

PRISONERS JUSTICE DAY



CLASS ACTION NEWS
Issue #26 Summer 2022

< *Editor's Note* >

It is Summer & Issue #26 of 'Class Action News'. This magazine is by & for the 'Prisoner Class' in 'Settler Canada'.



In every Issue we provide a safe space for creative expression, informative news & support resources. These zines feature art, poetry, stories, news, observations, concerns, & anything of sincere value to share.

Health & Harm Reduction info will always be provided, of course - Yes, Do Be Safe!

Quality & Quantity:

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

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

Writings: only short poems, news, stories, ... Items selected are those that fit nicely & allow space for others (½ page = 325 words max). For author protection, letters & story credits will all be 'Anonymous' unless requested.

'Class Action News' is published 4 times a year & is free for prisoners in Canada. If you are on the outside or an organization, please do consider a donation. It really, really does help to get this inside!

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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).

< *Ancestral Territorial Acknowledgment* >

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≈ 'Dish With One Spoon' Treaty ≈

Prison is, simply put,
the bottom rung of the welfare ladder.
- Stephen Reid

We need to do more than just what is right.
We need to join together and right what is wrong.
- Leonard Peltier

Mandatory sentences prevent judges from using judgment. They should be ended

In 1998, the Solicitor General of Canada reported that Indigenous people made up 12% of the federal prison population, four times their percentage in the Canadian population.

The following year, the Supreme Court of Canada released its landmark *R. v. Gladue* decision, which acknowledged Indigenous over-incarceration and instructed courts to recognize the unique circumstances of aboriginal offenders and consider alternatives to prison.

More than two decades later, Indigenous people comprise 32% of federal inmates, or nearly eight times their share of the Canadian population. Even more catastrophically, aboriginal women now make up exactly half of the female prison population.

That's catastrophic all right - a catastrophic failure to address the problem. And while there are many reasons for that failure, the implementation of mandatory minimum sentences, particularly for non-violent drug crimes, has played a major role.

Not that the Conservative Party of Canada has noticed. On the contrary, some Conservative members of Parliament devoted Question Period last week to attacking Bill C-5, which will eliminate mandatory prison sentences for 14 offences in the Criminal Code and six in the Controlled Drugs and Substances Act.

Among other things, the Conservatives charged that the Liberals seek to "make it allowable for criminals to get house arrest," which makes one wonder exactly who else they think should be subject to a conditional sentence.

If the Conservatives really want to learn about the rationale behind Bill C-5 and the deleterious effects of mandatory sentences, they need look no further than data from the Department of Justice - particularly data collected during the Harper government's 2006-2015 "tough on crime" regime.

Between 2007-2008 and 2016-2017, the percentage of aboriginal people imprisoned as a result of a mandatory sentence nearly doubled, from 14% to 26%. And this rise occurred despite courts implementing the Gladue principles, since courts can't consider alternatives to prison when a jail sentence is mandatory.

Although mandatory sentences affect Indigenous offenders disproportionately, they're not the only ones who suffer. In fact, we all do. According to the justice department, between 2002 and 2013, while the Harper government imposed mandatory sentences for numerous offences, per capita justice spending increased by 23%.

That might be worth it if mandatory sentences reduced crime, but there's no evidence of that. On the contrary, the Solicitor General reports there are "indications that increasing lengths of incarceration [are] associated with slightly greater increases in recidivism [re-offending]."

That said, Bill C-5 won't and shouldn't eliminate prison sentences. Jail time is appropriate for some offences and some offenders, including some Indigenous ones. But that decision ought to be left to judges since it's the duty of judges to fashion appropriate sentences - to put it simply, to use their judgment.

Yet by removing judges' ability to employ judgment, mandatory sentences transfer discretion to prosecutors, who decide what offences and what offenders to prosecute. And unlike judges, prosecutors aren't required to explain their decisions, nor are those decisions subject to appeal. This is backroom justice, which is no justice at all.

Although the Conservatives still seem to have trouble understanding that, the public has no such difficulty. Ninety per cent expressed support in a justice department survey for "giving judges the flexibility to impose a sentence that is less than the mandatory minimum."

Canadians therefore realize something many Conservative MPs don't: we can clear the way into prison for more and more Indigenous people, but we can't imprison our way out of crime. That will require sound judgment, which is why we ought to let judges exercise it.

