

PRISONERS JUSTICE DAY



CLASS ACTION! NEWS
ISSUE #18 SUMMER 2020

< Editor's Note >

It is Summer & Issue #18 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 - Yes, 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 (1/2 page = 325 words max). For author protection, letters & story credits will all be 'Anonymous'.

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Canadian Charter of Rights & Freedoms

- The right of life, liberty and security of person (Section 7).
- The right not to be arbitrarily detained (Section 9).
- The right not to be subjected to cruel and unusual punishment (Section 12).
- The right to be equal before and under the law (Section 15).

The Whole World Is On Lock-Down!
Do You Now Understand Why It Is Inhumane?

That's not a chip on my shoulder,
that's your foot on my neck.
- Malcolm X

< News >

Ottawa ordered to pay \$1.12M in legal fees for prison segregation class action

The federal government has been ordered to pay \$1.12 million in legal fees for a segregation class action in a judgment critical of Ottawa's arguments for paying less.

In awarding the costs to representative plaintiff Julian Reddock, Superior Court Justice Paul Perell rejected the government's contention that the requested fees were unreasonable or excessive.

"If anything, it is the pot calling the kettle black for the federal government to submit that class counsel over-lawyered the case," Perell said.

The fee award comes in a class action involving the placement of inmates in administrative solitary confinement. Lawyers from McCarthy Tetrault and Koskie Minsky were involved.

Reddock launched the action in March 2017. He said he had sometimes spent days without leaving his cell and that he binged on an anti-anxiety drug.

In August, Perell awarded the thousands of class members \$20 million in damages, with the right of individual complainants to push for higher amounts depending on their circumstances.

"The Correctional Service operated administrative segregation in a way that unnecessarily caused harm to the inmates," Perell said.

Reddock requested \$1.24 million to cover the legal costs of his successful fight. The government, however, claimed the fees were "disproportionate and excessive."

In its submissions, Ottawa argued a substantial cut was warranted because the Reddock lawyers from McCarthy Tetrault were also involved in a separate segregation class action against the government. That lawsuit, with Christopher Brazeau as one of the representative plaintiffs, involved mentally ill inmates placed in administrative segregation.

The lawyers' decision to separate the lawsuits was "duplicative" and the litigation approach "unreasonable," the government maintained.

Perell, however, rejected the arguments, noting among other things that the government did not say what costs would have been reasonable or how much it spent on its own lawyers.

"When an unsuccessful party does not file a bill of costs but alleges over-lawyering, courts are very skeptical about the allegations," Perell said. It would appear, the judge said, that Ottawa spent at least as much, if not more, on lawyers than did the plaintiff.

The two class actions, Perell said, were substantively different and Ottawa's claim to the contrary was unjustified. Nor could it be said that pressing them as a single suit would have been more efficient, he said.

"The federal government was quite happy to take ironical and inconsistent approaches in advancing its defences and playing one case off against the other," Perell said. "It takes irony and hypocrisy for the federal government to say there were efficiencies to be achieved."

Perell did reduce Reddock's requested fees by \$113,000 for a sliver of counsel overlap he found in the two cases.

Administrative segregation involves isolating inmates for safety reasons where authorities believe there is no reasonable alternative. Prisoners spend almost their entire day in small cells without meaningful human contact or programming.

Critics argue the practice can cause severe psychological harm and amounts to cruel and unusual punishment, facts that Perell - and other courts - have accepted. Ottawa has said legislation that takes effect Nov. 30 will alleviate the problem.

Colin Perkel
The Canadian Press
Oct 26, 2019



Canada abandons solitary confinement appeal to Supreme Court

After five years of fervent legal defence, Ottawa is abandoning a Supreme Court appeal of several lower court decisions that rendered solitary confinement unconstitutional in federal prisons, bringing an unceremonious end to the practice of confining prisoners to cells the size of parking spots for months and years at a time.

In two notices of discontinuance filed with the court on Tuesday, the Attorney-General stated it “wholly discontinues the appeal.”

That single phrase terminates a protracted legal battle with civil rights groups that has fundamentally reshaped prison management in the country by rendering any form of solitary confinement stretching more than 15 days as cruel and unusual punishment.

“It’s a huge victory. We are thrilled,” said Noa Aviv Mendelsohn, equality program director at the Canadian Civil Liberties Association, one of the groups that sued the federal government in 2015 arguing that the Correctional Service of Canada practice known as administrative segregation violated the Charter of Rights and Freedoms on several grounds.

