

CLASS ACTION NEWS

HELP ME! HELP ME!

PLEASE!!!!

get another Detention Review Hearing
then I will just get Deported. If
that happens I will die for sure.
So, y'all PLEASE GET ME OUT OF
HERE I DONT BELONG HERE!!

HELP ME! HELP ME!

PLEASE!!!!

I want to come HOME
I miss YALL SO SO SO BAD!

I don't see how they can continue
to keep me locked up like a criminal
I have no charges I had already paid
my time for my crime. I'll leave Canada
if thats what it comes to but let me
out until thats whats decided if it
comes to that. To many reasons not

HELP ME! HELP ME!

PLEASE!!!!

ISSUE 8 - WINTER 2017-18

< Editor's Note >

It is Winter & Issue #8 of 'Class Action News'. This magazine is by & for the Prisoner Class in Canada.



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

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

Quality & Quantity:

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

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

Writings: only short poems, news, stories, ... Items selected are those that fit nicely & allow space for others (1/2 page = 350 words max).

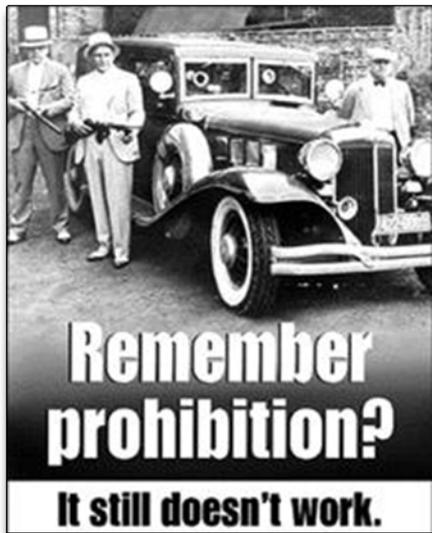
For author protection, letters & story credits will all be 'Anonymous'.

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Cover: Teresa Michelle Gratton
Murdered by CBSA / VCW?



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< Funding for this Issue >

Huge thanks out to:
Groundswell Community Justice Trust Fund!

In contrast to those traditional stories that begin with, 'Once upon a time ...'
Zapatista stories begin with,
'There will be a time ...'
- Subcomandante Galeano (formerly Marcos)

< News >

Border Services must be more transparent and accountable

Yet another immigration detainee has died in unclear circumstances. It must stop.

On Oct. 30, Canada Border Services Agency issued a brief news release. A 50-year-old woman had died in a maximum-security jail in Milton.

She might as well have been “disappeared” in a dictatorship for all the detail the agency provided. As the Star’s Brendan Kennedy reported, the CBSA would not disclose the woman’s identity, country of origin or her cause of death.

We now know the woman was Teresa Michelle Gratton, a permanent resident of Canada from the United States, a mother of three sons and wife to Herb Gratton, her partner of 32 years.

We also know she was being held indefinitely in a maximum-security prison, based on the decision of one border services officer, though she did not pose a danger to anyone.

The circumstances of her imprisonment and death are unconscionable on a number of levels. First, it is arguable that she should not have even been held at all in an immigration detention centre, never mind a maximum security jail with dangerous offenders.

Last year, in fact, Public Security Minister Ralph Goodale argued that detention in the immigration system should be a “last resort.” At that time he set aside \$5 million to be spent on “alternatives,” such as the use of performance bonds, cash deposits or electronic reporting systems.

Second, we know Gratton was the 10th person to die in immigration detention in the last five years and at least the 16th since 2000. Yet because there is no civilian oversight of the CBSA, which would bring transparency through public reporting, we can’t know whether a person should have been detained in the first place, never mind hold anyone responsible for the circumstances of her death.

The CBSA will finally get civilian oversight under provisions of Bill C-59, when that proposed legislation finally makes its way through Parliament.

But in the meantime there is nothing to stop the government from ordering the agency to find alternatives to detention for anyone other than the most extreme flight risks, those that are a danger to the public or those already in jail for a crime.

At the same time, the agency should be required to release details when someone dies in custody, just as corrections officials do. Sadly, at this point Herb Gratton says he still does not know what happened. “I can’t really grieve my wife.”

Third, Teresa Gratton was deemed eligible for deportation because she had served nine months under house arrest for multiple counts of fraud under \$5,000. Unbelievably, the border officer equated house arrest with a “term of imprisonment,” making her eligible for deportation.

As if to underscore the absurdity of that decision, 19 days after Gratton was detained the Supreme Court of Canada ruled it is unreasonable for immigration officials to equate conditional sentences, such as house arrest, with jail sentences.

