

## **Mission Institution**

### *Anonymous Prisoner 20*

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**B**ased on my experience as a Canadian federal prisoner since the early-2000s, this paper explores the changes that have negatively impacted penitentiary life from the time the Harper Conservative government was elected to power. My experience within the federal penitentiary system is one of despair as I have watched it spiral closer and closer to the failed prison models used in the United States. In particular, I have seen a significant negative shift in Correctional Service Canada (CSC) staff culture over the past decade, which I attribute to the Conservative Party of Canada's punishment agenda and their use of fear mongering when it came to selling it. This agenda has infiltrated the core and culture of CSC, and is a significant driver behind issues such as the significant number of prisoners being released from medium- and maximum-security penitentiaries on statutory release, along with their warehousing in these higher security institutions when many affected prisoners do not require this level of intervention.

In 2016, an Auditor General report noted these issues and attributed them to a lack of objective evaluation tools and training. However, as true as these findings are, they do not tell the whole story. The present culture fuelled by punitive attitudes has seen the privileging of 'public safety' premised on incapacitation, rather than reintegration and rehabilitation in CSC's policies and practices. The individuals working within this cultural context are resistant to the use of objective evaluation tools because the use of more subjective evaluation allows them to apply their bias. Thus, in my opinion, it is a much deeper problem than what the Auditor General noted. This is one legacy of the Harper government's influence on CSC that every federal prisoner must face.

As is documented in my psychological report and other documents written by CSC staff prior to the Harper government, I was diagnosed as suffering from Post-Traumatic Stress Disorder (PTSD) and "battered spouse syndrome" as a result of my relationship with my deceased wife, who was violent and abusive towards our children and myself. As my doctor noted at the time, my only risk scenario for violence is in the event that I perceive an imminent deadly threat to the life of someone I love and that I believe I have exhausted all avenues to protect them. Within a culture of rehabilitation and reintegration, the recognition of addressing this and acknowledging my lack of propensity for violence would be significant. However, within the present culture, I received no support

in terms of dealing with this diagnosis. Further, my attempts to seek help and have this help noted on my file have been circumvented by actions driven by the punishment agenda and the subjective bias associated with it. For instance, in 2013 my Institutional Parole Officer (IPO) denied me the opportunity to consult an outside therapist who had worked in CSC facilities to receive therapy. Nine months later, I discovered through another prisoner that the therapist was already providing therapy to a prisoner at this institution and I was able to get her contact information. Within ten days of sending my letter to the therapist, I started my sessions. Despite having taken the initiative to work through my issues, my therapy did not make its way into my Correctional Plan Update by my IPO, which stated that I had made next to no improvement in my two risk areas even though I had successfully completed my correctional plan as well.

Considering that my only risk areas are personal/emotional and marital/family, and that I was receiving therapy for PTSD that stemmed from being in a relationship with a violent and abusive individual, it would seem that talking to the therapist would have provided significant input regarding these risk areas. Had my IPO met my therapist as I requested, the subjectively biased opinions included in my file would have been challenged and the tenor of their report would have required significant adjustment.

Towards the end of 2015, I was assigned a different IPO who initially appeared less prone to abide by the punishment agenda that had come to characterize life and work in the federal penitentiary system. However, within a few months it became apparent that the same bias was present as a 2016 Assessment for Decision questioned if I was ever actually diagnosed even though the judge in my case acknowledged this a decade earlier. The IPO also made the false statement that I demonstrated a desire for control with respect to my daughter even though she made it clear, through communication with my IPO and the warden that I have never acted in this manner since our reconnecting in 2013. Numerous other unsubstantiated opinions, which were contradicted by notarized affidavits on file (e.g. statements made to the police and testimonies of individuals that resided in my home) were also part of this report. As this was the last assessment written prior to an independent assessment being submitted for my judicial review, I have fought the contents of this document for almost a whole year and at present it is still 'open'. I have received little to no support from those involved in getting this document corrected, which has stalled the independent review and thus the decision of

the Chief Justice in regard to my receiving a judicial review hearing. In fact, I wrote a letter to Justice Minister Jody Wilson-Raybould outlining dozens of violations of the *Standards of Professional Conduct in the Correctional Service of Canada* by my IPO.

The last incident that demonstrates the permeation of the punishment agenda throughout CSC is the reaction of my most recent IPO, who stated that “I haven’t done enough time” when I tried to make a plan to cascade down to a minimum-security institution as I have now entered my seventeenth year of my sentence with a good possibility of my receiving a judicial review hearing and thus a possible reduction on my parole eligibility date(s). The idea of moving forward makes sense to me as I need to prepare for a safe and productive transition into the community.

