

**PRISONERS JUSTICE DAY - AUG 10**



**CLASS ACTION NEWS  
ISSUE 30 SUMMER 2023**

< *Editor's Note* >

It is Summer & Issue #30 of 'Class Action News'.

This zine is by & for the 'Prisoner Class' on Treaty Lands with 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 &amp; 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!

Editor: Toja

Publication: Class Action News

Publisher: PrisonFreePress.org

PO Box 39, Stn P

Toronto, ON, M5S 2S6

Email: info@ClassActionNews.org

Circulation: 315+

Recirculation: ????

All original artwork, poems & writings are the sole/ soul property of the artist & author.

Fair Dealing & the Canadian Copyright Act Sections 29, 29.1, 29.2:

"Fair dealing for the purpose of research, private study, education, parody, satire, criticism, review, and news reporting does not infringe copyright."

< *Contents* >

News .....	3-11
Health & Harm Reduction .....	12
Resources .....	13-16

< *Artists in this Issue* >

Cover: Tim Felfoldi

< *Donors for this Issue* >

Very special thanks out to:

You !

*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* >

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

≈ 'Dish With One Spoon' Treaty ≈

Prison is a second-by-second assault on the soul, a day-to-day degradation of the self, an oppressive steel and brick umbrella that transforms seconds into hours and hours into days.

- Mumia Abu-Jamal

All governments lie.

- I.F. Stone

## No Cancer Supports

I'm wondering why there is no support in prisons for cancer patients, survivors, or their families. There are no pamphlets, support groups, or free phone numbers for cancer.

Right now, I'm trying to get the Cancer Society's number added to the free call list. Also, trying to build a support group for my prison.

At this prison the disability pay amount is \$2.50 a day which is the starting rate for a new prisoner.

- Anon

---

## B.C. researcher starts project to document Indigenous deaths in police custody

An independent researcher is calling for greater transparency around deaths in police custody in B.C., saying they disproportionately affect Indigenous people.

Leonard Cler-Cunningham, a researcher who has documented the deaths of Indigenous people in custody for decades and co-authored research into violence against sex workers in Vancouver, held a news conference Tuesday to launch the [NotInThePublicInterest.com](https://www.notinthepublicinterest.com) website.

It contains statistics relating to in-custody deaths, and videos of previous deaths involving Indigenous people.

He says the website's title draws from one of the reasons that his numerous freedom of information requests regarding in-custody deaths were denied - that the requests were "not in the public interest."

Multiple appeals to the Office of the Information and Privacy Commissioner regarding the requests have failed, according to the researcher.

"I think everybody believes that certain cases need more investigation," Cler-Cunningham told Belle Puri, guest host of CBC's *On the Coast*.

Over the next few weeks, Cler-Cunningham says he will solicit information from family members of those who died in police custody and work with collaborators to release recommendations for police forces and bodies like the B.C. Coroners Service and the Ministry of Public Safety.

Cler-Cunningham's news conference on the project came on the 150th anniversary of the

RCMP's founding in Canada. The push for greater transparency comes at a time when there is increased scrutiny of alleged systemic racism within B.C.'s police forces.

"Not In The Public Interest is an example of the public's passion to make effective change. I think we've got a good opportunity here to make some substantive ... recommendations," he said.

While much of the research that the project draws on has been previously documented - such as a 2019 coroners' death review panel that found Indigenous people over-represented within in-custody deaths - some of his findings have not been revealed before.

For instance, when looking at deaths of First Nations people while incarcerated between 1993 and 2003 in B.C., the project found 60 per cent of those deaths happened in police custody.

## Restorative justice needed: Indigenous advocate

The calls for more transparency regarding in-custody deaths have been echoed by First Nations in B.C., including the Witsset First Nation, whose members Jared Lowndes and Dale Culver both died after interactions with the RCMP.

Norm Leech, the former executive director of the Vancouver Aboriginal Community Policing Centre, says that Canada's policing model does not understand Indigenous people and needs a fundamental rethink.

"If Canada truly wants a national police force that is reflective of modern understandings of what is justice, then it has to start over," Leech said. "All those definitions and concepts of justice that it was built on in the beginning are outdated and archaic and are simply unjust."

