

# CLASS ACTION!



PRISONERS JUSTICE DAY

≈ AUGUST 10 ≈



ISSUE #2

SUMMER 2016

**Editor's Note:**



Welcome to Issue #2 of 'Class Action News'.

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

This paper serves as a safe, constructive space for creative expression and literacy development. It features art, poetry, stories, news, observations, concerns, and anything of interest to share.

Health & Harm Reduction info will always be promoted - Be Safe!

**Quality & Quantity:**

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 & leave space for others (1/2 page = 350 words max).  
For author protection, story credits will all be 'Anonymous' unless otherwise requested.

'Class Action News' is produced 4 times per year. It is free for prisoners in Canada.

If you are on the outside or part of an organization, please consider a donation.

Editor: Tom Jackson  
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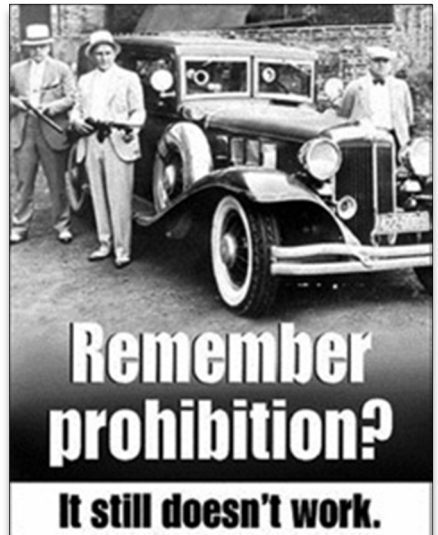


**CSC Penitentiary Farms:  
Online Public Consultation**

Possibly pure bullshit but here is the link:  
[www.csc-scc.gc.ca/consult/index-en.shtml](http://www.csc-scc.gc.ca/consult/index-en.shtml)



**Cover Art:** Rocky - 13 1/2  
(12 Jurors, 1 Judge, & 1/2 a Fucken Chance)  
**Page 7 & 11:** Gord Hill



## **Judge Awards Ontario Inmates \$85,000 over Lockdowns**

An Ontario judge has awarded \$85,000 to two inmates after ruling their Charter rights were violated by staffing-related lockdowns at a Milton jail - a move lawyers say could open the door to a class-action lawsuit against the province.

In a judgment released this week, Superior Court Justice Douglas Gray ruled that lockdowns at the Maplehurst Correctional Complex violated the inmates' rights to freedom from cruel and unusual punishment. The judge said he had little difficulty concluding that their treatment was "degrading," "disproportionate" and "excessive as to outrage standards of decency."

"The conditions of detention during lockdowns are very close to segregation or solitary confinement," the judge wrote. "In some ways they are worse. The inmate is holed up with another inmate not of his choosing. The actual periods of confinement for 24 hours a day are entirely arbitrary, and unpredictable, both as to timing and length."

The judge found most lockdowns were caused by staffing shortages. The units that housed the inmates were locked down for 50 per cent of the time in 2014 and 2015 on average, with a peak of 55 per cent last year, according to records produced by the Ministry of Community Safety and Correctional Services.

Gray noted that the two inmates, who are still behind bars at Maplehurst, are not there because they have been convicted of crimes. Jamil Ogamien, an immigration detainee, has been at the Milton jail since 2013. Huy Nguyen, awaiting trial on a firearms-related charge, has been there since April 2015. Ogamien sparked the lawsuit when he filed an application last July alleging unlawful detention.

The two men, who represented themselves in court, remain at Maplehurst. Nguyen was awarded \$25,000, to be paid by the province. Ogamien was awarded \$60,000, to be paid jointly by the province and the federal government, since Ottawa is responsible for his detention. The decision to award damages fulfils "the function of vindication," the judge wrote, and may deter "future breaches."

The Ministry of Community Safety and Correctional Services would not comment on the case because it is still in the appeal review period. Neither would the Ministry of the Attorney General of Ontario. The government would not say whether it plans to appeal.

In its defence, lawyers for the province argued the conditions described by the inmates did "not come close" to being egregious or shocking to the public and did not violate their rights. In the face of criticism over jail conditions, the ministry has consistently maintained that lockdowns are imposed to ensure the safety of staff and inmates and that they are only used as last resort.

Gray rejected this argument, ruling that staffing-related lockdowns "do not arise from legitimate safety and security concerns," but rather because the ministry has been "unwilling or unable to have sufficient staff available."

The judge said it is "extraordinary" the province has known about the problem since at least 2002 and not corrected it. He acknowledged the ministry has lately taken steps to address staffing issues, but said that wasn't relevant to the case at hand.

During lockdowns, inmates must remain in their cells, often for 24 hours a day and several days at a time. They cannot make phone calls or go out for fresh air. Scheduled visits with family and lawyers are often cancelled, as is religious, educational and athletic programming. They are frequently denied access to showers and laundry, which means they must wear the same clothes for days, while being locked up in a small cell with another inmate. They are often not allowed to clean their cells.

