



April 2, 2020

Minister of Corrections and Policing  
Room 345, Legislative Building  
2405 Legislative Drive  
Regina SK S4S 0B3

**Attention: The Honourable Christine Tell**

Dear Madam:

**Re: COVID-19 in Saskatchewan Prisons**

The signatories to this letter are individuals and organizations who provide legal representation to prisoners in Saskatchewan and advocate for a humane criminal justice system. We write to stress that rapid and drastic action is required to protect incarcerated people, staff, and the broader community from the spread of COVID-19. Correctional authorities can only meet their obligation to public safety in this context by releasing a significant number of prisoners, such that those remaining in prisons can protect themselves and their communities from infection.

*COVID-19 in The Prison Context*

Three factors contribute to the danger posed by COVID-19 in prisons. These facilities are overcrowded, face unique healthcare issues, and involve a movement of people conducive to the introduction and spread of disease.

Prisons operated by the Ministry of Corrections and Policing are overcrowded. The majority of cells are occupied by more than one inmate. Dormitories have many beds arranged closely together. Gyms and programming spaces are often turned into make-shift dormitories. The Saskatchewan correctional system imprisons many more than its facilities were built to accommodate. This overcrowding will lead to the unmanageable spread of disease. It is not in keeping with the system's legal and ethical responsibilities to allow the spread of COVID-19 where the vulnerable cannot protect themselves. The inability of prisoners to protect themselves creates both a physically dangerous atmosphere and an atmosphere of tension and fear among prisoners.

Prisoners have more complex healthcare needs than the general public, making many prisoners particularly susceptible to complications from COVID-19. Particularly, the prevalence of HIV and Hepatitis-C in the correctional system put prisoners at increased risk. In a system which has difficulty providing adequate medical care in ordinary times, prison medical

systems will be overwhelmed with the arrival and spread of COVID-19. Inmates have the right to access a medical system which can accommodate their healthcare needs, and to be held in conditions which will not put them at increased risk of disease or death.

Prisoners also suffer disproportionately from mental health issues. Measures taken to protect the physical health of prisoners, including the cancellation of family and most professional visits, have put them further at risk. Any additional restriction on the liberty of prisoners stands to have a dangerous impact on prisoners' mental state.

As of today, five correctional staff members have tested positive. We understand that all prisoners at Saskatoon Correctional Centre are being tested. We hope that widespread testing of prisoners is happening at all of the facilities, as the Saskatoon Correctional Centre is not unique in its likelihood of infection. The significant traffic in and out of correctional facilities every day will continue. Correctional and medical staff come and go regularly. New admissions and releases happen daily. It is not a question of whether the virus will spread through the prisons, it is a question of how quickly.

If prisons are allowed to become a breeding ground for COVID-19, great risk will be posed to the communities where prisoners will return at the end of their sentences. In the case of rural, northern, and Indigenous communities, the introduction of COVID-19 by a returning community member has the potential to wreak havoc on already strained medical resources. Given that roughly three quarters of provincial prisoners in Saskatchewan are Indigenous, action must be taken to ensure that the return of community members from institutions does not introduce disease to Indigenous communities. Therefore, where there are concerns about whether released prisoners may spread COVID-19 into their communities or if their communities are already locked down, safe accommodations will be needed to house prisoners in cities. Provincial, municipal, and Indigenous governments may need to communicate about their respective needs, supply of safe housing, testing, and treatment. Prisoners must be safe; communities must be safe.

### Making Prisons and Communities Safer

The justice system is being tested. We request that the following measures be taken immediately to ensure that there is no unnecessary suffering on the part of our prisoner population:

1. The inmate population of each facility in the province needs to be significantly reduced. This can be done through a controlled and planned release of prisoners. There is precedent for this sort of action. Prisoners who are over the age of 50, have serious health issues, or are immunocompromised should be released if possible. Those serving for non-violent crimes or who are close to the end of their sentences should be released. Intermittent sentences should be suspended.

It is also imperative that resources and staffing be re-directed to the systems governing reintegration leave and temporary absences. Resources should be further allocated to community supports for those being released. For example, an allowance could be provided for family and other suitable housing options to ensure that there are sufficient resources to run households with extra costs associated with a loved one's release.

2. For those who remain in correctional facilities, measures should be taken to ensure that prisoners have the ability to physically distance from each other. Enough prisoners must be released to ensure single cell occupancy and a separation of two metres between prisoners in dormitories.
3. High sanitation standards must be imposed on all staff, inmates, and facilities. Ample sinks must be available for inmates to wash in, and showers and laundry supplies and facilities should be provided at no cost to the inmates. We understand that soap is in short supply in some centres and is causing stress for the prisoners.
4. Medical and psychiatric care must be ensured for those remaining in the facilities. There is an atmosphere of increased fear and tension among prisoners. They must be allowed as much access to mental health professionals and Elders as possible. Action is required to prevent a significant and dangerous deterioration of mental health in prisons.

Correctional systems are required to preserve the health and safety of the people under their care. People should not be held in systems which cannot guarantee this standard. In the 2010 case of *Brown v. Plata*, 563 U.S. 493 (2011), the Supreme Court of the United States capped the number of prisoners in the California prison system on the basis that the system was not equipped to handle its existing caseload without subjecting prisoners to inadequate healthcare supports. Holding prisoners in those conditions was found to violate the prohibition against cruel and unusual punishment, a prohibition mirrored in the *Canadian Charter of Rights and Freedoms*. The current situation is analogous. Jurisdictions around the world have recognized that extraordinary measures must be taken to protect prisoners and their communities from this virus.

In closing, we sincerely hope that your office will act to address the grave danger posed by COVID-19 in prisons. The solution is not to further restrict the liberty of prisoners. The answer, as we see it, is to reduce the number of people in the institutions, to demonstrate concern for prisoners' medical and psychiatric care, and to commit to giving prisoners the tools needed to protect themselves and the facility against COVID-19.

Yours truly,



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CC: The Honourable Scott Moe, Premier of Saskatchewan  
The Honourable Don Morgan, Q.C., Minister of Justice and Attorney General  
The Honourable Paul Merriman, Minister of Social Services  
Nicole Sarauer, Opposition Critic for Justice, Corrections and Policing  
Media

The following signatories endorse and support the measures requested in this letter:

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