Goodale has done much to try to fix the immigration detention system since the Trudeau government was elected. For example, in the last fiscal year Canada detained more than 6,200 people, down dramatically from the 10,088 detained in 2013-14 under the Harper government.

As well, Goodale invested \$138 million last year “to transform” the system, including replacing two aging immigration detention centres and improving mental and medical health services for those being held.

Still, there is much more he could do to ensure that no one is detained unnecessarily again, or “disappeared” after dying in a jail.

The system must be made more accountable and transparent. Much can be done to achieve that even before a civilian watchdog is put in place to oversee the border services agency. It’s up to Goodale to make it happen without delay.

Editorial Board
Toronto Star
Dec 18, 2017

People will stop dying when the Canadian government stops leaving them there to die.
- Nisha Toomey
(End Immigration Detention Network)

Canada's solitary-confinement laws are unconstitutional, judge rules

An Ontario Superior Court judge has ruled that current laws governing the use of solitary confinement in Canadian prisons are unconstitutional, concluding a landmark Charter application launched three years ago.

In a 39-page ruling, Associate Chief Justice Frank Marrocco, declared that the country's prisoner-isolation statutes violate individual liberty and security provisions guaranteed by section 7 of the Charter of Rights and Freedoms. Implementation of the ruling will be delayed for 12 months to give Parliament time to amend the Corrections and Conditional Release Act.

Those section 7 violations could be tolerable so long as the prison system maintained a robust and independent review system that ensured each and every decision to place a prisoner in solitary confinement was done in accordance with the principles of fundamental justice, the judge ruled.

But instead, Justice Marrocco said, the federal system for reviewing segregation placements in Canadian prisons is unfair and unlawful – siding with the applicant, the Canadian Civil Liberties Association.

Prison wardens, or institutional heads, ultimately control the decision to place an inmate in solitary and the review process in place to determine the validity of that decision.

The process makes the warden both investigator and adjudicator, ruled Justice Marrocco, opening the entire review system to a level of bias that doesn't adequately protect an inmate's liberty and security rights.

"I am satisfied that the statutory review of the decision to segregate is procedurally unfair," ruled Justice Marrocco, "and contrary to the principles of fundamental justice because the procedure chosen provides that the Institutional Head is the final decision maker for admission, maintenance and release from administrative segregation and is the final institutional decision-maker of required reviews and hearings which occur immediately after an inmate is segregated."

The Canadian Civil Liberties Association launched the constitutional application in January, 2015, shortly after the British Columbia Civil Liberties Association and the John Howard

Society of Canada filed a similar but unrelated lawsuit in Vancouver.

Together, the two cases have exposed the internal workings of prison policy to the public and sought to have the Correctional Service of Canada practice called administrative segregation ruled unconstitutional.

Administrative segregation is roughly analogous to solitary confinement, the controversial incarceration practice of isolating inmates in bathroom-sized cells for up to 23 hours a day with little meaningful human contact.

The CCLA argued throughout the case that sections 31 to 37 of the Corrections and Conditional Release Act, the legislation governing administrative segregation, are unconstitutional.

The government responded that while individual prisons may violate inmate rights from time to time, the legislation itself was sound.

Justice Marrocco agreed with the CCLA that placing an inmate in administrative segregation amounts to a significant deprivation of liberty and "imposes a psychological stress, quite capable of producing serious permanent observable negative mental health effects."

Justice Marrocco also sided with the CCLA in ruling that Canada does use solitary confinement as defined by the United Nations – isolation for "22 hours or more a day without meaningful human contact." Federal lawyers had debated the point, saying that Canadian prisons don't technically employ solitary confinement because a recent rule change allows inmates in segregation two hours a day outside of their cell plus a shower.

Several other key arguments put forward by the CCLA were less successful. Lawyers for the group had asked Justice Marrocco to prohibit solitary confinement for the mentally ill and inmates aged 18 to 24. They had also argued that the practice should be limited to 15 days, a threshold that would accord with United Nations guidelines.

While he presented an extensive critique of conflicting laws and regulations governing the admissibility of mentally ill inmates to solitary, Justice Marrocco said it didn't constitute cruel and unusual punishment, therefore falling short of a section 12 Charter violation.

He came to the same conclusion concerning the 15-day limit and the ban on younger inmates in segregation.

In June, the Liberal government introduced a bill proposing changes to the country's solitary confinement regimen. Government lawyers tried to derail both the CCLA and BCLA cases, saying the legislation would address key concerns raised in the lawsuits. Judges in both provinces tossed out those arguments.