“They have been fighting us for so long and clinging to this practice for so long,” she said.

A joint statement released on Monday from the offices of Public Safety Minister Bill Blair and Attorney-General David Lametti said the government decided to abandon the appeal because legislation passed last year effectively repealed administrative segregation, the prisoner-isolation method akin to solitary confinement that has been the target of recent court challenges.

The British Columbia Civil Liberties Association and the John Howard Society of Canada filed a similar challenge in B.C. Supreme Court. The Supreme Court had agreed to hear appeals in both cases together.

Since 2015, the rights groups have argued that administrative segregation is an unconstitutional prison practice analogous to indefinite and prolonged solitary confinement, which has been found, in studies the world over, to inflict permanent mental and physical injuries upon prisoners. Some of those documented ailments include paranoia, psychosis, heart palpitations, eating disorders, permanent difficulty coping with social interaction, self-harm and suicide.

At the time the court challenges were filed, the prison service was facing heavy criticism for the deaths of two inmates, Ashley Smith and Edward Snowshoe.

Ms. Smith, a New Brunswick teen, died in 2007 by self-strangulation as prison staff at Grand Valley Institution watched. She had spent more than 1,000 days in solitary confinement. A 2013 coroner’s inquest jury ruled the death a homicide.

Mr. Snowshoe died by suicide in 2010 at Edmonton Institution. He’d languished in solitary for 162 days. A subsequent *Globe and Mail* investigation found that his deteriorating mental state had been ignored by prison staff.

In the wake of the deaths, various bodies recommended that prisons limit solitary confinement to 15 days, install independent oversight for segregated prisoners, and prohibit segregation for certain vulnerable groups, such as mentally ill, young and pregnant prisoners.

Those three planks became the basis of the court challenges when it became clear the correctional service was ignoring the recommendations.

In court, government lawyers declared that administrative segregation was a rare and Charter-compliant practice necessary to uphold the safety and security of federal prisons. Federal prisons had been holding around 800 prisoners in solitary confinement in 2015. As the litigation wore on, and the government came under continual pressure to enact reforms, the solitary population plummeted below 200.

The rights groups notched repeated victories in lower courts. But Ottawa tried to derail the proceedings by promising legislation that would address every aspect of the judicial decisions.

With Bill C-83, passed last year, the government said it was abolishing administrative segregation entirely and replacing it with a new form of prisoner isolation called Structured Intervention Units, which would grant prisoners at least four hours free from their cells, double their current entitlement, including two hours of “meaningful human interaction.”

The government said that giving prisoners four hours outside their cells meant structured intervention no longer met the definition of solitary confinement, defined by the United Nations as 22 hours or more hours in a cell without meaningful human contact.

But the rights groups, along with legal scholars across the country, say the units are still practising solitary confinement. They argue that the legislation fails to address two major constitutional holes identified by lower courts: a lack of binding independent oversight and an absence of limits on the amount of time prisoners can spend in isolation.

"The law continues to permit prolonged solitary confinement by failing to put a hard cap on the number of days a prisoner can be placed in solitary confinement," said Grace Pastine, litigation director for the British Columbia Civil Liberties Association.

"We certainly hope that the government's decision to abandon this appeal is a commitment to actually abolishing prolonged and indefinite solitary confinement and upholding the fundamental rights of all prisoners," she said. "We intend to monitor the government's actions very closely."

Patrick White
Globe & Mail
Apr 21, 2020



Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it's the only thing that ever has.
- Margaret Mead

Inmate hunger strike at Ontario jail ends after five days

An inmate hunger strike at the Central East Correctional Centre ended on Friday afternoon after five days.

A senior jail official met with the organizer of the strike on Friday and told him a meeting had been organized for June 29 where senior correctional services staff would consider some of the inmate demands including adding more options to the canteen, more exercise equipment, allowing books to be sent in and more time to make phone calls in the evening, according to jail reform advocate Sundus Ali, who has been helping share updates on the strike.

After the "productive meeting" the inmates agreed to call off the strike, Ali said. The strike began with about 100 inmates participating and ended with about 78 still going, she added.

In the meantime, the air quality filters in the Lindsay, Ont., jail were changed and more channels added to the existing televisions, Ali said.

"The inmates are happy to have a seat at the table and to actually have their voices heard. They are hopeful there will be slow and steady but consistent changes," Ali said.

