

Mission Institution

Trevor D. Bell

I wanted to take this opportunity to express some long-running concerns that I have in regard to the current status of the Canadian criminal justice system. More specifically, I wanted to bring direct light to the dilution of the trial hearing process, the desecration of Correctional Service Canada (CSC), the partisan behaviour within Parole Board Canada (PBC), and the imminent peril to society that is resultant from the draconian actions of former Prime Minister Stephen Harper and his Conservative colleagues.

First and foremost, I feel it necessary to disclose my personal history by way of background to contextualize my arguments. I am a federal prisoner currently housed at Mission Institution serving a Life sentence for second degree murder with parole eligibility set at fifteen years. Prior to this offence, I did not have a conviction for any criminal offences within Canada. However, I did incur one conviction in the United States of America in 1998 when I was 23 years old for possession of narcotics. I subsequently served three years and three months within the U.S. federal prison system prior to receiving a Treaty Transfer back to Canada in 2001.

I am a well-educated, articulate and affable individual who was raised in a pro-social family environment. I have two loving parents and one brother who steadfastly support me in my endeavours with respect to my rehabilitation and future reintegration into society as a law-abiding citizen. Furthermore, my family support network approves of my advocacy work on behalf of all prisoners wherein identified deficiencies within the criminal justice system need addressing.

It is as a result of my rather unique personal history with respect to my incarceration within both the United States and the Canadian correctional systems that I have a defined perspective on the current status of the environment upon which I currently reside. I have both witnessed and experienced first-hand the United States system of incarceration wherein the primary goal is retribution and retaliation, where the guiding principle is punitive in nature. This is not a system upon which Canada should be modelling itself. Unfortunately, Prime Minister Harper and his colleagues have demonstrated through their actions over the past number of years that their ideology is sadly in line with that of the United States. Mass incarceration, lengthy sentences and punitive policies do not make for a safer society. In fact, they produce exactly the opposite results.

Within the last couple of years, the failure of such a system has been recognized by factions within the American penal system. The State of California almost went bankrupt trying to maintain the overflowing capacity of such a flawed system. Several individual states, along with the U.S. federal government under former President Obama, were in fact moving away from such a defective penal system. In defiance of a substantive amount of empirical data, common sense, as well as the recent actions of the various U.S. penal jurisdictions, Prime Minister Harper continued to sail this country head long into a storm upon which the entire country may sink and never recover in the long-term should the current government not take the necessary measures to change course.

I am cognizant along with all prisoners of the concerns within society, amongst victims and their rights within the context of the penal system. Victim empathy, remorse, restorative justice, and risk management are all factors that guide me throughout the trials and tribulations of daily life within the federal penitentiary system. However, if the paramount consideration within our criminal justice system is the safety and security of citizens, then the very system we are currently operating under is among the greatest threats to the very citizens it was designed to protect. Simply put, you cannot lock a human being away for months, years, or decades while repeatedly abusing them and expect the end result to be anything but negative. The Harper government continuously espoused rhetoric with respect to “standing up for victims”. The sad fact is that through their actions they will undoubtedly be the cause of future victims. All individual prisoners must ultimately be held accountable for their personal actions, however, releasing individuals into society after years of abuse with no realistic skills for employability, a complete absence of technological aptitude, as well as absolutely no social acumen whatsoever is most assuredly a recipe for disaster.

The precipice for the creation of this letter was initiated through countless hours of discussion with my fellow residents. Contrary to the rhetoric that has emanated from the Conservative Party of Canada over the years, there is a large portion of the prisoner population that is highly articulate, educated and has considerable insight into the modifications required to affect positive change within the Canadian criminal justice system. Simply put, we are not three toed, one-eyed monsters that live under the bridge. It is my submission that any government would be remiss in failing to access the plethora of knowledge held by the very residents contained within our correctional

facilities. I am aware that it is a political ‘hot potato’ whereby engaging in a consultation process with the criminalized can be misinterpreted by other political parties as being ‘soft on crime’, which most assuredly no governing party wants. With that being said, it is my submission that heading into a comprehensive review of the criminal justice system with itemized and specific information directly from the incarcerated will undoubtedly avail you with an identified advantage in this area of social policy.

In light of the forthcoming review and study into *human rights* within our criminal justice system, I felt it was my duty to systematically address both the positives, as well as the frailties within the current structure of the Canadian penal system. In order to ensure that each topic receives the thorough attention it so justly deserves I will proffer the information in the following four parts: Trial Process/Sentencing, Correctional Service Canada, Parole Board Canada and Legislative Acts-Repeal.

PART I: TRIAL PROCESS AND SENTENCING

Mandatory Minimums

The immediate cessation of any and all mandatory minimums within the Criminal Code of Canada is necessary. Empirical data shows that longer sentences do not make the public safer and only serve to make harder criminals who will eventually be released into society.

Life Sentences

The immediate cessation/commutation of mandatory Life Sentences for individuals convicted of second degree murder is needed. This section within the Criminal Code of Canada should be changed to reflect a fixed term with a maximum sentence not exceeding 12 years of custodial time followed by a period of supervised release in the community to be affixed by the courts. This model is highly successful within several Scandinavian countries and surely has led to a far lower rate of recidivism. It is extremely rare for Lifers on parole to ever commit another indictable offence. Simply put, the Canadian taxpayers spend millions of dollars supervising individuals for the rest of their lives who statistically will never commit another offence. Statistics have shown that the vast majority of the criminalized convicted of second degree murder were crimes of passion or situational circumstances; there was absolutely no pre-meditation, hence a decreased risk to the community.

Legal Aid

Although I recognize that this issue is within provincial jurisdiction, it greatly affects individual's access to justice. Funding for legal aid needs to be vastly increased to reflect the current need within the judicial system. The federal and provincial governments need to partner on a funding model that ensures all accused have a reasonable opportunity to an adequate defence and appeals.

