



# Weekend remand admissions and case review in Saskatoon

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## ABSTRACT

In 2017, the Saskatchewan Government implemented a new early case resolution program whereby weekend remand admissions cases for those remanded to the Saskatoon Correctional Centre were reviewed on Sunday by a Crown Prosecutor and Legal Aid weekend duty counsel. This early case resolution program, the Weekend Project, aimed to improve the number of meaningful first court appearances in Saskatoon on Mondays. The examination of short-term remand admissions and discharges at the Saskatoon Correctional Centre revealed that the average Monday discharge rate for those admitted on the previous Friday, Saturday, and Sunday increased to 31% during the treatment period of January 6 to May 31, 2017, from 18% during the control period of January 8 to May 31, 2016. In comparison, there were no statistically significant changes in the average Monday discharge rate for the Regina Correctional Centre, for which there was no weekend case review program. The results also suggest that up to 73 remand person-days were saved over the 18-week treatment period in early 2017.

**Key Words** Discharge rates; weekend admissions; program evaluation.

## INTRODUCTION

The average number of adults held in remand (pre-trial detention) in provincial and territorial correctional centres in Canada on any given day grew by 70% over 15 years, from an average daily count of 8,704 adults in fiscal year 2002/03, to 14,812 in 2017/18. Meanwhile, the average number of adults in sentenced provincial and territorial custody held relatively stable, fluctuating around an average daily count of 10,133 over that same 15-year period. The number of adults held in remand in provincial and territorial facilities surpassed the number of adults held in sentenced custody in 2004/05, and grew to 60% of total adult custody in 2017/18, in provincial and territorial facilities. In Saskatchewan, the average daily count of incarcerated adults rose from 1,213 in 2002/03 to 1,861 in 2017/18, and the average daily count of those adults held in remand grew from 346 in 2002/03 to 897 in 2017/18, or from 29% to 48% of the total average number of incarcerated adults (Statistics Canada, Table 35-10-0154-01).

The rise in incarceration generally and in remand more specifically has generated much attention across the country. The operating cost of provincial and territorial custodial services rose from \$1.03 billion in 2002/03 to \$2.08 billion in 2017/18, growing at an average annual rate of 4.8%. In

Saskatchewan, operating expenditures grew at an annual rate of 5.5%, to \$119 million in 2017/18 (Statistics Canada, Table 35-10-0013-01). Governments have also had to invest in new facilities to house the increased number of inmates. The Saskatchewan Government opened up a new 144-bed facility at the Prince Albert Correctional Centre in 2015, at a capital cost of \$24 million, following the addition of 60 beds at the Pine Grove Correctional Centre (also in Prince Albert) in 2013, at a capital cost of \$13.6 million (Ministry of Corrections, Public Safety and Policing, 2012, p. 15; Ministry of Justice, 2016, p. 18).

Incarceration also places considerable strain on remanded individuals, removing them from their families and their workplaces, taking away sources of support and income, and placing them in a challenging environment. And yet, many remanded individuals are released from custody within a week.

The Saskatchewan Government has implemented a series of initiatives to reduce the growth in remand, including the increased use of video court appearances, exploring community alternatives to custody, developing a validated risk-assessment tool, and initiating the early case resolution program (Ministry of Justice, 2016, p. 10; Ministry of Corrections and Policing, Ministry of Justice and Attorney General,

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**To cite:** Wilson, S. (2020). Weekend remand admissions and case review in Saskatoon. *Journal of Community Safety and Well-Being*, 5(3), 127–132. <https://doi.org/10.35502/jcswb.127>

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2018, p. 16). The Weekend Project of the early case resolution program was launched in January 2017 in Saskatoon. It involved case review on Sundays of weekend admissions to remand by Prosecutions and Legal Aid, in order to improve the number of meaningful first court appearances on Mondays. This article assesses the Weekend Project by examining the admissions and release patterns of the Saskatoon Correctional Centre before and after the launch of the program. Results suggest that the program significantly increased the Monday discharge rate from remand, with substantial savings of remand person-days.

