

CLASS ACTION! NEWS



Issue 5 - Spring 2017

< Editor's Note >

It is Spring & Issue #5 of 'Class Action News'. This magazine is by & for the Prisoner Class in Canada.



In every Issue we strive to 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).

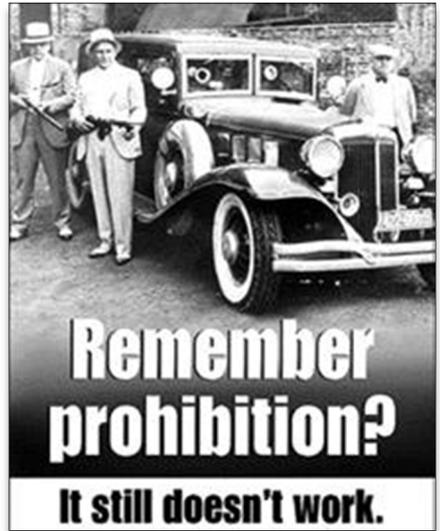
For author protection, letters & story credits will all be 'Anonymous'.

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Cover: David Wilcox



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If you are on the outside or an organization, please consider a donation, it really helps to get this inside.

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We don't see things as they are. We see them as we are.

Life shrinks or expands in proportion to one's courage.

I postpone death by living, by suffering, by error, by risking, by giving, by losing.

- Anais Nin

< Letters >

If we don't share, how can they care?

I was an inmate segregated with Terry Baker the night she took her life.

I myself am a mental health inmate. I've been put in isolation for as much as 5 months at a time. I've been segregated on many occasions without reasonable cause throughout my sentence in Provincial and Federal.

I've been put in padded cells and dolly gowns for reaching out. Why would I feel comfortable knowing in my altered state that it will only bring more animosity and negative outcome? Along with the embarrassment of being stripped forcefully if not willing?

I have asked for help when I first arrived at GVI and they had decided it would 'be best for me' to discontinue all my medication in only 2 days. This affected all my interactions, my progress and stress. I have been unable to make it out of the Max Unit and have been back here since April 2015.

It is very difficult to be successful when we are verbally abused and threatened with OC and physical force for simply asserting yourself and doing what you believe is your right. Many women feel helpless to the power they hold over our freedom.

I have had PWS engage in asking me very personal sexual questions (I am also a sex trade worker) and felt forced to humour them with answers and to not report these incidents. Doing so would lose my chance at getting their support to do the paperwork to get me out of Max and into GP.

I feel my defiance has impacted on my Reports and has placed me in a negative light, going as far as to say that I am a sexually aggressive inmate.

The female guards are also guilty of making comments on how an inmate looks, acts and lives. These are the women we are forced to show our naked bodies to on demand, who refer to us as 'the zoo', 'animals' or 'disgusting'. Where is the policy that states that it is okay for a worker to objectify women and classify by social status?

I feel strongly that Terry Baker is only one of future suicides. I have contemplated taking my own life inside and have thought how easy it would be to overdose when I got released simply

because as an inmate I mean so little to anyone when it comes to our preservation.

Many of us are actually trying our hardest to be aware of our faults and circumstances and are willing to make the change and take advantage of the help we are scarcely offered. Even when a lot of the time, we can only think about making it to the next day.

Every one of us comes from a different background with different charges we might not agree on but just like a free person, nobody deserves to die alone on a cold cell floor afraid of the ones who 'Serve and Protect'.

I don't know if I can ever help to make a difference but for what it's worth and for Terry Baker, I do understand that's why I share my struggle and my thoughts.

Our feelings are being taken advantage of because we are labelled 'mental health'. We are people and last time I checked, harassment and bullying people to the point they take their own lives is a criminal offence. These 'law-abiding citizens' have been getting away with this for too long.

- Anonymous

There is a saying in prison that prisoners are the cousins of death because family and society forgets about them.

PRISONERS JUSTICE DAY

☞ In Remembrance ☜

There are more than 200 Unnatural
Prisoner Deaths in Canada.

- Each and Every Year -

We maintain a PJD 'In Remembrance' page on our website for Prisoners who have died in Federal and Provincial Prisons, Remands, Lock-ups and Parole in Canada.

If you wish to have someone remembered there, send us a note or email and we will honour your request.

