

CLASS ACTION! - NEWS -



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WINTER 2020-21

< Editor 's Note >

It is Winter & Issue #20 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).

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We respectfully acknowledge that the land on which Prison Free Press operates is the Traditional Territory of the Wendat, the Anishnaabeg, Haudenosaunee, and the Mississaugas of the New Credit First Nation.

~ 'Dish With One Spoon' Treaty ~

I have often reflected upon the new vistas that reading has opened to me.

I knew right there in prison that reading had changed forever the course of my life.

As I see it today, the ability to read awoke inside me some long dormant craving to be mentally alive.

- Malcolm X

Mass solitary confinement in prisons is illegal, even in a pandemic

In an effort to keep COVID-19 out of Canada's prisons, Correctional Services Canada is breaking Canadian and international law. For months, it kept Canada's prison inmates in isolated lockdown, with little human contact, natural light or fresh air. As the second wave breaches our prison walls, we need to pay attention.

These conditions mirror solitary confinement, which Bill C-83 abolished last year. That is why a coalition of Canadians - academics, lawyers, and rights advocates - is calling for a commission of inquiry. Correctional Services should be held accountable for these persistent violations of Canadians' rights. This won't be our last pandemic, and Correctional Services can and should do better.

Most of us know what it's like to feel trapped in our homes. Some of us have not seen or touched another person for weeks or months on end.

Now imagine being indefinitely locked in a seven-by-seven-foot room, without any structured activity, minimal communication with loved ones, and no end in sight. How long would it take for your mental health to deteriorate? Scholars have documented the effects of isolation. They include psychosis, rage, cognitive dysfunction, depression and suicide. The scars are often permanent.

This practice serves no one - not the public who will deal with offenders on their release, not Correctional Services which must deal with the anger and deteriorating behaviour of inmates, and certainly not the offenders themselves.

The law states that Correctional Services must use the "least restrictive measures" for enforcing sentences and that offenders "retain the rights of all members of society except those that are, as a consequence of the sentence, lawfully and necessarily removed or restricted." The United Nations Mandela Rules, which Canada has signed, state that any more than 22 hours a day without meaningful human contact, for more than 15 days constitutes a form of torture. Many of our offenders were locked down for 23 hours or more - for months. Whatever euphemism we may use, the black letter of the law calls this torture.

It's true we've been under provincial states of emergency. And it is critical to keep COVID-19 out of our prisons and keep correctional workers and offenders safe. Judges sentenced them to lose their liberty, not their lives. Despite five outbreaks early in the pandemic and the deaths of two prisoners, Canada's prisons until recently, COVID free. This was a good outcome.

But we don't torture people to achieve good outcomes. I have studied states of emergency for nearly two decades and have yet to come across an emergency legal framework that allows torture as a means to a good end, even in a crisis. International law on emergencies explicitly forbids it.

Even if you call mass solitary confinement by some other name, emergency frameworks, including Canada's, allow only strictly necessary limits on rights. This is why the World Health Organization called on states early in the pandemic to continue to observe the Mandela Rules.

Correctional Services does have some alternatives. First, prisoners need something to do. We've moved everything else online. Why can't rehabilitative programming, libraries and education opportunities in prison move online too? We have the technology.

Second, other countries, including the United States, have expedited the release of non-violent offenders nearing the end of their sentence. We said we'd do the same, then didn't. Less crowded prisons, coupled with effective but humane quarantine measures should mean offenders could be out of their cells more, safely masked and distanced. Where programming can be restored, it must.

Such steps in the context of COVID, may help Correctional Services address Canada's more general and persistent problems with illegal isolation of prisoners.

Doubtless, there would be challenges. Prisons are complicated places. But they must also be accountable places. That is why we are calling for a commission of inquiry. States often overstep their legal bounds in an emergency. Only when accountability follows can we learn from our mistakes. We expect this of our prisoners; why expect less from our government?

Nomi Claire Lazar
The Star
Nov 24, 2020

Thirteen people have died in the Thunder Bay jail since 2002, here's why

The Thunder Bay jail has been called, "a hellhole" and "a factory that produces broken Indigenous people."

