

INTRODUCTION FROM THE CO-MANAGING EDITORS

Prisoners of Penal Intensification and Sunny Ways¹ *Justin Piché and Kevin Walby*

In recent decades, Canada has been heralded for its restrained approach to penality amid the wave of penal intensification that took hold in the United States and other western democracies (e.g. Meyer and O'Malley, 2005; Doob and Webster, 2006). However, denunciation, deterrence and incapacitation became increasingly privileged carceral logics under successive minority (2006-2008, 2008-2011) and majority (2011-2015) Conservative federal governments. Then Prime Minister Stephen Harper and his team framed the consensus that existed for several decades across party lines backing rehabilitation and community integration of the criminalized as symptoms of a broken justice system in need of an overhaul (Webster and Doob, 2015).

Although the Conservative punishment agenda – comprised of a series of sentencing, penitentiary administration and (dis)integration measures (Piché, 2015; also see Shook and McInnis, this issue) – have yet to translate into a boom in Canada's rate of incarceration, in our work with the *Journal of Prisoners on Prisons* (JPP) we have published writings by Canadian prisoners that illustrate the profound impact that these regressive reforms have had on the lives of federal prisoners (see Collins, 2008; Anonymous, 2009; Acoby, 2011; Glaremin, 2011; "Petey", 2011; Convict, 2013; Shook, 2013; Abbotsbury, 2014; Shook, 2014; Vivar, 2014; Fry, 2015; Shook, 2015a; Shook, 2015b; Shook, 2015c; Fayter, 2016; Villebrun, 2016).

Following the 2015 federal election, which resulted in a majority Liberal government led by Prime Minister Justin Trudeau who promised "sunny ways", there were signals that abandoning the most egregious punishment measures introduced during Prime Minister Harper's near decade in power might happen. Among them was the mandate given to Minister of Justice and Attorney General of Canada Jody Wilson-Raybould upon her appointment, which included the following instruction:

...conduct a review of the changes in our criminal justice system and sentencing reforms over the past decade with a mandate to assess the changes, ensure that we are increasing the safety of our communities, getting value for money, addressing gaps and ensuring that current provisions are aligned with the objectives of the criminal justice system.

Outcomes of this process should include increased use of restorative justice processes and other initiatives to reduce the rate of incarceration amongst Indigenous Canadians...

With a penal system review underway, we felt it was important to ensure that federal prisoners were able to contribute their insights into the material impacts of legislative and policy changes introduced by the Conservatives and what reforms they envisage as necessary to enhance living conditions behind penitentiary walls in ways that contribute to safety beyond them. During the winter 2017 semester, a section of *SCS 4150: Directed Research in Social Sciences* was created at the University of Ottawa where students were tasked with initiating and producing a *JPP Dialogue* comprised of submissions from Prisoner Committees and individuals held within Canada's federal penitentiaries operated and managed by the Correctional Service Canada (CSC). Jarrod Shook, a former federal prisoner, current parolee and undergraduate student at the University of Ottawa, along with Bridget McInnis, who was in the last semester of her undergraduate degree (Social Work major and Criminology minor) and was set to begin law school in fall 2017, registered for the course. As part of their course work, Jarrod and Bridget wrote a letter to prisoners in every Canadian federal institution and security level soliciting submissions to the *JPP* (see *Appendix*). In keeping with the journal's mandate, our hope was that this project would illuminate realities of incarceration and offer paths for change 'from below' (Piché *et al.*, 2014).

This project almost never got off the ground. On 22 March 2017, the professor for the course (Justin Piché) was contacted by staff from CSC's National Headquarters via email. A CSC official noted that "one of our regional offices forwarded to us a letter that you had sent to the chairpersons of inmate committees (dated 1 March 2017) requesting their input and observations about how corrections has changed over the years". Also included in the email was a request "to arrange a time sometime soon to discuss your project so that I can have a clearer idea of what is involved".

Sensing that our efforts to facilitate prisoner writing on penalty in Canada were at risk of being shut down, a meeting was initiated with CSC staff in Ottawa to ensure that those held in federal penitentiaries could have the opportunity to express themselves in writing, as is allowed in section 2(b) of the *Canadian Charter of Rights and Freedoms*. Entering the 23 March 2017 meeting, Justin expected resistance to the project from CSC, which

is known for being an opaque, secretive organization (see, for example, Culhane, 1991; Martel, 2004; Yeager, 2008; Piché, 2011). Discussions focused on whether or not the project was a traditional academic research endeavour involving data collection through quantitative and qualitative instruments, which needed to go through CSC's research protocol. After all parties at the meeting concluded that prisoners writing about their own experiences did not fall within these parameters and that prisoners had the right to free expression, it was agreed that the letters, which had been intercepted by institutional authorities and held in the mailing rooms of some federal penitentiaries, could be received by their intended recipients.

For us, this decision signals that something has changed as a result of the 2015 federal election. By allowing the project to go forward, CSC showed its willingness to hold a mirror up to itself and be subject to scrutiny, to be transparent and to be held accountable in a public forum. While we cannot demonstrate the motivations underlying this decision, it is no secret that many inside CSC's ranks were troubled by much of what the Conservative punishment agenda entailed (see, for example, Comack *et al.*, 2015; Clark, 2017). Thus, catalysts for progressive change such as this project are perhaps welcome. This is a good sign with respect to the health of our democratic institutions, however imperfect they may be under a first-past-the-post federal electoral system with increasing power centralized within the Prime Minister's Office (Marland, 2017).

Once the letters made their way inside Canada's penitentiaries, what followed was a steady stream of thoughtful written submissions from Prisoner Committee representatives and other federal prisoners across Canada. Our expectations were exceeded to the point that we decided to dedicate an entire double-issue of the journal to this *Dialogue*. While many of the pieces depart from the narrative and socio-political articles that normally appear in the journal, they offer a snapshot of the main issues Canadian federal prisoners face today. As noted in the *Response* (Shook and McInnis, this issue), there are several recurring themes cutting across the hundreds of pages we received.

As we started to review the submissions and get a sense of just how dire things have become inside CSC institutions, we were faced with having to decide if prisoners should have their names published alongside their contributions, knowing that formally exercising the *Charter* protected right to free expression behind bars can lead to informal retribution in many

forms, from being physically harmed by prison staff to having negative comments attached to one's 'correctional' assessments that influence things such as parole decisions (see Piché *et al.*, 2014, pp. 456-457). Letters were subsequently sent out to potential contributors seeking their input on this matter as they are best positioned to decide what risks they are willing to take from where they stand. As such, many contributions have been anonymized, while others have not. It is our hope that by getting these works out in the open that CSC staff and officials read these contributions and see that prisoners are working in good faith to try to improve living and working conditions behind bars.

Within these pages there is a lot to take in. There is so much that needs to change so long as carceral spaces exist in the world. But there is hope. This issue is a testament of where we are now and what we could become if we take the words of the criminalized and punished seriously. As these contributions show, there are concrete actions that can be taken today to improve life and work inside Canada's penitentiaries. This is a call to respect human dignity to the degree that is possible within the walls of federal institutions. It is incumbent upon parliamentarians and the Government of Canada to act now to diminish the violence of incarceration not just for the sake of prisoners, but their families and Canadians more broadly.

ENDNOTES

- ¹ We thank Brendan Roziere, Joanne DeCosse and Bilguundari Enkhtugs for their assistance in copy-editing this volume.

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