PJD@PrisonFreePress.org

< News >

Rise in prison violence leaves Ottawa with growing legal burden

The number of legal actions Canada's prison service faced in the course of a year rose from 1,122 active cases in 2014-15 to 1,203 cases in 2015-16.

Canada's prison service faced 1,200 legal actions at the end of last March - a figure the federal prison ombudsman says is enough to keep an entire law firm busy.

"It's an awful lot ... they are paying about \$10 million in legal fees, which is quite high. It's equivalent to a small to medium-sized law firm," said Ivan Zinger, the correctional investigator of Canada.

The figures, released by Correctional Service Canada to The Canadian Press, are a sign that the rising violence that Zinger documented between 2005 and last year - such as deaths, inmate-on-inmate assaults, and guards' use of pepper spray - need to be further addressed, he said.

"That's an awful lot of energy devoted to fighting lawsuits and I'm of the view some of that energy could be better channelled by developing a strategy to reduce the number of issues raised in the lawsuits," he said during an interview.

The number of legal actions in the course of a year rose from 1,122 active cases in 2014-15 to 1,203 cases in 2015-16.

Of that total, about 459 are civil lawsuits - rather than human rights cases and coroners' inquests - with CSC estimating about a quarter to a third - 115 to 152 - involved assaults or deaths of prisoners, according to the federal agency.

Zinger, who was appointed in January, said the CSC has about 15 lawyers on staff, and uses the federal Department of Justice for further legal advice.

Deaths and injuries in custody could be reduced with changes such as reducing overcrowding, improving mental health services, increasing parole, and teaching guards alternatives to using pepper spray in prisons, said Zinger.

During the year, the department paid out \$643,000 in out-of-court settlements.

Zinger said when families and inmates are asked to remain silent about the deals, it can

prevent them from speaking publicly about the circumstances surrounding injuries and deaths of loved ones — and reduces the incentive for CSC to bring about internal changes.

Zinger has been travelling the country since taking on his new job, providing a slide presentation critical of a "decade of law and order" under the Harper government that saw a 10 per cent increase of prisoners, to about 14,241 people as of last year.

During that time period, use of force by guards increased almost 50 per cent, from 1,000 incidents a year to almost 1,407 last year. Meanwhile, "serious bodily injuries" went up from 104 to 222, while the number of inmates assaulted by other inmates rose by almost 60 per cent, to 663 incidents in 2015-16.

As the violence rose, so did the legal actions. Five years ago, there were just 320 active civil claims, with about 80 to 106 as a result of injuries or deaths of inmates.

In an email response to questions, a spokeswoman for Correctional Services said it continues to consider Zinger's views, but didn't indicate if it plans to decrease the number of non-disclosure agreements or take specific actions aimed at reducing the number of legal actions.

However, Sara Parkes said in an email the service has established review committees to consider its actions and responses to any deaths in custody due to unnatural causes.

"We also hold regular meetings to review the findings, recommendations and data trends from National Boards of Investigations into deaths in custody to enhance the effectiveness of interventions," she wrote.

"From executives to the frontline staff, we continually reinforce the importance of preventing deaths in custody and discuss the importance of security patrols, and dynamic security (interpersonal interaction with inmates)."

Parkes said the use of pepper spray is being balanced with a process called "dynamic decision making," where guards learn to use a variety of responses to prisoners, including "verbal and non-verbal communication, negotiation, conflict resolution and de-escalation techniques."

Michael Tutton

The Canadian Press - Feb 27, 2017

Damages awarded to 2 inmates over lockdowns were unjustified, court told

A judge's finding that two inmates were subjected to cruel and unusual treatment because of the numerous prison lockdowns they endured was based on faulty information and legally wrong, Ontario's top court heard Tuesday.

In addition, the Court of Appeal was told, the decision to award them a total of \$85,000 in damages was unreasonable and unfair given that they had never asked for money.

The Ontario government is appealing a May 2016 decision in which Superior Court Justice Douglas Gray awarded \$60,000 to Jamil Ogiamien, 46, a Nigerian facing deportation, and another \$25,000 to Huy Nguyen, who was awaiting trial on firearms charges.

Gray agreed the frequent lockdowns they went through over a two-year period violated their rights because they were largely confined to their cells, deprived of the ability to maintain basic hygiene, and otherwise subjected to harsh conditions that affected their mental and physical health.

In submissions to the appeal panel, Ontario government lawyer Mike Dunn said Gray was wrong about the number of lockdowns the men went through while at the maximum security Maplehurst Correctional Complex.

