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Lessons From Remand

Jails are tough places to study. To conduct a participant observation study of what goes on behind the locked doors, the researcher has to either get hired as a corrections officer or get arrested to be a prisoner. *Lessons from Remand* provides a rare look at what goes on in Canada's first level of jail. The reader can get a glimpse of the world as seen by a prisoner, and find some thought-provoking explanations about why our jails function as they do.

The book suggests that Remand can be worse than post-conviction jails because of the uncertainty faced by the inmates and the turnover, which makes it difficult for any normal sense of community or social interaction to occur. Despite this, the institution functions quietly and with a minimum of conflict. This is due on part to locks, bars and the ability of the corrections officers to use violence to enforce behavior. However, the author argues that the smooth functioning is due to the humanity of the inmates. Hope for the future and the innate desire of people to create community allows the jail to work.

The book tackles also important aspects of the justice system which may directly contribute to some individuals' inability to stay out of jail. Legal, social and psychological pressures are put on people that make more likely that they will get into trouble with the law in the future.

The majority of people in Canadian jails have not been convicted of the crime for which they are imprisoned. *Lessons from Remand* suggests that this is undermining the concept of "innocent until proven guilty". Slow court process can keep people in jail for long periods of time before they get their day in court. In the meantime, the backlog of un-convicted inmates creates huge problems for individuals, the legal system and society as a whole.

Lessons from Remand is a book that does not pretend to have all the answers. However, it poses questions that should be considered by any one working in or studying the justice system – or anyone who values ideals such as justice, compassion and public safety.

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Synopsis: In 2008, Mark Stobbe was arrested on a charge of second-degree murder. After the jail door clanged shut behind him, he carefully listened to his fellow inmates and watched the functioning of the two Remand Centres in which he was imprisoned. Using theories from sociology and psychology, he interprets these observations to create some fascinating insights into Canada's jail system. Now that he has been acquitted of the murder charge against him, he is free to share these findings. *Lessons from Remand* offers a rare perspective on the world behind the barred windows and provides a fascinating example of how academic theories can be applied in a practical way to make sense of an otherwise inexplicable situation.

Audience: *Lessons from Remand* is theoretically informed but written in an accessible “non-academic” style. It will be of interest to anyone seeking to understand the criminal justice system, including policy makers, corrections officers, police and lawyers. It is also intended to be used as a secondary text for junior level sociological theory or criminology classes to show how abstract theories can be used to for personal understanding, even in the most difficult circumstances. *Lessons from Remand* should also be compulsory reading for anyone who might find themselves unexpectedly behind bars.

About the Author: Mark Stobbe was a senior communications official with the Government of Manitoba when his wife, Beverley Rowbotham, was brutally murdered in October of 2000. Eight years later, he was charged with second-degree murder. After spending close to two months incarcerated, he was released on bail until his trial began in the Manitoba Court of Queen’s Bench. On March 29, 2012, he was acquitted by a jury of his peers. Mr. Stobbe studied sociology at the University of Saskatchewan and McMaster University. He is the co-author of *Devine Rule in Saskatchewan: a Decade of Hope and Hardship* (with Leslie Biggs). Mr. Stobbe now lives in Saskatoon with his two sons.



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Endorsements

“Many may be surprised to learn that more than half of the men, women, and young persons behind bars in this country have neither been convicted nor sentenced for their alleged crimes. Despite being presumed innocent, they are denied their most fundamental right to liberty, being warehoused in remand centres waiting for an overburdened justice system to bring them to trial and reach a verdict. Mark Stobbe presents a fascinating account of his pre-trial detention experience, and he provides insights that should prompt serious thought about much needed reform to this part of the Canadian criminal justice system.”

~Catherine Latimer, Executive Director of the John Howard
Society of Canada

“*Lessons from Remand* brings the reader into a place most people would rather not go, and yet anyone could—the limbo of prison before trial. Suddenly the reader has the uncomfortable sense of what it means to be locked in a cage, curled up on the floor beside the toilet, with two possibly menacing strangers just inches away. Worse, one has very little idea of how long one might be there. Theories about the meaning and effects of imprisonment seem very abstract, but this book does a masterful job of making them matter, testing them against personal experiences and observations.”