Star Editorial Board
May 24, 2022

Prisons do not disappear problems,
they disappear human beings.

- Angela Davis

You don't really know who you are until you
fight for it.

- Maria Ressa

Canada's use of criminal jails for immigration detainees violates Charter, lawsuit alleges

Canada's use of maximum-security provincial jails for immigration detention is under fire again as two former detainees have launched a class-action lawsuit against the federal government alleging the practice violates the Charter of Rights and Freedoms.

"The purpose of jails is to punish individuals who have committed serious crimes," says lawyer Cory Wanless. "No one who is not convicted of a crime or is not accused of a crime should be placed there."

Immigration detainees are not criminally charged and their detention is not supposed to be punitive. They are detained, on an indefinite basis, for one of three reasons: the Canada Border Services Agency (CBSA) believes they are "unlikely to appear" for their deportation or other immigration matter; their identity hasn't been confirmed, or because the CBSA believes they are a "danger to the public," usually due to past criminal charges for which they have already served a sentence.

The vast majority of detainees - more than 80% - are held solely on the grounds they are "unlikely to appear."

The decision of whether or not to hold someone in immigration detention is made by the quasi-judicial Immigration and Refugee Board, which holds hearings in the first 48 hours after someone is arrested by the CBSA, again after seven days and then every 30 days thereafter.

The fairness of those hearings has been called into question since detainees are often unrepresented and the standards are far below those of a court. But the system has ultimately been upheld as constitutional.

Once the tribunal decides whether or not someone should be detained, however, the location of their detention is at the sole discretion of the CBSA, which uses a simple administrative form to determine whether the detainee will be held in one of two places: a less-restrictive Immigration Holding Centre, which is purpose-built for immigration detention; or a maximum-security provincial jail, where detainees are mixed with and treated the same as someone serving a criminal sentence or awaiting trial.

There is no external oversight of the CBSA's decision.

Tyron Richard, a father of four originally from Grenada and one of the lawsuit's plaintiffs, spent more than 18 months in immigration detention, from January 2015 until July 2016. He spent the bulk of his detention at the Central East Correctional Centre, a maximum-security jail in Lindsay, Ont., where many long-term immigration detainees are held.

Richard, who came to Canada as a teenager and is a permanent resident, was the primary caregiver to three of his children at the time of his arrest by the CBSA. He had just dropped off his kids at school and daycare and was at his job at an auto-repair shop in Scarborough when CBSA officers apprehended him.

A 2008 conviction on break-and-enter and weapons charges, for which he served a nine-month conditional sentence (but no jail time, other than 29 days of pretrial custody), meant his permanent residency would be revoked due to "serious criminality." But Richard appealed and in 2010 won a four-year stay of his deportation, dutifully complying with all of CBSA's conditions and reporting dates. During this time he earned his high school diploma, had a steady job and thought he had done everything he needed to do to maintain his immigration status.

He updated the CBSA every time he changed his address, as was required. But he didn't realize he was also supposed to separately update the Immigration and Refugee Board. As a result, he didn't receive notice of a hearing at the end of his four-year stay, so the board considered his appeal to be abandoned. His deportation order was subsequently revived.

Richard says he wasn't aware of any of this when CBSA officers showed up at his workplace, handcuffed him and sent him to jail, where he would remain for the next year and a half.

"I kept asking them, 'What did I do wrong?'" he said in a recent interview. "They didn't explain anything. I felt helpless. I felt like I was actually never going to see my family again."

Richard, who, with the help of lawyer Subodh Bharati, was eventually able to secure his release and regain his permanent residency, said it was never made clear to him why he was placed in a maximum-security jail rather than an Immigration Holding Centre.

Since immigration detention is not supposed to be punitive, according to both international law and the Canadian government's own description,

holding immigration detainees in the most restrictive conditions breaches several Charter rights, the lawsuit alleges, including not to be arbitrarily imprisoned and not to be subjected to cruel and unusual punishment.

“As a nation we decided that in certain circumstances we think it’s a good idea to detain those who may be deported or facing deportation,” said Wanless, who is representing Richard with Bharati. “Having made that decision we have an obligation as a country to treat them humanely.”

The Attorney General of Canada has not filed a statement of defence. In response to questions for this story, a CBSA spokesperson said the agency would not comment on “potential or ongoing litigation.”