Automatic Appeals

Upon the imposition of a Life sentence there should be a provision within the Criminal Code of Canada that the convicted person be granted an automatic appeal funded by either Legal Aid or the Attorney General, similar to section 684 of the Criminal Code. After all, the loss of a life via sentencing merits maximum protections to prevent injustices.

Elimination of Deals

The practice of Crown counsel and/or the Attorney General providing financial remuneration and/or a reduction in sentence in exchange for testimony must be abolished. The incentive to put forth false testimony at trials is far too great and has led to countless wrongful convictions and serves to undermine the principles of fundamental justice.

Crown Interviews

A provision is required within the Criminal Code of Canada that directs Crown counsel to digitally/video record all pre-trial interviews with witnesses and submit those recordings to the defence counsel no later than 72 hours before the start of the trial. This action is to ensure transparency within the process and to uphold the principles of fundamental justice. This provision would eliminate the coaching of witnesses to put forth false testimony resulting in wrongful convictions.

Marijuana

The legalization and taxation of marijuana should occur immediately. This fact is supported by the recent actions within some jurisdictions in the United States of America wherein they have moved to a regulatory system that benefits the tax-paying citizen. The continued practice of incarcerating Canadians for marijuana-related offences, while spending millions of dollars in the pursuit of maintaining a flawed process is the very definition of insanity.

PART II: CORRECTIONAL SERVICE CANADA

Correctional Investigator

A complete overhaul of the operations, mandate and powers of the Correctional Investigator needs to be immediately enacted. The current structure has proven to be fruitless. Without the ability to enforce any of the recommendations identified to correct the deficiencies within the operations of CSC, the Office of the Correctional Investigator will continue to be nothing more than an irritant, a simple fly buzzing around the room annoying everyone, but causing no real threat. It is my submission that the Correctional Investigator needs to operate under a system wherein mediation and/or binding arbitration is within their powers to force the immediate enactment of corrective measures to alleviate any identified deficiencies.

Prisoner Grievance Process

The current structure of the Grievance Process is a colossal failure and an unmitigated disaster that recklessly wastes millions of taxpayer dollars every year. The fundamental structure of the Grievance Process wherein co-workers investigate fellow co-workers at both the Complaint and Institutional Level is simply asinine. Grievances are consistently denied at the first two levels only to be upheld at the final National Level more than a year (or two) later. This has become so common place that all prisoners openly state that it will take at least a year (or two) to solve any issue. Correctional staff are aware of the systemic failure within the Grievance Process and regularly laugh at prisoners when making an unlawful decision and dare them to file a complaint, knowing full well it will take a year or more to resolve. Many prisoners have been released or transferred prior to ever receiving a response to a complaint. The most disturbing part is that every issue must be argued as if it is the first time it has happened. Millions of dollars are wasted each year with staff investigating the very same issue over and over again. It is my submission that the entire Grievance Process requires a complete overhaul wherein it becomes a 'case law' style system. The logging of each upheld decision would go into a national database accessible by both prisoners and staff, thereby negating the need to re-argue identical issues over and over again, thus saving the taxpayers millions of dollars in correctional staff hours, as well as alleviating countless incidents of violence within each facility in the country due to frustration over the

Grievance Process. Submissions within the aforementioned case law system would be voluntary on behalf of each prisoner, could be redacted to ensure compliance with the *Privacy Act* and would be available within the library at each institution.

Accountability

At this current juncture, there is simply no level of accountability within CSC. The malaise within staff morale and complete lack of professionalism has reached epic proportions. Staff regularly make decisions or take actions which they know to be in direct breach of the Canadian *Charter of Rights and Freedoms*, the *Canadian Human Rights Act*, correctional policy, legislative acts and Commissioner's Directives. Their response upon being questioned is inevitably, "Go ahead and sue us!" I have even had senior managers tell me, "It doesn't come out of my pocket". Such wanton disregard for adherence to policy or simple respect for the law is nothing short of atrocious. The very fact that some CSC employees think that the Canadian taxpayers are their personal ATM machine to pay lawsuits as a result of their negligent conduct is abhorrent and unconscionable. They truly believe that they are above the law and without repercussions for their behaviours. It is my submission that the only way to address this conduct is through the implementation of a "Performance Standards Policy", wherein defined punitive actions will be levied against each individual staff member for repeated failure to adhere to the law. The aforementioned policy must be made public and shared with all prisoners. The Treasury Board guidelines currently in place are wholly and completely ineffective.

Mental Health

The current state of mental health treatment within CSC is virtually non-existent. Unless an individual is suicidal or engaging in acts of self-harm, they are likely to receive absolutely no treatment whatsoever. The Harper government repeatedly cut funding to the correctional system, allocating little to mental health in general, yet the presence of those living with mental health issues within penitentiaries is a pressing issue. The correctional system has become for all intents and purposes nothing more than a mental hospital without the requisite level of care or any treatment whatsoever. It is my submission that there needs to be an immediate influx of funding to provide for on-site mental health treatment to any prisoner who requests

it. This program should be voluntary. The basis of the program should also be anonymous in nature, assuring that doctor patient confidentiality is maintained commensurate with community standards wherein disclosure would only occur if evidence of harm was imminent. Many prisoners with identified mental health issues would fear attending regular counselling sessions due to the fact that under the current CSC system any information disclosed by the prisoner can be used against them by their assigned case management team. I am not talking about psychiatric assessments; I am talking about regular counselling to address a prisoner's ongoing mental health needs. A vast majority of the criminalized within the correctional system have suffered mental, physical, sexual or emotional abuse as children. Until such time as they address the underlying mental health issues that reside deep within them, they will never truly be able to move forward in a productive manner and be a contributing member of society.