## REMAND CUSTODY

Individuals are held in remand while awaiting further court proceedings when ordered for three primary reasons: (a) to ensure court attendance; (b) for public safety and protection, considering the potential of re-offense if the individual is released; and (c) to maintain confidence in the justice system (Section 515 [10] of the *Criminal Code*). Police officers have the ability under conditions and exceptions to release arrestees with notices to appear in court at a future time or with the intention of a future summons to appear. If the police decide not to release, the accused is brought before a Justice of the Peace for a “show cause” hearing, and may then be released or be remanded into custody for further court proceedings (Johnson, 2003, p. 3).

The decision to release individuals accused of crimes has the potential to endanger public safety and to invite public backlash and scrutiny on police, the courts, and public officials, should the accused re-offend while awaiting trial. In contrast, very little adverse public reaction occurs when individuals are remanded. The *Bail Reform Act* of 1971 focused on limiting the use of pre-trial detention, restoring civil liberties and the presumption of innocence, and requiring the prosecutor to “show cause” for pre-trial detention. Since then, frequent amendments to the Act have placed more of the burden of proof for pre-trial release onto the accused, and imposed more strict conditions on an individual for release (Trotter, 2010; Doob & Webster, 2012). Bill C-17 was introduced in 1997 and added the third reason for remand noted above to Section 515 [10] of the *Criminal Code*, maintaining public confidence in the justice system (Johnson, 2003). More and more cases have started with bail hearings for pre-trial release from remand custody, and the number of days and appearances to resolve bail hearings increased in Ontario courts in the first decade of the 21st century (Webster et al., 2009). For those who receive bail, conditions may be placed on their release as a tool to prevent crime, but these may instead increase their likelihood of re-offending and being remanded once again (Brown, 2013; Myers, 2017). Myers (2009) found that more than five conditions were placed on the release of over 50% of those granted consent release orders in eight Ontario bail courts, and that the scope of the conditions extended to behaviour at school and in the home. It is also likely that an accused will agree to bail conditions in order to be released, even if there is a high probability that the accused will break one of those conditions; with the increased time it takes to process a case through the courts, there is a greater likelihood that one of these conditions will be violated, resulting in a subsequent

arrest and detention under the charge of “failure to comply with a court order” as an Administration of Justice offense (Myers, 2017). For the eight reporting Canadian provinces and territories in 2003/04, 31% of adult criminal court cases included an Administration of Justice charge, a jump from 22% in 1994/95 (Taillon, 2006, p. 3). In 2014, 5.1% of the Canadian total crime rate consisted of failure-to-comply charges as the most serious offense, mostly due to the violation of bail conditions (Myers, 2017). From 2002 to 2017, the rate of adults charged for Administration of Justice violations in Canada increased by 56%, to 556 per 100,000, while the rate of adults charged for all *Criminal Code* violations, violent crime violations, and property crime violations fell by 9%, 18%, and 35% respectively (Statistics Canada, Table 35-10-0177-01).

Remand custody, which has been identified as requiring higher levels of security, more intensive supervision, and frequent transportation and processing to and from court, is considered to be more costly to the justice and corrections system than sentenced custody (Johnson, 2003; Beattie, 2006). Remand custody is also costly to the individual. The length of each individual’s stay in remand is uncertain, and the stress of that uncertainty is compounded by many factors: the uncertainty of the outcomes of court proceedings; the separation from their families; the humiliation of experiences in prison and in appearing for court; the inability to work and provide income for their families; having little access to recreation, rehabilitation or treatment programs; and the pressure they may experience to plead guilty (John Howard Society, 2002; Kellough & Wortley, 2002; Murphy, 2011; Doob & Webster, 2012; Weinrath, 2016; Pelvin, 2019). At the same time, a large proportion of remanded individuals are released within a week, and a large proportion are found not guilty in the end (Johnson, 2003; Webster, 2007; Murphy, 2011).