The potential class-action lawsuit, which was filed Monday and has not yet been certified, comes as the Canadian branches of Amnesty International and Human Rights Watch are in the midst of a cross-country campaign arguing that Canada’s treatment of immigration detainees violates international human rights law, particularly by discriminating against detainees with mental health conditions, who are automatically deemed “high risk” by the CBSA and sent to provincial jails as a result.

The organizations are lobbying the provinces to cancel their contracts with the CBSA and stop holding immigration detainees in provincial jails. Earlier this year, British Columbia agreed to review its contract, the first province to do so.

The lawsuit, which seeks a total of \$100 million in damages, argues that the differences between an Immigration Holding Centre and a maximum-security provincial jail are “stark.” In the former, detainees wear their own clothes, are not confined to cells, have freer access to phones and outdoor recreation, and can have multiple daily visits, including direct-contact visits. In provincial jails, detainees are often handcuffed and strip-searched; subject to frequent and unpredictable lockdowns, during which they are confined to their cells for hours or entire days; sometimes placed in solitary confinement; forced to wear prison uniforms; have very limited access to phones and visits; and regularly face violence and the threat of violence. All of which “causes significant deterioration in mental health” or exacerbates existing mental health conditions, reads the statement of claim.

A second plaintiff, Alexis Garcia Paez, spent nearly three weeks in immigration detention last October, according to the lawsuit. A refugee claimant from Mexico, Paez had just been released from the Toronto South Detention Centre following a criminal bail hearing when the CBSA detained him at the same jail, solely on the grounds that he was “unlikely to appear.”

Both Paez and Richard have suffered from post-traumatic stress, anxiety and depression, among other conditions, as a result of their detentions, the lawsuit states. Richard developed a fear of small spaces and often struggles to sleep, enduring “frequent” nightmares.

The average length of time someone is held in immigration detention is about three weeks, but some detainees, like Richard, spend much longer behind bars. Since 2016, his lawsuit alleges, Canada has held more than 300 immigration detainees for a year or longer.

While a minority of detainees are held in maximum-security jails - the percentage has ranged from 16% to 40% in the last 10 years - most long-term detainees are held in jail, and roughly two-thirds of all days spent in immigration detention are in jail.

Bharati said immigration detention is actually “harsher” than criminal detention because of its indefinite nature. “I also think it’s discriminatory. No Canadian would ever be put in a maximum-security prison without substantive procedural safeguards,” he said. “But immigration detainees are.”

Brendan Kennedy
The Star
May 17, 2022



The Indigenous incarceration crisis demands a bolder response: Decarceration

Four years ago, I called attention to a staggering statistic: that 98% of girls in Saskatchewan youth jails and upwards of 70% of inmates in Manitoba jails were Indigenous. These were unacceptable rates by any measure. At the time, 43% of women in federal prisons were Indigenous.

Now, Canada has crossed a terrible threshold: 50% of all women in federal prisons are Indigenous, despite the fact that Indigenous women make up only 5% of Canada's total female population. Yet this shameful reality continues to be ignored by politicians, policy-makers and the Canadian public.

I used to think that the solution to the disproportionate overrepresentation of Indigenous people in Canadian jails and prisons was largely a policy problem - that by changing policies, and making sure that existing laws were enforced properly, Canada could address the crisis. But the time for incremental policy change has passed. We have known about the problem for decades. What Canada needs now is "decarceration" - and we need it urgently.

In 1999, the Supreme Court of Canada called the overrepresentation of Indigenous people a "crisis." The federal and provincial/territorial governments have commissioned dozens of studies, inquiries and royal commissions over the years that have all raised similar concerns, such as when the Aboriginal Justice Inquiry declared: "The Canadian criminal justice system has failed the Aboriginal peoples of Canada." The National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) also sounded the alarm on the high rates of Indigenous people in Canadian prisons: "It's not that they're inherently criminal," said chief commissioner Marion Buller, "it's that they're poor."

This is also not a problem that can be solved by the slow drip of pilot projects, policy and procedure changes, and "sensitivity training." We've been there and done that, with civil society organizations, governments, judges and politicians that have repeated and revived them over the decades. Where they have been scaled and implemented meaningfully at all, they clearly did not have the intended effect; sometimes, they've even made things worse, as the Ontario government did when it claimed

that substantial cuts to legal aid funding would make the justice system more "efficient," or by creating specialty courts that divert some people from incarceration, but are so systemically underfunded that they create little more than the appearance of change.