Among other things, Gray found they were in lockdown roughly half the time, but Dunn said the real proportion was closer to 30 per cent.

Dunn also argued Gray failed to appreciate the steps the province had taken — albeit to little effect — to address long-standing staffing issues that resulted in frequent lockdowns, which the government says are imposed only as a last resort.

"The court should take into account efforts made by the institution, made by the administration," Dunn said. "Running a large maximum security prison is inherently complex." The three justices wondered whether the government had done enough to deal with the situation given that it had known for years about the staffing shortages.

"The ministry could keep on trying and keep on failing and that's just fine?" Justice Gary Trotter said.

Failing to take into account the government's best efforts to address the situation amounts to legal error, Dunn countered.

Fellow lawyer, Hart Schwartz, argued that even if the finding of cruel and unusual punishment were upheld, the award of damages should be thrown out.

For one thing, Schwartz said, the claimants had simply wanted an end to the lockdowns and neither had asked for a money award.

"We first learned of it when the decision came over the fax machine," Schwartz said. "We were, needless to say, surprised."

Barbara Jackman, appointed as a "friend of the court" to help the unrepresented litigants, said Gray was right to find violation of the men's rights. He was also well within his rights to award damages after deciding that simply slapping the government on the wrist would be insufficient to denounce its conduct and provide a remedy to the men.

"Justice Gray's assessment and finding is sustainable on the evidence," Jackman said in written filings. "The impetus for these lockdowns - staffing shortages - do not arise from legitimate security or safety concerns, but are the harmful result of administrative failures."

Neither of them were serving time for a conviction, Jackman said. She also said money damages were appropriate and were covered in the men's request to the courts for general relief.

If anything, Jackman told the judges, there was a "studied indifference" about what's going on in the jails.

Justice John Laskin, however, said it was highly unusual for a judge to come up with a money award without notifying the parties or hearing submissions. Jackman agreed, saying if the court upheld Gray's finding of a rights breach, it would be appropriate to go back to him to argue damages.

In his oral submissions, Ogiamien described conditions under lockdown as cruel and inhumane and said there was "no hope" because complaints went nowhere.

Ogiamien was released under strict conditions in the middle of last year as he fights deportation. Nguyen remains in custody.

The justices reserved their decision.

Colin Perkel

The Canadian Press - Feb 21, 2017

Province gets 'kickback' from inmates' collect calls, lawyer says

A wall-mounted phone by the steel doors of a jail cellblock is a precious lifeline to the outside for inmates, but in Ontario, calling their loved ones comes at a price.

Inmates can only dial out by placing collect calls. There are no free calls, even if they are local.

Ottawa criminal lawyer Michael Spratt has obtained documents that show the government gets a commission from every collect call made from provincial jails.

"This is a kickback," he told CBC News. "What I find unconscionable is that the government and corporations are making money off the backs of people who are presumed innocent and in custody."

Through a provincial freedom of information request, Spratt obtained contracts related to Ontario's "offender telephone management system" and shared them with CBC News.

The documents detail a seven-year agreement between Bell Canada and the Ministry of Community Safety and Correctional Services. The contract shows Bell has agreed to pay the Ontario government a commission based on a percentage of all gross monthly revenue generated by the telephone management system until 2020.

The value of the contract isn't disclosed, but the deal states: "There shall be no charges payable by the ministry under the contract to the supplier unless otherwise agreed upon by the parties in writing."

The documents include about 1½ pages of redactions, with the exact percentage of the monthly commission Bell is to pay the province scrubbed from public view.

The phone rate Bell charges is also hidden. But the contract does stipulate that Bell will charge the same rates and connection fees it provides to its residential customers.

"The redactions are telling," said Spratt, who is concerned about the lack of transparency.

"What we often say in law is that it looks like a consciousness of guilt when you hide something ... I wonder if the government feels a bit guilty about this revenue system."

Commissions aren't new

Ontario's Minister of Community Safety and Correctional Services Marie-France Lalonde wasn't available for an interview Friday.

In a statement, Lalonde said the current contract expires next year and they'll "take these issues into consideration" when talking about its renewal.

She added the department is looking at ways to make it more "cost-effective" for inmates to communicate, especially when they're far from their support network, and one solution could be to introduce pre-paid calling cards for collect calls.

In an earlier email, ministry spokesperson Brent Ross wrote that commissions have been collected since 1997.

