



## Prisoners' Legal Services

A Project of the West Coast Prison Justice Society

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November 21, 2022

VIA EMAIL

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Greetings:

**RE: CAMPEAU, Kendal – death in custody**

I write on behalf of the family of Kendal Lee Campeau, who passed away at Pacific Institution on November 14, 2021. Mr. Campeau's family requests that the information below be considered pursuant to CSC's National Board of Investigation.

Please consider this a submission from Mr. Campeau's family, since I am acting on their behalf and as their legal representative. Attached please find their appointment of counsel, signed by Mr. Campeau's father and next of kin, Darwyn Linden and his sister and administrator of his estate, Ashley Fontaine.

I have also attached a letter from Mr. Campeau's sister, Ashley Fontaine,<sup>1</sup> which I have also referenced in my submission below. Ms. Fontaine is a social worker with a degree in Indigenous Social Work.

I note that the information provided below is based on the information available to Mr. Campeau's family at this time, but with further investigation and disclosure, their concerns may change.

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<sup>1</sup> Letter from Ashley Fontaine, written December 15, 2021 and edited December 2021 and November 2022 ["Ashley Fontaine letter"].



## Prisoners' Legal Services

A Project of the West Coast Prison Justice Society

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If an investigation has been completed and the issues below were not considered, Mr. Campeau's family requests the investigation be reopened. Should you have any questions or require any further information, please do not hesitate to contact me.

### 1. Background

Mr. Campeau was 31 when he passed away. He began his most recent sentence in August 2018 and was initially held at Saskatchewan Penitentiary. A Notification of Penitentiary Placement Recommendation dated November 23, 2018 states that Mr. Campeau was rated as medium security but nevertheless recommended for penitentiary placement to the maximum security unit at Saskatchewan Penitentiary.<sup>2</sup> He experienced significant mental health needs and spent time at the Regional Psychiatric Centre.

In approximately December 2019, after he was violently assaulted, Mr. Campeau was transferred away from his family to BC, where he was placed at Kent Institution. He was violently assaulted again and placed in the Structured Intervention Unit and then transferred to Pacific Institution in approximately May 2021. While in BC he was also admitted to the psychiatric hospital at the Regional Psychiatric Centre, including in September 2021.

On November 14, 2021, he was found unresponsive in his cell, given Narcan and taken to outside hospital. He returned to custody and passed away later that same day, having been found unresponsive again in his cell.

The BC Coroner has indicated that Mr. Campeau died of methadone toxicity, with significant contributing factors being olanzapine and morphine. We understand Mr. Campeau had discussed the possibility of being prescribed methadone while in CSC custody, but that methadone was not prescribed when he died (olanzapine and morphine were prescribed to him).

Mr. Campeau was a member of the Yellow Quill First Nation and grew up in Saskatchewan. (His CSC documents incorrectly identify him as Métis.)<sup>3</sup>

Mr. Campeau's CSC documents demonstrate his long history of being harmed by colonial systems. For instance, one document explains that "he did not report any concerns with his

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<sup>2</sup> We do not have access to Mr. Campeau's other penitentiary placement documents to determine whether this could be a typo; if he was in fact recommended for placement to maximum security even though he was rated as medium security, this should be investigated.

<sup>3</sup> See for instance Correctional Service Canada, "Assessment for Decision – Inst. Transfer (Involuntary) – Provide a Safe Environment", April 26, 2021.



## Prisoners' Legal Services

A Project of the West Coast Prison Justice Society

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care growing up and no abuse was reported”, but that he was nevertheless removed from his family home and placed in foster care and then the care of an aunt when he was approximately 10 years old after he was allegedly involved in a stabbing.<sup>4</sup> Ashley recalls her mother reaching out to Child and Family Services for help, but the result was her child being taken away. The document further states that his mother unsuccessfully attempted to regain custody, and that Mr. Campeau subsequently ran away to live with his parents.

