cope, and about such matters as mental health issues and the impact they have on the prison population. A large majority of respondents revealed they have problems related to substance abuse. Most have deficits in employment and education. Some have special needs. All want provincial prisons to offer more constructive programs and services to help address such problems and to help inmates adequately prepare for their release back into the community.

Background

In May of this year I was invited by the provincial Department of Justice to join the panel of Simonne Poirier and Greg Brown who were contracted during the previous month to review the operation of correctional facilities in Newfoundland and Labrador. The aim of the Independent Review was to improve the working and living conditions at Her Majesty's Penitentiary (HMP) and other correctional facilities in Newfoundland and Labrador. My primary role was to focus on the perspectives of inmates and ex-inmates as they related to the terms of reference, including such matters as programming and services. My concentration was on obtaining thorough and comprehensive feedback from the prisoners themselves as to their experiences.

Methods

Qualitative research methods were employed to explore the perspectives of inmates and ex-inmates who had been incarcerated in all five provincial prisons in Newfoundland and Labrador. Viewpoints were sought on matters ranging from their experiences serving time in prison to their comments on how things work and suggestions on how they can be improved.

Personal interviews were held with inmates and ex-inmates of: Her Majesty's Penitentiary in St. John's; the Newfoundland and Labrador Correctional Center for Women in Clarenville; the Labrador Correctional Center in Happy Valley-Goose Bay, Labrador; Bishop's Falls Correctional Center in Central Newfoundland; and the West Coast Correctional Center in Stephenville. In addition, other interviews were held with family members in St. John's and Corner Brook, while one telephone interview was held with an Inuit ex-inmate living in a remote Labrador community.

In all, a total of 90 interviews were held. These included 87 interviews with inmates and ex-inmates and three interviews with family members. Of those offenders who were interviewed, 65

were randomly selected, while 22 others were interviewed following their own requests.¹ While the mix of interviews based on random sampling and individual requests made the study less rigorous, those interviewed at random represented an effort to obtain a reasonable cross-section of the inmate and ex-inmate population, whereas interviews responding to requests ensured that all who wanted to have input would be heard. Interviews with members of three families were also by request. In all, 68 interviews took place in prisons, along with 19 community interviews with former inmates, and three with families. The interviews took place between 24 May and 16 July 2008. They lasted between 25 minutes and three hours, and averaged just over an hour each.

Data Collection

Data was collected through in-depth interviews using a semi-structured interview format with open-ended questions. Interviews were held in rooms which afforded privacy in all prison and community sites. Translators at the Labrador Correctional Centre helped with a number of interviews with Aboriginal inmates while a teacher and a caseworker familiar with various female inmate and ex-inmate respondents accompanied me during those interviews.²

Confidentiality – Confidentiality was assured to all participants. Consent forms were reviewed, read and signed. Detailed notes were taken during each interview. In many cases specific statements were reviewed with participants for accuracy. Important information including pertinent points and often verbatim quotes were typed and each interview was assigned a number.

¹ For example, inmates at HMP were randomly selected by prison cell number. Thus, the interviewer, the correctional staff, nor the potential respondent knew who would appear for an interview prior to being selected.

² I received invaluable help with translations for four of the nine interviews conducted with inmates at the Labrador Correctional Centre. Both Sarah Ponniuk, the Inuit Liaison Officer and Leah Jenkinson, the Classification Officer, assisted in organizing activities for the first day of my two day visit in June. Sarah conducted translations with the first Inuit inmate interviewed, while Leah volunteered to come back during the first evening to help with two Innu inmate interviews. Greg Pone, the Innu Liaison Officer quickly filled in to help during the second day.

Interviews with women inmates at the NLCCW were greatly facilitated through the outstanding cooperation of the teacher, Barbara Roberts of the Discovery Centre School. In addition, Jennifer White and Edwina McCarthy of the John Howard Society provided critical assistance with community-based interviews.

The Questions - All inmates and ex-inmates were first asked closed questions pertaining to matters such as: socio-demographic characteristics; alcohol and drug use; current sentence or charge; and criminal record, especially as it related to incarceration. The respondents were then asked a dozen open-ended questions, with the tense altered to reflect their status as current or former inmates. The questions included: 'What is it like to serve time here?'; 'How would you describe the environment?'; 'Has this prison helped you in any way?'; 'Have any programs or services here helped you?'; 'How do you pass your time?'; 'What's the worst thing about serving time here?'; 'Have you been able to or have you wanted to maintain contact with family and friends?'; 'What, if anything, do you think should be done to improve living conditions?'; 'What are your plans when you leave?'; 'What should an ideal prison offer, and how should it be able to help you?'; 'Does it make a difference that both males and female correctional officers are working here?'; and for those who had served time elsewhere, 'How would you compare serving time here with other prisons?'.

The Responses – The qualitative interview format with its general questions often led to rich, sometimes unanticipated responses. Its flexibility provided the opportunity to further explore specific questions; and the conversation-style interviews gave respondents an opportunity to participate in a meaningful way and to 'set the agenda' with regard to their concerns. Questions were usually, but not always asked in the order in which they appeared; and the dialogue often enabled information to be forthcoming without some specific questions needing to be asked.

Quantification and its Limitations – The qualitative study elicited sufficient replies to most questions to enable some quantitative analysis to occur. This meant that responses could be categorized and tabulated. However, the primary intent was to show the complexity of problems and needs as identified by inmates and ex-inmates, not to quantify them. The numbers presented are not statistics, but reflect the distribution of answers. The small number of respondents in each of the five prisons limits the extent to which the research may be generalized; and while overall results include those related to all provincial prisons, each facility is dealt with separately.

FINDINGS

Participants

Eighty-seven inmates and ex-inmates (75 men and 12 women) were interviewed. The respondents ranged in age from 19 to over 60 years, with a median age of 33 years. Education levels ranged from Grade 5 to post-secondary (with six of the respondents holding at least one university degree). However, over two-thirds (59/87) had not completed high school, with the median education level being just under Grade 11.

At the time of the offence seven of ten (61) participants admitted to being under the influence of alcohol or drugs. This figure rose to over three-quarters when five additional respondents indicated that they had substance abuse problems during the interview. Also nearly six of ten (50/87) participants were unemployed when they committed the crime. Nearly half (40/87) had been incarcerated for violent offences ranging from common assault to sexual assault, while others served time for property (29), drug (10) and impaired driving offences (8). Only one in five participants (17) reported having a long term, married, or common law relationship. However, two-thirds (55) of the respondents have children.

For one-quarter (21) of the participants it was their first time in prison. For the remainder, this was on average their third time incarcerated. However, many had served more frequent periods of imprisonment, with some stating that they had been in prison up to 20 times before. Of the three-quarters who had been given a prison sentence, six of ten were serving or had served a year or more, while the remainder were inmates on remand awaiting a sentence.

The majority of male respondents had been incarcerated in other prisons in the province. For example, a total of 62 men serving time in Newfoundland and Labrador prisons were either incarcerated or had previously served time at H. M. Penitentiary. While 31 prisoners had been interviewed at HMP, the number having served time there doubles when ex-inmates interviewed

in various community locations (16) and at other prison sites: the West Coast Correctional Centre (10), Bishop's Falls (4) and the Labrador Correctional Center (1), are included. The same is true for both the West Coast Correctional Centre, and Bishop's Falls. For example, 29 people interviewed either were or had been incarcerated in Stephenville as part of a current or previous sentence, while 11 respondents were either serving time at Bishop Falls or had been incarcerated there in the past.

A dozen respondents had also spent time in federal prisons, while six had been incarcerated in provincial institutions outside the province. This enabled a variety of comparisons to be made relating to prison experiences elsewhere, especially for those serving time at HMP, the WCCC, and LCC.

The 19 male and female ex-inmates interviewed were either completing their sentences under a variety of different community release mechanisms or had fulfilled all legal requirements of their sentence. Eight were on either day or full parole; three were on statutory release; two were availing of provincial temporary absence; one was serving an intermittent sentence; and one was completing a probationary term at the end of his prison sentence. Four had successfully completed all terms and were no longer on any form of supervision. One of the above respondents had remained out of criminal activity for well over a decade, but has since been back to prison on a number of occasions - as a visitor.

In addition to the interviews with inmates and ex-inmates, three separate meetings took place with family members of two inmates and a former inmate of Her Majesty's Penitentiary. In each case the family members had expressed concern about either the plight of their relative or how their loved one had been treated while incarcerated. Some of their comments will also appear in this document.

VOICES OF INMATES AND EX-INMATES

I'm not here to stick up for inmates or guards. I'm here to tell the truth and to call a spade a spade.

INT. 016 An inmate of Her Majesty's Penitentiary

Inmates and ex-inmates in all five Newfoundland and Labrador prisons have expressed strong views on provincial prison conditions. Like the stated intention of the inmate quoted above, their assessments have generally been blunt, but balanced. They have also been well informed. Many inmates and ex-inmates are truly expert witnesses, having lived through a variety of experiences in prison. At times they have spoken with a passion that often comes from those who feel aggrieved and determined to improve their lot in life. However, while their resolve appears strong, many doubt whether they have the tools or the support to stay out of further difficulties with the law. Almost all conclude that the prison system in this province is not meeting their needs for rehabilitation.

The above-noted inmate admired the response of one correctional officer in reacting to a crisis, but complained about how some others had treated inmates. He condemned the conditions under which inmates lived, but noted how the behavior of one prisoner could upset an entire range. He said, "I wouldn't want to be a guard here". This man, now in his thirties and addicted to drugs, has been to prison several times before. He desperately wants to change his lifestyle. He hates prison and never wants to return. However, he is "half scared to get out". He feels totally unprepared for a return to his home community. He claims that he has received no programming while in prison. In that regard he is not alone.

Lack of programming was found to be the most frequently identified issue in all but the West Coast Correctional Center in Stephenville. While each prison is different, with specific issues relating to women and aboriginals high on the lists of those incarcerated at Clarenville and Goose Bay respectively, the lack of recreation, poor physical and environmental conditions, mental

health problems, the lack of information-sharing on the inside and limited communication with those on the outside, and the perceived lack of rights, were common concerns to a greater and lesser extent in all institutions. In some prisons issues related to food, medications, the treatment by staff, and the conditions in segregation were high on inmates' identified concerns.

Not surprisingly, the greatest number of problems were identified by inmates and former inmates of Her Majesty's Penitentiary, by far the province's largest and oldest prison. These respondents represent two thirds of the total sample and include most of those interviewed at Stephenville and Bishop's Falls and most interviewed in the community.

HER MAJESTY'S PENITENTIARY

I was a bit scared. It was my first time in prison. You hear stories from the outside. And now I'm actually here.

INT. 011. An inmate of Her Majesty's Penitentiary

Reception

The introduction to the prison system can be a frightening experience. This young man had expected the worst, but was still surprised by the poor conditions at Her Majesty's Penitentiary. He briefly referred to the dilapidated reception area known as East Wing Bottom located in the old section of the prison, a dirty area with "black mould" and "not fit" for anyone to live. Many inmates recall their time spent there while waiting to be placed as being among their worst experiences while being incarcerated at H. M. Penitentiary.

Another young, first-time inmate spent a number of days in crowded conditions at the St. John's Lockup, which itself has been described as a "hellhole" and a "demoralizing" introduction to the prison system (INT. 082). Under the circumstances he welcomed the transfer to the Penitentiary. However, when he arrived at HMP this young man became frustrated by the conditions, and especially the delays in being provided with needed information at Reception. He spent nearly two weeks on East Wing Bottom.

I was in a state of shock when I got to East Wing Bottom. You don't know who is going to be with you ... I was frightened.... I wondered how I was going to get information. A couple of inmates told me ... I waited 1 ½ weeks before I got a change of clothes and four days before I got a phone call.

INT. 062. A former inmate of Her Majesty's Penitentiary

Another former Penitentiary inmate referred to the generally slow process of getting things done, and in particular of getting a change of clothes. “I had to take my underwear and wash it in the sink at East Wing Bottom” (INT. 017). One repeat offender who was quite familiar with the reception area was interviewed in the community while serving an intermittent sentence (weekends). He recalled inmates spending most of the daytime locked in their cells, being let out only for breakfast, lunch, and supper. He mentioned the busy traffic on the East Wing Bottom gym side, which provides the only access in the prison to its gym. Inmates from the different Units pass by the cells at various points throughout the day as do the correctional officers who use the gym at lunch-time. He said, “It smells bad on East Wing Bottom. Some guards say their wives can smell it off their clothes.” (INT. 056).

On a number of occasions inmates referred to how they or others helped provide for new inmates, some arriving in a deplorable state.

I'm fortunate enough to have people on the outside. There was a guy on East Wing Bottom who had nobody on the outside, nobody to send him money or clothes. There should be an allowance to buy the - to buy hygiene stuff. I helped a guy with clothes. He only had the clothes on his back.

INT. 008. An inmate of H. M. Penitentiary

Some respondents made the suggestion that inmates should be provided with a handbook outlining prison rules and prisoner rights. Others suggested full orientation kits upon arrival. One said that instead of going without hygienic products and having to use a “dirty old mattress that stinks and is paper thin, you should be given a towel, a toothbrush, toothpaste, under-arm deodorant, and a decent mattress while you wait until canteen rolls around”. He later added that a clean mattress should be provided upon admission and that when the person leaves the reception area he should return the mattress “to be inspected to see if it is fit enough for another prisoner” (INT. 061).