The inmates had complained of being provided dirty clothes, poor quality food and infrequent linen changes. They also said that, even prior to the pandemic, they were not being provided enough access to rehabilitative programs. It is unclear if the jail is taking action on these issues. One of the key inmates demands remains unresolved. Jail officials said there is nothing that could be done about the complaint of water that the inmates said causes rashes and is undrinkable because it is the city's responsibility. The Ministry of the Solicitor General confirmed Friday that the strike was over, and said that the participating inmates had been given medical check-ups throughout as per protocol.

Alyshah Hasham
Toronto Star
Jun 22, 2020

We realize the importance of our voices only when we are silenced.
- Malala Yousafzai

Judge rejects Ontario liabilities law in solitary confinement class-action ruling

A judge has rejected Ontario's claim that a new law gives it immunity from a wide range of lawsuits, in a ruling that grants a minimum of \$30-million in damages to thousands of prisoners who were shut away in solitary confinement.

The case, a class action brought on behalf of 11,000 Ontario inmates, was the first test of the Crown Liability and Proceedings Act (CLPA), which took effect last July. Critics have said that law makes it nearly impossible to sue the government and its agencies for negligence – a failure to take proper care in their work. The law was itself the first to take aim at a 60-year-old, Canada-wide trend to end governments' immunity from being sued for wrongful conduct.

The CLPA bars lawsuits over government policy decisions. But the question at the heart of the case was what constitutes a policy decision. The Ontario Attorney-General's department defined it broadly, arguing that solitary confinement – which it calls administrative segregation – was a type of policy decision that could not be the subject of a lawsuit under the new law unless the prisoners could point to individual employees who misused it.

If that interpretation held true, said Ontario Superior Court Justice Paul Perell in his 152-page ruling Monday, it would “make all provincial government activities policy and thus immune from tort [wrongful conduct] claims.” Calling the province's argument “cynical,” he said it would be impossible for inmates at 32 jails to identify “individual villains.”

He called solitary confinement a “dungeon inside a prison,” and said that the severe psychiatric harm it causes is grossly disproportionate to its stated purpose of protecting jail security. He also quoted from George Orwell to suggest that the term “administrative segregation” was a form of doublespeak meant to conceal the true nature of solitary.

Eugene Meehan, an Ottawa lawyer, said that Ontario's new law on government liability has the potential to “move the tectonic plates of the citizen-state relationship,” but that Justice Perell's ruling reduces the law's impact. “When the CLPA was enacted, the concern for many was that it was turning back the law of Crown

immunity to a time where the Crown could do no wrong,” he said. “It is now clear that the Crown can still do a lot of wrong and be held fully liable for it.”

Brian Gray, a spokesman for the Attorney-General's department, said the province is reviewing the judgment. As the matter falls within an appeal period, he said it would be inappropriate to comment.

The lawsuit featured male and female inmates who have been locked away in solitary confinement, despite severe mental illness, or for periods in excess of 15 days, or both. One, Ahmed Mohamed, was subjected to racist beatings from other inmates and shut away for his own protection in a tiny, filthy cell for 30 days, with no TV or reading materials, and allowed out for just 20 minutes a day. Another, Conley Francis, who suffers from a psychiatric illness, testified he was placed in solitary for eight days, and later for two days, for refusing to take a psychiatric drug, Seroquel. Both men testified to suffering long-term emotional harm. They argued that such uses of solitary confinement violated their constitutional rights to personal security and protection against cruel and unusual treatment, and Justice Perell agreed.

James Sayce, a lawyer who brought the class action on behalf of inmates locked up in solitary confinement between 2009 and 2017, said the ruling protected the basic right to sue the government for being negligent in its day-to-day operations.

“The government tried to use [the law] as a get-out-of-jail-free card and the court wouldn't let them,” he said in an interview. “The legislation would basically do away with negligence lawsuits and that cannot be.”

The lawsuit is to proceed to another stage, in which the individual inmates are entitled to make a case for additional damages, based on their treatment and the harm allegedly done to them, to a judge, arbitrator or other decision-maker.

The Ontario government argued the law, which can be applied retroactively, effectively shut down the prisoners' lawsuit, filed two years before the law took effect. It also argued that the government could not be held responsible for its use of segregation because Ontario's Court of Appeal ruled only last year that its prolonged use, or any use on severely mentally ill

inmates, was unconstitutional.