Inmates in Ontario's 26 provincial jails make an average of 239,000 local calls and 50,000 long distance calls while incarcerated each month. Ross said the commission collected goes into the province's general revenue and is "used to offset tax-based expenditures."

The ministry refused to answer CBC's question about how much money it has made from collect calls from jail, but the phone bills sent to Spratt's law firm paint a revealing picture.

Spratt said Bell sends his firm a bill each month ranging from \$1,000 to \$5,000. The tally of collect calls runs across 30 pages. His clients are usually calling from the Ottawa-Carleton Detention Centre, but because of overcrowding many inmates are transferred and call long distance from out-of-town jails.

His firm is charged \$1 per local call, but a 20-minute long distance call costs \$25. Most of the time the inmates call to speak to their lawyer, but sometimes clients will call Spratt's firm so they can be forwarded to the cell phones of family members.

The phones from jail can only make collect calls to landlines, and Spratt said many families can't afford the added cost.

That hardship is part of the reason why Spratt is considering using this access to information request as a basis for a future constitutional challenge.

"This was the first step in what I feel could be a constitutional challenge to punitive and unfair rates that disproportionately impact poor and vulnerable people in jail," Spratt said.

In an emailed statement, a Bell spokesperson wrote that Bell does not discuss details of any business or government contracts.

Judy Trinh

CBC News - Feb 24, 2017

Pricier jail phone calls in Manitoba dial up outrage

The province is taking heat for contracting a Texas-based private prison phone service that's hiking rates for Manitoba inmates.

The charges levied by Synergy Inmate Phone Solutions, a San Antonio-based company with extensive contracts in U.S. jails and detention centres, include fees for phone calls and levies families must pay to buy prepaid phone cards for relatives behind bars or in custody awaiting trial.

The fees began rolling out in Manitoba provincial jails this month, including Milner Ridge Correctional Centre, the Headingley Correctional Centre and the Women's Correctional Centre. It also covers the Winnipeg Remand Centre.

"I've been visiting my fiance in the remand centre for over a year now and the last time I made a deposit on his phone, the prepaid card for offenders, it cost me \$13, on top of the \$60 I put on it. It's insane. They're ripping people off," said a woman the Free Press is calling Trinity to protect her identity and her partner's, a man due to be sentenced next month on an assault conviction.

Trinity listed other new fees this month, including a handling fee on canteen accounts that inmates use to purchase water, candy, chips and magazines at the remand centre.

"All of this is new, trust me. I've been going there for over a year and I've never seen anything so drastic. There are a lot of people upset about it," Trinity said.

The John Howard Society and the Opposition NDP have lobbied the province to release a copy of the contract with Synergy, with no success so far.

"The difficulty is the cost to inmates," said John Hutton, executive director of the John Howard Society of Manitoba, which advocates on behalf of inmates.

"Previously, local calls were free but the cost of them was subsidized with a mark-up at the canteen. But now they've put the cost directly on the inmates and the province gets a cut, a commission on the contract, although I'm told it's a small one.

"This isn't about being fair, it's about doing the right thing and if inmates can connect with their families, they're fairly likely not to reoffend."

Synergy also provides phone services at provincial correctional facilities in New Brunswick, Nova Scotia, Prince Edward Island, Alberta and Saskatchewan. A coalition in Saskatchewan is fighting the phone fees in jails there.

Former NDP attorney general Andrew Swan, now an Opposition MLA, said he knows of a Manitoba couple who paid more than \$4,000 in the space of five months for the wife to keep in phone contact with her husband when he was incarcerated in a Saskatchewan jail.

"I can talk until I'm blue in the face and say this is cruel and it's unfair but I don't think many Manitobans, unfortunately, will be very concerned," Swan said.

"But as soon as you say this is impairing public safety, that you're making it tougher for people to keep up positive relationships, when they come out of jail, that everybody who's serving time is going to be back in the community, well, we all want them to have as easy a landing as possible."

Synergy, which has a Canadian subdivision based in Edmonton, referred calls to the province.

A provincial spokeswoman told the Free Press when the first complaints surfaced that "I'd just note that the previous phone system was provided by MTS, which is also a privately owned company — so I don't know if there's a correlation to be made. From what I understand, entire prisons can be run by corporate entities under the U.S. model, which is obviously not the case here."