Psychiatric / Psychological Assessments

Once again, as a result of funding cuts by the Harper government it is virtually impossible to attain a psychiatric/psychological assessment within a reasonable time frame. The waiting list for prisoners to receive a requisite assessment prior to a transfer decision for lower security, escorted temporary absences or release decisions pertaining to parole into the community can take several months, and in some cases more than a year. Some institutions have backlogs as long as three years. Recent information came to light wherein there was one doctor for over a thousand prisoners in the Pacific Region for the express purpose of psychiatric assessments. This asinine ratio was as a direct result of funding cuts by the Harper government. This exorbitant delay is costing the Canadian taxpayers millions of dollars in increased housing costs. It is far cheaper to house a criminalized person in minimum-security than in a medium-level facility and it is considerably more cost effective to supervise them within the community on day parole.

Health Care

Once again, as a result of funding cuts by the Harper government, there is practically a non-existent health care system inside of federal corrections. Aside from medical emergencies wherein an ambulance is called, it takes weeks to even get an appointment with a doctor. Upon finally seeing the doctor they tell you that there is nothing they can do and/or you are told

to take an anti-inflammatory. It most assuredly does not meet community standards or comply with the *Charter*. If you did not know better you would think you were in a third world country. I have watched countless individuals die from cancer or suffer debilitating long-term ailments that could have been prevented, while it took months or years of arguing with health care to get any semblance of treatment, and by that time it was too late. The status of health care in corrections is a modern-day atrocity.

Dental Care

Once again, as a result of funding cuts by the Harper government, there is practically a non-existent dental care system inside of federal corrections. Aside from dental emergencies wherein you are writhing in pain, your mouth is bleeding or half a tooth has fallen out, it takes weeks or months to even get an appointment with the dentist. Upon finally seeing the dentist they tell you that there is nothing they can do and/or they pull the tooth. It most assuredly does not meet community standards or comply with the *Charter*. There are absolutely no preventative check-ups, nor is there an annual cleaning as required by the Canadian Dental Association. Again, if you did not know better you would think you were in a third world country. I have watched countless individuals have all of their teeth slowly deteriorate to the point where they eventually had them all pulled over a number of years. All of the associated pain that accompanied the aforementioned deterioration of the prisoner's teeth could have been prevented. The status of dental care in corrections is also a modern-day atrocity.

Case Management

This area is by far the most deliberated daily subject within the penitentiary population in every facility across this great country. There is absolutely no continuity within the management of federal prisoner cases across Canada. Once again, due to a lack of funding by the Harper government, there is an identified deficiency in the number of contracted parole officers at each facility. The effect is that CSC management continuously shuffles parole officers around within the facility and from site to site in an attempt to alleviate excessively overdue case management decisions. I have had as many as four different parole officers within a twelve-month period. How is a prisoner supposed to build a working relationship, address their dynamic risk factors and move forward within the system when they are seeing a

new face every other week? This revolving carousel is costing the Canadian taxpayers millions of dollars a year in increased housing costs by keeping prisoners in higher level security facilities than they are required to be in. If there were continuity in case management, decisions would be made in a timely manner and prisoners would move to a lower security and/or be released on parole into the community.

Programs

CSC continually espouses rhetoric to the Canadian public about the plethora of behavioural programming offered to prisoners within federal penitentiaries. Within the Pacific Region there is only one program offered called the “Integrated Correctional Program Modules” (ICPM) that is offered in either a moderate- or high-intensity version. The program is viewed as a nonsensical annoyance by many within the penitentiary population as its contents serve no logical purpose, with a composition and structure that are counterintuitive to the actual needs of prisoners. Asking grown men what their emotional colour is (green, yellow or red) and what their frustration number is (1 through 10), only wastes millions of dollars of taxpayers’ money. Prisoners are threatened to take the program by their case management team and suffer dire consequences if they refuse. Trying to obtain a transfer to lower security or parole without jumping through this hoop virtually guarantees a negative decision. The fundamental deficiency with the current structure of the program is the lack of qualified and available facilitators. Many of the facilitators do not have a bachelor’s degree and simply took a training module offered thereby enabling them to teach the program. Countless correctional officers and stewards from the kitchen have become program facilitators. How is it possible that a course rooted in Cognitive Behavioural Therapy (CBT) that has built-in psychometric measures that will ultimately determine someone’s liberty is being handled by someone who used to turn keys every day or flip eggs in the kitchen? The most distressing aspect is that prisoners are prohibited from discussing any concerns they have about CSC employees while in the program; facilitators call it “CSC bashing”. Prisoners are being taught to suppress the very emotions that they are supposed to be learning how to deal with. Some prisoners wait for years to get into the program in the hopes of obtaining a transfer to lower security or obtaining parole, but unfortunately there are often no available facilitators or spaces in the program due to funding

cuts by the Harper government. This problem was recently highlighted in a recent Auditor General's report pertaining to the inefficiency of program delivery within CSC. The effect of prisoners' waiting years to obtain a program is that they are forced to reside in a facility of higher security than they would otherwise require. Many could be in the community on parole being effectively supervised. The savings to taxpayers whereby having the prisoners in lower security or on parole would be considerable. It is my submission that the fundamental principle and purpose behind the delivery of programs within the correctional system needs to be completely overhauled. There need to be highly qualified professionals with either a bachelor's or master's degree that are independently contracted from outside of the correctional system who are there to deliver the programs moving forward. The impartiality of the professionals coming into the system is essential to ensure credibility among prisoners, which would translate into more voluntary and active participation. If you have to threaten or force someone to take a program, the results are clearly going to reflect that mindset. We need to make the program something that individuals will feel comfortable taking that will actually address their current cognitive concerns.

