

# CLASS ACTION! NEWS



PRISONERS JUSTICE DAY  
ISSUE #10 SUMMER 2018

< Editor's Note >

It is Summer & Issue #10 of 'Class Action News'.

This magazine is by & for the Prisoner Class in Canada.



In every Issue we provide a safe space for creative expression and literacy development. These zines feature art, poetry, stories, news, observations, concerns, and anything of interest to share.

Health & Harm Reduction info will always be provided – Be Safe!

Quality & Quantity:

Items printed are those that are common for diverse readers, so no religious items please.

Artwork: Black pen (tat-style) works the best. Cover Artist will receive a \$25 donation.

Writings: only short poems, news, stories, ... Items selected are those that fit nicely & allow space for others (½ page = 325 words max).

For author protection, letters & story credits will all be 'Anonymous'.

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Cover: Rocky Dobby

Prisoner Justice Day – August 10 – '13½  
12 Jurors + 1 Judge + ½ a Fucking Chance

Page 7: Gord Hill – Prison Justice Day



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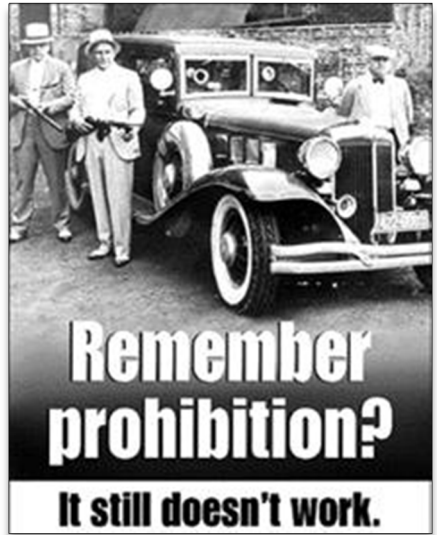
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Civil disobedience becomes a sacred duty when the state becomes lawless or corrupt. The first step in fighting injustice is to make it visible.  
- Mahatma Gandhi

## &lt; Letters &gt;

## Access to Computers

CSC has restricted computer access and eliminated most of the remaining prisoner-owned computers. This has made things such as resolving disagreements with staff on legal issues impossible. I would like to see CSC allow the use of tablets on wireless networks to allow us to do legal and other work.

## Prison Farms

The prison farms have been closed. This has degraded our food supply quality and eliminated the valuable experience of working on the farms. I would like to see that they rebuild the farm camps, preferably, even better than before in an effort to expand available jobs.

## Pay Deductions

The introduction of the additional 30 percent pay deduction has reduced my ability to save for release. I would like to see that the pay deduction be rescinded and that the pay increase recommended by the Office of the Correctional Investigator over a decade ago be implemented.

## ION Scanners

The ion scanners are not reliable. This often results in visitation being terminated. CSC needs to evaluate and implement alternative visitor screening processes that are more reliable and do not contribute to the dehumanization of prisoners' loved ones and volunteers from the community.

## Prisoner Pay

In October 2013, CSC cut incentive prisoner pay. They are also now double dipping by charging us for "room and board" when our previous pay levels already accounted for such expenditures. This policy change has made the purchase of food and vitamins unaffordable so one cannot compensate for the cuts to food quantity and quality. One can also no longer save to hire lawyers and get medical care. I would like to see that the pay cuts be reversed and that instead prisoners be given a pay increase as has been recommended by the Office of the Correctional Investigator and many others.

## Health Care – Medication

Health care is both changing and denying our medications. This has resulted in pain and suffering. I would like to see health care professionals act as such, not as CSC enforcers.

## Institutional Services

Institutional Services are not issuing enough clothing for release. This has affected me because I have no effects on release and all money that I possess is needed for incidentals, not including rent. I would like to see Institutional Services issue enough proper clothing for release.

## Grievance/Complaint Process

The grievance/complaint process has changed. This has resulted in massive delays in CSC responses. I would like to see an independent process and complaint procedure. This would ensure consistency across the system.

## Prisoner Purchasing

CSC now forces all prisoner purchasing to be done through one supplier nationally. This policy took effect on 1 April 2016. As a result, the supplier now has a monopoly and we are given trash quality items at prices that we cannot afford. This is a rip off. For example, a pair of size 13 poor quality socks now costs \$11. I would like to see that the monopoly be eliminated, and that prisoners be allowed to resume making purchases from the local suppliers with competitive prices and good quality items.

## Access to Programs

CSC is not allowing programs to be accessed before a third of a sentence is served. They are timing access to programs to coincide with statutory release at two-thirds of our sentences, which makes parole eligibility meaningless. This makes parole at the one-third mark next to impossible and allows the parole officers to force the waiver of hearings. This is changing and worsening the sentence imposed by the judge. I would like to see that CSC schedule program completions before the earliest parole eligibility date.

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Not everything that is faced can be changed, but nothing can be changed until it is faced.

- James Baldwin

&lt; News &gt;

## Human rights complaint filed over federal inmates' access to opioid treatment

A complaint filed with the Canadian Human Rights Commission (CHRC) claims federal prisoners face "inhumane" waiting lists for opioid addiction treatment - amounting to discrimination on the basis of a disability - and that inmates in Correctional Service Canada (CSC) institutions experience involuntary tapering or sudden termination of their medications as punishment.

