

# **The High Costs of Calling:**

## **Telephone Access in Saskatchewan's Correctional Centres**

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# Executive Summary

As community agencies that support prisoners, we observed how barriers to telephone access negatively affect prisoners in Saskatchewan Correctional Centres. We partnered with a researcher from the University of Saskatchewan to conduct community-based research and interview people who had recently been released from provincial correctional centres. This qualitative data revealed a host of problems with the current Telmate telephone system in the province's correctional centres. First and foremost, the fees for calling are prohibitively high, especially for long distance telephone calls, as evidenced by their contrast to prisoners' daily income. Second and third, the scarcity of telephones in the centres, and a series of technological problems presented by the Telmate system, lead to frustrations that sometimes result in violent conflict. Fourth, both prisoners and correctional staff have insufficient information about the telephone rules and protocols, resulting in a lack of clarity and inconsistent application of the rules.

Studies demonstrate that telephone access increases the success of release planning and reintegration, and that maintaining contact with family, friends and supports not only improves prisoners' mental and emotional health during incarceration, but also notably reduces recidivism after release. In fact, an American study demonstrated that regular contact with supports reduced recidivism by 30%. A similar Canadian study concluded that such contact reduced recidivism by 13%. Insufficient telephone access actually creates security risks, such as worsened mental health due to isolation and the possibility of smuggled cell phones. Children of imprisoned parents are the unintended, innocent victims of inaccessible telephones, as reduced contact with their parent worsens the emotional impact and prospect of future problems.

In early 2017, we presented our research to the Ministry of Justice. The Ministry was responsive to the barrier created by fees and, in April 2017, announced the implementation of a free daily call for all provincial prisoners and a reduction of fees for additional calling.

We hope that our research will provide information about the past and ongoing challenges with the telephone access system in Saskatchewan provincial correctional centres.

# 1. Introduction

When prisoners are able to stay in touch with their loved ones and support systems outside of prison, society as a whole is safer. This is because when prisoners are able to communicate with the outside world during their time in prison, they are less likely to re-offend upon release, and more likely to reintegrate successfully in the community.<sup>1</sup> Indeed, experts who have studied the data have argued that reducing the costs of phone calls and doing more to facilitate family visits should be “top priorities” for corrections officials who seek to reduce recidivism and improve community safety.<sup>2</sup>

Saskatchewan legislation and correctional policies explicitly and implicitly recognize the fundamental importance of communication between prisoners and the outside world. For example, s. 28(1)(a) of the *Correctional Services Act, 2012*<sup>3</sup> (“the Act”) provides that directors of correctional facilities may permit visitation in order to allow “the inmates of the correctional facility to maintain positive relationships with family, friends and the community”. Similarly, s. 29(1) of the Act provides that “the head of corrections may establish communication systems for use in correctional facilities that provide inmates with means to communicate with other persons, including other inmates”. Saskatchewan Corrections’ policy states that “Reasonable telephone contact with family and friends can assist the rehabilitation of offenders and their reintegration into the community”.<sup>4</sup>

However, significant problems plague the current telephone system in Saskatchewan’s correctional facilities. These problems include the prohibitively high cost-per-call of the telephone system, which is operated by a for-profit American prison telephone company, the low number of available telephones, problems with the telephone technology and the inconsistent application of policies and rules around telephone access.

In our community-based research study, funded by the Centre for Forensic Behavioural Sciences and Justice Studies at the University of Saskatchewan, we interviewed 37 men and women who had been incarcerated in a Saskatchewan correctional facility in the past two years about their experiences with the telephone system. Our research underscores the significance of the problems with the current telephone access system

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<sup>1</sup> See section 3, below.

<sup>2</sup> Nancy G LaVigne, Rebecca L Naiser, Lisa E Brooks & Jennifer L Castro, “Examining the Effect of Incarceration and In-Prison Family Contact on Prisoners’ Family Relationships” (2005) 21 J of Contemp. Crim Justice 314 at p. 332.

<sup>3</sup> S. 2012, c. C-39.2.

<sup>4</sup> Ministry of Corrections, Public Safety and Policing, Inmate Telephone System policy.

and provides important information for those seeking to understand and address this issue.

## **2. Research methodology and background**

Our community-engaged research project brought together several Saskatoon-based community organizations that work directly with prisoners and former prisoners: STR8 UP: 10,000 Little Steps to Healing, Community Legal Assistance Services for Saskatoon Inner City (CLASSIC), AIDS Saskatoon, the Elizabeth Fry Society of Saskatchewan, the Mennonite Central Committee – Saskatchewan and the Micah Mission. Together, we formed an informal coalition called “Project Access”. Several law and social work students were also part of the research team. These organizations identified telephone access as a persistent problem facing prisoners and their families in Saskatchewan.

We received funding through the Centre for Forensic Behavioural Sciences and Justice Studies at the University of Saskatchewan with the goal of conducting a qualitative study to learn more about the experiences of former prisoners with respect to telephone and visitor access in provincial correctional centres. We received ethics approval for the project from the University of Saskatchewan Research Ethics Board. The Project Access team worked together to devise research questions. Working with community partners in Saskatoon, Regina, Prince Albert and North Battleford, we recruited participants who were willing to share their experiences through posterings at community organizations that work with former prisoners. To qualify for an interview, an individual must have spent time in a provincial correctional centre within the previous two years. Individuals who were interested in sharing their experiences contacted us, and we set up interviews.

Starting in the summer of 2015, we began to interview participants. We interviewed men who spoke to their experiences in correctional centres in Saskatoon, Regina, North Battleford and Prince Albert, and women who had been incarcerated at Pine Grove Correctional Centre. Interviews were conducted by members of the coalition, and transcribed verbatim on a rolling basis. The interview tool is included at Appendix A. A small group worked on manually coding and analyzing the interviews. This group included law students, a law faculty member, and a community member with lived experience of incarceration.

The Project Access coalition also engaged in extensive secondary research about telephone and visitor access in prisons, examining the criminological and sociological empirical research in this area, as well as the legislative, regulatory, policy and case law framework governing telephone and visitor access in Saskatchewan and other jurisdictions.

### **3. Why meaningful telephone access promotes community safety and well-being**

The empirical research in this area compellingly concludes that the ability of prisoners to maintain and develop ties to family, friends and community supports plays a crucial role in increasing the likelihood of their successful reintegration into society upon release, and decreasing the likelihood they will be in conflict with the law again. In the era of the Truth and Reconciliation Commission's Calls to Action, and particularly Call to Action number 30, which calls on governments to commit to "eliminating the overrepresentation of Aboriginal people in custody over the next decade", this link between telephone access and reduced recidivism is particularly important to consider.

