

I take full responsibility for my offences and truly have an abundant amount of empathy for my victims. I was not emotionally well during those times and I am sincerely sorry for having harmed others. In time, I would like to receive a pardon from the Parole Board of Canada (PBC), so that I may truly have a chance to succeed as a pro-social, former prisoner thereafter.

There were many negative changes to the justice and prison system under successive federal governments led by Prime Minister Stephen Harper. This analysis is based on my personal experiences and from witnessing the dramatic changes. I will be as accurate as I can be, drawing on statistics from the Office of the Correctional Investigator of Canada's 2015-2016 Annual Report where possible to corroborate what I have observed at Dorchester Penitentiary in recent years. I will elaborate on six subjects to generate awareness about problems that exist at the level of the courts and in Canada's penitentiaries. A central problem connecting the two is systemic racism, which I will elaborate upon below.

## **THE RIPPLING EFFECT**

### **Our Courts and Conditional Release**

It is essential for the criminalized passing through our courts that the composition of the latter reflect the populations they serve. Currently, we have what an article in the *Globe and Mail* calls a "Judiciary of Whiteness" (Tutton, 2016). Minorities entering the Justice System would like to witness an increase of ethnic judges on the benches in our courts, which would decrease the bias experienced when before Caucasian judges, who neither can relate to their struggles, nor understand the social pressures of their culture within their communities. In most cases an ethnic judge can relate to a minority to some degree, as I am most certain that this judge has suffered from racial bias, under the same or similar circumstances, no matter their social status, or where he/she comes from in their community. This is not to say that everyone who a minority comes in contact with is prejudiced thereafter. However, there must be safeguards against discrimination, particularly when someone's freedom is at stake.

As a number of Indigenous and African Canadians are entering the justice system it is crucial that they have the same opportunity to be equal before the law so that they are being properly sentenced and are given the

chance to reintegrate in a timely fashion. Currently, Black prisoners are being warehoused in Canadian federal penitentiaries in the Atlantic Region, where they often are not given the same conditional release opportunities as their white counterparts.<sup>1</sup> The end result is that minorities serve more lengthy periods of incarceration. This experience of discrimination, whether when entering or exiting the penal system, is discouraging and needs to be changed.

Central to the gating of minority and other prisoners is the fact that parole officers within the penitentiaries often do not have our casework information ready in time for parole hearings or are non-supportive of a release. We are also blindsided by sudden changes to our case management team, notably changes in our institutional parole officer who needs to get up to speed on our files. Whether stalling tactics or not, such changes often keep a prisoner incarcerated until their Statutory Release date, which happened more frequently during the years of the Harper government.

PBC will only see a prisoner if their casework information has been completed by their parole officer in a timely fashion. Prisoners are often asked to sign a waiver postponing their parole release hearing by another two months or more to accommodate processing delays. One could even have successfully completed their rehabilitation programs, remain idle in prison without an engaged parole officer for years, while not having access to any psychological counselling to help avoid becoming institutionalized and losing hope about the lack of support they are receiving towards earning a rational release. Many minority prisoners are warehoused in our Canadian penitentiaries.

### **Accountability / Rehabilitation**

When I entered the federal penitentiary system I was an emotional train wreck, suffering from severe depression and uncontrollable anxiety due to traumatic events in my life. Mental abuse, physical abuse and sexual abuse, coupled with the trauma I experienced while trying to save a two-year-old's life decades ago. I developed PTSD and sleep insomnia from these tragic events, and then eventually I naively began to self-medicate through the use of crack-cocaine. In my thirties, I ended-up in prison for the first time after committing a violent robbery. If it were not for participating in a rehabilitation program, I would not have changed.

Having willingly participated in a rehabilitation program realizing that I had some problems, I learned a lot about my emotional problems and my mental state of mind during the commissions of my offences. I have learned

a lot more about my condition than if I would have had I not participated in this rehabilitation process. I wanted to know what led me to commit my offences through programming. Some of it was in regard to developing an expensive addiction to crack-cocaine back then, while trying to deal with my unresolved depression, my anxiety, and the negative thoughts of feeling worthless from sexual abuse. I had no clue how to manage my condition until I participated in the rehabilitation program that I successfully completed. I had brief counselling through a penitentiary psychiatrist regarding my trauma and began treatment. Presently, I am pleased to say that I am now on the medications that manage me pro-actively and pro-socially. Rehabilitation, when encouraged by the institution, can help one's thinking, ability to cope with feelings, and manage their life in a positive direction without the addiction. Rehabilitation is truly beneficial.