CORCAN Industries

The current configuration of the CORCAN industries within this facility is nothing short of a complete boondoggle. It serves little to no purpose and most assuredly offers no practical industry training whatsoever. It is virtually impossible to acquire certification for trades within the industries area, thus causing a malaise among prisoner workers. The problem was further compounded by the Harper government instituting the elimination of incentive pay for workers, while also putting in place additional room and board charges to all prisoners. Now there is simply no motivation whatsoever for the average prisoner to put forth any effort whatsoever towards employment within the CORCAN industries area of the facility. Simply put, these regressive reforms need to be overturned or these shops should be closed down and the area re-assigned for the implementation of an actual trades certification program that would truly benefit all prisoners.

Trades Certification

There are currently no trade certification programs at this facility. The number one identified risk factor for the vast majority of prisoners is

employability and job skills. The majority of prisoners become recidivist's due to a lack of career opportunities upon release or defined skills training. There needs to be the immediate implementation of a federal-provincial partnership for qualified trades certification programs within all federal penitentiaries in Canada. The facilities already exist within the nearly defunct CORCAN industries. Practical on-going trades programs should be contracted out with the help of each province, whereby prisoners could obtain journeyman certification in welding, electrical, plumbing and carpentry. In-class training, along with practical hands-on skills application, can be achieved within the facility, thereby ensuring prisoners a logical and sustainable career choice upon release into the community. The investment in such a program would save the taxpayers millions of dollars through the long-term reduction in the rate of recidivism and the decrease in the prison population. The most beneficial factor would be the elimination of any new victims being created; something that everyone can agree upon as serving the best interests of society.

Computers

The current status of computer access and education within the Canadian correctional system is laughable at best. There are no computer education classes or technology training whatsoever at Mission Institution even though the education department has computers in the classroom to help facilitate prisoners obtaining their GED or Grade 12 equivalency. Prisoners not enrolled in basic education training only have access to a single computer on their living units that must be shared with up to 60 prisoners. The most distressing problem is that these computers would best be described as archaic. They are so outdated that the very composition of their design no longer exists within society! Until recently they operated on Windows 98 or XP, which are so old that Microsoft recently discontinued any tech support for them! The fix orchestrated by CSC was to install Windows 7, which is nearly a decade old already! The computers have so many administrative blocks that it is little more than a glorified typewriter. When typing a letter, we have to use 3.5 inch diskettes to save the information. The company that manufactured these disks went out of business more than a decade ago. You cannot even buy a computer today that accepts these obsolete storage devices. The vast majority of prisoners within this facility have absolutely no idea how to use a computer; one recently asked me how to turn it on so

he could type a letter to PBC. Prior to 2001, all prisoners within the federal correctional system could purchase a personal computer for their cells. In an ever-evolving world wherein knowledge of computers is an essential element of daily life, CSC eliminated prisoners' ownership of personal computers. How is an individual supposed to succeed in society upon release without any reasonable level of technical ability? The entire operational basis of our society now stems from computer technology. If corrections are supposedly preparing us for release into the community, why are we not receiving training in the most critical area that will help us to succeed? It is my submission that immediate funding and direction is required to mandate the provision of computer technology to all federal prisoners by CSC. A voluntary program wherein prisoners can achieve certification in programs such as Word, Excel, AutoCAD and Photoshop would be fundamental to achieving substantive rehabilitative goals. A further directive should be enacted to once again allow for the ownership of personal computers in prisoner cells. Until such time as we address such a critical area within the rehabilitation process, the incarcerated will continue to become recidivist's due to their inability to mesh with the technology-based society that they are going to be released into.

Dietary Nutrition

The current status of the dietary food delivery program within the Pacific Region is a monumental waste of taxpayers' money. The switch to a chill and serve program was nothing more than a punitive action by the former Conservative government wishing to inflict pain upon the penitentiary population. The quality of food has decreased to such a level that serious health concerns have arisen throughout the federal prison population. The vast majority of the meals are not in any way edible. Many correctional staff have commented how they would not feed that 'slop' to their dogs! It is truly unconscionable in this day and age that we have reverted back to a time where prisoners are provided with only enough food to barely keep them alive – not healthy, just alive. The most disturbing fact is that this was imposed by the Harper government as another cost-cutting measure. However, upon examination there is no substantial financial savings to taxpayers. The chill and serve program costs an exorbitant amount of money to implement and when factoring in the compensatory buyouts to senior level kitchen stewards. Moreover, the implementation of the chill

and serve process caused the cancellation of the Culinary Arts Program wherein prisoners attained certification within the food service industry, thereby enabling employment within the community upon release. The aforementioned Culinary Arts Program was one of the longest running and successful programs at this facility, and was truly revered as extremely beneficial by all staff and prisoners. The short-sighted actions of the former Harper government wherein they eliminated another successful rehabilitative program only to institute a punitive measure against all prisoners demonstrates a severe lack of insight into the management of the correctional system and a complete disregard for the safety of everyday citizens in society. Of more immediate concern is the massive increase in violent incidents within the facility. It is common knowledge within the correctional system that one of the most contentious issues is the delivery and quality of the food. One only has to examine the history of penitentiary riots and incidents in this country to ascertain that there is a direct link between the lower quality of food and the increase of violence. Another troubling concern with respect to the chill and serve program is the dramatic increase in environmental pollution. With the implementation of this program, CSC trucks are driving all over the region in commercial vehicles delivering food to the penitentiaries. These trips would not have occurred prior to the implementation of this program. I fail to see how this meets CSC's commitment to green initiatives or minding the environment. It is my submission that an immediate review of this entire program needs to be undertaken with a projected cancellation and reversion to the prior model of individual institutional food provision.