It seems that most inmates long to leave East Wing Bottom for their more permanent stay on the Units or the Wings. According to their classification, they may go: downstairs to Unit 2 where remand prisoners (those who have not yet been sentenced) are kept; upstairs to East Wing Top, where low-security prisoners who usually work in the kitchen are housed; take the elevator to the third or fourth floor to Units 3 and 4, which house the general population cases; or go upstairs to 4B or to the West Wing where special needs inmates are housed. Those serving intermittent (weekend) sentences go to an area in the old part of the prison (opened in 1859) which until 1981 was the Women's Section. Many remanded and sentenced prisoners, especially those serving their first period of incarceration, expect to leave East Wing Bottom and go to an area where conditions will be much better and where they will be able to partake of various activities. In addition, sentenced prisoners often expect to be able to participate in a variety of programs.

Programming

The emphasis should be put on programming and rehabilitation ... Here for the most part it is warehousing. It's like you are put on a shelf

You should have ... the right kind of staff - not to be just locked onto a range but to be productive in a job training program, to be able to have programs of rehabilitation in a serious manner. The correctional officers, the classification officers and the management would not push you aside, but offer you opportunities.

A lot of guys struggle to survive out there. We should be treated seriously. A guy can be put on the right path ... In here you should be grabbed onto. 'We are going to help you and offer you programs'. Basically a lot of us are forgotten about. You leave the way you came.

INT. 020. An inmate of Her Majesty's Penitentiary

There are a number of programs offered at Her Majesty's Penitentiary. Clinical programs dealing with addiction issues and family violence continue to be provided, but sporadically. The school is currently under-utilized and closes down for the summer months. The carpentry shop usually has only one or two inmates. Programming in anger management has not taken place in several years. Pastoral care is provided by the prison. Church services are held and groups such as the Alpha Group at St. Thomas's Church and the Salvation Army provide additional services and special events such as concerts. Alcoholics Anonymous comes in weekly and John Howard Society volunteers operate the Library and the 1 2 1 Prison Visitation program. Alternative Dispute Resolution has been offered, a Creative Writing program has recently taken place, as has a 'Respectful Relationships' program. Participants in these programs seem to have really benefitted. With the exception of one respondent, positive comments were made about all programs, past and present. For example, a Moderate Intensity Family Violence and a psycho-educational Respectful Relationships program have just recently finished. One inmate said, "Family Violence is the best program I have ever taken" (INT. 046). He feels that it will help him in the future. Another recently released inmate started talking about the Respectful Relationships program.

I took a program "Respectful Relationships"..... I just finished the program. It was a ten-week program. We did couple of double-ups. It was one night per week 5:00 p.m. to 7:00 p.m. or 7:30 p.m. for about two hours a week.

I gained more respect for my fiancée. I now re-frame the situation. I learned procedures to take to calm yourself down.

This program made me realize how to appropriately value women. They are their own people and are not to be overlooked. The baby is crying and the dog is barking. Now I choose to help rather than say why didn't you do this or that.

INT. 061. A former inmate of Her Majesty's Penitentiary

While respondents indicated that they were quite pleased with the programs that they had completed, the problem is that so few programs are offered.

One long-term offender, currently on remand awaiting sentencing, had requested a federal sentence (two years or more) so that he could be transferred to a federal prison to get programming. This man, now in his forties is tired of going to prison; and he feels that his best chance for rehabilitation is to be transferred to Springhill Institution to participate in programs that address his alcohol problem. In the meantime, he stressed the need for local programming and activities. It would be helpful to have “other programs, recreation, therapy sessions and hobbies - even some little hobbies”. He recalled that “you used to be able to buy Popsicle sticks, picture frames, boats, jewelry boxes, crosses. Now you can’t do anything”. He said the greatest need is for “programming to help with what is going on in the mind” (INT. 023).

A former inmate with a good work record who only began getting into trouble in his thirties with problems spurred on by alcohol, kept emphasizing the importance of education, work and therapy programs “to teach you to know how to break the cycle of getting in trouble” (INT. 014). Another ex-inmate, a first time offender with a stellar career now threatened by a drug problem, said “There was nothing at HMP in-house. I had to go to Stephenville or wait for day parole or wait for MIMOSA [Moderate Intensity Management of Offender Substance Abuse program] at Howard House” (INT. 003).

Respondents identified delays in seeing classification officers as a significant problem at Her Majesty’s Penitentiary. It was apparent that the work of classification is valued by respondents, who cited a couple of the workers as being particularly helpful. One said: “The classification officers are pretty good. They can help determine if you are suitable to do different programs” (INT. 019). Several inmates referred to classification officers conducting programs such as addictions and “Respectful Relationships”. A few indicated that there should be more classification staff to provide needed services such as helping them prepare for a release. One inmate said that classification officers are often overworked and noted how one had apologized for not being able to see him sooner (INT. 047). Another said: “There should be enough classification officers to make sure no-one is left out” (INT. 054).

As is clear from Table 1 programs are only one of a variety of problems identified by inmates and ex-inmates of H. M. Penitentiary. East Wing Bottom is not the only place plagued with poor conditions. The Units and the other areas of the prison have their share, like the stifling heat in summer and the cold in winter. One, albeit brief reprieve from the environment is recreation; and one common complaint is that it is not offered enough and that too often it is cancelled.

The Conditions Inside and the Desire to Get Outside

Inmates often arrive to the Units from East Wing Bottom without clean clothes; and when they do they are quickly told by other inmates to get a shower. “Someone might give them clothes and hygiene products. People don’t like people who smell” (INT. 021). However, while most inmates are relieved to get up from the East Wing Bottom, at least one former inmate found his week spent there to be “better than on the range. At least you could open a window”. However, he had always worked outdoors and found living in confinement without fresh air to be a major adjustment (INT. 072). One respondent said, “I never had a pillow for 4 ½ months. I was three months sleeping on my jacket” (INT. 062). Another man found sharing a cell on a dirty Unit to be difficult. “There is a fellow using the can and the smell. There is no ventilation. You breathe that in. It’s not healthy” (INT. 004). The same is true for the West Wing.

The place is so dark and gloomy. It is so black and white. The air quality stinks.... On the Wing there were mould and dust particles falling from the ceiling. I think there is asbestos there. It’s a dirty place. It’s disgusting. Its pretty depressing ... I’m kind of a joker, but it’s hard to get a laugh out of anyone. It’s a sad and lonely place. It’s like having a bad day every day.

I think they should clean the place up. Put some color in the place. When it is clean and looks respectful, you feel a certain respect.

INT. 014. A former inmate of H. M. Penitentiary

TABLE 1
PROBLEMS IDENTIFIED BY INMATES AND FORMER INMATES OF HMP
In Descending Order - 62 Respondents

ISSUE	RESPONDENTS	PERCENTAGE
Lack of Programming	55	89%
Environmental Conditions (Physical facility, dirty, inhumane conditions, air quality etc.)	48	77%
Lack of Recreation	39	63%
Food	30	48%
Mental Health Issues	23	37%
Fear/Tension	23	37%
Cutting medications	19	31%
Communication with Families and Friends [visiting time, lack of privacy 7; costs of phone calls 6; delays in access to phone 3; problems with mail 3].	19	31%
Problematic Attitude of/Treatment by HMP guards [Predominantly poor 17 (27%); Mixed 27 (44%); Positive 7 (11%); Did Not Identify 12 (18%)]	17	27%
Segregation	17	27%
Reception Problems [Need for information e.g. Inmate Handbook 5; delays in getting clothes 4; not being provided with hygiene products 4].	13	21%
Delays in seeing a Classification Officer	12	19%
Lack of Inmate Rights [Need for (active) inmate committee 7; Perceptions of disciplinary court 4].	11	18%

Keeping occupied plays a big role in helping to break the cycle of inactivity, boredom, and uncertainty. A common theme involving recreation was related to the importance of having something meaningful to do. One inmate who had also served time in an Ontario provincial prison said that up there people had access to more programs and activities to keep them busy. “It would be up to you if you wanted to participate, but at least you got options” (INT. 021). Most respondents made it very clear that they do not want to be sitting idly and lying around.

You have to keep the inmates occupied. People [only] get recreation three to four times a week. You look at the condition of the unit, the dirt and the patched up walls. Why don't you get the inmates to paint it? How much damage can you do with Latex paint ... Let the boys do it themselves. You would not only keep the place more clean and tidy, but it would give them something to do. Lots of times I wouldn't have minded having a paintbrush.

INT. 006. A former inmate of Her Majesty's Penitentiary

Recreational programs were deemed to be very important to the prisoners. Getting fresh air or participating in activities in the gym is an important feature of life at the Penitentiary, especially with poor conditions and limited programming. Often recreation is cancelled.

What pisses me off is when they don't go by their own rules. You are supposed to get one hour of recreation a day. We got no fresh air. Everyone expects to get it. When you don't get it people get upset ... Yesterday was a nice day outside and we didn't get recreation. We asked why. We didn't get a reason. They didn't know.

.... They took away the weight pit. If you have ever worked out in the gym, that is important ... I've never seen one incident in the weight pit. If you go to a gym on the street you sign a waiver. Last month there were a couple of incidents with hockey sticks. To take the weight pit away makes no sense ... It builds up self esteem and confidence.

INT. 022. An inmate of Her Majesty's Penitentiary

Another inmate believes that the weight room was taken away because of staff shortages, adding that “now we are getting no gym and are put out in the yard”. However, as already noted, outside recreation also gets cancelled all too often.

It could be 22 degrees outside and you get no recreation. One guard said ‘every time you don’t get recreation, write it down ’... I will be writing a letter expressing concerns about recreation.

INT. 023. An inmate of Her Majesty’s Penitentiary

While the lack of recreation was identified as fundamental problem by two-thirds of respondents who had spent time at the Penitentiary, food was a significant issue for half of them. In fact, the only interview that had to be a little rushed was with an inmate who had requested it, but said at the start that he would have to be sure to be on time for lunch.

Food

The first-time offender, who was concerned about getting his lunch, said at the outset “you’re not fed enough to keep a bird alive” (INT. 049). It was important for him to avail of the food. Another commented:

The inmates don’t have much to look forward to. The meals are much more important in jails than in real life. The meals at HMP are awful. In Stephenville they are done with care ... Out in Stephenville the meals are served cafeteria style. The food is coming to you hot. At HMP it leaves the kitchen and goes on trolleys. There are sometimes delays and the food is cold ... With regard to portions, there is a big difference.

INT. 003. A former inmate of Her Majesty’s Penitentiary

Additional comments related to such matters as the food being under-cooked and the type of food that was being provided. “People here are not getting the right diet. There is too much fat. What about the people who have diabetes?” (INT. 046). However, the predominant complaint was about the quantity of food being served.

The food is always undercooked with very small portions. One guard said ‘Oh my God, you can’t live on that’. [REDACTED] came up [REDACTED] said it was unacceptable. It was alright for a week or so after that again. Then it was no good again.

INT. 061 An inmate of Her Majesty’s Penitentiary

Some of the respondents also claimed that exorbitant prices were being charged for canteen items, which range from chocolate bars to hygienic products and small televisions. Some people wanted a broader array of healthier food choices than items such as bars, chips and soft drinks. With little to constructively occupy their time, and frustrations regarding such fundamentals as living conditions and food, it is not surprising that fear and tension would also be identified by over one-third of respondents as being problematic at the Penitentiary.

Tension and Fear

It’s tense. There’s a lot of different people here with a lot of different problems. You never know what is going to happen.

INT. 045. An inmate of Her Majesty’s Penitentiary

Many respondents commented that they had been tense or fearful during their time incarcerated at HMP. A few said they had been victims of physical or sexual abuse while growing up. Three stated that they had been assaulted by other inmates; and several claimed that various correctional officers let such assaults occur. [REDACTED]

[REDACTED] There were also concerns about what was happening on the outside. Some were anxious over their

parole application; some felt the tension that often comes with having nothing to do; and some simply said that they were doing ‘hard time’.

I'm doing hard time. There's lots of emotions. I feel sorry for my family, having to tell them I'm in prison ... There are no programs here for me [right now] ... This is the longest sentence I've ever done and the hardest sentence I've ever done. I can't keep doing this. I got too much to lose.

INT. 019. An inmate of Her Majesty's Penitentiary

Inmates commonly mentioned the sense of uncertainty and despair. One remanded property offender who had been waiting a long time to be sentenced said:

You get every emotion you can think of. You try to have a laugh and joke around because you know you are going to have bad days. You get a phone call, your laundry comes back wet or you have a lock-down over someone else's stupidity in another part of the prison.

INT. 022. An inmate on remand at HMP

Inmates develop ways to cope with the boredom and the uncertainty. One repeat offender said “The first time I was sad ... The first week or so I wished I was dead. Then you adjust” (INT. 015). For many, part of that adjustment means getting into a routine. One inmate quickly described his routine on remand, where there is no access to programs and inmates have to be escorted to other areas of the prison. “You get up, get a shower, work out [do push-ups or other exercises] and watch TV” (INT. 012). People are not engaged in constructive activities. One first time offender observed, “You take a bunch of grown men on a chat 24 hours a day with nothing to do. There is a lot of confrontation. There is a lot of tension” (INT. 044).

Also, there is ‘jailhouse politics’, referred to by one inmate as “the unsaid rules about the status of a person among the inmate population”. He added, “It could put you in harm's way” (INT. 047). One respondent described the tension that comes with being “warehoused” on the ranges.