A prisoner must take responsibility for their offence and realize that they do have problems that need to be addressed. Then and only then, the prisoner is opened to change and seeks the assistance that they need. However, they must want this change through the rehabilitation process. If a prisoner does not participate in the program that is set in their penitentiary correctional plan, six out of ten will more than likely reoffend once released.<sup>2</sup> Rehabilitation programming is essential! However, if the prisoner is in denial or perhaps does not care that they have committed an offence causing harm against their victims, there is no hope for rehabilitation. Their reasoning for committing an offence is much stronger and this will eventually be their demise. This being said, this type of prisoner is a continual threat to themselves and the safety of the public in general.

There are several reasons that can contribute to the commission of an offence, including social pressure, an addiction, poverty and/or emotional instability. However, rehabilitation promotes self-awareness and provides prisoners with enough material to significantly change their lifestyle. This being said, rehabilitation only benefits prisoners who participate in their set programs with an open-mind, and they must acknowledge that they need assistance to change their lifestyle. There is enough information in these rehabilitation programs to significantly change a person's lifestyle if a prisoner takes their program seriously and really wants a change in their life. The program material is designed around contributing factors that encouraged the prisoner to commit their offence such as an addiction to a substance like cocaine, alcohol or opiates.

Rehabilitation, however, is only a fraction of what is needed for a positive pro-social recovery. Also central is the promotion of mental health, which requires access to psychological counselling and/or through a psychiatrist's evaluation to discover what works to manage their condition with the correct counselling and/or dosage of medications. Without this, a prisoner living with mental health issues will try something else to bury their inner pain and/or emotional instability, often through returning to addictive behaviours that lead them to come into conflict with the law.

### **Cultural Advisory / Human Rights**

Having spoken to a number of Indigenous and Black prisoners, minorities should be entitled to have an Ethno-Cultural Advisory Committee to address human rights issues and abuses of authority in our Canadian penitentiaries owing to discrimination. This committee should comprise of an independent official that is culturally connected to the communities of minority prisoners, serving as a complaint liaison to mediate between prisoners and CSC. This would perhaps go a long way in addressing the warehousing of racialized prisoners in this region.

An Ethno-Cultural Advisory Committee should be implemented into government policy. Prisoners want to work with an independent official who is willing to intervene at a regional level to provide assistance to deal with human rights violations. Many of us do not have regular meetings with parole officers and other members of our case management teams. This must change, as disengagement causes more chaos than good.

Perhaps there is no funding for such a committee or perhaps no one actually cares in government, as the majority of prisoners are not seen as being relevant to most in Canadian society. This may be why we are warehoused in our prisons and going nowhere. One can observe that there is bias, due to lack of engagement and a non-supportive release system.

There is more than an unacceptable amount of bias against minorities by CSC employees. More training involving cultural diversity for CSC employees is needed. This being said, the general demeaning and dehumanizing of prisoners and their character is insensitive and cruel, which seeps into relations behind the walls. This creates bitterness, as well as a sense of worthlessness to the individual receiving this kind of treatment.

As it stands, there are cultural needs and traditions that are not being observed in our penitentiaries as there appear to be no officials in higher

positions of authority realizing the importance for a minority to stay connected to one's culture and customs. Indigenous and African-Canadian prisoners need a cultural liaison<sup>3</sup> to represent these ongoing human rights abuses.

### **Grievances and Conflicts of Interest**

Federally sentenced prisoners do have a grievance process to lodge complaints and seek resolution. However, the unresolved problem with this process is that you have a conflict of interest whereby CSC staff members investigate their colleague's demeanour and actions. Our complaints often go unanswered during the period where resolution would matter. Sending a second grievance to be addressed regionally or nationally thereafter is also no guarantee that action will follow.