Mr. Campeau spent time in group homes, where he was treated abusively, including by being forcibly held down in restraints. As Ashley writes, “Our family has never felt whole since Kendal was removed from our mother’s care. All I remember from that time are the tears shed. It was very traumatic to go through that. Can you imagine being witness to 5 to 6 workers tackling down a child, your younger brother, to restrain him only because all he wanted to do, was go home with his mom and sister.”<sup>5</sup>

Not long after he was removed from his family, Mr. Campeau entered the youth criminal system. When he was only about 12 years old, a police dog attacked him and tore his arm; after the police tried to allege it was Mr. Campeau who was being aggressive, his mother covertly took photos of his injuries while he was in a detention facility to show a judge the extent of his wounds. The photos were submitted into evidence and the charges were withdrawn.

Mr. Campeau also spent time in provincial custody in Saskatchewan and in federal custody. As outlined below, he suffered extensive abuse while in custody, including physical and sexual assaults, solitary confinement, inhumane living conditions, and abuse and degradation by correctional staff.

Mr. Campeau’s Criminal Profile describes a pre-sentence report that accuses his parents of “blam[ing] CAMPEAU’s negative peer group for the trouble he got in as well as the ‘system’ that has always incarcerated him and not had him deal with his problems” and of “attempting to minimize his behaviour by blaming others.”<sup>6</sup>

As described above, Mr. Campeau was taken from his mother after she sought help from the state. After that he suffered extensive abuse in group homes, youth custody, provincial jail and federal prison. It is thus entirely justified that Mr. Campeau’s family would blame a system that takes Indigenous children from their families, locks them in cages, and allows them to be assaulted and abused.

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<sup>4</sup> Correctional Service Canada, “Correctional Plan Update – SIU”, April 23, 2021.

<sup>5</sup> Ashley Fontaine letter, p. 5.

<sup>6</sup> Correctional Service Canada, “Criminal Profile”, February 26, 2021.



## **Prisoners' Legal Services**

A Project of the West Coast Prison Justice Society

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Mr. Campeau's death while incarcerated must be understood as part of Canada's history of forcibly separating Indigenous families and the mass incarceration of Indigenous people.

Further, Mr. Campeau's experiences while in custody must be considered as part of the investigation into his death.

### **2. Conditions of Confinement**

We understand that the terms of reference for the National Board of Investigation ("NBOI") examining Mr. Campeau's death include, among other things, "the existence of pre-incident indicators, precipitating events or contributing risk factors to the incidents under investigation" (Investigation Area A) and Mr. Campeau's most recent security classification.

In my submission, it is critical that, when considering these factors, CSC consider the impact of Mr. Campeau's conditions of confinement and experiences in custody on his wellbeing.

#### *a. Solitary confinement*

Mr. Campeau spent prolonged periods in solitary confinement prior to his death. This includes placements in segregation in both CSC institutions as well as in provincial custody prior to his entering federal custody.

In addition, Mr. Campeau spent time in other forms of isolation in CSC institutions, including "quiet room" cells, healthcare cells and Structured Intervention Units. Mr. Campeau's Structured Intervention Unit documents indicate he was sometimes declining time out of his cell, meaning he was spending very significant time alone. Mr. Campeau would also have been subject to a restrictive movement routine at Kent Institution, where he would likely have spent most of the day in his cell. Incarcerated people have also described the conditions at CSC treatment centres (including the Regional Psychiatric Centre and the Regional Treatment Centre-Pacific, where Mr. Campeau had been housed) as involving significant time locked up.

The symptoms of solitary confinement are well-known and include:

stress-related reactions (such as decreased appetite, trembling hands, sweating palms, heart palpitations, and a sense of impending emotional breakdown); sleep disturbances (including nightmares and sleeplessness); heightened levels of anxiety and panic; irritability, aggression, and rage; paranoia, ruminations, and violent fantasies; cognitive dysfunction, hypersensitivity to stimuli, and hallucinations; loss of emotional control,



## Prisoners' Legal Services

A Project of the West Coast Prison Justice Society

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mood swings, lethargy, flattened affect, and depression; increased suicidality and instances of self-harm; and, finally, paradoxical tendencies to further social withdrawal.<sup>7</sup>

In addition, research has documented that the psychological harms of solitary confinement can persist long after the person is released from isolation.<sup>8</sup>

Mr. Campeau's CSC documents indicate he exhibited at least some of the symptoms outlined above, including what CSC characterized as delusional or paranoid thoughts,<sup>9</sup> possible hallucinations,<sup>10</sup> "flat blunted affect"<sup>11</sup> and suicidality.

