

# The Human Rights of Prisoners in The Correctional System

Think 2wice

February 04, 2019

*Zya Brown*

I first want to thank you for inviting me to speak as a witness today. It is an honor to stand before you and share my experiences in working with the Black Federal inmates of Ontario.

When I look at the injustices taking place south of the border such as the detaining of immigrant children, police brutality and mass incarceration I am so thankful for our tolerant country. I think it is honorable that Prime Minister Trudeau took accountability and apologized to the First Nations for the government's betrayal of their trust. Unfortunately, with all of the amazing changes there is a dark side. The treatment of Black people throughout the systems such as the criminal justice and penal system is an example of this darkness. In 2019, I am surprised and disappointment at the bold racism, lack of diversity and inequality that is evident within CSC. When I enter these institutions I am reminded of plantations. On plantations the level of oppression differed from plantation to plantation depending on the slave master and leadership. Those who were most oppressive had slaves who were more rebellious. Similarly, the prison system in Ontario in a whole is oppressive but each institution differs on the level of oppression dependent on the Warden or institutional climate of its management. This is what I am reminded of when providing supports in many of the institutions. It is clear to see that this criminal justice and penal system is one that many benefit. The lives that many time are victim to it are those who are poor and those who are of color.

I Founded Think 2wice in 2006, Think 2wice was founded with the goal of combating the rising gun violence that was plaguing high risk communities of Toronto. I found a direct correlation between gun violence and jail/prison. In 2009, Think 2wice began providing services

and supports to the Black inmates in the Federal Institutions of Ontario. In working with violence, trauma and grief, Think Twice provides therapeutic supports through various components such as workshops, programming, music, theatre, story sharing and spirituality.

We have provided supports, programming and theatre in: Millhaven, Joyceville, Collins Bay, Warkworth and Beaver Creek Institutions.

Think Twice is very personal for me. Our goal is to give hope to the hopeless, assist young people to think before acting in emotion and ultimately save lives. Along this journey I have found the need to advocate for those we serve.

**I am sure that the other witnesses spoke to you about the following concerns that affects all Federal Inmates such as:**

☐ The cost of living for inmates increasing- board, cable, phone, groceries, hygiene products but pay wages not increasing or changing

☐ Joyceville Reception- people whose parole has been revoked- TD unit- Transfer Detainee Unit

Concerns:

hygiene-

health- unable to see a physician up to 30 days- Given notice from 6-8 weeks

Meal portions- not daily recommended, high numbers not enough food. Those unable to get are given a few slices of bread with peanut butter, bugs found in food

**Today I will focus on the pressing issues that I have witnessed concerning a vulnerable population in the Federal Institutions: The overpopulated Black inmates.**

As you are aware,

Black inmates are one of the fastest growing sub-populations in federal corrections. Over the last 10 years, the number of federally

incarcerated Black inmates has increased by 80% from 778 to 1,403. 50% of same are under the age of 30. Black inmates now account for 9.5% of the total prison population (up from 6.3% in 2003/04) while representing just 2.9% of the general Canadian population.<sup>8</sup>

While arrests and convictions make the public feel safe, the reality is the issues do not disappear with individuals being in jail or prison without adequate rehabilitation, intervention and prevention programming and supports.

Although incarceration rates have gone up, Gun-related crime has also gone up 59% from 2017-2018. (TPS)

In other words, simply incarcerating young people is not decreasing gun and gang violence in the community.

## Pressing Human Rights Concerns:

1. The lack of culturally sensitive programming
2. The unequal treatment of Black Inmates and volunteer groups providing services for the Black inmates
3. The unjust complaints/grievance process
4. The lack of diversity and training amongst CSC management and staff

### 1. Programming

**The lack of resources, programming and supports for the overrepresented racialized inmates of color specifically the Black inmates**

This concern is very pressing for me because working in the community with youth and gun violence I find that it is very important that our intervention is not just to lock up young people who are involved in this culture but to provide appropriate prevention and interventions. Part of those interventions must be focused on programming and rehabilitation while incarcerated. I find it pointless to lock up young people without successful programming that addresses the issues and negative mindsets. It is also important to note that within this culture many of the perpetrators are also victims.