There is always somebody getting on someone's nerves. Someone turns on TV at 8:30 in the morning. Someone wants to sleep. You are walking on tippy-toes until lunchtime. There is always tension. You always got to be ready for something ... I was talking to my mother and a young fellow was screaming out loud oaths. I had to ask him to stop.... Some inmates are fearful ... Now cameras are on the ranges. Before Guards could only see so much....

INT. 056. An inmate of Her Majesty's Penitentiary

In the past some minimum security inmates avoided much of that tension when they were transferred to the Salmonier Correctional Institution. All ex-inmates who mentioned the Salmonier facility regretted its closure. One former inmate said "Salmonier Line was good for people like me who don't have violence". He added, "When you are in with a number of people who have committed violence you don't feel safe" (INT. 071).

A former inmate described the environment at HMP as "very intense and close to hostile at any moment. That is not just for the inmates, but for the wardens and the inmates, because there is nothing else to do" (INT. 006). When special needs inmates with mental health issues, including those who have been taken off their medications are considered, there is added tension.

Mental Health and Medication Issues

There is nothing here for the slow or the psychiatric ... They can't fend for themselves on the street, so how can they do it here?

INT. 016. An inmate of Her Majesty's Penitentiary

Approximately one in three respondents identified mental health issues as being significant at the Penitentiary. There was a consensus that people with mental health disorders need more care. One former inmate said that "the prison is not structured to handle people with mental illness" (INT. 053), while another respondent commented that people with mental problems should have

special care and be sent to the Waterford, or have a special unit for them” (INT. 010). One said, “It makes it harder on other inmates. I don’t want to see someone slashing up and blood going everywhere” (INT. 019). One commented, “It’s terrible for mental health issues” and noted that years ago there seemed to be a greater presence by a psychiatrist and other medical personnel (INT. 013).

At least seven people referred to inmate deaths as being unsettling. “You worry about everything on the outside, and on the inside a man in 4 B hanged himself” (INT. 062). Another said, “I was on the range when a man died.... A lot of people with mental illness are here who shouldn’t be here” (INT. 046).

Also, according to some, the reducing or cutting of inmate medications adds to the stressful environment. “You’re dealing with inmates who have been taken off the medications that they’ve been on for 20 years ... They’re stressed out ... You got chaos” (INT. 016). However, another inmate provided a different view. He was ultimately quite pleased to have his medications reduced. He said “It was rough in the beginning ... it made me agitated and uncomfortable. I had anxiety attacks. I don’t have them now ... In a way I’m glad he [the prison psychiatrist] took me off (INT. 045).

Another inmate noted that those who are cut off their medications “cold turkey”³ might have a mental illness and be sad ... Then they are thrown in segregation” (INT. 009). Sometimes the prisoners feel totally helpless in dealing with such situations, whether they involve themselves or others. It is in this tension-filled atmosphere that the management and staff have to enforce the rules and apply the discipline.

³ Only three respondents raised the prohibition of smoking in provincial prisons as an issue. The provincial prisons became smoke-free in 2004, and at that time some inmates and ex-inmates believed that it would create serious problems.

Treatment by Management and Staff

I think the white shirts are worried about what I am going to say.

(INT. 008. An inmate of Her Majesty's Penitentiary)

The above comment came (along with a grin) from a young man who saw a Lieutenant glance in the window of the interview room as he walked by. Management is often referred to as the 'white shirts' as compared to the grey shirts and grey uniforms worn by the correctional officers. It is the correctional officers who have most contact with the inmates; and it is they who must bear the brunt of the inmate's wrath and on much rarer occasions receive compliments from them for their help.

Seven out of 10 respondents raised the issue of treatment by guards. About a quarter were predominantly negative, while almost half had a mixed reaction. The most common complaints related to inmates not being treated with respect, and guards not following-up on requests. In almost all cases, negative comments were followed by some qualifying remarks indicating that most or some guards treat you well.

Certain guards will not treat inmates with respect. They'll slam the door in the bubble. Some inmates won't go to the bubble because they think they will get a 'shitty' response. 'Get away from the f...ing bubble' [control room]. Now that is only certain guards. There are definitely good guards. The majority are decent.

... I've had words with guards. But that works both ways. They are human too. But who is the one who is supposed to be professional?

(INT. 009. An inmate of Her Majesty's Penitentiary)

Some inmates felt that staff react punitively to situations and are not prepared to take into account the difficulties plaguing the inmates. One former inmate said "some guards won't try

and understand people's problems. Like why am I hyper?" (INT. 005). Another said, "They don't like the word 'rights'. It's better to treat people with respect and give them words of encouragement than ... treating them like garbage" (INT. 021). One ex-inmate who has also served federal time complained that after the inmates are "mentally starved" for programs and activities "there are guards who mentally prod them with a stick". He went on to say,

The moment you step inside the gate until the moment you step outside, all guards are generals. There are no soldiers ... The right hand never knows what the left hand is doing. The policy seems to go from guard to guard as their own set of policies... The same with procedure. Just because yesterday something was done one way, it wouldn't be done that way today.

Guards need a consistent policy of how things work. They need to be trained. They need to have money spent on training ... At Renous [the federal prison in New Brunswick] the guards had intense training. It was very easy to get along with them.

INT. 059. A federal ex-inmate who has spent time at HMP

One respondent said, "It's not all guards. It is the management" (INT. 054); and one first-time inmate observed that there should be a more active role for management in the prison. He said "they need to come into this setting and [work to] improve people, not just warehouse them" (INT. 044). A veteran of the prison system talked about the tight-fisted attitude of the administration in not providing such things as adequate cleaning supplies for a dirty building along with better bedding, "not piss-stained mattresses" for the inmates (INT. 060). Finally, another inmate observed that while there is not enough interaction between inmates and guards, "there is also not enough interaction between staff and management" (INT. 020).

Some of the inmates expressed understanding and support for the prison personnel. "I got nothing against any of the staff. They are easy to talk to. If you treat them well, they'll treat you well" (010). A middle aged inmate who has served several terms at the Penitentiary said "I don't or never have had any problem with the guards ... If you are a kid with a bit of an attitude, you are going to find trouble" (013). While a few respondents referred to stories of a small number

of guards rough-handling or beating up inmates or bringing in drugs, a more common comment was that these correctional officers are under a great deal of stress. One inmate said “Guards are worn down by the environment ... Their morale is low” (INT. 048). It seems that in the past the more relaxed environment at Salmonier was good not only for the inmates, but also for the guards. One former inmate who had returned to the Penitentiary after an absence of almost 20 years recalled how two guards, who he considered “among the worst at the Penitentiary, were “great” after they were transferred to Salmonier (INT. 006).

The current tension at HMP has at times led to irritability. One former inmate recalled an incident where he accidentally bumped into a correctional officer and spilled coffee on him. The guard swore at him, but later came back to apologize. He sensed the guard’s sincerity and remembers how well he was treated by him for the rest of his stay at the Penitentiary (INT. 017).

The matter of female correctional officers working at HMP or at other male institutions was not initially raised as an issue. However, after asking the gender question at the Newfoundland and Labrador Correctional Centre for Women, it was decided to routinely ask it during the remaining interviews. As suspected, having women work at the Penitentiary generally made no difference. Of the 27 respondents, only four were opposed to women working in male prisons. Three gave reasons: That women might have something to prove; that men might feel uncomfortable; and concerns about privacy. If anything, the presence of females was felt to enhance and “soften” the environment, with women being considered as more sensitive to men’s needs.

The need for a change in attitudes and treatment was sometimes related to what one former Penitentiary inmate termed “the old school boys” with their punitive style (INT. 071). Another respondent mentioned the need for a new approach “as values are passed on” to new correctional officers (INT. 020). However, one man who had been incarcerated at HMP in the 1970s before the Living Units were constructed, recalled the much closer contact necessitated by the old ‘centre block’ building and what he felt to be a more positive relationships between inmates and guards.

It was better with the honey-buckets than it is now. There was more interaction between the guards and inmates ... You need to get more programs for the inmates, but you also need something for the guards that don't keep them in the bubble for hours on end.

INT. 006. An ex-inmate of Her Majesty's Penitentiary

One respondent said, "We've got to build a bridge between guards and inmates. Then we've got to get the administration to walk that bridge, the guards to walk the bridge and the inmates to walk the bridge" (INT. 060). One barrier to crossing that bridge is a punitive measure generally detested by the inmate population. For many inmates, it is the very worst feature of Her Majesty's Penitentiary. It is segregation, an area used to isolate inmates for disciplinary purposes, but also used for those who are considered to be in despair and potentially suicidal.

Segregation

A quarter of the respondents singled out segregation as a particularly serious problem at the Penitentiary. The cells are described as being extremely dirty and a light shines in each of the five cells 24 hours a day. Respondents say it illuminates everything from feces to vomit stains.

I had a couple of institutional charges ... I went to segregation. It was disgusting. There are bugs down there. Silverfish are slivering across the floor. It was gross. There was vomit and blood on the wall. It was never cleaned ... They give you a mattress. You put it on a concrete slab ... They got a camera on you

INT. 012. An inmate of Her Majesty's Penitentiary

Most of the respondents who spoke of segregation had spent time there themselves. Usually they were not alone.

If you are in the hole, nine out of ten chances you are in there with someone. I've been there with three people. People lying down have to walk over people ... You don't get a shower every day. Segregation is the worst of HMP.

INT. 009. An Inmate of Her Majesty's Penitentiary

A restraint chair, used to restrain and protect out-of-control inmates from harming themselves is located in the hallway just outside the segregation unit. Several respondents mentioned the chair, which some felt was also being used for disciplinary purposes. One said, "They could leave you there for hours ... It shouldn't be allowed" (INT. 056).

A former federal inmate recalls serving time in segregation at Springhill Institution. "When I was in the hole, I had TV with cable, [access to] phone and canteen. The hole in Springhill tops anything in this prison" (INT. 009). Another said: "You have more to do locked in your cell 24/7, 365 days a year, than you do anywhere, anytime in that institution at HMP" (INT. 059).

These punitive conditions of sensory deprivation are not only reserved for disciplinary purposes, but also for those who may be suffering from depression or who may be suffering through a difficult period and having suicidal thoughts.

If you are upset, if you get a bad phone call, if you lose a family member, you go to segregation. If my mother died, don't throw me in the hole for five days. It's not the place to grieve.

INT. 056. An inmate of Her Majesty's Penitentiary

This respondent recommended that instead of being placed in segregation that inmates who are depressed or suicidal go to the Special Handling Unit (SHU), which he explained is like a range with the comforts of a range. It has natural light through a window and you can turn the light on and off in your cell. He said some inmates who are out of control are put in the SHU, where it is much more comfortable. However, he said it is the inmate who loses his mother who should be put in the SHU. "He should be locked in a cell with a camera and comforts" (INT. 056).

With all the negative features of prison life, inmates often feel that they have no voice and that they are not being treated fairly. One person who was put in segregation had questions for two correctional officers. “What are my rights? Where is there a book? ... I was told that it was in the process of being written. I said I want the old one. They looked at each other” (INT. 054).

On Not Having a Voice

They try to take your voice away from you. ‘Shut up! Don’t open your mouth!’ Its like they are trying to take your freedom, your dignity and your respect ... After a while it is like they own you. You are a robot. How do you go out and function?

INT. 014. A former inmate

Seven respondents mentioned the need to have voice through an active inmate committee. An inmate committee had recently been established at the Penitentiary with representatives from each range. The committee consists of seven inmates and two representatives from prison management. At the time of the interview the committee had only met on one occasion, with plans to meet every six weeks (INT. 044). The committee was still not well known by at least some of the inmate population. One of the respondents stated: “Inmates should have a voice. We need an inmate committee”. When it was noted that the inmates had already established a committee, he said, “Have they?” (INT. 047). Inmate committees have briefly existed in the past, but at least in part due to short-term provincial sentences, they have not survived.

Four people mentioned the disciplinary court, commonly referred to by the inmates as the “kangaroo court”. It deliberates on charges brought forth by the correctional officers against the inmates. It consists of a panel of two along with the escorting guard. There is a perception that one often doesn’t get a fair hearing. “You are guilty no matter what. I only saw one person coming out without a charge” (INT. 076).

The need to maintain contact with family and friends is really important for the large majority of those serving time in prison. This is usually achieved through visits, phone calls, or letters.

Contact with the Outside World

I really wanted to see people. I had visits every week and participated in the 1 2 1 [prison visitation]. I found having a normal conversation with a person from the outside was good.

INT. 007. A former inmate of HMP

For most inmates it is really important to maintain contact with their family and friends. A small majority of inmates interviewed had visits while incarcerated at Her Majesty's Penitentiary. However, for some the visit was impractical due to distance and cost factors, while others simply did not want visits. Some respondents said that they did not want for their family, especially their children, to see them in prison. Of those who received visits, some wanted longer visiting times and others complained of not being able to talk privately, especially with the Plexiglas barrier. For example, one man whose family lives out-of-town and whose wife does not drive had only one visit. "With that glass and silver thing with the tiny holes, you couldn't hear. For the wife, it wasn't worth it" (INT. 017).

Phone calls are very important to the inmate population. They help to maintain contact and support during some of the darkest periods in a person's life. When it came to the phone the most common complaints were over the cost to make a call (\$2.50 + tax for a local call) with a one half hour time limit.