## Weekend Case Review in Saskatoon

In 2016, individuals brought into custody by the Saskatoon Police Service from Friday to Sunday, and remanded to the Saskatoon Correctional Centre by the Justice of the Peace, would have a first court hearing on Monday, with the majority of cases adjourned to Tuesday or Wednesday to allow for additional case preparation required by the prosecution and/or by the defense. Very few individuals would have their first court appearance completed with a release from remand on the Monday following their admission.

Starting on January 8, 2017, the Crown Prosecutor’s Office, with the assistance of Legal Aid and the Ministry of Justice, Corrections and Policing, instituted an early case resolution program internally named the Weekend Project. A Crown Prosecutor in Saskatoon reviewed files on Sunday mornings for (a) those individuals remanded into custody at the Saskatoon Correctional Centre since Friday, and (b) those detained by the Saskatoon Police Service who were to appear before a Justice of the Peace on Sunday afternoon for whom the Crown opposed release. The Crown Prosecutor then met with weekend duty counsel from Legal Aid to review specific cases that could reasonably be prepared in time for a meaningful first court appearance on Monday, with a resolution of the case, a consent release when an acceptable release plan is presented by defense counsel, or a bail hearing. Administrative support was provided at Prosecutions

and at Legal Aid for disclosure on charges for this Weekend Project. Before the implementation of the Weekend Project, these specific cases would have resulted in an automatic continuation of remand after their first court appearance for additional case preparation.

In a general sense, this process caused case review for those remanded on weekends to be jump-started on Sundays, rather than on Mondays when court was also in session. It was generally expected that case review on Sundays would allow more remand cases to be resolved on the first appearance and provide remand relief both to those charged and to the justice and corrections systems.

## METHODS

To review the impact of the Weekend Project, the Saskatchewan Ministry of Corrections and Policing provided me with the admissions and discharge data from the Saskatoon Correctional Centre and the Regina Correctional Centre for the period from January 8, 2016, to June 30, 2017. These two facilities are for adult males only. These data provide information on individuals remanded in pre-trial detention, including their dates of admission and of discharge from remand. Individuals admitted to but not discharged from remand in one of these facilities by June 30, 2017 (the date of the data pull), were not included in the dataset.

The Ministry of Corrections and Policing categorizes those detained in remand for less than 30 days as short-term remand cases. Since it is generally these short-term remand cases admitted on weekends that are targeted by the Weekend Project, the effective dataset for admissions consisted of those admitted to remand between January 8, 2016, and May 31, 2017, for whom the length of stay did not exceed 29 days (those admitted on the weekend following Wednesday, May 31, 2017, may have been discharged within 29 days but may not have been recorded as released by June 30, 2017, in which case they did not appear in the data).

The Weekend Project came into effect in Saskatoon on Sunday, January 8, 2017. The dataset was divided into two periods. The treatment period, during which the program was in effect, from January 6, 2017, to May 31, 2017, excludes admissions during the weekend of or prior to statutory holidays (Family Day and Victoria Day, for example) and includes 18 weeks of data. The control period, from January 8, 2016, to May 31, 2016, spans the same seasonal time frame one year prior to the treatment period. It also excludes admissions during the weekend of or prior to statutory holidays and includes 18 weeks of data.

Remand admissions with lengths of stay less than 30 days were then categorized by their dates of remand admission and their releases following admission. The number of short-term remand admissions was compared with the number of releases on the first Monday following admission. Monday discharge rates for each week were then averaged for the treatment and control periods, and compared. Remand discharges over the first week following admission were also aggregated for each period and compared. In addition, the short-term remand admissions and discharge patterns for the Regina Correctional Centre, for which there was no Weekend Project, were examined during the treatment and control periods for comparative purposes.