The judge in the B.C. case has yet to release a ruling.

Patrick White
Globe & Mail
Dec 18, 2017

Canada's prisons failing mentally ill women

Canada's prison service must find alternatives to locking up inmates, especially women, with serious mental illness, says the federal correctional ombudsman.

The Correctional Service of Canada needs to create more agreements with community providers that would allow for the transfer and placement of offenders struggling with severe mental issues in outside psychiatric facilities, correctional investigator Ivan Zinger said Tuesday.

Women with mental-health problems are more likely than other prisoners to be placed in maximum security — cells where cramped living conditions can heighten tension, frustration and conflicts, Zinger said in releasing his annual report.

Overall, Zinger painted a grim portrait of federal prison life, citing high rates of mental illness, self-injury and premature death as well as the long-standing overrepresentation of Indigenous people.

Currently, there is no stand-alone treatment facility for federal female inmates. As an emergency measure, an acutely mentally ill woman can be transferred to an all-male treatment centre where she is kept separately in conditions that are far from therapeutic, Zinger said.

The practice is "completely unacceptable" and violates international human rights standards, Zinger told a news conference.

He recommended the prison service fund beds in community facilities to accommodate up to 12 federally sentenced women requiring intensive mental health care.

"The price of not doing so may ultimately be more tragic and (result in) preventable deaths in custody and costly civil settlements in wrongful death cases," the annual report says.

Zinger highlights other problematic practices, such as the use of physical restraints, suicide watches and segregation to manage men and women in serious psychological distress.

While admissions and lengths of stay in segregation have dropped significantly in recent years, many such units for separating inmates from the general population lack proper ventilation, windows and natural light, he said. Segregation yards are often little more than bare concrete pens topped with razor wire.

Zinger also called on the Correctional Service to bring back its safe tattooing program.

Tattooing behind bars often involves sharing and reusing dirty homemade equipment, linked to higher rates of hepatitis C and HIV among inmates, Zinger's report says. In addition, there is often no safe means of disposing of used needles.

In 2005, the prison service began a pilot program involving tattoo rooms in six federal institutions. Two years later, the then-Conservative government ended the program.

Public Safety Minister Ralph Goodale welcomed the report and said concrete steps - specifically for women offenders with mental health issues and Indigenous offenders - were being taken.

Jim Bronskill
The Canadian Press
Oct 31, 2017

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

What to do about the over-representation of Indigenous people in prisons

For decades watchdogs and researchers have attempted to draw attention to the disturbing overrepresentation of Indigenous people in the country's prison systems.

Yet despite urgent warnings from domestic and international organizations, the latest report from federal prisons watchdog Ivan Zinger makes clear the situation continues to get worse. Between 2007 and 2016, while the overall federal prison population increased by less than 5 per cent, the number of Indigenous prisoners rose by 39 per cent, Zinger reports.

In fact, for the last three decades, there has been an increase every single year in the federal incarceration rates for Indigenous people. While they make up less than 5 per cent of the Canadian population, today they represent 26.4 per cent of all federal inmates. And for Indigenous women the situation is even worse. They comprise 37.6 per cent of the federal female prison population.

As Zinger writes, "The over-incarceration of First Nations, Métis, and Inuit people in corrections is among the most pressing social justice and human rights issues in Canada today."

So what can be done? The overabundance of Indigenous people in Canadian prisons no doubt reflects larger socio-economic disadvantages for which there are no simple solutions. Clearly, until governments start taking more aggressive steps to address the poverty, mental health issues and other intergenerational scars of failed colonial policies past and present, the problem will persist. But in the shorter term, there are a number of simple, long-overdue changes to the court and prison systems that could begin to redress this persistent injustice.

The first is to ensure that the Gladue principle, in place since a 1999 Supreme Court decision, is consistently followed. Under this principle, judges must take into account information, contained in so-called Gladue reports, about an Indigenous person's background, such as their history with residential schools, child welfare removals, physical or sexual abuse, and health issues such as Fetal Alcohol Syndrome.

Research has shown these reports do affect sentencing, but as legal aid across much of the country shrinks so, too, does the ability of many Indigenous offenders to make courts aware of

their particular circumstances. Governments must ensure resources are in place to allow the court system to truly abide by this important principle.

The Zinger report contains other valuable suggestions. For one, it recommends that Corrections Canada finally implement proposals from the 2016 federal auditor general's report to more quickly get Indigenous offenders out of jail and reintegrated into society.

