

Exploring Criminal Justice in Saskatchewan*

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This supplement to *Exploring Criminal Justice in Canada* provides additional content about crime and the responses of the police, courts, and corrections that is specific to Saskatchewan, including issues related to urban and rural crime and a report card for the province’s justice system. Several noteworthy criminal justice cases that drew international attention are described, including the wrongful conviction of David Milgaard and “starlight tours.” Altogether, these cases, events, and information specific to Saskatchewan enable readers to better understand the provincial context that can’t be covered in a textbook that focuses on the entire nation.

SASKATCHEWAN: CRIME AT A GLANCE

Like neighbouring Manitoba, crime rates and rates of self-reported victimization in Saskatchewan lead the nation. One of the biggest challenges confronting the personnel working within criminal and youth justice systems in Saskatchewan is the high levels of police-reported crime. Saskatoon and Regina, which account for almost one-half of the provincial population, had the second and third highest Crime Severity Index (CSI) of the largest Canadian cities in 2018 (Moreau, 2019). High levels of crime severity are not isolated to the cities, and crime in some rural areas and First Nations is also very high—as well as in the provincial North (Allen & Perreault, 2015; Perreault, 2019). Saskatchewan is also the national leader in impaired driving and traffic fatalities; topics covered in Chapter 2 of the text.

There are also differences in crime within the province. Figure 1 presents the overall crime rates per 100,000 residents for the ten largest Saskatchewan cities for 2018, and this figure shows considerable variation in the amount of crime occurring within these places. North Battleford,

for example, has an overall crime rate that is more than three times larger than the provincial average. This city has the highest CSI in the nation—for communities of this size—and it has been called one of Canada’s most dangerous places (Benning, 2019). Warman, by contrast, has a crime rate that

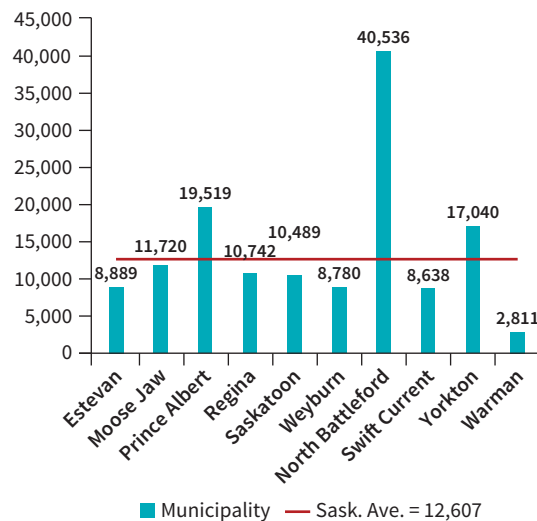


FIGURE 1 Crime Rates, Saskatchewan’s Largest Cities, 2018

Source: Adapted from Statistics Canada (2020a). Table 35-10-01282-01.

*The ten provincial summaries follow a common template and although the examples presented in this supplement differ from the other nine, some of the content is very similar or will have identical text.

is one-quarter the provincial average. An important question that criminologists ask is why crime differs so much between these places. Is it, for example, due to the actual number of crimes, or are residents of some cities more likely to report their victimization than their counterparts from other cities?

While *Exploring Criminal Justice* described the interprovincial differences in the CSI, Figures 2 through 6 show provincial comparisons of homicide, intimate partner violence, impaired driving, break and enters, and drug use. A review of these figures shows that Saskatchewan led the nation in incidents of break-and-enter offences, intimate partner violence, and impaired driving. Saskatchewan also has the second highest rates of homicide and third highest rate of drug use offences. Unfortunately, the number of homicides increased from 38 in 2018 to 52 in 2019, primarily driven by an increased number of murders in Saskatoon. While this is a gloomy start to a discussion about crime, Saskatchewan's CSI dropped by 9 per cent between 2008 and 2018, and crime rates in Saskatchewan are generally lower than they were in the 1990s.

Figure 6 shows that Saskatchewan also has high rates of intimate partner violence (IPV), which are assaults committed by current or former spouses or intimate partners. The Chief

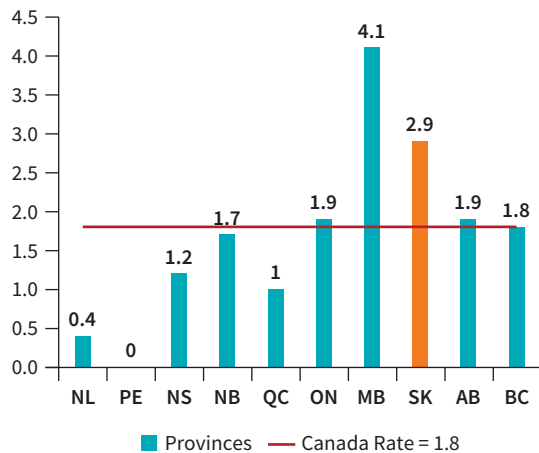


FIGURE 2 Provincial Homicide Rates (per 100,000 residents), 2018

Source: Adapted from Moreau (2019).

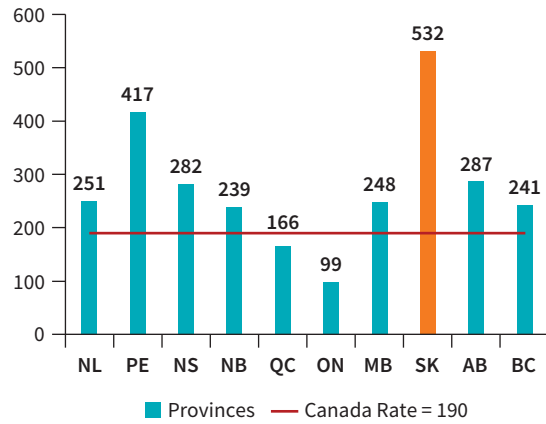


FIGURE 3 Provincial Impaired Driving Rate (per 100,000 residents), 2018

Source: Adapted from Statistics Canada (2020a) Table 35-10-01282-01.

Public Health Officer of Canada (2016) called family violence a serious public issue and reports that more than 200 people are victimized every day and a woman is killed by a family member every four days. Risks of victimization increase for women, Indigenous women, people with disabilities, and those identifying as lesbian, gay, bisexual, trans or questioning (Chief Public Health

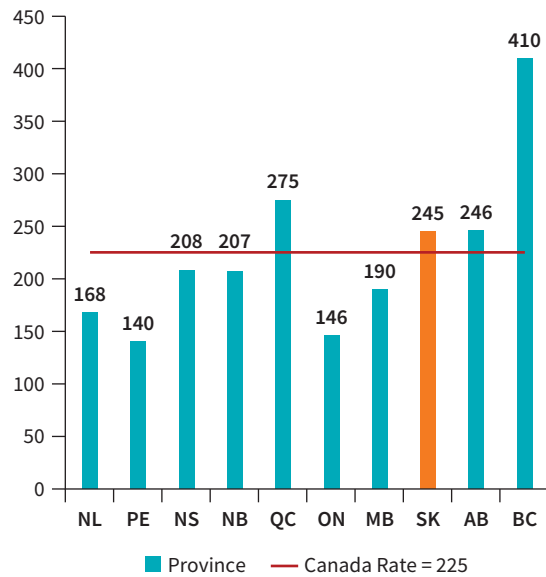


FIGURE 4 Violations of the *Controlled Drugs and Substances Act* (Rate per 100,000 residents), 2018

Source: Adapted from Statistics Canada (2020a) Table 35-10-01282-01.

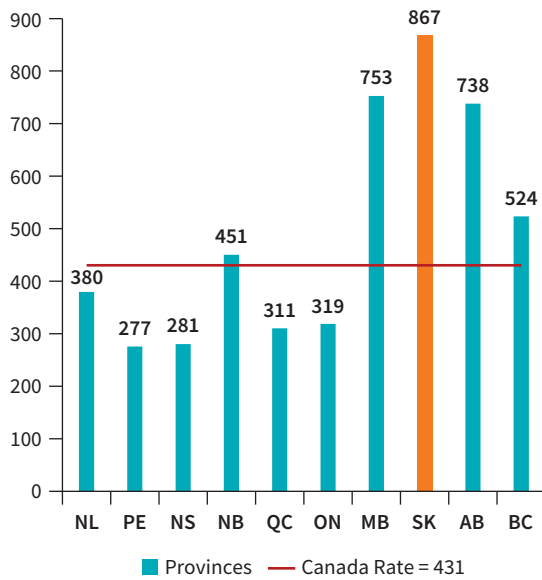


FIGURE 5 Break and Enter Offences (rate per 100,000 residents), Provinces, 2018

Source: Adapted from Statistics Canada (2020).