Visitation

One of the foundational components to a successful rehabilitation and reintegration into society is having a strong community support network. The aforementioned network is generally comprised of family members, extended relatives, friends, as well as community contacts. Regular contact visits with these individuals are critical to the on-going mental health and well-being of all prisoners. Unfortunately, as a result of the former Harper government's policy decisions, the environment and the overall process for visitation within federal penitentiaries has deteriorated to the point that many visitors now refuse to attend due to the abuse they undergo while attempting to attain entry into the facility. The paranoid and neurotic

ideology with respect to security screening has gotten to the point that visitors are regularly treated like common criminals for attempting to show love and support for an incarcerated family member or friend. I am aware of the concerns with respect to halting the entry of drugs into the institution, but the current legislative provisions and correctional policies in force far exceed any rational operational process and only serve to alienate those community support members who are so vital to successful reintegration. The primary source of the alienation is the use of ion scanner devices at the principle entrances of each facility. The technology is highly controversial and is consistently misused, causing undue hardship and embarrassment to those visitors. There are currently over 1,100 items that test as a 'false positive' for registered narcotics on the ion scanner device. When a 'false positive' happens, correctional staff treat this as proof positive and refuse visitor access in the majority of cases. The frailty of this device is evidenced by the fact that its application is not used on correctional staff upon their entrance into the facility, yet they are caught every year introducing narcotics into federal penitentiaries. Why are they not subjected to the same entry process as our visitors? If the threat of narcotics is so severe as to alienate our visitors and treat them like criminals, then why are all correctional staff not enduring all of the same procedures to ensure continuity in the process? The answer is quite simple – the various unions representing all correctional staff have steadfastly refused to allow their members to be submitted to any such process for fear of negative ramifications upon a positive reading. Simply put, they are fully and completely aware of the inconsistencies in the technology and therefore have refused to engage in such a process. If safety and security of penitentiaries were actually the primary objective, then every single person would be subjected to the same entry procedures, regardless of who you are. It is my submission that if you enacted a policy whereby all staff had to submit to the same entry procedures, they would immediately call for the discontinuance of ion scanner technology. An exhaustive review is required into the visitation process within all federal penitentiaries in this country with an eye on improving and supporting access for all visitors. Improved access for visitors will only enhance community support networks and enable greater opportunities for successful reintegration. With the aforementioned successful reintegration, there will most assuredly be a decrease in the rate of recidivism, which will save the Canadian taxpayers considerable expense through the decrease in prisoners.

The most significant benefit will be the fact that another victim will not be created; something that everyone can agree is of utmost importance.

Recreation

Within the confines of Canadian federal correctional institutions, the recreation areas are by far the most accessed by prisoners on a daily basis. Empirical data¹ has shown that a consistent physical fitness routine releases positive endorphins helping to ward-off depression, increasing overall health and wellness, as well as helping to instil a solid foundational base for a healthy lifestyle moving forward. With a plethora of evidence available with regards to the positive short-term and long-term benefits of a consistent physical fitness routine, it simply belies any rational thought process as to why the former Conservative government has done everything in their power to eliminate prisoner access to such facilities. The former Harper government cut correctional funding so drastically that there are few to no resources allocated for recreation whatsoever. A considerable amount of the recreation equipment and weight training apparatus at this facility are nearly three decades old, purchased when the institution first opened. The budget was cut so deeply that a vast majority of the equipment is in a state of disrepair. When something breaks, it just gets thrown in the garbage as there is no money to have it repaired. The vast majority of prisoners enter the correctional system with a history of drug abuse and unhealthy lifestyles. It defies logic as to why the encouragement of a positive fitness lifestyle is not part of the mandate within CSC. In fact, this facility has done everything in their power to limit access to the recreation area. Until several years ago, prisoners not at their work assignment could access the recreation area, outside yard or gymnasium morning, afternoon or evening. This was when our daily population numbered around 250 prisoners. Morning access was soon eliminated and afternoon access was severely restricted shortly thereafter as our population grew to over 350 prisoners with the addition of a new living unit that was placed where our baseball field once existed. The effect has been an increase in tension, anxiety and overall violence within the facility. The former Conservative government's ideology concerning the safe management of penitentiaries is to drastically increase the number of prisoners, while removing access to the activities that help alleviate stress and violence. It is no wonder the rate of violent incidents across the country increased. It is my submission that a review of the annual funding allocation

towards recreation facilities and activities is required. Investment in health and wellness is critical and can be immediately implemented, providing substantive short-term and long-term benefits towards overall wellness, while decreasing violence within the federal penitentiary system. Instilling a positive and healthy lifestyle while incarcerated will most assuredly enable an increased opportunity for successful reintegration within the community upon release into society by all federal prisoners. The first step is to debunk the myth that prisoners are simply laying around lifting weights all day. Instilling a healthy lifestyle is an important step in rehabilitation.

Library

As a result of funding cuts by the former Harper government, the condition of our library services is in a state of utter disrepair. For many years, the configuration and structure of our library facilities, programs and the overall operation were the envy of many countries around the world. The ability of a library program to provide literary access, as well as educational support and general information is a key component within a prison system. For decades, the library at this facility was open and accessible for prisoners during the morning, afternoon and evening. This was a key linchpin to ensuring the maximum opportunity for intellectual stimulation within the banality that is the penitentiary environment. Unfortunately, over the last couple of years I have witnessed the desecration of a once great library program. Presently, our library is unable to sustain itself. There was no discernable money for new books this year and next year's budget is projected to decrease. Our hours of access have been reduced dramatically, with both morning and afternoon access removed within months of each other. Now 350 prisoners have to cram into one small library space for approximately two hours each evening; this is simply a recipe for disaster. Last year, the position of our librarian was cut from full-time to part-time. The librarian at this facility is a true professional who works diligently on a daily basis ensuring all prisoners acquire the requested information to enable their continued forward progress with regards to their individual learning needs. The reduction of the librarian position is simply ludicrous. Many prisoners are unable reference or locate the material they require without the help of a librarian to assist and encourage their continued learning and literary expansion. This funding cut is another hare-brained example of the legacy of the former Harper government's complete lack of insight into

what is required to operate a federal penitentiary. Education is the key to rehabilitation and removing a key component of the education process puts prisoners at a disadvantage when released into the community. The cost of that increase will go far beyond simple dollars and cents. It will be the cost of harm to society by way of a new victim created at the hands of the former Harper government through their near-sighted, draconian policies.