The auditor general found that in 2015-16 most Indigenous offenders weren't released from custody until their statutory release date, after serving two-thirds of their sentence. Of those, 79 per cent were released into the community directly from a maximum or medium security institution "without benefit of a graduated and structured return to the community."

Nor was Corrections Canada effectively getting Indigenous prisoners into programs within jails that could help them upon their release. Only 20 per cent were able to complete their programs by the time they were eligible for parole. In response to the AG's report, Corrections Canada promised to expand programs tailored to the needs of Indigenous offenders, including preparing them for early release. Yet Zinger found that Indigenous prisoners continue to be released just as late, likely in part because the parole board remains unsatisfied that applicants have in fact been adequately prepared to re-enter the community.

This lack of preparation partly explains, too, why Indigenous offenders are so much more likely to be returned to prison due to the suspension or revocation of their parole. And once inside, Indigenous prisoners suffer more than others: they are over-represented in segregation cells, use-of-force interventions, maximum-security institutions and incidents of self-injury.

Canada's shameful history of Indigenous injustice continues to play out graphically and painfully in our courts and prisons, which both reflect and reinforce these communities' disadvantage. But the justice system need not deepen these inequalities; indeed, it can play a role in healing Indigenous communities and Canada's relationship with them. Reversing the overrepresentation of Indigenous people in our prison population is an important measure of reconciliation.

Editorial Board

Toronto Star - Nov 6, 2017

Ontario Prisoner Class Action Certified

Koskie Minsky LLP has commenced a class action against the Province of Ontario alleging that lockdowns arising from the Province of Ontario's failure to properly staff its correctional institutions facilities have caused and continue to cause physical and psychological damage to inmates across the Province.

A staffing-related "lockdown" of a correctional institution occurs when prisoners are locked in their cells due to shortages of prison staff. Lockdowns can last for days or even weeks at a time. Staffing related lockdowns have become a common feature of Ontario's correctional institutions that deprive prisoners of their most basic rights.

The class includes:

All current and former prisoners of correctional institutions as defined in the Ministry of Correctional Services Act, R.S.O. 1990, c. M.22 (the "Correctional Institutions") since December 10, 2002 who are or were remanded, except the Excluded Persons; and,

All current and former prisoners of the Correctional Institutions since December 10, 2002 who are or were serving a sentence at a Correctional Institution or who have violated parole and are or were imprisoned at a Correctional Institution as a result, except the Excluded Persons; and

"Excluded Persons" are all prisoners detained by the Canadian Border Services Agency in accordance with the Immigration and Refugee Act, S.C. 2001, c. 27 and all prisoners of Elgin-Middlesex Detention Centre (solely with respect to their incarceration at Elgin-Middlesex Detention Centre).

November 27, 2017

Justice Glustein certified this class action as a class proceeding.

Toll Free: 1-866-777-6309

Email: idclassaction@kmlaw.ca

There are no dangerous thoughts; thinking itself is dangerous.

- Hannah Arendt

Down Inside: Thirty Years in Canada's Prison Service (2017) Robert Clark

"Every person who is concerned about the well-being of prisoners in Canada should read *Down Inside*. Robert Clark's candid writing about the inner workings of federal corrections illustrates why things can go so terribly wrong. Robert shows us that a healthier environment results when prisoners feel that they are being treated like human beings. As he concludes, "The secret to this complex issue, the key to the lock, is the environment that we create."

- Ruth Elwood Martin

The Life Crimes and Hard Times of Ricky Atkinson (2017) Richard Atkinson

A sober memoir that provides a solid understanding of how crime is situated in structural, cultural, historical, and situational contexts. This is the life story of Ricky Atkinson, leader of the Dirty Tricks Gang, who grew up fast and hard in one of Toronto's toughest neighbourhoods during the social ferment of the Sixties, during the fledgling Black Power Movement in Canada.

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.

Class action suit launched against Ontario over alleged abuse in ‘training schools’

A proposed class action lawsuit has been launched against the Ontario government alleging horrific sexual, physical and psychological abuse perpetrated on former students of the province’s “training schools” between 1931 and 1984.

The schools were residential institutions operated by the province to house children between the ages of 8 and 16 who were deemed by the courts to be “incorrigible” or difficult to control. Children could be sent to training school without having committed any crime. Truancy, running away from home, or even begging could land a child at any one of the province’s more than a dozen institutions.

“The repercussions (of training school) were unreal in my life,” said representative plaintiff Kirk Keeping, who was sent at age 15 to a training school in Bowmanville, where he says he was forced into sexual acts with male and female staff members and suffered frequent beatings.