But Justice Perell called that defence “a damning confession that it was legally and morally reprehensible for Ontario to use administrative segregation.”

Sean Fine
Globe & Mail
Apr 20, 2020



Prisoners' Justice Day: The Unwritten Holiday of Canadian Inmates

My first time in jail was near the end of summer 2005. Jail sucks, but it definitely didn't seem as bad as I thought it would. I figured that's just because I was in Canadian jail, which has a better reputation than prisons across the border. But I had no clue just how lucky I was to not have been in jail back in the 70s.

One morning during my stint in 2005 a fellow inmate asked me if I was going to eat my food that day.

I thought he was looking to trade my meal for a bag of chips or something. I didn't want to do that so I replied, "Yeah I am." He insisted I wasn't going to eat today and I started to get angry, thinking he was trying to punk me off. But another inmate overheard us and explained, "You can't eat today - nobody in jail eats on this day."

It was August 10 - Prisoners' Justice Day.

In jails across Canada, August 10 is as solemn as November 11 is on the outside. It's a

reminder of those men and women who died while in custody, and just how far we've come since the 70s. The events, people, and deaths leading to the present day are way too numerous for me to write about, so I'll focus on just two institutions in Ontario: Millhaven and Kingston Penitentiary.

From 1835 to August 1975, Canadian jails were the closest thing to hell you could find in the country. This was especially true of any federal prison under the jurisdiction of the Canadian Penitentiary Service (CPS).

Inmates could be sent to the hole (segregation) for any reason, and it was not uncommon for sick inmates to die in there. Some were even left in the hole after they were cleared for re-entry back into the prison population. Corporal punishment in prison was completely legal as well. Inquests into inmate deaths repeatedly found the onus to be on CPS, but no significant changes were ever really made.

In 1971, inmates from Kingston Penitentiary (KP) were being arbitrarily transferred to the new Millhaven Institution due to overcrowding, even though construction of that prison wasn't complete. Tensions within both prisons began to rise. In KP a four-day-long riot erupted, resulting in six prison guards being held hostage (who were eventually released unharmed), much of the prison being wrecked and two inmates being beaten to death.

The next summer, fourteen inmates escaped from Millhaven. Five of the inmates were never recaptured, and people feared they were terrorizing the city of Kingston. This was partially the inspiration behind the Tragically Hip's song "38 Years Old."

On August 10, 1975, inmates from Millhaven organized a 24-hour hunger strike on the one-year anniversary of the suicide of Edward Nalon, who bled to death in segregation. At the time peaceful protests were a punishable offense in prison, and some inmates were left in the hole for a year after the hunger strike. This day is known as the first official Prisoners' Justice Day, although some inmates argue that the first PJD happened in 1972 (the same year corporal punishment was abolished.)

In 1976, inmates at Millhaven began a 110-day hunger strike following the death of another inmate put in the hole. The inmates involved in the strike made a list of demands. Over the years the Canadian Penitentiary Service - which

was renamed to the Correctional Service of Canada in April 1979 - began adopting the changes the inmates requested.

The federal prisons in Canada are now accountable to the Canadian Charter of Rights and Freedoms. Advisors from the general public now have a say in prison affairs and inmate representatives (now known as the Inmate Committee) have a voice in the treatment of the inmate population.

But every Aug 10, inmates across the country decline all services offered by the prison. Nobody works, nobody goes to school, and nobody eats for 24 hours. This is because for almost 150 years there were many who lived and died in the very same cells we now occupy who never had the freedom or chance to make such a choice.

And now that I am free, I'm reminded from time to time that the reason I was able to survive my recent federal sentence was not because Canada is so enlightened in its treatment of its prisoners. It's because Canadian prisoners fought and died to improve that treatment.

At detention centres across the country, the friends and families of those in custody rally on this day outside the fences to show solidarity with those inside. The first time I saw them outside my window I kind of laughed because it seemed like such an empty gesture. But in light of everything I've learned since about PJD, I'm not sure it's so pointless anymore.