Officer of Canada, 2016, p. 6). The findings of self-report surveys show that most incidents of family violence are never reported to the police. According to the 2014 General Social Survey (GSS) “4 per cent of Canadians in the provinces with a current or former spouse or common-law partner reported having been physically or sexually abused by their spouse during the preceding

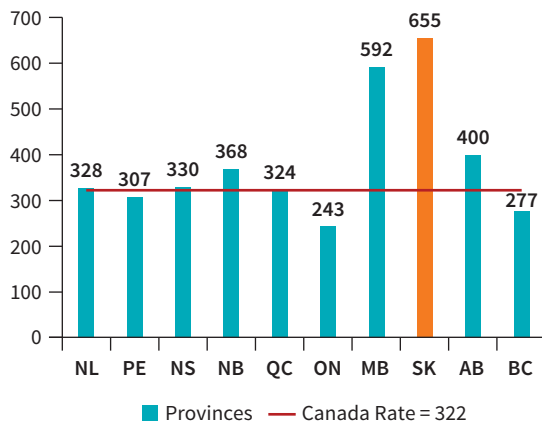


FIGURE 6 Victims of Police-Reported Intimate Partner Violence (per 100,000 residents), 2018

Source: Adapted from Burczycka (2019).

5 years” (Burczycka, 2016, p. 3). We are awaiting the results of the 2019 General Social Survey on victimization to see if this trend has continued and those results should be published by the Canadian Centre for Justice Statistics by 2021. The Provincial Association of Transition Houses and Services of Saskatchewan (2018, p. 1), reminds us that every year approximately 5,000 women and children are admitted to emergency shelters and transition homes in Saskatchewan and that a woman is killed every four months in the province by a current or ex-partner.

Crime has harmful effects on communities and high levels of property and violent crime contribute to poverty, mental and physical health problems, and missed opportunities. For example, when an uninsured homeowner or renter’s home is damaged and possessions stolen during a break and enter, the homeowner has to pay the repair and replacement costs. What effect will that have on the family’s well-being? In addition to the economic losses, we seldom consider the psychological harm of being victimized. After being bullied or assaulted, for instance, a person’s long-term feelings of safety, self-worth, and confidence can suffer and this can reduce their ability to form meaningful relationships with others. Finding ways to reduce crime is therefore critical to reduce the long-term negative impacts on individuals, families, and communities. These effects might be more harmful to people living in Northern Saskatchewan that might have fewer resources and supports than those living in more populated areas. Allen and Perreault (2015, p. 8) report that in Saskatchewan the total and violent CSI for the provincial North is over four times the national average and was the highest in the country. Rotenberg (2019, p. 3) also found that rates of victimization for girls and young women in Northern Saskatchewan were the highest in the nation when compared against the other provincial northern regions.

Youth contribute to crime rates and their involvement in crime tends to be similar to adult crime rates. As a result, in places where adult crime is high, youth crimes tend to follow the

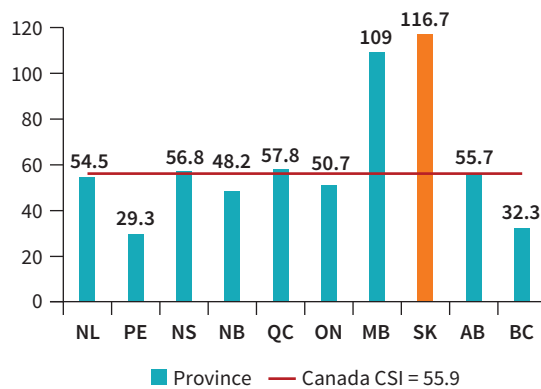


FIGURE 7 Youth Crime Severity Index by Province, 2018

Source: Adapted from Statistics Canada (2020b) Table 35-10-0003-01.

same pattern. Moreau (2019, p. 65) reports the overall youth CSI for the provinces and Figure 7 presents that information. Saskatchewan has the highest youth CSI, and was over twice the national average in 2018, but was second to Manitoba when it came to the youth violent CSI. Despite having the highest overall youth CSI, that index had dropped by 55 per cent between 2008 and 2018. As a result, the number of incarcerated youth in Saskatchewan decreased by about two-thirds between 2001-2 and 2017-18.

Critical Thinking Questions

1. Why might Saskatchewan have higher rates of interpersonal violence than the rest of the nation?
2. Although rates of impaired driving and drug use may be very similar across the country, arrests and convictions may be higher in some provinces due to police priorities. How might this explain the differences in impaired driving conviction rates shown in Figure 3?
3. Discuss how all these crimes (impaired driving, drug use, break and enter, intimate partner violence, and homicide) are or aren't related to each other.

A STORM IS COMING: COVID-19 AND CANADA'S CRIMINAL JUSTICE SYSTEM

Three months into the pandemic—in mid-May 2020—the media isn't reporting significant national-level increases in the volume or seriousness of crime, but the types of crimes being committed are changing due to the number of people who are self-isolating, out-of-work, low on spending money, and suffering from stress and uncertainty. Some criminologists say that it is irresponsible to make predictions about the impact of a one-time crisis on crime as there are few prior examples and too many unknowns. We do predict, however, that the crime-related impacts of the pandemic will differ throughout the nation. Some cities and provinces may be more resistant to the ill-effects of the economic downturn while parts of the country that were already suffering—such as Alberta or Newfoundland and Labrador—may be doubly disadvantaged.

The number of people turning to alcohol and drugs, committing suicide, and engaging in crime often increases in tough economic times. Police officials are reporting that the number of residential break and enters have decreased while commercial break-ins increased, as have domestic violence incidents and street robberies (Fitzpatrick, 2020; Howell, 2020). Hate crimes directed toward East Asians are also said to have increased since the start of the pandemic (Hager, 2020).

We might not consider how some social and legal changes affect criminal activities. Wells (2020) reports that closing the borders reduced the supply of illicit drugs coming into the country and prices increased; causing some users to turn to more lethal drugs. People involved in the sex trade can no longer sell their services due to the fear of transmitting the virus. Workers in some long-term care facilities in eastern Canada allegedly abandoned their clients and some elderly people died alone in these places. Furthermore, because schools have closed, it may be harder to detect cases of child abuse because teachers are no longer reporting these crimes. Last, although there are fewer cars

on the road people are driving faster and the number of dangerous driving offences have increased in some provinces. We will not have a full accounting of the impact of COVID-19 pandemic until the 2020 police-reported crime statistics are released in the summer of 2021.

All three parts of the justice system are adapting to the pandemic, and the following briefly describes some initial impacts on the police, courts, and corrections:

Police: Luscombe and McClelland (2020) found that some police services have enforced social distance bylaws more aggressively than others, and many people receiving tickets for violating these bylaws are already socially marginalized. It is proving difficult for some police services to strike a balance between ensuring public safety—including the health risks for officers and the people who get stopped, searched, and/or arrested—and resisting the expansion of police powers. Anecdotal accounts suggest that some police services directed their officers to ignore low-level crimes given the risks of contracting the COVID-19 virus in the interactions between suspects and officers.

Courts: Most courts closed because of social distancing and virtual and/or video hearings became more commonly used. Bail hearings were prioritized, although judges were reluctant to detain accused persons in jail given the risks of contracting the virus. There was a growing backlog of cases that need to be heard sometime in the future and some predict that jury trials will not resume until 2021 (Powell, 2020). There is likely to be a backlog of family matters and civil cases that further tie up the courts given the number of lawsuits that will be launched due to broken contracts.

Corrections: The virus swept through correctional facilities and inmate deaths were reported throughout the country. In order to reduce the risks of spreading COVID-19, about one-quarter of provincial inmates in Ontario were released from custody; the other nine

provinces took a similar approach (and released about a similar proportion of inmates). The federal and provincial prisoners who remain in custody say that tensions in these facilities have increased as the people living behind bars feel powerless to avoid the virus, and family visits—which reduce tensions—have been cut to avoid importing the virus into these facilities. As a result, family members have expressed fear that their loved ones might die behind bars without their support.

We know that the criminal justice system will weather the unpredictable future, but question the long-term impacts of the pandemic. By the time you read this summary, some of the issues we raised will have been resolved, but the long-term impact of the COVID-19 virus on the economy and jobs will shape the types of crimes that are occurring, and the operations of the police, courts, and corrections for years to come. As governments respond to manage a greater demand for services, their operating budgets maybe cut because of the economic downturns. Prior research has shown that recessions often result in less funding for the police, courts, and corrections at the same time that crime increases and the people involved in the criminal justice system have a greater set of unmet needs.