Leech agreed that police forces should be more transparent regarding people who die while in their custody, but said he doubted they would because the data was "shameful and embarrassing."

He says that data shows that restorative justice should be the model going forward rather than punitive models of justice that affect people trapped in cycles of trauma.

Akshay Kulkarni  
CBC News  
May 24, 2023

There is a problem with our bail system, but it's not what politicians say

In most areas of life, when people are developing policy to fix a problem, they start by trying to understand the problem they're trying to fix.

In criminal justice policy, this starting point is often skipped. The current discussion around bail is, unfortunately, a good example of how those most vocal about the problem appear to be least interested in understanding what is currently happening.

The government tabled Bill C-48 as an attempt to address the bail "problem." Most prominent (and problematic) are the proposed changes that would make repeat accused persons charged with - but not yet convicted of - certain violence and weapons offences responsible for proving why they deserve to be released (what is called a "reverse onus"). These changes came about because of some tragic high-profile cases where people on bail committed serious offences. In one such case, a person who had been released while awaiting trial killed a police officer.

Many politicians seem to believe that the release decision was an easily avoidable error and that bail decisions can be made perfect (or near perfect) with legislation. Though we don't have adequate data on the specific offences covered by the government's new bill, we have looked at relevant data on the operation of bail courts that can help evaluate the current proposals.

In contrast to the "catch and release" slogan used by some critics of the current law, we need to consider the fact that 71% of all provincial/territorial prisoners (79% in Ontario) have not been convicted of a crime and are simply awaiting trial.

A 2017 report on Ontario's bail courts showed that of the 9,519 cases in one year involving violence where the accused person was held in custody until the end of the case, 1,741 (or 18%) were released without a conviction. Forty-nine percent of all the people detained while awaiting trial spent more than 90 days in custody before they were released with all charges withdrawn/acquitted. Eleven percent spent more than a year in prison before being released without a conviction. That year, in just one province, 2,299 people had lengthy prison

stays despite never being subsequently convicted of anything.

Perhaps, the shrill critics of the current system want us to believe that bail problems relate not to the number of people released, but the kinds of persons being released - that those persons who are being granted bail are highly likely to commit new violent offences and that they are responsible for most violent crime.

Though there is no evidence to support that belief, detaining large numbers of people in custody creates another empirically demonstrated crime problem.

The short-term crime reduction that results from incapacitating people needs to be evaluated in light of what happens after they are released. In the long run, those subjected to long periods of imprisonment can be expected to commit more crime. This is consistent with the well-established fact that prison is likely to have a criminogenic effect. In other words, imprisoning a person increases rather than decreases the likelihood they will reoffend.

Hence there is a problem with bail, but it is the opposite of what our political leaders suggest. Pretrial detention decisions will inevitably punish some completely innocent people. And some people being released will commit crimes. Given our remarkably high rate of pretrial imprisonment and the knowledge that thousands of people who are detained will never be found guilty, we need to learn to be more selective on which innocent people we are willing to punish with imprisonment. Our justice system tolerates the imprisoning of people who have not been found guilty and never will be. But Bill C-48 suggests that police decisions to charge someone with certain crimes justifies making that person - who often has few resources to rely on - demonstrate they aren't a risk.

As a society governed by the presumption of innocence, are we comfortable forcing people who will never be convicted to justify why they should not be imprisoned?

Tyler King

Contributors: Anthony Doob, Jane Sprott

The Star

May 23, 2023

---

Going to prison is like dying with your eyes open.  
- Bernard Kerik

Ontario, Bell won't say how much money they made from inmate phone calls

Neither Bell Canada nor the Ontario government will say how much money they made from a jail phone system that charged what lawyers describe as "exorbitant" rates for inmate calls over eight years.

Bell operated the Offender Telephone Management System from 2013 to 2021 - which allowed inmates to only place collect calls - at a flat rate of \$1 for local calls, but about \$1 per minute plus a \$2.50 connection fee for long-distance calls, according to a recent Appeal Court decision.