It's a place where addictions fester; where potentially life-saving information about inmate health gets lost.

It's also a place where 13 people have died since 2002.

Twelve of those people were in remand, waiting for their futures to be decided.

At least seven were Indigenous.

And more than half died before reaching the age of 30.

Under the Ontario Coroner's Act, a public inquest is mandatory when a person dies while in custody or being detained - unless the death is deemed to have occurred naturally.

Inquests are held "for the purpose of informing the public about the circumstances of the death," and recommendations are suggested with the hope they "will prevent further deaths," according to the Ministry of the Solicitor General's website.

But a CBC News review of the eight completed inquests since 2002 reveals that several of those recommendations to make jails a safer place for inmates have gone unheeded over the last 18 years.

Suicide and overdoses main causes of death

Of the 13 people, inquests have been completed into eight of the deaths, four are considered "pending," and one is not subject to an inquest, as per provincial regulations.

Four deaths were ruled a suicide after their bodies were found hanging in a number of places in the jail - including a shower and cells used for solitary confinement.

At least three were caused by overdoses on methadone.

Another was the result of untreated, severe symptoms of alcohol withdrawal.

Communication within the jail a persistent issue

In 2006, one man's body was discovered "suspended from the end of his bunk by a noose made of torn bed sheet material."

The man was placed on "suicide watch on a number of occasions" throughout his

incarceration, but he was not on suicide watch the day his body was found.

But the inquest later found that days before he died, the man moved cells, and during his relocation, "a noose type ligature was found in his cell."

A memo providing details of the "bed sheet noose ... seems to have been lost in the system and the potential upgrading of his watch status did not occur," according to the inquest.

In another instance, a man's death was ruled to be caused by methadone toxicity, but the inquest suggested that "information about [the man's] intoxication and another inmate's suspected diversion of methadone did not reach the healthcare providers in a timely manner."

Seven of the eight inquests suggest that improved information flow could have potentially saved the lives of the inmates, with half of them specifically recommending the creation of an electronic medical record system.

Brent Ross, a spokesperson with the Ministry of the Solicitor General, would not say if or when an electronic medical record system would be implemented across correctional facilities.

But in a written statement, Ross said "progress continues to be made across the correctional system, including ... ongoing work to update information management and ... gaining access to the Provincial Electronic Health Care Record."

More training to deal with alcohol and drug use, and more space is needed

Six of the inquests called for more and improved training and programming to deal with alcohol and drug use and withdrawal, including better options to treat addictions and withdrawal.

After a man died by suicide in 2003 in the jail, the coroner presiding over the resulting inquest wrote "there was evidence that staff awareness of the many aspects of drug use and management syndromes could use improvement."

In another inquest following the death of a man from severe symptoms of alcohol withdrawal, the coroner wrote that symptoms of withdrawal from either drug or alcohol consumption "was not fully appreciated by all staff."

Three-quarters of the inquests have also referenced the need for more space, with five of them explicitly calling for the construction of a new facility.

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An inquest from 2015 noted that "medical segregation cells" are so far from the medical station and so poorly designed they actually "hamper effective medical observation of inmates including determining whether they are in fact alive."

The construction of a new jail in Thunder Bay has been promised and re-promised a number of times in recent years. The current provincial government has committed to build a new facility, but has not provided a timeline for its expected completion.

Additional supports needed for Indigenous inmates

And three inquests cite the lack of programming and supports for Indigenous inmates as a possible cause of their deaths.

The inquest into the death of an 18-year-old man states that he suffered from "spiritual emptiness," possibly leading to his "drug-seeking behaviour." The inquest adds the man did not have sufficient access to Indigenous-specific supports.

The inquest calls on the jail to "ensure Indigenous inmates have access to both programming and private, one-on-one counselling," which could be provided by a Native Inmate Liaison Officer (NILO) or an elder.

Another recommendation calls for "at least one full-time Native Inmate Liaison Officer," who could facilitate access to ceremony, Indigenous healers and elders.