Ashley writes that her brother told her stories about abuse by officers in solitary confinement. She writes:

Guards would take him to blind spots and physically assault him. When in solitary confinement they stripped him of his clothing and threw cold water on him, and removed everything from his cell that could keep him warm. He had no bed to lay on, no blankets or clothing. He told me that the floor was cold and he constantly banged on the door shouting "give me back my fucking clothes". He told me that he was frustrated, angry and couldn't do nothing else but shout and cry.<sup>12</sup>

Mr. Campeau's records indicate that CSC health providers repeatedly found him fit to remain in segregation, including in the days leading up to his attempting suicide while in segregation at Saskatchewan Penitentiary in September 2019. For the 18 days immediately prior, health providers had repeatedly concluded "neither physical nor mental health appear to be negatively affected by segregation at this time" (often repeating the exact same language or using other similar language).<sup>13</sup> This is contrary to the United Nations' *Standard Minimum Rules for the Treatment of Prisoners* (known as the "Mandela Rules"), which define isolation for *any* length of time for someone with a mental health disability that would be exacerbated by such

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<sup>7</sup> Craig Haney, "The Psychological Effects of Solitary Confinement: A Systematic Critique", *Crime and Justice* 47.1 (2018).

<sup>8</sup> See for instance Terry A. Kupers, M.D., M.S.P., "The SHU Post-Release Syndrome: A Preliminary Report". *Correctional Mental Health Report* Vol. 17 No. 6 (March/April 2016), pp.81-85(5). See also Human Rights in Trauma Mental Health Lab, Stanford University, "Mental Health Consequences Following Release from Long-Term Solitary Confinement in California - Consultative Report Prepared for the Center for Constitutional Rights". Online: [https://ccrjustice.org/sites/default/files/attach/2018/04/CCR\\_StanfordLab-SHURreport.pdf](https://ccrjustice.org/sites/default/files/attach/2018/04/CCR_StanfordLab-SHURreport.pdf)

<sup>9</sup> See for instance OSCAR Encounter Notes dated 31-Oct-2019

<sup>10</sup> See for instance OSCAR Encounter Notes dated 15-Oct-2019

<sup>11</sup> See for instance OSCAR Encounter Notes dated 10-Oct-2019

<sup>12</sup> Ashley Fontaine letter, p. 3.

<sup>13</sup> See OSCAR Encounter Notes dated August 22, 24, 25, 26, 27, 29, 30 and 31 and September 1, 2, 3, 4, 5, 6, 7, 8, 9, 2019.



## Prisoners' Legal Services

A Project of the West Coast Prison Justice Society

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confinement as torture or cruel treatment, and prohibit health providers from engaging actively or passively in the practice.

CSC's investigation should examine how many days Mr. Campeau spent in solitary confinement or solitary-like conditions, and consider what impact this isolation had on his mental state and whether this could have been a factor in his death. For instance, if he used drugs, might he have been attempting to cope with the symptoms of solitary confinement?

Further, Investigation Area C includes "the care provided and/or offered to [Mr. Campeau]". Was Mr. Campeau ever assessed by CSC health providers to determine whether he was experiencing any of the symptoms of solitary confinement? Was he ever offered care to help him recover from these experiences? Why did Mr. Campeau's health providers repeatedly sign off on his continued isolation, despite the well-known psychological harms of solitary confinement?

CSC must interrogate what role isolation played in Mr. Campeau's death, including the lack of action by health providers to respond to this practice. Further, if the mental health care that Mr. Campeau was receiving did not account for and respond to his history of isolation, I submit this would have been inadequate.

### *b. Abuse by correctional officers*

Prior to his death, Mr. Campeau spoke to his family about experiences of abuse by correctional officers, including at least one instance in which he was brutally raped. It is critical that CSC's investigation seriously examine these allegations and explore what connection they may have had to the deterioration of his mental health and to his death.