The rates were four times higher than those charged to inmates in other provinces, a lower court judge found. The new phone system now in place under a different company includes long-distance rates of a few cents a minute.

As well, the province took a commission on the money Bell made from those calls - which the court said numbered about 15,000 a day.

The government declined to provide the amount collected or explain why it collected a commission, in response to queries from The Canadian Press.

But a request for proposals for the phone system, issued in 2012 under the Liberal government of the day, called for proponents to include a monthly commission rate of "no less than 25 per cent of the gross revenue."

"It makes me feel sick to my stomach," former inmate Vanessa Fareau said of the profits generated from the phone calls.

"Most people are calling their loved ones... Their loved ones didn't commit a crime. You know what I mean? And this is who ends up paying for these phone bills and having to go into debt, having to struggle financially."

Fareau has been incarcerated a few times in the Ottawa-Carleton Detention Centre - largely, she says, on remand or for breaches of probation - and needed to make calls to arrange child care and keep in touch with her kids. She alleges her calls were subject to long distance rates as she lives on the Quebec side of the National Capital Region.

Most people on remand

Fareau is one of two representative plaintiffs in a proposed class-action lawsuit against Bell and the province. The other is Ransome Capay, the father of Adam Capay, an Indigenous man held

in solitary confinement in northern Ontario jails for more than four years.

Capay frequently spoke with his son while he was in solitary, with the charges from the collect calls leading to phone bills between \$250 and \$500 - some over \$1,000, he wrote in an affidavit.

"I live on the Lac Seul reserve and my son was being held in Kenora and Thunder Bay," Capay wrote. "Phone calls were the only way to maintain basic contact with my son over the 4.5 years he was held in solitary confinement."

More than 70 per cent of the people in Ontario's correctional facilities are on remand - accused but not convicted of a crime, awaiting bail or trial - according to a 2019 auditor general report.

'The telephone lines are a lifeline'

The recent Appeal Court ruling on the proposed class action put a temporary stay on the case. The ruling said the case should instead go before the Canadian Radio-television and Telecommunications Commission to assess "the reasonableness of the rates."

If the CRTC decides it doesn't have jurisdiction, the case could go back to the courts, the judges ruled.

Lawyer David Sterns said he and his team will pursue the case to the end, no matter the venue.

"You can't get family members to, in a sense, subsidize the government because they have relatives who are incarcerated," he said in an interview.

"The telephone lines are a lifeline for prisoners' mental health. You can't bring a cellphone into a prison, and so the only way you can get to talk to your family and loved ones is by using the Bell system, and Bell could effectively charge them whatever they wanted to charge them and they would still have demand, because when you're desperate, you pay whatever you have to pay."

Claims not yet proven in court

The proposed class action seeks more than \$150 million in damages and restitution equal to the money paid by those affected.

"To maintain phone contact with family and the outside world, prisoners had one option, and one option only: collect calls to landlines at exorbitant and unconscionable prices extracted from anyone who accepted the calls or otherwise paid for them," lawyers argue in the statement of claim.

The claims have not been proven in court. Bell Canada largely directed all questions about the phone system and ensuing court case to the province.

"The provincial government sets the terms of service for the calling system provided in Ontario correctional facilities," a spokesperson wrote in a statement.

Fareau said she bristles whenever she sees the Bell Let's Talk mental-health campaign.

"People who are incarcerated are at their lowest point in their mental health, lowest, and you're taking advantage of them by having them or their loved ones be overcharged for collect calls on phone calls that don't even work, function properly," she said, describing spotty or low-quality service at times.

"They should be ashamed."

In about May 2020 the phone system was changed to allow inmates to make prepaid calls, instead of just collect, which the lawyers argue shows Bell and the government had the ability to do that since 2013.

Solicitor General Michael Kerzner wrote in a statement that updating the phone system, including the new lower rates, is part of modernizing the justice system.

"Telephone communication between inmates and their families is important for their overall well-being and eventual reintegration back into our communities, and these changes will help do exactly that," he wrote.