Karim Martin

Vice Media - Aug 10, 2016

A pandemic in prisons forces a rethink of why so many are behind bars

In mid-March, when the COVID-19 pandemic hit, Ontario had more than 8,000 people in its jails. Five weeks later, 2,600 have been freed - nearly a third of the provincial prison population. These releases were an emergency health measure, because in overcrowded jails, as in seniors' homes, the virus can spread quickly. Across Canada, infections are surging among inmates. In federal prisons, 186 inmates had been infected as of Monday, double the number from five days earlier, and one prisoner had died. A single provincial jail in Ontario reported an outbreak infecting 60 prisoners. The failure to stop the virus from spreading behind bars raises questions as to why more

prisoners haven't been released. But the fact that many prisoners were released, and quickly, raises deeper questions about the rhyme and reason of Canada's prison system.

If these men and women could be safely released now, why not earlier? Why is jail our principal punishment, even for many non-violent offenders? Are there better responses to some crimes, and some criminals?

It is time for a radical rethink of a prison system that is little changed since its invention two centuries ago.

Ontario's decision on March 13 was to allow intermittent prisoners - low-risk offenders who are behind bars only on weekends - to remain free. A week later, Ontario extended the release to some inmates near the end of their time served.

Other provinces such as British Columbia and Nova Scotia have also liberated prisoners. On Monday, Public Safety Minister Bill Blair said several hundred inmates have been released from federal prisons. Federal institutions hold those sentenced to two or more years; provincial institutions hold those serving shorter sentences, or awaiting trial.

There were 38,786 adults imprisoned in Canada as of the most recent tally from Statistics Canada. About 14,000 were in federal custody and the rest held provincially.

The first urgent issue is remand, which accounts for 60 per cent of prisoners in provincial custody, or nearly 15,000 people. They are charged but unconvicted, and awaiting trial.

Bail is a right under the Charter of Rights and Freedoms but the justice system for years has leaned toward pretrial detention. Since the mid-2000s, there have been more people in remand in provincial jails than sentenced.

Justice reformers have worked to reverse this ugly trend. A 2017 Supreme Court ruling underscored that release on a promise to appear should be the "default position." Ottawa two years ago conceded the bail system was and last year passed Criminal Code amendments that included "restraint" on the use of bail. These principles need to be reinforced, and carried out.

A bigger question is imprisonment itself. Canada puts convicted people behind bars at a lower rate than the United States, but at a far higher rate than most European countries. Why? The goal is not to coddle criminals or ignore crime.

It's to find better ways to help offenders - many of whom come out of difficult circumstances - become law-abiding citizens, find employment and live as good neighbours.

Instead of jail for lesser offenders, what about greater reliance on conditional sentences, such as home arrest with an ankle monitoring bracelet? What about sentences whose "punishment" includes the obligation to graduate from high school, get a postsecondary degree or apprentice in a trade?

Lastly, there is jail itself. Some people have to be held behind bars, but nobody should be subjected to our worst institutions. Consider the deplorable state of Ontario's newest jail, the second largest in Canada, the Toronto South Detention Centre. One judge recently described conditions there as "Dickensian, regressive and inexcusable."

Germany can be a model: fewer people jailed, for less time and in better conditions. And Germany gets better results, for less money. Savings could then be invested in alleviating root causes of crime.

Canada has the opportunity to rethink criminal justice, and to remake it.

The pandemic has freed thousands of low-risk offenders - suggesting that the case for them being behind bars in the first place was weaker than widely believed. And on Tuesday, the federal government quietly abandoned its appeal of a court ruling banning the use of segregation - solitary confinement - for more than 15 days. In prison, the status quo is no longer an option.

Editorial

Globe & Mail - Apr 22, 2020

Prisoner suing Ottawa over safety of inmates during COVID-19 pandemic

Physical distancing measures in correctional institutions during COVID-19 have been "grossly inadequate" putting the health and safety of prisoners at risk, alleges a lawsuit against the federal government.

The suit, filed by Sean Johnston, who is serving a life sentence for murder, and several human rights organizations, claims failure to protect the health of prisoners during the pandemic violates their charter rights.

Johnston and the groups, which include the Canadian Civil Liberties Association and the Canadian Prison Law Association, filed the application in federal court Tuesday against the country's attorney general.

"Physical distancing measures in prison have been grossly inadequate," Johnston said in a statement. "Some of us remain double-bunked and cannot achieve physical distancing within our own cells, let alone throughout the institution."

Without a vaccine or an approved treatment for COVID-19, physical distancing remains the greatest protection against contracting the novel coronavirus, the suit said.

They also allege Correctional Service Canada cannot keep prisoners safe because it cannot ensure the proper physical distancing measures without reducing the prison population.