But the office of Ontario's Solicitor General confirmed the jail "is currently without NILO services." Ross did not respond to a question about how often inmates have access to meet with Indigenous elders.

Ross said 39 per cent of the inmates currently in the Thunder Bay jail self-identified as Indigenous at the time of admission.

But others estimate the proportion of Indigenous inmates in the Thunder Bay jail is closer to 75 per cent.

Leaders across the northwest are saying enough. The NDP Member of Provincial Parliament for the Kiiwetinoong riding called on the province to shut down the Thunder Bay jail after his nephew was the latest person to be found dead in his cell earlier this year.

Sol Mamakwa called the jail "a factory that produces broken Indigenous people."

And in an interview with the *Globe and Mail*, Nishnawbe Aski Nation Grand Chief Alvin Fiddler called the place "a hellhole," and asked "how many people have to die in that facility before it's closed?"

It's a question that has yet to be answered.

Logan Turner
CBC News
Nov 24, 2020

Changes to the justice system 'trying to keep our people out of jail' in Thunder Bay

More than a dozen people have died in the Thunder Bay jail since 2002, and the effectiveness of the inquest process designed to prevent future deaths of people in the government's custody is being questioned by many familiar with the process.

So the solution being proposed by activists and community justice workers is to just keep people out of jail in the first place.

Marlene Pierre is one of those activists. She estimates she's been pushing for change on the justice file for "more than 50 years," and now is one of 13 elders sitting on the Ontario Attorney General's elders council.

Pierre says change in the justice and the corrections system has been slow to come.

But after working on a provincial program that educates people working in the justice system about the ongoing legacy and impacts of colonialism to Indigenous people, she's seeing some positive change.

"We're really turning a corner here where the people who are delivering justice just saw us as bad people who drank, who beat people up, who murdered people, without ever trying to understand the mental health issues or the impact of the residential school system and how it affected our people. You know, the dysfunction that was created by it, by the imposition of another way of government, another religion," Pierre said.

"All these things that impacted our people...that's why you see our people on the street. You've got to try and understand why, how and when this all started. I mean, the physical and sexual abuse that we see even today in an intergenerational way, all of this stuff is the cause of our people being on the

street, being in jail and having our children taken away from us," she added.

Pierre says that education doesn't change the "absolute terrible conditions at the Thunder Bay jail," but keeping people out of the jail can help both Indigenous and non-Indigenous people.

Indigenous Peoples' Court helping keep people out of overcrowded jail

There are a number of programs and services that have emerged in northwestern Ontario with that exact intent.

Pierre points to one that has been particularly successful: the restorative justice program through the Indigenous Peoples' Court (IPC).

While the IPC is not presently sitting because of the pandemic, it consists of a judge, elders, the offender and their supports, lawyers and sometimes the victim and their supports. The court is held as a circle, where the offender acknowledges their wrongdoing, shares their life story and the reasons that brought them to the point where they committed a crime, according to the Thunder Bay Indigenous Friendship Centre website.

The judge will then, with recommendations from the elders, "make a plan for release or recovery, whichever the person is facing, and we give them time and we direct them to supports that they need, whether it's alcohol, whether it's drug or anger management," said Pierre, who sits at the IPC as one of the elders.

She added, "we've had 80% success in that the people who have come before us have worked through all of the demands that we have made and are slowly turning their lives around. And it helps them and it helps their families, their parents, their children."

It also keeps them out of an already overcrowded jail, said Roseanna Hudson, the justice program coordinator at the friendship centre.

But Hudson added this isn't a "get-out-of-jail-free card."

"For some people we work with, going to jail is a rest. They don't need to worry about where they're getting their next meal, where they're going to sleep the next night."

Hudson said, "for the people coming to these programs, it's tough for them to challenge themselves. It's stressful to have to struggle with your traumas. It's harder to have that hard look

at yourself, to relieve your traumas, than it is to go to jail."

Many of the services that people who go through the IPC must attend have a focus on education as an approach to reducing recidivism.

"We want people to understand why they're behaving the way they are ... it's growing up in trauma, learning about what that's like and what that impact is...and then to understand their opportunities to get out of the [correctional] system," said Hudson.