## RESULTS

During the 18-week treatment period of January 6, 2017, to May 31, 2017, there were 256 admissions to the Saskatoon Correctional Centre (SCC) on Fridays, Saturdays, or Sundays who were remanded for less than 30 days; there were 286 equivalently defined admissions during the 18-week control period of January 8, 2016, to May 31, 2016. For the Regina Correctional Centre (RCC), there were 211 short-term remand weekend admissions during the treatment period, and 180 equivalently defined remand admissions during the control period.

### Monday Discharge Rates

The average Monday discharge rate for SCC short-term remand admissions on the previous weekend was 31.4% during the treatment period and 17.5% over the control period, as shown in Table I. The average Monday discharge rate during the treatment period was 13.9 percentage points higher than that of the control period. This difference was statistically significant, as indicated by the  $p$  value of their difference being 0.001.

The average Monday discharge rates and the differences in the rates between periods for the RCC are also presented in Table I. The average Monday discharge rate for RCC admissions over the previous weekend was 26.9% during the treatment period and 24.3% over the control period. The average Monday discharge rate was just slightly higher during the treatment period, but this difference was not statistically significant.

### Short-Term Remand Discharges in the First Week Following Admission

The Weekend Project was designed to speed up case review, and therefore the discharge patterns during the first week following weekend remand admission were examined, with a focus on the first three days of the week (Mondays, Tuesdays, and Wednesdays). The aggregate SCC short-term remand discharge rates by day during the week following weekend admissions were tabulated for each 18-week period and are presented in Figure 1. Note that these are the aggregated discharge rates by day during the first week following admission for each entire period, rather than average discharge rates for the 18 weeks of each period (which, for the first Monday following admission, are presented in Table I.) This figure indicates that 32.4% of all short-term remand weekend admissions during the treatment period were released from remand on the first Monday following admission, 21.9% were released from remand on the first Tuesday following admission, and 13.3% were released from remand on the first Wednesday following admission. A higher percentage of releases occurred on the first Monday following admission, and a lower proportion occurred on the first Wednesday following admission, during the treatment period compared with the control period. These results further suggest that the Weekend Project was successful in resolving more cases early, on Monday rather than Wednesday, and in reducing the number of days spent in remand for many individuals.

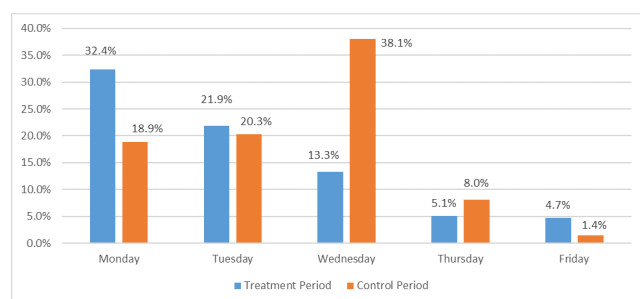
### Savings Estimate

To estimate potential savings in remand days to the corrections system and to individuals from weekend case review,

**TABLE 1** Average Monday Discharge Rates

Saskatoon Correctional Centre		Treatment Period (Jan 6, 2017 – May 31, 2017)	Control Period (Jan 8, 2016 – May 31, 2016)
Number of short-term (<30 days) remanded inmates (Fr, Sa, Su admissions)		256	286
Number of weeks with weekend short-term (<30 days) remand admissions (Fr, Sa, Su)		18	18
Average Monday discharge rate		0.314 (31.4%)	0.175 (17.5%)
Standard error		0.118	0.136
Difference in average Monday discharge rate (Treatment – Control)			0.139*
<i>p</i> value (one-sided, equal variance)			0.001
Regina Correctional Centre		Treatment Period (Jan 6, 2017 – May 31, 2017)	Control Period (Jan 8, 2016 – May 31, 2016)
Number of short-term (<30 days) remanded inmates (Fr, Sa, Su Admissions)		211	180
Number of weeks with weekend short-term (<30 days) remand admissions (Fr, Sa, Su)		18	18
Average Monday discharge rate		0.269 (26.9%)	0.243 (24.3%)
Standard error		0.128	0.105
Difference in average Monday discharge rate (Treatment – Control)			0.026
<i>p</i> value (one-sided, equal variance)			0.259

\* Significance at the 1% level; the reported *p* value is for a one-sided test, equal variance across the two periods, with a null hypothesis that the average discharge rate during the treatment period was less than or equal to that of the control period, and an alternative hypothesis that the average during the treatment period was greater than that of the control period.