"Unlike other correctional authorities around the world and across Canada, however, (Correctional Service Canada) has taken few if any steps to release prisoners from its institutions," the suit said.

"Federal prisoners are disproportionately at risk both of contracting COVID-19 due to the nature of the penitentiary environment, and of suffering severe adverse outcomes including death, due to the prevalence among the federal inmate population of pre-existing vulnerabilities."

The suit also alleges some prisons are using lockdowns, with prisoners confined to their own cells for indefinite periods, as a means to curb the spread of the disease. It is a practice that is tantamount to segregation, the suit alleges.

Two prisoners have died of COVID-19 and 333 others have tested positive for the disease, while 202 inmates since recovering, according to Correctional Service Canada. The vast majority of those cases have come from outbreaks at two institutions in Quebec and one in British Columbia.

"Unlike other correctional authorities around the world and across Canada... (Correctional Service Canada) has taken few if any steps to release prisoners from its institutions," the suit alleges.

The lawsuit's allegations have not been proven in court.

The office of Attorney General David Lametti did not respond to a request for comment.

The office of the minister of public safety and emergency preparedness said it has authorized both Correctional Service Canada and the Parole

Board of Canada to use their power to release inmates “in keeping with their legal obligations and with all due consideration for public safety.” “Since the beginning of March 2020, there have been fewer admissions to federal institutions and continued releases into the community, resulting in the overall federal custody population to decline by over 400 inmates, or more than the average size of a minimum-security facility,” the minister’s office wrote.

“This downward trend in the overall federal inmate population is expected to continue over the coming months.”

Correctional Service Canada said the health, safety and well-being of staff and inmates is critical.

The service has suspended visits to inmates, temporary absences, work releases and inter-regional and international transfers of inmates in its effort to curb the spread of the disease, said spokeswoman Esther Mailhot.

The institutions have enhanced cleaning, including disinfecting common areas and high-contact surfaces, she said.

“We continue to educate staff and offenders around prevention and the spread of illness, including the importance of good hygiene practices, through training posters, fact sheets, and ongoing written and verbal communication,” she said.

The institutes are also “medically isolating inmates who show symptoms and are positive to COVID-19 to prevent the spread of infection.”

Liam Casey

The Canadian Press - May 12, 2020

COVID-19: Inmate suit filed against federal government over Mission outbreak

A lawyer representing inmates at the COVID-19-infested Mission Institution filed a class-action lawsuit against the federal government Thursday for failing to protect the men inside.

Jeffrey Hartman, who specializes in prison law, said the suit was filed “because the government that maintains total control over these Canadians failed them.”

Hartman said 20 per cent of the medium-security prison’s more than 300 inmates had tested positive for the coronavirus as of Thursday.

“It is the worst outbreak in Canada and we expect the figure to rise because CSC just announced this week that all inmates will soon be tested,” Hartman said.

He said the federal government and the Correctional Service Canada knew “an outbreak would have devastating consequences but failed to take adequate steps to prevent and mitigate it.”

“Aside from obvious physical health consequences, inmates are now confined to 8 x 12 foot cells for 23 hours and 40 minutes per day, for days on end, with significant mental health consequences. At least one inmate has attempted suicide.”

Another inmate died earlier this month due to complications from the virus.

Todd Howley, the inmate plaintiff in the lawsuit, tested positive for the virus even though prison staff suggested it was just allergies when he first developed symptoms, according to the statement of claim.

“This action is brought on behalf of all people who are or were incarcerated in Mission Institution and tested positive for COVID-19 or had COVID-19 symptoms since November of 2019,” the document says.

“The government’s prison population is at heightened risk of infection due to population density, close living quarters, shared amenities such as telephones, underlying illness and health vulnerabilities, and often unhygienic and unsanitary conditions.”

The suit alleges that as early as the middle of March “CSC staff and inmates, originally in the food handling area, began to develop COVID-19 and flu-like symptoms.”

Howley had “sinus issues and headaches, as well as other symptoms related to the coronavirus.

The suit says even though the inmates were locked down about April 2, CSC staff continued to come and go from the prison.

“It was not until approximately April 20, 2020 that staff underwent rigorous decontamination on entering Mission Institution,” the suit says, adding that a hazmat team was finally brought in to decontaminate the buildings the same day.

Meanwhile because of the lockdown, Howley and the other inmates are “enduring severe lockdown conditions” including for at least a week in April, “a total deprivation of exercise,

shower and telephone.”