The two years he spent in training school had a profound effect on his life, said Keeping, 64. “I just spiralled down for many years in my life. It was a roller-coaster ride trying to hold down jobs, trying to have a family and live normal. It was a hard thing.”

The lawsuit, filed in Thunder Bay, where Keeping lives, is seeking \$500 million in damages for negligence, breach of fiduciary duty and vicarious liability, as well as \$100 million in punitive damages. Lawyers who filed the claim believe there could be thousands of class members.

“Training schools contained a toxic environment in which degrading and humiliating treatment of children in the Crown’s care was the norm, physical, sexual, and psychological abuse was rampant, and residents of training schools were systematically denied their dignity and basic human rights,” reads the claim, filed in court Friday, which lists 14 training institutions operated by the province. “Through the Crown’s systemic negligence and breach of fiduciary duty, this improper conduct continued for decades.”

A spokesperson for the Ministry of Attorney General said it would be inappropriate to comment “as this matter is subject to litigation.”

A recent Star investigation found that the province has secretly settled 220 lawsuits launched by individual former training school residents. As a condition of settlement, victims had to sign confidentiality agreements - “gag orders,” as some former residents called them - to receive financial compensation.

The Star also found that two provincial officials warned of student mistreatment at the hands of training school staff and teachers, but that the province appeared to have ignored these warnings.

Keeping, the representative plaintiff, told the Star a judge sent him to Pine Ridge training school in Bowmanville in 1968, not for committing any crime, but for simply for being a “wild boy with a slingshot in his pocket.”

The statement of claim alleges that he was assigned to work in Pine Ridge’s kitchen, where he was taken into a back room by a female staffer who performed oral sex on him and touched his genitals. The staffer then allegedly took Keeping, who was a virgin, into a large cooler and had sex with him.

The claim also states that he was sent to work at the school’s dairy farm to milk cows. After a few weeks, a male employee known only as “Jake” became friendly with Keeping, giving him tobacco, rolling papers and matches. One night, Jake called Keeping down to the farm and performed oral sex on him, the claim alleges. Jake then told Keeping he would show him “how girls got pregnant,” and then jumped on Keeping and “performed simulated sex.”

The sexual abuse continued for the next several weeks, Keeping alleges. He also says he saw Jake touch the genitals of other residents. Keeping also alleges that staff would put him in a locker and hit him with running shoes when he misbehaved.

He says he is participating in the class action because he wants to hold the government to account for “the damage that was done to a lot of us.”

“(The staff) had too much authority ... we were very vulnerable. We were wide open for them to do as they chose,” Keeping said.

Among the other abuses against training school residents that the lawsuit alleges: lengthy punishments in solitary confinement, known as “the hole”; being denied access to the washroom, thus forcing residents to soil themselves; and, being made to scrub floors with

toothbrushes. In addition, the claim alleges that staff members were unqualified and improperly supervised.

Jonathan Ptak, a partner at the firm Koskie Miskie and the lead lawyer on the claim, said it could take as long as a year for a judge to hear evidence and make a decision on whether to certify the case as a class action proceeding.

“We hope to be able to shine a light on this chapter in history, which is really a shameful one in respect of how Ontario has treated its most vulnerable children in its care,” Ptak said. “And we’re hoping for institutional change and behavioural change with respect to these kinds of circumstances and places in the future as well.”

If the suit is certified, Ptak said, notice will be then given to the class in various forms, such as ads in newspapers and other media so that former students can opt out of the class action if they wish.

But some lawyers who practise in sexual assault law have raised concerns that class action lawsuits may not be the best vehicles for survivors.

Loretta Merritt, a Toronto lawyer who focuses on sexual and physical abuse law, said the requirement for victims to “opt out” of a class action lawsuit is problematic.

“If class members don’t opt out by a date specified by the court, they are deemed to be included, even if they don’t know about the lawsuit or don’t feel ready to come forward with their experiences,” said Merritt, who has filed dozens of individual lawsuits on behalf of former training school residents alleging sexual abuse. “Once a class action finishes, the law states that those who did not opt out and didn’t participate are now barred from pursuing an individual claim.”

She noted that the requirement to come forward by a specific time in class actions runs counter to the province’s decision in March 2016 to eliminate limitation periods for civil sexual assault claims.

“It’s a conflict in the law that denies abuse survivors access to justice.”