Prisoner Pay

The prisoner pay program, wherein the incarcerated receive compensatory remuneration for work performed or program assignment attended during the daily course of incarceration, was first instituted in 1981. There has not been a review of prisoner pay or an identified measurable increase in more than three decades. Unfortunately, the cost of living has increased, while the value obtained for each dollar has been drastically reduced in over three decades. Prisoners are no longer able to attain the basic necessities with their meagre institutional pay. Compounding the problem is the abhorrent actions under the former Harper government, whereby CSC instituted an additional 30% deduction of a prisoner's gross pay for room and board, as well as telephone system management. This action is arguably unlawful in its very nature and is currently being challenged in the courts by a consortium of prisoners from across the country. The contextual basis of the argument is that the process of deducting money from prisoners' pay is in direct contravention of both the purpose and principles contained within *the Corrections and Conditional Release Act*. CSC's mandate is to support our rehabilitation and reintegration into the community. That is simply not possible when an individual now has to choose between calling his community support network, buying deodorant, sending a card to his daughter or going hungry in the evening hours for two weeks. The aforementioned choices are not something any human being in this country should have to make. Yet, as a result of Harper's draconian policies, that is exactly the choice many prisoners have to make on a daily basis. We have already established that the current dietary menu is not sufficient, nor does the level of hygiene provided for prisoners meet acceptable standards. Prisoners having to supplement these depleted areas most assuredly causes an identified reduction in their ability to engage their community support network. It has been clearly identified that the primary source of successful reintegration is through the establishment of a solid foundational community support network. The former Harper government's response to this knowledge

was to all but eliminate a prisoner's ability to regularly maintain positive interactions with people in the community. Such actions are near-sighted, reckless and mean spirited. It is my submission that an immediate review of the policy whereby the charging of additional room and board deductions against federal prisoners shall no longer be permitted. A comprehensive review of the federal penitentiary system pay scale needs to be undertaken with an eye on affecting an increase to the overall remuneration offered to prisoners. This increase should take into account the rates were created in the 1980s, while also factoring-in the standard cost of living and increase in general consumable goods. I understand the concern that providing prisoners with increased remuneration does not seem like a good investment, but if you facilitate the creation of a positive living environment where rehabilitation truly occurs, the result will be the release of prisoners into the community that will be successful and not return to prison. The reduction in the overall rate of recidivism will offset any perceived financial expenditures incurred by Canadian taxpayers. Many jurisdictions around the world (e.g. Germany, Finland, Norway)² pay a fair rate to those incarcerated and help them save and prepare for release into society. Currently, prisoners in this country are only guaranteed \$80 upon their release into the community. I fail to see how that is supposed to ensure their success. Simply put, you need to invest for success.

Double Bunking

Where institutional crowding is an issue, the current practice within CSC is to place two prisoners in the same cell for cohabitation against their will. This practice is commonly referred to as 'double bunking'. CSC repeatedly espouses the rhetoric that this practice is temporary and that all prisoners have the opportunity to attain a cell with single occupation. During the Harper years, this was a complete misnomer as many waiting lists were years long for some prisoners who were released before they ever got a 'single cell'. The practice of placing two prisoners in a space designed for one is in breach of the minimum standards for the ethical treatment of prisoners as established by the United Nations. Moreover, the practice of double bunking causes a significant strain on the correctional system. As a direct result of double bunking there is an increased rate of general violence within the facility, a lack of available programs due to crowding, as well as an increase in bullying between cellmates. Such an environment most assuredly does not enable an appropriate atmosphere for a prisoner

to address their dynamic risk factors; they are more likely to be focussing on survival. The damaging effect and subsequent cost to the Canadian taxpayer by way of elevated rates of recidivism is simply unfathomable. It is my submission that new victims are being created in society as a direct result of the current practice to openly breach of international standards via 'double bunking'. While rates of this practice have declined in recent years, more is needed (i.e. an immediate cessation to this practice at all federal penitentiaries within this country).

Tattoo Program

The current stance by CSC is to prohibit the practice of tattooing within all federal penitentiaries. The aforementioned 'ostrich approach' adopted by the former Conservative government and CSC, whereby sticking your head in the sand and hoping the problem will go away, is just plain bad social policy. Several years ago, there was a progressive pilot-program where CSC permitted tattooing to occur in federal penitentiaries in a safe and sterile environment, thereby preventing the spread of communicable diseases. This program was truly a ground-breaking endeavour that helped to reduce the spread of Hepatitis, HIV and AIDS. Unfortunately, for whatever reason the program was cancelled. It is my submission that such actions are irrational, negligent and not in the best interest of the public. Infection rates among prisoners for blood borne illnesses are higher than the general population. These individuals will be returning to society as infectious carriers and spreading preventable diseases. It is simply poor social and health policy to ignore something that you can easily prevent.

Needle Exchange

It is common knowledge that some prisoners are using intravenous drugs within the federal penitentiary system. It is also common knowledge that those prisoners are engaging in extremely high-risk behaviour wherein they share the same syringe. This risky and sometimes deadly behaviour is a main cause for the spread of blood borne infections that explode within carceral settings devoid of harm reduction. Failing to address such an epidemic is not only bad social policy, it is negligent and bordering on criminal behaviour. Many of the prisoners in this facility come from Vancouver's downtown Eastside where they have the "INSITE" safe injection site, as well as various facilities that offer needle exchange programs to ensure relatively safe and healthy practices, as well as harm reduction. It is my submission

that CSC should immediately enact a needle exchange program with a harm reduction component.