A central feature of the inability of Canadian governments to meaningfully address the overrepresentation of Indigenous people in jails and prisons is that for Canada and its institutions, Indigenous peoples and their interests remain primarily a colonial concern, 155 years after Confederation.

Much of the Canadian economy is built on the exploitation of Indigenous lands without the consent of Indigenous peoples and without returning any benefits to Indigenous peoples. Efforts to engage in the so-called protection of Indigenous children through the foster-care system continues to result in the forced displacement of disproportionate numbers of Indigenous children from their families and communities to primarily non-Indigenous families disconnected from their culture and language - an active and immoral perpetuation of the legacy of residential schools and the "Sixties Scoop." And Indigenous people are being criminalized and incarcerated at a rate that even the most dedicated cheerleaders for the colonial order being maintained would surely have difficulty justifying.

The solution that remains is systematic decarceration: the intentional and directed reduction of the number of Indigenous people in jails and prisons as a policy goal in and of itself.

This means ending the use of mandatory minimum sentences retroactively. It means that judges and Crown attorneys must ensure that the presumption of innocence is upheld. Most importantly, decarceration requires that alternatives to incarceration that address the underlying causes of too many Indigenous people becoming involved with the criminal justice system be prioritized. More immediately, when Crown counsel makes decisions about whether prosecuting certain offences is in the public interest - such as administration of justice offences and crimes of poverty - they must exercise their discretion to not lay charges, or stay charges laid by police.

Decarceration projects are being successfully implemented in some parts of the United States,

and there is no principled reason why it could not be effective here as well.

The effects of colonialism are not merely a legacy of past wrongs. Colonialism is an ongoing project, perpetuated by federal, provincial and territorial governments, and that continues to penalize Indigenous peoples in Canada for the crime of merely existing.

Through decarceration, Canada may begin to forge a new path.

Corey Shefman

Globe and Mail

May 11, 2022

Prisoners are denied their liberty, not their right to health care

In the eyes of Correction Service of Canada, medical staff, prescription drugs, and specialist consultations, all constitute major costs, which detract from CSC's budget. This, along with the punitive culture of prisons, results in the mistreatment of prisoners through the denial of their health care.

When an individual serves a federal prison sentence in Canada, they leave their health card, and all the rights that card affords them, at the prison gates. It is hard to keep track of an offender's health-care records from there. This is bad policy that fails the medically vulnerable while violating the law and costing taxpayers millions.

The Canada Health Act explicitly excludes federal prisoners from its definition of "insured person." This, combined with the provisions of the Corrections and Conditional Release Act (CCRA), which assign responsibility for providing prisoner health care to the Correctional Services of Canada (CSC), result in a health-care standard that is woefully inadequate inside our prisons.

Yet, this population has health-care needs far more severe than most - high rates of addiction and other mental illnesses, sky-high HPV rates, various chronic diseases, and the many issues associated with aging.

While those of us who have access to our provincial health care systems can walk into our local health clinic, federal prisoners wait months to see a physician who may not believe in employing a harm reduction approach to treating addictions, or who denies you a

prescription that you've been taking for decades before arriving at prison due to pressures from CSC surrounding cost and security.

This system undermines a health-care hallmark - independence for medical practitioners. Independence for doctors is required, yet out of reach inside our prisons. In the eyes of CSC, medical staff, prescription drugs, and specialist consultations, all constitute major costs, which detract from CSC's budget. The fox is providing the hens with health-care. This, along with the punitive culture of prisons, results in the mistreatment of prisoners through the denial of their health-care.

The lack of accountability CSC provides its physicians also allows for the negative stigma associated with criminal behaviour to infect those treating prisoners. Worse, provincial oversight bodies struggle to regulate physicians who are operating in a federal context. Often pain goes untreated, which sometimes results in cancers reaching lethal stages before being detected. All of this, along with the cumbersome process required to gain access to one's own health records, denies individuals their human rights.

With previous efforts to engage the government proving unsuccessful, the John Howard Society of Canada has filed a claim in the Nova Scotia Superior Court, along with Mr. Michael Devlin, a federal prisoner suffering from deteriorating health and severe pain because of CSC's substandard care. He is one of countless nationwide who continue to suffer.

John Howard's claim alleges the federal health care system is outside of CSC's jurisdiction (*ultra vires*), and that it violates prisoner's human rights as guaranteed by sections 7, 12 and 15 of the Charter of Rights and Freedoms.