Barbara Jackman, an immigration lawyer who assisted in the case but did not directly represent the complainants, said to her knowledge this is the first time inmates have been awarded monetary damages for conditions created by lockdowns. She expects it may open the door to a class-action lawsuit. "Because it's not just Maplehurst," she said. "It's Lindsay and Toronto South."

"I'm hoping that this decision finally will force them to smarten up and make it better there," Jackman said. "There's big potential there for the government to end up having to pay millions of dollars to people for not treating them properly."

Daniel Brown, a criminal defence lawyer and a director with the Criminal Lawyers' Association, agreed. "There's going to be a line-up at the courtroom doors for other people to bring similar applications in the future because this isn't an isolated problem," he said. "I think it certainly opens the door for a much larger application."

The inmates "weren't asking for steak dinners and comfy beds," Brown added. "They were just saying, don't lock us up for no reason. Don't deny us our basic liberties, our right to have a shower and a phone call and contact with our family."

### **Inmates' voices**

Excerpts from sworn affidavits submitted by fellow inmates:

**Joshua Barreira:** "If you're not used to this, it can drive a man suicidal or depressed and that leads to drugs or worse ... this lockdown is not human and can turn one crazy. Animals don't get locked up for a month at a time in a box without consequences, so why do we?"

**Matthew Costain:** "Me being locked in my cell all the time has had a negative effect on my physical and mental health. I am not able to speak to my family when the institution was on lockdown, even when my four-year-old daughter had surgery on her neck and throat. When we are on lockdown, there is no calls, no yard time, no showers, for days. They don't give us new clean clothes — they even take the clean clothes out of our cells."

**Mustafa Muhammed:** "I rarely see the sky and breathe fresh air, or get any sun. Rarely do I get my Friday prayers to practice my religion."

- Amy Dempsey

Toronto Star - May 12, 2016

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### **Ban Long-term Solitary Confinement**

Ontario Ombudsman Paul Dubé is right to call for a ban on the long-term solitary confinement of prison inmates.

It's soul-crushing, cruel and counter-productive - and it needs to stop.

The United Nations has declared that keeping inmates in long-term solitary confinement, beyond 15 days, is a form of inhuman and degrading treatment. Yet it routinely happens in Ontario to punish "difficult and vulnerable"

prisoners, according to provincial ombudsman Paul Dubé.

He is urging Queen's Park to abolish "indefinite segregation" and develop alternate practices to protect the rights of people serving time in jail. Dubé presents a strong case - one the province should immediately act upon.

In a submission this week entitled *Segregation: Not an Isolated Problem*, the ombudsman underlined the dangers associated with inmate segregation, including worsening mental health and increased risk of suicide. And Dubé warned of the "wholesale inadequacy" of existing protections.

Solitary confinement is supposed to be used as a last resort, in a carefully monitored and controlled way. Instead, it is "a tool regularly used by managers to separate out and effectively punish the most 'difficult' and vulnerable inmates," he wrote.

One prisoner was kept in solitary for more than three years, Dubé reported. Segregation cases are required by law to be reviewed every five days but the ombudsman found at least one where reviews were being done every 20 days on average.

Indefinite solitary confinement is tantamount to government-sanctioned abuse and it demands reform. It's particularly telling that the Ontario ombudsman's office has received 557 complaints related to prison segregation in the past three years.

An outright ban on solitary confinement has been requested by some organizations, including the Ontario Human Rights Commission. But a brief period of segregation may be useful in cases where a prisoner poses an immediate danger to himself or others. Dubé's recommendation of having a 15-day limit on such placements seems the best way to proceed, with no inmate held in isolation for longer than 60 days a year.

Queen's Park is conducting a review of policies on solitary confinement and has indicated it is considering limiting the amount of time inmates can be kept in segregation. Rather than waiting for consultations to finish before taking action, the government should listen to Dubé and impose a 15-day cap on solitary confinement without any further delay.

- Editorial

Toronto Star - May 12, 2016

## **Time to Overhaul Canada's Unjust Bail System**

Bail has been an open sore on the criminal justice system for as long as crimes have been prosecuted. Instead of being invoked as a last ditch measure, jailing the accused until their guilt or innocence has been decided at trial is a habit that borders on an addiction.

Legal reformers have grown tired of appealing for improvements to the impractical series of rules, conventions and whimsy that govern bail. Thankfully, a noteworthy new voice burst into the debate this month, with the publication of a stark criticism of the status quo by Julie Lauzon, a Justice of the Peace in the Ottawa region.

In a stinging opinion piece Lauzon unmasked the bail system as being a travesty. "I can no longer call it a court of law," Lauzon said. "Unfortunately, Ottawa's bailout court, and others, have devolved into dysfunctional and punitive bodies, devoid of rule of law."