RURAL CRIME

We tend to think of rural areas as having relatively low rates of crime and violence, but as noted in Chapter 2 of *Exploring Criminal Justice*, some rural places have higher levels of property and violent crime than any city. According to Statistics Canada (2019), one-third of Saskatchewan residents (about 365,000 people) live in the countryside. Rural Saskatchewan residents are at a higher risk of being the victims of a violent or property crime. Perreault (2019, p. 29) reports that the rate of violent crimes reported to the police in rural Saskatchewan was over twice as high as the urban crime rate (3,118 and 1,445 offences respectively). And while the urban violent crime rate dropped

by 28 per cent between 2009 and 2017, the rural crime rate decreased by only 6 per cent. The rural property crime rate was also 22 per cent higher than the urban property crime rate (7,179 and 5,735 offences respectively).

One factor that sets urban and rural people apart is that some rural residents are hesitant to report their victimization to the police as they don't want to be the topic of gossip. Writing about rural people, Smith and McElwee (2013, p. 116) noted that "many victims of crime suffer in silence feeling a pressure to conform, 'keep the peace' and avoid making accusations." In addition, rural residents tend to be more conservative and independent than their city counterparts and may be more likely to retaliate against someone who harmed them (Clairmont & Thomson, 2003). These conflicts can sometimes lead to feuds between individuals, families, and entire communities. At some point the police become involved in these conflicts, but this is often too late to prevent violence.

In 2016, a series of high-profile offences in Saskatchewan increased attention to the problem of rural crime. Mandryk (2016, para. 15) reports that "Stories abound throughout rural Saskatchewan of vandalism, break-ins, vehicle, farm machinery and gas thefts, and even occasional home-invasion robberies with violence." People in the countryside are expressing more fear of crime and a number of television reports on the CBC showed farmers using firearms to protect themselves. Taking protective measures—including everything from security cameras, to guard dogs, to carrying firearms—is a common response to fear of crime (Wilcox, May, & Roberts, 2006). Research finds that although some individuals may start carrying weapons in response to a fear of crime, this doesn't alleviate their fears (Hauser & Kleck, 2013). Much of that fear stems from the fact that the RCMP is stretched thin and there might only be one officer patrolling large districts. As a result, the response time for a violent offence might be a half-hour or longer if the weather or road conditions are poor. An RCMP spokesperson

said that "Our first priority will be responding to calls where people are in danger of being hurt or killed" (CBC, 2016). Unfortunately, the increase in crime on farms coupled with the slow response time may erode confidence in the police's ability to protect rural citizens. One might ask how thinly the RCMP are distributed throughout the province: the 1,091 RCMP officers employed in 2018 policed an area of 619,500 km² in Saskatchewan (see RCMP, 2012), which is more than twice as large as the entire United Kingdom (Britain and Northern Ireland have an area of 243,610 km²).

Ruddell and Jones (2020) carried out a survey of 1,791 residents from southeastern Saskatchewan in 2019 about their fear of crime, and the results are shown in Table 1. The rural results refer to the RCMP because all policing in rural Saskatchewan is carried out by them while urban policing was carried out primarily by municipal police services. The respondents generally felt that officers were approachable and easy to talk to, and they said officers treated people fairly. Rural respondents were, however, less positive about the ability of the RCMP to enforce the laws, ensure their safety, or promptly respond to calls. Those three items are all related and reflect the very small number of officers responsible for patrolling vast, but very sparsely populated rural areas (Ruddell, 2017).

In 2018, the Gerald Stanley trial (covered in Chapter 7 in the text), for the second-degree murder and manslaughter of Colten Boushie, a 22 year-old member of the Red Pheasant Cree First Nation, drew the attention of the nation. This trial highlighted the potential biases that shape the justice system and the fear of crime in rural Saskatchewan. Coverage of this trial highlighted concerns that the use of preemptory challenges (requests to exclude jurors without giving a specific reason) in the Canadian juror system may result in biased juries (Welch, 2019). In the Stanley trial, for instance, there were no Indigenous people on the jury. In an attempt to remedy this potential bias, Bill C-75 abolished preemptory challenges in Canada beginning on 19 September 2019 (Department of Justice, 2019).

TABLE 1 Comparison of Urban (n= 1,281) and Rural (n= 510) Saskatchewan Residents About the Police

Do you think that your police service does a good job, an average job, or poor job of:	Six Sites: (Urban = 4; Rural = 2)	Good Job: Percentage of Respondents Agreeing	Average: (Higher numbers = more satisfaction)
Enforcing the laws?	Urban	69.7	2.67
	Rural (RCMP)	61.4	2.55
Promptly responding to calls?	Urban	67.0	2.62
	Rural (RCMP)	41.3	2.18
Being approachable and easy to talk to?	Urban	79.0	2.75
	Rural (RCMP)	77.2	2.73
Ensuring the safety of citizens in your area?	Urban	66.8	2.63
	Rural (RCMP)	52.9	2.45
Treating people fairly?	Urban	65.5	2.60
	Rural (RCMP)	67.6	2.63
Cooperating with the public to address their concerns?	Urban	62.9	2.58
	Rural (RCMP)	58.8	2.52

Source: Ruddell and Jones (2020).

Although crimes of violence have received most of our attention so far, the impact of property crimes has also had a significant impact on rural residents. Many farmers, for example, have made so many insurance claims that they are no longer eligible for insurance coverage. During tough economic times rural property crime rates can increase as farms and ranches are often unattended and vulnerable to theft. Offences such as stealing livestock, harvested grain, or farm chemicals can be very profitable. It might, for example, only take a half-hour to load a dozen cows into a trailer—and those animals might have the same value as a modest new car. Kepke (2019, p. 5) reports that the Stock Grower's Association receives 30 to 40 complaints of livestock theft every year. No farm creature is immune from theft, and a review of media reports found that entire colonies of bees were being stolen throughout Canada, and in May 2019 a farmer in Zenon Park lost more than \$60,000 in bees (Giles, 2019).

Critical Thinking Questions

1. In May 2020 more than 5,000 bushels of organic wheat (worth \$68,000) was stolen from grain bins near McCord, Saskatchewan. Why is it likely that the thieves were rural residents?
2. Why would people travel from the city to commit crimes in rural Saskatchewan?
3. Why would rural residents be reluctant to report being victimized?

THE 2014–18 CRIME INCREASE

One of the key themes in Chapter 2 of *Exploring Criminal Justice in Canada* was that police-reported crime was at the lowest point in decades. Moreau (2019, p. 33) says that there were 11 years of decline between 2004 and 2014, but from 2014 to 2018 the CSI increased every year for the entire

nation. Most of the national-level increase was due to a greater number of cases of sexual assault (level 1), drug offences (and specifically methamphetamine, ecstasy, heroin, and opioids such as fentanyl), shoplifting and fraud. But there are also substantial differences within the provinces. As noted above the CSI in Saskatchewan has dropped by 9 per cent between 2008 and 2018, and the violent CSI dropped 1 per cent between 2017 and 2018 (Moreau, 2019). That decrease is less than the national average, which was 17 per cent. Table 2 shows that each province and territory experiences some annual change and the specific

violations driving the one-year changes in provincial CSI. Most criminologists would agree that we shouldn't be too alarmed by a one-year increase or decrease in the overall crime rate as there are often yearly fluctuations. The four-year increase for the entire nation, however, is surprising and we wonder whether this trend will continue?

Gun Crimes in Regina and Saskatoon

Between 2013 and 2017 firearms-related crimes increased throughout the nation, but dropped 8 per cent in 2018 (Moreau, 2019). Despite that

TABLE 2 Changing Crime Severity Index (CSI) in Canada, 2017-18

	% Change	Violations Driving the Change in CSI
Canada	+2	Increase in fraud, sexual assault (level 1), shoplifting and theft over \$5,000 (Decrease in B&E and robbery)
Newfoundland and Labrador	+4	Increase in weapons violations and fraud (Decrease in B&E)
Prince Edward Island	+17	Increase in B&E, sexual assault (level 1), and theft of \$5,000 or under.
Nova Scotia	-2	Decrease in homicide, child pornography, and B&E (Increase in sexual assault – level 1, and fraud)
New Brunswick	+4	Fraud (Decrease in B&E)
Quebec	-2	Decrease in B&E
Ontario	+6	Increase in fraud, B&E, homicide and sexual assault (level 1)
Manitoba	+6	Increase in robbery, fraud, shoplifting of \$5,000 and under, and B&E
Saskatchewan	-3	Decrease in administration of justice statistics and sexual violations against children (Increase in fraud and B&E)
Alberta	0	Increase in fraud (Decrease in homicide)
British Columbia	0	Increase in fraud, theft over \$5,000 and sexual assault (level 1) (Decrease in homicide)
Yukon	-7	Decrease in homicide (Increase in assault (level 2) and mischief)
Northwest Territories	+5	Increase in homicide, mischief, administration of justice violations and fraud (Decrease in cocaine related offences and sexual assault (levels 1 and 2))
Nunavut	+6	Increase in mischief, homicide, attempted murder, administration of justice violations and aggravated sexual assault (level 3) (Decrease in B&E).