It costs so much money. It would be helpful if they had a second phone. Then you could avoid some fights ... There is so much noise on the range. It should be private. I've seen a lot of people cry on that phone.

INT. 076. A former inmate of Her Majesty's Penitentiary

The profits are returned to the prison by the phone company and re-invested into a recreation account for the purchase of recreational equipment. Other complaints related to how money generated from phone calls is actually spent on inmate recreational activities and equipment.

There is much suspicion regarding this matter. One former inmate stated: “Money was to be spent on recreation equipment. Guards are taking the equipment for their own use” (INT.003).

Some inmates have families who are living on social assistance and cannot afford to take calls (INT. 077). Several respondents expressed concerns about the delays in getting their PIN numbers. Others mentioned delays in sending and receiving mail. “It can be so brutally slow to get things done If you were suffering from depression these things could be really problematic” (INT. 003). Like the other problems listed above they can have an impact on one’s sense of well-being.

General Health

In many ways health is related to all the above matters. Physical, mental and social well-being are not enhanced when one lives in an environment that is old and gloomy, often too hot or too cold, with little to exercise the mind and the body and with limited options for nutrition and fresh air. Health suffers when daily life is filled with many frustrations and when tension between the inmates themselves and sometimes between the inmates and guards is ongoing. Health may also suffer when punitive measures are perceived to be excessive, when people often feel helpless and where contact with the outside world is limited. Thus, in many ways all of the respondents talked about matters related to health.

It [HMP] wears you down physically and mentally because there is not much to do. It eats you away. There is more mould here. This environment is unhealthy for the body and the mind.

INT. 023. An inmate of Her Majesty’s Penitentiary

Few respondents commented on general medical care. The few that did were complimentary of the staff. “The nurse really helps. She now comes up around the ranges on the West Wing and the Units to see how people are (INT. 046). Some respondents felt that there should be more access to medical care. “They should have a well-equipped medical unit” (INT. 008). “There is a doctor and a nurse here, but not full-time. There should be someone here 24 hours” (INT. 057). Problems sometimes arise in the night-time after the nurse has left for the day.

The last medication is around 9:30 p.m.... If you start to get a headache - too bad.... You have to book your headache in advance.

INT. 044 A first time offender of Her Majesty’s Penitentiary

Some inmates talked about financial pressures on the prison playing a role in them not being given the most effective drugs to treat conditions if those drugs are considered expensive. They also mentioned that the prison will only pay for extractions and not fillings and will only cover a portion of the cost of glasses. One person said. “I know guys who go for months with toothaches. I want to get my teeth done, but they want to remove them” (INT. 023). Others expressed concerns about diseases such as Hepatitis C that are common in prisons.

The inmates do not usually express health concerns, although it appears that many of them make frequent visits to the nurse. Most of the inmates are relatively young men. They do not appear to be preoccupied with health issues, but with doing their time and preparing to get out.

Release Planning

Release plans for most inmates commonly involved work, returning home to their families, and spending time with their children. Some were applying for parole or waiting parole decisions. As part of their release plans some hoped to upgrade their education and/or seek help for their addictions. Some respondents had a job waiting for them in Newfoundland or outside the province. Some were moving to Alberta or Ontario to search for work. Others had not worked in years due to health reasons, and a few admitted to having no plans at all.

None of the respondents wanted to return to prison. Some felt they could stay out despite their experiences at HMP. One first-time offender said “I’ve picked up some criminal techniques since I’ve been in here”. He plans to stay out of trouble through his own efforts. “I’m going back to work, quit drinking, and get this nightmare behind me” (INT. 049). One former inmate, a repeat offender, also embittered by his experiences at the Penitentiary, said “it frightened the life out of me, but it didn’t frighten me enough to stay out of trouble [the first time]”. This time he was released on a temporary absence (TA) to avail of an addictions program at a halfway house. The program is helping him and he believes that he now has a good chance of staying out. He wondered “Why don’t they let more people come out on TAs?” (INT. 014).

Many questioned whether they have the skills and resources to avoid further conflict with the law. One repeat offender stated “I’ve got good intentions, but I don’t have any money and it’s hard to get started. You have to depend on social services and then try and scratch your way back up to the top” (INT. 022). Another felt grateful for support on the outside. He noted that many are not that fortunate.

The worst is when you get out and got nothing to look forward to ... I met 50 year olds who said that when they get released they got nowhere to go. One guy said to me ‘I got no job, no home, no family. I’m going to have to stay at this to survive. I got no choice’.

INT. 075. A former inmate of Her Majesty’s Penitentiary

Some respondents spoke of strong family ties. One first-time prison inmate recalls how at the lock-up he cried for the first time in years. “I hurt my parents ... I had [their] support”. He felt that he let his family down and noted the gratitude he feels for the support that they continue to give him (INT. 062). This is not unusual. Such family support is often very strong and unconditional. It brings with it many worries about the welfare of loved ones in prison. There is an old saying in corrections: ‘The family of the offender serves the hardest time’.

FAMILIES

Three interviews were held with members from three different families. All of these meetings were intense. They were held at the request of the families and each lasted for a lengthy period of time. One meeting took place with a family whose son died while at the Penitentiary, another with a mother whose son seriously mutilated himself while incarcerated there, and a third was with a family member whose son was “lost to drugs” several years ago, but whose family ties were “re-attached” when he became an inmate of Her Majesty’s Penitentiary.

The First Family

The first is the tragic story of a young man and his caring family. This man had a good start in life. He grew up in a happy home and had a good circle of friends. As he developed, this teenager obtained work, quickly became a supervisor at his place of employment, and traveled to other provinces as a top athlete to compete in his chosen sport. That all changed in 1995 when this sober teenager was driving a car involved in an accident in which one of his friends was killed. He was charged with negligence causing death and handed a two-year sentence. His parents said that after the accident he was “never the same”. His mental health deteriorated. He was incarcerated at the West Coast Correctional Center where other inmates complained because he was beginning to soil himself. The family rented an apartment in Stephenville. His mother went to live there temporarily, while his father visited on weekends. His doctor said he was depressed and started him on medication. The young man received some training and support, and he worked for a period of time as he battled his illness. Visits were made to one psychiatrist and then to another. He was in and out of the Waterford hospital.

In 2003 this distressed young man stole a CD player, even though he owned an array of stereo equipment. At the trial he received expert testimony from a psychiatrist and support and understanding from both his lawyer and the Crown prosecutor. When all information was considered, he was permitted to go home and live with his mother where he resided for the next

five years. During that time the son would experience difficulties whenever he stopped his medication. Late last year he seemed to lose interest in everything. Then he decided it was time to leave home. His parents, not confident about this move and wanting to provide for him, decided to buy him a little house a few minutes walk from his mother's residence. His spirits were quickly raised - only to fall again. He again exhibited signs of instability and depression and was soon charged with a break and entry.

His mother, in a state of disbelief, wanted her son to be sent to the Waterford. She tried desperately to reach his lawyer who had expertise in dealing with mental health patients and was familiar with his case. Unfortunately the lawyer who she trusted so much was out of town. She tried other professionals and finally ended up going to court, pleading with a legal aid lawyer to send her son back to the Waterford. The lawyer said he couldn't do that unless his client agreed. Her son did not agree. The mother argued that her son was not in an appropriate mental state to understand. However, by that time the judge arrived, began proceedings, asked the son if he understood, and when he replied 'yes', remanded him to the Penitentiary. The family felt strongly that he should not be at the prison and continued to seek other alternatives. A snowstorm, then a flu epidemic at HMP delayed family visits.

At approximately 2:00 a.m. on the morning of March 22, the father received a call asking him to come to the Penitentiary. Shortly after arriving he was informed by a clergyman that his son was dead. He learned that he had a seizure around midnight. The body was in the morgue awaiting a call from the medical examiner, who later determined that the cause of death was "excited delirium". The family has many questions about what happened that night. There was media coverage and his father was told that some inmates had been saying that his son should not have been in prison at all. "He was staying in his cell and was not coming out". Like the rest of the family, the mother wants answers and improvements to the system so that, "another mother won't be going through the same thing".

The Second Family

A mother from the second family is worried about her son who is currently serving time at Her Majesty's Penitentiary. He is the father of a little boy, and is addicted to drugs. He has committed a number of crimes and is currently serving time on the remand unit. This young man has been at the prison before and has also stayed at the Waterford hospital. In a moment of despair during the commission of his current crime he stabbed himself.

He always had problems. I would never take up for anything he had done. I felt that if I went to see him, I was condoning it ... I didn't want to go to the Penitentiary. I did go after a while. I still love him, but I can't stand the thought of going to the visiting room I started visiting him the last time he was in.

The doctor at the prison had taken her son off his medication. She received a call from the Penitentiary and was told by a captain that her son had cut his arms and was at the hospital. He was reported to be fine and under close observation. The captain gave her his telephone number and said that if she needed any updates to feel free to call. The next time she heard from her son he was really upset. "He said he was in the hole. There are four walls and no windows". At his next court appearance the media picked up on the story, as did the opposition in the House of Assembly. He was eventually released after spending 13 days in segregation. The young man now felt that he was starting to get more attention from Penitentiary staff.

This was the low point for this mother, who feared for her son's health. Indeed, she feared for his life. "He knew he was close to dying. He knew that he had a son and a mother who cared. He wanted to be a good son". She said that there are no programs for him at the Penitentiary. "He needs anger management and addictions programs". He hopes to receive a federal term where he can get the necessary programs. In that regard "he would rather do two years than six months" [at HMP]..

The Third Family

A member from the third family was interviewed in Corner Brook. Five years earlier her son had become involved in a variety of drugs. Last year, seriously addicted to opiates and crack cocaine he committed an armed robbery. He spent the past year at H. M. Penitentiary. For most of that time he was on remand. "He was just being warehoused at a great cost to the taxpayer". In the beginning it was quite stressful as this mother wanted to know what policies and procedures were in place. However, she felt that she could finally relax.

I felt for the first time in five years that he was taken care of. I knew where he was every night. I didn't know that for five years. ... When I would see him he was looking healthy again.

... I visited so many times that one of the correctional officers came to know me. There were two incidents: two deaths [at HMP]. I would call to see how he was. Whoever I would talk to was always great.... If there was a lock-down they were great with the information. Those correctional officers really helped me. They would reassure me. They would bring up the information about my son on the computer and let me know he was doing fine.

Then there came a low point. Her son was venting, causing problems, and was placed in segregation (the hole).

They put him in the hole. I was upset. I tried to talk with John Scoville [the Superintendent of provincial prisons]. He said [her son] had to spend five days in the hole. The next day I had a call [from Scoville] at 9:00 a.m. He asked if I could be at my phone at one o' clock. I said yes ... He had [my son] call me then ...That's how accommodating they were.

There have been many ups and downs thus far in her son's period of incarceration. Some of the worst involved him being placed in the hole.

He said the hole was terrible. They sleep on a slab and never see the light of day. The hole is good for nothing. There must be other ways that they can punish.

At a court appearance his grandmother first saw him in shackles. “She broke down”. It was also in court that the mother wanted to touch her son, even on the shoulder. “The sheriff’s officer said ‘don’t touch the prisoner’”. She stated, “It was the first and only time I touched him since he went in”. She said that her son had severed the family ties when he became involved in drugs. “They were re-attached when he became an inmate at the Penitentiary”.

This mother always felt that the visits were good. Sometimes they would let me stay for an hour. She mentioned that the visiting room could take ten to twelve visitors. The inmates were uncomfortable with the large number of visitors. “Last Christmas there were four of us, two to sit back and two to stand behind. They had seats for two, but they let us in”.

She also mentioned how much her son uses the phone. The correctional officers told her that “they are hoping to do something about it as it costs so much to make a phone call”. She also feels that working conditions need to be better for the staff. “Correctional officers sometimes have long shifts”.

Her biggest concern about the Penitentiary is that “there is no accessibility to programming, there is no drug rehabilitation and there is no psychological counseling”. Her son hopes to get parole and participate in the MIMOSA [substance abuse] program offered through the John Howard Society. However, she still harbors many concerns about him and his stay at the Penitentiary. “I worry about him because I think he is getting used to it”.

THE WEST COAST CORRECTIONAL CENTER

This is the best place I've been. The staff are good. It's all about helping the inmates at rehabilitation.

INT. 073. An inmate of the West Coast Correctional Centre

This young man, still in his early 20s is serving his second prison sentence in Newfoundland. He has already been incarcerated in prisons in Alberta and Ontario in addition to the Penitentiary in St. John's. He describes the atmosphere at Stephenville as busy and relaxed. School ended the day of the interview. He had also recently finished the Triple A program. The school had "opened his mind" and the Triple A Program was "good". He said that he was looking forward to starting the National Substance Abuse Program (NASP) in a couple of week's time. He now wants to go back to school and spends much of his spare time reading a psychology book.

A number of other inmates shared his enthusiasm. Another repeat offender said "I don't know if I can say anything bad about this place. The programs helped me and I feel safe, secure, and supported" (INT. 070). During this man's current sentence he also completed the NSAP, which he said was "the best program I ever did" and also a 'booster' program. He has good plans in place and is optimistic he will get parole and be successful in avoiding future criminal involvement. One ex-inmate, now residing at a half-way house in St. John's also spoke of the benefits of the NASP program, which he completed as part of his current sentence. He stated "If I knew then [before his last offense] what I know now, I wouldn't be here now" (INT. 017).