Jails are packed - at great monetary and human cost - with people who remain innocent until proven otherwise. The toll is catastrophic, if largely invisible. Marriages are ruined. Jobs are lost. Education is interrupted. Mortgages go into default. Children are traumatized by the loss of a parent or even removed from their custody. Pretrial detention can also significantly impair the ability of an accused person to prepare their defence by limiting access to their lawyer and essential witnesses.

In every unfortunate prisoner who is paraded into bail court hours or days after arrest stands a potentially innocent man or woman whose life has been turned upside down. A great many are desperate, devastated and will agree to just about anything if they can go home, regardless of whether or not the restrictions on their liberty sought by the prosecutor are proportional, reasonable or necessary to protect the public.

Time and again, defence lawyers have witnessed the wreckage that results from a denial of bail or overly restrictive bail conditions. The justice system is replete with examples where an accused person was held in jail for months or years pending trial only to be acquitted — or worse, to have the charges withdrawn on the morning of trial due to a lack of evidence. This reality is far from unusual in a system where one's liberty at the bail stage is

judged on the basis of untested evidence that is essentially read into the court record by the prosecutor without the benefit of meaningful scrutiny.

To be sure, many arrests result in convictions. Some defendants are caught red-handed. Some undeniably present a threat to the public if released pending trial. But the presence of this minority obscures a much larger, shifting mass of cases where a defendant may have been falsely accused, arrested based on unconstitutionally obtained evidence, implicated by faulty eyewitness identification or a host of other evidentiary failures.

A recent report on bail from the John Howard Society noted that two-thirds of those in provincial jails are in there awaiting a bail hearing or trial and that 70 per cent of these detainees are charged with nonviolent offences. These men and women comprise the most vulnerable members of our community, including marginalized racial groups, those with mental health issues, the impoverished, and the uneducated. Yet, in an age when we are bombarded with crime stories by 24/7 news reports, our default position in court is to embrace fear and safety at all costs.

What is needed now is a ground-altering slate of bail reforms that would align with our belief in essential fairness and the presumption of innocence while saving tens of millions of dollars that are wasted each year in unnecessary pretrial incarceration.

Bail courts are crying out for more resources and a culture of improved judgment. We have to have sufficient bail courts - some of them running at night - to ensure that detainees are not forced to endure excruciating days of waiting for their possible release. In addition, appropriate resources should be given to the Crown Attorney's office to ensure senior prosecutors are available to give each bail case a critical review predicated not on a presumption of detention, but on whether evidence and circumstances truly warrant depriving a defendant of his or her most prized possession - freedom.

Many detainees ought to be released with minimal restrictions directly from a police station. For those who cannot, it is incumbent on jail authorities to deliver them to court in time for a prompt bail hearing. This will help ensure that friends and family members

offering themselves as bail supervisors will not be forced to take multiple days off work on account of a dysfunctional bail process.

Reforms such as these are neither onerous nor impractical. They would save far more resources than are currently consumed by our sputtering bail system. They require nothing more than committed political leaders and a renewed public acceptance of the fact that no apology or admission of failure can ever replace liberty lost.

Daniel Brown - Commentary  
Toronto Star - Mar 22, 2016

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### **Supporters Gather Outside Winnipeg Remand Centre to Protest Death of Bradley Errol Green**

Green, 26, experienced two epileptic seizures while in custody at the centre on May 1, later dying.

Nearly 50 people gathered at the Winnipeg Remand Centre on Friday to protest the recent death of an inmate.

Bradley Errol Green, 26, experienced two epileptic seizures while in custody at the centre on May 1. He later died.

Both Green's wife, Rochelle Pranteau, and a fellow inmate told CBC News that Green had asked for his epilepsy medication for three days. That request was denied.

"I want justice... I want those guys to be locked away unless they want to say sorry into my face and I'll accept that, too," said Green's younger brother, Brandon Wyatt Green.

"My heart bleeds for my brother and he's up there with God, our Creator."

Brandon Wyatt Green said he feels bad for others who have passed away at the Winnipeg Remand Centre, too.

He thanked those who showed their support for his family by standing outside the centre, many holding posters that read, 'Justice for Errol' and, 'Wrongful Death.'

A provincial government investigation into Green's death is pending.

CBC News  
May 13, 2016

### **Canadian Prisons Need Clean Needle & Syringe Program: Experts**

OTTAWA - Proponents of prison-based needle and syringe programs say the Liberal government should implement measures to address rates of HIV and hepatitis C estimated to be 10 to 30 times higher than in the general population.

Emily van der Meulen of Ryerson University, lead author of a recent study, says she hopes the government will review evidence on the effectiveness of programs that have operated in Switzerland for more than 20 years.

She says the issue is about both health and human rights.

Sandra Ka Hon Chu of the Canadian HIV/AIDS Legal Network says Canada lags behind on implementing such programs, noting there are resources available to put recommendations into practice.