Alexandra Paul

Winnipeg Free Press - Oct 26, 2016

What inmates pay:

Prepaid calls – \$3 per call, up to 15 minutes in length, long distance or local. Three free calls up to 15 minutes each a day for suspects facing trial but not sentenced.

Collect calls – \$4.30 per call, up to 15 minutes in length, long distance or local.

Voice mail – \$1.25 per message, paid by sender. Messages from a privileged or program source are free.

Kiosk trust deposits (cash only) – \$2 per transaction plus two per cent of deposit.

Credit card transactions (kiosk, online, phone) – \$2 plus five per cent of deposit plus taxes.

Untitled

*Blood rails, blood trails
The tracks of life
Bridged over into nature's glide
Where all roam free
Man or wild in our humanities
Collide for co-existence & equality*

*Elevated above is the brightness of souls
Below is the fluid stream of life*

*Shadowy passages trail into the earth's
mortality, history, unspoken ...*

*Love is infinite in the air ...
Blow on, flow on – blow on, flow on ...*

- Kyon Ferril

Swept Away by 'Time'

*My youth, swept away
My motherhood, swept away
My children, swept away
My marriage, swept away
My love, swept away
My self, swept away
My life, swept away by Time*

- Margaret Posey

Untitled

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

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

- Anny Oyster

I'm Not Crazy, I'm Amazing!

*Some people call me crazy, and state,
"You need help"
But why?
Nona is not crazy anymore
I was crazy when I let people use me
Abuse me, disrespect me
And take from me without asking me
Now that was crazy
But now that I fight to defend myself
Get mad when one tries to hurt me
And speak when someone disrespects me
This is not crazy
This is Nona taking charge with no regard
So when you call me crazy it's fine with me
But it's a problem when you say I need help
Because there's no cure for the technique I use
It's not crazy, it's amazing*

- Wenona Thompson

Untitled

*In the last 100 days
I've seen many faces
Faces that come and go
And in those faces
There's something distinct
Something you should know
Looks of hate, looks of fear
From down their face
Runs a blood stained tear
From living in alleys
To apartment stairs
Jail is the place
Where anyone cares
From broken-down stairs
And broken-down homes
Into jail they retreat
To rest their bones
And just when you think
That they've gone insane
They're let out on the street
To start all over again*

- James Nicholson

My Cell

Day after day
 Hour after hour
 I sit in my cell
 Beyond my power
 My emotions running
 I feel like collapsing
 The fear within
 Not knowing what tomorrow will bring
 The sentence that lies before me
 Brings many tears, sorrow,
 Tremendous mourning
 Of the time that lies ahead.
 Within four walls of the cell that I sit in

- Melissa

Victims of Our Thoughts

When an individual is victimized
 They lose a part of their identity
 Within each experience,
 Which is attached to that moment & time
 A person's memory is like a time capsule
 Always repeated over time when thought of

- Kyon Ferril

Untitled

Twelve steps to the door, it's so close
 What am I waiting for

My failures and disappointments
 Are mine to own
 There is no one to blame
 But me alone

Twelve steps to the door, it's so close
 What am I waiting for

The time has come to make a change
 There are things in my life I must rearrange

Twelve steps to the door
 It's time to go, I can't wait no more

- D. Onman

Untitled

Where's the love when I have
 No food to eat ...
 Where's the love when I have
 No shoes on my feet
 I resort to crime cuz I'm
 Just a number on these streets

- Tom Lesperance

The Life

The fence, the wall
 What people, what call
 New guys, new fights
 Shitty letter, sleepless nights
 What visits, what rights
 Wanna try it, want my life

- Tattoo Jay

**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.

Abolish solitary confinement for Ontario's children and youth

The news that Ontario is reviewing the use of solitary confinement in its jails has me thinking of Adam Capay. Capay is the 23-year-old Anishinaabe man who spent close to 1,600 days - over four and a half years - locked in a 5-by-10-foot cell, the lights on 24 hours a day.

Some excellent journalism has exposed the province's immoral treatment of Capay since his situation was first brought to light by Ontario Human Rights Commissioner Renu Mandhane in October. But one aspect appears to have been lost on most commentators to date: Capay was a teenager when he first entered that solitary confinement cell. This fact is especially relevant in light of recently announced changes to the province's Child and Family Services Act.

For years now, politicians and bureaucrats alike have bristled at the use of the term "solitary confinement." We don't have that in Ontario, they argue. Instead, we have "administrative segregation" or, in the case of children and youth, "secure isolation" - that is, the locking up of a young person, alone, often in a special cell designed solely for that purpose.

