

ARTICLES

The Million Dollar Man: Reflections on Life Sentences by a Canadian Lifer *Yves Réal Côté and Alana Abramson*

INTRODUCTION

Many people wiser than I have written on the subject of life in prison. Victims of violence, families of offenders, lawyers, politicians, criminologists, and community members all participate in the debate. However, over the years I have noticed that criminalized people like me are the least likely to be asked their views. I have asked my long-time friend and colleague, Dr. Alana Abramson, to help me articulate my thoughts and experiences in relation to the emotionally, philosophically, and practically contentious issue of life sentences in Canada. I hope to add my voice to the discourse as someone who has been sentenced to two life sentences for murder. What follows will include a snapshot of my history and experiences within the Canadian penal system and considerations related to life sentences such as the impact of removing the faint hope clause, the costs of punishment, and the lifelong trauma of extended incarceration.

WHO AM I?

My name is Yves Réal Côté and in 1989 I was sentenced to life in prison for murder in the first degree. This sentence meant I was eligible to be released on parole after being incarcerated for a minimum of 25 years. Two days after I received my life sentence, I was sentenced to 15 years for two bank robberies and an attempted prison escape.

In 1995 I received another life sentence for a murder I committed against another prisoner in a maximum-security, federal institution. Parole eligibility was set at 15 years for this second-degree murder conviction. My sentences are being served concurrently which means it is the 25 years that I counted down on the calendar to potential freedom. Being eligible for parole did not mean I would automatically be released after having served 25 years in prison. When my parole eligibility date finally came, I had to show the Parole Board of Canada (PBC) that after decades in custody, I was a low risk to public safety. This was a tremendous challenge given my violent past and how institutionalized I had become after decades inside.

My initial life sentence was not my first time in custody. My mother died when I was five years old and I was placed in foster homes where I was neglected and physically, emotionally, and sexually abused. I was sent to a youth custody centre when I was 11. When the door of that cell closed, I felt safe for the first time in my life. I have been in institutions most of my life since then. After serving nearly 32 years in prison, on December 6, 2013, I was released on day parole to reside in a halfway house. In 2016, I received full parole and today I live with my wife and work full-time in the Fraser Valley of beautiful British Columbia. Writing has been an important part of my transformative journey from an innocent five-year-old child to a ruthless man who relied on instrumental violence, to being back in the community as a loving, responsible, contributing citizen.

I have done time in 18 different federal institutions across Canada at every level of security: minimum-security, medium-security, maximum-security, and super-maximum known as the Special Handling Unit (SHU). I am covered with tattoos, and some say that I portray a threatening image, an evil look. In this “outside” world, I will likely never pass as “normal”. This façade is the direct result of adapting to my time in prison. However, the majority of people who take the time to have a conversation with me come to know me as an intelligent, caring man who has made a positive impact in the world and continues to help others.

I am a living, breathing example of the stark reality that people serving life sentences will be the property of the Correctional Service of Canada (CSC) until we die. Life sentences, like the one I am serving, replaced capital punishment which was abolished in Canada in 1976. People doing these sentences are called “lifers” and in 2013 we made up about 23% of the federal prison population (Chang, 2015). A premeditated or first-degree murder results in an automatic life sentence with no possibility of parole for 25 years. Second degree murder is killing that is intentional but not premeditated and parole eligibility can range from 10 to 25 years, depending on circumstances and the nature of the murder. Involuntary manslaughter sentences do not carry automatic life terms and vary greatly from six months in prison to life without parole for 10 years.

Once a prisoner has served the minimum number of years determined by their sentence, they have the right to present their case to the Parole Board of Canada (PBC). The PBC has the power to grant or refuse parole applications. I know several prisoners serving life sentences who were

eligible for parole after ten years, but they have been inside for 20 years. They have no idea when they will be released because as a lifer, you can be kept inside prison until you are wheeled out in a body bag.

THE FAINT HOPE CLAUSE

For lifers with a parole eligibility date of 15 years or more, we had one chance (besides winning an appeal) to be released before our eligibility date. Article 745.6 of the *Criminal Code* was known as the “Faint Hope Clause” and applied to anyone who committed a murder and received a life sentence for first or second degree murder before December 2, 2011. This meant that prisoners could apply to the Chief Judge of the province they were incarcerated in to reduce the period of the eligibility for release on parole. The judge then would appoint a Superior Court Judge who would oversee the formation of a 12-member jury to hear the case. Juries would hear evidence from police reports, victim impact statements and psychological assessments. Their decision about changing the parole eligibility date would be based on the characteristics of the prisoner, behaviour while in prison, the nature of the crime and any other questions the judge considered relevant. The decision had to be unanimous or a new hearing would be called. If the prisoner did not like the decision, they could appeal their case to the Supreme Court of Canada.