Kenyon Wallace
Toronto Star
Dec 11, 2017

Ontario Training Schools Class Action Proceeding

Koskie Minsky LLP has commenced a class proceeding against the Province of Ontario on behalf of students of the following Ontario Training Schools:

- (a) Reception and Assessment Centre – Oakville;
- (b) Reception and Diagnostic Centre for Girls – Galt (Reception, Diagnostic, and Treatment Centre – Galt);
- (c) Ontario Training School for Girls – Lindsay (Kawartha Lakes School);
- (d) Trelawney House – Port Bolster;
- (e) Reception Centre for Boys – Bowmanville (Reception Centre, Bowmanville);
- (f) Ontario Training School for Boys – Simcoe (Glendale School);
- (g) Ontario Training School for Boys, Hagersville Junior School (White Oaks Village);
- (h) Ontario Training School for Boys, Hagersville Senior School (Sprucedale School);
- (i) Ontario Training School for Boys, Bowmanville (Pine Ridge School);
- (j) Ontario Training School for Boys, Cobourg (Brookside School);
- (k) Ontario Training School for Boys, Guelph (Hillcrest School);
- (l) Coldsprings Forestry Camp;
- (m) Cecil Fraser School; and
- (n) Project D.A.R.E.

The Plaintiff alleges that members of the class were physically, sexually and psychologically abused at the Schools. It is alleged that the Province of Ontario breached its fiduciary and common law duties to the class through the establishment, operation, and supervision of the Schools. In particular, it is alleged that the Province of Ontario failed to care for and protect class members, which resulted in loss or injury, including psychological trauma, pain and suffering and loss of enjoyment of life.

Toll Free: 1-866-860-9364

Email: trainingschoolsclassaction@kmlaw.ca

There are two ways of meeting difficulties.
You alter the difficulties or you alter
yourself to meet them.
- Phyllis Bottome

Correctional Service Canada failing younger inmates

Canada's prison watchdog and Ontario's Child Advocate say Correctional Service Canada is squandering opportunities to turn young federal inmates' lives around.

"The majority of them are not enrolled in programs or school, not because they're not motivated but because they're wait-listed and there are very few programs being offered," said Canada's Correctional Investigator Ivan Zinger in an interview with CBC News. "They're also not connecting with the programs."

Zinger said Correctional Services Canada has designed programs - such as anger management - with an older inmate in mind, when younger offenders require basic skills such as how to prepare meals, apply for a job and open a bank account.

The report released Tuesday, titled "Missed Opportunities," was produced by Zinger and Ontario's child advocate, Irwin Elman.

"Young people who find themselves in adult custody should have, and be given, the opportunity to positively change the direction of their lives," said Elman.

"As we stated at the inquest into the death of Ashley Smith, the adult correctional system is not equipped to ensure this happens."

While younger offenders make up only 2.7 per cent of the overall federal prison population, they represent six percent of those placed in solitary confinement or administrative segregation. The percentages are even higher for women, Indigenous and black offenders under the age of 21.

The report notes younger inmates fare far worse in segregation, given they have less developed coping skills and are less resilient. As such, Zinger and Elman ask the federal government to stop placing inmates in segregation if they're aged 18 to 21.

"I feel it's an arbitrary distinction that as soon as an inmate turns 18, they're an adult," said Zinger.

Other recommendations include:

- Development of a national gang disaffiliation strategy.
- Prioritizing high school education and vocational skills training.

- Weekly meetings with institutional parole officers for the first six months in federal custody.

The report also found higher rates of force used on younger offenders. Of those, 70 per cent involved an Indigenous young adult.

"When force is necessary, it is crucial that the age and physical size of the offender be considered in the techniques that are used to minimize the risk of injury," the report says.

Inmates also told investigators they were often hungry, something Zinger said is easily explained when one considers what younger offenders do all day.

"Playing cards, watching TV and going to the gym. And going to the gym means they're burning a lot more calories," he said. "Many of them told us they're hungry and that they're using the limited amount of financial resources they have to complement their diets."

Offenders under the age of 21 are also joining gangs at higher rates, especially if they're Indigenous, the report said, often in a bid to feel safer inside the penitentiary.

The report recommends CSC come up with a gang disaffiliation program that is specific to the unique needs of young Indigenous and women offenders, and ensure that younger inmates are not placed in cell areas where they are more likely to be recruited.

"Engaging with Indigenous offenders through spirituality and culture can be effective in reaching Indigenous gang members," said the report.

Public Safety Minister Ralph Goodale welcomed the report, saying he's very sensitive to the impact of incarceration on young people.