Allison Jones  
The Canadian Press  
May 16, 2023

**Black Canadians gave views on racism in the justice system and experiences with police**

The rift between Black Canadians and the country's criminal justice system runs particularly deep and wide, according to the results of Canada's first Black Canadian National Survey. A report released this week by York University's Institute for Social Research reveals that 90% of Black Canadians believe that racism in the criminal justice system is a serious problem. They are closely followed in that belief by the country's Indigenous people, at 82%. The survey also outlines the extent of Black Canadians' deep mistrust of the nation's police

services as well.

In the 12 months prior to the survey, more than one in five Black Canadians (22%) reported being unfairly stopped by police - an experience less than half as common in any other racial or ethnic group. Only 5% of white Canadians, for example, reported unfair stops.

The survey numbers suggested this seems to happen more in the country's coastal provinces than anywhere else. In Atlantic Canada, 40% of Black males reported being stopped unfairly by police in the previous 12 months. In B.C. that figure was 41%. By comparison, the rates in Ontario and Quebec were 30 and 31% respectively.

Lorne Foster, York University's Research Chair in Black Canadian Studies and Human Rights and one of the co-authors of the survey report, calls those numbers "stunning."

"It kind of makes me gasp, in a sense, to think that 22% of randomly collected Black respondents across the country suggest that they've had unfair encounters with police," he says.

He says although many people think of the racial profiling and racial discrimination of Blacks by police as a big-city problem, that the data from the Atlantic Provinces and B.C. - where the percentage of Blacks reporting unfair stops by police was almost 20 points higher than the national average - calls that idea into question.

"There is, in policing, the usual theory that all our police services are good. (And) if there's something wrong, it's only a few bad apples and there's a few bad apples in every good barrel," he says. "That argument has existed for a long time - that the police services are basically and fundamentally fair and unbiased.

"This data sort of belies that."

The RCMP did not respond to requests for comment on the results of the survey.

Under former commissioner Brenda Lucki, the Mounties eventually acknowledged ongoing problems with systemic racism and discrimination. Lucki's Vision 150 program was designed, over the course of five to seven years, to transform the RCMP, in part by addressing those discrimination problems - problems that have, since 2018 lead to the national police force paying out or potentially facing some \$2.4 billion worth of damages in multiple class action lawsuits.

Part of that program was a three-hour, online course, United Against Racism launched in November 2021. It was stipulated by the RCMP as mandatory for all employees to complete by September 2022.

As of Jan. 1, 2023, only 51.6% had completed the course. When that data is filtered to include only RCMP members - regular officers and special constables - the figure drops slightly to 51%.

The data is the result of a hybrid survey (using three different ways of collecting responses) of almost 7,000 Canadians, the majority - 5,697 - chosen randomly from across the country.

Foster is quick to point out, though, that the data this survey does not actually allow researchers to make determinations of racial profiling.

"But it does suggest, because the numbers are so disparate for Black communities, that there could be issues there. And they should be looked into."

He likens it to a patient getting an X-ray and doctors seeing a shadow in the lungs. There's definitely something abnormal there, but it will take more tests to find out what exactly it is.

The survey results also reveal that Black Canadians see their workplaces as an epicentre of racial discrimination, says Foster.

Seventy-five percent of Black Canadians said they have experienced workplace racism and think it's a problem. Another 47% believe they have been treated unfairly by an employer regarding hiring, pay or promotion in the 12 months prior to the survey.

Seventy percent of other non-whites also see workplace racism as a serious problem. By contrast, 56% of white Canadians don't see racism in the workplace as a problem or believe it to be a minor issue.

The survey results - which also include Black Canadians' opinions on racism in health care, child care and social services - go a long way to establishing the importance of collecting specific race-based data.

"Race data has not been collected in this country in any kind of consistent and proper way. Not by Stats Canada, not by anybody," says Foster.

That's just beginning to change, though, beginning with Ontario, with Nova Scotia closely following suit. Foster has been involved with both

provincial governments in helping them learn to collect that data.

In Ontario, he says, all police services are required to collect race data on use of force incidents and some police departments - Toronto among them - are collecting race data on strip searches as well. In Nova Scotia both the Health and Justice ministries have committed to collecting race-based data.