A former prisoner, along with organizations including the HIV/AIDS legal network, filed a lawsuit against the government in 2012 because it did not make needles and syringes available in prison to prevent the spread of HIV and hepatitis C.

A spokesperson for Public Safety Minister Ralph Goodale says the government cannot comment on the issue now due to the ongoing litigation, but noted the government is committed to implementing evidence-based policies.

The Canadian Press  
Feb 13, 2016

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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**

## End use of Solitary for Mentally ill Inmates, prison watchdog urges

OTTAWA - The Correctional Service should prohibit the use of solitary confinement for mentally ill inmates, the prison watchdog said Thursday, as his office released its annual report.

Segregation should also be limited to no more than 30 days and should not be used as an alternative to the disciplinary process, Correctional Investigator Howard Sapers said.

In the last year, there has been some progress, Sapers noted.

There has been a dramatic reduction in the number of segregation placements and repeat placements because the policy is being better administered, he said.

"The average daily count in segregation cells across the country used to be around 800," Sapers said. "Today it is around 500 and that's without legislation change."

Though the number of people put in solitary has been reduced as a result of recent action by the Correctional Service of Canada, segregation is still often used to manage the mentally ill, the self-injurious and suicidal inmates, Sapers added.

"As my office's recent review of prison suicides documented, segregation was found to be an independent factor that elevated the risk of inmate suicide," he said.

"In fact, 14 of 30 prison suicides between 2011-2014 took place in a segregation cell. Nearly all of these inmates had known mental-health issues."

The fact that these inmates found the means and opportunity to end their lives in what is supposed to be one of the most closely watched and most secure parts of a prison represents a serious operational risk, Sapers added.

He said the law is clear that segregation should be used sparingly and only when alternatives have been exhausted, noting the framework needs to be significantly reformed and not just tweaked.

"Segregation has become so overused in our penitentiaries that during the last reporting period, 27 per cent of the inmate population experienced at least one placement in administrative segregation," he said. In its response to the investigator's recommendations

on segregation, the Correctional Service noted it will propose amendments to the Corrections and Conditional Release Act for the government's consideration.

The investigator also flagged the issue of the disproportionate rates of incarceration for aboriginal people on Thursday.

The report outlined how aboriginal inmates are more likely to be classified as maximum security, to spend more time in segregation and serve more of their sentence behind bars compared with non-aboriginals.

First Nations, Inuit and Métis offenders currently make up just over 25 per cent of the federal prison population, even though they represent just 4.3 per cent of the population, the study noted.

The overall aboriginal population in prison has ballooned by 50 per cent in the last decade, the report added.

"The growing disparity in correctional outcomes for indigenous offenders will need to be significantly narrowed," Sapers said.

"We know that a history of disadvantage follows indigenous people of Canada into prison and often defines their outcomes and their experiences."

The report's findings on aboriginal inmates were raised in the Commons.

Michel Picard, parliamentary secretary to Public Safety Minister Ralph Goodale, said the government welcomes the recommendations and intends to work on the situation.

Kristy Kirkup

The Canadian Press - Mar 10, 2016



## **Why Do So Many Canadian Prisoners Die After Their Release?**

The tragic stories of Ashley Smith, Edward Snowshoe and other inmates who have died while in Canadian correctional facilities have rightly made headlines around the country. Less well known are the premature deaths of hundreds of Canadians every year from preventable causes after they are released from jails and prisons.

Canadians might be surprised to learn that many health and social services widely available in the community are not available in most of Canada's correctional facilities – this needs to change. We are missing a critical window of opportunity to reframe the period of incarceration as a time to help people improve their health and well-being before returning to our communities.

We recently published a study in the *Canadian Medical Association Journal Open* which looked at the rates and causes of death for people who had experienced incarceration in their lifetime. When we examined death in almost 50,000 former Ontario provincial inmates over a twelve year period, we found a shocking discrepancy in life expectancy.

Compared to the general population, the average life expectancy of people who had experienced incarceration was four years shorter for men (73.4 years of age compared to 77.6 years) and 10 years shorter for women (72.3 compared to 82.9 years). The likelihood of dying while in custody was two times what we would expect for people of the same age in the general population. But even after people returned to their communities, the chances of dying during the follow up period was still four times what we would expect for the general population.

So does incarceration decrease life expectancy? We don't know. We can't clearly distinguish the specific impact that incarceration has on life expectancy.

But we know that those in prison have a higher risk of early death for a variety of reasons beyond incarceration itself, and that this high risk extends far beyond the period of incarceration.

Here's what the evidence tells us. People who spend time in jails and prisons in Canada have

often experienced serious adverse events in childhood, such as physical or sexual abuse, and the majority have not completed high school. They have high rates of diseases including mental illnesses, substance use disorders, HIV and hepatitis C. They also tend to have low rates of employment and high rates of homelessness.