Source: Adapted from Moreau (2019).

decrease, Saskatchewan leads the nation in firearms-related crimes (those offences include: discharging a firearm with intent, using a firearm in the commission of an offence, and pointing a firearm). Figure 8 reveals that the number of these offences almost doubled in Saskatoon and more than tripled in Regina between 2010 and 2018. Figure 9 shows the firearms-related crime rates for the entire nation, and the rate in Saskatchewan is over three times the national average in 2018. While the reason for the increased number of gun-related crimes in Saskatchewan's largest cities has not been proven, Regina's police chief contends that these crimes are often tied to gang activities and may be related to the sale and distribution of methamphetamine, opioids, and other drugs (Salloum, 2019). Although the cities of Regina and Saskatoon are of similar size, in 2019 Regina had nine murders and Saskatoon had 16 murders—which was the highest number in history for that city (the previous high for Saskatoon was 13 homicides in 2000). Zakreski (2019, para. 15) quotes Saskatoon's police chief as saying that "Suspects are now commonly armed with guns. Meth continues to contribute to property and personal crime, and fundamental issues of poverty and homelessness remain in place."

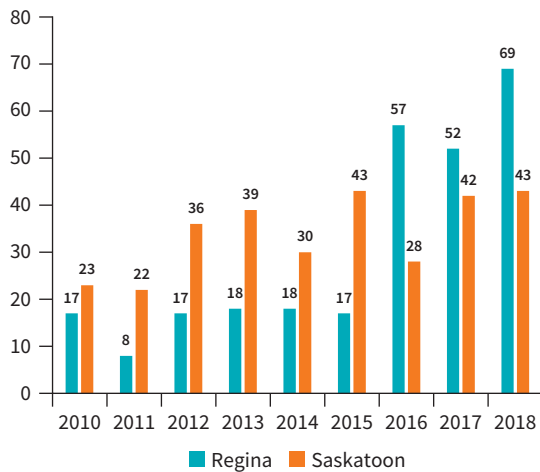


FIGURE 8 Number of Firearm Crimes, Regina and Saskatoon, 2010 to 2018

Source: Adapted from Statistics Canada (2020a), Table 35-10-01777-01.

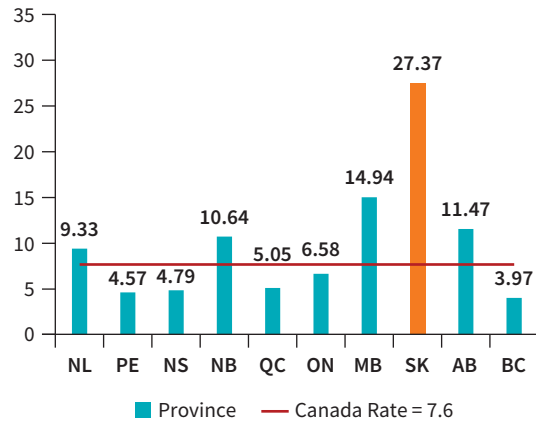


FIGURE 9 Firearms Offences, Canada and the Provinces, 2018.

Source: Adapted from Statistics Canada (2020a), Table 35-10-01777-01.

BUILDING PARTNERSHIPS TO REDUCE CRIME

One of the main points in *Exploring Criminal Justice* is that crime is a complex social problem that defies simple solutions (e.g., “Lock up all the criminals and throw away the key!”). Simple solutions haven’t worked in the past, as complex problems require long-term solutions that often involve making changes to economic and social relationships. Christmas (2013, p. 245), a Winnipeg police officer, observes that “society will not make true headway in addressing complex problems until we work together as a cohesive community, pooling and focusing our resources and overcoming the barriers that prevent us from working toward ensuring social justice.” Steps taken in Prince Albert to overcome these barriers are an example of building partnerships using an approach called community mobilization.

Discouraged by crime that was increasing every year, Prince Albert’s former police chief, Dale McFee—who is now the chief of the Edmonton Police Service—observed that “we can’t arrest our way out of problems” and that a new approach to crime reduction was needed. The crime prevention strategy that the Prince Albert Police Service (PAPS) developed was to work with other community agencies to identify and respond to the unmet needs of people who were headed for

trouble (“at-risk” individuals) and families. This risk might be a result of a person’s relationships (e.g., an adult involved in an abusive relationship or youth associating with gang members) or their behaviours, such as substance abuse that leads to being hospitalized after a night of drinking. It was thought that if these types of problems were addressed at an early stage, then some people wouldn’t commit crimes and enter the justice system. In addition, persons who have contacts with the police could be prevented from going further into the justice system.

The Prince Albert community mobilization model was based on a violence reduction strategy introduced in Glasgow, Scotland (McClusky, 2014). The Scottish approach confronted crime in neighbourhoods with high rates of unemployment, substance abuse, school failure, and community members with criminal records. Prince Albert had similar social problems, and the police were further challenged because the city is a “gateway” to many northern Saskatchewan communities. The location of the city poses some distinct challenges for the police as about 40 per cent of Prince Albert arrestees are visitors, and that proportion is several times higher than most Canadian cities (McFee & Taylor, 2014).

Traditionally, the justice system is reactive as it responds to crimes that have already occurred. The community mobilization approach, by contrast, brings together workers from over a dozen agencies, including education, health, housing, social service, and advocacy organizations. Persons identified as at-risk are referred to the program (which is called the HUB, named after a wheel with all spokes meeting at the centre or HUB) and asked whether they want help. The police and their community partners meet weekly and work together to develop solutions to the problems these individuals and families are facing. A limited number of cases—perhaps only two or three per meeting—are addressed. The small number of cases tackled each week allows the HUB partners to focus their attention and resources to help them. These interventions are intensive and

short term: most cases were closed within two weeks and involved less than four agencies.

Although community mobilization has been around for about a decade initial evaluations show that it is a promising crime reduction approach (Nilson, 2015). Taylor (2016) identified the following positive outcomes of the HUB:

- increased access to services
- quicker access to services
- better understandings of client needs
- improved communication among agencies
- reduced barriers to support from human service agencies
- identified gaps in the human service delivery system
- increased efficiencies in human service delivery
- improved client–service provider relations

Because crime and other social problems in Prince Albert have stabilized, this approach has been adopted in over 115 jurisdictions throughout Canada (Corley & Teare, 2019). More research is needed, however, before this approach can be labelled a success. Lozinski (2019) explains that the province is undertaking a 30-month evaluation of the HUB model in the 15 Saskatchewan communities where it is being used.

Critical Thinking Questions

1. Why would Glasgow, Scotland, and Prince Albert, Saskatchewan, have very similar crime and community problems despite their urban/rural differences and population characteristics (e.g., a high proportion of Indigenous persons in Prince Albert, while the Glasgow population is almost all-White)?
2. What are some challenges of introducing an approach such as the HUB without first establishing its effectiveness?
3. Can you think of any potential problems when the police are coordinating community responses to non-crime problems?

SASKATCHEWAN'S JUSTICE SYSTEM AT A GLANCE

The Police in Saskatchewan

The previous pages highlighted how Saskatchewan's crime rates lead the nation. Altogether, officers from 11 municipalities, the RCMP, and the File Hills Police Service (a First Nations police service) respond to crime within the province. In 2019, the municipal agencies ranged in size from a single officer (Caronport, Vanscoy, and Milton) to 403 officers (Regina) and 471 officers (Saskatoon), and they are shown in Table 3. The headquarters for the RCMP's "F" (Saskatchewan) division is in Regina, and their officers are based in 96 detachments throughout the province. RCMP officers are responsible for municipal policing in mid-sized cities such as Swift Current and Yorkton, and they also police hundreds of small towns and municipalities, carry out rural policing, conduct traffic enforcement on the highways, and police all but one of the First Nations in Saskatchewan.