**FIGURE 1** Percentage of discharges in the first week after weekend admission to short-term remand, Saskatoon Correctional Centre

the following assumptions are made regarding admissions and discharges over the week:

1. The higher proportion of releases on Mondays would have otherwise occurred on Wednesdays, so there were savings of two remand days for each additional remanded individual released on Monday instead of Wednesday.
2. The higher proportion of releases on Tuesdays would have been otherwise released on Wednesdays, so there was a savings of one remand day for each additional release on Tuesday instead of Wednesday.

3. There were no differences in discharges on subsequent days following admission, which are assumed to not be affected by the Weekend Project.
4. There were no differences in the severity of offenses or complexity of cases between the treatment and control periods.

There were 256 individuals in short-term remand admitted on Fridays, Saturdays, and Sundays during the treatment period. Under assumption 1 above, the total remand-day savings during the treatment period is estimated as:

$$\text{Total remand savings} = (32.4\% - 18.9\%) * 256 * 2 \text{ days} = 69 \text{ days (for 35 individuals)}$$

Similarly, under assumption 2 above, the total remand-day savings during the treatment period is estimated as:

$$\text{Total remand savings} = (21.9\% - 20.3\%) * 256 * 1 \text{ day} = 4 \text{ days (for 4 individuals)}$$

In total, the remand savings due to early releases of those admitted to the SCC on Fridays, Saturdays, and Sundays during the treatment period is estimated at 73 days for 39 individuals over 18 weeks.<sup>1</sup>

<sup>1</sup> While it is possible that there were some individuals released on Mondays due to the program who might otherwise have been released on Tuesdays, combined with more individuals who were released on Tuesdays due to the program instead of on Wednesdays, this would not affect the aggregate savings estimates, but it would increase the number of individuals experiencing earlier releases (i.e., more individuals with one-day savings and fewer with two-day savings).

## DISCUSSION

The main result of implementing the Weekend Project was a sizable increase in the Monday discharge rates for individuals admitted to remand at the SCC during the previous weekend. There was no substantial change in remand patterns at the RCC, which did not implement a weekend case review program. In addition, there were no changes in the remand patterns of weekday admissions (Monday–Thursday) to the SCC during the study period when the methodology was also applied to weekday admissions. These findings strongly suggest that the statistically significant differences in Monday discharge rates during the treatment period at the SCC are unique to Saskatoon and may be attributed to the Weekend Project. This article also demonstrates the savings in remand person-days after implementing the Weekend Project. There would also be savings in the number of court appearances due to earlier case resolutions and bail releases.

While these preliminary results are informative, several issues are worthy of discussion and subsequent work. First, the program was implemented following extensive consultations with stakeholders, who recognized the extensive growth in remand custody and had an overall desire to reduce the growth in remand, and the purpose of the Weekend Project was precisely to reduce remand growth. There exists in Saskatoon the potential for a Hawthorne effect or a behavioural confirmation effect, whereby the participants' behaviour may have changed towards collectively seeking and affecting early case resolution, either due to the observation of their behaviour, or due to their changed social expectations (or both). It is not possible to test for this. However, the same methodology was used on the SCC admissions and release database for weekday admissions (Monday–Thursday) and the results revealed no change in remand patterns following the implementation of the Weekend Project. If a behavioural confirmation effect or a Hawthorne effect did exist, it was somehow restricted to weekend remand admissions in Saskatoon. It seems reasonable to infer, however, that the success of the program hinged on the additional resources and time for cases to be meaningfully prepared by both the prosecution and defense counsel, as provided by the Weekend Project. The program should be evaluated over a longer time to determine the degree of persistence in these remand-reducing effects, and to identify any improvements or changes to the implementation of the program over time.