Like life sentences, the faint hope clause was implemented when capital punishment was abolished and was intended to encourage rehabilitation and bring Canada into alignment with other countries that allowed people convicted of murder to be paroled after an average of 15 years of incarceration. This clause provided prisoners with long sentences like mine motivation to change through hope of liberation. This hope, however faint, was meant to reduce violence within prisons and promote transformation.

Despite its humanitarian intentions, the faint hope clause drew significant negative attention from the media. When it appeared that multiple murderers could use this clause to gain early parole, the public raised hell which caused politicians to react. In June of 1996, the Liberal government presented a bill which amended article 745 so that anyone who killed more than one person would not be eligible to apply. This bill was passed and later calls to “get tough on crime” resulted in the faint hope clause being removed completely from the *Criminal Code* in March of 2011.

There are many reasons the world might be afraid of multiple murderers, and I understand that concern. However, it is unlikely that men like this would ever be able to persuade a jury of 12 people that the progress they have made in prison over 15 years is enough to warrant early release. It is impossible for me to imagine that someone who has committed heinous crimes against women and children would be able to demonstrate they are no longer a threat and deserve reintegration. Even if the jury did grant this, the prisoner would still have to apply to the PBC for release which is never guaranteed.

Despite these checks and balances, public misunderstanding and fear ultimately resulted in all lifers losing the chance for early parole. Removing hope reduces our desire to change and increases the risk of violence. When the faint hope clause was removed, I saw violence between prisoners and towards staff intensify. While the removal of capital punishment and introduction of life sentences was meant to be a progression towards more humane treatment of prisoners, I have observed and experienced terrible psychological suffering. Rather than quick death by lethal injection, the process of killing now extended over decades.

THE IMPACT OF LIFE SENTENCES

People who oppose capital punishment often say, “If you are not executed, you have a chance to have your freedom one day”. But I will never be free. If capital punishment is physical death, a life sentence is mental and social death. Those who would say any life is better than death cannot conceive of what it is like to be locked up in a concrete box for an indefinite period of time. The psychological impacts of incarceration are torturous for both human and non-human animals. It is not only the daily indignities of prison life, but the long-term impacts that prevent both humans and animals from returning to flourish in their natural habitat.

If we can agree that long periods of incarceration are equivalent to psychological torture, some may argue that rotting in prison is the natural consequence of the choice to commit murder. I cannot deny this. I will never forget my violent actions and the impacts these had on my victims and their families. I think about them every day and will for the rest of my life whether my physical body is inside or outside a prison cell. I am not the only one who will never forget. It seemed that any time I started to try and improve my self-worth in prison, people working there seemed to take

great pleasure in reminding me of all that I had done. I was never judged for the positive steps I was taking, but only of the horrors of my past. My history both defined me and protected me from the abuse of others. Because violence served me, it was difficult to choose a path towards change or a future without violence.

The knowledge that my sentence will never end crushes me like a weight. Until I die a natural death the government will have power over everything I do and could, at any time, bring me back into prison. They don't need a reason. In fact, I have seen lifer's parole revoked for having a so-called "deteriorating attitude". Parole revocation means we will be re-incarcerated for a year until we can re-apply for parole. After being yanked, without warning, from our lives in the community, we lose everything we worked hard to obtain and maintain: job, relationships, savings, cell phone, car, and, of course, freedom. Once we re-apply for parole, there is no guarantee we will be given another chance at freedom. If we are released, we start all over again. Every day, I work hard to prevent this fear of loss from overwhelming me with depression. I hope that every time I speak with my parole officer, he will see that my attitude is just fine – not deteriorating at all.

Long prison sentences demonstrate the cruelty society can inflict when they do not see the consequences up close. Nobody but the prisoner truly witnesses the slow death within the tortured mind. I took someone's life in minutes, mine is being taken over a lifetime. My suffering is drawn out over hours, days, weeks, years, and decades. I am not saying my act of life-taking is any more ethical than the life sentence I am serving. Killing will almost always be wrong. But suffering, too, is almost always wrong. When a horse has a broken leg, we do not let that animal suffer any more than it must.

