

## Prisoner suing Ottawa over safety of inmates during COVID-19 pandemic

Physical distancing measures in correctional institutions during COVID-19 have been “grossly inadequate” putting the health and safety of prisoners at risk, alleges a lawsuit against the federal government.

The suit, filed by Sean Johnston, who is serving a life sentence for murder, and several human rights organizations, claims failure to protect the health of prisoners during the pandemic violates their charter rights.

Johnston and the groups, which include the Canadian Civil Liberties Association and the Canadian Prison Law Association, filed the application in federal court Tuesday against the country's attorney general.

“Physical distancing measures in prison have been grossly inadequate,” Johnston said in a statement. “Some of us remain double-bunked and cannot achieve physical distancing within our own cells, let alone throughout the institution.”

Without a vaccine or an approved treatment for COVID-19, physical distancing remains the greatest protection against contracting the novel coronavirus, the suit said.

They also allege Correctional Service Canada cannot keep prisoners safe because it cannot ensure the proper physical distancing measures without reducing the prison population.

“Unlike other correctional authorities around the world and across Canada, however, (Correctional Service Canada) has taken few if any steps to release prisoners from its institutions,” the suit said.

“Federal prisoners are disproportionately at risk both of contracting COVID-19 due to the nature of the penitentiary environment, and of suffering severe adverse outcomes including death, due to the prevalence among the federal inmate population of pre-existing vulnerabilities.”

The suit also alleges some prisons are using lockdowns, with prisoners confined to their own cells for indefinite periods, as a means to curb the spread of the disease. It is a practice that is tantamount to segregation, the suit alleges.

Two prisoners have died of COVID-19 and 333 others have tested positive for the disease, while 202 inmates since recovering, according to Correctional Service Canada. The vast majority of those cases have come from outbreaks at two institutions in Quebec and one in British Columbia.

“Unlike other correctional authorities around the world and across Canada...(Correctional Service Canada) has taken few if any steps to release prisoners from its institutions,” the suit alleges.

The lawsuit's allegations have not been proven in court.

The office of Attorney General David Lametti did not respond to a request for comment.

The office of the minister of public safety and emergency preparedness said it has authorized both Correctional Service Canada and the Parole Board of Canada to use their power to release inmates “in keeping with their legal obligations and with all due consideration for public safety.”

“Since the beginning of March 2020, there have been fewer admissions to federal institutions and continued releases into the community, resulting in the overall federal custody population to decline by over 400 inmates, or more than the average size of a minimum-security facility,” the minister's office wrote.

“This downward trend in the overall federal inmate population is expected to continue over the coming months.”

Correctional Service Canada said the health, safety and well-being of staff and inmates is critical.

The service has suspended visits to inmates, temporary absences, work releases and inter-regional and international transfers of inmates in its effort to curb the spread of the disease, said spokeswoman Esther Mailhot.

The institutions have enhanced cleaning, including disinfecting common areas and high-contact surfaces, she said.

“We continue to educate staff and offenders around prevention and the spread of illness, including the importance of good hygiene practices, through training posters, fact sheets, and ongoing written and verbal communication,” she said.

The institutes are also “medically isolating inmates who show symptoms and are positive to COVID-19 to prevent the spread of infection.”

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