Meals were small and not being served regularly - for a week, the inmates got McDonald's meals. Inmates were not only unable to call family, but had trouble reaching their lawyers as well, the suit says.

The lockdown led “a high state of tension causing or exacerbating the risk of harm as well as mental health symptoms such as anxiety and depression.”

Howley and other inmates got sick because the CSC failed to take “adequate measures to protect the plaintiff and class from COVID-19,” then failed to “provide appropriate medical care in a timely manner or at all.”

The CSC violated its own regulations, as well as the Charter rights of the inmates, the suit said.

Attempts should have been made to “depopulate Mission Institution by releasing low risk inmates on bail, parole, or through other legal mechanisms.”

The inmates are seeking damages and a declaration that their rights were violated as well as an order certifying the class action suit.

The CSC has not yet filed a response to the lawsuit.

Meanwhile, B.C.'s public health officer, Dr. Bonnie Henry said Thursday that the “challenging” Mission outbreak was up to 78 cases including both inmates and staff members. In a statement provided before the lawsuit was filed, CSC communications adviser Martine Rondeau said “we are doing everything possible to prevent further transmission of COVID-19 including reviewing local infection and control measures in collaboration with several external experts.”

“We have been making every effort to give inmates time outside of their cells. Staffing levels can fluctuate and we have called out for volunteers to work at the site,” she said. “We also need to make sure that time out of cells is done safely to prevent further spread. This means making sure inmates remain at least 2 metres apart and that effective cleaning and disinfecting is done multiple times per day.”

Kim Bolan

Vancouver Sun - Apr 24, 2020

Fighting crime by building more jails is like fighting cancer by building more cemeteries.
- Paul Kelly

The CSC is censoring whistleblower complaints about COVID-19 in federal prisons

Just before the new year, Dr. Li Wenliang issued a bold warning on Weibo, a Chinese social media platform. He warned his colleagues to don appropriate protective gear, as a new, unidentified, virus was emerging in hospitals around Wuhan.

For that bravery, Dr. Li was investigated by local authorities, and summoned to a police station. He was forced to sign a letter playing down the risk of the virus, under penalty of prison.

The doctor has been lionized for standing up to China's bumbling, ham-fisted attempt to control this virus by limiting the flow of information. Dr. Li was, himself, evidence of how dangerous that is - he, tragically, died in early February from the virus he first warned of.

I'm left thinking of Dr. Li, as Canada faces its own COVID-19 crisis. While public health advice has informed government policy on most fronts, Ottawa has ignored advice to curb the spread of the virus in federal prisons.

Despite statements to the contrary from Correctional Service Canada (CSC) headquarters, inmates have not been given hand sanitizer or additional soap; inmates with fevers are being thrown in solitary confinement; corrections officers are not exercising social distancing; new inmates are not being isolated; and there are medication shortages for inmates with asthma, amongst a bevy of other massive problems. I can report this because dozens of inmates have, in recent weeks, picked up the phone to call me and other journalists. They have painted a picture of a system grossly unprepared, and buckling under the weight of a pandemic.

Even making phone calls has been different. Many institutions have implemented lockdown protocols, cloistering inmates to their cells for most of the day.

Those calls are expensive, with an hour on the phone running about \$4, on top of a monthly fee. One inmate who called me did so using money he had saved up from cleaning the prison - he earns \$1.50 a day.

Instead of addressing the concerns of the inmates blowing the whistle, the government has chosen to retaliate against them for speaking out.

Jonathan Henry, serving time in the Edmonton Institution, spoke to the CBC in late March about how little his institution was doing to fight COVID-19. After that interview aired, CSC cut off Henry's phone access for 45 days, according to his lawyer. That has left his wife terrified, and without information. "We don't know if maybe he's going to start showing symptoms and has no way of calling us and letting us know," she told the CBC.

In a statement to me, CSC insisted that "inmates can speak to media and are not punished," but defended its decision to suspend Henry's access to the phone.

Despite these rules not existing for provincial jails, CSC maintains the restrictions are necessary to ensure "safety and security of the public, staff and institutions."

A CSC directive reads that all media are "required to submit requests for interviews," and that any such request must be vetted by CSC staff - and allows for virtually limitless justification to deny those requests. Journalists, under this policy, must be on the inmate's list of approved phone numbers before the interview can take place.

They also ban all three-way phone calls - whereby someone on the inmate's approved calling list sets up a conference call with someone else, including journalists. That's the rule, his lawyer says, they are leaning on to punish Henry.