#### ***A. Telephone Access Facilitates Successful Release Planning***

The literature concludes that pre-release planning is key to ensuring a successful transition for prisoners re-entering the community.<sup>5</sup> Such planning allows incarcerated individuals the opportunity to connect with community services, thus improving their ability to access available resources and support upon release.<sup>6</sup> Findings show that a lack of access to health care and social supports results in a greater likelihood amongst released prisoners to return "to the same environments that led to their incarceration".<sup>7</sup> Consequently, health and social determinants such as unemployment, drug and alcohol use and unstable housing become risk factors upon release. A lack of release planning puts released prisoners in vulnerable circumstances, leaving them more likely to be involved in high-risk behaviour.<sup>8</sup>

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<sup>5</sup> Lloyd et al., "The role of primary health care services to better meet the needs of Aboriginal Australians transitioning from prison to the community" (2015) *BMC Family Practice* 16(86) at pp. 1-10; Luther, J., Reichert, E., Holloway, E., Roth, A., Aalsma, M., "An exploration of community reentry needs and services for prisoners: a focus on care to limit return to high-risk behavior" (2011) *Aids Patient Care and STDs* 25(8) at p. 480.

<sup>6</sup> *Ibid.*, Lloyd et al., at p. 5.

<sup>7</sup> *Ibid.* at p. 2.

<sup>8</sup> *Supra* note 5, Luther et al., p. 480.

Research indicates that telephone access facilitates successful release planning.<sup>9</sup> When in contact with their support networks, prisoners have “access to resources critical to physical health and successful completion of parole/probation”.<sup>10</sup> Telephone costs and time restraints on calls encourage isolation from prisoners’ family and social supports and make release-planning more difficult.<sup>11</sup>

*Without sufficient release planning and supports in place, released prisoners are more vulnerable to high-risk situations and more likely to recidivate.*

Telephone access better allows for wraparound support which entails holistic and coordinated reentry services that commence prior to a prisoner’s release and continue after release and beyond to ensure stability and self-sufficiency.<sup>12</sup> Wraparound support is not possible without communication and coordination across agencies, many of which currently operate independently.<sup>13</sup> However,

“communication links”<sup>14</sup>, mentors or individuals who can enable the coordination needed for wraparound service by acting as a bridge between inmates and agencies, can assist in the development of release plans.

In conclusion, barriers to telephone access lead to insufficient release planning. Without sufficient release planning and supports in place, released prisoners are more vulnerable to high-risk situations and more likely to recidivate. Prisoners’ ability to connect with community services enhances their likelihood of stability upon release.<sup>15</sup>

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<sup>9</sup> Higgins, M., Malisz, D., Newton, E., Peterson, N., Tyner, A. and West, S., “Phone calls creating lifelines for prisoners and their families: a retrospective case study on the campaign for prison phone justice in Minnesota” (2014), retrieved from: <http://www.stthomas.edu/media/interprofessionalcenter/FinalListeningSessionReport140318.pdf>.

<sup>10</sup> *Ibid.* at p. 8.

<sup>11</sup> Pierce, M., “Male inmate perceptions of the visitation experience: suggestions on how prisons can promote inmate–family relationships” (2015) *The Prison Journal*: 95(3) at p. 312.

<sup>12</sup> Raphael, Steven, “Improving employment prospects for former prison inmates: challenges and policy” in Cook, Philip J. et al, eds., *Controlling Crime: Strategies and Tradeoffs* (2011) University of Chicago Press at p. 213.

<sup>13</sup> M.A. Koschmann & B.L. Peterson, “Rethinking Recidivism: A Communication Approach to Prisoner Reentry” *Journal of Applied Social Science* 7(2) pp. 188-207 at p. 201.

<sup>14</sup> *Ibid.* at p. 201.

<sup>15</sup> *Supra* note 5, Lloyd et al, at p. 5.

## ***B. Contact with Family and Supports Reduces Recidivism***

Sociological research supports the assertion that maintaining contact with family, friends and social supports reduce recidivism upon release.<sup>16</sup>

An important 2008 study by William Bales and Daniel Mears looked at the effect of maintaining social ties through prison visitation on rates of recidivism among 7,000 Florida prisoners. The researchers reviewed a range of previous studies that supported the proposition that social supports accessed during prison are correlated with reduced recidivism rates after release. Their own research found that visitation reduced recidivism after release by 30.7%.<sup>17</sup> They observed that the more inmates were visited, the more their likelihood of reoffending decreased.<sup>18</sup> They concluded:

the clear policy implication is that correctional systems should consider ways to increase visitation and, more generally, to create and cement ties to friends, families and communities ... the findings support the ideas that (1) continuing the maintenance of these ties is important for reducing recidivism, and (2) developing ties where they are not already present may also be important, perhaps even more so, for reducing recidivism.<sup>19</sup>

Bales and Mears went on to suggest various strategies, including lowering barriers to telephone access, that could be employed by corrections systems to promote the maintenance and development of prisoners' social ties.<sup>20</sup>

A 2009 study of a Canadian prison visitation program concluded that there was a "clear demonstration of the association between visitation and lower rates of returns to custody."<sup>21</sup> The study adds that "knowledge of this link reinforces the value of correctional visitation programs, both as a potential tool in managing risk of readmission and as a contributor to effective correctional practice."<sup>22</sup> This study observed that recidivism rates dropped at least 13% for inmates receiving visits as opposed to those

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<sup>16</sup>Hairson, C.F., "Family Ties during Imprisonment: Important to Whom and for What?", 18 J. Soc. & Soc. Welfare 87 (1991); "The Effects of Prison Visitation on Offender Recidivism." Minnesota Department of Corrections, November 2011; Hairston, C., Rollin, J., and Jo, H. "Family connections during imprisonment and prisoners' community reentry" (2004) retrieved from:

[http://jacs.w.uic.edu/research\\_public\\_service/files/familyconnections.pdf](http://jacs.w.uic.edu/research_public_service/files/familyconnections.pdf)

<sup>17</sup> Bales W.D., and Mears, D.P., "Inmate Social Ties and the Transition to Society: Does Visitation Reduce Recidivism?" (2008) *Journal of Research in Crime and Delinquency* 45(3) at p. 304.

<sup>18</sup> *Ibid.* at pp. 305-306.

<sup>19</sup> *Ibid.* at p. 314.

<sup>20</sup> *Ibid.* at p. 315.

<sup>21</sup> Derkzen, D., Gobeil, R., & Gileno, J., "Visitation and Post-Release Outcome Among Federally-Sentenced Offenders" (2009) Ottawa: Correctional Service Canada at p. 23.

<sup>22</sup> *Ibid.* at p. 23.



with no visitors. Additionally, inmates who received visitors were substantially less likely to be involved in violent behaviour while incarcerated.<sup>23</sup>

A 2011 study by Duwe and Clark of prison visitation and recidivism in Minnesota had “robust” findings that regular visitation significantly decreased the likelihood of recidivism.<sup>24</sup> The authors observed:

Findings from recent research have underscored the importance of social support in helping offenders desist from crime and, more narrowly, recidivism. While offenders are in prison, visits from family and friends offer a means of establishing, maintaining, or enhancing social support networks. Strengthening social bonds for incarcerated offenders may be important not only because it can help prevent them from assuming a criminal identity but also because many released prisoners rely on family and friends for employment opportunities, financial assistance, and housing.<sup>25</sup>

Duwe and Clark’s study strongly confirmed these findings, particularly regarding contact with immediate family members and other supports. The researchers noted that helping prisoners develop new relationships with community supports such as mentors and clergy significantly reduced recidivism.<sup>26</sup>

Though these studies focused on visitation, their findings can be extrapolated to telephone access, as both telephone and visitor access serve the same goal of maintaining and developing contact with social

*... telephone access, which improves connectedness to support networks, reduces the likelihood that a prisoner will be in conflict with the law again.*

supports. This is particularly relevant for a jurisdiction like Saskatchewan where provincial correctional centres cover a large geographical region: prisoners may be at some distance from their supports and in-person visitation may not be realistically possible.