Several Saskatchewan police agencies serve specific populations or have distinctive roles. There is, for example, one self-administered

Indigenous police service, which means that a First Nation (or group of First Nations) provides the oversight for this agency—just like a municipal government—although the operations of the agency are entirely funded by the federal and provincial governments. There are 38 of these police services in Canada and the File Hills First Nation Police Service, which was established in 2002, is the only such agency in Saskatchewan. The agency serves five First Nations communities in the Fort Qu'Appelle area northeast of Regina: the Okanese, Peepeekisis, Carry the Kettle, Star Blanket, and Little Black Bear First Nations.

Table 4 presents the police strength and the 2018 CSI and violent CSI (see Conor et al., 2019; Moreau, 2019) for the provinces and territories. Although the number of police officers per 1,000 residents is similar across the nation, there is a lot more variation in crimes that are reported to the police. Saskatchewan is in a five-way tie with the provinces of Nova Scotia, Quebec, Manitoba and British Columbia for the highest provincial per capita number police strength (1.9), yet it has the highest CSI and second highest violent CSI among the provinces. This suggests that officers in Saskatchewan regularly respond to more criminal offences than the officers in other provinces, but fewer than their counterparts in Canadian territories. Phrased another way, Saskatchewan has as many officers per capita as Quebec, but twice the total CSI.

Police Training in Saskatchewan

All municipal police officers in Saskatchewan receive their training at the Saskatchewan Police College (SPC), which is located on the University of Regina campus. Only individuals who have been hired by a municipal police service can participate in this training. According to the Saskatchewan Police Commission (2019), recruits attend 695 hours of instruction (discussed in Chapter 5 of *Exploring Criminal Justice*). There are about 20 cadets in any given class, and all recruits, except those with the Regina Police Service, are required to live on-campus. After completing the classroom instruction, police officers participate in "on

TABLE 3 Saskatchewan Police Services

Police Service	Number of Officers/ Positions
Saskatoon	471
Regina	403
Prince Albert	95
Moose Jaw	56
Estevan	26
Weyburn	20
Caronport, Corman Park, Dalmeny, Luseland, Vanscoy, and Wilton	14
File Hills First Nation	9
Total Municipal Officers	1,094
RCMP Officers	1,091
Total	2,185

Source: Conor, Robson, and Marcellus (2019); Saskatchewan Police Commission (2019).

TABLE 4 Police Officers and Crime Severity Index (CSI) in Canada, 2018

	Police Officers per 1,000 Residents (2018)	Total CSI (2018)	Violent CSI (2018)
Newfoundland and Labrador	1.7	65.9	70.2
Prince Edward Island	1.4	53.7	48.1
Nova Scotia	1.9	65.2	78.2
New Brunswick	1.6	71.8	76.1
Quebec	1.9	56.6	71.8
Ontario	1.8	60.0	73.4
Manitoba	1.9	125.8	169.8
Saskatchewan	1.9	139.2	138.1
Alberta	1.7	112.1	97.1
British Columbia	1.9	87.7	73.4
Yukon	3.3	170.3	208.7
Northwest Territories	4.2	324.4	421.6
Nunavut	3.5	319.9	550.5

Sources: Adapted from Conor, Robson, and Marcellus (2019); Moreau (2019).

the job” training where new officers are mentored by field training officers for six months or longer before they can respond to calls on their own.

All RCMP officers in Canada are trained at the academy in Regina, which was established in 1885 and is called the “Depot” Division. Once recruits graduate from the academy, they are required to complete a six-month Field Coaching Program, where they receive on-the-job training from experienced field training officers, who are called field coaches. Table 5 summarizes the specific training areas.

Saskatchewan’s Courts

Adult and youth criminal matters in Saskatchewan are heard in 13 permanent Provincial Courts, which sit every weekday, and in 74 rural courts (called circuit points), which sit only a few days each month. For example, court in Blaine Lake is held in the town’s Curling Club on the first Thursday of each month. While these makeshift courts lack proper security and privacy for lawyers to meet with their clients, they give rural residents better access to the courts, and this reduces the number of “failure to appear in court” offences.

TABLE 5 RCMP Recruit Training

Topic	Hours
Applied police sciences	432
Firearms	104
Police defensive techniques	94
Police driving	67
Operational conditioning	45
Drill and department	37
Other	41
Total	820

Source: Adapted from RCMP (2019).

In addition to criminal matters, these courts hear some family law cases outside Regina, Saskatoon, and Prince Albert, and civil cases as well as matters related to traffic and bylaw enforcement.

The Court of Queen’s Bench, by contrast, hears most serious criminal and family law cases, civil cases greater than \$30,000, all jury trials, as well as *Charter* and constitutional challenges (Saskatchewan Law Courts, 2012). The Court of Appeal for Saskatchewan is the highest level of court in the province and hears appeals from Provincial and

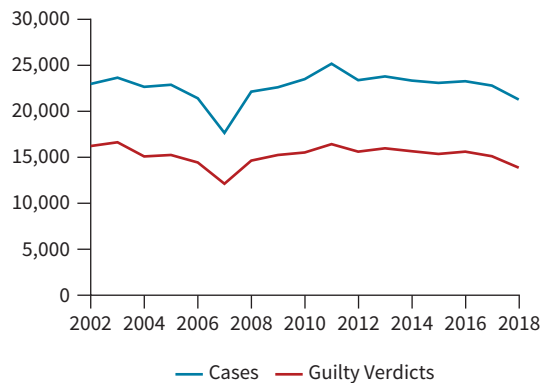


FIGURE 10 Adult Criminal Court Cases, Saskatchewan, 2001-2 to 2017-18

Source: Adapted from Statistics Canada (2020c) Table 35-10-0027-01.

Queen's Bench Courts (and some administrative boards). Although based in Regina, the Court of Appeal sits in Saskatoon six weeks per year.

Figure 10 shows that the number of adult criminal cases heard by Saskatchewan courts has been relatively stable between 2001-2 and 2017-18. In 2017-18 Saskatchewan courts heard 21,271 cases (that total excludes traffic and youth court cases). Of those cases, 65 per cent of them resulted in guilty verdicts and the remainder were either stayed or withdrawn by the prosecutors. Withdrawing a high number of cases might happen if the police overcharge suspects, where multiple charges are laid for one incident, and then some of those charges are later withdrawn by prosecutors. If overcharging is occurring, it shows how decisions in one part of the justice system (the police) can have an impact on the other components: the courts and corrections.

In Saskatchewan, the average case processing time—the number of days from an accused person's first appearance until the case is resolved in court—was 84 days in 2017-18, which was down from 98 days in 2009-10, and much less than the national

average of 136 days in 2017-18. When it comes to case processing time only 2.7 per cent of cases were in jeopardy of exceeding the *R. v. Jordan* limits that the Supreme Court established (Statistics Canada, 2020). These longer case processing times also have an impact on other elements of the justice system. If an inmate is remanded in custody for an additional month (e.g., from 120 to 150 days), for example, it will contribute to correctional crowding.

Specialized Courts

Specialized courts—called Therapeutic courts in Saskatchewan—have been introduced throughout the province to better manage specific offences or offenders. As highlighted in Chapter 7 of *Exploring Criminal Justice*, members of the courtroom work group develop specialized knowledge and expertise about these offenders and develop strategies that are more effective in reducing recidivism. As a result, the activities of these specialized courts generally involve partnering with community organizations, which includes accessing additional resources from community agencies for these offenders. There are domestic violence courts in North Battleford, Regina, and Saskatoon, drug treatment courts in Moose Jaw and Regina, and mental health courts in Regina and Saskatoon. Traditionally, the Regina and Saskatoon mental health courts addressed issues of mental health, such as psychiatric disorders, but more recently have expanded their services so they can respond to individuals with Fetal Alcohol Spectrum Disorder (FASD), and people with brain damage.

Court Security

Court security is an important, but often overlooked, aspect of the justice system. In Saskatchewan, deputy sheriffs provide court security within

TABLE 6 Saskatchewan Courts

Type	Number	Judges*
Provincial	13 Permanent 74 Circuit	Chief Judge and 48 Judges
Queen's Bench	12 Judicial Centres	Chief Justice and 31 Justices
Saskatchewan Court of Appeal	1 (Regina)	Chief Justice and 7 Justices

* There are also supernumerary or semi-retired judges who act in a temporary capacity in the Provincial, Queen's Bench and the Saskatchewan Court of Appeal.

the larger Provincial and Court of Queen's Bench courts. Sheriffs are also responsible for transporting accused persons and prisoners from places of detention, such as police cells or provincial correctional centres, to and from courts and provincial or federal correctional centres if they are incarcerated. Prior to the 2000s many of these roles were carried out by sworn police officers, but as sheriffs are not trained investigators, their salaries are less than sworn officers, which reduces court costs. In Saskatchewan these officials wear uniforms and carry sidearms. In addition to the sheriffs, the province is now deploying unarmed security guards to provide courtroom security (CTV News, 2020).