These directives are selectively applied, at best. Some inmates I've spoken to have been allowed to call without adding me to their calling list - others have had trouble doing so, and have resorted to using the three-way calling feature. Lawyers I've spoken to say these rules are very rarely applied.

Indeed, some corrections officers themselves have seemingly flouted the rules in order to help inmates get the word out. One inmate in a federal institution in British Columbia convinced a guard to let him call me on an office phone.

That inmate had recently been upgraded from a medium-security facility to a maximum-security institution for, according to a citation he read aloud, "making comments about COVID-19 that were inciting in nature." The inmate, who did not want his name published for fear of retribution, told me he had been encouraging inmates to file grievances about the lack of

action taken to prevent the spread of COVID-19.

This is what tinpot Napoleons do - weaponize selectively applied or nebulous rules against the whistleblowers.

And it has worked. Inmates have clearly heard the message sent out by CSC, and are now afraid to go on the record about the serious ineptitude inside those facilities.

"They want to keep a lid on this," says Tom Engel, president of the Canadian Prison Law Association. "They don't want the media reporting that they're not doing what they say they're doing." He calls the directives, and CSC's use of them to target prison whistleblowers, "draconian."

If corrections officers and prison management have arbitrary and absolute power to approve or reject media requests, there is no possibility of having a free press report on Canada's prisons. It completely eviscerates the possibility of building confidential sources, and creates a culture of silence inside those institutions. We cannot report effectively on this crisis if we are managed by government censors.

Our only window inside those walls are through the phone lines.

Justin Ling
National Post
Apr 8, 2020

Don't be afraid your life will end;
be afraid that it will never begin.

- Grace Hansen

Jail Accountability and Information Line (JAIL) for prisoners in OCDC

The Jail Accountability and Information Line takes calls from prisoners and their loved ones from 1:00pm to 4:00pm Mon to Wed.

This line tracks issues experienced by people incarcerated at the Ottawa Carleton Detention Centre, advocating for their needs to be met in a dignified and respectful manner, while connecting them to community supports for when they are released.

☎ 613-567-JAIL (5245) ☎

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.

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

**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.



**Nov 20 is Transgender Day
of Remembrance**

November 20 marks Transgender Day of Remembrance (TDoR), an international event commemorating people killed due to anti-trans violence. In the last year, 369 trans or non-binary people have been killed globally.

And it's a Canadian problem too: 74 per cent of trans youth in Canada have been harassed at school, and 37 per cent have experienced physical violence.

☞ Respect ☜

**Incarcerated in Canada?
Need Information?**

Write On! is an all-volunteer group whose goal is to support prisoners in Canada by researching the information you need, such as:

General legal info, prison rules & policies, resources, programs, services, etc.

Write to us at:

Write ON!
234-110 Cumberland St,
Toronto, ON, M5R 3V5

Prison Visiting Rideshare Project

The Prison Rideshare is an ongoing project of Bar None to connect people with rides to visit their friends and loved ones who are in prison in Manitoba.

If you or someone you know is interested in getting a ride to visit one of southern Manitoba's prisons, if you are interested in volunteering, or for more info contact: barnone.wpg@gmail.com

Rides can also be arranged by phone or text message: 204-599-8869 (It's ideal to request a ride at least 5-7 days in advance).

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

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

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.

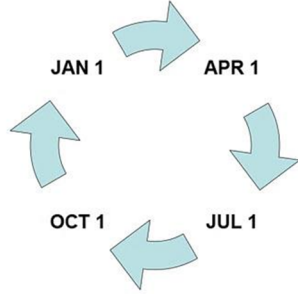
Prisoners and their loved ones are invited to contribute music requests, messages and suggestions for the program.

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

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

☞ Prisoners Justice Day is Aug 10 ☞

- CLASS ACTION! NEWS -



- MAILOUT DATES -

☞ Issue #18 - Summer 2020 ☞

Class Action News
PO Box 39, Stn P
Toronto, ON, M5S 2S6

download, print, contact:
www.ClassActionNews.org

Next Issue: #19 - Fall 2020
Deadline: Sep 1, 2020
Mail-out: Oct 1, 2020

If you don't like the news ...

... make some of your own !!!

Whatcha got in there that needs gettin' out?

... Hmm ... ?

Art, Poems, Stories, News, Whatever !

