



Prisoners' Legal Services

A Project of the West Coast Prison Justice Society

December 9, 2021

VIA EMAIL

**The Honourable John Horgan
Premier**

PO Box 9041 Stn Prov Gov
Victoria, BC, V8W 9E1
premier@gov.bc.ca

**The Honourable David Eby
Attorney General**

PO Box 9044 Stn Prov Gov
Victoria, BC, V8W 9E2
AG.Minister@gov.bc.ca

**The Honourable Mike Farnworth
Minister of Public Safety & Solicitor
General**

PO Box 9010 Stn Prov Gov
Victoria, BC, V8W 9E2
PSSG.Minister@gov.bc.ca

**The Honourable Murray Rankin
Minister of Indigenous Relations and
Reconciliation**

Room 323 Parliament Buildings
Victoria, BC, V8V 1X4
IRR.Minister@gov.bc.ca

Dear Premier Horgan, Minister Eby, Minister Farnworth and Minister Rankin:

RE: Call to fund alternatives to incarceration of Indigenous people

I am the executive director of Prisoners' Legal Services, a legal aid clinic for federal and provincial prisoners in British Columbia. We administer all prisoner legal aid in BC (other than appeals), including for liberty issues, human rights and health care.

I write to urge BC to focus its resources on implementing the First Nations Justice Strategy 14, which includes "the development of a network of First Nations corrections alternatives" to incarceration. We encourage BC to implement this strategy instead of expanding prisons in the north (or anywhere else). Expanding capacity of prisons in the north will only add to the oppression of Indigenous communities and continue the colonial genocide against Indigenous people in BC.

BC Corrections' website states that it is "committed to addressing the over-representation of Indigenous people in the justice system." It notes that Indigenous people represent 5.9% of the adult population in BC, but represent 35% of people in BC's prisons.

We understand that while the total number of people incarcerated in BC Corrections facilities has declined since the COVID epidemic began, the counts are increasing in northern communities that are predominantly Indigenous.

Prisoners' Legal Services receives frequent reports that conditions of confinement at the Prince George Regional Correctional Centre are inhumane. People are held in induction units in solitary confinement for 21 days at a time, and more if they are going to court. Initially people receive no time out of their cells. They are unable to contact their criminal lawyers about bail, which affects their ability to receive bail. The United Nations considers solitary confinement for more than 15 days to constitute torture or cruel treatment.

We also receive reports that cells at the Prince George Regional Correctional Centre are unclean, including from people who have been placed in cells contaminated with other people's feces.

In the federal prison system, Indigenous people in prison are more likely to be held in maximum security where, according to the Correctional Investigator of Canada, they are often treated in a "cruel, callous and degrading manner." Indigenous people are more likely to be held in solitary confinement, to have violence used against them by correctional officers, and to have higher rates of suicide attempts, self-harm, and death by homicide while in prison. Indigenous people are significantly less likely to be released on parole and more likely to be held in custody until their statutory release dates than non-Indigenous people, meaning they serve a higher proportion of their sentences in custody rather than under community supervision.

We have recently received a few reports from Indigenous people in custody at the Prince George Regional Correctional Centre that corrections officers made racist comments about the confirmation of unmarked graves of children buried at the sites of former residential schools. This is particularly offensive because the high rate of incarceration of Indigenous people stems from "the intergenerational legacy of the residential school system and colonialism" (Senate Standing Committee on Human Rights, *Human Rights of Federally-Sentenced Persons*, June 2021 at page 39).

The answer to the mass incarceration of Indigenous people in BC jails is not to build more prisons. The answer is for the provincial government to support Indigenous communities having the resources and autonomy to heal from the intergenerational trauma of colonialism, outside of prisons.

We understand that BC has not provided any funding to the BC First Nations Justice Council to implement Strategy 14 of the First Nations Justice Strategy. It has not invested in Indigenous communities to establish alternatives to prison as contemplated by Strategy 14.

BC's draft Action Plan to implement the Declaration on the Rights of Indigenous Peoples includes paragraph 1.8: "Prioritize the implementation of the First Nations Justice Strategy, and the Métis Justice Strategy once it is finalized, to reduce the substantial overrepresentation of Indigenous peoples involved in and impacted by the justice system, affirm Indigenous self-determination and enable the restoration of traditional justice systems and institutions." The draft Action Plan states as a goal the elimination of the overrepresentation of Indigenous peoples in the justice system and the affirmation of Indigenous self-determination.

Funding Indigenous-run healing lodges and other Indigenous-run community alternatives to incarceration would be an effective way to achieve this goal. Building more prison capacity in the north will increase BC's mass incarceration of Indigenous people.

Yours truly,

PRISONERS' LEGAL SERVICES

A handwritten signature in black ink, appearing to be 'Jim' followed by a stylized flourish.

Executive Director
Barrister and Solicitor

cc: Stephanie Macpherson, Director, BC Corrections
Gaelene Askeland, Executive Director, BC First Nations Justice Council