So what can we do to prevent premature deaths in this population?

The time in custody offers a valuable opportunity to implement evidence-based interventions. One obvious focus is preventing the harms associated with substance use, which is very common among inmates.

Substance use leads to premature death directly, for example through overdose. Substance use also leads to premature death indirectly, via infection with HIV or hepatitis C in people who share needles, or to cirrhosis and liver cancer in people who drink heavily.

We have a lot of evidence about ways to treat problems with substance use and to prevent associated harms. However, many of these standard treatments that are widely available in the community are not accessible in many correctional facilities in Canada.

This includes nicotine replacement therapy to help people quit smoking and methadone maintenance therapy for people who are addicted to opiates like heroin and morphine.

We know that people inject drugs in prisons, but we don't provide access to clean needles – which could lead to people sharing needles and becoming infected with HIV and hepatitis C.

Finally, even though the risk of overdose in the weeks after release from prison is 56 times what we would expect for the general population, in most jurisdictions we don't train inmates on how to prevent overdoses or offer them the opioid overdose reversal medication naloxone when they are released.

Another missed opportunity is our failure to facilitate access to primary care when people get out of jail or prison. With relatively high rates of early death from a variety of diseases, including chronic diseases like cancer (1.6 times as likely than in the general population) and heart disease (3.1 times as likely), primary care would provide former inmates with a means to access prevention programs and to be screened for, diagnosed with, and treated for diseases.



Supporting people who experience incarceration is good for these individuals, for their families, and for our communities. People who spend time in custody are mothers, fathers, sisters, brothers, wives, husbands, employees and neighbours.

Improving access to appropriate health treatments could help people who experience incarceration to improve their health, support their social functioning, improve public safety and decrease re-incarceration. Let's not waste this opportunity.

Dr. Fiona Kouyoumdjian  
Stephen Hwang  
Huffington Post - May 27, 2016

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### **Seizure of 'Crime Proceeds' often a Provincial Cash-Grab**

Provinces have confiscated tens of millions in assets as 'proceeds of crime,' in a system with little accountability and subject to abuse, says watchdog.

A house in south Oshawa was raided by police in 2006. Even though all charges were dropped, the provincial government still seized 60 per cent of the value of the house through a civil forfeiture law. Denis and Margaret Deneault had to pay \$55,792 to keep their home.

Canadian provinces have confiscated tens of millions of dollars in assets as proceeds of crime, but a new report indicates the seizures are often a simple cash-grab from innocent parties.

The rationale for the laws is to confiscate property from criminals and organized crime, and compensate victims. The analysis concludes this has been lost in their application.

"These laws are not fair," states the report by the Canadian Constitution Foundation and Institute for Liberal Studies.

"Civil forfeiture laws allow provincial governments to seize property, not only from criminals, but also from people who have never been charged with, or even suspected of, a crime."

In criminal proceedings, the standard for guilt is proof "beyond a reasonable doubt."

Civil cases work on lower "balance of probabilities." This makes it easier to go after cash and other assets, especially where

evidence for criminal charges, let alone a conviction, is lacking, the report states.

In one case, a man in Saskatchewan sold \$60 worth of Oxycotin he legally owned to buy gas so he could drive to work. The government took away his \$7,500 truck.

One Ontario couple saw their \$400,000 12-unit apartment building seized, because some renters were involved in illegal activities. The province argued they should have evicted the tenants. In another Ontario case, the province sought to confiscate a couple's two rooming houses because some tenants allegedly sold drugs.

Alberta assumes that, if police find \$10,000 or more in cash during an investigation, the money was illegally acquired. British Columbia confiscates expensive cars — in one case a \$235,000 Ferrari — used in traffic offences.

No province requires criminal charges or convictions to initiate civil-forfeiture proceedings. In fact, New Brunswick makes it explicit you can still lose your property even if you're acquitted criminally.

Another issue, according to the report, is that money from such proceedings goes to provincial governments and police services with little accountability or transparency.

B.C., for example, has seized \$41 million in recent years, but paid out just \$1.5 million to victims. Ontario reports distributing \$21.2 million to victims since 2003. Yet in 2013-14 alone, the province seized \$22.9 million. One police board in Ontario, Peel region, used seized money to buy tens of thousands of dollars in tickets to mayoral galas. B.C. used none of the money it seized between 2006 and 2012 to compensate victims. Instead, all went into the civil forfeiture regime, itself.

In addition, some provinces appear to make no effort to track the money. The report states that none of the provincial-forfeiture regimes has been subject to an auditor general's review.

"It is difficult to know how much money collected by successful civil forfeiture applications goes towards compensating victims," the report states. "Instead, it seems that much is used to purchase equipment for the police or is spent on trivial and improper expenses."

There was no immediate comment from the provinces to the report.