PART III: PAROLE BOARD CANADA

Partisanship

There needs to be a review of the partisan appointments within the current structure of PBC. During the Harper years, the conduct, behaviour and decision-making process amongst the membership of PBC became rather suspect to say the least. Based on the tenor of our parole hearings, many prisoners came to the conclusion that Prime Minister Harper and his government appointed individuals who espoused their ideological beliefs. Recently, as the new Liberal government entered office, the behaviour of PBC members appears to have stabilized. However, a statistical review of all decisions made before and after the Harper government is needed to ascertain any anomalous patterns.

Parole Hearings

Flowing from Harper's political agenda were several procedural changes to how parole hearings are allocated and performed.³ Some of such changes include extending the legislated parole review period to at least two years following a waiver or denial of parole for those serving time for violent offences, as well as, among others, entrenching victim-centered principles. These amendments have served to do nothing but deny basic procedural fairness to all prisoners, as well as increase the danger to society as a whole. The resultant effect of the aforementioned amendments is to deny individuals parole and keep them behind bars longer. The recent report put forth by the Auditor General clearly shows the link between gradual release and the rate of recidivism. The sooner you return an individual to the community under supervision, the greater their chance of success. Keeping people incarcerated longer does not make for a safer society; in fact, it impacts exactly the opposite effect.

PART IV: LEGISLATION TO REPEAL

Bill C-10

This bill was coined the *Safe Streets and Communities Act* by a majority Harper Conservative government and received Royal Assent in 2012. There

are countless sections within this bill that are simply bad policy and need to be repealed, while others, like mandatory minimum sentencing and truth in sentencing have been ruled as unconstitutional by the Supreme Court of Canada.⁴ One of the primary changes was to institute more mandatory minimum sentences, which is an approach that has failed in the United States instituted over the past 30 years. Longer sentences do not make a society safer, rather they simply make for hardening the criminalized. The discretion of matters pertaining to sentencing must remain with the judges that have been tasked with overseeing the independence of our judicial system. While the courts have begun to rule some of the recently enacted mandatory minimum sentences to not be in keeping with principles of fundamental justice and the *Charter*, there is a need to repeal those that remain. A second major series of changes contained within Bill C-10 was to radically alter the very fundamental mandate of the Canadian correctional system. Within the bill, direct and specific amendments were made to the *Corrections and Conditional Release Act* (CCRA) that altered both its “Purpose” and “Principles”. The aforementioned changes shifted the central focus of the Canadian correctional system from rehabilitative to punitive, with less emphasis on preparation for release. How much punishment can be inflicted upon each prisoner prior to the expiration of their sentences arguably became CSC’s *raison d’être*. In its current state, CSC requires a name change to accurately reflect the mandate it carries out. There is nothing ‘correctional’ about the system and there is definitely no ‘service’. It is my submission that either the mandate and direction of the entire system should be changed or the new name should be the “Canadian Penal System” so as to accurately reflect its purpose. If we are truly a progressive country then the *Act* requires drastic review with an eye on repealing a majority of Prime Minister Harper’s amendments, thereby ensuring a system based on rehabilitation and hope, not one of punishment and despair. The third change contained within C-10 was for the radical transformation of PBC. With an altered mandate, purpose and principles, the new format no longer holds accountable the Institutional Parole Officer or those within the correctional system for the work they perform. The prisoner bears the brunt of any errors on behalf of correctional service employees. Accountability within the system is now solely for the prisoner and nobody else as CSC employees are above the law. The fourth change contained within the bill amended the *Criminal Records*

Act making it more difficult to receive a ‘pardon’ for some and impossible for others. Now called a ‘record suspension’, the process has become far more arduous and long, with a cost that is nearly unattainable for many citizens. This reform was simply spiteful and does not reflect Canadian values. As a Canadian it is incumbent to believe in the redemption of your fellow citizens, and support their efforts to change and become a productive member of their communities. There are various other changes that are too numerous to list and require a thorough analysis to ensure that the values Canadians hold dearly are not destroyed.

Bill C-14

This bill was coined the *Not Criminally Responsible Reform Act* by the former Harper Conservative government received Royal Assent in 2014. This bill amended the Criminal Code and *National Defence Act* pertaining to mental disorder. The basis for this bill was another prime example of Conservative pandering to their Reform Party roots. There was simply no need to create the special designation of a “High-Risk Accused” within the structure of a “mentally ill offender” who has been found not criminally responsible. The courts and the Honourable Justices already had the latitude under the old system to maintain an individual in custody indefinitely wherein they felt he/she posed a threat to themselves or society in general. This bill was nothing more than politicking at the expense of those living with mental health issues, who are only further alienated and stigmatized.

Bill C-479

This bill was coined *An Act to Bring Fairness for the Victims of Violent Offenders* via a Conservative MP’s private members bill and received Royal Assent in 2015. While I am cognizant of the rights and concerns of victims, care and concern must be taken when enacting any legislation to ensure that it meets the test as set out in the *Charter*, and is in keeping with the goals of good public policy and appropriate fiscal management. This bill does not meet any of the aforementioned objectives and was another example of Conservative politicking to their right-wing base hoping to gather more strategic votes. The provision wherein the increase of parole hearing application timelines increases from every two years up to every five years is most assuredly unconstitutional. This amendment represents a *post facto* increases of a person’s sentence who received final adjudication

prior to 23 April 2015 on a charge involving violence. It is arguably a direct breach of the *Charter* to affect any increase to a criminalized person's sentence following the conclusion of the judicial process. Parole eligibility hearing dates would have been one of the factors considered by a judge when determining the length of a sentence. Moreover, this amendment disproportionately impacts those convicted of second degree murder seeing as the judge's factor in the duration of time to be served prior to one's initial parole eligibility for a Life sentence and forthcoming subsequent applications. It is my submission that this amendment will not withstand a judicial review within the courts. Moreover, this single amendment will cost the Canadian taxpayers millions of dollars in additional housing costs maintaining incarceration of prisoners that are ready for release, but unable to obtain a parole hearing due to the statutory regulation. This is not sound public policy.