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<sup>23</sup> *Ibid.* at p. 13.

<sup>24</sup> Duwe, G & Clark, V, “Blessed be the social tie that binds: The effects of prison visitation on offender recidivism” (2013; 2011) *Criminal Justice Policy Review* 24(3) 271-296.

<sup>25</sup> *Ibid.* at p. 272.

<sup>26</sup> *Ibid.* at p. 292.

Considering the important role of support networks in reducing recidivism, it can be concluded that improved telephone access, which improves connectedness to support networks, reduces the likelihood that a prisoner will be in conflict with the law again.

### ***C. Contact with Family and Supports Enhance Mental and Emotional Well-being***

Imprisonment generally promotes negative psychological effects such as feelings of decreased self-worth and especially isolation.<sup>27</sup> Connections with family and friends promotes a more positive psychological well-being for prisoners.<sup>28</sup> Human beings have a fundamental need to connect; the daily grind of isolation takes its toll. In the experience of our coalition members, social isolation is often a causal factor in prisoners' suicidal ideation, and correctional facilities perpetually have prisoners on suicide watch.

Decreased contact with loved ones worsens the emotional well-being of prisoners. Participants in the research of Higgins et al. indicated that a lack of telephone contact increased feelings of "despair, anger and "me against the world" attitudes".<sup>29</sup> Increasing contact with family and social supports reduces the prisoners' likelihood of acting aggressively within the correctional facility.<sup>30</sup>

Staying connected with family members and others in one's social support network, therefore, offers a sense of hope and improves prisoners' emotional well-being. As noted by Higgins et al.:

Several of the men spoke about phone contact as the best preventative measure against the despondency many prisoners feel. As one young man phrased it, "When you are on the inside, you start to feel like nobody cares about you" Staying in touch with loved ones through telephone communication allowed prisoners to retain some measure of hope.<sup>31</sup>

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<sup>27</sup> Tomar, S., "The Psychological Effects of Incarceration on Inmates: Can we Promote Positive Emotion in Inmates?" (2013) Delhi Psychiatry Journal 16(1) at p. 67.

<sup>28</sup> *Ibid.* at p. 68; See also: Hairson, C.F., "Family Ties during Imprisonment: Important to Whom and for What?" (1991) J. Soc. & Soc. Welfare 18 at p. 87 and Biggam, F.H. and Power, K.G., "Social Support and Psychological Distress in a Group of Incarcerated Young Offenders", (1997) Intl. J. Offender. Ther. Comp. Criminology 41(3) at pp. 213-230.

<sup>29</sup> Higgins, M., Malisz, D., Newton, E., Peterson, N., Tyner, A. & West, S., "Phone calls creating lifelines for prisoners and their families: a retrospective case study on the campaign for prison phone justice in Minnesota" (2014) at p. 9, retrieved from <http://www.stthomas.edu/media/interprofessionalcenter/FinalListeningSessionReport140318.pdf>.

<sup>30</sup> See: Cochran, J. C., "The ties that bind or the ties that break: Examining the relationship between visitation and prisoner misconduct" (2012) Journal of Criminal Justice 40 at pp. 433-440.

<sup>31</sup> *Supra* note 32, at p. 8.

Children of incarcerated parents are the innocent victims of barriers to communication. Numerous studies indicate that children of incarcerated parents are more likely to have a host of emotional issues, such as feelings of stress, abandonment, isolation and the pain of stigma, as well as behavioural effects including academic failure, drug and alcohol use, aggression and conflict with the law.<sup>32</sup> Studies also indicate that increased contact with their incarcerated parent increases the self-esteem of children and reduces the likelihood they will struggle with emotional issues and behavioural effects.<sup>33</sup>

We submit that the extensive empirical research referenced above indicates that an accessible prison telephone access system in supports the long-term health and well-being of families and communities.

#### ***D. Restricted Telephone Access can Create Other Security Problems***

Correctional facilities in the United States are currently experiencing an unanticipated consequence of telephone fees that prisoners find prohibitively expensive (e.g. \$12.85 per 10 minute call in some states): prisoners are smuggling in cell phones to meet their communication needs, creating security concerns both inside and outside of the prisons.<sup>34</sup> This demonstrates the lengths to which some prisoners may go in order to maintain connection with people on the outside.

## **4. Legal and Policy Framework for Telephone Access in Saskatchewan Correctional Centres**

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<sup>32</sup> *Ibid.*; Pierce, M. "Male inmate perceptions of the visitation experience: suggestions on how prisons can promote inmate-family relationships" (2015) *The Prison Journal* 95(3) pp. 370-399 at p. 374.

<sup>33</sup> Parke, R.D. & Clarke-Stewart, K.A., "The effects of parental incarceration on children" in Travis, J. & Waul, M., eds., *Parents Once Removed: the impact of incarceration and re-entry on children, families and communities* (2003) at pp. 189-232.

<sup>34</sup> Shults, P. "Calling the Supreme Court: Prisoners' Constitutional Right to Telephone Use" (2012) *B.U. L. Review* 9 at p. 369; see also: Fitzgerald, E, "Cell Block Silence: Why Contraband Cellular Telephone Use in Prisons Warrants Federal Legislation to Allow Jamming Technology" (2010) *Wis. Law Rev.* at p. 1269; Burke, T. & Owen, S., "Cell Phones as Prison Contraband" (2010) retrieved from: <https://leb.fbi.gov/2010/july/cell-phones-as-prison-contraband>; Kahn, C., "California Law Calls For Stricter Prison Cell Phone Rules" (2011), retrieved from: <http://www.npr.org/2011/02/08/133591495/calif-law-calls-for-stricter-prison-cell-phone-rules>; and "Cell Phones Ideal for Crime" (2009) *Organized Crime and Corruption Reporting Project*, retrieved from: <https://www.occrp.org/en/projects?task=view>.

*The Correctional Services Act, 2012* (the “Act”) and *The Correctional Services Regulations, 2013* (the “Regulations”) govern telephone access for prisoners in Saskatchewan provincial correctional centres. Further, the Ministry’s *Institutional Operations Policy Manual* (the “Policy”) provides more specific guidance regarding telephone access.

Section 3 of the *Act* identifies the guiding principles of the legislation’s implementation. While subsection (a) notes that the “protection of the public [is] the paramount consideration”, subsection (b) then acknowledges that “the safety of the public [is] enhanced by addressing the needs and circumstances of offenders through programs and services designed to promote the rehabilitation and reintegration of offenders into the community”. According to the *Act* then, the provision of services for prisoners must promote their rehabilitation and reintegration; this is a primary guiding principle for corrections. The *Act* is clear that public safety is promoted by the reintegration and rehabilitation of prisoners.