As Mr. Campeau's sister Ashley writes (see attached letter):

[Kendal] was trying to go to the media about a specific event that happened to him, Kendal said that the guards "pissed in a mop bucket" and told him to mop his cell with the urine in the pail. He refused and began swearing at the guards. He then become overwhelmed with emotions and you can hear it in his voice. Kendal said, "I fought back Doll [Ashley]. I wasn't going to mop my cell with pissy water, fuck that shit. I pissed one of the guards off, so he kicked over the mop water, spilling all over in my cell". Kendal then went onto say that what the guard did by spilling the pail in the cell, had angered him and then started "swinging punches". Kendal said that at this point the guards rushed him, tackled him down and beat "the shit out of me". Kendal started crying on the phone with me as he mentioned what they did to him next. He said they pulled his pants down and



## Prisoners' Legal Services

A Project of the West Coast Prison Justice Society

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shoved the mop stick “up his ass”. He was raped by the guards wielding the stick. Kendal told me he couldn’t “shit or sit for weeks[“] while he was down in the hole [segregation] due to the damage from the rape.<sup>14</sup>

Ashley further recalls her brother telling her that officers video recorded the incident on a cell phone, and taunted him by saying things like “you like that, don’t you?” She remembers hearing humiliation in his voice when he disclosed this to her.

It is difficult for Mr. Campeau’s family to determine exactly when this assault occurred and they are not certain whether it occurred at Saskatchewan Penitentiary or a provincial correctional centre in Saskatchewan. However, Ashley estimates her brother finally shared the details of the incident with her some time between September 15 and 20, 2019. She also notes that “After he made this disclosure, in subsequent phone calls...his mental health was deteriorating.”<sup>15</sup> She further notes that Mr. Campeau spoke about this incident in a voicemail he left for her approximately one week before he died.

Mr. Campeau’s medical records indicate that he self-harmed seriously in early September 2019, and that CSC staff suspected this followed him being sexually assaulted. Specifically, records show that, on September 9, 2019, Mr. Campeau was found crying in the shower, having slashed his arm and thigh severely enough to require treatment at outside hospital. A grievance Mr. Campeau filed describes this as a suicide attempt.<sup>16</sup> As noted above, he was housed in segregation when this occurred, and for the 18 days immediately prior, health providers had consistently signed off on his continued isolation.

Ashley also writes in her letter that Mr. Campeau told her that, when he was at Saskatchewan Penitentiary, an officer gave him a razor blade and “tormented him into thinking that he was a waste of life and encouraged him to end his life.”<sup>17</sup> She writes that Mr. Campeau “said that he was cutting his arms and legs. All the while this guard that gave him the razor blade, stood there and watched.”<sup>18</sup> PLS has received several reports from incarcerated people about CSC correctional officers encouraging them to kill themselves and sometimes giving them razor blades, and the investigation should give serious consideration to this allegation.

A note in Mr. Campeau’s medical file from a few days after his suicide attempt states that a health provider “wonder[ed] if offender is suffering from acute psychotic break from possible

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<sup>14</sup> Ashley Fontaine letter, pp. 3-4.

<sup>15</sup> Ashley Fontaine letter, p. 4.

<sup>16</sup> See “Offender Complaint Presentation” dated January 20, 2020.

<sup>17</sup> Ashley Fontaine letter, p. 4.

<sup>18</sup> Ashley Fontaine letter, p. 4.



## Prisoners' Legal Services

A Project of the West Coast Prison Justice Society

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sexual assault and has caused him to be reverted back from a possible childhood incident.”<sup>19</sup> Another note similarly states that “LPN was also concerned that offender may have been assaulted but offender is denying same.”<sup>20</sup>

Mr. Campeau was emergency transferred to the Regional Psychiatric Centre (“RPC”) on or around September 14, 2019. There is another note in his medical file from that day that says he “agreed that recent psychosis, assault and self-harm has occurred” and that he requested to be drug tested immediately “as he believes he was exposed to drugs against his will preceding these events”.<sup>21</sup>

Another note references “distress due to a recent sexual assault, ongoing suicide concerns and exhibiting psychotic symptoms such as both auditory and visual hallucinations. He however, believes that he was drugged at his parent institution several days ago and what happened to [sic] was a result of that.”<sup>22</sup>

Despite all of these notes, I do not see any descriptions of the sexual assault, including who may have assaulted Mr. Campeau, or any documentation of his injuries.