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Change is coming, but it will take time

Through the creation of the Indigenous justice division, the provincial government is supporting these efforts.

Ministry of the Solicitor General spokesperson Brent Ross said in a written statement, "these programs aim to strengthen resiliency and cultural identity and reduce the likelihood of future involvement with the justice system."

Ross added another ongoing project is "bringing Indigenous leadership and organizations, justice partners, and others together to establish a Kenora Justice Centre to address the overrepresentation of Indigenous people in the local justice system."

Change is coming to the correctional system, Pierre says.

"It's not coming fast enough for sure, but I'm so happy that we're making that curve ... I mean, yeah, it's going to be a long process and that's all there is to it. But we have to keep on plugging. We have to keep on making that curve and I see so much happening that's never happened before."

Logan Turner
CBC News
Nov 26, 2020

I decided it is better to scream.

Silence is the real crime against humanity.
- Nadezhda Mandelstam

Women will not simply be mainstreamed into the polluted stream. Women are changing the stream, making it clean and green and safe for all - every gender, race, creed, sexual orientation, age, and ability.
- Bella Abzug

Few federal inmates moved from solitary confinement after external reviews

Independent reviews of the hundreds of inmates placed in segregation over the past year found only a handful were inappropriate, new government data indicate.

According to the previously unpublished information from Correctional Service Canada, only two per cent of reviews by independent external decision-makers resulted in inmates moved out of isolation, and then not always right away.

“There can be rare cases where the removal may not be immediate, for example, if the inmate refuses to leave or a transfer is pending for a suitable placement,” the service said. “Our goal is to ensure they can be safely returned to a different environment, which in most cases is to a mainstream population.”

The data, viewed with skepticism by critics, indicate that external reviewers weighed in 1,475 times as of Nov. 1. Of those, 905 were triggered by inmates isolated for longer than the legally allowed stretches.

One year ago, after the courts had repeatedly struck down administrative segregation used to isolate prisoners who posed a threat to themselves or others, the government implemented a new system called structured intervention units.

Key changes included allowing inmates out of their cells for at least four hours a day, giving them a daily minimum of two hours of meaningful interaction with others, and putting an external oversight mechanism in place that can result in binding directives.

Since then, reviewers have looked at the confinement conditions of about 740 individual inmates. The aim was to see whether authorities were abiding by the new rules, such as giving prisoners a chance to be out of their cells and interact with others.

Overall, the reviews concluded authorities took all reasonable steps to meet their obligations in 79 per cent of the cases, the service said.

Critics, however, have called the new system rebranded solitary confinement. For example, criminologist Anthony Doob, who led a government advisory committee on the issue, and colleague Jane Sprott, concluded the government was failing to live up to the legislated requirements.

Among other things, their analysis found a sizable percentage of inmates had spent more than two months in confinement and few had received the mandated four hours daily out of their cells and two hours of human contact.

Dr. Adelina Iftene, an assistant law professor at Dalhousie University, said the new data raise questions about the review process or IEDMs.

“Either there is a lack of clarity on what exactly are the role and powers of the IEDMs, or the IEDMs are tigers without teeth, or the IEDMs are not fulfilling their role,” Iftene said. “The implication remains that there may still be no effective oversight of placements in the SIUs.”

The tiny number of reviews resulting in directives to move an inmate from confinement also raises questions about the quality of the information fed to reviewers, Iftene said.

“Did they know that so many people were effectively experiencing solitary confinement?” she said. “If so, how is it possible that they recommended removal from the SIUs only in two per cent of cases?”

Whether individuals’ rights are being upheld is a yes or no question, Iftene added. There are no “reasonable steps.”

Correctional Service Canada defended its approach, saying the new system is part of a “historic transformation” that can’t happen overnight.

“It takes time to instill cultural and transformational change,” the service said.

Colin Perkel

The Canadian Press

Nov 29, 2020



Waypoint Centre for Mental Health Care faces solitary confinement lawsuit

The legal battle against solitary confinement in Canada has moved beyond the prisons in a proposed class-action lawsuit against a high-security psychiatric hospital for its alleged use of prolonged isolation on patients.