Prisoners are denied their liberty, not their right to health-care. The inhumanity and injustice of excluding them from our universal health care protections and allowing them to suffer needlessly with inadequate medical services must end.

Leandra Keren

The Star

Nov 30, 2021

All governments lie.

- I.F. Stone

At least two additional prisons marked for overdose prevention sites after success at Alberta's Drumheller Institution

The success of Canada's first drug overdose prevention site behind bars at Alberta's Drumheller Institution has sparked an expansion of the program to at least two additional federal prisons, which are anticipated to begin the service by the end of the year.

Prison guards at Drumheller were initially opposed to the overdose prevention site, or OPS. But James Bloomfield, Prairies regional president of the Union of Canadian Correctional Officers, said the program is now viewed as an "absolute positive" and members are pushing for it to replace prison needle exchange programs, or PNEPs, across the country as increasingly toxic drugs made their way inside.

Springhill Institution in Nova Scotia and Collins Bay Institution in Ontario are among a list of institutions marked to house an OPS, Correctional Service Canada confirmed to The Globe and Mail. The Atlantic prison was poised to operate a site in 2020 but its implementation was sidelined by the COVID-19 pandemic.

"We put [OPS] on the plate to take away from putting needles in the cells of prisoners and having them exchange them because that was an obvious failure, and it still is today a 100-percent failure that Corrections Canada refuses to acknowledge," Mr. Bloomfield said.

While Mr. Bloomfield welcomes the expansion of OPS to other prisons, he said it does little to curb concerns by officers running "inferior" needle exchange programs and should be rolled out faster to other institutions in the Prairies.

The medium-security Drumheller Institution, chosen because a high number of prisoners were overdosing, was the first federal prison in Canada to house an OPS where incarcerated individuals can inject drugs under the supervision of a medical professional. The service was introduced in June, 2019, and remains the only site to operate in Canada - and around the world.

Nine federal institutions across Canada offer the needle exchange program, which was introduced in June, 2018. It gives inmates access to sterile, unused needles and equipment in an effort to reduce needle sharing and reduce transmission of blood-borne infections.

Corrections Canada said an external evaluation of the Drumheller program would determine if the service should be expanded, but a report has yet to be made public. The Globe obtained a 66-slide PowerPoint presentation from the union that shows an evaluation of the overdose prevention site, in addition to an interim study of the PNEP, which was completed by University of Ottawa researcher Lynne Leonard in 2020.

An evaluation of the OPS was based on confidential interviews with staff and inmates three months after it was implemented. Summarized in the slides, the study showed health care workers and correctional officers who, at first, expressed largely negative views of the program and addictions changed their perspectives. Inmates indicated the site made them feel safer and better supported.

Dr. Leonard noted the announcement of the incoming OPS was originally "seen as antithetical to and a complete reversal of" staff's established roles to prohibit drug use and entry in the institution.

"I've changed my attitude. I'm not so against it. ... This is the future of how it is going to be, so don't fight it. ... More of a win for everyone in the end," said one unnamed staff member who was interviewed. Another said, "Our Institution should be proud and is proud of what we have done." An inmate said they no longer have to trust "someone else's needle is clean" and another said they would have died by overdose without access to an in-prison OPS.

Kyle Lawlor, a spokesperson with the Correctional Service of Canada, said the COVID-19 pandemic has delayed a final report. Mr. Lawlor confirmed Springhill and Collins Bay are "among the institutions" that are being considered and "work is under way to further explore and confirm the next targeted sites, including consulting labour partners as well as taking into consideration public-health advice."

In an interview with The Globe, Dr. Leonard said evaluation interviews related to the PNEP have resumed and a final report is in the works. She expects to further evaluate OPS in federal institutions when the government moves forward with additional sites. She requested Corrections Canada provide her interim reports to The Globe but they were not received.

Some people interviewed for the 2020 study contrasted OPS to PNEP, though Dr. Leonard was not tasked with comparing the programs.

People interviewed said the OPS is more beneficial because it decreased stigmatization of people using drugs, increased officer and prisoner safety, and more appropriately transferred responsibility to health providers, not guards. Concerns about needle stick injuries with PNEP outweighed the actual prevalence of incidents, Dr. Leonard concluded, but were frequently mentioned.