"Successful reintegration is a key element, especially for young people, to keep communities safe," said Goodale. "So this work will be a substantial addition to the policy analysis, and I will take it very carefully into consideration."

The minister added he is eager for Parliament to pass legislation, introduced last spring, that would eventually cap an inmate's time in segregation at 15 days.

A spokesperson for CSC said the agency is reviewing the report and that it recognizes younger offenders have special needs.

Alison Crawford

CBC News - Oct 03, 2017

< *Poems* >**My Window**

*I look out the window, upon the snow
I see the light glistening off the fence
Surrounding the only things I've come to know
There's lights above the fence
The light hits the ground
The light in my room
They all seem dimmer now
I am tired, I lay down
I am tired but my thoughts won't slow down
When I can no longer sleep, I awake
I'm reminded I'm still here
My dream was fake
I get up, I pace
I'm wishing these things
I could erase*

- Cheyenne McNeil

Demons

*Screaming!?!?
These dreams I wake from & I'm all sweaty
Need a glass of water cause, fuck man
I've been hitting the pipe steady
My eyes are bloodshot, my hands are shakin'
My past came back to haunt me in these
dreams I'm makin'
My skin's on fire, my emotions soarin'
Do you have a clue 'bout the pain
I woke up with this mornin'
The night spent travelling down such dark
fucking holes
Hustling through the tunnels like a speed
addicted mole
"Why lord put me through it?",
I break down & cry
"Yesterday's thoughts of using followed by your
prayer for help", his simple reply
At last I'm awake & given instant relief
Another day sober, get it together, & just
breathe
Dreamin' ...*

Ron Pickles

A Helping Hand

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

- Sarah Jane Posthumus

Another Year Passes Me By

*I sit here and think
As another year passes me by ...
No one to blame except me
The one who needs to change ...
My tears fall like rain
Why won't they wash away
The hurt and pain ...
Outside I see the leaves change
And the snow fall, the crisp air
A reminder that winter is here
Here I sit in this dark pit
Wondering when will enough be enough
No more anger, frustrations
Or stupid blow-ups ...
Nothing has changed
My life is still the same
Full of anger and pain
The reminder of how
I need to change
As I sit here and cry
And another year passes me by*

- Amanda Stewart

The human eye is a wonderful device.
With a little effort, it can fail to see even the
most glaring injustice.
- Richard K. Morgan

Canada blasted for ‘needlessly punitive’ immigration detention system

The UN has been asked to push Ottawa to establish an independent body to oversee the Canada Border Service Agency’s handling of immigration detainees.

A group of prominent human and civil rights organizations has filed a joint submission to the UN Human Rights Council in Geneva on the eve of its periodic review of Canada’s domestic human rights conditions and records. The review, scheduled for early 2018, is conducted once every four years.

Despite progress made by the federal government in the past year in addressing some systemic issues with the detention system, the group said its treatment of immigration detainees, including children and individuals with mental health issues, continues to violate binding international law.

“In many cases, this treatment constitutes arbitrary detention, as well as cruel, inhuman, and degrading treatment,” they said in their 18-page submission to the council on Thursday.

“There is no legislatively prescribed limit to the length of detention, and as such, detainees have no way to ascertain how long they will spend in detention. A needlessly punitive culture persists within the immigration detention system, and it is enabled by a series of systemic issues that must be addressed through legislative, regulatory, and policy amendments.”

Last year Public Safety Minister Ralph Goodale announced that \$138 million would be invested to “enhance alternatives to detention” and rebuild immigration holding facilities, after a series of deaths of detainees, including Francisco Javier Romero Astorga, a Chilean, at Maplehurst; Melkioro Gahungu, a Burundian, at Toronto East; and an unnamed 24-year-old man in Edmonton.

Earlier this year, a Star investigative series also documented how hundreds of migrants were trapped in lengthy detention in maximum security facilities.

The number of people in detention has dropped to 6,251 last year from 8,739 in 2012, with the number of children in detention falling to 162 from 232. The federal government has also restored health-care coverage for refugees and provided new funding to improve mental and

medical health services for immigration detainees.

“Canada’s renewed efforts to become a global leader as a multicultural safe haven for refugees and migrants should be applauded, but it needs to move quickly to address the serious human rights violations of some of the most vulnerable members of our society,” said Samer Muscati, director of the University of Toronto’s International Human Rights Program, which led the joint submission to the UN.

“It’s time that Canada lives up to its human rights reputation by ending the needless detention of children and migrants with mental health conditions when alternatives already exist.”