The glowing reports by some inmates seem related to programming and its effects on those motivated to improve. One first-time inmate who requested a transfer from HMP completed the NASP program which he explained usually lasts seven weeks. "... but we did it in a little over four weeks - 26 sessions - 56 hours ... It will help me for the rest of my life" (INT. 062). Another inmate found the National Employability Skills Program (NESP) really helpful. "It was good. It teaches you the fundamentals of not only getting a job, but keeping one" (INT. 072).

A number of inmates described the atmosphere at WCCC as positive and functional.

The guards treat you nicer, more mannerly. Getting things done here is not a problem. When you come here you know you are coming to a programming institution. You are told that there is to be no fooling around; if you got 'prison politics' on your mind leave it outside.

INT. 071. An inmate of the West Coast Correctional Centre

One middle-aged inmate said it was a good environment for learning. "There is not a lot of stress here. There are no prison politics here, no fighting or assaults" (INT. 067). Another inmate said that "the only time people are tense is when they can't get out for recreation" (INT. 069). An ex-inmate of the West Coast Correctional Centre said, "In St. John's you want drugs because you are so stressed out. In Stephenville I was a model inmate" (INT. 076).

As Table 2 reveals fear and tension, the food, and the attitude of the guards were not identified as being problematic issues in Stephenville. A former federal inmate, who was serving time at HMP, said that at Stephenville "There is more fresh air, more recreation and better food. The staff are more polite. They talk to you and ask you how your day is. Is there anything you need?" (INT. 009). Another said, "There is a form of stability here that you won't find at the Pen". He referred to the environment as "respectful", and with the exception of one guard who treats people "like he is the supreme power", he had nothing but praise for the staff.

The guards are good ... One woman guard here is a class act. If there is anything possible to do for you she will do it. When she tells you to do something you want to do it, because of the way she tells you to do it ... There are also two male guards here who are awesome. They are well liked by all the inmates

... The person here who everyone loves to love is Sister Rona. She helps with everything and helps everyone to solve their problems. I wish all prisons had someone like her.

INT. 068. An inmate of the West Coast Correctional Centre

TABLE 2
PROBLEMS IDENTIFIED BY INMATES AND EX-INMATES OF THE WCCC
In Descending Order – 16 Respondents

PROBLEMS IDENTIFIED AT STEPHENVILLE (WCCC)	RESPONDENTS
Lack of recreation	7
Need for more programming	5
Environmental conditions (Physical facility, mattresses, screens to windows etc.)	3
Medications	2
Attitude of / Treatment by WCCC correctional officers Problematic 1 Did Not Identify 8 (50%); Positive 6; Neutral 2.	1
Food - No complaints Positive comments 6; Mixed 1; Did not mention 9	0
Fear/Tension - Did not identify	0

Despite the positive feedback about the West Coast Correctional Center, some of the inmates thought there should be more organized recreation and more programming, less strict rules, and better environmental conditions. However, the complaints and suggestions for improvements were muted. One former federal inmate, who was incarcerated at Stephenville for the first time, said both the WCCC and HMP could use more programming, but the Penitentiary is “just off the scale”. He felt there should be more recreational opportunities at Stephenville, and especially a program of lifting weights. He also complained about a rule in which you can’t bring food upstairs; but he added “I can’t say anything too negative” (INT. 071). A first-time offender who said he was quite impressed with the facility, mentioned that new screens are needed for the windows, fans for the rooms and new mattresses and bedclothes. However, he added “I’m not

expecting the Ritz kind of accommodations” (INT. 064). Another who mentioned the need for better bedding and mattresses said, “I have a bad back. I crushed a disc. The bed is hard on the back” (INT. 066). Arguably the most serious complaint came from a former inmate of Stephenville, who had praised the programs, the facility, and the staff. However, he was punished for an infraction and spent five days in segregation. “I had a mattress covered in dried blood, no shower ... the same shorts and socks” (INT. 013). This was the only time a respondent had mentioned being placed in segregation at Stephenville.

There were a couple of complaints about the medical service, one specifically relating to the WCCC. A first- time offender who is an older inmate complained that the prison psychiatrist had reduced his medications for depression and eliminated his anti-anxiety drugs before he was transferred to Stephenville (INT. 074). Another complained that there is no nurse, that different correctional officers give out medications, and that he had been given the wrong medications in the past. He also complained that it takes too long to see a dentist for matters like toothaches and that one can only get extractions, not fillings - a complaint heard in St. John’s. Similar complaints regarding the cost of the phone and delays in getting PIN numbers were also expressed.

Overall, feedback from inmates and ex-inmates of the WCCC was quite positive. Recreation, the biggest perceived need, was cited by less than half of the respondents. One-third of respondents, including some of those who really enjoyed programs, simply wanted more of them. The much higher regard for correctional officers is really apparent, in part due to the high level of interaction. As can be noted from Table 3 only one inmate of the WCCC considered that the Penitentiary was better. “They leave you alone there ... Here they are always in your hair ”. He later said that “living conditions are better here, the food is better here, and there are more programs than in St. John’s” (INT. 063). Thus, even his condemnation of the WCCC was followed by praise.

Inmates regarded the overall conditions in St. John’s as much worse in many ways. Some felt that the prison conditions and other factors in St. John’s have a huge impact on how guards interact

and treat the inmates there. As one former inmate who served his sentence in both facilities said, “In St. John’s inmates are more hard core. The more violent offender wouldn’t be going to Stephenville. The guards can afford to loosen up and fraternize a little more” (INT. 003). On rare occasions some inmates who had been transferred to Stephenville had already benefitted from programming in St. John’s. One inmate had taken the Creative Writing course at Her Majesty’s Penitentiary. When asked how the west coast facility would compare with that in St. John’s he said, “This is like a juicy grape and HMP is like a dried up raisin. This is Disneyland compared to Robin Hood Bay” (INT. 062).

BISHOP'S FALLS

They wanted to send me to the Penitentiary, and I said you better bring a body bag with you ... They checked it out and found I was at Bishop's Falls before. There were no problems then and there are no problems now.

INT. 080. An Inmate of the Bishop's Falls Correctional Centre

Bishop's Falls appears, at least occasionally, to serve as a refuge for inmates. The above respondent has spent the past few months at the Bishop's Falls Correctional Centre. For the most part, his time has been relaxed and he has received "good treatment", although with the exception of school, he has not participated in any programs. Another man had been transferred the day before after having been assaulted and threatened at HMP. For most inmates, Bishop's Falls is a quiet, safe, and relaxed place to serve time.

On 25 June six of the 13 inmates who were incarcerated at the Bishop's Falls Correctional Centre were interviewed. All six were from rural Newfoundland. Two were first time offenders. Their crimes ranged from property offences to violent crimes. They had been there for periods lasting from a couple of days to five months. In addition a few other respondents interviewed at other locations had also served time at Bishop's Falls.

Inmates of the West Coast Correctional Centre in Stephenville and the Bishop's Falls Correctional Centre who have been transferred from St. John's or other points have to endure six to ten hour trips across the island in handcuffs and shackles. Four respondents interviewed in St. John's, Stephenville, and Bishop's Falls mentioned the difficult trip. One man, a first time, yet older offender had been transferred to Bishop's Falls after first being sentenced on the west coast. "I was bound up. I went back and forth across the island. Being in shackles is hard on the system" (INT. 082).

When inmates and former inmates reflect on serving time at Bishop's Falls they often think of getting out into the yard. An ex-inmate said, "One good thing about Bishop's Falls is that you are out by the door every day to get fresh air" (INT. 002). A first-time inmate of HMP who had earlier been incarcerated at Bishop's Falls said "In Bishop's you are in with the local crowd ... we used to go outdoors gardening and working out [doing push-ups and sit-ups]. It is a smaller prison, but there is more to do" (INT. 043). Indoor recreational facilities mentioned during the interviews include pinball, table tennis, darts, and movies. There is also a hobby shop. A first-time offender who described the prison as "clean and comfortable" said that he enjoyed working in the laundry, going to school, and making plaques at the hobby shop. He added "there are no bad things here" ... There are no drugs in this place" (INT. 083). However, while respondents noted the good features of the prison, some mentioned that it needs more recreation, a weight bench, and a separate card or TV room. All stated that it needed more programming. One commented, "As dirty as the Penitentiary might be, at least there are some programs" (INT. 078). Another said, "There are people here who have a lot more problems than I do. They don't get treatment for it" (INT. 080).

While there were isolated complaints about the beds, mattresses, and the cost of the phone, the majority of complaints related to the food and inmates being locked in their cells too long. Several inmates complained about the quality of the food, two of them referring to a recent meal, which they claimed was undercooked. However, when compared to that of HMP a former inmate of both facilities said: "The food is better here. They don't give you enough food at the Penitentiary" (INT. 004). Other inmates complained about being locked down in their cells at various points during the day and evening, such as when they are not doing chores and for periods of up to an hour before lunch and dinner. One noted that they are locked in the TV room after meals. "There is no need ... we could be in the TV room or cell for a half hour and there is no-one in the bubble" (INT. 078). According to one inmate lock-downs in the cell or on the Unit can become a safety issue when guards are preoccupied with other matters. However, those who mentioned the guards spoke favorably of them.

One inmate said “the guards treat you with respect” (INT. 078). Another stated “I get along with the guards” (INT. 083), while a third, who enjoyed talking with them said, “the guards and lieutenants should be out amongst us more. One lieutenant comes by as soon as he comes on to see how we are doing”. He added that some others only come out “when they have to do the count” (INT. 080). A former inmate in comparing correctional officers at Bishop’s Falls to those at HMP felt that while they were both accommodating, “you can tell that the guards have an easier job in Bishop’s Falls” (INT. 082). Whatever the case, all respondents were quick to compare Bishop Falls quite favorably to Her Majesty’s Penitentiary in St. John’s.

TABLE 3
HMP IN COMPARISON WITH OTHER PRISONS

	Stephenville	Bishops Falls	HV-GB	Fed. Prisons	Other Prov.	TOTAL
HMP Worse Than	22	8	2	7	2	41
About the Same	2	1	0	0	0	3
Better Than	1	0	0	0	1	2
TOTAL	25	9	2	7	3	46

Respondents interviewed at site locations other than the Penitentiary who had spent time incarcerated there almost always wanted to talk about HMP more than the place in which they were currently serving time. As Table 3 clearly demonstrates, whether they had been incarcerated at Stephenville, Bishop’s Falls, Happy Valley-Goose Bay, a federal penitentiary or a provincial prison in another province, there was an overwhelming belief that those prisons compared quite favorably to Her Majesty’s Penitentiary.

LABRADOR CORRECTIONAL CENTRE

He sees himself as a child. He wants to follow his foster-father - to follow that wisdom. He wants to be like a man and act responsibly.

INT. 029 An Innu inmate of the Labrador Correctional Center [through translator Leah Jenkinson, Classification Officer, LCC].

This young Innu offender who lives in Natuashish has for a long time had a problem with substance abuse. As a teenager he was a heavy gas sniffer. He stopped mainly through the help of his foster-father who took him on the land. He said that being on the land “gave him a sense of purpose”. However, he later started drinking hard liquor and smoking marijuana. This led to problems with the law, and he reports that since he was 18 he has been at the Labrador Correctional Centre on a number of occasions. His current period of incarceration is his longest. He spent six months on remand before being sentenced to a two-year term for an assault charge. He has a small child: a son.

At the Labrador Correctional Centre this young man keeps mainly to himself. He describes himself as “very unhappy”, but realizes that “I brought myself here”. He misses being on the land and seeing his son. He “prays and then sleeps”. He watches TV and looks at pictures of his son. “The time goes so slow ... You don’t have a purpose”. He said the Classification Officer has been helpful and a couple of guards are very good and treat him well. It’s painful when he sees people leave and he finds it difficult when people come to visit. He hopes to address his addiction problem through an out-of-province treatment centre. He doesn’t think that he will return to prison. However, he adds, “I’m not going to say that ... I’ve heard many people say they won’t come back, but they do”. He would like the Labrador Correctional Centre to have more programming, particularly a land-based program. He feels that the needs of the Aboriginal people should be addressed in their own language and culture.

Aboriginal peoples (the Inuit, the Innu, and the Métis) routinely comprise about 95% of the inmates at the Labrador Correctional Centre. At the time of the interviews (3 & 4 June) about two-thirds of the population was Inuit, a quarter were Innu, with a few Métis and three Caucasians. Four Inuit prisoners, three Innu, one Métis and one Caucasian at the prison were interviewed; and an Inuit living in a remote Labrador community was spoken with by telephone.

The needs of the Aboriginal peoples serving time at the Labrador Correctional Centre are unique. Their crimes are almost always related to substance abuse problems. Of the respondents interviewed, all had problems with substance abuse, particularly alcohol. Eight out of 10 admitted to drinking at the time of the offence, another was involved in gas sniffing, and the tenth, while not involved with alcohol or drugs when the crime was committed, said drinking is still his biggest problem. Eight had committed violent offences such as assault, sexual assault, and domestic violence. Their educational level was generally below the average of inmates in other provincial prisons, but their self-reported employment at the time of the offence was above average. In common with most other Newfoundland and Labrador prisons, lack of programming was the biggest issue. Those programs that do exist at the LCC, such as the workshops (small engine repair, carpentry and soapstone), serve a vital purpose for the aboriginal people.

Working in the shops takes a lot of anger and frustration away. Our boss is really good. Mr. Stanley is great. He respects me. We have long talks. He takes us off to get things for the sweat lodge.