“Not all treatment options work for every individual, and offering multiple treatment options means that we are providing individuals under our care the best chance to succeed in their journey of recovery,” Mr. Lawlor said in response to the union’s comments.

Among Dr. Leonard’s recommendations was “urgent consideration” to extend hours of the Drumheller OPS that operates between 7 a.m. and 7 p.m. local time, on weekdays. The study showed 30 inmates used the service 798 times between July, 2019, and February, 2020. No overdose deaths were recorded but one participant suffered a non-fatal overdose outside of operating hours.

Site hours remain unchanged, Mr. Lawlor said, to align with staffing resources and operational requirements such as inmate counts and meals, but could expand as additional funding becomes available. A total of 49 patients were approved to use the Drumheller service. “I want it in my back pocket. If I need it, it’s there for me,” one inmate said.

In Dr. Leonard’s interim evaluation of PNEP, she concluded there had been significant challenges to its implementation. As of March, 2020, only four prisons of nine had active participants and three institutions recorded no interest in the program. Inconsistent rollout of the program, limited access to lifesaving naloxone and stigma were listed among the reasons for the program’s poor performance.

Staff interviewed for the study also indicated that the rollout of the OPS was poorly communicated and that Corrections Canada should better educate and train staff on its purpose and implementation should they broaden the program to other institutions to promote early acceptance.

“If you don’t understand the problem, then you are not going to embrace the response,” Dr. Leonard said in referring to both programs. “It needs to be understood what substance use

disorder is, and addiction needs to be really well understood.”

Additionally, it was suggested that Ottawa provide safe snorting equipment to inmates, expand peer-assisted drug injection, and boost access to opioid agonist therapy, counselling services and safer tattooing services, the PowerPoint shows. Mr. Lawlor said progress is being made to reduce wait times for opioid agonist treatment and the provision of snorting equipment.

At the time of the report, while COVID-19 was raging through Canada, drug toxicity deaths were rapidly increasing and, to this day, continue to mount. The government of Canada was not immediately able to provide data on fatal and non-fatal drug overdoses behind bars between 2018 to now.

The government of Alberta declined to comment on the outcomes of the Drumheller OPS and whether it would consider a similar service at provincial jails.

Alanna Smith
Globe and Mail
May 29, 2022

Auditor-General says corrections authorities not preventing systemic racism in federal prisons

Federal correctional authorities “haven’t taken action” to address systemic barriers faced by Indigenous and Black prisoners, who have been consistently disadvantaged in the prison system, the Auditor-General says.

Her report on the issue, released on Tuesday, found that those prisoners are more frequently placed in higher security institutions at admission compared with their white peers, and that they aren’t paroled as often as others when they first become eligible.

For two decades, reports and recommendations from watchdogs, government commissions and academics have called attention to the problem. The Auditor-General’s findings follow a Globe and Mail investigation from 2020 that showed Correctional Service Canada’s risk-assessment tools - standardized tests designed to measure a prisoner’s risk to public safety and odds of reoffending - were systemically biased against Black and Indigenous men and Indigenous women.

Auditor-General Karen Hogan said she is frustrated and discouraged with CSC, but that her office will keep monitoring the agency. It is also up to Parliament, she said, to hold CSC to account in order to ensure there is meaningful change. "It is long past due that Black and Indigenous offenders have outcomes that are better than they're experiencing right now," she said.

Correctional Investigator Ivan Zinger said that given CSC's poor track record in addressing these systemic barriers, Public Safety Minister Marco Mendicino and his department should expressly direct the prison agency and manage it to ensure these reforms. "A significant departure needs to take place for the situation to change," he said.

A leading Indigenous-rights lawyer and a University of Toronto criminologist both agreed that CSC can no longer be trusted to address these issues, and that change must come from higher government echelons.

The Auditor-General found that in the 2020-21 fiscal year, Indigenous people made up 27% of federal prisoners, despite only accounting for an estimated 4% of the adult population.

The report also said Indigenous women are the fastest-growing population in the federal correctional system. Last month, Mr. Zinger said that Indigenous women now account for 50% of the female population in federal penitentiaries, which he called "shocking and shameful."

The audit found disparities are present from the moment prisoners enter federal institutions. For instance, it said that the process for assigning security classifications - including the use of the Custody Rating Scale risk-assessment tool - result in disproportionately high numbers of Indigenous and Black people being placed in maximum-security institutions.

It also said that CSC failed to develop a plan that would allow its work force to better reflect the diversity of the prison population.