The lawsuit accuses the Waypoint Centre for Mental Health Care in Penetanguishene, Ont., of causing “irreversible psychiatric harm” through the routine use of solitary confinement or “seclusion,” as the hospital calls it, lasting weeks, months or even years at a time.

The court action is filed in the name of Ruben Stolove, a 25-year-old with schizophrenia, and his litigation guardians - his father Micha Stolove and grandmother Linda Hindrea. Since he arrived at Waypoint nearly five years ago, Mr. Stolove has been placed in seclusion dozens of times, the lawsuit alleges, and given no more than an hour each day out of isolation, usually in restraints that strap his wrists to a waist belt.

Waypoint denies the allegations, which have not yet been proven in court.

“First and foremost, these allegations simply are not true,” Laurene Hilderley, Waypoint’s director of communications and fund development, said in an e-mail to *The Globe and Mail*. The centre “only uses seclusion where it is necessary to protect a patient, other patients, staff and/or others, where it has been determined that there is an immediate risk of serious bodily harm and only as a last resort after all other options have been attempted.”

The United Nations has published *Standard Minimum Rules for the Treatment of Prisoners*, known as the *Mandela rules*. They target penal institutions, and prohibit prolonged solitary confinement, defined as 15 days or more with less than two hours each day of “meaningful human contact.” No one with mental (or physical) disabilities should be subject to solitary confinement where it will exacerbate their condition, the rules say.

In the past two years, appeal courts in British Columbia and Ontario have declared solitary confinement unconstitutional, as practised in the federal prison system. Separately, in class actions brought on behalf of prisoners with severe mental illness, Ontario’s highest court this year upheld lower-court rulings granting millions

of dollars to groups of inmates subjected to solitary confinement.

Prodded by the courts, the federal government has passed legislation promising that prisoners held in isolation receive at least four hours daily out of their cells, including two hours with human contact.

But psychiatric facilities such as Waypoint, which is not a jail, have not faced a class action focused on their use of solitary (though some individual lawsuits have been filed), says Golnaz Nayerahmadi, a lawyer involved in bringing the class action.

Some patients, such as Mr. Stolove, have been found not criminally responsible for violent conduct and are still deemed a public-safety risk by the Ontario Review Board. Some have been found unfit to stand trial, or are considered a danger under the province’s *Mental Health Act*.

Mr. Stolove was 20 when he was charged with attempted murder after stabbing a woman multiple times, at random, on a Toronto street. His schizophrenia came on in his mid-teens, the lawsuit says. Before his illness, he had many friends, his grandmother said.

“He doesn’t deserve to be locked up like an animal,” Ms. Hindrea said in an interview.

She said she has some insight into what he is enduring: She herself was an inmate of the Ontario Training School for Girls (later known as Grandview) when she was 15, in the 1950s, and on one occasion was placed in a small, dark cell with a windowless, iron door for 26 days. The only window was in the ceiling, she said.

“These are people,” Ms. Hindrea said of the patients. “These are sick people that need help more than anyone else, and kindness.” She visits her grandson regularly, taking three buses to reach Penetanguishene, a three-hour trip each way for the octogenarian.

Micha Stolove, the patient’s father, added: “This is not just about Ruben. This is about everybody.”

The lawsuit, filed in Ontario Superior Court, says Waypoint’s use of solitary is unethical, abusive and inhumane, and contrary to accepted medical and international standards.

“As observed in the medical literature, the most severe, florid psychiatric illnesses caused by solitary confinement tend to be suffered by those with pre-existing brain dysfunction, the very population ... that Waypoint exists to treat,” the lawsuit says.

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Jessica Magonet, a lawyer with the B.C. Civil Liberties Association, which is not involved in the case, said that many Canadian courts now deem prolonged solitary confinement unconstitutional, and recognize the “uniquely devastating effects” of solitary on prisoners with mental illness. Yet “patients in psychiatric facilities continue to be subjected to this cruel practice. It is time to recognize that psychiatric patients need care, not prolonged solitary confinement,” she said.