Another medical record from October 31, 2019 quotes Mr. Campeau as saying:

“it started 7 weeks ago in sask pen...they come into my room at night and they would rape me and steal the information from my head (referring to the officers), they lay on top of you when youre sleeping and that’s how they get the information”. he continues with his delusional thought process stating “they watch me in the shower, they watch me use the bathroom, they are using a virtual reality headset and smart control to steal my memory and take pics from my memory”.<sup>23</sup>

While health providers characterized Mr. Campeau’s explanation as “delusional”, there is also documentation that he had been assaulted. Further, Mr. Campeau’s description is of officers coming into his cell, laying on top of him and raping him, and of officers watching him use the bathroom and shower.

Mr. Campeau is not the first incarcerated person to accuse a staff person of misconduct, including sexual abuse, and it is essential that CSC’s investigation take his allegations seriously

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<sup>19</sup> See OSCAR Encounter Notes dated 13-Sep-2019 by Samantha L. Pycok.

<sup>20</sup> See OSCAR Encounter Notes dated 16-Sep-2019 by Holly Osecki.

<sup>21</sup> See OSCAR Encounter Notes dated 14-Sep-2019 by Chris Stolar.

<sup>22</sup> See OSCAR Encounter Notes dated 14-Sep-2019 by Azaad Baziany.

<sup>23</sup> See OSCAR Encounter Notes dated 31-Oct-2019 by Rina Abdounour.





## Prisoners' Legal Services

A Project of the West Coast Prison Justice Society

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and investigate them thoroughly. His mental health issues would have made him an especially vulnerable target, since any attempts to report the abuse he suffered could have been dismissed as delusional.

Mr. Campeau attempted to file grievances related to the circumstances of his suicide attempt. For instance, on January 2, 2020, he wrote a complaint stating that “[t]here was an incident where guards came into my cell” and that, after he attempted suicide, the same staff were outside his cell and put something in his drink. He requested that the camera footage from the date of his suicide attempt be retrieved, and that the incident be reviewed by regional and/or national headquarters. He further notes that he attempted to discuss his concerns with the SIO department and several correctional managers.

CSC’s response is dated February 14, 2020, and simply states that there is no camera footage from the dates Mr. Campeau references and that “[a] review of file information does not corroborate [sic] your accusations.” There is no detail about what file information was reviewed, what that information said, and in what way it did not corroborate Mr. Campeau’s allegations. From the reference to “file information”, it does not appear that any staff were interviewed, nor was Mr. Campeau consulted despite his request to be interviewed. (The grievance response states he was not interviewed because he had been transferred to Kent Institution, but there is no reason he could not have been reached by phone.)

This grievance response is not consistent with s. 27(2) of the *Corrections and Conditional Release Act*, which states that, when a person is entitled to reasons for a decision (which would include the grievance process), they must be given “all the information that was considered in the taking of the decision or a summary of that information.” Nor is it consistent with the legal standards for reasonable decision-making.<sup>24</sup>

Mr. Campeau attempted to raise these issues again, filing another complaint on July 20, 2021 in which he states: “guards came into my cell at night in August 2019 and camera footage of them some guards came into my [c]ell in healthcare in August the night befor[e] [I] s[ai]d I was raped in healthcare asked to be drug tested the next morning this is what sask pen s[ai]d and the Saskatoon police are investigating the guards...” He also references the Emergency Response Team and being sent to RPC.

CSC responds to this grievance with another extremely cursory response, simply repeating that there is no camera footage and “a review of file information does not corroborate your accusations.” Again, it is not clear what “file information” was considered or what it said, or

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<sup>24</sup> See *Canada v. Vavilov* 2019 SCC 65 and *Dunsmuir v. New Brunswick* 2008 SCC 9.



## Prisoners' Legal Services

A Project of the West Coast Prison Justice Society

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whether any further investigation was done. And again, this response is especially egregious given Mr. Campeau's allegation of rape, which is in fact supported by notes his medical file speculating that he had been sexually assaulted.<sup>25</sup> His suicide attempt is also documented in his file.

It appears that Mr. Campeau filed or at least drafted a final-level grievance dated October 8, 2021 in which he grieves being denied phone calls to the police and the media, presumably about these same events. He also alleges that correctional officers involved in the misconduct against him came to RPC to threaten him. He notes that he has been having nightmares and feels like he is being watched, and that he fears for his safety and has self-harmed as a result of these experiences.<sup>26</sup>

Even if Mr. Campeau did not file this grievance (and regardless of whether CSC has evidence to support his allegations), his writing demonstrates that these issues continued to weigh heavily on and seriously impact his wellbeing in the weeks leading up to his death.