While the criminal justice system has built-in mechanisms to safeguard inmates’ rights and treatment, Muscati said the immigration detention system has a much lower bar and individuals are detained for being flight risks, dangers to the public or having an undetermined identity.

“The legislative scheme is ... not required by law to consider individuals’ mental health in decisions to detain individuals or continue their detention,” said the group submission.

“There is no effective and transparent monitoring of the conditions of confinement for detainees held in provincial jails, as independent monitors are often barred access to these facilities and their reports are not published.”

Although an independent tribunal conducts regular reviews of the continued detention, detainees’ mental health issues are seen as a cause for flight risk and danger to the public rather than a factor favouring release.

“The frequency of the detention review hearings is supposed to be a safeguard against indefinite detention, (but) with each decision to continue detention, it becomes more difficult to secure release,” said the report.

“Instead of reviewing previous decisions for potential mistakes, adjudicators take the findings of previous decisions at face value and only look for ‘dear and compelling reasons’ to depart from previous decisions.”

Border officials justify transferring immigration detainees from immigration detention centres to provincial jails for better access to mental health support, but the report said these inmates hardly receive any help.

“Detention causes psychological illness, trauma, depression, anxiety, aggression, and other physical, emotional and psychological consequences,” the report said.

“Uncertainty about the end date of detention is one of the most stressful aspects of the system, especially for those who cannot be removed from Canada due to legal or practical reasons that are out of their control.”

As a first step, the group said Canada should limit detention to 90 days and form an independent body or appoint an ombudsperson - akin to the federal Office of the Correctional Investigator - to oversee and investigate complaints against the border agency.

Public Safety Minister Ralph Goodale’s office didn’t respond to a request for comment.

Nicholas Keung

Toronto Star

Oct 8, 2017

Immigrant Detainee Class Action Certified

Koskie Minsky LLP and Henein Hutchison LLP have commenced a class action against the Government of Canada and the Province of Ontario alleging human rights violations relating to the treatment of immigrant detainees in Ontario’s prisons.

The statement of claim issued on August 11, 2016 alleges, among other things, that the Canada Border Services Agency and the Ontario Ministry of Community Safety and Correctional Services have been negligent, have breached their fiduciary duties and have breached the Canadian Charter of Rights and Freedoms in incarcerating immigrant detainees in Ontario’s correctional facilities.

The class includes all migrants detained by the Canada Border Services Agency and incarcerated in a provincial prison between December, 2003 and the present. The Plaintiffs’ lawyers believe that thousands of people will be included in this class proceeding.

November 27, 2017

Justice Glustein certified this class action as a class proceeding.

Toll Free: 1-866-777-6309

Email: iclassaction@kmlaw.ca



End Immigrant Detention Network

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

We run two phone lines in Ontario:

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

Not in Ontario? Need a listener or pen pal?

Write us here:

The Centre for Women & Trans People

U of T, North Borden Bldg

563 Spadina Ave, Room 100

Toronto, ON, M5S 2J7



Important Hep C Update!

New treatments with excellent success rates are now available!

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

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

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

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

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

Provincial Prisons: *Depending on the province, you may have to wait till you get out.*

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

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

HEP C = 18-30% in prison

HIV = 1-5% in prison

Do Not Share or Re-Use:
needles, ink, ink holders, rigs, ...

... well, anything in contact
with blood !!!

BLEACH DOES NOT KILL HEP C

Facts about HIV and HCV

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

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

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

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

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

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

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

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

A Child of an Incarcerated Parent

The Reality

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

The Need

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

The Impact

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

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

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



F.E.A.T. - Family Visitation

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

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

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

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

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

For more information or to book a seat on the bus please contact Jessica or Derek Reid by email at info@featforchildren.org 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.

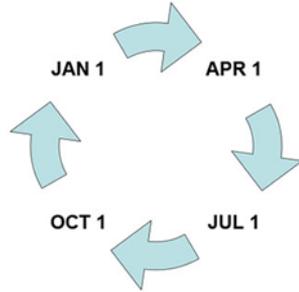
Prisoners and their loved ones are invited to contribute music requests, messages and suggestions for the program.

*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 August 10

- CLASS ACTION! NEWS -



- MAILOUT DATES -

Issue #8 - Winter 2017-18

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

download, print, contact:
www.ClassActionNews.org

Next Issue: #9 - Spring 2018
Deadline: Mar 1, 2018
Mail-out: Apr 1, 2018

If you don't like the news ...

... make some of your own !!!

Whatcha got in there that needs to get out ?

... Hmm ...?

Art, Poems, Stories, News, Whatever !