The *Act* speaks in Part III to Inmate Visits and Inmate Communication. Subsection 28(1) of the *Act* permits visitors for the purpose of, *inter alia*, “allowing the inmates of the correctional facility to maintain positive relationships with family, friends and the community.” Similarly, subs. 9(2)(b) of the *Regulations* states that inmate visits can occur “for the purposes of allowing the inmate to maintain positive relationships with his or her immediate family members, friends and community”. Subsection 29(1) of the *Act* provides for the establishment of communications systems so that prisoners can communicate with other persons.

The Ministry’s Institutional Operations Policy Manual includes an Inmate Telephone System policy. The Policy’s objective is to “respect and embrace the rule of law, the duty to act fairly least restrictive controls and the concept of retained rights of offenders.”<sup>35</sup> One of its guiding principles is: “Reasonable telephone contact with family and friends can assist the rehabilitation of offenders and their reintegration into the community.” The policy’s objective is to “allow inmates to have reasonable contact with family, friends and professional counsel while also providing tools for investigating plans or actions that may jeopardize the security of the correctional centre, or to commit criminal offence”. At section 1.1., the policy guarantees prisoners “reasonable access to a telephone service” through a service provider. “Reasonable access” is not defined.

Section 1.3 provides that “each correctional centre director is responsible for establishing local rules for offender access and utilization of the inmate telephone for personal and business calls”. Reviewing the separate rules regarding Inmate

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<sup>35</sup> Ministry policy, Inmate Telephone System Policy, at Principles.

Telephone Calls for each of the Pinegrove, Prince Albert, Regina and Saskatoon correctional centres, there is a notable lack of consistency. Some institutions appear to be more restrictive while others more accessible when it comes to the provision of free calls/fee waivers.

Some local rules echo the principled statements in the legal and policy framework, such as the policy of the Prince Albert Correctional Centre, which states:

Effective reintegration can be enhanced by appropriate telephone communication and community contact. Access to telephone system should be provided on a fair and consistent basis, to help maintain family, community and professional contact.

Both Prince Albert and Regina Correctional Centres include in their telephone policy reference to the statutory admonition to use the least restrictive means possible.

Pinegrove Correctional Centre has a list of free “business calls” which includes Aboriginal Elders, political representatives and “medicine men”. Prince Albert Correctional Centre policy allows its office to facilitate free personal calls in cases of emergency and for reasons of privacy, as well as to assist in release planning. Regina Correctional Centre allows for a free, weekly long distance call for prisoners involuntarily transferred to their facility from a northern catchment area. These policies are not observed in the other institutions’ local rules.

Although prisoners have no unfettered legal right to telephone access, the policies and provision of a prisoner telephone system create legitimate expectations on the part of prisoners to have reasonable access to a communications system in order to contact their supports.<sup>36</sup> Indeed, case law in the federal realm arguably supports the notion of a statutory duty on corrections to provide reasonable telephone access to prisoners.<sup>37</sup>

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<sup>36</sup> See: *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817 at paras. 26-29.

<sup>37</sup> In *Wedow v. Canada (Correctional Service)*, [2001] FCJ No. 739, Mr. Wedow was imprisoned at a federal institution. The telephone system only permitted him to call collect, which made it impossible for him to communicate with his six-year-old son, because his son’s mother had a restriction on her telephone preventing the receipt of collect calls. Mr. Wedow’s grievance about this was unsuccessful, as the institution held they did not have a duty to ensure telephone access to his son. The Federal Court disagreed, holding that the institution did have a duty in accordance with s. 71(1) of the *Corrections and Conditional Act*, which held that inmates are “entitled to have reasonable contact, including visits and correspondence, with family, friends and other persons from outside the penitentiary, subject to such reasonable limits as are prescribed for protecting the security of the penitentiary or the safety of persons.” The Court also noted that s. 25 (d) of the Commissioner’s Directive No. 085 allowed the institution to make available telephone lines in “emergency situations such as serious family illness or death, or for any other special circumstances”. The Court held that by not accepting Mr. Wedow’s inability

Finally, we note that there is an international legal obligation on Saskatchewan to ensure reasonable contact through telephone access as a result of the United Nations' *Standard Minimum Rules for the Treatment of Prisoners* which states at para 37: "Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits."<sup>38</sup> The Standard Minimum Rules were adopted by Canada in 1975, which agreed to ensure that they were implemented in both federal and provincial systems.<sup>39</sup>

## 5. Problems with Telephone Access in Saskatchewan Correctional Facilities

In this section, we discuss the themes arising from our qualitative study. The four major themes that emerged were the high cost of telephone access, the insufficient number of telephones available and related security concerns, technological problems associated with the Telmate system, and unclear rules and inconsistent application of rules.

### A. High Cost of Telephone Access

In our study, the high cost of making calls overwhelmingly emerged as the single biggest problem with the telephone system. The true cost of the system can be understood when contrasted with the prisoners' income in custody. As Table 2 below indicates, prisoners must wait many days to earn enough money for a call home or to an external support.

**Table 1: Fees to call from Saskatchewan Correctional Centres that use Telmate<sup>40</sup>**

Local Collect	\$1.85 per call up to 20 minutes (flat rate)
Local Prepaid/Debit:	\$1.35 per call for up to 20 minutes (flat rate)

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to contact his son as a "special circumstance" the Warden used his discretion in a capricious manner, and court intervention was justified.

<sup>38</sup> These rules were drafted in 1933 by the International Penal and Penitentiary Commission and approved by the Assembly of the League of Nations in 1934, and approved by the Economic and Social Council in (ECOSOC) in 1957.

<sup>39</sup> See: <http://www.csc-scc.gc.ca/publications/fsw/gender3/cg-16-eng.shtml> and <http://www.csc-scc.gc.ca/text/pblct/rht-drt/07-eng.shtml>.

<sup>40</sup> Government of Saskatchewan, "Inmate Telephone System Information" (2012) retrieved from: <http://www.justice.gov.sk.ca/Default.aspx?DN=467e337e-409a-4beb-acef-f648eefe0815>.

Long Distance Collect:	\$1.50 connect fee + \$0.30 per minute
Long Distance Prepaid/Debit:	\$1.00 connect fee + \$0.30 per minute

**Table 2: Fees to call relative to a prisoner's daily income**

	Daily income of \$1.00/day	Daily income of \$3.00/day	Daily income of \$5.00/day
<b>Local, collect \$1.85</b>	185% <i>(2 days of work needed to complete 1 20-minute call)</i>	62% <i>(~1 day of work needed to complete 1 20-minute call)</i>	37% <i>(&lt;1 day of work needed to complete 1 20-minute call)</i>
<b>Local, prepaid \$1.35</b>	135% <i>(1+ days of work needed to complete 1 20-minute call)</i>	45% <i>(&lt;1 day of work needed to complete 1 20-minute call)</i>	27% <i>(&lt;1 day of work needed to complete 1 20-minute call)</i>
<b>Long distance, collect \$7.50</b>	750% <i>(~8 days of work needed to complete 1 20-minute call)</i>	250% <i>(~3 days of work needed to complete 1 20-minute call)</i>	150% <i>(~2 days of work needed to complete 1 20-minute call)</i>
<b>Long distance, prepaid \$7.00</b>	700% <i>(7 days of work needed to complete 1 20-minute call)</i>	233% <i>(2+ days of work needed to complete 1 20-minute call)</i>	140% <i>(~2 days of work needed to complete 1 20-minute call)</i>

The people we interviewed emphasized how inaccessible the telephone system was due to the imposition of high fees. They spoke frequently to how expensive and unaffordable the calls were, and how that prohibited their ability to contact their families and other supports.