### **Bias / Profiling**

Discrimination towards minorities has been going on for far too long in our penitentiary system. Minorities routinely realize that white prisoners tend to be processed more quickly. The obscured racism we face works its way through our paperwork and casework information, where an exaggerated and problematic picture follows us throughout our time in the system. Judgement is passed down on as our file shuffles through the hands of parole officers, that often change multiple times during our warehousing. This is reflected in the rates of incarceration for Indigenous and African-Canadian prisoners documented in the Correctional Investigator's 2015-2016 Annual Report.<sup>4</sup> Time-and-time again white prisoners are being released before a minority is even seen by the PBC.

This process and the treatment we experience causes more harm than good, as minorities are becoming institutionalized through the sheer length of their incarceration. This frustration leads to anger. Institutional parole officers have excessive powers when it comes to who is released from a prison environment and who stays there. This needs to immediately change. As I explain below, my Africadian (i.e. African-Canadian and French) background and features have resulted in discriminatory treatment while I have tried to safely exit prison.

### **Statutory Release**

During a two-month period in 2015, I was released from prison on a residency clause to the Parrtown Community Correctional Centre in Saint

John, New Brunswick. However, I had no idea how strict a Community Correctional Centre environment was, as this was my first experience in such a facility. And I will admit that I was rather nervous for the most part being under a microscope by my community parole officer, who had a client who recently committed suicide on his caseload. This tragedy took place in my living unit prior to my arrival.

Within three weeks I began to experience that the staff members within this facility were not accepting me. With that I began to withdraw, developing a sarcastic demeanour with two of the officials within my case management team. I also had some minor complications transitioning from prison back into the community after arriving at this Community Correctional Centre, where I failed in my attempts to be sociable with a few of the staff members while trying to relax in this facility. After realizing this failure and apologizing, I knew that this was going to be more trying than I had anticipated, no matter if I was committed to pro-actively / pro-socially succeed in the Saint John community.

Realizing this, and not wanting to have any animosity directed towards me, I unsuccessfully attempted to have an intervention with my case management team, so that I would not be misunderstood moving forward. However, during this boardroom procedure members of my case management team disagreed amongst themselves regarding their responsibilities and regrettably resolved nothing. I tried to resolve any misunderstandings regarding my reintegration and was disappointed that this attempt at conflict resolution to correct any misconceptions did not bear fruit.

### **Alleged Risky Behaviour**

In my second month in the community, I had an appointment with my community parole officer. Immediately after arriving in her office she had asked me about the bars I had attended and why I had not accurately disclosed these locations on my sign-out card. I had indicated that I had wrote "Uptown" on the sign-out card, as this is where the two bars are located. I even went as far as disclosing that I had danced with a couple of senior women while I was at the karaoke bars, which was a mistake. My honesty was used against me and framed as engaging in risky behaviour in a Community Program Performance Report. Having been deemed an increased risk and having been sarcastic with members of my case management team resulted in being labelled as having deteriorating behaviour. I was sent back to prison.

One of my release conditions is to report all sexual / non-sexual relationships, and/or friendships with women. As I was not engaged in a relationship with either women at the bars, nor had I befriended them, I thought there was nothing for me to disclose to my community parole officer at that time. I really did not think that having a three-minute dance with complete strangers could be characterized as risky behaviour.

When I did finally discuss the matter, my community parole officer did not ask me any questions pertaining to these women, after I had explained that there was no personal information exchanged between me and these women at the bars. No names were mentioned, no addresses were exchanged and no phone numbers were taken. Being in an intimate relationship with a woman was the furthest thing from my mind in this position. Yet my curfew was adjusted from 11:00pm back down to 6:00pm for not accurately disclosing the names of these Uptown bars on my sign-out card at the community correctional centre. I do take responsibility for this mistake.

### **Parole Suspended / Revoked**

After having a minor disagreement with the facility psychologist about explaining or in her words “rationalizing” a recent offence, the two minor glitches trying to be sociable with staff members, and an assumption of being involved in risky behaviour, the Saint John Police were called to the Parrtown Community Correctional Centre with an arrest warrant for me. The revocation of my Statutory Release did not relate to a breach of my release conditions, another offence committed or even a failed urinalysis test.