Provincial Corrections

Saskatchewan has 13 provincial facilities for adults, ranging in size from large institutions that provide medium and maximum security units (Prince Albert, Regina, and Saskatoon; and the Saskatchewan Hospital, North Battleford) to smaller and less secure operations that hold inmates sentenced to relatively short terms of incarceration (no provincial inmate serves more than two years, and the average provincial sentence in Canada is about one month). The Pine Grove Correctional Centre in Prince Albert houses women remanded or sentenced to custody, while the White Birch Remand Centre in Regina only holds remanded women. Generally, facilities that hold remanded inmates have higher levels of security to ensure that these individuals appear for their court dates. A number of smaller facilities—that might house only several dozen inmates in low-security settings—are located in Besnard Lake, North Battleford, Prince Albert, Regina, and Saskatoon. In some cases, these community-based operations are used to transition inmates from correctional centres to the community, as well as offering beds for individuals serving short terms of incarceration.

Since 2010, adult facilities in Saskatchewan have become increasingly crowded and inmates have been held in less than ideal conditions, such as double-bunking (when two inmates share

a cell designed for one person), and gyms and classrooms have been converted into living areas (Demers, 2014). Overcrowding presents increased risks for both inmates and correctional officers. Kerr (2019) reports that the Pine Grove Correctional Centre—a facility for women—had housed up to 220 inmates in a facility designed for 188 persons, and that some of these women were sleeping in the gym. Union officials blame overcrowding and under-staffing for increasing levels of violence in the provincial correctional centres (CKOM, 2019).

Figure 11 shows that the average daily number of provincial inmates increased from 1,142 in 2001–2 to 1,861 in 2017–18; that total includes remanded and sentenced adults. According to the Malakieh (2019) that total translates into a rate of 207 inmates for every 100,000 Saskatchewan residents, which is the second highest use of provincial incarceration (Manitoba has a rate of 231 inmates per 100,000 residents). While the number of sentenced inmates has remained quite stable over that 17-year period, the number of remanded inmates has nearly tripled. James (2020) reports that Saskatchewan's correctional population decreased by more than a quarter (535 inmates) between March and April 2020 as the province released low-risk inmates to the community to prevent them from contracting the COVID-19 virus. Although not shown in the figure, the number of adults on probation has also increased, from 5,068

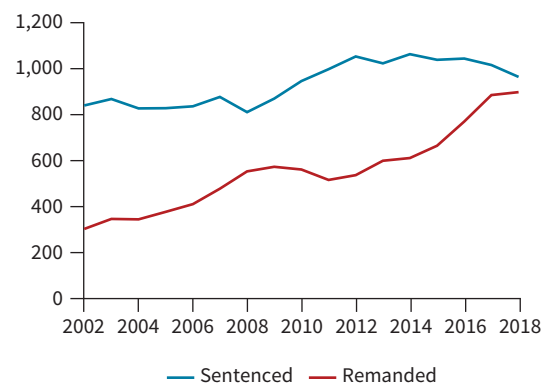


FIGURE 11 Adult Custody Counts, Saskatchewan, 2001–2 to 2017–18

Source: Adapted from Statistics Canada (2020e) Table 35-10-0154-01.

TABLE 7 Incarceration Costs, Saskatchewan and Canada, 2018

	Daily Cost	Annual Cost
Cost to House an Inmate in a Provincial Facility in Saskatchewan	\$176	\$64,240
Cost to House an Inmate in a Provincial Facility (Average: All Provinces)	\$233	\$85,045
Cost to House an Inmate in a Correctional Service of Canada Prison	\$330	\$120,450

Source: Adapted from Malakieh (2019).

in 2000–1 to 5,975 in 2017–18; and that works out to 558 probationers for every 100,000 residents, which was almost double the national rate of 301 probationers for every 100,000 residents.

Table 7 shows that incarcerating people is a costly undertaking. Malakieh (2019) reports that the average daily cost to house an inmate in Saskatchewan was \$176, which was less than the national average of \$233. These costs, however, are much less than housing a federal inmate—which cost \$330 in 2017–18 (Malakieh, 2019, p. 17). Said another way, it costs almost twice as much to house an individual in a federal prison than in a Saskatchewan provincial facility. While the public often believes that incarceration is a good investment in public safety, it costs more to house a person in a federal correctional facility than sending them to Harvard University (tuition, room, and board costs \$101,866 CDN in 2020–1; see Harvard, 2020).

Federal Corrections

Federal prisoners are serving terms of imprisonment two years and longer; and about one-quarter are “lifers” who will be under correctional supervision for the rest of their lives. There are four federal facilities in Saskatchewan, including the Saskatchewan Penitentiary, which opened near Prince Albert in 1911 and currently holds medium and maximum security male prisoners. Adjacent to the Penitentiary is the Riverbend Institution, a minimum security facility that houses offenders who are in the process of returning to the community. The Regional Psychiatric Centre is located near the University of Saskatchewan and is a high-security

facility that provides psychiatric services to male and female offenders. In recognition of the high proportion of Indigenous people who are incarcerated in Saskatchewan, the Correctional Service of Canada operates two smaller minimum security facilities—the Okimaw Ohci Healing Lodge in Maple Creek (for female offenders) and the Willow Cree Healing Centre in Duck Lake (for male offenders)—that provide culturally relevant programs and services to these people. In addition to the penitentiaries, the Oskana Community Correctional Centre in Regina houses up to 42 federal offenders who are returning to the community on day parole or conditional release, which is a type of early release (see Chapter 10 of *Exploring Criminal Justice*).

Youth Corrections

Youth aged 12 to 18 years who have been remanded or sentenced to custody can be placed in two types of facilities operated by the provincial government. Open custody youth are held in less restrictive conditions and they have greater access to community activities, such as attending a community school or working. Youth sentenced

TABLE 8 Federal Correctional Institutions in Saskatchewan

Facility	Bed Capacity
Okimaw Ohci Healing Lodge	60
Regional Psychiatric Centre	204
Saskatchewan Penitentiary	835
Willow Cree Healing Centre	80

Source: Correctional Service of Canada (2017).

to secure custody, by contrast, have generally been found guilty of committing more serious offences, or they have histories of escapes from custody that make them less suited for a community-based program. As a result, most of the rehabilitative and educational programs for these youth are delivered within the facility. Youth who have been remanded or sentenced to custody are placed in facilities operated by the provincial government, such as Saskatoon's Kilburn Hall Youth Centre and the Paul Dojack Youth Centre in Regina. There are also several open custody facilities, including Drumming Hill Youth Centre in North Battleford and the Prince Albert Youth Residence, and some beds at Kilburn Hall are designated open custody.

Youth sentenced to open custody can also serve their sentences in community homes, which are conventional homes run by families, or in specialized group home placements, such as those offered by the Ranch Ehrlo Society. The Ranch, a non-profit organization, operates a campus in Pilot Butte (outside Regina) as well as some Regina-based housing options. While the number of adult inmates has been increasing since 2010, several youth custody facilities have closed due to a declining number of admissions. Figure 12 shows that the average number of Saskatchewan youth in custody dropped by nearly two-thirds between 2000–1 and 2017–18 (from 335 to 133 youth per day). These incarcerated youth were almost evenly split between those sentenced to secure custody (n=44), open custody (n=43) and remanded to custody (n=47). This figure shows that the decrease in the number of youth in secure custody had the greatest drop.

The total number of youths under community supervision also decreased during that same period, from 1,804 to 1,007. Webster, Sprott and Doob (2019) say that the drop in youth correctional populations was the result of:

- (a) restraint in the use of imprisonment; which has been a core value for Canadians since the early 1900s

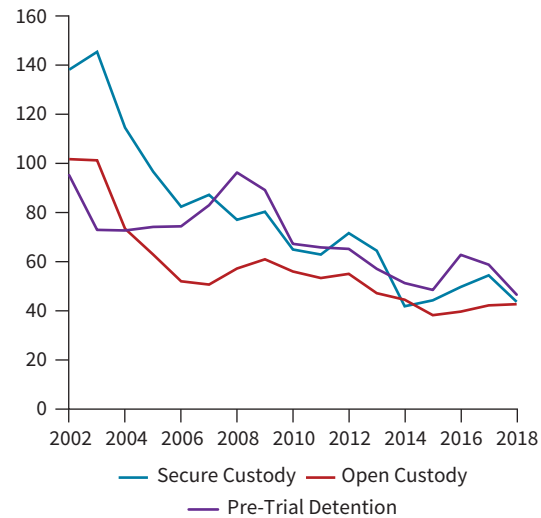


FIGURE 12 Youth Custody: Average Daily Count, Saskatchewan, 2000–1 to 2017–18

Source: Adapted from Statistics Canada (2020f) Table 35-10-0003-01.