Ms. Hogan said she has had several conversations with CSC Commissioner Anne Kelly, and that the prison head acknowledges that systemic racism exists in corrections.

Ms. Kelly said Tuesday that she accepted all of the Auditor-General's recommendations, adding that there was a plan to address issues, including work to validate the security classification processes, improve oversight and

increase diversity and inclusivity of the agency's work force.

"We must constantly work to closely examine our underlying practices, policies and programs to see how they may lead to inequities and make changes accordingly," she said. "This is something I take very seriously and while we have taken a number of steps, more work is required."

Among its recommendations, the Auditor-General's office said CSC should improve the initial security classification process by having external experts review the Custody Rating Scale. This should be done in particular for women, Indigenous and Black offenders, the report said.

It also said that the CSC should identify and act to address root causes contributing to delays in the preparation of prisoners - particularly Indigenous ones - for release. CSC should also improve the "timely completion of reassessments of offenders' security levels, to facilitate their safe transitions into the community," the report said.

The audit is the latest in a long line of reports from the Office of the Auditor-General, Office of the Correctional Investigator, Status of Women Canada, the Canadian Human Rights Commission and Public Safety Canada. Along with academic studies, the reports have frequently highlighted the disparities in security classification, community release and programming when it comes to Indigenous, Black and other racialized prisoners.

All of those reports had various recommendations, many of which CSC said it would adopt. In 2004, for instance, an internal Public Safety Canada study found critical flaws in the Custody Rating Scale, a crucial risk-assessment tool used to determine a prisoner's initial security classification. Nearly 20 years later, the tool remains unchanged.

In 2016, in response to an Auditor-General report that found Indigenous prisoners were assigned to higher security levels at admission than white prisoners, CSC said it would develop a new risk tool, the Criminal Risk Index, to address the disparity. But CSC still uses the Custody Rating Scale for security classification decision.

More recently, in the wake of The Globe's 2020 reporting, the House of Commons public safety committee announced a study into systemic bias

in prison risk scores, and Prime Minister Justin Trudeau vowed to do more to address systemic inequities in prison. Last year, a proposed class-action lawsuit over risk scores was filed against the federal government on behalf of tens of thousands of prisoners.

Professor Anthony Doob, a University of Toronto criminologist who has studied systemic barriers in corrections for decades, said that systemic issues, like the disparities in security classifications for Indigenous prisoners, have gone unaddressed for far too long.

"We know that that's a problem," he said. "We knew it was a problem in the early part of this century. And the Auditor-General is essentially telling us it's a problem 20 years later. I guess the question is, what is anybody going to do about it?"

"More of the same - of statements from CSC saying 'we're working on it,' without specific timeframes and without specific changes which could be audited - I don't think that's enough," he continued.

According to Prof. Doob, it is time to consider other types of interventions. "I think that there is a question about whether Public Safety Canada should in effect have to run the Correctional Service of Canada," he said.

Aboriginal Legal Services program director Jonathan Rudin said it is "really frustrating" to see the lack of change in the Auditor-General's findings.

"CSC seems incapable of actually doing anything," Mr. Rudin said. "I think it's up to the federal government to start to hold people accountable - that means getting regular reports, making those reports public and holding people to account," he said.

"And, if things do not change, then people need to lose their jobs, frankly."

Mr. Mendicino, the Public Safety Minister, said Tuesday that more support must be offered to address barriers faced by Indigenous, Black and other racialized prisoners, and that he will work with Ms. Kelly, CSC head.

In a mandate letter to Ms. Kelly released publicly last week, Mr. Mendicino underscored the need for CSC to support the government efforts to address systemic racism and overrepresentation of Black, Indigenous and racialized people in the justice system, including through the creation of a deputy commissioner for Indigenous corrections.

He did not comment directly on the call that his department must be held accountable for change, given CSC's inability to address these issues meaningfully to date.

Lynne Groulx, the CEO of the Native Women's Association of Canada, said she read the Auditor-General's findings with "extreme dismay though little surprise."

"It is more than frustrating to know that similar observations were made six years ago, and that nothing has changed in the interim," she said in a statement.

"Canada cannot claim to be on a path of reconciliation with Indigenous people when its strategy for dealing with us appears to be keeping us behind bars. The overt and covert racism within the Canadian correctional system can no longer be ignored."