Sadly, for me, I am once again being housed in a prison environment. At no point was I at risk of violating my conditions, nor was I at risk of committing any offences before my Warrant Expiry Date while in the Saint John community. Nor was I ever an unmanageable public safety threat against anyone in the community correctional centre, nor had I put myself at risk by intimately befriending any women. I firmly believe that I have endured more punishment than a person who has committed an extremely violent offence or has breached a release condition. I am now exceeding my parole eligibility by 43 months and there were no aggressive factors involved in my recent offence. There are no records of serious incidents committed by me in this penitentiary, nor is there any record of involuntary segregation in my case file information as I am a model prisoner. I have

been rehabilitated through CSC. However, trying to convince my case management team is tough.

My fate is now in the hands of the PBC. For now, I remain in this negative prison environment where my parole officer has not prepared my casework information in due time, setting me back by another two or more months. Unfortunately, I am not receiving any credit for my efforts to remain pro-active and pro-social, nor the assistance that I want without the counselling and/or therapy in this prison. I can only access this kind of treatment through the community.

I cannot understand why I was not given any leniency or an opportunity to succeed like many other prisoners. I have fully co-operated in my reintegration and was doing my best to complete my sentence in the community. I was truly engaged in my Community Correctional Plan, and went beyond by completing a Community Maintenance Program through the Horizon Mental Health Clinic in Saint John. I had participated in some coping skills sessions, a six-week course, with a successful completion certificate.

I am left to conclude that my ethnic background seems to be my main impediment, as I have actively participated in my rehabilitation process and have followed my assigned Correctional Plan, inside and outside penitentiary walls. I have not failed any urinalysis in seven years. I did not threaten public safety, nor did I commit any recent offences, and I did not breach any of my conditions while I was briefly in this community. There is no valid reason why I should remain in this prison environment.

Facing obscured racism that came in the form of a negative Community Program Performance Report, I am drained. I will no longer discuss my recent offences that led to my current sentence, this way I am sure that no information will be misleading and be manipulated against me in a future program performance report, which is currently underway.

### **Mental Health / Treatment**

There has been a recent study of the prevalence of psychotropic medications being offered to the incarcerated.<sup>5</sup> These medications are being prescribed to candy-coat the real issues of a prisoner's state of mind, rather than providing access to counselling and treatment. Keep in mind that the pharmaceutical manufacturing industry is a multi-billion-dollar industry annually.

These medications are more commonly prescribed to federal prisoners rather than any other person in our Canadian communities (i.e. 30.4%



vs. 8% of Canadians), and the most commonly prescribed medication category are anti-depressants. This being said, there are considerably more than incarcerated women (45.7%) than men (30.6%) being prescribed psychotropic medication prescriptions, rather than counselling / treatment thereafter. Would it not be less expensive and more effective in the long run to employ more psychologists and psychiatrists to assess these patients through rehabilitation / counselling as an alternative, before prescribing these medications to prisoners? Medication paves over unresolved issues that are buried deep within prisoners who live with mental health issues.

A previous assessment<sup>6</sup> of incoming male prisoners indicate the following prevalence rates of mood disorders (17.9%), alcohol or substance abuse disorder (50.6%), and anxiety disorders (30.5%). I mean earnestly, how can we get access to these stocks/shares for the medications that are being prescribed instead of counselling to address these conditions behind bars? Then there are the lifetime rates for borderline personality disorder (15.9%) and for anti-social personality disorder (45.1%). By any measure these ratings far exceed those found in our communities across Canada. The overmedication of federal prisoners must change, so that more resources can be dedicated to counselling.

### **Pay Levels / Finances**

Prisoners I have spoken to are recommending that the Minister of Public Safety initiate a review of the prisoner payment and allowance system. At current levels, we cannot save enough to reintegrate back into society after prison. Ensuring that prisoners live in poverty upon their release is not a recipe for public safety.

Moreover, the introduction of a sole source supplier charging higher prices in our population canteens is inappropriate, unreasonable and unfair. It is important to highlight that the maximum amount that a federal prisoner can earn per day was set at \$6.90 more than thirty years ago. Less than 9% of the entire population across Canada earns the maximum daily rate, while the largest proportion of the federal prisoner population across Canada earns a level C pay, which is \$5.80 per day. This is before the 30% deduction, along with a 10% deduction for our Inmate Welfare Fund (IWF). On top of that, add another 5% deduction that our population has chosen to collectively lower the price of our canteen purchases. By the time all these deductions are added together, a typical prisoner employed full-time earns

around 30 cents per hour. Those at a lower pay level who are unemployed, such as D level and E level, receive considerably less.