The complaint has been filed by the B.C.-based Prisoners' Legal Services (PLS) on behalf of all federal inmates dealing with opioid use addiction, and follows a number of similar complaints to the CHRC from individual prisoners.

"We're really concerned that there's a real acute and urgent medical need that's just not being met," said PLS legal advocate Nicole Kief, who says he has personally talked to about 75 inmates who described struggles getting opioid substitution therapy (OST) like methadone or Suboxone to treat their addictions.

"There's really no access to quality harm reduction and there's very little access to mental health supports, to addictions counselling, that sort of thing," said Kief.

In May, CSC announced it would begin needle exchange pilot programs at two federal institutions, with plans to expand the program to other facilities next year.

"PLS has spoken to numerous prisoners who have waited months - and some more than a year for OST while in custody," the complaint claims.

"The inability to obtain treatment can compromise a person's ability to meet the goals of their correctional plan, achieve parole, and be successful upon release into the community," it continues.

"PLS has heard from prisoners who were released to the community without OST, only to find themselves returning to prison for reasons related to their addictions."

'Profoundly dangerous' withdrawal

According to Kief, the experience of prisoners whose OST medication is suddenly stopped can include painful and dangerous withdrawal, and

even if it's carefully tapered off, the lack of treatment can lead inmates to turn to the illicit market, raising the risk of accidental poisoning from fentanyl-laced drugs, and HIV and hepatitis C infection.

Paul Quick, a lawyer with the Queen's Prison Law Clinic in Kingston, Ont., said his group wasn't involved in filing the human rights complaint, but he's familiar with it, and says from his experience in Ontario, "it is certainly well founded."

"Sadly, it seems to me that the ultimate source of this problem is that prisoners' lives are simply not valued as other lives are," Quick said in an email to CBC News.

"Our legal clinic is frequently contacted by prisoners who are in distress due to being removed from OST," he said.

"It is profoundly dangerous to cut a patient off OST, particularly given the current fentanyl crisis in Canadian prisons. Unfortunately, it appears that such choices are at times made for punitive reasons (to deter diversion) rather than health-related reasons."

'Persistent noncompliance'

CSC declined an interview request, but spokesperson Stephanie Stevenson provided a statement which says that since October 2016, there has been a 25 per cent increase in the number of inmates on opioid use disorder treatments.

"Involuntary tapering is not to be used as a form of discipline and is only to be considered as a last resort in situations of persistent noncompliance with the methadone/Suboxone Maintenance Treatment Agreement with the offender," said Stevenson.

Kief said that in the past year, there has been plenty of progress getting proper treatment for inmates, but engagement in the issue from CSC appears to have stalled, and outside B.C. the problem is still especially bad.

She said the Human Rights Tribunal doesn't hear many cases, and this complaint could be dismissed entirely, but her hope is it will lead to a meaningful conversation with CSC and improved access to treatment for inmates.

Rafferty Baker

CBC News

Jun 04, 2018

## **Inquest makes 60 sweeping recommendations to prevent future drug overdose deaths behind bars in Ontario**

A sweeping coroner's inquest into a string of fatal overdoses at an Ontario detention centre concluded Friday by making more than 60 recommendations to prevent future drug deaths behind bars.

The inquest – spanning six weeks, with testimony from roughly 100 witnesses – was one of the largest in the province's history, probing the deaths of eight inmates at the Hamilton Wentworth Detention Centre between 2012 and 2016.

One of the most critical recommendations put forward by the jury, in the midst of a national overdose crisis that continues to kill thousands of Canadians every year, is to increase correctional officers' access to the overdose antidote naloxone, and to provide CPR training and overdose awareness education to inmates.

April Tykoliz waited four years to learn what happened to her brother, Marty Tykoliz, who was 38 years old when he died on May, 7, 2014.

"It's hard to listen to, what the last days of his life were like," Ms. Tykoliz said on Friday, as the proceedings came to an end. "It's shocking to think that all these things are going on behind those walls."

Mr. Tykoliz had long struggled with addictions, and was in and out of jail for much of his adult life.

"He made decisions that ultimately killed him," Kevin Egan, a lawyer who represented the Tykoliz family at the inquest, acknowledged in his closing remarks to the jury on Wednesday. "But, in our submission, the system failed him too."

Mr. Egan described the Hamilton Wentworth Detention Centre as "an overcrowded, lawless institution where inmates are warehoused, not helped; where ranges built for 20 men to live, warehouse 72 men."

Mr. Tykoliz, the jury heard, had asked to be put on an opioid replacement (methadone) program in the months before his death, but was denied by the jail's medical staff.

"So what's a man to do when he has a powerful addiction – a craving for a drug, and he can't get treatment?" Mr. Egan asked.

In the days before his death, Mr. Tykoliz shared a cell with an inmate whom staff were aware had smuggled "packages" of drugs into the jail. Surveillance footage – from cameras no one was watching – captured the pair moving freely around the range, openly smoking and snorting drugs off a table in the common area.

"Had there been eyes on the guys ... either personal direct supervision or someone monitoring the cameras in real time, the behaviour would have been spotted, the drugs confiscated and Marty likely would have avoided death," Mr. Egan said.

Instead, Mr. Tykoliz overdosed. He was taken to hospital and given naloxone, but returned to the jail the same night.