- (b) political willingness to reject high youth imprisonment policies
- (c) the introduction of the *Youth Criminal Justice Act* in 2003, which made it law to reduce the use of custody

Altogether, after the introduction of the *Youth Criminal Justice Act*, the provinces took steps to hold youth accountable in the least restrictive environment and youth were supervised in the community rather than incarcerating them.

Critical Thinking Questions

1. What are the advantages and disadvantages of having a national police service, such as the RCMP, provide policing to small Saskatchewan towns and cities?
2. What are some disadvantages to having only two facilities in the entire province for all the women remanded or sentenced to provincial custody?
3. What are some of the advantages of providing culturally relevant correctional programs for Indigenous inmates in Saskatchewan?

RECIDIVISM IN SASKATCHEWAN

Brennan and Matarazzo (2016) carried out a study for the Canadian Centre for Justice Statistics that sheds light on recidivism in Saskatchewan. A key question they asked was whether a small number of offenders were responsible for a large volume of crime. To answer that question the researchers found that 37,054 individuals in 2009–10 were charged with an offence in Saskatchewan. Brennan and Matarazzo then collected information about that group for the next three years to see if they were charged with any further crimes or were otherwise involved in Saskatchewan’s courts or correctional systems. Most of this group were adults (79 per cent), male (71 per cent) and who had been charged with a non-violent offence (74 per cent). Youth in this group were more likely to be involved in a property offence than their older counterparts.

Figure 13 shows the number of re-contacts with the justice system members of this group had over the next three years. Over one-third (37 per cent) had no further contact with the justice system. The remaining individuals were responsible for over 143,000 incidents. Brennan and Matarazzo (2016, p. 6) find that 21 per cent of this group were responsible for over half (57 per cent) of these incidents, and they observe that “identifying and understanding this small, high-rate and



FIGURE 13 Three-year re-contact with Saskatchewan’s Justice System of 37,054 individuals charged with an offence in 2009-10.

Source: Brennan and Matarazzo (2016).

subgroup of individuals who account for a disproportionate amount of repeated contacts with the overall justice system may be beneficial to both fiscal and crime control strategies.” In other words, one-fifth of the initial group of 37,054 people was responsible for about 82,000 of 143,000 incidents. We know that only a small group of persons who become involved in the justice system go on to have criminal careers; the problem is that it is difficult to determine who these people are, and how we can reduce their risks of committing further crimes.

REPORT CARD ON SASKATCHEWAN’S CRIMINAL JUSTICE SYSTEM

Perrin and Audas (2018) graded provinces and territories on their performance on public safety, support for victims, cost and resources, fairness, and efficiency; and the marks for each province are shown in Figure 14. Six provinces earned a B, British Columbia and Saskatchewan earned a C+, and Manitoba earned a C grade. With respect to the territories, while Nunavut has a grade of C+, the Northwest Territories and Yukon were given a

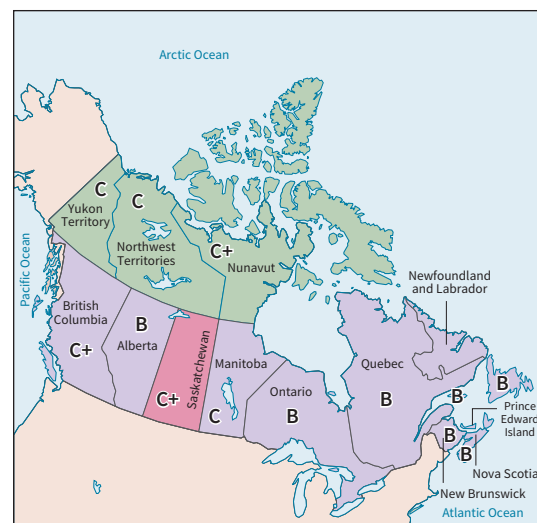


FIGURE 14 Report Card for the Provinces and Territories

Source: Adapted from Perrin and Audas (2018).

C grade. The individual report card for Saskatchewan is shown in Table 9. Perrin and Audas (2018, p. 33) gives Saskatchewan high marks for high clearance rates for non-violent crimes (crimes that are solved), low costs of corrections, and higher than average confidence in the police. Those researchers were critical that Saskatchewan had among the highest rates of violent and property crime, high rates of failure to comply with court orders, and a very high involvement of Indigenous peoples in the justice system.

WRONGFUL CONVICTION: THE DAVID MILGAARD CASE

When somebody is convicted and punished for an offence they didn't commit, it shakes the public's faith in the entire justice system. Wrongful convictions date back thousands of years, and as noted in Chapter 1 of *Exploring Criminal Justice*, since 1993 at least 23 Canadians have been exonerated and released from prison due to wrongful convictions through the efforts of Innocence

TABLE 9 Report Card on Saskatchewan's Justice System

Objective of Justice System	Indicators	Saskatchewan Overall Grade
Public Safety	<ul style="list-style-type: none"> The fundamental purpose of the justice system is to protect society by holding offenders accountable, but also by providing supports to rehabilitate offenders. Measured by (a) crime and clearance rates; (b) public perceptions about police enforcing the law, ensuring safety, and satisfaction with safety. 	C
Support for Victims	<ul style="list-style-type: none"> Victims have rights related to information, protection, participation, and restitution. Measured by (a) proportion of offenders given restitution orders; (b) referrals to victim's services; and (c) public perceptions about police supplying information and being approachable. 	B
Cost and Resources	<ul style="list-style-type: none"> The justice system should be run in a cost-effective manner while meeting its core objectives. Measured by (a) per capita cost of public safety; (b) per capita cost of corrections, (c) average daily inmate cost; and (d) number of police per capita. 	C
Fairness and Access to Justice	<ul style="list-style-type: none"> The justice system must guarantee the constitutional rights of accused persons and provide them with fair and impartial trials, as guaranteed by the <i>Charter</i>. Measured by (a) legal aid expenditures per crime; (b) percentage of trials with a guilty outcome; (c) proportion of Indigenous persons in custody versus their prevalence in the population; and (d) public perceptions about the police being fair. 	C+
Efficiency	<ul style="list-style-type: none"> A well-functioning criminal justice system should ensure prompt and thorough investigations and timely prosecutions and trials. Measured by (a) Criminal Code incidents per police officer; (b) accused on remand per 1,000 crimes; (c) average criminal case processing time; (d) percentage of cases stayed or withdrawn; and (e) public perceptions about the police responding promptly. 	B

Source: Adapted from Perrin and Audas (2018, p. 9).

Canada (2020), and other persons who were exonerated did not receive help from that organization. Ninety other prisoners have asked for help from Innocence Canada and nine of them are from Saskatchewan (Innocence Canada, 2020).

The most controversial wrongful conviction in Saskatchewan was that of David Milgaard, who was convicted in the 1969 murder of Gail Miller, a 20-year-old nursing student who was sexually assaulted and killed while walking to her job at a Saskatoon hospital. Although Saskatoon police pursued over 100 leads, they could not identify any suspects. This changed when one of Milgaard's acquaintances told investigators that he believed Milgaard was acting strangely on the morning after the murder. Milgaard, who was 16 years old at the time of the offence, denied any involvement in this crime.

Despite his protests of innocence, Milgaard was arrested about four months after the murder and was convicted of the crime eight months later. Although launching a number of unsuccessful appeals of his conviction, he spent the next 23 years in prison. While in prison Milgaard reports having been physically and sexually assaulted and was shot by the police following a 1980 escape (Harland-Logan, 2015). Throughout his decades of imprisonment, Milgaard maintained his innocence and his mother Joyce—who died in 2020—carried out an investigation of the murder, advocating on his behalf with justice system officials and the media in what Green (2020) calls an unrelenting campaign.