I see the need for those serving extended sentences to have a significant portion of their time, prior to possible parole, being served in a minimum-security setting to help off-set the effects of long term incarceration. To me the idea of a prisoner spending a minimum of 20% to 25% of their overall time in minimum-security, prior to parole eligibility dates, would help in the reintegration and acclimation of these individuals. However, within the present setting I have noted the tendency to hold many individuals, who do not require higher levels of intervention, until they are much closer to their eligibility dates than needed. This, in turn, results in the individual not being prepared to move forward by their day parole eligibility dates. This phenomenon is directly related to the punishment agenda and the attitude it has instilled amongst CSC staff whereby prisoners that pose a minimum risk to public safety are being held at higher levels of security than necessary for no other reason than punishment. In my case, the effects of this are amplified. As a person suffering from PTSD, I am forced to engage in an environment that is significantly more prone to aggression and violence to the detriment of my emotional well-being, with the potential of undermining the efforts made in this area. In closing here are my top ten issues I would like to see the present Government of Canada resolve:

1. *CSC’s mission statement* needs to place greater emphasis on the ‘rehabilitation’ and ‘reintegration’ process as a means of shifting staff culture.
2. *The warehousing of prisoners* at higher levels of security than necessary in the name of public safety needs to stop.

3. *The lack of accountability amongst CSC staff*, particularly amongst IPOs, as well as those responsible for managing assessments and interventions, needs to be addressed. Reports are constantly being used to falsely characterize prisoners as not holding themselves accountable to stall their movement through the system. There is a consistent failure to observe the Commissioner's Directives, in particular Commissioners Directive 700 *Correctional Interventions*<sup>1</sup> and Commissioners Directive 701 *Information Sharing*,<sup>2</sup> which govern CSC practice on correctional interventions and information sharing respectively. Current practices are tantamount to violations of the *Standards of Professional Conduct in the Correctional Service of Canada*.
4. *The lack of authority of the Correctional Investigator*, along with the ineffectiveness of the grievance process and alternate dispute resolution process to provide oversight and serve as remedial mechanisms, needs to be given the authority to correct unjust actions within the system. Prisoners should not have to turn to the courts and use legal documents, such as the *Standards of Professional Conduct in the Correctional Service of Canada*, to remedy issues. Taking up court time and resources would not be necessary if there was real accountability through the above-mentioned avenues. Moreover, very few prisoners are capable of effectively using legal means to address these unjust actions and are being victimized by the system.
5. *A lack of funding for prison advocate organizations* has effectively created a situation where individuals are leaving prison with minimal support available to them. Due to budgetary constraints, numerous organizations have reduced or cut from their budgets activities inside penitentiaries. In other instances, the federal government shut down support services such as Life Line. For the wrongfully convicted, there is really no avenue to have their cases properly evaluated by organizations as so few dedicated to such injustices exist and there is no public funding of them, resulting in many viable cases not being pursued due to a lack of resources. Prisoner support and wrongfully convicted organizations ought to be better supported by the federal government.
6. *The double taxing of prisoners* for room and board, along with telephone access, for the purposes of enhancing public perceptions

of accountability ought to end. This matter is presently in front of the courts, however, the government ought to acknowledge that room and board was always part of the evaluation when prisoner pay was first initiated in the 1980s. The equation that determined the pay scale was based on the Canadian average for minimum wage minus this sum for welfare recipients. As to the additional charge for phone administration costs, it is my understanding that within the 11 cents per minute that prisoners pay for long distance calls a portion of this was already allocated for administration overhead. Simply put, CSC is double dipping and these two taxes are nothing more than a money grab. These actions have had significant impact on the penitentiary population as a whole. Even for those able to budget themselves and use self-control, it has still undermined their ability to maintain family and outside support. I have had to cut back on my phone calls to family simply because of the loss of funds to cover these costs. Where I once consistently spoke to siblings and friends, I have now cut back my calls to my daughter and step-mother once a week. All my other calls have to be made collect because I do not have the funds to cover them and thus I have drastically reduced my outside contact. In fact, I now have to ask my family to occasionally send in money so that I can maintain some semblance of outside contact through the phone or private family visits. Prior to these policy changes, I was able to cover all these costs. Was it the intent of the Harper government to make the families of prisoners 'accountable' also? For those with addiction issues and/or lack of self-control the problem is compounded. In these instances, not only has it removed their ability to maintain family and outside support, it has also created an environment where violence is more prevalent in the form of muscling, assaults and the like. This increases the number of incidents leading to segregation, increased involuntary transfers and results greater instability within the institutions. Lastly, these measures have virtually removed a prisoner's ability to save money for their release, which means more and more are returning to the streets – especially those coming from medium- and maximum-security – with only the mandatory \$80 in their pockets. This is just an accident waiting to happen.