Even this alias has fallen out of vogue recently, and in future the province plans to refer to the locking of children in empty cells as "secure de-escalation." This wordplay is the only significant change to the practice in the province's proposed child and youth legislation.

How does changing the official term applied to a practice affect a young person's experience of it? Names matter, but not to a child locked in an empty cell, under fluorescent lighting, with nothing to do to pass the time, their only interaction with other humans restricted to a slot in the door. Sorry - the ministry also objects to the use of the term "cells." Apparently they're "bedrooms" and they aren't located in "jails," either. These are "youth centres," the ministry says.

"Segregation, isolation, separation, cellular, lockdown, Supermax, the hole, Secure Housing Unit ... whatever the name, solitary confinement should be banned by States as a punishment or extortion technique," UN Special Rapporteur on torture Juan E. Méndez told the UN General Assembly in 2011.

Méndez called on all countries to ban the practice of solitary confinement "except in very

exceptional circumstances," and called for an absolute prohibition in the case of juveniles. The UN ultimately concluded that the practice amounts to torture, and is only exacerbated by a young person's psychology: research has suggested that two weeks in isolation would feel like years in the mind of a teenager.

Under the current legislation, secure isolation can be used in situations where "the child's or young person's conduct indicates that he or she is likely, in the immediate future, to cause serious property damage or to cause another person serious bodily harm" and "no less restrictive method of restraining the child or young person is practicable."

These criteria are subject solely to the discretion of detention centre staff. In exceptional circumstances where a child is under 12 years old, or where the isolation lasts more than an hour, approval of a supervisor or a ministry director is supposed to be required.

These guidelines are vague enough to be widely misapplied, and they have been. In a 2015 systemic review of secure isolation in Ontario youth justice facilities, the Office of the Provincial Advocate for Children and Youth found that secure isolation often lasted longer than 24 hours, and occasionally lasted more than a week. One youth was held in secure isolation for 17 days — that's 24,170 minutes of torture.

The same review also found a general trend toward less use of secure isolation in Ontario youth justice facilities. Many facilities have secure isolation cells that haven't been used in months, if not years. The fact that some facilities use secure isolation often, while others don't use it at all, suggests both staff and inmates can be kept safe without resorting to solitary confinement.

Toronto criminal lawyer Annamaria Enejador, who has called for a complete ban on solitary confinement, calls the practice "a form of detention that has no place in a civilized society." I agree and I worry that we will never end solitary confinement if we refuse to recognize the specific damage it does to children and young people.

Michael Coteau, the provincial Liberals' Minister of Children and Youth Services, should end the practice of secure isolation for children and youth in Ontario. It doesn't matter if you call it solitary confinement, administrative segregation, secure de-escalation, or anything else.

Let's just call it something we used to do, that we don't do anymore.

Desmond Cole
Toronto Star
Jan 5, 2017

Federal Inmates in Court to force CSC to address inmate pay rules

Federal prisoners who want to increase the amount they receive in inmate pay are hopeful a court will find in their favour and force the government to act on the issue.

Lawyers representing inmates began arguing in Federal Court on Monday that their charter rights are being infringed by government policies. Attorneys representing the prisoners said the salary paid to convicts who work has been frozen since it was introduced in 1981.

And lawyers said that for some inmates, that amount has been subject to a 30 per cent cut taken off the top since 2013, when the Conservative government offset accommodation, food and telephone costs.

"What the inmates are contesting is that in 2012, the government introduced policy that affected their pay, taking off 30 per cent automatically," said lawyer Rita Magloe Francis. She said the previous government also removed certain bonuses that allowed convicts to save money that could be used while reintegrating into society.

Currently, those who partake in work and reintegration programs are paid a maximum of \$6.90 a day, before the additional pay cut.

Francis, one of the lawyers representing the inmates, said the cost of a basket of everyday items routinely purchased by prisoners has risen from \$8.49 in 1981 to \$61.59 today - a spike of nearly 725 per cent.

Lawyers for the federal government say there's no reason to increase the pay, given that an inmate costs roughly \$115,000 to house a year and essentials are covered by Correctional Services Canada.

Marie-Claude Lacroix, another lawyer for the inmates, said certain items aren't covered by authorities. Things like medications such as acetaminophen, extra shoes or additional clothing must be purchased out of pocket.