INT. 025. An Inuit inmate of the Labrador Correctional Centre

The counseling and support provided by the classification officer (a Métis who speaks the Innu language), and the Inuit and Innu liaison workers are important to the respondents, as is the work of such outside groups as Labrador Legal Services which provides individual counselling and conducts some groups inside the prison. Temporary absence programs have enabled inmates to participate in outside work and support programs such as the Saputjivik Treatment Centre in North West River⁴. Various churches such as the Anglicans, Moravians, Pentecostals, and Roman Catholics visit the institution to hold services and provide spiritual support. School plays an important role and as one inmate noted “This is the only place [in the province] where remands are allowed to go to school”. However, he added “This is a corrections centre. It is for

⁴ The Saputjivik Treatment Centre in North West River just days earlier had closed its in-patient addictions program, to soon be replaced by a new service delivery model.

people who need help” (INT. 030). It was clear that the opportunities to participate in programs are limited.

You need programs. I can't emphasize that enough ... All kinds of programs. Programs to deal with drinking ... abuse and neglect and spousal abuse ... When I'm sober, I'm the best kind.

INT. 032 An Inuit inmate of the Labrador Correctional Centre

The lack of recreation, especially access to the outdoors, was important for most of the respondents. One inmate said that the worst thing about serving time at the Labrador Correctional Centre was that there is little or no recreation.

They don't have the staff to take us outside ... The Unit is say 50 feet long and 25 feet wide. We are there 23 hours a day. There have been times when we don't get off the Unit for four or five days ... Recreation can ease tension ... If there was a visit going on you couldn't get recreation. If the van is gone to the pharmacy, you couldn't get recreation. You take recreation away from everybody because someone has a visitor.

INT. 026. An Inuit Inmate at the Labrador Correctional Center

Four of the inmates raised the impact of staff shortages, from visitors being turned away to recreation being cancelled. Several others mentioned that there needs to be much more indoor recreational activity. One inmate complained that there is only one ping pong table for 50 inmates. Another respondent said, “There is no gym or weight room”. He also suggested to “make the place bigger”. There is an overcrowding problem and “you can’t have people sleeping on the floor” (INT. 030). To add to the frustration there were lock-downs due to shortages of staff and lock-downs due to the behavior of inmates.

Several inmates complained about being punished for the actions of another. One Innu inmate said that lock-downs lead to increased tension between inmates and guards, and while some

guards are good, others treat him like a “second class citizen”. He wishes the “guards didn’t look down on native people” (INT. 028). An Inuit inmate said “There are no native guards... They would have more in common ... They would understand more about the offenders” (INT. 033).

Despite the cultural differences, the treatment by the guards was generally regarded as good. A Metis inmate said, “guards here are nice people. They do what they can to help you (INT. 027). Both respondents who stayed at LCC and HMP felt that there was generally much more interaction between inmates and guards in Labrador than in St. John’s. An Inuit ex-inmate of the Labrador Correctional Centre said that at the Penitentiary he stayed in his cell most of the time. At first he was “scared and frightened” and then he got into a routine. He finally began to relax when he arrived in Goose Bay. “Up there you talk to the guards much more. The code is nothing in Labrador compared to St. John’s” (INT. 084). An Inuit offender incarcerated at the LCC was complimentary of the treatment he was receiving by Labrador guards.

There is always some guard who will help you. At HMP I couldn’t stand up and talk to a guard like I did today. They know we need help. There have been days that the prison has been locked down because of not enough staff.....

What I’ve noticed when C. O. s come down from St. John’s is that there’s not much talk between them and the inmates. That changes after about a month. Here the guards come in on the Unit ... They talk about everything. (INT. 026).

INT. 026. An Inuit inmate of the Labrador Correctional Centre

There were no complaints about the food by respondents at the LCC., although one inmate said he was gaining a great deal of weight through a diet rich in calories. There was one complaint relating to the inconsistency with canteen store orders, which arrive at different times during the week. One inmate commented that he had his medications reduced a number of years ago while incarcerated and now refuses to see the doctor; a couple of others referred to how visits could be cancelled due to shortages of staff; one former inmate recalls how he had to clean up blood in

segregation; and one complained that his family cannot afford to take collect calls. However, the main concerns involved the lack of programming and recreation and the tension caused by boredom, overcrowding and the need for more sensitivity to cultural differences and the special needs of the Aboriginal inmates.

NEWFOUNDLAND AND LABRADOR CORRECTIONAL CENTRE FOR WOMEN

You are confined to a small space with no clean air ... It's hard to survive with different personalities, especially when dealing with drugs and alcohol, detox., young and old and mental problems ... For those with mental problems there should be a different room. They shouldn't be in the same area.

INT. 034. A first-time inmate of the NLCCW in Clarenville

This first-time property offender had difficulties adjusting to the Newfoundland and Labrador Correctional Centre for Women (NLCCW). She said that serving time at the small Clarenville prison “is the hardest thing I’ve ever done in my life”. She attended and helped out in the school, participated in the ‘Home with a Heart’ program and did crafts and chores. Earlier in her sentence another inmate threatened her and measures had to be taken to separate both inmates by locking them in their cells for rotating periods. “The group here is now calmer. It’s more controlled”. However, with the arrival of a new inmate this woman would again become more cautious. “It’s like you’re scared all the time, but you adjust”.

The 12 inmate and ex-inmate respondents had entered the NLCCW with a variety of personal problems and skill deficits. Nine of the 12 had either been under the influence of drugs (5), alcohol (3) or both (1) at the time of their offence. Some (4) were taking prescribed medications for a diagnosed mental illness. Half of the women, who ranged in age from 20 to 49 years, had not finished high school. Most were unemployed at the time of their offence; most had been convicted of property or other non-violent offences; and most were single mothers. Two of the women were Aboriginal. While five of the respondents were first time inmates, four had been there before, and one estimated that she had already served at least a dozen terms.

Inmates and ex-inmates of NLCCW identified issues surrounding mental health, and a lack of programming and other activities to occupy their time as their most serious concerns. These

were compounded by lack of space, lack of recreation and frustration and anger over lockdowns. Respondents spoke highly of the limited programs and services that are offered. Several mentioned the support they received from the mental health and addictions counselor who visits from Health and Community Services every second week. Six of nine respondents at NLCCW referred to the school (operated through the Discovery Centre for three hours each day ten months of the year) as being particularly helpful. The crucial support received from the Classification Officer who when time permitted would hold group sessions, was mentioned by a number of inmates. The Salvation Army's 'Home with a Heart' program, which focused on life skills, homemaking, and parenting skills for single mothers was also found to be beneficial. Pastoral care and spiritual counseling were said to be important, and other non-religious activities such as a crafts program conducted by an Anglican minister were noted as being useful. Another popular program is Therapeutic Recreation, which helps to effectively utilize leisure time through such activities as crafts, exercise and team building. It was conducted by a Keyin College student doing a work term placement at the Centre. It quickly became clear that the inmates yearned for more activities. One respondent said, "There should be [counseling] programs for the mind that would include rules and regulations; programs for the body involving physical activities and programs for the soul - religious, spiritual, and yoga" (INT. 035).

Treatment programs have often been held irregularly or rarely. One inmate mentioned the WOSA (Women Offender Substance Abuse) program, a highly regarded federal program that was offered when she stayed at Clarendville on a previous sentence. One former inmate who stayed at the prison during the past two years said:

Some girls feel safer there. They don't have to worry about drugs and other problems on the outside. They should be getting proper counseling so that when the doors are open and they return to the outside they are ready to deal with it ... You need more people trained to deal with addictions and mental illness or to just be there to listen.

INT. 086. A former inmate of the NLCCW

Ten of the 12 inmates and ex-inmates raised mental health matters as a major concern. Some reported their own illnesses and others expressed strong concerns about fellow inmates. “Those with mental problems should be stable enough and strong enough to stay here. A lot of girls can’t handle it ... some of the girls here should be at the Waterford hospital” (INT. 037). One young woman who had spent some time at the Waterford had been on bi-polar medication for a number of years. She claims she was taken off her medication by the prison psychiatrist, became depressed and spent a period of time at the St. John’s Lockup and also in segregation at Clarendville. Another inmate, a first-time offender addicted to drugs, felt depressed and suicidal upon her arrival at Clarendville. “I was given the option of going to the St. John’s Lockup and seeing Dr. Craig. He said I was going to be OK and gave me moral support” (INT. 035).

Nine of 12 respondents mentioned the tension that accompanied a stay at the NLCCW. “There is a lot of time on your hands ... It’s overwhelming” (INT. 037). Seven respondents cited the lack of recreation, a tension reliever, as a problem. One Inuit inmate said she was very ‘lonely’, even though she has been incarcerated at the facility about a dozen times before for offences spurred on by a drinking problem. She didn’t get any visits and she couldn’t phone her family in Nain, as collect calls are too expensive. She felt that she needed “more emotional support from people” (INT. 036). Several respondents expressed frustration at being punished for someone else’s actions. One former inmate said: “You don’t know when they are going to lock you down. You don’t know when they are going to do a strip search” (INT. 085). One inmate commented on how staff shortages could impact and cited an incident which happened on Easter Sunday.

Easter Sunday I was locked down. It was really hard. I have children. They wouldn’t give us a store order ... Some of us had Easter bunnies to make us feel alright. We put the store orders in on Wednesday. We didn’t get them until Friday to have for Easter. Then Sunday we were locked down and couldn’t phone the family

... I got out at 8 o’ clock. I cried. I was miserable. Usually it would have been a church service. I wanted to write Jerome Kennedy [the Minister of Justice]. I ripped the letter up.

INT. 039. An inmate of the NLCCW

Despite this incident the feelings toward correctional officers were generally quite positive. The young mother quoted above said that the guards were supportive. “They really understand. A lot of them have children ... One or two might be on power trips” (INT. 039). Another said “the guards are decent”. However she later added that “they should have a different way to come at you - a poor choice of words ... If someone does something wrong, they should be pulled aside” (INT. 037). A former inmate of the WCCC, who for years has been doing well in the community, spoke of the need for more contact between correctional officers and inmates. “Only a couple of guards would interact. Most stay in the bubble”. However, she received strong support from some guards in her darkest moment when she attempted suicide. “There were so many days I was there and depressed, but there would be some who would always be there for you”. She went on to praise the efforts of one correctional officer and wished there could be more like her. She added that there should be more staff training (INT. 085).

The regard for staff at NLCCW was more positive than negative. One young inmate said: “The Classification Officer mended a huge bridge [with my family]. She helped me to release tension. She called mom”. She also went on to say, “The guards told me to stand up for myself. They helped make me a stronger person”. When questioned whether it makes any difference having both female and male correctional officers working in Clarendville. She replied:

I like the way it is. The men can take the yelling, the PMS. The women give you more insight. The men are more patient. They are both good. Two women and one man, I like that balance.

INT. 035. An inmate of the NLCCW

Respondents generally felt that it makes no difference having male and female guards working in the correctional facility. A few even said that having men work there made them feel safer in case of an emergency. However one respondent, a victim of a sexual assault, felt less safe with men. For the remaining couple of respondents it was mainly a privacy issue. One former inmate said, “At Clarendville the cameras are in all the cells. They are often on” (INT. 086).

Two respondents mentioned the need for a handbook or a pamphlet explaining the rules, regulations, and programs offered. Only one person with allergies complained about the actual condition of the facility, noting that it is an old building with dust and mould and that the vents need to be cleaned. She was also fearful of contracting Hepatitis C. Another inmate commented on the “medical issue” of the high turnover of doctors, so “inmates are dealing with someone new all the time” (INT. 034). The cost of phone calls, the need for better mattresses, and a more spacious and private area for visiting were also mentioned by some respondents.

One former inmate who had spent a number of terms at Clarendville said “I hated it there, but I always ended up back”. She had spent time at the Nova Institution in Truro, Nova Scotia eight years ago and spoke of an array of services including group therapy along with a work placement both in prison and after release that she found really beneficial.. “It was the first and last time I was in a federal prison and the last prison I was in” (INT. 085). Another spoke of the motivation behind her successful re-entry into the community. “My daughter was the fire behind me. I had a drug addiction and I haven’t used since ... If I screwed up again I’d lose her” (INT. 086). An Aboriginal woman on remand, incarcerated for the first time, is determined to stop drinking when she returns to Happy Valley-Goose Bay. She said, “I’m embarrassed over having a criminal record” (INT. 038).

One respondent, who has spent many years out of trouble, is now working with a community organization and has visited Clarendville to offer support to the inmates. She had served time at the Newfoundland and Labrador Correctional Centre for Women during the early 1990s when it was located in Stephenville. She recalls good mental health services and programs and easier access to doctors. She also mentioned that it was a much more spacious facility that provided a reception area where girls with problems could be placed. She has strong feelings on the needs of female offenders and the little space that the current facility provides. “In Clarendville it is like the women are put in this walk-in closet and the doors are closed ... The men are getting a new prison and the women are stuck in a sardine can” (INT. 087).

CONCLUSION

The Inmates

The 87 inmates and ex-inmates interviewed often spoke of how difficult it is to lose their freedom, how their behavior has impacted on their families and others, and how they are wasting their lives. A few noted that as children they had been victims of physical or sexual abuse; some had spent much of their youth in orphanages, foster homes, and custody facilities. As adult offenders almost half had been convicted of violent offences, most had little education and unstable work histories, and three-quarters had problems with alcohol and drugs. A first-time offender, who before his involvement with drugs had enjoyed a successful career, observed that some of his fellow prisoners were “doomed from the start ... Some of the guys have been behind the eight ball all their lives and you expect them to turn it around” (INT. 003). Another first-time prison inmate with a drinking problem said: “They’re using a sledge hammer to do brain surgery ... There are people in here [HMP] who would not commit crimes if they were not addicted to drugs” (INT. 049).