The proposed class action needs a judge’s approval to proceed. It covers the period from 2000 until now, and claims damages of more than \$200-million on behalf of patients and their families. The hospital was run directly by the Ontario Health Ministry until 2008, when Waypoint, run by a public-health corporation sponsored by the Catholic Church, took over.

A spokesman for the Ontario Attorney-General’s department declined to comment while the case is before the courts. Neither the department nor the mental-health centre has filed a statement of defence yet.

In its e-mail, Waypoint said that mental illness, and the treatment and care of the acutely ill, is complex and challenging. “Waypoint supports a recovery oriented approach to patient care and a least-restraint philosophy. This means that the use of seclusion is used as a last resort, after other therapeutic alternatives have been considered and determined to be ineffective.

“Waypoint is focused on evidence-based treatment and care in accordance with accepted medical standards, and providing a safe, high-quality therapeutic environment. Waypoint has adopted policies and procedures to support and accommodate the dignity, rights and independence of its patients, while also recognizing that Waypoint is responsible and accountable for providing a safe environment for all of its patients, its staff and others.”

As the case is before the courts, Waypoint declined to say more.

The law firm that filed the proposed class action, Rochon Genova LLP of Toronto, won a court victory in July against the Ontario government and two medical doctors over events at the Oak Ridge division (which closed in 2014) of the Mental Health Centre in Penetanguishene. During the years 1966 to 1983, a judge found, patients were subjected to the heavy use of mind-altering drugs such as LSD, and to being chained together naked in an

unfurnished room for days on end. Damages have not yet been awarded.

Sean Fine
Globe and Mail
Oct 19, 2020

‘How many Canadians have to be ... robbed of their futures?’

Re: [Bias Behind Bars](#) (Oct 24)

Readers react as Globe investigation finds prison system stacked against Black and Indigenous inmates

A heartfelt thanks to reporter Tom Cardoso for exposing the racism endemic in the assessments of Black and Indigenous inmates. Calls for action should begin with the easiest of remediations: Fire those responsible for exaggerating Black and Indigenous scores, and watch how quickly this problem goes away.

- P.R.

An outstanding piece of investigative journalism - which I am afraid it will go on the pile with all the other reports, commissions and promises to do better. We have repeated examples of rampant abuses in the prison system, failures of the RCMP and other forces to clean up their acts, unconscionable delays in the courts - it just goes on.

Underlying it all is the undeniable stink of firmly entrenched systemic racism. It is clear to me that our criminal justice system is a festering sore no one in government will touch, except to kick the can down the road.

Sad. Shameful.

- P.B.

Such a timely article as many people, including myself, have been subject to risk assessments that are “static” and backward-looking. The risk assessments in presentence reports are equally problematic.

How many Canadians have to be subjected to these biases and robbed of their futures before action is taken?

- S.E.

Globe and Mail
Oct 26, 2020

Province to build 2 new jails, upgrade 3 others in eastern Ontario

Ontario will build two new jails and upgrade three others as part of a major investment plan to modernize the corrections system in eastern Ontario, Premier Doug Ford said Thursday.

The province will replace the existing Brockville Jail - which opened in 1842 - with a new facility, and construct a correctional complex on government-owned land in Kemptville, Ont., approximately 60 km south of Ottawa.

The money will also fund renovations of the Ottawa-Carleton Detention Centre and expansions of the St. Lawrence Valley Correctional and Treatment Centre in Brockville and the Quinte Detention Centre in Napanee, Ont.

In total, the new builds will add 375 beds, of which 70 will be dedicated for women.

Ford said the extra space will help reduce overcrowding in provincial jails while creating jobs and supporting correctional workers.

"These investments will help promote safety, provide additional tools and support and improve the work environment for frontline correctional staff," said Ford.

"I want our correctional staff to know that we will always have your backs."

The announcement comes almost three years after Ontario's independent corrections adviser recommended sweeping changes to the way jails are run. Howard Saper's report contained 62 recommendations, including calling for limits on the use of solitary confinement, a better complaints process for inmates and more family visits and supports for people in jail.