Beyond the startling numbers in the survey, says Foster, it's a model for the rest of the country's police services and public sector services to examine and improve their operations through the lens of collected race-based data.

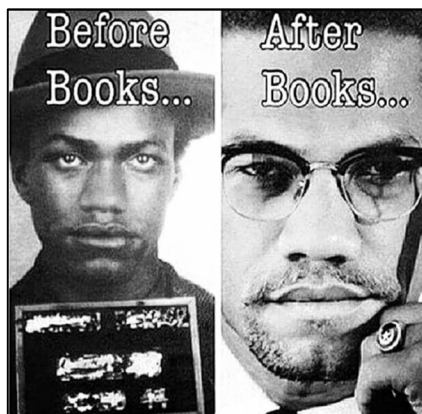
"The point of this kind of research is that it really maps out these kinds of structural vulnerabilities in these public sector institutions, and it kind of points to the quality of life gaps," he says.

"We're a mixed race society that's never been studied along racial lines. And this is the first salvo into that. And I'd hope that it would be followed up with many, many more."

Steve McKinley

The Star

Jun 16, 2023



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

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

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

- Malcolm X

## An incredible victory: Ontario to stop using jails for immigration detention

Ontario said Friday it will stop allowing the federal government to hold immigration detainees in its jails, effectively putting an end to the controversial practice across the country.

The decision comes after seven provinces have already cancelled their agreements with the Canada Border Services Agency (CBSA), beginning last summer with B.C.

Quebec made the same decision earlier this week, leaving Ontario, home to roughly half of all immigration detainees in the country, as the last major holdout.

"This is an incredible victory," said Hanna Gros, a researcher with Human Rights Watch, which has long campaigned against the use of jails for immigration detention. "It's a monumental win for human rights, for migrant and refugee rights."

Canada's use of maximum-security provincial jails to hold immigration detainees - who are not charged with a crime or serving a sentence, but can be detained indefinitely - has for years drawn condemnation from human rights organizations, including the United Nations.

It was the subject of a recent Toronto Star investigation, which found more than 80% of immigration detainees held in Ontario's jails last year were detained solely on the grounds they were "unlikely to appear" for their deportation, not because they were considered dangerous.

In more than half of the five dozen cases reviewed by the Star, detainees had reported mental health issues, and they were often subject to punishing conditions, including frequent lockdowns and solitary confinement.

The use of jails for immigration detention has been under particularly sharp scrutiny over the last 18 months, as Human Rights Watch and Amnesty International lobbied individual provinces to cancel their agreements with the CBSA.

After B.C. announced its decision last July, other provinces followed suit.

(Newfoundland and Labrador, P.E.I. and the territories are the only jurisdictions that haven't officially cancelled their agreements, but together they accounted for less than 1% of detentions last year.)

A spokesperson for Ontario's Solicitor General Michael Kerzner said the decision came after a

months-long review.

"Ontario's correctional institutions should be focused on providing care and custody to individuals serving custodial sentences or on remand, not on immigration detainees, which is the federal government's responsibility," Hunter Kell said in an emailed statement.

As per the terms of the agreement, Ontario must give the CBSA a year's notice before termination, so the decision won't take effect until next June.

Immigration lawyers interviewed by the Star welcomed Ontario's decision, but criticized the CBSA and the federal government for not stopping the practice themselves.

"The fact that the CBSA did nothing until the provinces forced their hand is inexcusable," said Jared Will, who has challenged the constitutionality of Canada's immigration detention system and represented several detainees in court. "In the many years that this has been a live issue I have never heard an intelligible justification for the practice, which has been found to constitute cruel and unusual treatment and is a brazen violation of Canada's obligations under international law."

Subodh Bharati, another lawyer who has long argued against the use of jails for immigration detention, said he felt "relief" and "joy" about Ontario's decision, but said he has "no faith" the federal government is "suddenly going to start respecting the human rights and Charter rights of those caught up in the immigration system."

Bharati, who has filed a class-action lawsuit against the federal government on behalf of immigration detainees held in jails, noted that Ottawa continues to defend the practice in court.

Public Safety Canada directed questions for this story to the CBSA, which did not respond.