He was found unresponsive in his segregation cell the next morning, having overdosed a second time. Again he was sent to the hospital, but was pronounced dead that afternoon.

While Ms. Tykoliz said she is relieved to have the facts of her brother's death on the public record, it was "hurtful" testimony to listen to. She hopes the recommendations – which are non-binding – will be implemented, so that no other family has to go through this painful process.

"It's hurtful. How could that happen? Especially when people are reaching out for help," she said. "There's no such thing as corrections in correctional facilities."

Karen Shea, the coroner's counsel, had presented 47 proposed recommendations to the jury on Wednesday. In the end, the jury accepted those and added another 15.

The recommendations address everything from admission and security and communication procedures to substance abuse treatment and overdose responses. They also recommend that the jail keep a record of all suspected overdoses. Mr. Egan said the most crucial recommendations are those relating to the adequate supervision of inmates – a call that has been made repeatedly at jail inquests, he said, evidently to no avail.

"I think the jury did an excellent job. The ball is now in the hands of government," he said on Friday. "We must wait to see whether they pass the test in regard to the civilization of this province."

Molly Hayes

Globe and Mail - May 18, 2018

## **Lack of hep C treatment for N.S. inmates missed opportunity in disease control**

Health-care practitioners say the lack of treatment options for provincial inmates with hepatitis C is creating inequities in health care and missing an opportunity to control the spread of the disease.

Treatment for non-incarcerated Nova Scotians is publicly available.

Dr. Lisa Barrett is an infectious disease doctor who sees inmates with HIV and hepatitis C at the Central Nova Scotia Correctional Facility in Dartmouth, N.S.

She said when she sees an inmate with hepatitis C, she advises them about how to maintain a healthy liver and avoid toxins - and then tells them that she can't offer treatment.

"Even if you are ready, engaged and asking to be treated within the correctional setting right now, unless we have a compassionate access program from a drug company, we don't have access to care, in terms of treatment," said Barrett.

"And that's a difficult conversation to have ... because I know that the patient, the person I'm trying to look after, in front of me, is not getting the same care that someone about five kilometres away potentially is getting."

There are a number of treatments for hepatitis C on Nova Scotia's drug formulary, including a breakthrough treatment that can cure most people with the disease through a 12-week daily pill regimen. The province covers the cost of several of these treatments for Nova Scotians - unless they're incarcerated provincially.

'Just live with it'

Hepatitis C is a progressive infection spread through blood-to-blood contact such as intravenous drug use or dirty tattoo needles. In its later stages, it can cause liver failure and cancer, although it may take decades to get to that point.

But even in its earlier stages, hepatitis C can cause nausea, a lack of motivation and fatigue.

Justin Curran, 28, said his fatigue makes him feel as though he could fall asleep at any time.

Curran was released from jail in February 2018 after serving a two-year sentence for robbery. Prior to being incarcerated, he

contracted hepatitis C from intravenous drug use.

While in jail, he said he asked for treatment twice - once at the Northeast Nova Scotia Correctional Facility in Pictou County and once at the Cape Breton Correctional Facility in Sydney - and was denied both times.

"It made me pretty depressed, actually, that it was basically telling me, 'Here, just live with it.' It's letting someone know that it's hurting your insides, and you can get treatment, but they won't [provide it]. It doesn't make sense to me at all."

Curran said while he was incarcerated in Pictou, several other inmates in his unit were also seeking treatment for hepatitis C and were also turned down.

"I could count names off for probably 10 minutes of people I met with [hepatitis C] inside the institutions. I know a couple people in there, they were pretty sick. You could see the yellowing starting, and they don't do anything. It's crazy."

Disproportionate rates of infection

A disproportionately high number of inmates have hepatitis C. Research suggests that between 15 and 30 per cent of inmates in Canada are infected, and some estimates place that figure even higher. The prevalence of hepatitis C in the general population is roughly 0.6 per cent.

When so many people with hepatitis C are living in close quarters, that creates an opportunity for the infection to spread, said Barrett.

"These are the populations of folks who really would benefit from the ... prevalence [of hepatitis C] going down. Meaning, the less there is floating around, the less likely you're going to run into it. And that's where treatment as prevention is very important. You're not treating one person, you're treating the four others who could get infected from that person."

In a statement, the Nova Scotia Health Authority said that there was a lack of clarity regarding coverage, which they are now looking to rectify, and that they are working with the group developing the province's Hepatitis C Elimination Program.

A missed opportunity

But the concentration of people with hepatitis C in correctional facilities isn't just a challenge - it's also an opportunity, according to health-care practitioners.

Jac Atkinson is a nurse practitioner with Mobile Outreach Street Health. She works with people who are homeless and insecurely housed, including those dealing with mental health and addiction issues - a population that's often in contact with the justice system.

She says a barrier to treating this population is the difficulty practitioners have in getting access to them.

"In corrections we have this extraordinary opportunity where ... you have them hostage. So, they're not distracted, you know where they are, you can contact them, you can get blood work, you can do all those things," said Atkinson. "So we should be using that opportunity."

Moira Donovan  
CBC News  
Mar 09, 2018

## #JusticeForColten and Anti-Indigenous Racism on Canadian Juries

In August 2016, Colten Boushie was murdered by Gerald Stanley, a 56-year old white farmer, in Saskatchewan. Boushie was a young, 22-year old Indigenous man from Red Pheasant First Nation.

