

## Lawsuit challenges internet ban in Canadian prisons

The federal government's refusal to allow prisoners to use the internet effectively blocks access to postsecondary education behind bars, a new lawsuit alleges.

Noting how colleges and universities that once offered paper correspondence programs have shifted almost entirely online, the lawsuit by the John Howard Society and a prisoner serving a life sentence argues that the Correctional Service of Canada's internet ban - and "woefully inadequate" access to computers in general - infringes prisoners' "fundamental right to freedom of expression," which includes the right to receive information.

It also argues that the internet ban and overall technological deprivation behind bars undermines the correctional service's mandate to prepare prisoners to successfully reintegrate in society.

"In 2024, if we want people to find work, to find housing, to lead stable and positive lives, they need internet access and basic digital skills," said lawyer Paul Quick, who is representing the John Howard Society and the prisoner. "If we take these things away, we take away opportunities for a law-abiding life."

The lawsuit, which is not seeking any monetary compensation, asks the court to declare the current policy unconstitutional.

A Star investigation this year showed how the lack of internet access in Canadian prisons has made it nearly impossible for prisoners to pursue college or university programs behind bars, despite significant evidence that taking post-secondary courses while incarcerated dramatically reduces the likelihood that a prisoner will reoffend.

A CSC spokesperson said they could not address specific allegations in the lawsuit, but the agency is "committed to helping offenders acquire the skills and education needed for successful reintegration, including access to technology."

Inmates are not allowed access to the internet "for security reasons," the spokesperson said, adding that CSC is "currently evaluating digital education opportunities."

Four years ago the agency launched a digital education pilot project that offers some inmates in some institutions access to limited digital education material, including high school courses, workplace certifications and a handful of college courses.

The lawsuit, which is supported by affidavits from current and former prisoners, as well as information technology and corrections experts, notes how several other countries provide varying degrees of controlled internet access in prison, citing specific examples in Belgium, Denmark, Norway, the Netherlands, Finland, Sweden and the United Kingdom.

"CSC emerges as a clear outlier," the lawsuit states, arguing that existing technology is "readily available" to provide restricted internet access for educational, vocational and cultural purposes without jeopardizing security.

The lawsuit also notes how the internet ban is particularly harmful to inmates with disabilities, especially deaf inmates who are unable to access on-demand American Sign Language interpretation services available for free online. Deaf prisoners are unable to even make telephone calls as a result, according to the lawsuit.

"CSC makes no exception for people in this situation," said Quick, who works for Queen's University's Prison Law Clinic. "Deaf prisoners are left deeply isolated, cut off from their families and communities, and with little way to connect with others in prison or even communicate with staff."

Canadian prison authorities have been criticized about the lack of technology behind bars for more than a decade. Canada's Correctional Investigator, Ivan Zinger, has repeatedly highlighted the issue in his annual reports. In 2019-20, as part of an investigation into educational programming in federal prisons, Zinger wrote that the technology available to inmates is "so far behind the community standard that it seriously puts into question (CSC's) legal obligation to prepare and assist offenders for release."

Quick said CSC has had years to address the issue and “just hasn’t bothered,” adding that the federal agency is “highly focused on minor risks, but generally blind to opportunities for success.”

The CSC declined to make Commissioner Anne Kelly available for an interview and did not respond to questions about Quick’s comments.

The prisoner who filed the lawsuit alongside the John Howard Society is Ghassan Salah, who is serving a life sentence at Bath Institution, near Kingston, for his role in the 2004 deaths of two children in Ottawa. Salah was found to have acted as a lookout for another man who firebombed a home, intending to kill the children’s mother, who escaped the home.

Salah has been trying to take university courses in computer science, math or physics since 2017, to no avail, according to the lawsuit. He says in court filings that no such programs are available by paper correspondence, and all of his requests for access to a computer or internet strictly for educational purposes have been denied by prison officials. The lawsuit also includes affidavits from other prisoners who have faced similar roadblocks.

Quick said CSC’s internet ban has, in some ways, made a prison sentence harsher today than it was even 20 or 30 years ago, when prisoners were able to - at their own expense - work toward and complete a university degree or college diploma while serving their sentence.

A recent Star investigation showed how the lack of internet access in Canadian prisons has made it nearly impossible for prisoners to pursue college or university programs behind bars, despite significant evidence that taking these kinds of courses while incarcerated dramatically reduces the likelihood that a prisoner will reoffend.

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