By the mid-1980s there was growing concern that Larry Fisher, a convicted sexual offender who lived near the murder site, was responsible for the offence. It took until 1992 before the case was reviewed by the Supreme Court of Canada and a new trial ordered. In April 1992, Saskatchewan prosecutors decided that a new trial was not necessary; Milgaard was released from prison and a stay of proceedings was entered, but the matter was not dropped. Over the next few years an investigation was carried out by the RCMP to determine whether there was any wrongdoing or obstruction of justice on the part of the police or prosecutors involved in this case. In July 1997 DNA testing

was carried out on biological materials found at the crime scene and the DNA was a match with Larry Fisher. It is important to note that DNA was not used in investigations until the mid-1980s and it took almost a decade before DNA evidence was widely accepted by the courts.

In July 1997 the Saskatchewan Minister of Justice issued an apology to Milgaard and his family, and the Minister called for a public inquiry into the matter. In 1999 Milgaard was paid \$10 million in compensation for his wrongful conviction and punishment. In the same year Larry Fisher was convicted of the murder of Gail Miller. A public inquiry into the wrongful conviction was conducted and the results published in 2006. The Commission of Inquiry, headed by Justice Edward MacCallum (2006, p. 410), found that the “criminal justice system failed David Milgaard because his wrongful conviction was not detected and remedied as early as it should have been.”

Speaking to the University Of Saskatchewan College Of Law in 2015, David Milgaard told the crowd that “I spent almost 23 years of my life inside of Canada’s worst prisons [and] it was a nightmare.” He observed that “Our punitive justice model fails our community and creates more criminality and fails our victims” (Canadian Broadcasting Corporation, 2015a). Larry Fisher died in a Correctional Service of Canada prison in British Columbia in June 2015. The *Commission of Inquiry into the wrongful conviction of David Milgaard: Final report* (MacCallum, 2008) provides thousands of pages of information about the case, including court transcripts and summaries of the various investigations. This report can be accessed at http://www.qp.gov.sk.ca/Publications_Centre/Justice/Milgaard/Milgaard.pdf.

Critical Thinking Questions

1. Milgaard was awarded \$10 million in compensation for his wrongful conviction and subsequent punishment. Was that a fair amount of compensation?

2. The Commission of Inquiry did not find any evidence of wrongdoing on the part of any individual involved in Milgaard's investigation or prosecution, and nobody was held accountable for the wrongful conviction. The inquiry did find, however, that mistakes were made. How do we hold the persons who make such mistakes accountable?
3. How do cases of wrongful conviction influence our perceptions of the police, courts, and corrections?

MISCARRIAGES OF JUSTICE: STARLIGHT TOURS

There is a long history of police officers using unauthorized sanctions to punish wrongdoers. Decades ago, for example, instead of arresting a suspect or writing a citation for an infraction of a traffic regulation or municipal bylaw, it was widely known that officers might administer some "street justice." Although definitions of street justice differ, it is an unofficial and unauthorized punishment perpetrated by the police. Often these incidents were retaliation for disrespectful behaviour, such as swearing at the officer, or for being confrontational or uncooperative.

When it comes to street justice, punishments have only been limited by the imagination of the officers. In a 2010 Oklahoma case, for instance, officers told a motorist that he had to do push-ups or receive a traffic ticket (Wade, 2012). Most forms of street justice carried out in the past were acts of violence, and while those acts are less likely to happen today, they still occur. The CBC (2015b) reports that a Toronto police officer punched a 38-year-old man who was stopped by the police while walking down the street and asked his consent to a search. The man was described as acting "hostile" towards the officers, who believed he had a knife. The man was later awarded \$27,000 for damages, and Fine (2015) reports that the judge in this case said that "Administering street justice is the opposite of a society based on laws." Although many of us would rather do a few push-ups than

receive a costly traffic ticket, the problem with street justice is that it makes the police officer the "judge, jury, and executioner" and the individuals being punished have not been proven guilty nor do they have any due process protections. As a result, these acts violate the *Canadian Charter of Rights and Freedoms* as well as police service policies.

One deadly form of street justice was the practice of "starlight tours", which occurred when individuals were picked up by the police and then dropped off in empty fields surrounding a city and forced to walk home. Amnesty International (2001) observed that:

There were allegations of patterns of police abuse against First Nation (Aboriginal) men in Saskatoon, Saskatchewan. There were reports that members of Saskatoon Police Service (SPS) had for a number of years had an unofficial policy of abandoning intoxicated or "troublesome" members of the indigenous community away from the population centre of Saskatoon, thereby placing them at great risk of dying of hypothermia during the winter months.

Starlight tours dated back several decades and a Saskatoon officer had been disciplined for dropping an Indigenous woman outside the city in 1976. The practice came to international attention after two Indigenous men—Rodney Naistus and Lawrence Wegner—were found frozen to death on the outskirts of Saskatoon in 2000. Further investigations revealed that other young Indigenous men had been found frozen, including 17-year-old Neil Stonechild, who froze to death in a field on the edge of the city in 1990 (Brown, 2003). It is also alleged that Lloyd Dustyhorn and D'Arcy Dean Ironchild, who were in police custody prior to being found frozen to death near Saskatoon, were victims of this practice. An RCMP investigation into their deaths, however, did not result in any charges.

On 28 January 2000, two SPS constables took Darrell Night into custody and released him

outside of town on a cold (-22°C) evening dressed in light clothing (he had no hat, gloves, or scarf). Night walked to the Queen Elizabeth Power Station and got a security guard to call him a taxi. Night took his story to the media and it drew international attention to the practice of starlight tours. The two officers were convicted of unlawful confinement and sentenced to eight months in a provincial correctional centre. The Saskatchewan Court of Appeal upheld their convictions in 2003.

Justice David Wright (2004) carried out a Commission of Inquiry into the death of Neil Stonechild and he believed that several members of the SPS may have been the last persons to see Stonechild alive and the investigation into his death by the police was “superficial and totally inadequate” (p. 212). Wright (2004) also found that SPS leaders “rejected or ignored reports from the Stonechild family members and investigative reporters for the Saskatoon *StarPhoenix* that cast serious doubts on the conduct of the Stonechild investigation” and that those leaders displayed “self-protective and defensive attitudes” (p. 212). People interested in learning more about these practices can read *Starlight Tour: The Last, Lonely Night of Neil Stonechild* written by Reber and Renaud (2019). McLean (2015) presents an alternative perspective on the circumstances of Neil Stonechild’s death in her book *When Police Become Prey* and contends that the two SPS officers were not involved in his death, but were instead made into scapegoats. Over 30 years after Stonechild’s death, the case continues to be controversial, and it is unlikely that we will ever know what happened that night.

Although the Saskatoon incidents are the most publicized examples, starlight tours and similar acts of street justice have occurred elsewhere. Investigations into allegations of starlight tours in Regina, Thunder Bay, and Winnipeg, however, were not substantiated as most police vehicles today are monitored by GPS technology, which enables the investigators to determine where these vehicles travelled, and especially if they travelled to the outskirts of these cities (see Giles, 2018). Moreover, cameras that record what is happening

in police vehicles also provide an unbiased account of what occurs. The *Report of the Commission of Inquiry into matters relating to the death of Neil Stonechild* (Wright, 2004) is available at http://www.publications.gov.sk.ca/freelaw/Publications_Centre/Justice/Stonechild/Stonechild-FinalReport.pdf. In addition, a 49-minute National Film Board documentary, *Two Worlds Colliding* (2004), describes the practice of starlight tours and includes interviews with Darrell Night, as well as police and legal officials, and is available at https://www.nfb.ca/film/two_worlds_colliding/

Critical Thinking Questions

1. Although the most recent documented starlight tour occurred in 2000 these incidents continue to cause a rift between Indigenous peoples and the police. How can these rifts be repaired?
2. Although starlight tours were allegedly carried out by a relatively small number of officers, knowledge of the practice was widespread. How can police leaders encourage their officers to bring incidents of police misconduct to their attention?
3. If you were a police officer, would you inform your supervisor if you became aware of a starlight tour committed by one of your fellow officers?

SUMMARY

The amount and seriousness of crime varies across the country and this supplement shows that Saskatchewan has very high rates of property and violent crime compared to the rest of the country—and especially in the northern part of the province. Because every province has different histories, population characteristics, levels of economic development, political values, and cultural beliefs, the crime control solutions will be different as well. As a result, the personnel in Saskatchewan’s adult and youth justice systems may respond

to antisocial behaviour and crime in a slightly different manner from what occurs in neighbouring provinces or territories. A report card on the operations of Saskatchewan's justice system shows that there is room for improvement, but initiatives

such as building community partnerships to reduce crime seem to be promising. Learning about the differences in crime problems and how we respond to them makes exploring criminal justice in Canada an interesting undertaking!

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