On the evening of February 9th, Gerald Stanley's fatal shooting of Boushie was outrageously justified as an "accident", and Stanley was acquitted of all charges. Stanley was found not guilty by an all-white jury. The defence rejected a number of Indigenous people during jury selection with "peremptory challenges". Peremptory challenges are essentially a set number of people that the defence can reject from jury selection without having to provide a reason - and are an obvious avenue for discrimination in the legal system.

The jury's under-representation (read: absence) of Indigenous people is not unique to the Stanley case - it is symptomatic of the institutionalized anti-Indigenous racism embedded in Canada's justice system. It is another enraging example of how power is distributed among racial and colonial lines in this country; it is yet another mechanism allowing state sanctioned violence against Indigenous people in Canada to thrive.

In 2011-2012, former Supreme Court Justice Frank Iacobucci conducted an independent review of the representation of First Nations persons living on reserves on the jury roll in

Ontario. He released a 166-page report compiling his findings in 2013, which includes a historical analysis of the jury system and a review of the many barriers put in place that have prevented - and continue to exclude - Indigenous people from participating on juries.

He writes that, historically:

"...criminal jury trials in Canada were used at times as a tool to punish, what the British viewed as disloyal behaviour on the part of Aboriginal people, and to persecute the customary practices of First Nations on the grounds that they constituted criminal behaviour."

Although the report focuses on Ontario, it includes a discussion of broader systemic trends across Canadian provinces and territories.

If you have the financial means, please donate to this Justice for Colten fundraiser organized by Erica Violet Lee to support the Boushie family. Please also consider writing an email to the Attorney General of Saskatchewan Don Morgan and Attorney General of Canada Jody Wilson-Raybould to demand an appeal of the verdict of Gerald Stanley.

[www.intersectionalanalyst.com](http://www.intersectionalanalyst.com)  
Feb 16, 2018



August 10th is the day set aside to remember those who have died unnatural deaths in Federal and Provincial Prisons, Remands, Lock-ups and Parole. Respect.

< *Poems* >**A Helping Hand**

So here I am again  
 Nothing changed, still the same  
 An empty cold cell, all alone  
 My built up tears bleed my pain  
 From time to time, down this face of stone  
 My life's fucked, it's a joke, a game  
 Where's my haven? Where's my home?  
 My hands are covered in red  
 From all the love we bled  
 I just need some warmth, I need a heart  
 I need some worth to go back to the start  
 My eyes are tired from trauma & hurt  
 Please pull me up from this dirt  
 Save me from my inevitable fate  
 Please pull me up before it's too late

- Sarah Jane Posthumus

**Untitled**

Society should open their eyes  
 Acknowledge the abject lies  
 It's the impoverished who despise  
 Politicians for their lies  
 The gap that separates  
 Helps decide each one's fate  
 Nurtures one's mental state  
 Into a life of love or hate  
 The failure to change what's wrong  
 Shows the ignorance which prevails  
 Tears are shed once again  
 Can't you hear the children's wails  
 Plagued by addiction & constant abuse  
 Bought & sold like bonds, no excuse  
 Food is scarce, you don't even care  
 The cycle of poverty continues ...  
 Is it fair?

- L.R. Blais

I am not eccentric. It's just that I am more  
 alive than most people.  
 I am an unpopular electric eel set in a pond  
 of goldfish.

- Edith Sitwell

**Alone**

I'm surrounded by people  
 But I still feel alone  
 Who knew that this place  
 Would be called my own  
 All I want to do  
 Is go back to my home  
 The people I love  
 I talk to on the phone  
 Other than that  
 I'm stuck in this zone  
 Hiding my feelings  
 They can never be shown  
 Everything about me  
 Is better left unknown  
 I'm surrounded by people  
 But I still feel alone

- Jessica Skye Bernard

**Lame Game**

What happened,  
 Has it happened again?  
 I'm saddened,  
 Is this really the end?

Another spree done,  
 Just me & these walls.  
 Why'd this day have to come?  
 But it's really unfair.

I'm alive & kickin',  
 I can feel the air.  
 I should quit my bitchin'  
 But it's really unfair.

It always happens to me,  
 It's a dangerous game.  
 Some call it destiny,  
 But it's getting real lame!

- Dominic Murphy

If you think you're too small to make a  
 difference, you've obviously never been in  
 bed with a mosquito.

- Michelle Walker



**Freddy Lives**

*I saw somebody kill Freddy the Fly,  
I got upset, it almost made me cry.  
With a checkerboard he was smashed into the  
wall  
As I watched poor Freddy's lifeless body fall.  
When me and Freddy were together in my cell,  
His life was safe: he did very well.  
As I mourned his body, I got a real surprise,  
As my cellmate Freddy flew by my eyes.  
The dead body wasn't that of Freddy the fly,  
It was of some unknown fly guy.*

- L. G. Perrault

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**Why**

*Why me  
Why can't I be free  
Why do I have to do such a bad crime  
Why am I sitting all alone doing my time  
Why did I do this to my kids  
Why am I doing all these bids  
Why did I have to be such a fool  
Why did I use these crimes to get drugs as a  
tool  
Why did I follow the man I love around all these  
towns  
Why did we act like such clowns  
Why did my life end up like this  
Why why why couldn't I give my loved ones a  
goodbye kiss*