No word on cost, timeline

The government didn't share details on how much the projects will cost in total or a timeline for the completion of each project.

The investment will be in addition to a previously-announced \$500-million the province plans to spend over the next five years to hire 500 additional corrections staff to help address challenges within the correctional system, such as mental health and addiction issues.

Smokey Thomas, president of the Ontario Public Service Employees Union (OPSEU), which represents around 9,000 correctional workers, said upgrades to the province's aging facilities

and more support for corrections staff are badly needed.

"I'm extremely pleased to see the government making good on its plan to fix the crisis in corrections," said Thomas. "Taking practical, meaningful steps to relieve the crisis is long overdue - and COVID-19 has made solutions even more urgent. I appreciate that the premier has taken the time to sit down with me and listen to advice from the front-line workers that OPSEU represents."

Thomas said his union has been lobbying for similar changes for decades.

"I impressed upon the premier to please, please listen to the frontline workers when they're doing their designs and [to] take their input to heart because they know how to make it work better," Thomas said.

There are approximately 6,100 adults in custody in Ontario jails on any given day, according to the province.

Building more jails is 'backwards,'

Justin Piché, a criminology professor at the University of Ottawa who studies incarceration, criticized the investment as "backwards" at a time when report after report has identified major flaws in the way the corrections system treats incarcerated people.

"We're expanding our capacity to cage people, to criminalize people living with mental health issues," said Piché. "It's unfathomable to me and it should be to others that corrections - a sector that continually fails to live up to its legal standards and obligations, that fails to meet its own objectives - is rewarded in this way."

Piché said that money would be better spent on social supports that would help keep people out of the jail system, including education and housing, and alternatives to jails such as halfway houses.

"This government is ... basically paving the road to further injustice and marginalization when we need at this moment to be spending money and capital on taking our societies and our communities to the next level to be able to produce a more inclusive, prosperous, healthy way of life," said Piché.

According to a background document, the new facility in Kemptville - called the Greater Ottawa Correctional Complex - will "adopt modern planning principles and design elements, including single cell occupancy, risk-classified

housing units, modern programming and cultural space, open visitation spaces and improved professional development space for staff."

Once it is complete, the ministry will reassess its plans for the OCDC, which was built in the 1970s. The plan to renovate the OCDC appears to replace a previous announcement in 2017 from the Liberal government of Kathleen Wynne to build a 725-bed jail to replace the current facility. The current capacity of the Ottawa facility is 516, a ministry spokesperson said.

OCDC has been plagued for years by problems that include overcrowding, lack of proper health care, overuse of solitary confinement and inmates dying by suicide.

The new Brockville Correctional Complex, which will replace the Brockville Jail, will be built on the grounds of the St. Lawrence Valley Correctional and Treatment Centre. An additional facility that serves women only will be built there as well.

At the Quinte Detention Centre, a separate building will be constructed adjacent to the existing facility in Napanee, Ont., much of which will be used for inmate programming and recreational facilities. New living units will be built to house women, which will be single-storey and single occupancy, the document said.

Ryan Patrick Jones
CBC News
Aug 27, 2020

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) ☎

Where is the justice in sending an abuse victim to prison for 18 years?

There is nothing new about finding injustice in the justice system, but occasionally it is so stark it can function to send the whole system into disrepute.

Justice was not served in the case of Helen Naslund, who was sentenced last month to 18 years in prison for killing her abusive husband and covering up her crime. After enduring 27 years of physical and mental torment - and after one particular day in 2011 when her husband, Miles Naslund, hurled wrenches at her and told her she'd "pay dearly" after farm equipment she was operating broke down - the Alberta woman retrieved a .22-caliber revolver and shot Mr. Naslund twice in the back of his head while he slept. Ms. Naslund dumped her husband's body with the help of her son, Neil, and both got away with the crime for nearly six years.