Some members of the public will argue for capital punishment because they believe prisoners cost taxpayers too much money. We are supervised in and outside of prison for decades in conditions that are "too good" for the likes of us. Our cells are too well furnished, we have TVs, and three meals a day. Most people who claim prisoners have too much have never spent a night inside of a prison. It is true that prison and parole costs taxpayers billions of dollars every year in Canada. So, what is doing life like inside?

PRISON LIFE

I have spent time in many different institutions and not every cell is the same. Older prisons have solid metal doors, minimum security prison have

rooms, not cells. An average cell in a Canadian federal institution is 7' by 12' and contains a desk, sink, toilet, locker, chair and bed. These are the only items besides bedding and institutional clothing that are provided and paid for with taxpayers' money.

Over the years, the things I have purchased myself with the few dollars a day I made working in prison have included a 14" flat screen colour television, a selection of cassettes and compact discs, a Walkman, an alarm clock, a desk lamp, books, sandals, cups, personal papers, photos albums, letters, cards, legal documents, and materials for my hobbies which included cross stitch and model ship building.

All the material possessions I had in the world fit in a cell where I slept, ate, studied, relaxed, and took care of personal grooming. I spent an average of 16 hours a day in those cells for decades, depending on the level of security. The higher the level of security the more time I was locked up in my cage.

If you still think that we have it good in prison, try this experiment. At home, lock yourself in your bathroom with any item you think would make this more comfortable. Take anything you want: television, stereo, video games, all the food you can eat, your computer or phone, books. The only rule is, that once you are inside and close the door, you cannot open it yourself.

It may sound fun or even relaxing to spend some time alone with your possessions. However, at some point you will have had enough. Imagine not being able to leave for days, weeks, or years. Now imagine you have no Wi-Fi or phone capabilities, so you are completely cut off from the outside world.

THE FOLLY OF PUNISHMENT

So, if long sentences get in the way of rehabilitation, are extremely expensive, create more violence, and are cruel, why do we still use them? How much punishment is enough and who gets to decide? I don't think any amount of punishment will redeem someone who has taken a life. Punishment doesn't bring back the person who died, nor is it guaranteed to help victims with their healing. No matter what punishment is imposed, the self-hate and disgust within one's own heart and mind will exist.

Every day each one of us has a choice about whether to stay alive or to end things. Suicide is an option that all able-bodied humans have. After getting sentenced to life, I considered suicide many times. I still consider it and many other lifers do as well. When I tell people, I would have chosen death

over a life sentence they say, “But if you had made that choice, you wouldn’t be alive to have this conversation! Look at all you have accomplished”. I reply, “Had I chosen for my life to be over after my first life sentence, my second victim would still be alive”. I would have given my life to avoid all the victims I created following the first murder I committed.

The suicidal ideation many lifers experience can result from our self-loathing combined with the hopelessness of a life spent in prison, parole eligibility decades away and never guaranteed. Committing suicide in prison is difficult and messy. Many do not succeed as there are not sufficient means available. Following a suicide attempt, we are left isolated on suicide watch with nothing except our thoughts inside a padded cell. Medical assistance in dying is now a legal practice in Canada that aims to release an individual from intolerable suffering caused by disease. The disease I suffer with is post-traumatic stress disorder based on years of abuse in foster homes. I then acquired the ‘disease’ of institutionalization from long-term incarceration which I will live with until the day I die. Sometimes I wonder if I would qualify for medically assisted dying but then I look at my wife and know I cannot make any more victims.

Had I checked out when I was first sentenced in 1989, I would have saved Canadian taxpayers a pretty penny. Based on the costs estimated by the Parliamentary Budget Officer (PBO) (2018), my time in prison alone amounts to over \$3 million dollars. I spent approximately nine years in minimum (\$47,370 or \$130 per day), 11.5 years in medium security (\$75,077 or \$206 per day), 9.5 years in maximum security (\$92,740 or \$254 per day) and two years total in segregation at (\$463,045 per year). Parole costs about \$18,000 a year and will continue to add up as I will be supervised in the community until I die. If I live another 20 years, you can add another half a million to the cost of my life sentence.