- *"If you had no money you had no way of reaching out to your family. You're stuck. That's what it seemed like."*
- *"It's expensive...like we only get so much money, and so much time...to talk on the phone and I don't know why they bring that system in there that, really, really you know, bugs people... [it's] so costly."*

- *"It's ridiculous. ... I worked in the laundry and made a whole \$5 a day. A phone call is like \$7 for 20 minutes. So it's a little too pricey; it's ridiculous to be honest with you."*
- *"A lot of people coming in there, they're not rich, they don't have money to afford those long distance cards, to phone home. And a lot of them are from way, far away and they have to get those calling cards and like I said, not a lot of them could... connect with their family."*
- *"It took too much money from my pocket, for my phone account. I need to talk to family and had no choice but to use it."*
- *"A lot of people they don't have the kinds of funds that other people have."*
- *"I was phoning back home to my mom's. I had to do it once a month 'cause it cost me seven bucks for twenty minutes. Whether I used 20 minutes or not, if I used 15 or 13 minutes, it still take it at the whole \$7. It still counted as 20 minutes. Overcharging too much... I could only phone home once a month, that's if I had enough money."*
- *"By the time I talk to my family for 20 minutes, then it's 25 dollars out of their pocket."*
- *"That's a lot of money from the inmates' pocket... for somebody to put money into their account for them to just... you know, for them to get into contact with their loved ones out on the outside."*
- *"Some guys would go through 50, 60, 70, 80 dollars on their phone calls ... a week... I don't like the phones, nobody does."*
- *"That didn't give me enough time to talk to family, especially when I had small children. Then there would be line ups to use the phone again, a lot of the time I wouldn't be able to make another call. When I'm on a phone talking, the call will automatically drop, and I'll lose my \$7 and 20 minutes. Then when I phone again I have to use another \$7 and 20 minutes."*

The expense is compounded by the fact that, with only four provincial correctional centres in the province, prisoners are often incarcerated a significant distance from their communities and families. As a result, family or community members may not be able to make the trip to the correctional centre for regular visits, and the prisoners must make long distance phone calls to them which are the most expensive.<sup>41</sup>

- *"It's very costly to phone family members and loved ones who are far away..."*
- *"I didn't need to phone anybody, anybody local. ... It was just the long distance calls. ... Like the long distance cards, they're... there 10, 20 dollar ones, you know. They don't last long."*

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<sup>41</sup> See C.F. Hairston, J. Rollin & H. Jo, "Family Connections During Imprisonment and Prisoners' Community Reentry" (2004) Research Brief, Jane Addams Center for Social Policy and Research.



This problem is particularly relevant for female prisoners who can only be incarcerated at the Pinegrove Correctional Centre.<sup>42</sup> Thus, women are more likely to be burdened by the cost of calling due to being incarcerated a long distance away from their families and support systems.

- *“They should get a new telephone company altogether, with more reasonable rates. Women, most of the inmates, are quite far from home - and we all have to phone long distance. So they need a new system, and a whole new telephone company.”*
- *“And some of the girls who come [to Pinegrove] are homeless. So they have to work for their money. And we only get \$3 a day. We’re only allowed to make that much a day.”*

Further, the people we spoke with noted several features of the system that they described as unfair, and that function to drive up the costs of calling even more. For example, for flat-rate calls, if an answering machine picks up the call, the entire flat rate amount is charged to the prisoner.

- *“Even if it rang and rang and rang and it went straight to voicemail and even though it’s not an actual person that answers the phone you still get your phone call... deducted.”*

Another example is the difficulty that prisoners have retrieving money in their telephone accounts following release. People must undergo an onerous bureaucratic process in order to claim amounts left on their account. As the Prison Policy Initiative has noted, this is one of the ways in which private for profit prison telephone companies increase their profitability:

When someone is released from prison or jail, families welcome the chance to reconnect. But this event is a chance for prison telephone company profiteers to celebrate as well by either seizing the balance left over in a phone account or charging customer hefty fees to recoup their own money.<sup>43</sup>

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<sup>42</sup> Saskatchewan Provincial Ombudsman, “Locked out : inmate services and conditions of custody in Saskatchewan Correctional Centre” (2002); see also: diZerega & Agudelo, “Piloting a Tool for Reentry: A Promising Approach to Engaging Family Members” (2011) VERA Institute for Justice at pp. 8-9, retrieved from: <http://www.vera.org/sites/default/files/resources/downloads/Piloting-a-Tool-for-Reentry-Updated.pdf>.

<sup>43</sup> See: The Prison Policy Initiative, “Please Deposit All of your Money: Kickbacks, Rates, and Hidden Fees in the Jail Phone Industry” retrieved from <https://www.prisonpolicy.org/phones/pleasedeposit.html> at p. 15.

Participants in our study indicated:

- *“It takes like 6 months for it to get approved in order for you to get that money back... it’s like a 20 page thing you have to write up why you want the money back and whatever ... most people just leave their money there.”*
- *“I had money taken from me. I was incarcerated and still had money in my inmate phone account. I asked to be reimbursed and they took a percentage off my money to reimburse me. It costs money to put credit on your phone and it costs money to get your refund back. It’s not very fair at all.”*

Based on a “comprehensive, nation-wide study in the United States, Telmate stood to collect approximately 40 percent extra in fees on each \$20 payment ... these hidden fees are how prison phone companies ... make profit in spite of commissions that reduce company income on base rates”.<sup>44</sup> Additionally, Saskatchewan Custody, Supervision, and Rehabilitation Services (CSRS) receives a 10% commission.<sup>45</sup> While the installation of a Telmate system was initially justified as a “monitoring device”, it is also a convenient revenue source. As observed by Dr. C.F. Hairston:

The correctional policies and practices that govern contact between prisoners and their families often impede, rather than support, the maintenance of family ties. Many correctional policies are driven by the security and safety rationale that dominates the prison environment. Other policies, such as those governing the rate structure for the telephone systems for prisoner use, seem to be intended primarily to subsidize prison budgets and generate profits and/or to exert social control, not only over prisoners, but also over their families as well. Rules often bear little relevance to correctional goals and are insensitive to prisoners’ family structures, cultural differences, and children’s needs.<sup>46</sup>

As the Prison Policy Initiative has noted in its report entitled “The Price to Call Home: State-Sanctioned Monopolization in the Prison Phone Industry”, it is a “market oddity” that there is “no incentive to select the telephone company that offers the lowest rates; rather, correctional departments have an incentive to reap the most profit by selecting the telephone company that provides the highest commission.”<sup>47</sup> The report goes on to note that “The prison phone market is structured to be exploitative because it grants monopolies to producers, and because the consumers – the incarcerated persons and

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<sup>44</sup> Jason Demers, “Warehousing Prisoners in Saskatchewan” (2014) Canadian Centre for Policy Alternatives at p. 27.