7. *The loss of incentive pay at CORCAN industries and other work-for-pay programs* needs to be reversed as they have compounded the problems noted above. When I worked at CORCAN, I was actually able to send money out to help my family with costs incurred travelling to see me and for such things as presents for my children. Now I have to have my family send money to me and I have watched my prisoner account consistently dwindle from the \$2,000 I had saved to now just over \$400. What money I had saved and was able to send out to invest in GICs is now being cashed out on a regular basis to help my children. At this rate, I will leave the penitentiary in my sixties with no funds to help in my reintegration into Canadian society.
8. *Mandatory minimums and the overall shift towards the failed U.S. prison system models* needs to be abandoned. There are way too many individuals presently in federal penitentiaries who do not require this form of institutionalization. Just being in this environment is making a situation worse, not better. Also, it would behoove the Government of Canada to acknowledge that the system that was in place prior to the Harper administration better dealt with the issue of criminality. A new direction is needed whereby evidence based policy making and lessons learned from the American failed prison experiment inform practice; efforts to educate the Canadian public to prepare for this change should be the priority. Why does the federal government continue to bang its head against a brick wall expecting something to change without making a fundamental shift in its approach to the problem? I hope Prime Minister Trudeau recognizes this and will bring us in a new direction.
9. *Subjective evaluations impacting prisoner pay* should be constrained by clear guidelines. At present, CSC evaluates a prisoner's pay level by supposedly tying accountability and motivation to the equation. Prior to this move, the system attempted to reduce its overall prisoner pay budget by informing work supervisors that they were to stop evaluating prisoners as excellent on work performance evaluations. This was not successful because most supervisors chose to continue to evaluate based on the worker performance, especially considering existing room and board/

telephone reductions factored into our pay levels. In response, the system changed the evaluation process and added the subjective evaluation by IPOs in the areas of accountability and motivation. The end result at this institution was that the number of prisoners receiving Level A pay dropped from more than 250 to six within one pay evaluation period. Only those that were designated as moving to minimum retained their Level A pay and only those who move into this category are given Level A pay. Meaning this institution only has to pay the individual top-level wages for the short duration the prisoner remains here. This is nothing more than another money grab. Putting it into financial terms, when I worked at CORCAN, before the removal of incentive, my average take home every two week was \$110 to \$120. This allowed me to cover all my phone calls costs, have funds to pay for private family visits, cover my canteen purchases including stamps and envelopes, and have money to send out to support my family. After the incentives were taken away, my take home dropped to roughly \$54. This eliminated my ability to send money out, while reducing my ability to maintain contact with extended family and friends. My parents not only have to cover their travel costs, but also had to help to pay for the food purchases for private family visits, which resulted in a reduction in my ability to stay in contact via letters as my ability to buy postage was reduced. With the double taxing my take home pay on a full two-week pay dropped to roughly \$38 and with the new evaluation system this has dropped to \$34. I do not think I have to list how this has continued to negatively impact the penitentiary population on the whole. Where else in Canada would these types of measures ever be considered just especially when considering that prisoners have never received a pay increase since the pay scale was introduced in the 1980s?

10. There is a *lack of educational upgrade opportunities beyond high school equivalence*, which makes little sense when education is one of the key factors in reducing recidivism. Avenues to higher levels of studies have been virtually cut off given the financial situation that prisoners presently face. However, even before the Harper government and their financial measures were initiated, access to higher education courses were thwarted by CSC who feared public

perception of prisoners getting cheap higher education. Rather than educating the public on the benefits of affordable higher education provided by institutions willing to offer courses, CSC institutions withdrew their support.

To conclude, there are many measures that have constituted the downward cycle of CSC to the detriment of Canadian society. I have included a couple in the hopes of stimulating further discussion on how things could be changed to benefit all.

### ENDNOTES

- <sup>1</sup> CD 700 Correctional Interventions, in effect 2017-05-15: To ensure correctional interventions contribute to the rehabilitation of offenders and their successful reintegration into the community (Correctional Service Canada, 2017a). Correctional Service Canada (2017a) *Commissioners Directive 700 Correctional Interventions*, Ottawa. Retrieved from <http://www.csc-scc.gc.ca/lois-et-reglements/700-cd-eng.shtml>
- <sup>2</sup> CD 701 Information Sharing, in effect 2016-06-01: To ensure information is received and shared with the appropriate individuals and/or groups pursuant to legal requirements and protocols (Correctional Service Canada, 2017b). Correctional Service Canada (2017b) *Commissioners Directive 701 Information Sharing*, Ottawa. Retrieved from <http://www.csc-scc.gc.ca/politiques-et-lois/701-cd-eng.shtml>