The Calgary-based foundation, which bills itself as protecting the constitutional freedoms of Canadians, and the Ottawa-based liberal studies institute make several recommendations:

- Forfeiture should only be available when a property owner has been convicted of a provincial offence
- Judges should have discretion to craft proportionate forfeiture orders
- Civil forfeiture should only be available for property used or acquired by an owner convicted of a corresponding provincial offence where an identifiable victim was harmed
- Revenue collected by successful civil forfeitures should compensate victims that suffered harm as a result of a convicted property owner's acts
- Each provincial civil forfeiture office should provide a full and accurate annual report on revenues raised and compensation disbursed.

Only Prince Edward Island and Newfoundland and Labrador have no such laws among provinces. And the territories do not.

Colin Perkel  
The Canadian Press  
Mar 08, 2016

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**Untitled**

Hell scare state on Pain & Wastings  
Pick your flavour, then savour your tastings.  
As your brain cells die in the dust  
Another Junkie gives the needle a thrust.  
Red & blue lights flash in the night  
One by one the bodies fall as the reaper calls  
The blood runs deep, the price too steep.  
The haunting memories mine to keep.  
It's very true this tale I tell.  
I stood in darkness where they fell.  
The lost, the lonely, forgotten souls  
It's for them the church bell tolls  
It's for them these words I write  
It's for them that I still fight.  
A part of them - my sister and brother  
Don't die like them. Don't be another.

- Dean Whitehouse

**Untitled**

Like a bird may forget to fly  
Some days I just want to die  
I read these poems of sadness  
And realize there is no fucking gladness  
These places hurt your soul  
When you get out, you're never whole  
Each & every time you fall apart  
This place will take a little piece of your heart  
So really what the fuck can you do  
When everyone else feels this way too  
All locked down in a tiny cell  
Living in a miserable hell

- Sara Tait

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**Untitled**

Slipping  
Falling  
Drifting  
Sinking deeper into myself  
These smiles disguise  
This laughter hides  
My silent cries for help  
Sorrow mocks me  
Haunts me  
Stalks me  
Tears descend like rain  
No secret place  
Of grace  
That's safe  
No refuge  
From this pain

- Kevin Quinn

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**Meet the Man/Woman in the Mirror**

What you think you can't see  
May be staring right back at you  
Look again closer, be patient  
You will see what you want to see  
And what you're looking for—"You'

- Jimmy Two Times

**Untitled**

*I open my eyes, I'm in a box.  
I can't get out, because of the locks.  
What did I do?  
Why am I here?  
Should I show feeling?  
Should I have fear?  
I get so angry, I just want to shout  
'Open the doors, and let me out'.*

- Dan Smith

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**Untitled**

*Today I am feeling sad & blue.  
I am unsure of what to do  
I am stuck here behind prison walls  
Footfalls echo in the halls*

*The food looks bad, so hard to eat  
When I don't eat, I'll feel so weak  
Sometimes I cry, & I can't stop my tears  
It's a relief at times, lets go my fears  
So here I sit & watch time go past  
Wondering how long hardship will last*

- Anny Oyster

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**Untitled**

*Twelve steps to the door, it's so close  
What am I waiting for.  
My failures and disappointments  
Are mine to own  
There is no one to blame  
But me alone.  
Twelve steps to the door, it's so close  
What am I waiting for.  
The time has come to make a change  
There are things in my life I must rearrange.  
Twelve steps to the door  
It's time to go, I can't wait no more.*

- D. Onman

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Don't agonize. Organize.  
- Florynce Kennedy

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**V.C.F.W.**

*A is for Always being in jail  
B is for Because we can't get bail  
C is for Court that we attend  
D is for D.O. once and again  
E is for Everything that we done  
F is for Freedom now we got none*

- Michele Lampart

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**Lullaby**

*A distant lullaby within my head  
Things better left unsaid  
Memories of days gone by  
They come and go with a mournful sigh  
Days of hopes and dreams now dead  
They are the distant lullaby within my head*

- Steve Bartkowski

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**Untitled**

*Freedom lost, freedom gained  
A world of chaos, who's to blame  
Them against us, who do we trust  
Silence endures, day after day ...  
Secrets withheld ...  
Darkness takes over, a life of shame  
Is it them who put it to us!  
It doesn't seem fair, liars everywhere  
Another time, another place  
Only time will tell  
If I'll finally be rid of the hell ...*

- Amanda Stewart

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**Black Cloud**

*In my past a black cloud has followed me  
For twenty years I stayed clean  
But the black cloud has found me  
When my time is all done  
I'd like to hold my head up and stay clean  
Hoping the black cloud will never find me*

- Don Dunston

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## PRISON JUSTICE DAY IS ...

... August 10, the day prisoners have set aside as a day to fast and refuse to work in a show of solidarity to remember those who have died unnecessarily - victims of murder, suicide and neglect.