Despite inflation, there has not been a payment increase in 30 plus years, and Harper disengaged A level pay from the majority of the Canadian prisoners across the board with changes to CSC policy that now take into consideration the subjective notion of “accountability” when assessing pay levels. As this stands the majority of prisoners are now receiving C level pay, with two or three employment positions combined into one position (60% of the population). This has taken employment positions away from 40% of the prisoners in our prison populations who are unemployed on E level pay at \$2.50 per day before deductions. Our decades old pay freeze and the loss of CORCAN incentive pay, coupled with the added Inmate Telephone Fund (ITF) deductions that prisoners are now paying into to cover the costs of administration, as well as the increased room and board deductions, makes it next to impossible to save money.

Since the Harper government instituted a series of prisoner “accountability” measures, federal prisoners now bear a greater proportion of the cost to keep themselves fed and cared for while in state captivity. These measures are short-sighted. Our pay must change to match the prices of our present inflation in our communities.

More importantly, a pay change must occur because without financial stability upon one’s release there remains a significant barrier for prisoners to remain offence-free, especially after a long period of incarceration. Upon release, former prisoners need to get an apartment, groceries and other basic essentials. Without adequate pay while inside, the criminalized are placed in a position where they need to make fast cash to survive. For some, returning back to committing offences, for example selling street drugs, becomes the answer. When the Harper government implemented an additional 30% deduction for room and board without making the changes in this system’s pay structure, it actually promoted the very activities it claimed it was fighting.

## CONCLUSION

There are nearly 15,000 people incarcerated in our Canada’s penitentiaries, the vast majority of which will one day be released, broken and financially broke. Our new Prime Minister, Public Safety Minister and Justice Minister must all come together, collaborating with researchers from coast-to-coast, to

reform the penal system. In particular, they need to make changes to respect the human rights of all, including Indigenous and African-Canadians in prison. If we do not witness profound changes, safety in our communities is at risk.

## ENDNOTES

- <sup>1</sup> It should be noted that the Office of the Correctional Investigator (OCI) conducted a special study of diversity in corrections which indicated at paragraph 62: “According to Parole Board of Canada, statistics over the last 5 years (2007/08 to 2011/12) Black offenders have consistently been less likely than the general inmate population to be granted federal day or full parole” (OCI, 2013).
- <sup>2</sup> According to the most recent statistics available from the Corrections and Conditional Release Statistical Overview in 2015/2016 63.1% of release prisoner completed their statutory release, 29.3% of violations were for technical breaches and 6.6% were for non-violent offences, while 0.9% of breaches were for violent offences resulting in revocation” (Public Safety Canada, 2017).
- <sup>3</sup> While CSC does have an ethno-cultural advisory committee, with a dedicated National Headquarters (NHQ) position and Regional Headquarters (RHQ) positions of Regional Manager Ethno-Cultural Services, they do not, unlike for Indigenous prisoners, have a “cultural liaison” (National and Regional Ethnocultural Advisory Committees, no date).
- <sup>4</sup> See Shook and McInnis (this issue).
- <sup>5</sup> The prevalence of prescriptions of psychotropic medication was more common in Canadian federal offenders than in the general Canadian population (30.4% vs. about 8.0%). Please see: Farrell MacDonald, S., Keown, L.-A., Boudreau, H., Gobeil, R., & Wardrop, K. (2015). *Prevalence of psychotropic medication prescription among federal offenders* (Research Report R-373), Ottawa: Correctional Service Canada.
- <sup>6</sup> According to the 2015 numbers, “mood disorders” (16.9%), “Alcohol and Substance Use Disorders” (49.6%), and “Anxiety Disorders” (29.5%). Please see: Beaudette, J. N., J. Power and L. A. Stewart (2015) *National Prevalence of Mental Disorders Among Incoming Federally-sentenced Men Offenders* (Research Report, R-357), Ottawa: Correctional Service Canada.

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