Such as:

- ❑ Lack of culturally relevant programming for black inmates- volunteer and CSC accredited
- ❑ Lack of Culturally sensitive programming for youth- young adults ages 18-39
- ❑ Lack of Culturally Sensitive mental health, grief and trauma supports
- ❑ Cultural Identity programming only limited to one month ( Black History Month. In some institutions, even this one celebration isn't respected. Staff do not want to give themselves extra work and this is reflected in the support, planning and implementation of the event)
- ❑ Lack of Culturally Sensitive programing to address STG ( Street Threat Group- Gang) label
- ❑ Lack of Pre release programming and supports for Black inmates
- ❑ Lack of CSC accredited-approved Culturally relevant programming – the only CSC approved programming (programs that inmates are mandated to take for the Parole Board are programs that are developed and facilitated by white individuals who do not understand these individuals as a person or people. These programs are unsuccessful to their rehabilitation and reintegration. Volunteer programs are not accredited and do not receive any supports from CSC. They are all voluntary for inmates to attend and not credited for parole. )
  
- ❑ Lack of programing and mental health supports for Maximum security inmates who are locked up for 22 hours a day. The Black inmates who are deemed 'hard to serve' are also overrepresented in the max units.
  
- ❑ CSC had a contract position for only one Black serving organization to work with ALL the Black inmates through the capacity of Pre- release for Black inmates. All of the many complex issues that Black inmates face including mental health, different age groups and needs cannot be addressed within this one avenue. Multiple programming is needed.
  
- ❑ The organizations through out the years who CSC chose to run the pre release program did not work out as a proper fit and once they left , there was nothing to replace leaving the inmates without supports. ( ex Collins Bay)

## ☐ **Maximum Security Unit and programming:**

*The correctional investigator points out in a 2012 and 2014 case study that “despite being rated as a population having a lower risk to re-offend and lower need overall, Black inmates are more likely to be placed in maximum security where programming, employment, education, rehabilitative and social activities are limited.*

☐

☐ There is a desperate need for programming and supports in the maximum security unit. The max unit is located in Collins Bay and Millhaven Institutions. Inmates who are placed in these units are locked up for 22-23 hours a day. They are locked in a cell, similar to a cage and let out to either shower, use the phone or go to yard for 2 hours of the day. The young people who are placed here are predominantly Black, coming from the NIA’s in Toronto. They do not receive any programming when in this unit. Other than Think 2wise, they do not receive volunteer supports either ( and that has recently become a fight in itself). Think 2wise started out providing supports in J-Unit, Millhaven maximum security. We provided programming in this unit for 3 years before expanding to other institutions. We found the need greatest in the Max. In our experience, these young men crave for programming. Since they moved the Max unit from Millhaven to Collins Bay we have found tremendous barriers from the Institution in offering consistent programming.

☐

☐ What sticks out to me was a conversation I had with former child soldier Omar Khdar at a Black History event. He made a remark that still sticks out to me today; He said that J-Unit Maximum Security was worse than Guantonomobay.

### **2012 Investigator Report:**

#### *Cultural Programming and Services*

*While Black offenders felt that CSC programs provided them with important tools and strategies, they did not feel that they adequately reflected the cultural reality. Black inmates reported that they could not see themselves reflected in program materials and activities and they felt these were not rooted in their cultural or historical experiences. Moreover, many initiatives and services which serve as important complements to CSC programming also fell short of expectations. Our review revealed:*

- *Inconsistent support for cultural events at the institutional level. Some Black Inmate Committees had sufficient guidance in planning events while others reported little to no assistance, to the point that very few events had ever taken place within the institution.*
- *A lack of community support. Many Black inmates had never seen, spoken with or met anyone from a Black community group while incarcerated, though most expressed a strong desire to develop and*

*maintain these community linkages. (Importantly, this form of support is a key component of CSC's Strategic Plan for Aboriginal Corrections.)*

***As stated in the 41st Annual Report of the Correctional Investigator In accordance with section 192 of the Corrections and Conditional Release Act, "Time spent in prison should be about addressing unmet needs that contribute to crime so that offenders are better equipped to re-enter society and lead constructive, pro-social lives." In working with over 1500 inmates serving time, a common complaint is the lack of culturally sensitive programming. This is viewed across the board as one of the most prevalent reasons for reoffending. This opinion acts in agreement with The Roots of Violence Report which recommends that Aboriginal and African- Canadian inmates be provided with culturally appropriate services in correctional institutions. Without such programming, individuals will not be successfully rehabilitated;***

*As stated in the 2009 Correctional Service of Canada Prison Gang Report; A Review and Survey of Strategies, findings recognized that the most common gang interventions were segregation and isolation followed by restrictions on privileges, including gang membership in security rating or classification scores. STG's ( Security Threat Group) – a name that is attached to individuals who are viewed as having gang affiliation or involvement follow inmates throughout incarceration with nothing to address and rehabilitate these young people. They come in from the community as a gang member (or join while incarcerated) and leave to go back into the community as a gang member. Many also come in not gang involved and leave gang involved which poses safety concerns when in the community.*