Lacroix noted that not all inmates have family who are able to provide extra funds for such items they call necessities.

She argued that lower pay has left inmates feeling exploited and led to a host of psychological and esteem issues.

In 2005, the government ignored a recommendation by the Office of the Correctional Investigator to raise the salaries.

A Federal Court justice is hearing arguments on the matter over three days this week, with several thousand pages of affidavits and documents filed in court by both sides.

The court action is on behalf of all federal inmates - about 15,000 at any given time.

While Federal Court doesn't have the power to set what would be a reasonable salary, the inmates' lawyers hope they will rule the current pay rules are contrary to social reintegration and the Charter of Rights and Freedoms.

"I'm not here to decide on the policy that should be followed by Correctional Services Canada," Justice Yvan Roy said at one point Monday. "I think what was introduced in 1981 had a particular flavour, something that has changed a lot over the past 35 years."

Francis said she believes the current policy is unconstitutional.

"What we think, in 1981 the federal government made the right calculations, but it must be indexed to reflect the costs of today," she said outside the courtroom.

Sidhartha Banerjee
The Canadian Press
Feb 6, 2017



Quebec woman suing over solitary confinement 'hell'

Judge approves class-action lawsuit for federal inmates - particularly the mentally ill - subjected to lengthy periods of administrative segregation in prisons in the province.

A Quebec woman who spent nine months in solitary confinement has been cleared to bring a class action lawsuit which argues inmates subjected to lengthy periods of isolation have had their rights violated.

Bolstered by the condemnation of the United Nations and Canada's prison watchdog, the lawsuit seeks more than \$10,000 in damages from the Correctional Service of Canada for each prisoner held in solitary confinement for longer than a 72-hour period since Feb. 24, 2013.

It also seeks compensation for prisoners with mental-health problems, regardless of how long they were held in isolation.

The representative claimant is Arlene Gallone, a 25-year-old woman who served a year-and-a-half sentence at Joliette Institution for Women starting in February 2013 for robbery, criminal harassment, assault and breach of her parole.

Gallone's lawyer estimates there could be thousands of other federal inmates past and present who may be eligible for compensation if the lawsuit is successful.

Gallone said in an interview that she was sent on four occasions to administrative segregation - the official term for solitary confinement - for two three-month periods, as well as two additional stretches of two months and one month each.

She said the reason she was removed from the general population of inmates could be as insignificant as banging too frequently on her cell door in an attempt to get the attention of a guard, or blocking her toilet.

In total, she spent a total of nine months locked in a cell the size of a bathroom.

"If you're not already claustrophobic, you will become claustrophobic because the room is so small," Gallone said.

"My depression became worse. My anxiety became worse. Also, I lose trust in people easily. If I hear a door slam I'll jump because they always slammed the doors there. I'm so used to sleeping with the door closed that I sleep with my bedroom door closed even now."

The lawsuit describes her experience as "hell," adding that she is still affected by it more than two years later.

The allegations in the lawsuit have not been proven in court.

The suit is just the latest attack on a practice that has been criticized at home and internationally, including by the special rapporteur of the UN Human Rights Council and the UN Committee against Torture.

Last month, an Ontario judge authorized a lawsuit on behalf of mentally ill inmates who were placed in administrative segregation in federal prisons.

In October, Ontario's human rights commissioner accused the province of violating prisoners' rights through the "alarming and systemic overuse of segregation."

The review showed that one-fifth of prisoners had been placed in solitary confinement at least once over a three-month period. More than a third of them had a history of mental health problems. One indigenous inmate at a Thunder Bay jail, Adam Capay, had spent four years in segregation after being charged with the murder of another inmate.

Federally, a 2015 report from the correctional investigator, Parliament's prison watchdog, noted that the average stay in administrative segregation was 27 days in 2015, down from 40 days in 2005.

Last spring, the correctional investigator recommended prison authorities stopped placing the mentally ill in segregation and limit the length of stays in solitary confinement.

In Quebec, there are regulations that limit a prisoner's stay in administrative segregation at provincial facilities to 72 hours, with a possible one-time extension of 24 hours if an individual is suspected of having ingested contraband.

But recommendations in 2012 urging that the federal government adopt the same rules were rejected.

Federal Justice Minister Jody Raybould was given a mandate to reduce the use of solitary confinement in Canadian prisons when she took the post in 2015.