<sup>45</sup> *Ibid.* at p. 28.

<sup>46</sup> C.F. Hairston, “Prisoners and their families” in *Prisoners Once Removed: the impact of incarceration and reentry on children, families and communities* (2003) at pp. 274-275.

<sup>47</sup> The Prison Policy Initiative, “The Price to Call Home: State-Sanctioned Monopolization in the Prison Phone Industry” (2012) retrieved from: <https://www.prisonpolicy.org/phones/report.html>.

their families who are actually footing the bills – have no comparable alternative ways of communicating.”<sup>48</sup>

While there is possible assistance available to prisoners experiencing more extreme financial hardships or emotional crises, and while calls to counsel (e.g. a prisoner’s lawyer or the Ombudsman) are free, such financial assistance can be granted only by application to the jail’s director. There are no established or codified criteria one can meet or fulfill to qualify for this financial assistance.

The current policy provides that a few categories of calls are exempt from fees (e.g. for remanded and immigration hold prisoners). The policy also provides at s. 2.4 that the director is to “develop an internal review process that will allow for discretion in waiving the telephone fees paid by inmates in cases of exceptional financial and emotional hardship”. This reflects an intent to recognize prisoners’ economic limitations affecting their ability to afford calls, as well as difficult personal situations for which fees ought not be a barrier to communication. However, it does not appear that the process envisioned in the policy has been developed for these circumstances to be consistently evaluated and the fee waiver consistently applied in such situations, and in particular for low income prisoners.

## ***B. Scarcity of Telephone Access and Links to Safety Concerns***

According to the respondents in our study, there are insufficient numbers of telephones in each facility, and this scarcity is linked to violence in institutions. This is supported by news reports which have described physical altercations between prisoners caused by the exorbitant wait times to use the telephone.<sup>49</sup>

The participants in our study described these problems and their consequences:

- *“I’ve seen fights break out for [the phone] and it gets pretty hectic.”*
- *“People get threatened, like ‘give me your phone’... People get beat up for not giving up their phone time.”*
- *“I’ve seen lots of fights happen right by the phones.”*
- *“[The phone system makes me angry] like where I’d argue with the guards.”*
- *“There’s not enough phones. When I was in jail, there was a lot of arguments over the phone and other things. Sometimes there would be fights over the*

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<sup>48</sup> *Ibid.* at p. 2.

<sup>49</sup> *Ibid.*, Regina Leader Post, “New Jail Rules a ‘Hardship’”.

*phone because somebody would be talking too long... I've seen people get themselves beat up right by the phone because there's not enough phones you know and people want to get in there."*

- *"There's a guard standing beside the phones... 'cause people are always fighting, always taking too long, whatever... They watch you very carefully and they listen to the recording. [They should add] more phones, like more phones and longer telephone time... there'd be no fights and any concerns about the other inmates."*
- *"I would put [the phones] in a quiet place... there's only three phones, they should have like six phones. And especially for Saskatoon, like that's a real mean place... it should be like, in a little room instead of like in front of everybody and people walk by and fights happen."*
- *"Well when I was there I felt that, because of the Telmate phones, I felt like I was really isolated and stuck. I wish they just had regular phones. It feels so scary to have those Telmate phones. ..."*

One person spoke about the risk of getting "muscled" or intimidated over calls, and reference was made to pressure put on remanded prisoners to give up their free calls to sentenced prisoners. But others noted that the strict rules preventing people from sharing their telephone funds is problematic, as one articulated: "why can't you give another person a call when they really want to call home, you know?"

The length of telephone calls also surfaced as a limitation and concern. The time limitation can make it difficult to have meaningful conversations with family and social supports. It is especially restricting for remanded prisoners who need to discuss several matters, often complex in nature, with their defence counsel.

### **C. Technological Problems**

Many of the participants in our study expressed frustration with technological problems with the Telmate system.

- *"Well, one word: they suck. ... They weren't good. To get on the phone sometimes they didn't work, the volume didn't work, you couldn't hear, they clicked, dropped calls, they're expensive... sometimes it's frustrating because you have to wait so long to get through. Overall my experience wasn't very good with them."*

One of the major problems identified is the system's propensity to "drop calls". The system is designed to detect voices that may be coming from a third party and to automatically disconnect the call upon detection of third parties on the call. This is a security feature of the system. However, people we spoke to talked about the way that this feature functions to interfere with communication with family. Another major problem identified by the people we interviewed was the system's tendency to be inconsistent in its ability to recognize voices, especially where something like a cold affects the voice, and that it blocks calls as a result.

- *"The one thing that sucks about that voice recognition thing though is if you end up with a cold and you go to try and make a phone call it won't recognize your voice whatsoever."*
- *"You want make your call, let's say, let's say you need to be at court to pay your bail or get your wife or girlfriend to pick you up. 'Cause if you are released from jail, from the correctional, and you're released at the courthouse, you have these jail clothes on... So, like, some guys, say they would call like their wife to pick them up. Anyways, so first thing in the morning if you couldn't get through, because that computer isn't recognizing your voice... how come they don't have a real person on the other end?"*
- *"I've had trouble with the phones... it's hard to get my tone of voice the same way every time."*
- *"It would say, voice not recognized, please try again. And then you'd do it over again and it'd say, well you know, keep doing that, and sometimes I'd totally give up, say, eh f\* this and hang up."*
- *"It'll say, name not recognized or something, push 1 to repeat. So you have to do it all over again. This time you'll say it louder you know, so it pick up, then... sometimes... sometimes it'll go through, but sometimes it says it doesn't recognize again, you know, that's when you start getting pissed off... Stupid system, I don't like that system."*
- *"Maybe you'll get lucky and the computer will recognize your voice this time."*
- *"[Dropped calls] happened to me a few times... Where I'm talking to my kids and um, then all of a sudden it just hangs up on me."*
- *"Some of those phones - some of them don't actually work. Like you can punch in the number but it's the wrong number that you're punching in."*
- *"If you have a cold you can't get through..."*
- *"Dropped calls, there's many dropped calls, and sometimes they won't give you the money back on there. It's not a good phone system."*

Unfortunately, the system's propensity to drop calls is another way in which Telmate profits as prisoners are charged for dropped calls and there is no easy or realistic

recourse for prisoners to contest dropped calls or get reimbursed for dropped calls due to system error. As one person we interviewed noted, there is a claims process but it involves getting the phone provider to send transcripts of the call.