- Chrissy DeStefano

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**Hope**

*With hope,  
Nothing is so overwhelming  
That we can't move forward  
And nothing we really need  
Will be beyond our grasp*

*With hope,  
We can overcome any barriers  
We may meet today*

- Scotty Drager

**A Life I Cannot Tame**

*Getting locked up in jail  
Going to court & having them refuse bail  
Running from cops, smoking pot  
Wondering if the crime I did, I'll ever get caught  
Wanting a release date, now I'm a criminal  
Hearing locking gates, like an animal in a cage  
Dealing with courts and cops  
Make me have an unbearable rage  
Separated from friends & family  
I got no one to blame for being here but me  
When I'm out I'll be free but until then I'm left  
here  
Feeling like a canary in a cage, about to blow up  
Not understanding this rage  
A life I cannot tame, or maybe I can  
Time will see if I remain institutionalized  
Or one day break free*

- William Joncas Jr.

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**Untitled**

*Stopping staring  
Lost in space  
Thoughts mismatched  
Out of place*

*Contemplating  
My mood today  
Feeling so hollow  
Filled with rage*

*How to capture joy  
Contentment, glee  
Something besides monotony  
And fucking misery*

*So here I stare  
Still lost in space  
Thoughts mismatched  
So out of place*

- Anonymous

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— Dad, I decided to quit college and take up a life of crime.  
— That's nice son, government or politics?

## Trial in absence a real Toronto tragedy

I am sitting in a courtroom at the Old City Hall courthouse in Toronto watching a trial for someone we'll call Jim.

I don't know Jim. There's a high probability he was homeless because it's provincial offences court, which covers "public nuisance" charges under the Provincial Offences Act, such as panhandling, but the consequences are real: they can include jail time.

However, Jim, the accused, is not present and has no idea the trial is taking place.

There is no defence counsel. The prosecutor calls witnesses to provide evidence. The statements they provide are unquestioned as there is no one to conduct cross-examinations.

There are no defence witnesses called. The prosecutor makes closing submissions but there is no one to make closing submissions on Jim's behalf. If Jim is found guilty, the prosecutor will make sentencing submissions. There is no one in the courtroom to shed light on Jim's background, the circumstances surrounding the commission of the alleged offence or any mitigating factors. And if this, a second offence, Jim could be sentenced to jail.

This is what a trial in absentia - without the accused being present - looks like.

The right to be present at one's trial and to conduct a defence is enshrined in international law. Surprisingly, these procedural protections do not exist in Ontario for accused persons charged with provincial offences even when there is a possibility of incarceration.

The Provincial Offences Act permits these types of trials to occur under certain circumstances. If you find this shocking, you are not alone. This could happen to any of us. Yet there is one segment of our society who are disproportionately impacted by these proceedings. In Toronto alone, hundreds of homeless accused have been tried and convicted of provincial offences without having ever stepped foot in a courtroom.

We don't have statistics on how often trials in absentia happen in Ontario - though such stats would be useful for everyone. However, I have seen them occur in provincial offence courts with surprising frequency.

As a staff lawyer with Legal Aid Ontario I facilitate a project at the Old City Hall

courthouse that provides legal representation to homeless accused who have been summoned to Provincial Offences court and are facing "nuisance charges." Our project has intervened on trials being conducted without the accused present at least 150 times over the past two years, and that's in just one courthouse.

My clients live with mental health disabilities and are struggling to survive. More than 20 per cent self-identify as Indigenous. In the face of the current housing crisis, many cannot find a bed in a shelter. They are charged for sleeping on the street or for asking for help from a passerby.

For every homeless accused I represent, there are many others who are tried and convicted in absentia. The stakes for accused people who are being charged with provincial offences can include imprisonment, exorbitant fines or probation.

Shockingly, on second conviction a defendant charged with panhandling under the Safe Streets Act can face up to six months in jail. Burdened with unpaid fines, totalling tens and hundreds of thousands of dollars, my clients will find it difficult, if not impossible, to obtain a drivers' license, employment, credit or a criminal record suspension in the future.

In the wake of the city's budget talks and in the face of an ongoing housing crisis, we might question why we invest limited resources into policing, prosecuting and punishing people living in extreme poverty rather than allocating resources to lift them out.

We also might question what we lose as a democratic society that claims to uphold the rule of law when hundreds of homeless accused are tried and convicted in their absence.

As for Jim, if he's sentenced with incarceration, the next time he interacts with the police he will be possibly picked up and then sent directly to jail to serve his sentence. No bail. No trial.

Amy Slotek  
Toronto Star - Opinion  
Mar 26, 2018

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Serial killers ruin families.  
Corporate and political and religious psychopaths ruin economies.  
They ruin societies.

- Bob Hare (UK psychiatrist)

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## **If we truly want to rehabilitate incarcerated youth, we must stop putting them in solitary confinement**

A couple of weeks ago, a jury looking into the suicide of Yousef Mohamed Hussein, an inmate who took his own life in segregation in an Ottawa detention centre back in 2016, came out with 29 recommendations for dealing with inmates with mental health issues. Among them was the suggestion that unless there was "clear and obvious" misconduct, inmates should still be allowed some interaction and communication with others.

