

PUBLIC CONSULTATION CONCERNING
BILL C-12, THE *DRUG-FREE PRISONS ACT*

&

DRAFT REGULATIONS TO INCREASE FINES FOR DISCIPLINARY OFFENCES

PRESENTATION OF PRISONERS' LEGAL SERVICES

July 24, 2014

Prisoners' Legal Services ("PLS") is a non-profit legal clinic for federal and provincial prisoners in British Columbia, governed by the West Coast Prison Justice Society. We have been providing legal services to prisoners in BC since 1980.

PLS is concerned that the proposed amendments to the *Corrections and Conditional Release Act* ("CCRA") under Bill C-12, *The Drug-Free Prisons Act*, will do nothing to achieve the goal of drug-free prisons or to support prisoners who require assistance in overcoming addictions. PLS is further concerned that the proposed changes to the *Corrections and Conditional Release Regulations* ("CCRR") to increase fines for disciplinary convictions will cause prisoners unacceptable levels of hardship.

A. BILL C-12, THE *DRUG-FREE PRISONS ACT*

In our submission, Bill C-12, the *Drug-Free Prisons Act* does nothing to reduce drug use in prisons. Prisoners' Legal Services calls on government to improve harm-reduction strategies and treatment programs for prisoners who suffer from addiction.

The proposed amendments to the CCRA are redundant as the Parole Board of Canada already has the authority to cancel parole based on information that could not reasonably have been provided to it at the time parole was granted under s. 124(3) of the CCRA.

B. DRAFT REGULATIONS TO INCREASE FINES FOR DISCIPLINARY OFFENCES

PLS is gravely concerned that increasing fines for disciplinary offences represents an extreme punishment that will cause prisoners great hardship.

Prisoners with institutional jobs can earn between \$5.25 and \$6.90 per day, compared with the Canadian minimum wage, which is between \$9 and \$11 per hour. However, there are not enough jobs for prisoners who are willing and able to work. Prisoners who are unable to work are provided an allowance of \$2.50 per day. Prisoners who refuse to work are provided an allowance of \$1 per day. These prisoner pay rates were established in 1981, meaning that while the cost of living, including the cost of canteen items, has increased over the past 33 years, prisoners' incomes have remained the same.

The government recently introduced a 30% charge for room, board and telephone system, despite the fact that when the wage rates were set, the government factored in a deduction from wages for the cost of room, board and clothing. At that time, necessity items were provided to prisoners for free. Now, prisoners are required to purchase necessity items from canteen, including necessary over-the-counter medication such as Tylenol, eye drops or anti-histamines. Prisoners are required to pay for photocopies of legal documents, phone calls, stationery and stamps if they want to maintain contact with community supports, family and friends.

Prisoners may also need to support their families, may be saving to pay for families to travel to visit, or might be trying to save money to prevent homelessness when released from prison. Research demonstrates that imprisonment results in "financial exclusion" which is an obstacle to successful reintegration into society upon release.¹ Introducing further measures to reduce prisoners' finances when they are released may lead to an increase in recidivism.

¹ Chris Bath, Kimmitt Edgar "Time is Money" (2010) Prison Reform Trust and National Association of Reformed Offenders (UNLOCK), UK.
http://www.prisonreformtrust.org.uk/Portals/0/Documents/Time%20is%20Money_8a_Layout%201.pdf.

According to research conducted for Public Safety Canada, prisoners released to the community are faced with the challenge of “managing financially with little or no savings until they begin to earn some lawful remuneration...” The authors warn that homelessness may place youth at risk of reoffending and note that the cost for society associated with the failure of prisoners to successfully reintegrate into the community is significant both financially and in terms of public safety. The authors advise government to assess these costs against the cost of programs to support prisoner reintegration.²

Prisoners may be charged, convicted and fined for relatively minor offences such as disobeying a justifiable order of a staff member, cell visiting or being disrespectful toward a staff member. For someone in the community who is having a bad day, similar behaviour would likely be of no consequence. For a prisoner, having a bad day could cost them more than one and a half months’ income, or almost three months’ income if the prisoner is considered a repeat offender.³

When the pay cuts were introduced in October 2013, prisoners across Canada staged a work strike.⁴ The proposed amendment to increase fines for disciplinary convictions could lead to more frustration and anger about government “tough on crime” measures and their effects on prisoners. This could lead to an increase in violence in prisons.

Imposing large fines for what may be relatively minor disciplinary offences may be a disincentive for prisoners to work. The accumulative effect of the 2013 pay cuts with disproportionately high fines could add to a sense of hopelessness among prisoners who may be

² Curt T. Griffiths, PhD, Yvon Dandurand, Danielle Murdoch “The Social Reintegration of Offenders and Crime Prevention – Challenges Confronting Offenders at the Time of their Release (2007)
<http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/scl-rntgrtn/index-eng.aspx>

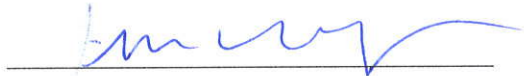
³ For example, a prisoner whose income is \$5.25 per day will have 30% taken for room, board and telephone, and \$8 per pay period deducted for the Inmate Welfare Fund. That leaves \$747.50 per year, or \$62.29 per month. Disciplinary fines are taken at a rate of 25% of net income per pay period. If a prisoner is to be released with fine debt remaining, that money will be taken from them if they have any money remaining and he or she will be given only \$50 to establish himself or herself in the community.

⁴ M. Brosnahan, “Federal inmates go on strike to protest pay cuts” (October 1, 2013) CBC News.
<http://www.cbc.ca/news/federal-inmates-go-on-strike-to-protest-pay-cuts-1.1875491>.

working for months to pay a fine on top of all other necessary expenses. The proposed amendments to the regulations may have the effect of extinguishing the work ethic in those who are working to contribute to their successful reintegration into society and for their families. This would be counter to the government’s stated objective of encouraging “offender accountability”.

PLS encourages the government to invest in community based programs and services that would result in fewer people committing crimes and entering prisons, rather than downloading the costs of imprisonment onto prisoners.

All of which is respectfully submitted.



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