Ms. Naslund pleaded guilty to manslaughter in March after her husband's remains were found in September 2017. She was sentenced to 18 years in prison (and Neil to three) based on a joint submission from her defence counsel and the Crown, who said the "battered woman syndrome" defence did not apply, even though the facts stated Ms. Naslund was abused for years.

"Most people who are charged with criminal offences aren't evil people," Court of Queen's Bench Justice Sterling Sanderman said as he handed down the sentences. "They're not bad people. They react poorly, when other options are open to them."

Those other options may seem straightforward from the perch of the Queen's Bench, but to a victim who has tried or contemplated leaving her abusive partner, they are not really options at all. As victims' advocates repeat ad nauseam, the most dangerous time for a victim of abuse is when he or she tries to leave, as is illustrated in the cases of Dr. Elana Fric-Shamji, Roxanne Biglow, Jenny McKay and other women who were killed as they tried to escape. Involving the police can mean later retribution from a violent partner, as well as the risk that authorities won't take claims seriously, which is why the vast majority of incidences of intimate partner violence go unreported. The other escape "option" for abused spouses is suicide, which

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Ms. Naslund attempted unsuccessfully several times before she killed her husband.

The landmark *R. v. Lavallée* decision 30 years ago debunked the notion of a plethora of options available to individuals in abusive relationships, and it represented the first time the Supreme Court of Canada recognized that the psychological torment of a history of abuse could be used as a defence for women who kill their partners. In that case, a jury acquitted Angelique Lyn Lavallée - who, like Ms. Naslund, also shot her abusive partner in the back of the head - based on expert testimony upheld by the Supreme Court, which recognized that "the mental state of an accused at the critical moment she pulls the trigger cannot be understood except in terms of the cumulative effect of months or years of brutality." Of course, this sort of defence only works when and if it is invoked by counsel, and in the case of Ms. Naslund, it was not on the table.

Ms. Naslund thus joins a colony of women sentenced to decades or more behind bars for making what they perceive as a decision between killing and being killed. Wendy Maldonado, who was tortured daily by her husband, spent 10 years in an Oregon prison after killing her husband, also with the help of her son. Nicole Addimando was recently sentenced to 19 years in prison for killing her live-in boyfriend following what the defence described as years of physical and sexual abuse. Catina Curley spent 11 years in prison on a life sentence for second-degree murder, until Louisiana's Supreme Court acquitted her, ruling that she acted in self-defence. Each of these women, along with countless unnamed others, was failed by the structures that were supposed to keep them safe: first by communities where abused women do not have the resources to safely escape violence, and second by judicial systems that fail to adequately address and account for the first.

Ms. Naslund was trapped in an abusive relationship for nearly three decades, and now she will be trapped in a prison cell for nearly two more. There is no moral justification for taking another human life, but there is a legal precedent for considering the psychological effect of abuse. That doesn't appear to have happened here. Ms. Naslund went from someone with no freedom and few options to a

different type of person with no freedom and few options. Where is the justice in that?

Robyn Urback
Globe and Mail
Nov 20, 2020

We are powerful because we have survived.
- Audre Lorde

To be relatively conscious is to be in a rage almost all the time.
- James Baldwin

Of all the animals, man is the only one that is cruel.
He is the only one that inflicts pain for the pleasure of doing it.
- Mark Twain

We have a political culture of intimidation, of favoring, of patronage, and of fear, and that is no way for a community to be governed.
- Alexandria Ocasio-Cortez

One of the reasons why I think people have gone from reading mainstream newspapers to the Internet is because they realize they're being lied to.
- Robert Fisk

The greatness of a community is most accurately measured by the compassionate actions of its members, ... a heart of grace and a soul generated by love.
- Coretta Scott King

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

You see, without real dissent - that is, dissent that makes us sceptical of what governments say, dissent that exposes cultural conformity - we lose freedom: not all at once, but bit by bit, so that we barely notice it slipping away.
- John Pilger

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 #20 - Winter 2020-21 ☞

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

download, print, contact:
www.ClassActionNews.org

Next Issue: #21 - Spring 2021
Deadline: Mar 1, 2021
Mail-out: Apr 1, 2021

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 !