~Jessie Horner Instructor, Criminology Department,
Kwantlen Polytechnic University, and author of
Canadian Law and the Canadian Legal System

“Freedom from arbitrary arrest and imprisonment is one of our basic human rights as Canadians. However, lengthy delays in bringing accused to trial and changes in the way bail is granted have been dramatically increasing the number of Canadians who are in jail without being convicted of any crime. Like you, Mark Stobbe thought that he would never be incarcerated, but he was. He used his time behind bars to watch, listen, and learn. Now that he has been acquitted of the charge against him, he is sharing the knowledge he acquired while on remand. This book is a fascinating and eye-opening read.”

~Milton Woodard, QC, Member of the Saskatchewan
Bar for 36 years

Author's Q & A

Q. What inspired you to write *Lessons from Remand*?

A. When I went into the Winnipeg Remand Centre, what struck me was how well, all things considered, people got along. You had a bunch of people whose lives had been disrupted and whose futures were uncertain. The food was bad and the furniture uncomfortable. Many were coming down from drug or alcohol binges. There was nothing to do. People were crammed in spaces that violated every normal rule of interpersonal space – three strangers would be locked up together in a cell the size of most people's bathroom. Despite all this, people got along reasonably well. I started wondering how this could happen. Seeking to explain it led to this book.

Q. What surprised you most while writing this book?

A. Doing the research – being in jail. It's not a place that I had ever thought I'd spend any significant amount of time. It goes to show – could happen to anyone.

Q. What were the challenges in bringing this book to life?

A. The interplay between presenting people's experiences and the theoretical concepts used to make sense of these theories. It's relatively easy to write a book just telling the stories of what one saw and heard. It's also relatively easy to write about abstract theories. The tough challenge is to weave them together in a way that is seamless, understandable and interesting.

Q. What are the most important points that you would like readers to have gained and appreciate after reading your book?

A. The majority of people in Canada who are locked up in jails have not been convicted of the crimes they are being held for. Many are guilty as charged – some are not. Despite the legal principle of "innocent until proven guilty", punishment kicks in before one's day in court – and is applied equally to both the innocent and guilty.

The second point is that those running our jails have some very real dilemmas to deal with. There are some tough choices, with no right or wrong answers.

Finally, while we should be very grateful that some people behind bars are locked up, the majority of people who pass through Remand Centres don't really need to be in jail. Some have messed up in various ways, but putting them in a cage is not doing anything for anybody. The experience of being in these Remand Centres let me appreciate the underlying decency and humanity of a group of people who don't get a lot of respect and haven't had a lot of breaks.



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Q. What advice would you offer your readers so they can make the most out of the book?

A. Read it not to look for the sensational story – there are a few of these, but it’s not the real point. Read it to understand the lives and circumstances of those unfortunate enough to find themselves there – and to get sense of the dilemmas and contradictions in both their lives and in the policy choices of those running this part of our justice system.

Q. What is your response to those who are surprised by your findings about the status of people held in remand in Canada?

A. Be very thankful that this is coming as a surprise to you. Most people who have any understanding of remand jails have acquired their knowledge the hard way.

Q. What are the most controversial issues in relation to the current remand conditions in Canada?

A. The first is the whole question of the presumption of innocence until found guilty, and how it relates to treatment of people charged with a crime. When someone is arrested, there is a tendency to demand that they be locked up, immediately. Things like bail and conditional release are described in the media by terms such as “catch and release”. In cases where there is a real danger of a risk of flight or the potential for other offences, the justice system really has no choice but to lock people up before trial. However, this is now often being done when the person charged will likely show up in court and is no real threat to anybody.

Related to this is a question that is completely ignored – does the justice system owe anything to people who have been charged, incarcerated, and then determined to be not guilty? Right now, they get the words “you are free to go” – not even so much as an apology or acknowledgement of harm done.

Q. What are the steps that need to be taken to rectify the current remand circumstances?

A. The main thing is to speed up the court process. It often takes a couple of years for even relatively minor charges to be dealt with. A serious charge such as murder will take at least three or four years before there is a determination of guilt or innocence. During that time, the person is either in Remand or has been conditionally released with many restrictions imposed on them. It is a long, long time to be in purgatory.