### **•Stereotypes and the lack of programming addressing STG (Street Threat Group) label**

STG ( Security Threat Group) is a label that is given by the police, following a young person into jail and then prison. Most community members are not aware of this label. Many young people who are from an NIA, gang involved neighborhood are STG labeled regardless of involvement. There is nothing differentiating gang involvement vs affiliation. **As stated in the 2009 Correctional Service of Canada Prison Gang Report; A Review and Survey of Strategies,** findings recognized that the most common gang interventions were segregation and isolation followed by restrictions on privileges, including gang membership in security rating or classification scores. (parole, financial incentives with CorCan). There is Lack of programming in the Federal Institutions addressing the younger generation inmates, STG classified inmates and inmates charged with gun and gang related offences. Some young people come into prison gang involved and leave gang involved because there are no programs to address gang involvement. Many young people also come into prison not gang involved and leave gang involved. Approximately one-half of all prison gang members were thought to

be unaffiliated with a gang when they were admitted to prison (CSC, 2009). This causes gang violence and rivalries when reintegrating back into the community which plays a factor in the rise of the gun/gang violence in the community.

**2012 correctional investigator report:**

*Gang Affiliation*

*While Black inmates are twice as likely as compared to the overall population to have a gang affiliation, the majority (80.7%) are not a member of a gang. Despite this, the gang affiliation label is the one issue that seems to both distinguish and define the Black inmate experience in federal penitentiaries. Prejudice and bias have been well documented in other studies and inquiries of the Canadian criminal justice system.*

**Suggestions:** A range of culturally ( racial, youth, street) appropriate programing and supports for Black inmates, the fostering of community partnerships, CSC support to assist successful volunteer programing in becoming accredited.

## **2. The unequal and unfair treatment of Black inmates , families, volunteer groups serving the Black inmates.**

Many inmates have vocalized that treatment and punishments differ based on race within the Federal Institutions.

Although Black inmates are least likely to offend they are less like to get paroled.

They are deemed aggressive and are more likely to get a street charge or put in segregation than a non Black offender.

Black inmates are considered to go to camp significantly longer than white inmates

Inequality in punishments. Labeled as a drug dealer opposed to white guy labeled as a drug user

Black inmates have voiced that their Visits get taken away

Meals – dietary and religious concerns not being fulfilled. Run around

## **Barriers for Community Support and Volunteers who are of color and work with Black inmates and the need for supports:**

Although isolation negatively affects successful reintegration, Families and community supports such as the Think Twice program are given multiple road blocks that would regularly deter people from supporting inmates.

Community and Volunteer support is so necessary for this population because of the lack of culturally relevant programming and diversity within CSC.

We have witnessed Black led groups such as Think Twice receive different treatment than student groups from local colleges. All white students from the local colleges can get in on a day pass and simply walk through the scanner. Think Twice students and volunteers have to have a lengthy CPIC clearance check and go through additional security checks such as bringing out the security dog.

Policy has also recently changed security policy for volunteers. Volunteers now need an Enhanced Reliability Clearance that additional includes an evasive credit check and finger prints. Although this policy change has caused great concerns and lost many of the volunteers from all populations-the inmates most affected will be the Black inmates as financial and economic hardship is a reality within the Black community. CSC has stated that individuals with bad credit are more likely to receive a bribe from inmates. This is very concerning.

We have found that even as volunteers of color, working with inmates of color, we are treated differently than the John Howards and Salvation Army's. We are not given any physical, mental, financial or guidance supports from the Ethno Cultural Representative at CSC. Regulations are enforced differently with volunteers of color than with other organizations and volunteers. For example, clearances take longer to process. Some organizations clearances are processed the same day. Ours takes a month. Security procedures for us are also more in depth. Our volunteers have been subject to belittling experiences from the staff. With no resolve when reported to management. We have also been punished when complain. We have



also found that there have been multiple barriers set up to discourage us from coming in. We have also experienced barriers in the CSC recognition of our programs regardless our success rate. There are absolutely no supports in place for us. CSC's Ethno Cultural Representative chooses one organization of color to guide and assist of their preference ( not the inmates) which in turn pits the few colored volunteer organizations against each other. The issue with this is that one person or organization cannot meet the diverse needs of the growing Black population in the Federal Institutions.

*The Correctional Investigator recommend that CSC establish an Ethnicity Liaison Officer position at each institution responsible for building and maintaining linkages with culturally diverse community groups and organizations, ensuring the needs of visible minority inmates are met and facilitating culturally appropriate program development and delivery at the site level.*

What is concerning is that RHQ has one position for an Ethnocultural Representative. This position was filled by individuals who were not of color up until a few months ago where a person of color fills the position. There is only so much that she can do sitting alone in a system that has not been held accountable for their injustice.