... the day when organizations and individuals in the community hold demonstrations, vigils, worship services and other events in common resistance with prisoners.

... the day to raise issue with the fact that a very high rate of women are in prison for protecting themselves against their abusers. This makes it obvious that the legal system does not protect women who suffer violence at the hands of their partners.

... is the day to remember that there are a disproportionate number of Natives, African-Canadians and other minorities and marginalized people in prisons. Prisons are the ultimate form of oppression against struggles of recognition and self-determination.

... the day to raise public awareness of the demands made by prisoners to change the criminal justice system and the brutal and inhumane conditions that lead to so many prison deaths.

... the day to oppose prison violence, police violence, and violence against women and children.

... the day to publicize that, in their fight for freedom and equality, the actions of many political prisoners have been criminalized by government. As a result, there are false claims that there are no political prisoners in north american prisons.

... the day to raise public awareness of the economic and social costs of a system of criminal justice which punishes for revenge. If there is ever to be social justice, it will only come about using a model of healing justice, connecting people to the crimes and helping offenders take responsibility for their actions.

... the day to renew the struggle for HCV/HIV/AIDS education, prevention and treatment in prison.

... the day to remind people that the criminal justice system and the psychiatric system are mutually reinforcing methods that the state uses to control human beings. There is a lot of brutality by staff committed in the name of

treatment. Moreover, many deaths in the psych-prisons remain uninvestigated.

Prison Justice Day Committee  
Vancouver, BC – PrisonJustice.ca



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

- Paul Kelly

### PRISONERS JUSTICE DAY

∞ In Remembrance ∞

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)

## **Toronto Police, Province Settle Transphobia Complaint amid Pride Month**

An agreement with Boyd Kodak, a transsexual man who was jailed in a women's facility, will lead to revised policies for police interactions.

Toronto police and the province have settled a human rights complaint lodged by a transsexual man who was arrested, placed in a women's jail and forced to put on women's undergarments and a prison gown.

After a series of mediations, the parties agreed Thursday to set out terms to, within 18 months, develop and revise policies, procedures and training for "interaction with trans people," from searches to detention, in conjunction with the Ontario Human Rights Commission and the trans community.

"I feel a mix of emotions. I'm pleased with the remedy we got. Everything was dealt with and there's a willingness on their part to make changes and involve the community in doing so," said the complainant, Boyd Kodak.

"I will never forget the humiliation. I am still suffering from post-traumatic stress disorder and depression. I am still paranoid when I hear sirens and see people in uniforms. But we felt we have moved mountains."

In recent years, the rights of transgender people have been hotly debated. In Canada, complaints about mistreatment have included that of British visitor Avery Edison, who was "misgendered" while detained at the Maplehurst Correctional Complex for men. She, too, has filed a human rights complaint.

In the United States, communities, politicians and courts are battling over whether transgender people should be allowed to use bathrooms that match their gender identity rather than their biological gender.

"We are excited about what has transpired. We hope the systemic remedies will lead to reduction in such incidents and bring about the societal changes that are needed," said Khizer Anwar, who represented Boyd with co-counsel Aditi Agnihotri. "The settlement couldn't have come at a better time than Pride Month."

According to Boyd's complaint, York Region police came to his house in Gormley on Dec. 6, 2012, to execute a warrant issued by their

counterparts in Toronto over harassment charges laid by his estranged business partner.

Kodak, a prominent transsexual activist in Toronto, was transferred to Toronto police and placed in the women's holding area, even though he is identified as male in his personal documents, is long past surgery and continues to take hormones. Later, he was taken to the Vanier Centre for Women, a jail in Milton. His penile prosthesis was also confiscated.

In 2012, Ontario passed what's known as Toby's Law, amending the Human Rights Code to reaffirm the protection of trans people. It states that every person has a right to equal treatment without discrimination regardless of gender identity and gender expression.

The Ministry of Community Safety and Correctional Services adopted guidelines in 2015 that require jail guards to ask trans people in custody to identify their own gender and about their preference to be searched by male or female guards. It has already developed mandatory staff training on treating trans inmates.

"All inmates in Ontario correctional facilities deserve to be treated with respect and dignity," said Minister Yasir Naqvi. "Human rights are a fundamental part of the social fabric of Ontario; that's why we were proud to announce our new policy for trans inmates last year."

Anwar said the Toronto police have agreed to honour the gender preference in their policy.

"If a member of the trans community self-identifies as male, he's going to a male prison. If a member of the community self-identifies as female, she's going to a female prison or holding area," he said.

Renu Mandhane, Ontario's chief human rights commissioner, said trans people are one of the most vulnerable populations in custody situations, which involve being searched and held in gender-segregated areas.

"It is critical for police to respect the rights of trans people, and the commission urges police services across the province to ensure that their practices meet the needs of this community," said Mandhane.

The police service credited Kodak for the agreement.

