

BC Prisoners Win Battle to Access

Last month, four prisoners with drug addictions filed a lawsuit against the government of British Columbia. They argued that the correctional system was withholding treatment from them and their fellow prisoners—violating their constitutional rights.

But now, all four have started receiving methadone or suboxone, and the government has changed its policy. Declaring victory, they have dropped their case.

The prisoners' lawyer, Adrienne Smith, told VICE "our clients are relieved that they are getting treatment. This policy change is timely given this week's announcement of a public health emergency in BC [from a spike in fentanyl overdose deaths]."

One of the prisoners is Troy Underhill, who was locked up in the Prince George Regional Correctional Centre last year. He describes the opiate withdrawal he felt at the time: "aching joints, diarrhea, vomiting, hot and cold feelings, and the shakes. My lower back was extremely sore."

Underhill's battle with opiates began in 2011. Driving the roads of northeastern BC, he hit an elk and crashed, injuring his spine. "I took pain medication for my back and became addicted to pills," he said.

Underhill has been self-medicating since—inside and outside of prison. He uses it to treat his back pain and to avoid dope sickness. "My pain overwhelms me at times," he said. "Then I really don't care what I'm taking as long as it gives me a day's relief."

For months Underhill struggled to get methadone treatment. "I signed the papers, did the tests, gave the urine sample—I was ready to start." But delays continued. "I actually thought I had that light at the end of the tunnel, but now I'm being stonewalled again," he told me by phone in early April, just before our time ran out and the prison's phone system ended our call.

Underhill is aware that some prisoners regurgitate their own methadone to sell, trade or give to others. "The guys go 'I hate to see you [in withdrawal] like this, bro. Here, you want mine?'" he said.

Finally, two weeks ago, Underhill was started on methadone. "For me, this is not just for when I'm in here," he said. "It's for when I'm out. So I can start my own business."

BC Corrections spokesperson Cindy Rose said in an emailed statement to VICE: "As part of our regular process to ensure our policies are current, BC Corrections recently updated its policy governing the use of methadone and suboxone." The new policy appears to clear up areas that were the subject of the prisoners' legal action.

"The policy looks different, rather than updated." Smith said, but added: "We congratulate BC Corrections on this change."

Rose said: "on average, more than 200 inmates receive methadone each day." To put this number in perspective, last month, Ministry of Justice figures showed 2,587 people under the supervision of BC Corrections.

Federal statistics say nearly 70 percent of their prisoners have a "substance abuse problem requiring intervention." Of the prisoners Underhill knows, he thinks only five percent that need methadone or suboxone are able to get it.

Being locked up and dope sick can be dangerous. "The fentanyl epidemic doesn't end at the prison gate," Smith said. "There's no harm reduction equipment available [such as clean needles]." A recent report prepared for the Canadian HIV/AIDS Legal Network recommends prison needle programs to stem infectious disease transmission.

Smith pointed out another risk: "prisoners will smash a whole hit to avoid detection." It's easier to take one big dose out of the view of corrections officers, than trying to sneak a series of smaller hits. This is how another litigant, Shawn Gillam, overdosed in the North Fraser Pretrial Centre. "Around the 19th of February 2016, while I was waiting to see the doctor, I snorted oxys

[oxycodone] in my cell and overdosed. My roommate revived me," Gillam said in his affidavit. Gillam also started getting treatment recently.

For people already being prescribed methadone or suboxone when they are arrested, "treatment is maintained without delay," BC Corrections' Rose said.

But that's not Laura Shaver's experience. She's been on methadone for over a decade and has been locked up several times. On each occasion, she hasn't been able to get her methadone "for at least a couple days," she said. She describes a typical example: "They [police] picked me up in the afternoon of a Monday, so the next day comes and I go to court. I don't get my methadone in the city buckets [holding cells] because they don't know if I will be released. Then I go to pretrial, and I have to wait a day or two to see a doctor."

According to Rose the matter is closed: "BC Corrections is pleased this matter is settled between all parties; however, we cannot discuss the process leading to the settlement or the terms of it."

Smith said the four prisoners hope that their victory will be extended to anyone needing treatment in BC facilities.

"It's nice to win sometimes," Smith said.

Garth Mullins

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