Earlier this year, the Ontario Human Rights Tribunal issued a consent order to end segregation for the mentally ill, identified as a vulnerable population group. The province has signed on and agreed to end the practice in those cases, but it is still being used on another vulnerable population: youth aged 12 to 17.

In Ontario youth corrections, this practice is currently called "secure isolation." According to Ontario law, secure isolation refers to when a youth is locked in a specifically designated room to isolate him or her from others. Other provinces have similar practices.

There are some differences between secure isolation for youth and segregation for adults — for example, in the case of youth, segregation cannot be used solely as a punishment tool. However, they both meet the UN definition for solitary confinement when used for over 22 hours. And, according to the UN Mandela Rules, solitary confinement should be prohibited for youth.

Youth in isolation can spend up to 23 hours a day locked in a cell. The Provincial Advocate for Children and Youth of Ontario reported that in 2014, nearly a quarter of all secure isolation placements lasted for 24 hours or more. In 2013, one youth was held in isolation for 17 days. Currently, the Child and Family Services Act states that secure isolation should only be used as a last resort. By law, these youth should be released as soon as any "threats" are no longer a concern.

However, isolation can sometimes be used as an insidious tool for disciplining youth deemed to be "troublesome" by guards. The Residential Services Review Panel assembled by the Ministry of Children and Youth Services (MCYS) suggests that "the legacy of the adult correctional

system's approach to managing youth in conflict with the law and the inability for some to shift to a less authoritarian, youth-centred culture" may affect guards' relationships with youth. Thus, some guards may be using isolation when it is not appropriate or necessary.

Proponents of secure isolation argue that its use is a necessary evil to deal with deviant youth, preventing them from hurting themselves and/or others. There are also claims that time in isolation is time to reflect on wrongdoing and reconsider one's behaviour.

However, these arguments are misguided. According to criminology professor Kelly Hannah-Moffat from the University of Toronto, "there is little empirical evidence to show that [isolation] actually increases the safety of a facility."

Results from Larocque's 2017 research (some of it from the U.S.) indicate that neither the use of segregation, nor its duration, had any effect on institutional violence. Additionally, in *Bacon v. Surrey Pretrial Services*, the court stated that "inhumane treatment cannot be justified on the basis of a choice between physical safety and psychological integrity."

Evidence shows that time in isolation actually contributes to psychological harm for youth, leading to things like anxiety, depression and even hallucinations. For a population that is still developing mentally and physically, these effects are particularly harmful.

Historically, Canada made no distinction between youth and adults who came into contact with the justice system. Today, our criminal law has evolved to acknowledge that children have different needs and can benefit from less punitive interventions. In particular, the Youth Criminal Justice Act emphasizes rehabilitation and alternatives to incarceration in sentencing.

However, secure isolation runs contrary to these principles; incarcerated youth are doubly punished when subjected to incarceration and isolation. Indeed, research suggests that individuals who have been placed in solitary confinement may experience long-term or even permanent negative effects, which runs contrary to the stated objective of preparing these youths for reintegration into the community.

Beginning this week, new legislation will address the isolation of youth in Ontario custody centres. Although there have been some commendable

efforts to improve the practice, such as the potential for increased monitoring of youth in isolation, these changes don't go far enough. The new Child, Youth and Family Services Act still allows for the indefinite isolation of youth aged 16 or older with the provincial director's approval. This unfettered discretion opens the door for misuse.

In 2011, the UN Special Rapporteur on torture recommended a complete ban on isolation for youth. We agree. Ontario has taken necessary steps to eliminate the use of solitary confinement for one vulnerable population. It should do so for another.

Cristina Tucciarone, Ferdouse Asefi &  
Sebastian di Domenico  
CBC News - Apr 30, 2018

### **There's nothing 'illegal' about asylum seekers**

*Amid a global refugee crisis, the misuse of the term 'illegal' carries a real cost.*

We are concerned about a recent spike in the use of the term "illegal" to characterize asylum seekers crossing the Canada-U.S. border.

One newspaper speaks of "illegal migrants" while others focus on "illegal border crossers." An editorial from a prominent national paper asks Prime Minister Justin Trudeau to "yield to Tory measures" by tightening the border. Immigration Minister Ahmed Hussen recently said that he has "no qualms about using the term [illegal]." As MPs Jenny Kwan and Gary Anandasangaree have both argued, word choice is important and the term "illegal" is harmful.

"Irregular" is used by the Immigration and Refugee Board of Canada to describe border crossings "between ports of entry." This is not about people trying to sneak across the border undetected, but about the right to seek asylum from persecution. The Universal Declaration of Human Rights protects this right. Importantly, the 1951 Refugee Convention and the 1967 Protocol, to which Canada is a signatory and which are incorporated into Canadian law, both recognize that refugee claimants should not be penalized for irregular entry to seek refuge.

Many news pieces that talk about "illegal migrants" or "illegal border crossing" fail to mention an important context - the Safe Third

Country Agreement (STCA) with the United States. The agreement, which came into effect in 2004, requires Canada to send refugees back to the U.S. if they come to an official port of entry in all but a few circumstances. This agreement only applies to refugee claims made at official border points, and is premised on the assumption that the U.S. is a country that protects the rights of refugee claimants. Given the current Trump administration's anti-refugee and anti-Muslim policies, there is good reason to think the U.S. is not currently a safe place of return.