Where else could that money have been spent? How many people could it have helped? My victims would not have received a fraction of that money for assistance. In our system, over 95% of the resources go to locating, prosecuting, and supervising offenders (John Howard Society of Canada, 2018). The average tuition costs for one post-secondary student in Canada is a little over \$20,000. The average cost of federal prisoner is equivalent to five students attending university for a year.

In addition to being phenomenally expensive, the long-term, life sentences that replaced capital punishment equate to acts of cruelty that offer

little reassurance to victims or the public. People outside the prison walls are kept separate from whatever progress lifers might be making. Media reports about parole hearings are often without context or background which alarms the public who get most of their information about crime through sensationalized American news and fictional accounts. Although victims now have the right to more information about our progress than they once did, the lack of victim support and services often mean survivors are stuck in a place of confusion and pain. Many look to the criminal legal system for ‘justice’ but find very little as the system is not designed to meet their needs or place them at the centre of the process.

Although lifers have very low rates of re-offending once released, our rehabilitation occurs despite the prison system, not because of it. Prisons are inherently degrading, traumatizing, and dehumanizing places which embody a culture that encourages violence and selfishness, not healing and empathy. The lack of meaningful responses to trauma, brain injury and other underlying factors mean that our symptoms are ‘managed’ in prison through medication and surface psychological interventions. The deep pain and trauma of present and past remains unaddressed in favour of reminding us of our actions that landed us in prison. In order to make change, we lifers must overcome the hopelessness attached to a life sentence and get to work. We cannot do it alone and without a community of care around me, I would be lost.

About twelve years into my sentence, I had started to change my life and I had an experience that affirmed the despondency I felt in relation to my own life sentence. I was taking a Sociology course that was offered through the prison¹ and one of the assignments aimed to assess my knowledge of research methods. I looked at the list of the suggested topics but couldn’t relate to any of them so I contacted the professor and asked if I could do a research on capital punishment. The professor agreed that this would be an interesting project and I used what I learned in the course to create a questionnaire.

Using the respect and reputation I had in prison, I went from cell to cell asking lifers if they would participate and most were happy to complete the anonymous survey. When asked if they would choose lethal injection over a life sentence when found guilty knowing what they now know about serving life, 98% said they would have welcomed death at the hands of the state over long-term incarceration.

The results didn’t surprise me but should be concerning to those who support life sentences. Removing hope for a future outside prison walls

is almost guaranteed to make “correcting” or rehabilitating oneself one thousand times more difficult. Combine this hopelessness with the trauma most prisoners enter the penal system with, and you have further fueled the toxic prison environment of “kill or be killed” or “who cares anyway”.

After receiving a life sentence, at some point you realize if you do not take accountability for your actions and your life, you will never get out. With accountability comes crushing depression as you face the harm you have done to so many, including yourself. You experience grief and loss as you distance yourself from the criminal elements of prison culture – you lose friends, credibility, resources, and often put yourself at risk of victimization. Now you are more isolated, full of shame and regret, and it becomes even more difficult to do time. As you look at the years still stretched out in front of you, your sense of self-worth is further depleted. Although not everyone gets to a point of taking accountability for their actions, those who do suffer more than those who live in denial and accept their role within the prison subculture.

DOING LIFE BEYOND PRISON

Although I have argued against life sentences, I believe some prison time is necessary for some people. A time out, if you will. Some months or years in prison can provide a much-needed opportunity to reflect on your life and start to address what led you to cause someone else grievous harm. However, prisons are oppressive places. Instead of thinking about the people we have hurt, we often spend more time feeling like victims ourselves from the lack of health care, constant threat of violence, drugs, abuse from staff, strip and cell searches, isolation and loneliness. This perpetual state of suffering can prevent us from dealing with our past hurts and having empathy for those we have hurt.

So, what should replace life without parole for 15 or 25 years? I believe that any custodial sentences should be limited (not lifelong) with parole eligibility never more than 10 years for any crime – even murder. Ten years provides sufficient time to rehabilitate without removing the hope that motivates change. Release after 10 years would not be automatic as one should have to demonstrate they are working on themselves, and help must be available for them to do so. Prisons should be places of healing and community, not punishment and trauma. Most of us who have committed murder have

backgrounds and experiences that will mean we require lifelong access to housing, psychiatric services, and community support and accountability once released. Trauma never disappears but is something I must live with each day and the parole system does help me with that.