Bill C-483

This bill amends the *Corrections and Conditional Release Act* in relation to escorted temporary absences (ETAs) of prisoners and received Royal Assent in 2014. This entire amendment was politically motivated and increases the overall risk to society. The previous version that was in effect gave the Institutional Head the authority to issue ETAs, which has been demonstrated over a lengthy period of time to be. The use of ETAs leading up to day parole hearings was an invaluable tool for PBC to assess a prisoner's suitability for obtaining day parole. With the implementation of this amendment, day parole for prisoners serving a life sentence has been effectively eliminated at their eligibility date. This action means that a minimum of three years can be added to all affected prisoner's time behind bars due to the fact that PBC has consistently maintained the position that they require several successful ETAs prior to the granting of any form of day parole, an action that can cost Canadian taxpayers between \$300,000 to \$500,000 dollars per prisoner in increased housing costs. The vast majority of those prisoners could be housed in the community at a fraction of the cost. This was simply bad policy that pandered to Prime Minister Harper's electoral base and it should be immediately repealed in the interest of proper fiscal responsibility, social policy, and public safety. Moreover, this amendment created an undue backlog of paperwork of the entire system for no other reason than ideology.

Bill C-12

This bill was coined the *Drug-Free Prisons Act* by the Harper Conservative government and received Royal Assent on the 18 June 2015. This bill amended the *Corrections and Conditional Release Act*, but has not stopped the flow and use of narcotics within the federal penitentiary system. Moreover, there is no treatment or harm reduction component attached. Instead, it enables the denial and/or cancellation of a prisoner's parole for a positive urine test prior to their release. It also permits the cancellation of parole for a prisoner who is simply unable to provide a sample within the two-hour time limit. Speaking from personal experience, it is very hard to consistently provide a sample upon demand within this timeframe due to various external factors such as summer dehydration, spoiling activity, illness or the time of day. To cancel an individual's parole on this basis is unfair and unjust.

CONCLUSION

Throughout this piece, I have attempted to put forth a thoughtful analysis of the deficiencies within the Canadian criminal justice system through the viewpoint of a prisoner. It is my submission that my perspective and that of my fellow residents are of value. If the goal of the federal government is to put in place policies that are in the best interest of the entire country and the safety of its citizens, then the measures enacted under the former Harper government's reign have not met the threshold for responsible governance. It is my sincere desire through the creation of this document to elicit a meaningful discussion with members of both the academic and political community. Now that there has been a change in government, it is my hope that an extensive review will be undertaken to investigate the rather dilapidated state of the Canadian penal system and more specifically, our federal penitentiary system. Former President of the United States Barack Obama toured a federal prison in his country therein becoming the first sitting President to do so. There, he openly acknowledged the failure of his country's mandatory minimum sentencing policy, while noting that longer, harsher prison sentences do not make society safer. Such actions by the former American President took true courage and intestinal fortitude. To those who have instituted policies that impact prisoners without ever listening to what they need to have access to in order to become productive

members of society, I would like to formally invite any citizen, community volunteer or member of any political party to attend Mission Institution for a roundtable on the state of the Canadian penitentiary system. The meeting can be a one-on-one or with a select group of a few residents or a gymnasium full of prisoners. I am amenable to either an on the record interview with media in tow or an off the record informal discussion wherein you simply tour the facility and hear the concerns of prisoners like myself, not those cherry picked by institutional officials to convey a CSC-friendly version. I am more than willing to assemble a small group of appropriate candidates for a concise, diligent and articulate discussion that I truly believe you will find eye opening.

This year will be the twenty-fifth anniversary of the implementation of the *Corrections and Conditional Release Act* in 1992. That particular legislative act is the foundational document that governs everyday life for all incarcerated federal prisoners in this country. Former Prime Minister Stephen Harper and his team enacted countless amendments that have altered the very structure and operations of the Canadian penitentiary system, the vast majority of which will most assuredly endanger society in the long run. As a review of Canada's criminal justice system moves forward, I encourage those involved to come to Mission Institution so that legislation can be developed to address the current deficiencies, including those that are at work inside CSC facilities.

ENDNOTES

- ¹ Please see Dunn, A. L. and J. S. Jewell (2010) "The Effect of Exercise on Mental Health", *Current Sports Medicine Reports*, 9(4): 202-207.
- ² In the Scandinavian countries: "Though worse for wear, rooms feature flat-screen TVs, sound systems, and mini-refrigerators for the prisoners who can afford to rent them for prison-labor wages of 4.10 to 7.3 Euros per hour (\$5.30 to \$9.50)" (Larson, 2013).
- ³ *According to the Parole Board Policy Manual Annex D: Second Edition – no. 03* (2015-04-24) The passage of Bill C-479 - *An Act to amend the Corrections and Conditional Release Act* (fairness for victims) has resulted in amendments to the *Corrections and Conditional Release Act* (CCRA) which came into force on April 23, 2015" (Parole Board of Canada, 2017).
- ⁴ Please see Hopper (2015).

REFERENCES

- Hopper, Tristin (2015) “A scorecard of the Harper government’s wins and losses at the Supreme Court of Canada”, *National Post*. Retrieved from <http://nationalpost.com/news/canada/scoc-harper-gov-scorecard-741324>
- Larson, Doran (2013) “Why Scandinavian Prisons are Superior”, *The Atlantic* – September 24. Retrieved from <https://www.theatlantic.com/international/archive/2013/09/why-scandinavian-prisons-are-superior/279949/>
- Parole Board of Canada (2017) *Decision Making Manual for Board Members*. Retrieved from <https://www.canada.ca/content/dam/canada/parole-board/migration/008/093/dpm-mpd.pdf>