Immigration detainees are non-citizens who have been arrested by the CBSA and detained on one or a combination of three grounds: if the agency believes they are a "flight risk" or "unlikely to appear" for their deportation; they are a "danger to the public," typically due to criminal convictions for which they have already served their sentence; or if their identity is in doubt.

While the grounds for detention are reviewed by the quasi-judicial Immigration and Refugee Board, the CBSA alone decides whether a detainee is sent to a maximum-security



provincial jail or an immigration holding centre, a less restrictive detention facility specifically for immigration detainees. There is no external oversight of that decision.

Jails account for roughly half of all days spent in immigration detention.

Ontario's decision comes four months after a coroner's inquest into the death of Abdurahman Ibrahim Hassan, a refugee from Somalia with severe mental illness who spent three years in a maximum security jail in Lindsay, Ont., before he died in a Peterborough hospital following a struggle with police officers. The inquest jury's top recommendation was to end the use of jails for immigration detention.

With nearly every province now refusing to allow the CBSA to use its jails, it's unclear what the agency will do with the immigration detainees it considers to be too "high risk" for the immigration holding centres.

Some lawyers and human rights advocates worried the CBSA would turn to federal prisons or make the holding centres more restrictive, rather than reducing detentions overall.

"The agency's track record on this issue is no cause for solace," Will said. "But Ontario's decision certainly presents an opportunity for them to do the right thing."

Brendan Kennedy  
The Star  
Jun 16, 2023

The prison machine - can't say "I'm sorry."

Forcing a person into solitary confinement for more than a few days, or repeatedly putting that same man or woman into those barren bathroom-sized cells even for a few days at a time, is mentally corrosive, can cause permanent damage, and is torture, plain and simple. This is as true today as it has been at any time in our history, and the United Nations Human Rights Council and its Committee Against Torture came to recognize it as such during the last half of twentieth century.

The Office of the Correctional Investigator, Canada's prison watchdog, noted in its 2020-2021 Annual Report that its work during the previous year "has shown us just how vulnerable those in institutional settings are - from long-term care homes to prisons - and how we must ensure their protection to the highest extent possible."

The report went on point out that, "Canada has been known as a world leader in protecting human rights and democratic values ... Canada has also been a leader by joining many international human rights treaties and making a commitment to report to the United Nations on their implementation."

As an example, Canada signed the Convention against Torture (CAT) in 1985 and ratified it in 1987. "However," the correctional investigator goes on, "merely reporting on how it meets its CAT obligations is not enough to ensure that the most vulnerable who are in places of detention are protected against mistreatment and torture behind closed doors. There exists a gap in Canada's human rights system in protecting those in detention."

The UN's Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) fills that gap. Countries that ratify OPCAT must adhere to human rights obligations under international law for detention facilities, and replace the secrecy traditionally associated with prisons with openness, transparency, and accountability.

"The most effective way of preventing torture therefore is to expose all places of detention to public scrutiny," says a conclusion adopted by the United Nations General Assembly on August 14, 2006.



Canada has not signed OPCAT. Can you wonder why?

-----

Administrative segregation is how Correctional Service of Canada labelled solitary confinement. CSC is fully aware of its consequences to prisoners from the earliest days of the country's prison system. After all, it was the perpetrator, and outcomes were plainly visible. And yet, even as late as 2012 Correctional Service of Canada refused to limit its use. It would take another seven years before parliament adopted Bill C-83 to end solitary, or more correctly, to technically end solitary confinement.

In the meantime, Arlene Gallone had had enough. She was a former federal inmate in Quebec who became the lead plaintiff in a class action against the government over the use of solitary confinement. The suit was launched on February 24, 2013, and the Superior Court of Quebec authorized the class action on January 13, 2017. In Ontario, two similar actions were underway with Christopher Brazeau and Julian Reddock as the leads. These were filed jointly with the Ontario Superior Court of Justice on March 12, 2021.