The vast majority of respondents want to change their lives. Some have the benefit of a caring family, a job, or a treatment program to assist them when they return to the community. However, the bulk of them lack strong supports and marketable skills, and most have poorly developed plans and untreated problems. Yet all cling to the hope that they will be able to avoid further trouble and never return to prison. One inmate, who has had substance abuse issues since he was young, believes that this time with support on the outside he can avoid further conflict with the law - and further imprisonment. Like most, his plans are basic.

I will look for work and stay away from the old circles. I got to be there for my son. I want to live honestly, have good values - the simple things in life, to be around people who I care for and do things with them ... I want to breathe fresh air and do the usual things that are priceless.

INT. 020. An inmate of Her Majesty’s Penitentiary

The Issues

The big problems in the provincial prisons have been clearly identified from the perspective of inmates and ex-inmates. The lack of programming, especially in relation to alcohol and drugs, and the limited time for recreation were common complaints in all facilities; and in some prisons, major issues also included those surrounding mental health, the attitude of staff, the special needs of women and Aboriginal offenders, and the inadequate space and structure of the facilities themselves.

Good programming, services, and fair treatment elicited favorable comments whenever offered and received. This held true for Her Majesty's Penitentiary where the flawed physical design creates challenges for programming space and for closer and more positive interactions between inmates and staff. A few respondents observed that correctional officers who had been transferred to other more relaxed provincial prisons, developed a closer interaction and a better relationship with inmates.

Respondents who had served time at Her Majesty's Penitentiary and other prisons almost always reserved their harshest criticisms for HMP. No matter at which location the interview took place, if respondents had ever been incarcerated at HMP they would quickly focus their attention on the St. John's facility; and they would almost always rate it poorly when compared to any other prison, whether in Newfoundland and Labrador or in another province in Canada. The Penitentiary, with its dilapidated, gloomy, and 'unhealthy' environmental conditions, its lack of programs and services, and its ongoing tension, was often the subject of serious criticism. While good suggestions were made for improvements, the old warehouse environment begged one ultimate solution. As one former inmate concluded, "It needs a wrecking ball" (INT. 071).

The Implications

The need for a new prison to replace the antiquated and rundown Her Majesty's Penitentiary is obvious, as is the need to address concerns about inadequate space at the

Newfoundland and Labrador Correctional Centre for Women and the Labrador Correctional Centre. However, in the meantime ongoing systemic issues in the provincial prison system must be addressed. Additional resources are required to deal with deficiencies such as prison programming and mental health services and to provide for the special needs of women and Aboriginal offenders. Staff training is required in areas such as dynamic security, mental health, and cultural sensitivity. Greater collaboration with other government agencies and the community is also needed to promote a continuum of services to inmates, to help facilitate a smooth transition to the community and ultimately to help reduce re-offending and victimization. Such action must be taken now so that the problems in today's prisons will not be transferred to the correctional facilities of tomorrow.

Acknowledgments

I wish to thank the management and staff of the five provincial prisons, the John Howard Society of Newfoundland and Labrador, and the Correctional Service of Canada. They helped make arrangements for my meetings with inmates and ex-inmates and provided the private and appropriate space for those interviews to take place. Their cooperation and support are greatly appreciated.

I am especially grateful to the inmates, ex-inmates, and their families who so willingly came forth to participate. They shared personal information with a candor, and at times an eloquence that surpassed my most optimistic expectations. I feel privileged to have had the opportunity to participate in this endeavor; and I am thankful for the information that respondents so readily offered. Their input helped to provide a better understanding of the operation of prisons in Newfoundland and Labrador and how they may be improved for the benefit of all.

Recommendations

To address the aforementioned concerns and issues noted within the prison system in the Province of Newfoundland and Labrador, the following recommendations provide direction and guidance.

Organizational Recommendations

1. It is recommended that the organizational model be reviewed to determine if there are models other than the paramilitary model that can be adapted to institutional sites so that a greater emphasis can be placed on dynamic security.
2. It is recommended that Adult Corrections move towards a consistent organizational structure at each site.
3. It is recommended that inmate labour be used to clean all areas of Her Majesty's Penitentiary and that a designated correctional officer be assigned to ensure that this is done.

4. It is recommended that an intercom be placed on the East Wing Top to ensure inmates can contact staff on the night shift if they are needed.

5. It is recommended that discussions be held with the Elders in Aboriginal communities to assess the possibility of recruiting Aboriginal staff.

6. It is recommended that if a control post is constructed at the West Coast Correctional Centre it be an open control post model to maintain dynamic security.

Resourcing Recommendations

7. It is recommended that the Organizational Charts for the Adult Corrections Division be updated to properly reflect the staffing complement.

8. It is recommended that individuals presently housed in the Administration Building next to HMP be relocated to an area away from HMP.

9. It is recommended that recruitment and training for the Newfoundland and Labrador Correctional Centre for Women, the West Coast Correctional Centre, the Bishop's Falls and Corner Brook Lockup be done in the community of Clarenville or proximity in order to recruit, retain and promote the appropriate staff for the different needs of each facility.

10. It is recommended that recruitment and training for the Labrador Correctional Centre be done in the Aboriginal Communities of Labrador in order to recruit, retain and promote the appropriate staff as well to engage community participation and recruit an Aboriginal trainer for the training team.

11. It is recommended that recruitment and training include urban Aboriginal communities in the St. John's area.

12. It is strongly recommended that during the next round of negotiations that the seniority clause be put on the table for discussion in order to limit its use to the allotment of annual leave.

13. It is recommended that an Employment Equity Plan be developed, particularly for the Justice Department, and expanded to include all four groups of Employment Equity: Women in non-traditional roles; Aboriginal peoples; Visible Minorities; and Persons with Disabilities.

14. It is recommended that action be taken to identify managerial positions to be staffed only by persons in the Employment Equity group, and that the necessary support and training be provided to make such an initiative successful.

15. It is recommended that a plan be developed to afford opportunities for correctional officers to act in the classification officer position to sustain a functional organization and respond to offender needs. This plan should be developed for all sites.

16. It is recommended that the Department of Justice liaise with Memorial University for the hiring of senior or graduate level students during the peak leave period in order to enhance resources and the capacity to relieve classification officers.

17. It is recommended that an Attendance Leave Overtime Shift Work System (ALOSS) formula be calculated for each facility in Adult Corrections in Newfoundland and Labrador and that each site be staffed according to this formula.

18. It is recommended that the practice of providing relief to escorting officers at outside hospitals cease.

19. It is recommended that the practice of keeping staff on duty for 24 straight hours cease immediately due to the liability and accountability issues associated with this practice.

20. It is recommended that the casual system be discontinued or at minimum move to permanent part time or term positions.

21. It is recommended that consultations occur with Newfoundland and Labrador Association of Public Employees to change the Correctional Officer schedules to reflect the correct hours of work.

22. It is recommended that temporary positions be created that would be solely dedicated to backfill for Kelly Time during off-peak leave periods.

Labour Relations Recommendations

23. It is recommended that a committee comprised of representation from all levels be formed to look at the issue of trust, facilitated by a consultant with a solid background in organizational behaviour, and to develop an action plan to bring trust back into the organization.

24. It is recommended that staff who are accused of inappropriate behaviour involving inmates be suspended with pay pending the final outcome of the investigation.

25. It is recommended that the investigative process be modified to ensure it is fair, timely, and consistent.

26. It is recommended that the Department of Justice develop a comprehensive Employee Assistance Program including identification and training of referral agents and peer counsellors in each Adult Corrections Facility.

27. It is recommended that the existing Annex on Critical Incident Stress Management be dated and signed by the Institutional Head and further be developed to include a process to address inmates when they are exposed to a critical incident.

Legislation and Policy Recommendations

28. It is recommended that the terminology utilized throughout the Prisons Act be modified to reflect a more rehabilitative approach.

29. It is recommended that the title Superintendent should be adopted for all the facilities in Newfoundland and Labrador and another title be given to the existing Superintendent.

30. It is recommended that either the Prisons Act specify all correctional facilities by name or refer only to correctional facilities in general.

31. It is recommended that the Prison Act be modified to include areas that would ensure inmate's rights are respected.

32. It is recommended the Prisons Act and the Prison Regulations be thoroughly revised and approved by the Government of Newfoundland and Labrador.

33. It is recommended that all policies be reviewed and updated as soon as possible to ensure the policies are reflective of actual practice employed by the correctional institutions in Newfoundland and Labrador.

34. It is recommended that once updated, legislation and policy be published electronically and that all hard copy manuals be destroyed.

35. It is recommended that the policy of institutional counts include the terminology 'the count of live bodies' to ensure inmate health and safety.

36. It is strongly recommended that the Special Handling Unit be utilized to house inmates who are assessed as being suicidal, as it is more humane.

37. It is recommended that the segregation areas be visited every day by the Duty Captain to ensure that inmate's rights are being respected and that they are being provided with showers and exercise.

38. It is recommended that the decision to stop providing institutional inmate clothing be reviewed, and that if the decision is made to maintain the current practice, that a limit on the amount of personal clothing and the number of times it can be received by the inmate be developed.

39. It is recommended that a procedure be put in place to ensure that a basic issue of clothing be provided upon arrival to those who are deemed to need it.

40. It is recommended that a training schedule be developed that will ensure that mandatory training be completed on an annual basis in the areas of Use of Force; First Aid and CPR; Emergency Response and Suicide Prevention.

41. It is further recommended that specific training be developed to deal with the issue of harassment within Adult Corrections.

42. It is recommended that mandatory training be provided to all staff on Aboriginal culture to better enable them to understand and deal more effectively with Aboriginal inmates.

43. It is recommended that the policy on the obligation of staff members to report any criminal charges (or potential charges) against themselves be revised to include a timeframe.

44. It is recommended that the policy on political activities be reviewed to determine if it is legal under the *Canadian Charter of Rights and Freedoms*.

45. It is recommended the policy on Attendance Management be enforced and monitored for compliance.

46. It is recommended that a clear policy on accommodation for staff during pregnancy be developed.

47. It is recommended that a Search Plan be developed for each institution that would ensure all areas of the institution are searched on a regular basis and that the issue of routine and non-routine searches be included.

48. It is recommended the policy on the use of Oleoresin Capsicum be modified to authorize its use for pre-planned use of force situations and the routine carrying of it by Correctional Officers in Unit One only.

49. It is recommended that an orientation kit be provided to inmates upon admission to adult correctional facilities in Newfoundland and Labrador. At a minimum it should contain: an Inmate's Handbook; all relevant application forms; a bedroll; and items of personal hygiene.

50. It is recommended that policy be developed to outline two distinct categories of inmate offences – serious and minor, and that serious violations hearings be conducted by an independent chairperson.

51. It is recommended that all present policies on discipline be combined into one policy document.

52. It is recommended that policy clearly outline that correspondence to inmates is not to be read unless there are reasonable grounds to believe the security of the institution is at risk or that the correspondence constitutes an activity which is unlawful and that any censorship be approved by the Institutional Head.

53. It is recommended that a review of current arrangements for phone use take place and that other means be employed to provide for an appropriate and adequate amount of recreational equipment. It should cost an inmate no more to make a call in the prison than it would if he was living in the community

54. It is recommended that Standing Orders be developed to operationalize policy with a specific format and that they be signed off by each Institutional Head.

Occupational Health and Safety Recommendations

55. The Panel supports the existing Work Refusal Process and recommends that Management follow the process in policy.

56. It is recommended that the Department of Justice initiate conversations with Workplace Health Safety and Compensation Commission to pursue the issue of including time frames for the work refusal process and that Her Majesty's Penitentiary Management amend their policy to also include time frames.

57. It is recommended that collapsible batons be issued to staff who are escorting inmates to areas outside the confines of the various correctional facilities and that all Correctional Officers be issued with stab resistant vests.

Health Care Recommendations

General Health Care

58. It is recommended that a review of the quantity and quality of the food at Her Majesty's Penitentiary take place, that steps be taken to ensure that adequate meals are provided to inmates at all times, and that a wider variety of nutritional options be provided.

59. It is recommended that a comprehensive program be established to do screening, treatment, and contact tracing for communicable diseases in all provincial prisons in Newfoundland and Labrador.

60. It is recommended that an education program pertaining to Hepatitis C, HIV/AIDS, and harm reduction practices be provided on an ongoing basis to staff and inmates of provincial prisons in Newfoundland and Labrador.

61. It is recommended that consideration be given to expanding the current Methadone Maintenance Program to include those who are assessed as needing MMT, but who are not receiving treatment upon arrival at Her Majesty's Penitentiary and Newfoundland and Labrador Correctional Centre for Women; and that further consideration be given to expanding the program to other prisons in the province.

62. It is recommended that a part-time equivalent nurse with some specialization in infectious disease control be hired on contract at Her Majesty's Penitentiary and provide extended services to the Newfoundland and Labrador Correctional Centre for Women.

Mental Health Recommendations

63. It is recommended that a comprehensive strategy be developed to address the mental health issues of offenders so that the quality of care and support is based on professionally accepted standards.