### **Suggestions:**

Diversity amongst staff

RHQ to adequately support community support, programing and volunteers fostering additional Community Supports and involvement for the purpose of reduced isolation, rehabilitation and successful reintegration

## **3. Complaint and grievance process:**

### **2012 investigator report states:**

*In 2011-12, Black inmates accounted for 25% of all inmate discrimination grievances. Black inmates were also over-represented in staff performance grievances.*

When holding the Institution accountable and writing a complaint or grievance for both the inmates, family member or volunteer groups – grievances are not being heard- issues are held in house- some are looked at 2 years after the incident, when they are heard many times

the conditions and treatment worsens and individuals lose privileges

CSC staff are recycled from the institution to RHQ to Parole. Staff move from position to position. Grudges and biases are carried over. Many times complaints and grievances are looked at by husbands or wives of those who the complaint was made. Also many times Parole Officers end up being one time staff.

Accountability is important

**Suggestion:** A complaint and grievance system outside of CSC

The Aboriginal inmates have an individual who mediates and advocates on their behalf. Aboriginal Justice Strategy was initiated in 1991 to tackle the growing Indigenous prison population.

This is something that needs to be put in place for the Black inmates as well. The creation of an African-Canadian Justice Strategy.

#### **4. Lack of diversity within CSC, institutional staff, administration and management-**

**•Lack of understanding from CSC of black inmates and younger population including the lack of staff, counselors and management of color and the importance of training for**

While there is an increase of Black inmates in Federal institutions, we have observed that the staff do not reflect the clients.

There is a lack of diversity in CSC Institutions amongst guards, programs officers, management, counselors, psychiatrists, case managers, wardens to name a few.

The staff are primarily white with the exception of one Black staff at some of the sites.

There is also a lack of cultural understanding from the staff concerning Black inmates as a people (as a race) and as a person (as an individual).

Examples range from the lack of respect or understanding of food and music to culture, skin care, hair care, struggles faced, grief/trauma, historical oppression, triggers and language to name a few. CSC (Correctional Service Canada) programs are also developed and facilitated by individuals who are white and usually grew up in surrounding neighborhoods (not Toronto) to the Institution They do not have experience with people of color other than in the prison. There is also a lack of training for CSC staff in working with young adults age 18-29. The young adult African Canadian population is soaring and staff remain unprepared and untrained.

*The Correctional Investigator recommended in 2012 that CSC develop a National Diversity Awareness Training Plan that provided practical and operational training in the areas of diversity, sensitivity awareness and cultural competency. This Training Plan should be integrated within the overall training framework.*

*He also previously recommended training specific to young adults which would be part of the on-going training for staff. This training should address the essential knowledge and skills for working with young adults, their associated needs and risks, skills for managing young adult offenders, sensitivity awareness and cultural competency and a review of best practices. The report highlights that staff confirmed that they had received no training specific to young adults. Most staff expressed an interest in training to better understand the needs and challenges of this population. The only resource available for CSC staff is an online and is not required training or reading for CSC staff. “*

In regards to the importance of training

**Marie-Claude Landry**- Chief Commissioner-Canadian Human Rights Commission states “ *the factors that are too often a source of discrimination within our prisons: lack of training and resources which mean that many vulnerable groups are at the mercy of individual experience and discretion; Where you end up, who is responsible for overseeing your day, and where inmates find themselves on the spectrum of vulnerability... these factors all play a role in how an inmate will experience, and in some cases, survive, their incarceration. Once inside, inmates interact on a daily basis with guards, most of who are not equipped with the training needed to deal with these complex issues. And when people are not equipped, they turn to band-aid solutions, such as solitary confinement. Expediency in “managing” the problem or behaviour takes precedence over human rights, and in the process they are.....denied appropriate medical services and supports. ...denied their dignity. ...denied their human rights.”*

## **Suggestions:**

Correctional staff to represent the nationality and race of clients – incentives for more people of color and diversity within CSC  
Mandatory training for Institutional Staff- the training as advised by the correctional investigator has yet to be implemented

---

Marie-Claude Landry  
Chief Commissioner of the Canadian Human Rights Commission

Quotes :

*“Our prisons serve as proof that too little is being done for the vulnerable groups that are most affected by our collective failure in addressing those issues: Indigenous peoples, Black persons, Those with severe mental health issues.*

*These groups of vulnerable individuals not only represent the great majority of those who find themselves in our prisons, they also represent the great majority of those who suffer additional mistreatment and discrimination once “inside”.*

*Factors that are too often a source of discrimination within our prisons:*

- *an organizational culture that sees inmate support and services as privileges instead of rights;*
- *lack of training and resources which mean that many vulnerable groups are at the mercy of individual experience and discretion;*
- *inadequate facilities or policies that fail to consider the individual needs of inmates, whether it be related to disability, sex, religion, to name a few.”*