The public's fear of people in prison is driven by misunderstanding and assumptions. We, prisoners and ex-prisoners, are the 'other' and the 'other' is feared. But not everyone incarcerated for murder is the same. Ask our spouses, brothers, sisters, parents, and everyone who has had the chance to know us. One of the only things that lifers have in common is that someone died because of our actions. So, are we all dangerous beasts who are incapable of rehabilitation?

It may surprise many people to know that most people serving life for murder will never kill again. And this is not because we are locked up forever. In fact, 99% of all lifers will be released on parole eventually. According to data about paroled lifers from the Parole Board of Canada, 13% breached their parole conditions, 6% committed non-violent offences, and 3% committed violent offences (Parole Board of Canada, 2021). Lifers have the lowest rate of re-offending compared to all other prisoners including sexual offenders.

Personal transformation happens in prison. I know because it happened to me. At one time I was housed with some of the most dangerous people in Canada. This year I will celebrate eight years on parole, and I have not used violence in over 20 years. Like me, there are many others who are locked up and who have changed and have much to contribute to society. But all of us change despite the slow mental and social death associated with long term incarceration. With the support of caring volunteers and our own resilience, we are able to exist. Most of the time, it is not much of a life, but I try my best to make the most of the fact I am still here. I am an avid community volunteer and parishioner. I am a provider, loving husband, caring grandfather, and a good friend.

The psychological effects of long-term incarceration seem to be misunderstood and ignored by those who oppose the death penalty in favour of life sentences. I came into prison as a young man and watched my hair and beard turn from brown to grey to white. I stopped recognizing the man in the mirror. Every day I wake up I think about the years wasted inside those prison walls and all those people I hurt. The depression kicks in once again and it is often a struggle to find the will to stay alive. It would have

been much easier for me to stay inside and die there than to face the hurdles in the community that institutionalization brings. It is my hope that through my writing, speaking events, and community work, I can bring change to a broken system. It won't help me but will help others who will inevitably follow behind me. A path of pain and powerlessness but, hopefully, never a broken spirit.

ENDNOTES

- ¹ University courses once offered to prisoners are largely a thing of the past as public outcry against free education for convicts dictated a change in CSC policy. Despite education being one of the most rehabilitative and transformative things prisoners could be offered, post-secondary course offerings remain limited to initiatives like Inside-Out and Walls to Bridges, which operate with limited capacity and only in certain provinces.

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ABOUT THE AUTHORS

Yves Réal Côté resides in Chilliwack, British Columbia. Yves served nearly 32 years in prisons all over Canada. He has spent time in 18 different institutions at every security level, including the Special Handling Unit in Quebec. As a child, Yves was subjected to unspeakable trauma and victimization at the hands of those who were entrusted to care for him. As a result, Yves learned to use violence as a tool to protect himself. During his incarceration, Yves found a new way forward to live a life without violence.

Through committing himself to personal growth, spiritual service, and volunteerism, Yves transformed. In 2010, Yves became a Certified Facilitator for the Alternatives to Violence Project (AVP). He also coordinated this project for several years, playing a key role in inspiring and influencing other prisoners to explore a path of non-violence. Yves has been living in the community on parole for almost eight years. He works tirelessly at his job, continues to volunteer with AVP and speaks publicly about his journey. Yves enjoys spending time with his church community, friends and loving wife, Kim.

Dr. Alana Abramson is a faculty member in the Department of Criminology at Kwantlen Polytechnic University in Kamloops, British Columbia. Dr. Abramson has been involved in the field of restorative justice (RJ) as a researcher, practitioner, and trainer since 1999. She has extensive experience implementing RJ in community, prison, and school contexts. In 2017, Dr. Abramson was the recipient of the Restorative Justice Award from the Ministry of Public Safety and Solicitor General. She also worked to develop the first victim-sensitive principles and standards for restorative justice providers in her province. Dr. Abramson is currently a Coordinator and Facilitator for the Alternatives to Violence Project, an Inside Out Instructor, Board Member for BC Bereavement Society and Restorative Justice of BC, and trainer for Achieve/Crisis & Trauma Resource Institute. Dr. Abramson met Yves in prison in 2006, and they have remained friends and collaborators since. As a transformative justice advocate, she has learned that stories are powerful vehicles for social change. Dr. Abramson is a passionate prison justice advocate, dedicated to bringing voice to people who are or have been incarcerated.