Tom Cardoso & Kristy Kirkup
Globe and Mail
May 31, 2022

New site for memorial honouring EMDC deaths

A makeshift memorial representing inmates who have died at the provincial jail in London, Ont. has been relocated.

"We lost our loved ones in vain, and it shouldn't happen to anybody else," said Glenn Struthers. He and his wife Judy Struthers are among a number of families who regularly demonstrate outside the Exeter Road facility, demanding better safety for inmates and jail staff.

On Tuesday, the couple was found tending to crosses at the new site of the memorial, which was recently relocated to the property of a nearby business just west of the provincial jail on Exeter Road.

The province dismantled the original site on jail property this past summer.

The union representing correctional employees argued the memorial, in its original location outside the jail, represented an ongoing source of psychological stress for its members.

There have been 19 deaths at EMDC since 2009. The crosses began appearing in 2018.

Bryan Bicknell
CTV News
Dec 28, 2021

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

Toll-Free Support Line for SK Prisoners

For prisoners in Provincial jails & Federal prisons in Saskatchewan.

Funds will be used to help inmates purchase call packages to keep them connected to their family, help out with canteen for necessary things & for transportation home. Maintained by prisoner advocacy groups Beyond Prison Walls Canada and Inmates for Humane Conditions.

☎ 1-866-949-0074 ☎

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.

☎ 613-567-JAIL (5245) ☎

Jail Hotline for MCC, OCI, TEDC, TSDC & VCW

The Toronto Prisoners' Rights Project (TPRP) provides prisoners with free links to advocacy, referrals, information, and support through the Jail Hotline. This hotline is run by volunteers. It will take calls on:

**Monday - Saturday
9-11am & 2-4pm**

☎ 416-307-2273 ☎

Why a Jail Hotline?

Prisons and jails carry out human rights abuses every day because they do not think anyone is watching. We are here in solidarity and struggle with prisoners.

Who Should Call This Hotline?

Please share the hotline with your loved ones inside. We cannot accept calls from other prisons or jails or from people in the community.

If you need to contact us outside of the line, you can message us on social media or an email to:

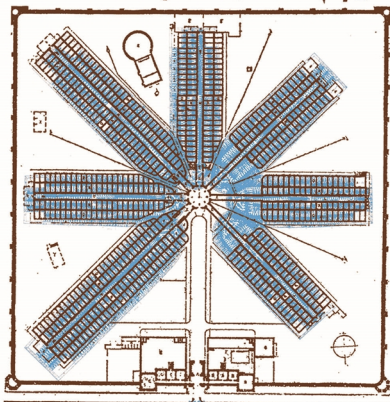
TorontoPrisonersRightsProject@gmail.com

NEW! Jail Hotline for EMDC

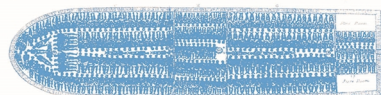
**Mon - Wed - Fri - Sat
9-11am & 2-4pm**

☎ 519-642-9289 ☎

PRISONS



SLAVE SHIPS



ON DRY LAND

Love is contraband in Hell,
'cause love is an acid
that eats away bars.
- Assata Shakur

Where there is oppression,
there will be resistance.
- Assata Shakur

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

Transgender Day of Remembrance (TDoR), is 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% of trans youth in Canada have been harassed at school, and 37% 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!
234-1110 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

www.kipcanada.org ~ 416-505-5333



K.I.P. Canada - Family Visitation

Kids with Incarcerated Parents (K.I.P.) 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.

K.I.P.'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, K.I.P. 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 K.I.P. to register today.

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

info.kipcanada@gmail.com

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.

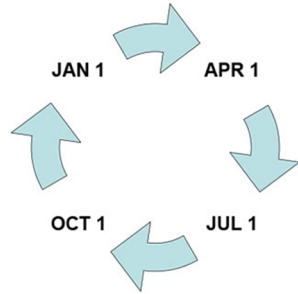
The last Wednesday of each month, CPR features 'Calls From Home', sharing letters, emails, voice messages and music requests by and for prisoners and their loved ones. Prisoners and their loved ones are invited to contribute music requests, messages and suggestions for the program.

*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 #26 - Summer 2022 ☞

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

download, print, contact:
www.ClassActionNews.org

Next Issue: #27 - Fall 2022
Deadline: Sep 1, 2022
Mail-out: Oct 1, 2022

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 !