Applying the term "illegal border crossing" to refugees is based on a misconception. Irregular entry is not an offence in the Criminal Code, and should not be labelled as such. The language of illegality also tends to violate the presumption of innocence. This is a principle that should inform ethical journalism.

We should recognize that many so-called "illegal border crossers" will become long-term and integral members of Canadian society. If people come without a well-founded fear of persecution, they will be sent home. But if they do have legitimate grounds for refugee protection and are legally entitled to remain, there is a strong public interest in their eventual integration. Using criminalizing language makes this transition more difficult. As refugee law scholar Harold Bauder writes, the language we choose "can also shape the way civic society, employers, and communities engage refugees and immigrants in everyday life."

Refugees often lack access to the press and to podiums, so their public image and identity tends to be defined by others. Stigmatizing labels embolden a populist politics that positions refugees as outsiders, burdens, and potential criminals. These labels in turn support problematic policies by making it easier to scapegoat refugees for social ills they are not responsible for.

We stand against a term that divides refugee claimants into "good" and "bad", "deserving" and "undeserving", and that removes the dignity of those exercising their fundamental rights to claim asylum and start a new life. There is a great responsibility for those with elevated voices to not prejudice and malign refugee claimants as "illegal."

Jesse Beatson, Kylie Sier  
Toronto Star - Apr 9, 2018



## End Immigrant Detention Network

We are an organization of volunteers working towards justice for those incarcerated. Many of us are women and trans people of colour. Our main focus has been on immigration detainees. However, we want build relationships with ALL inmates.

We run two phone lines in Ontario:

- If you are in a facility with a 705 area code, call us collect at 705-340-4432 on Wed, Thurs, Fri, or Sun from 2-4.
- If you are in a facility with a 905 or 416 area code, call us collect at 416-775-0242 any day.
- If we do not pick up the first time, keep trying - sometimes we can't answer.

Not in Ontario? Need a listener or pen pal? Write us here:

The Centre for Women & Trans People  
U of T, North Borden Bldg  
563 Spadina Ave, Room 100  
Toronto, ON, M5S 2J7



## Penpal Program for Gay, Queer, Trans Prisoners

The Prisoner Correspondence Project runs a penpal program for gay, lesbian, bisexual, transsexual, transgender, and queer prisoners in Canada, pairing them up with gay and queer and trans people outside of prison for friendship and support. We also coordinate a resource library of information and resources related to health, sexuality, and prisons - get in touch with us for a list of resources we have, or for details.

If you want to be paired up with a penpal, please send a short description of yourself & interests to:

Prisoner Correspondence Project  
c/o QPIRG Concordia  
1455 de Maisonneuve W.  
Montreal, QC, H3G 1M8

Please indicate French or in English. Veuillez svp nous indiquer anglais ou en français.



## PRISONERS JUSTICE DAY

☞ In Remembrance ☜

- August 10 -

There are more than 200 Unnatural Prisoner Deaths in Canada.

- Each and Every Year -

We maintain a PJD 'In Remembrance' page on our website for Prisoners who have died in Federal and Provincial Prisons, Remands, Lock-ups and Parole in Canada.

If you wish to have someone remembered there, send us a note or email and we will honour your request.

[PJD@PrisonFreePress.org](mailto:PJD@PrisonFreePress.org)

## Important Hep C Update!

New treatments with excellent success rates are now available!

*These are in pill form and have little or no side effects. The downside is the cost of course: \$1000+ per pill.*

Vosevi is a combination of sofosbuvir, velpatasvir and voxilaprevir. These three drugs are combined into one tablet. It is taken once a day with food for 12 weeks.

Federal Prisoners: *Great news, now you can start your treatment while inside!*

Provincial/Territorial Prisoners: *Only BC & ON provide treatment. Elsewhere, you will have to wait till you get out.*

- When released, get right on welfare or disability.
- Federal health care programs like NIHB & IFH may cover costs.
- Go to a Clinic and get your blood test done so you can get into a Treatment Program at no cost to you.

There are 2,700 with chronic hep C in Federal prisons.

There are 4,380 with chronic hep C in Prov/Terr prisons.

All Federal prisoners with hep C are now eligible for treatment.

BC & ON Prov prisoners with hep C are now eligible for treatment.

HEP C = 18-30% in prison

HIV = 1-5% in prison

Do Not Share or Re-Use:  
needles, ink, ink holders, rigs, ...  
... well, anything in contact  
with blood !!!