- *“I phoned a lot of places where my phone call got dropped and then... I phone and tell them about a dropped call... and then because I didn’t have the proof or I didn’t have access to the phone system right in order for them to be able to trace it all back and showed them where my call was dropped I don’t have access to that part of the phone system so I don’t have the proof... you have to phone the phone providers and then you have to get them to send the transcripts and once you get them to send the transcripts you have to show the transcripts in order for them to be able to give you back your phone call...that takes anywhere from 6 months to a year.”*
- *“And it’s hard to get money in my account. When a person has put money in my phone account, they also have to pay additional... We never got our money back, and when we do leave a message on that phone system it’s like they don’t get back to use until two days later. They don’t really have an answer to what you’re asking, so you just lose your \$7.”*
- *“[Dropped calls] became lost in the system so it was a hard process to be reimbursed.”*

These problems created by the security technology can ironically create security problems in the correctional facility.

- *“Sometimes the number doesn’t work and you hear people going off... people go off man, if their phone system doesn’t work properly. They go off. Like really bad, it does affect people.”*
- *“You know I hated [the voice recognition]. You know so many times, I had to say my name just to... like the voice recognition, you know. I’ll say my name so many times and it’s like please say it again. You’re just yelling on the phone... get real mad, and slam the phone.”*

As noted above, the psychological stress of being incarcerated and isolated from social supports already increases the likelihood of tensions and violence in the correctional facility. When that is compounded by the frustrations of the telephone system described above, the risk of violence becomes a security issue for both prisoners and correctional staff.

#### **D. Unclear Rules and Inconsistent Application of the Rules**

The former prisoners who participated in our study described a significant dearth of information or guidance regarding the telephone communication system and visitor protocol. Many of them reported learning the rules from each other, not from the institution.

- *"[I learned the rules from] my brother actually. Because he did time before me..."*
- *"It was basically the inmates helping inmates, how to do it."*
- *"The staff don't tell you what the rules are, they just tell you what you are going to do. ... They should clarify what the rules more clearly so we can understand what the rules are."*
- *"People that are there for the first time [are] not really familiar with the, how you say - the inmate rules. ... It's harder for the person who first comes into use the phone. You know, to have a private conversation, where he's trying to tell his loved ones he's hurting or something."*
- *"[I learned the rules] by trial and error...it was more or less, told upon inmate to inmate, upon asking you know. Like a new person would come in and say, 'well can I phone home', you know, 'yeah, you're allowed to phone home but you're only allowed 15 minutes on the phone'...so that's how the other person understood the restrictions of the phone..."*
- *"[I learned the rules] by other inmates, they told me how to go about it."*
- *"One of the problems I had was that I had no idea how it worked to have visitors because it wasn't explained to me when I went in. Just from talking to other people I knew that I had to get a visiting form and it had to be sent out, then sent back in, but I didn't know the process at all."*

Participants observed an inconsistent application of the telephone and visitation rules. For example, one prisoner noted:

- *"In North Battleford there's a 10-15 minute limit on a phone. Visiting regulations are from 1 till 4 in the afternoon. Saskatoon, PA and Regina, you are allowed the same amount, 10-15 minutes on the phone but it... in uh, PA and Regina you are allowed two calls a week. You are allowed one visit per week. Here in North Battleford, you are allowed two visits on Saturday, a visit on Saturday and a visit on Sunday from 1 till 4."*

We heard from more than one prisoner that they were not permitted their full 20 minutes, and heard frequent references to 15 minute calls. It appears that institutions sometimes do not provide the telephone time allotted to prisoners. Several also

referenced being cut off from telephone “privileges” as punishment for trying to talk longer:

- *“If you’re on for more than 15 minutes, they cut it off right away and then I get cut off for 2 days...And I can’t talk for two days on the phone. So I- I always get cut off for two days because I try to talk to my mom longer. My mom is 70 so I try to talk to her and let her know that I love her and that and make sure she’s ok.”*

One participant talked about being allowed to use the staff phone at no cost when his mother died, which was the first he even knew a free call could be available in case of emergency or emotional hardship.

When it comes to telephone and visitor access, although prisoners have statutory and policy based entitlements to reasonable access, in practice on the ground, the guards make the law. Participants in our study stated:

- *“Yeah the guards do have control, overall, control in the office they can shut [the phone system] off.”*
- *“If you are caught arguing on the phone... you can lose all access to your phone calls.”*
- *“Now say another inmate ... put in a request for a trust deduction to be put in his Telmate account, but he got along with that guard... they’re buddy-buddy, they talked about this and that. Now, by the end of the week he’ll have his phone calls, you know, his money, but the other guy, the guy [the guard] didn’t like... all of a sudden he’s going “I’m still waiting on... my money’s not in my account yet””.*
- *“You know if you ask politely and reasonably, [the guards will help you]. They’re not going to give it to you if you’re going off and your phone doesn’t wanna work.”*
- *“The guards didn’t really care too much about the phones. It was right of request, and they wouldn’t deal with it. When the phone was clicking in and out, their responses were ... there was nothing they could do.”*
- *“In jail, it’s different. It’s a whole different set of rules, it’s totally different from the outside. It’s all about eat or be eaten I guess.”*

When prisoners are dissatisfied with the decision of a correctional officer, they found the appeal process to be too difficult, inaccessible, and unlikely to yield an outcome. As one of our participants noted:

- *“Having the appeal process and having it looked at, sometimes takes a week and they’ll bring you to a... before the board. You know there’ll maybe be three staff there and one... inmate representative... it’s called Kangaroo Court.”*



The provincial Inmate Telephone System policy provides “guidelines and standards” for the institutions and their staff to follow as they “allow inmates to have reasonable contact with family, friends and professional counsel...” The policy specifically affords discretion to the directors of the institutions to establish relevant rules: s 1.3 provides that “each correctional centre director is responsible for establishing local rules for offender access and utilization of the inmate telephone for personal and business calls”. The institutions and their staff therefore have a great deal of discretion in the implementation of the Inmate Telephone System.

Using “reasonable” as a guiding term in policy provides institutional staff discretion in affording and limiting the rights of inmates. The question of “reasonableness” in terms of prisoners’ access to communication is a question that often arises in relation to the monitoring of phone calls in correctional centres.<sup>50</sup>

It appears that the guiding principles for correctional centre policies are framed around an objective approach to a reasonable expectation to rights. However, without any clear definition of what constitutes an expectation as “reasonable”, the objective approach appears to be more subjective due to the amount of discretion it allows.

Another problem contributing to the inconsistency in discretionary decision making with respect to telephone access is limited awareness on behalf of the corrections staff regarding the applicable policies and rules, and the prisoners’ limited awareness of applicable policies and rules.

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<sup>50</sup>See: *R. v. Bartkowski et al*, 2004 BCSC 44; *R. v. Drader*, 2012 ABQB 469.

## 6. Economic Impact

### A. *Economic Realities for the Ministry and Society*

The current for-fee telephone system favours a reduced immediate cost to the taxpayer, but this comes ultimately at a detrimental long-term economic impact.