Second, it would be instructive to explore the impact of the program on remand patterns across ethnicities and identities. As a first step, when the methodology was applied to short-term remanded individuals who were self-declared Status Indians (45% of the SCC sample), the results indicated that 31% and 57% of Status Indian short-term weekend admissions were released from remand by the first Monday and by the first Tuesday respectively under the Weekend Project, compared with 34% and 52% for all other admissions—a slightly lower proportion of releases on the first Monday and a higher proportion of releases on the first Tuesday following admission for remanded Status Indian males when compared with all other males. Limitations in the data, including sample sizes and “unknown” and “undeclared” individual characteristics, will restrict additional investigation.

Third, the patterns of release from remand during the first and subsequent weeks following admission should be examined, given the noted increases over time in the number of court appearances required to complete cases and the lengths of remand stays (Doob & Webster, 2012), to address assumption 3 above. Over the treatment period, 67.6% of SCC short-term weekend admissions had been released from remand by the first Wednesday, while the rate was 77.3% for the control period; the average length of stay for short-term remand admissions increased at both the SCC and the RCC by approximately 10% from the first half of 2016 to the first half of 2017.

Fourth, the analysis should be expanded to identify the effect of any changes in the severity of offenses and complexity of cases over time (to address assumption 4 above), along with changes in the use of risk assessments, on remand stays and the length of bail and court proceedings.

Fifth, a more complete analysis would also identify and examine other programs and their effects on remand stays, including community alternatives to custody (implemented after the treatment period of this study), as well as changes in court resources and how these affect remand release patterns across Saskatchewan correctional centres after admission. These are all beyond the scope of this study and are left for future research.

## CONCLUSION

The Saskatchewan Government has implemented a series of initiatives to reduce the growth in the remand population. One such initiative is the Weekend Project early case resolution program in Saskatoon in which a Crown Prosecutor reviews weekend remand admissions on Sundays, along with defense counsel, in order to improve the likelihood of meaningful Monday court appearances. In 2016, a large majority of weekend admissions cases seen on Mondays were adjourned to Tuesdays and Wednesdays, due to the additional time needed for case preparation. With Sunday case review starting in 2017, Monday discharge rates of weekend admissions to short-term remand from the Saskatoon Correctional Centre increased significantly, from an average of 18% (January–May 2016) to an average of 31% (January–May 2017). The data suggest that up to 73 person-days of remand were saved at the Saskatoon Correctional Centre over an 18-week treatment period. This program has continued in Saskatoon to the present. In October of 2018, the Saskatchewan Government extended this early case resolution program in Saskatoon to weekday mornings, and shifted first court appearances into afternoon sessions. These are promising adjustments to case review and court processes to safely reduce the length of stay for many remanded individuals, and would benefit from more thorough evaluation.

## ACKNOWLEDGEMENTS

This work has been supported by resources and funding from the Collaborative Centre for Justice and Safety and the Saskatchewan Ministry of Corrections and Policing. The author acknowledges encouragement and assistance from Steve Palmer of the Collaborative Centre for Justice and Safety, and from Brian Rector, Terri Simon, and Ross Keele of the Research and Evidence-Based Excellence Branch of the Saskatchewan Ministry of Corrections and Policing. Members of the Saskatchewan Ministry of Corrections and Policing provided the data, answered questions on the remand process and

the Weekend Project in Saskatoon, and provided feedback on earlier reports from this study. The author also thanks Georgi Boichev for software coding assistance, and anonymous reviewers for valuable comments. The content reflects the author's sole opinions and does not reflect those of the Collaborative Centre for Justice and Safety, nor those of the Saskatchewan Ministry of Corrections and Policing.

#### CONFLICT OF INTEREST DISCLOSURES

The author declares that there are no known conflicts of interest.

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