Until that happens, Gallone said she is optimistic that her case might result in a positive change in the prison system.

Allan Woods

Toronto Star - Jan 23, 2017

Correctional Service flip-flops on transgender inmate placement policy

Canada's prison service has abruptly reversed course on its new policy for transgender inmates, one day after Prime Minister Justin Trudeau promised to promote equality for all trans Canadians, including those behind bars.

Correctional Service Canada spokesman Jean-Paul Surette said trans inmates will now be considered for placement in prisons based on their gender identity rather than their genitalia.

"We are currently assessing — on a case-by-case basis — individual inmates' placement and accommodation requests to ensure the most appropriate measures are taken to respect the dignity, rights and security of all inmates under our custody," he told CBC News in an email.

That is a sharp departure from CSC's revised policy directive on trans inmates that was released on Monday, which confirmed a previous rule that based placement on birth sex rather than gender identity.

"Pre-operative male to female offenders with gender dysphoria will be held in men's institutions and pre-operative female to male offenders with gender dysphoria will be held in women's institutions," the Jan. 9 policy reads.

The change in course comes after Trudeau, during a town hall meeting in Kingston, Ont., made an off-the-cuff promise to ensure transgender inmates can serve their sentences in institutions based on their gender identity.

The pledge came in response to a question from a transgender woman and advocate who described Canada's current placement policy as "torture."

Trudeau said the issue hadn't been on his radar, but would act now that it is.

"I will make sure we look at it and we address it and we do right in recognizing that trans rights are human rights and we need to make sure we are defending everyone's dignity and rights in every way we can," he said.

CSC does not track the number of trans inmates.

Policy review underway

Surette said the entire policy will remain under review to ensure it is consistent with the principles of Bill C-16, which would amend the Canadian Human Rights Act to include gender

identity and gender expression in the list of prohibited grounds of discrimination.

That bill is making its way through Parliament.

"As part of that review, we are undertaking stakeholder consultation, including with inmates and with the LGBTQ2 advocates, to identify possible changes to the policy," Surette said.

The Office of the Correctional Investigator of Canada and human rights advocates have raised concerns about gender-sensitive procedures such as strip searches, pat-downs or urine analysis by members of the opposite sex, and also about about exploitation, harassment, intimidation and sexual violence perpetrated against trans inmates.

New sex reassignment surgery rules

Among the changes in the revised policy is one that makes it easier for transgender inmates to get sex reassignment surgery.

Under the new rules, an offender will be eligible if they have lived in an identity-congruent gender role for 12 continuous months and it is recommended by a specialist physician. Under the previous policy, the individual was required to have lived 12 months in the gender role in the community prior to incarceration.

Other elements of CSC's revised transgender policy:

- CSC will pay the cost of sex reassignment surgery.
- Transgender offenders will be permitted to wear clothing appropriate to their self-identified gender.
- CSC will proceed without delay to determine the timing of the surgery, taking into account operational considerations and the offender's release date.
- The same health professional specialist who provided care to the offender throughout the gender transition prior to his/her incarceration will be retained, unless the offender and CSC agree to a different choice.
- The head of the institution will ensure that staff who have regular contact with transgender offenders have the necessary knowledge to effectively respond to their needs.

Kathleen Harris
CBC News
Jan 13, 2017

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

Hep C & Eating Well Inside

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

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

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

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

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

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

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

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

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

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

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

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

- Educate yourself about hepatitis C.

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

A Child of an Incarcerated Parent

The Reality

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

The Need

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

The Impact

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

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

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



F.E.A.T. - Family Visitation

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

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

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

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

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

For more information or to book a seat on the bus please contact Jessica or Derek Reid by email at info@featforchildren.org 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 1-3 pm
Youth Now! - Mon 5-6pm
- 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 - CO-OP 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.

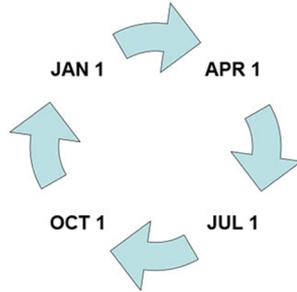
Prisoners and their loved ones are invited to contribute music requests, messages and suggestions for the program.

*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 #5 - Spring 2017 ✧

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

download, print, contact:
www.ClassActionNews.org

Next Issue: #6 - Summer 2017
Deadline: Jun 1, 2017
Mail-out: Jul 1, 2017

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 !