**BLEACH DOES NOT KILL HEP C**

## Facts about HIV and HCV

*With some exceptions, HIV and HCV infection is generally more prevalent among women than men in prison, particularly among those who have a history of injection drug use.*

*In a study of provincial prisons in Quebec, the HIV and HCV rate among incarcerated women was, respectively, 8.8 and 29.2 percent, compared to 2.4 and 16.6 percent among male prisoners.*

*In a study of female prisoners in British Columbia (B.C.), self-reported rates of HIV and HCV were 8 percent and 52 percent, respectively.*

*In a 2007 nationwide survey by CSC, the HIV and HCV rate among federally incarcerated women was 5.5 and 30.3 percent, compared to 4.5 and 30.8 percent among federally incarcerated men. Aboriginal women reported the highest rates of HIV and HCV, at 11.7 and 49.1 percent, respectively.*

*While the majority of women in prison are voluntarily tested for both HIV and HCV, the provision of pre- and post-test counselling has been reported to be poor, and in some cases, non-existent.*

*Women in prison are more likely than women in the general population to have faced violence and abuse; therefore, counselling accompanying HIV diagnosis is particularly important. Women in prison have concerns about the privacy and confidentiality of their HIV status.*

*Women have reported being forced to draw unwanted attention. Women (37.0%) reported being HCV-positive. Aboriginal women were identified as a particularly high-risk group because they reported the highest rates of HIV (11.7%) and HCV infections (49.1%).*

*These data highlight the need to ensure that culturally appropriate, effective interventions that decrease risk-behaviours and increase utilization of harm-reduction measures are offered to meet the needs of Aboriginal women.*

## A Child of an Incarcerated Parent

### The Reality

- Every year over 150,000 adults are remanded into custody which results in approximately 180,000 innocent children who suffer from the traumatic effect of parental incarceration in Canada
- Over 5000 children are impacted by parental imprisonment in the GTA
- The number of children affected by parental incarceration only increases with the passing of the Crime Bill C-10

### The Need

- Despite the growing prevalence of these innocent victims the resources available are minimal
- The cost and lack of accessibility to correctional facilities restrict child-parent visits. Consequently, some children can never visit their incarcerated parents

### The Impact

- Children of incarcerated parents grieve the loss of their parent
- These children are four times more likely to be in conflict with the law
- Social stigma of incarceration causes some families to avoid discussing the absence of a parent

Research suggests that parental incarceration has a detrimental impact on children. These innocent children suffer the traumatic experience of being separated from their parent. Following parental imprisonment, children are faced with a myriad of challenges including:

- feelings of shame, grief, guilt, abandonment, anger
- lowered self-esteem
- economic instability
- social stigma and isolation
- disconnection from parent
- insecurity in familial and peer relationships
- school absenteeism, poor school performance
- difficulty in coping with future stress/ trauma
- compromised trust in others including law enforcement



### F.E.A.T. - Family Visitation

F.E.A.T. for Children of Incarcerated Parents was founded in 2011 to support the needs of the over 15,000 children in the Greater Toronto Area that have a parent in the criminal justice system.

F.E.A.T.'s Family Visitation Program provides weekend transportation from Toronto to correctional facilities in Southern Ontario for children and families to visit imprisoned loved ones.

During our trips, F.E.A.T provides free snacks and refreshments, offers a variety of games and activities, and plays movies.

Our bus is a place where youth and families have a chance to talk about their experiences of having a loved one inside and receive support from mentors and other riders.

Our Family Visitation Program is free for anyone 18 years old and younger. If you are interested in participating in our program, please call or email F.E.A.T. to register today.

For more information or to book a seat on the bus please contact Jessica or Derek Reid by email at:

[info@featforchildren.org](mailto:info@featforchildren.org)

or by phone at: 416-505-5333



## PRISON RADIO

- Guelph - CFRU 93.3 FM  
*Prison Radio - Thurs 10-11 am*  
*Call-in 519-837-2378*
- Halifax - CKDU 88.1 FM  
*Black Power Hour - Fri 1:30-3 pm*  
*Youth Now! - Mon 5-6:30 pm*
- Kingston - CFRC 101.9 FM  
*CPR: Prison Radio - Wed 7-8 pm*
- Montreal - CKUT 90.3 FM  
*PRS - 2nd Thurs 5-6 pm & 4th Fri 11-noon*
- Vancouver - CFRO 100.5 FM  
*Stark Raven - 1st Mon 7-8 pm*

*CPR: This program features content produced by CFRC volunteers and by other campus and community radio broadcasters, including CKUT Montreal's Prison Radio & Vancouver Co-op Radio's Stark Raven programs.*

*The last Wednesday of each month, CPR features 'Calls From Home', sharing letters, emails, voice messages and music requests by and for prisoners and their loved ones.*

*Prisoners and their loved ones are invited to contribute music requests, messages and suggestions for the program.*

*Write: CPR c/o CFRC, Lwr Carruthers Hall,  
Queen's University,  
Kingston, ON, K7L 3N6*

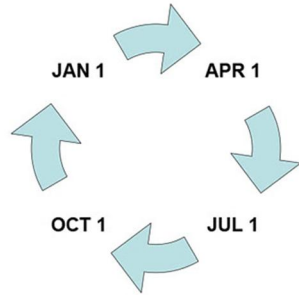
*Email: [CFRCprisonradio@riseup.net](mailto:CFRCprisonradio@riseup.net)  
Call: 613-329-2693 to record a message or  
music request to be broadcast on-air.*

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**Prisoners Justice Day is August 10**

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- CLASS ACTION! NEWS -



- MAILOUT DATES -

➤ **Issue #10 - Summer 2018** ⤿

**Class Action News**  
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[www.ClassActionNews.org](http://www.ClassActionNews.org)

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*Deadline: Sep 1, 2018*  
*Mail-out: Oct 1, 2018*

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If you don't like the news ...

... make some of your own !!!

*Whatcha got in there that's gotta get out?*

... Hmm ... ?

*Art, Poems, Stories, News, Whatever !*

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