"Today's settlement complements the efforts of the service over the last number of years when it comes to improving relations with the LGBTQ

community and, specifically, trans persons,” the force said in a statement.

“The service has trans-specific procedures and training in place. Ongoing projects include the creation of a guide to policing for the trans communities. The service is pleased to be moving forward in these areas.”

Nicholas Keung  
Toronto Star  
Jun 3, 2016

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### 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.

**Harvoni:** \$60,000 - 8 weeks (Genotype 1, low viral load, never-treated)

**Harvoni:** \$90,000 - 12 weeks (Genotype 1)

**Sovaldi:** \$55,000++ perhaps with other drugs for Genotypes other than Genotype 1

Federal Prisons: you may be able to start your treatment while inside.

Provincial Prisons: Depending on the province, you may 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 work done so you can get into a Treatment Program at no cost to you.

Important: most prisons, provincial drug plans, and private plans restrict the new drugs to people who have chronic hep C plus scarring of the liver (stage F2 or higher fibrosis). Both never-treated & people for whom Peg-Interferon & Ribavarin did not work are eligible for the newer treatments. For people with hep C and no liver scarring or light scarring (less than F2 fibrosis), it's still Peg-Interferon & Ribavarin. Get your liver tested! New tests have replaced biopsies: Fibre-test (blood) & Fibro-test (imaging).

### Hep C & Eating Well Inside

Your liver is your body's processing and power plant - everything you consume filters through it. If you have hep C, eating well can slow its progression in your liver.

We have some general tips on healthy eating for hep C inside. A diet low in fat, sugar, cholesterol, and sodium, but high in complex carbohydrates and sufficient protein is recommended.

- If you can, talk to health care and see if you qualify for a low-fat, low-cholesterol, or high-protein diet.

- Order peanut butter or protein bars from canteen. Watch your protein bar intake as they often contain lots of processed sugar.

- Eat protein like meats, peanut butter, beans, nuts, and cheese. Your body needs protein to fight infection and heal damaged liver cells. Protein helps you build and maintain muscle. But eat high-fat protein sources like meat, peanut butter and cheese in moderation.

- Eat carbohydrates. You need carbs to give you energy. Try to avoid high-sugar foods like candy, and go for complex carbs like pasta, potatoes, bread, fruits & vegetables.

- Eat all your vegetables - whatever you can get. You get vital nutrients from fruits and vegetables.

- Drink water. Coffee and cola can dehydrate you. Flush your system with some water.

- Cut back on fatty and salty foods if you can, including deep-fried foods. They make your liver work overtime.

- Cut down or stop drinking. Alcohol is very hard on your liver.

- Try to exercise a bit every day. Walk or jog around the yard. Lift weights to keep your muscles strong or get the blood flowing with push-ups and sit-ups.

- Watch your health. Put in a health care request if you get swelling or pain in the right side of your torso.

- Educate yourself about hepatitis C.

\* If you have advanced liver disease or another condition like diabetes that requires a special diet, try to talk to a health professional before making changes to your diet.

## 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

- Montreal - CKUT 90.3 FM  
PRS - 2<sup>nd</sup> Thurs 5-6 pm, 4<sup>th</sup> Fri 11-Noon
- Guelph - CFRU 93.3 FM  
Prison Radio - Thurs 10-11 am  
Call-in 519-837-2378
- Vancouver - CO-OP 100.5 FM  
Stark Raven - 1st Mon 7-8 pm
- Kingston - CFRC 101.9 FM  
CPR - Prison Radio - Wed 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.*

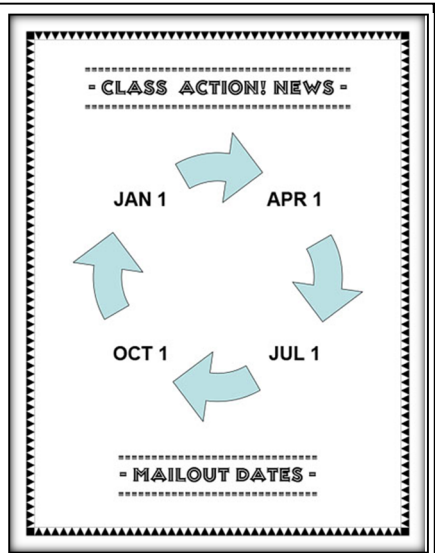
Write: CPR c/o CFRC, Lwr Carruthers Hall,  
Queen's University,  
Kingston, ON, K7L 3N6

Email: [CFRCprisonradio@riseup.net](mailto:CFRCprisonradio@riseup.net)  
Call: 1-800-440-5219 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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☞ **Issue #2 - Summer 2016** ☜

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

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Deadline: Sept 1, 2016  
Mail-out: Oct 1, 2016

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If you don't like the news ...

... make some of your own !!!

Whatcha got in there that needs to get out ?

... Hmm ...?

Art, Poems, Stories, News, Whatever !

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