64. It is recommended that a full time psychologist be contracted to provide therapy and counselling services to inmates of Her Majesty's Penitentiary and to also provide services to inmates at the Newfoundland and Labrador Correctional Centre for Women.

65. It is recommended that a full-time Mental Health Nurse be contracted to provide services to Her Majesty's Penitentiary and to the Newfoundland and Labrador Correctional Centre for Women.

66. It is recommended that a full-time equivalent Mental Health and Addictions professional be contracted to provide services to inmates at Her Majesty's Penitentiary and the Newfoundland and Labrador Correctional Centre for Women

67. It is recommended that a classification officer position be provided with specialized mental health training to take a lead, coordinating role in sharing expertise and ensuring that classification staff are well equipped to deal with those with mental health problems from admission to discharge.

68. It is recommended that Management and front-line staff be provided with training to ensure a better understanding and identification of the signs and symptoms of disruptive mental health behaviour to provide the most effective response.

69. It is strongly recommended that a Multi-Disciplinary Case Management Team, which would include community partners, be established to ensure a continuum of care from the time of admission to the inmate's release into the community. At a minimum there should be representation from institutional and community mental health, psychology, classification and security.

70. It is recommended that all provincial prisons partner with community stakeholders and service providers to ensure that offenders generally, and mentally ill offenders in particular, are provided with a continuity of care and continue to receive support to address housing, employment, addictions, and mental health needs in the community.

71. It is recommended that information be provided to inmates on the nature of their mental illness, and with their consent, that this information be provided to those families who request it, to enable both to better cope while the person is in prison and to know when and how they should seek help upon release.

72. It is recommended that the Government of Newfoundland and Labrador participate in the ongoing consultations to develop a national strategy relating to corrections and mental health.

Programming Issue Recommendations

73. It is recommended that a permanent Coordinator of Programming and Structured Recreational Activity be hired to assess, develop, promote, oversee, and when necessary adjust programming in provincial institutions. He/she would also ensure that a minimal standard of daily structured leisure activity is adhered to in all provincial prisons.

74. It is recommended that two permanent Program Delivery Facilitators responsible to the Provincial Coordinator be hired to provide programming at Her Majesty's Penitentiary in St. John's and to assist in program delivery at the Newfoundland and Labrador Correctional Centre for Women.

75. It is recommended that a third Program Delivery Facilitator also responsible to the Provincial Coordinator be hired to provide services at the Labrador Correctional Centre. This facilitator would work with the Classification Officer, the Inuit and Innu Liaison staff, and outside agencies to provide programs appropriate to the needs of Aboriginals.

76. It is recommended that action be taken to identify and process low-risk inmates to ensure that the provincial temporary absence program is utilized to a greater extent.

77. It is recommended that the corrections system develop policies to promote continuity between institutional and community-based programs; and that the offender's re-entry needs are addressed by contracting with local agencies to provide required programs to help reintegrate offenders safely into the community and to reduce victimization.

Appendix A

Biographies of the Panel

Simonne Poirier

Simonne Poirier, now retired, had 28 years experience with the Correctional Service of Canada (CSC). She received a Baccalaureate in Business Administration with a concentration in Management in 1989. She worked in the human resources sector at the Regional Headquarters Office for a period of eight years. Subsequent to that, she joined the Operations Sector and worked at Springhill Institution as Unit Manager, directing a male and a female inmate unit as well as Assistant Warden, Correctional Programs. In 1998, she was appointed Deputy Warden, and later Warden, of a maximum-security facility, in Renous, New Brunswick: Atlantic Institution. Her tenure was for a period of five years. In 2003, she returned to Regional Headquarters working as the Special Advisor to the Deputy Commissioner, managing the Citizens' Advisory Committee Members portfolio for the Atlantic Region, and Communications/Media Relations portfolio and Ethno-cultural portfolio. In 2005 she was appointed Warden of Dorchester Penitentiary where she retired in 2006.

Gregory Brown

Gregory Brown has spent more than 33 years working in Corrections. He was employed with the Correctional Service of Canada and retired in January 2008. Mr Brown's career included occupying positions such as Correctional Officer; Living Unit Officer, Living Unit Supervisor, Correctional Supervisor, Unit Manager; Assistant Warden Correctional Programs, Regional Administrator Security for the Atlantic Region. He also held the position of Deputy Warden at Atlantic Institution (The maximum security facility in the Atlantic Region) as well as Deputy Warden and Acting Warden at Springhill Medium Security Institution in Springhill, Nova Scotia. Throughout his career Mr. Brown was involved in several initiatives such as the initial meetings of the Correctional Service of Canada Security Task Force. Mr. Brown has an Honours degree in Sociology from Mount Allison University.

Terry Carlson

Terry Carlson worked for 32 years as Executive Director of the John Howard Society of Newfoundland and Labrador, an agency which provides a wide variety of programs and services to inmates and ex-offenders in St. John's, Stephenville and Corner Brook. He retired in 2005, and is currently a part-time instructor in political science at Memorial University of Newfoundland where he teaches a Special Topics course "Newfoundland Corrections: Policy and Practice". Carlson holds Masters Degrees in political science and social work from Memorial University, along with a Ph.D. in criminology from the University of Manchester in England. He has published a number of articles and a book, and has presented at various local and national forums. He has a special interest in criminal justice history and currently serves on the Board of the Royal Newfoundland Constabulary Historical Society, the Executive Committee of the Newfoundland Historical Society, and the Advisory Council of the Canadian Criminal Justice Association.

Appendix B

COMMUNITY ORGANIZATIONS AND INDIVIDUALS

The Panel held a total of 275 interviews. In addition to the 157 staff and former staff and the 90 interviews held with inmates, ex-inmates and their families, the following community and government organizations and contracted individuals were interviewed by the Panel or a Panel member. Some had requested meetings and other contacts were made through the initiative of the Panel itself.

Adult Alternative Justice, Corrections and Community Services, Department of Justice - Scott-Morton Ninomiya, Manager; Catherine Shortall, Regional Case Coordinator

AIDS Committee of Newfoundland and Labrador - Fran Keough, Program Coordinator

Canadian Mental Health Association, Newfoundland and Labrador Division - Geoff Chaulk, Executive Director

Choices for Youth - Cheryl Mallard, Coordinator of Housing Programs

Correctional Service of Canada - Clara Rendell, Area Director

Discovery Centre - Peter Snow, Teacher, Her Majesty's Penitentiary

Eastern Health - Kim Baldwin, Assistant Director, Community, Children and Addictions Services; Isobel Keefe, Assistant Director, Mental Health and Addictions; Dr. Kevin Hogan, Clinical Chief, Mental Health and Addictions Program

John Howard Society of Newfoundland and Labrador - Cindy Murphy, Executive Director; Val Corcoran, Federal Prison Liaison/Family Services; Carolyn Hapgood, Howard Hansford, C-STEP; Greg McCann-Beranger, Pat O'Rielly, Graham Lucas, Learning Resources Program; Rod Harris, Howard House; Don Vincent, Home for Youth.

Medical Services - Her Majesty's Penitentiary

Dr. David Craig, Psychiatrist

Dr. Maureen Gibbons - General Practitioner

Rolanda Ryan - Nurse

Mental Health Court - Peter Ralph, Lawyer

Newfoundland and Labrador Association of Public Employees – Carol Furlong, President; Frank Pittman, Employee Relations Officer

Office of the Citizens Representative – Barry Fleming, Citizen's Representative for Newfoundland and Labrador; Bradley Moss, Senior Investigator

Salvation Army - Dolly Sweetapple, Divisional Director, Salvation Army Correctional and Justice Services

St. John's Native Friendship Centre - David Penner, Executive Director; Karen Miller, Violence Prevention Coordinator

Stella Burry Community Services - Jocelyn Greene, Executive Director; Carolyn Bruss, Program Coordinator, Community Support; Geraldine Lush, Peer Support Counsellor, Women Offender's Resource Centre; Mick Newchurch, Community Development Worker.

Turnings - Ron Fitzpatrick, Executive Director

Wiseman Centre (Salvation Army) - Janet Meaney, Community Outreach Worker, Suzanne Norton, Residential Counsellor

Women's Policy Office, Status of Women - Heather MacLellan, Deputy Minister

INDIVIDUALS

Dana Brothers, Social Work Researcher/Consultant

Bob Buckingham, Lawyer

Colleen Hanrahan, Managing Director, The Institute for the Advancement of Public Policy Inc.

Carolyn Hickey, Volunteer, Prison 1 2 1 Visitation Program and Prison Library Program, HMP

Joel Hynes, Actor and Writer (Creative Writing course, HMP)

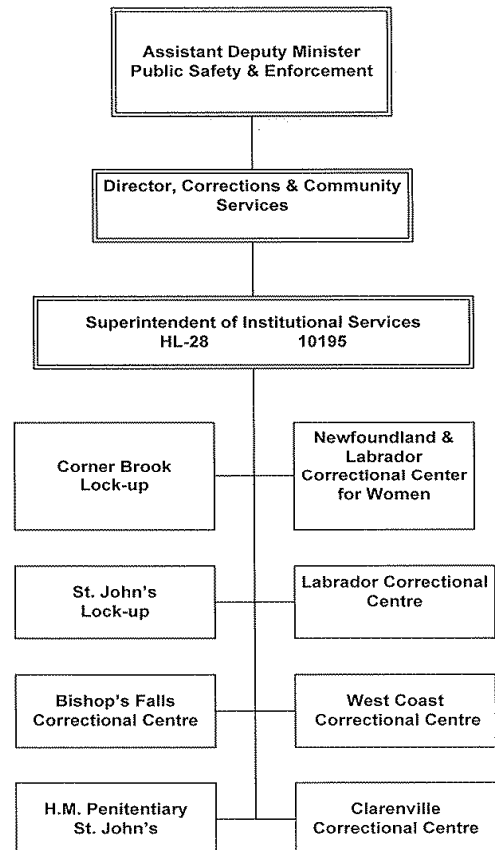
Dr. Nizar Ladha, Associate Professor of Psychiatry, Memorial University of Newfoundland - Forensic Psychiatrist

Dr. Michael Nurse, Psychiatrist, Private Practice

Randy Penney, Psychologist, Correctional Service of Canada/ Department of Justice, NL

Appendix C

DEPARTMENT OF JUSTICE
ADULT CORRECTIONS
PENITENTIARY SYSTEMS
AUGUST 2008
Chart 1



Appendix D

Possible rest days or 8 hour shifts are marked with an * and are used only as an example to demonstrate this option.

Squad 1 =Week 1

	SUN	MON	TUE	WED	THU	FRI	SAT	HRS
1	D	R	R	D	D	R	R	36
2	D	R	R	D	D	R	R	36
3	D	R	R	D	D	R	R	36
4	D	R	R	D	D	R	R	36
5	D	R	R	D	D	R	R	36
6	D	R	R	D	D	R	R	36
7	D	R	R	D	D	R	R	36
8	D	R	R	D	D	R	R	36
9	D	R	R	D	D	R	R	36
10	D*	R	R	D	D	R	R	36
11	D	R	R	D	D*	R	R	36

Squad 1 =Week 2

	SUN	MON	TUE	WED	THU	FRI	SAT	HRS
1	R	D *	D	R	R	D	D	48
2	R	D	D*	R	R	D	D	48
3	R	D	D	R	R	D*	D	48
4	R	D	D	R	R	D	D*	48
5	R	D	D	R	R	D	D	48
6	R	D	D	R	R	D	D	48
7	R	D	D	R	R	D	D	48
8	R	D	D	R	R	D	D	48
9	R	D	D	R	R	D	D	48
10	R	D	D	R	R	D	D	48
11	R	D	D	R	R	D	D	48

Squad 1 =Week 3

	SUN	MON	TUE	WED	THU	FRI	SAT	HRS
1	D	R	R	D	D	R	R	36
2	D	R	R	D	D	R	R	36
3	D	R	R	D	D	R	R	36
4	D	R	R	D	D	R	R	36
5	D	R	R	D*	D	R	R	36
6	D	R	R	D	D*	R	R	36
7	D*	R	R	D	D	R	R	36
8	D	R	R	D	D	R	R	36
9	D	R	R	D	D	R	R	36
10	D	R	R	D	D	R	R	36
11	D	R	R	D	D	R	R	36

Squad 1 =Week 4

	SUN	MON	TUE	WED	THU	FRI	SAT	HRS
1	R	N	N	R	R	N	N	48
2	R	N	N	R	R	N	N	48
3	R	N	N	R	R	N	N	48
4	R	N	N	R	R	N	N	48
5	R	N	N	R	R	N	N	48
6	R	N	N	R	R	N	N	48
7	R	N	N	R	R	N	N	48
8	R	N	N	R	R	N	N	48
9	R	N	N	R	R	N	N	48
10	R	N	N	R	R	N	N	48
11	R	N	N	R	R	N	N	48

Squad 1 =Week 5

	SUN	MON	TUE	WED	THU	FRI	SAT	HRS
1	N	R	R	N	N	R	R	36
2	N	R	R	N	N	R	R	36
3	N	R	R	N	N	R	R	36
4	N	R	R	N	N	R	R	36
5	N	R	R	N	N	R	R	36
6	N	R	R	N	N	R	R	36
7	N	R	R	N	N	R	R	36
8	N	R	R	N	N	R	R	36
9	N	R	R	N	N	R	R	36
10	N	R	R	N	N	R	R	36
11	N	R	R	N	N	R	R	36