Negotiations began. There was no course where the government would allow this to be heard in open court, just as it is with any legal matter arising with Correctional Service of Canada. In the end, the Brazeau, Reddock and Gallone (BRG) class actions were settled together, with \$28 million in aggregate damages awarded to eligible claimants, and a further assumed undisclosed settlement for legal fees. The judgement applied to all federal institutions across the country. Canada was required by the court to turn over all relevant documentation and CSC was to assist inmates with the claims process.

That it did. Lawyers began the interviews of class action members during 2022. The claims administrator made disbursements in January of 2023. All claimants received an equal share of the award, calculated at \$5,469.85. Class members whose solitary confinement experience was egregious were also able to proceed further on one of two different 'tracks' to claim up to \$50,000 or more in addition to the base amount, dependent upon the severity of their confinements. These payments are scheduled for later in the year, but participants have been told that the full value of the claims can't be

met with the funds available. All the same, the amounts awarded will be relatively substantial.

These are your tax dollars going out the door. And the BRG class actions represent only a portion of the outstanding lawsuits against our prison industry.

There's one striking observation in what Correctional Service of Canada published on its website for assisting class members with their claims. No doubt it is following the instructions agreed by the government, nothing more, nothing less. It reads at one point, "Three separate class actions lawsuits have ended with the Courts finding that the rights of inmates were violated."

Nowhere does CSC acknowledge wrongdoing. Nowhere does it say, "I'm sorry."

[www.turnoverarocktoday.com](http://www.turnoverarocktoday.com)

---

Premiers' call for bail reform will kill more people than it saves

Between 2018 and 2022, 163 prisoners died in Ontario provincial jails.

Over the same time period, eight Ontario police officers died on duty. The data very clearly indicates that a person who becomes incarcerated in Ontario is 20 times more likely to die in custody than a police officer is to be killed on duty over the past five years.

Despite this, the death of an OPP officer late last year has sparked Canada's premiers to call for bail reform that would restrict bail access for more prisoners. The man accused of killing Const. Grzegorz Pierzchala was out on bail at the time of the shooting and had a lifetime ban on owning a firearm.

The premiers' call for reform has also been taken up by the Conservative Party in Ottawa. This reform will most certainly do more to further the deaths of prisoners than save the lives of officers.

Instead of viewing the tragic deaths of police officers in a vacuum, they must be viewed together with the hundreds of people who have died while being denied bail.

Prisoner deaths have more than doubled. As many criminologists have clearly stated, "recent police deaths do not constitute a trend." Whereas the opposite is true for the people who are dying at alarming rates inside of our prisons.

In 2022 alone, 49 prisoners died in custody in Ontario. This number has more than doubled in the last 10 years, despite decreasing prison populations.

According to provincial statistics, 76% of prisoners who died in Ontario jails in 2020 were between the ages of 25 and 49, clearly demonstrating shortened life expectancy for prisoners. Importantly, as the number of prisoner deaths has increased, so has the percentage of prisoners denied bail. If the government is concerned about reducing violence and death, it should be looking at how to release prisoners, not how to create more of them.

Currently if one is accused of a crime the Crown must provide evidence that pre-trial detention is necessary. But if one commits a "violent crime" the accused has a reverse onus to prove that that pre-trial detention is unnecessary. The premiers' reforms include expanding the definition of "violent crimes" so more people will have this reverse onus, thereby locking more people in cages while awaiting their trials.

#### Expanding definition of 'violent crime'

The Criminal Code of Canada does not provide for a "violent crime" classification. According to Statistics Canada, for the purposes of producing crime statistics, a violent crime is defined as follows: "Crimes against the person involve the use or threatened use of violence against a person, including homicide, attempted murder, assault, sexual assault and robbery." The premiers call for the creation of a reverse onus for those charged under Section 95 of the Criminal Code, which includes offences that do not fall under the current "violent crime" definition.

And according to the federal leader of the Conservative Party, Pierre Poilievre, "carjackings" and "stranger attacks" are two of the crimes that should be considered for more stringent bail conditions.

What the premiers and the Conservatives in Ottawa don't understand is that there are many situations which, if labelled as "violent crimes," would place vulnerable people at higher risk of incarceration. Especially, if the range of "violent crimes" becomes wider.