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*... a reduction in the prison population by even 10% due to improved access to family and social supports would result in ... savings of \$9.6 million dollars for the province.*

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Consider that, in Saskatchewan:

- The average court cost per case circa 2008 was \$1,418;<sup>51</sup>
- The average prosecution cost per case circa 2008 was \$1,114;<sup>52</sup>
- The average daily cost of incarceration circa 2013-2014 was \$158.68 per day, or \$57,918.20 per year;<sup>53</sup> and
- The average cost resulting from a single victim suffering non-fatal injuries as a result of crime circa 1999 was \$72,000.<sup>54</sup>

These costs are obviously considerable. Improving prisoners' opportunities to communicate with the outside world is a simple way to reduce the cost of recidivism down the road.<sup>55</sup>

As noted above, the 2008 study by Bales and Mears found that prisoners who maintain relationships through visitation are over 30% less likely to recidivate.<sup>56</sup> Its Canadian counterpart, the 2011 study by Derksen, Gobeil & Gileno, found that prison visitation reduced recidivism by 13%.<sup>57</sup> Taking a conservative approach to these projections, a reduction in the prison population by even 10% due to improved access to family and social supports could result in a year-over-year reduction of 166 prisoners, representing a savings of \$9.6 million dollars for the province.

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<sup>51</sup> [http://www.justice.gc.ca/eng/rp-pr/csj-sjc/crime/rr10\\_5/a.html](http://www.justice.gc.ca/eng/rp-pr/csj-sjc/crime/rr10_5/a.html).

<sup>52</sup> [http://www.justice.gc.ca/eng/rp-pr/csj-sjc/crime/rr10\\_5/a.html](http://www.justice.gc.ca/eng/rp-pr/csj-sjc/crime/rr10_5/a.html).

<sup>53</sup> <http://www.statcan.gc.ca/pub/85-002-x/2015001/article/14163/tbl/tbl05-eng.htm>.

<sup>54</sup> [http://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/rr05\\_4/p7.html](http://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/rr05_4/p7.html).

<sup>55</sup> Limited phone contact, as well as high call costs, have in some cases been recognized as a financial burden on the state due to the increase of recidivism, see: Higgins et al., 2014, *supra* note 9, at p. 8.

<sup>56</sup> *Supra* note 18.

<sup>57</sup> *Supra* note 22.

### ***B. Economic Realities for Prisoners and their Families***

Passing the financial burden of adequate telephone access completely onto prisoners' shoulders does much more long-term economic harm than short-term economic good. Taylor found that "[f]urther eliminating the use of exploitatively priced collect calls ... may help to keep family members better connected"<sup>58</sup> and thus reduce recidivism. Under the current telephone system, prisoners are faced with financing their own rehabilitation at a cost generally beyond their means. The current cost structure for telephone access is prohibitive to many prisoners, who are often from socioeconomically disadvantaged backgrounds. Prisoners are faced with the strain of high overhead fees and per-minute call rates that are disproportionate to the average prisoner's pay scale. Even before budgeting for key amenities, such as soap and toothbrushes, the cost of making calls to the outside world can easily consume an entire weekly wage.

The inability to afford calls is best demonstrated by the pay gap the prisoners experience between the weekly wages and any basic product. This is best demonstrated to comparing the Consumer Price Index(CPI), minimum wage in Saskatchewan and the prisoner's wages:

Year	Minimum wage	Minimum wage increase	CPI increase	Gap
2005	\$7.05			
2006	\$7.55	7%	2%	5%
2007	\$7.95	5%	2%	3%
2008	\$8.25	4%	2%	1%
2009	\$9.25	12%	0%	12%
2011	\$9.50	3%	2%	1%
2012	\$10.00	5%	3%	2%
2014	\$10.20	2%	2%	1%

In every year, minimum wage outstrips the CPI increase. This makes logical sense, as the CPI is meant to reflect basic goods and services. If CPI were to outstrip minimum

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<sup>58</sup> Taylor, C.J., "The Family's Role in the Reintegration of Formerly Incarcerated Individuals: The Direct Effects of Emotional Support" (2016) *The Prison Journal* 96(3) at pp. 331-354 (citation omitted).

wage growth, it would mean that Saskatchewan minimum wage earners would not be able to afford the basic requirements for survival, like food, shelter and community. This is relevant to the provincial prison population as their increase in the last number of years has been 0. A prison worker may earn \$1, \$3, or \$5 a day, in rare instances more. The reason why the comparison is important is that the prisoners' stagnant income leads to an inability to afford basic human necessities. The fact their wages have remained frozen while the cost of telephone calls increase means the prisoners are cost prohibited from placing calls with no recourse.

The effects of this wage stagnation are endemic. As referenced above, key to a reduction in recidivism is a strong social structure on release. By precluding an ability to maintain any relationships with outside supports by pricing prisoners out of the system actually promotes recidivism.

Under the current telephone regime, the average user is a prisoner from a socioeconomically challenging background, making limited income while incarcerated, and facing a steep cost to communicate over the phone with loved ones and support people. This reduces his/her ability to maintain bonds of community and belonging, eventually reintegrate into society, and avoid placing further financial strain on the Province.

## 7. Developments

For three years, our coalition consulted with recently released prisoners and engaged in relevant research. At the conclusion of this community engaged research project, we presented our findings to Saskatchewan's Ministry of Justice in January 2017.

The Ministry received the research with interest and was particularly responsive to the issue of high fees as a barrier. In April 2017, the Ministry announced significant changes to the fee structure for calling from provincial correctional centres. Every provincial prisoner will now be afforded a free daily call, and the fee for additional calls will be \$2.50, regardless of whether the calls are local or long distance. This is a substantial reduction in the cost of calls in general, and particularly long distance calls. Lastly, there will be a "pre-pay" option that can serve to reduce the cost of calls even further.<sup>59</sup>

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<sup>59</sup> Hansard Verbatim Report, Standing Committee on Intergovernmental Affairs and Justice (No. 12, April 24, 2017) at pp. 199-200, retrieved from: <http://docs.legassembly.sk.ca/legdocs/Legislative%20Committees/IAJ/Debates/170424Debates-IAJ.pdf>.

At the same time, the Ministry also announced a reduction in provincial prisoners' daily income.<sup>60</sup> For those prisoners not working or in programming, their income has reduced to \$0 from \$1 per day. For those with jobs or in programs, their income has also reduced; the reduction and amount depend on the nature of the job or program.

## 8. Conclusion

Prisoners face multi-facted barriers due to the present telephone system in Saskatchewan's correction facilities. These barriers create negative consequences for prisoners and their families in both the short- and long-term. Research indicates that addressing these barriers will improve mental and emotional health during incarceration and reduces recidivism after release.

We hope that our research has provided helpful information about the past and ongoing challenges with the telephone access system in Saskatchewan provincial correctional centres.

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<sup>60</sup> *Ibid.* at p. 197.



### Telephone access

1. Can you tell me about your experience with the telephone system in the Provincial Correctional Centre?
2. Did you experience any problems with access to, or use of, the telephone system? If so, what sorts of problems? (I.e. Cost? Dropped calls? Limits on access?)
3. How, if at all, did you learn the rules about access to the telephone system in the Provincial Correctional Centre?
4. Can you describe the rules about telephone access as you understand them?
5. In your experience, how were the rules about telephone access applied/ enforced?
6. Do you have any suggestions for how the telephone system could be improved in the Provincial Correctional Centre? If so, what are they and what are the reasons behind the suggestion/s?