A person living in poverty throwing a ticket at a police officer would be considered assault. A woman fleeing domestic violence throwing a hair dryer at her abuser as he approaches to attack

her would be assault. Both of these scenarios are not "what ifs" - they have both occurred and been considered assault. Under the new bail reform proposal, could both of the above examples be considered a violent crime requiring a reverse onus?

Who are we willing to sacrifice?

Bail reformers are concerned with accused persons who are out on bail and breach the conditions. But only 18% of people released on bail breach the terms of their release, and 98% of those bail breaches do not involve violence.

Many offences in the criminal code already attract reverse onus provisions. The recent call to reform bail policy and public statements made by government officials do not reflect an understanding of the consequences that would flow from reverse onus provisions on all "violent crimes."

Those consequences are the difference between life and death; people will die if the bail reforms are passed. We must consider whose lives we value, who we are willing to sacrifice, and in the name of what? More deaths in the name of a reform proven to be unnecessary and harmful is a sacrifice we should not be willing to make.

The University of Ottawa Prison Law Clinic  
CBC Opinion  
Feb 24, 2023

---

#### Book Clubs for Inmates (BCFI)

Book Clubs for Inmates (BCFI) is a registered charity that organizes volunteer-led book clubs within federal penitentiaries across Canada. Currently, BCFI is facilitating 30 book clubs from Nova Scotia to British Columbia.

BCFI runs French and English language book clubs for men and women incarcerated in minimum, medium, and maximum security facilities. Book clubs are usually made up of 10-18 members who meet once a month to discuss books, both fiction and non-fiction of literary merit.

Every month, hundreds of inmates participate in book clubs across the country and each year thousands of brand new books are purchased, read, and discussed.

Book Clubs for Inmates  
720 Bathurst St, Toronto, ON, M5S 2R4

## 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%, compared to 2.4 and 16.6% among male prisoners.*

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

*In a 2007 nationwide survey by CSC, the HIV and HCV rate among federally incarcerated women was 5.5 and 30.3%, 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%, 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%) 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.*

---

*Who opens a school door, closes a prison.  
- Victor Hugo*

## 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) ☎

**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 - 2<sup>nd</sup> Thurs 5-6 pm & 4<sup>th</sup> 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.*

**Free 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 to Saturday  
9-11 am & 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*

**Free Jail Hotline for EMDC**

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

☎ 519-642-9289 ☎

### 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](mailto: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](mailto: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](http://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.

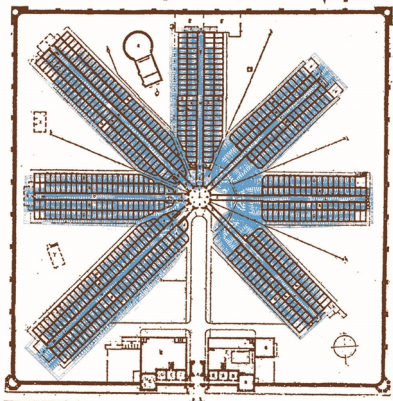
Our Family Visitation Program is free for anyone 18 years old and younger. If you are interested in participating in our program, please call or email K.I.P. to register today.

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

[info.kipcanada@gmail.com](mailto:info.kipcanada@gmail.com)

or by phone at: 416-505-5333

# PRISONS



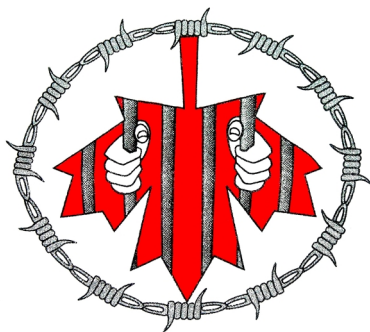
## SLAVE SHIPS



## ON DRY LAND



**SOLITARY  
CONFINEMENT  
IS  
TORTURE**



Issue #30 - Summer 2023

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

download, print, contact:  
[www.ClassActionNews.org](http://www.ClassActionNews.org)

> Jan > Apr > Jul > Oct >

Next Issue: #31 - Fall 2023

Deadline: Sep 1, 2023  
Mail-out: Oct 1, 2023

---

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 !

---



POB39P M5S2S6