Further, Ashley writes that she received a phone message from her brother about one week before his death (she confirms her brother left the message on November 6<sup>th</sup>, 2021), indicating that officers had drugged and sexually assaulted him, and that he wanted to tell the truth about what had happened to him.<sup>27</sup>

Ashley also writes that she spoke with an Elder working with Mr. Campeau a few days later (on November 10, 2022), and that the Elder mentioned suspicions that Mr. Campeau had been gang raped in custody. Ashley explains that she shared with the Elder the rape that her brother had disclosed to her.<sup>28</sup> Only a few days later she received the news that he had passed away.

It is clear that the rape Mr. Campeau suffered was at the front of his mind in the days and weeks leading up to his death, and it is critical that CSC's investigation fully explore what abuses he suffered in custody, how they impacted him, and what connection this may have had to his death.

If Mr. Campeau spoke to the police about any of his experiences in CSC custody, this should be included in CSC's investigation.

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<sup>25</sup> See OSCAR Encounter Notes dated September 13, 14 and 16, 2019.

<sup>26</sup> See Offender Final Grievance Presentation dated October 8, 2021. If this grievance was not filed and the investigator requires a copy, please let me know.

<sup>27</sup> Ashley Fontaine letter, p. 5.

<sup>28</sup> Ashley Fontaine letter, pp. 2-3.



## Prisoners' Legal Services

A Project of the West Coast Prison Justice Society

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The investigation should also examine whether the abuse Mr. Campeau suffered in custody impacted his connection to his family. Ashley recalls her mother attempting to visit Mr. Campeau at RPC but that he was sometimes refusing. She also recalls RPC cancelling a visit with his father. Mr. Campeau's medical records indicate that, on November 9, 2019, he was called to visits and correspondence for a visit, but he was not permitted to attend because he refused to be strip searched<sup>29</sup>. The records further note that Mr. Campeau would only be permitted closed visits – i.e. through a barrier – going forward because he refused to be strip searched.<sup>30</sup>

Mr. Campeau's records seem to indicate that he refused a visit with his family not because he did not want to see them, but because he did not want to be forced to get naked and expose himself to correctional officers. PLS has heard from many clients that they experience strip searches as degrading and a form of sexual abuse, and it is reasonable to assume someone who had been sexually assaulted – particularly someone who had been sexually assaulted by correctional officers – would be terrified of being in such a vulnerable state. Recently, the Standing Senate Committee on Human Rights raised concerns that security measures, such as strip searches, “dissuade federally-sentenced persons from participating in family visits” due to the violating nature of these procedures.<sup>31</sup> These concerns are particularly urgent for Indigenous people in prison given Canada's history of forcibly separating Indigenous families.

### *c. Other assaults in custody*

In addition to the events described above, Mr. Campeau experienced other violence while he was in CSC custody that must be explored in the context of the investigation into his death.

For instance, Mr. Campeau was seriously assaulted at least twice by other incarcerated people while in CSC custody (at Saskatchewan Penitentiary and Kent Institution). Mr. Campeau told his family that correctional officers facilitated these assaults by telling other prisoners he was a “rat” and then doing nothing to intervene when he was attacked. He also told his family that, with respect to the incident at Saskatchewan Penitentiary, an officer who was bringing drugs into the institution wanted to ensure Mr. Campeau would not inform CSC and so attempted to turn other incarcerated people against Mr. Campeau and intimidate him into keeping quiet. Ashley also recalls her brother telling her that the officer threatened to come after Ashley and her children if Mr. Campeau did not keep quiet.

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<sup>29</sup> See OSCAR Encounter Notes dated 9-Nov-2019 by Katie Campbell.

<sup>30</sup> See OSCAR Encounter Notes dated 9-Nov-2019 by Jen Dageles,

<sup>31</sup> Standing Senate Committee on Human Rights, *Report on The Human Rights of Federally-Sentenced Persons* (June 2021), p. 102. Online: [https://sencanada.ca/content/sen/committee/432/RIDR/reports/2021-06-16\\_FederallySentenced\\_e.pdf](https://sencanada.ca/content/sen/committee/432/RIDR/reports/2021-06-16_FederallySentenced_e.pdf).



## Prisoners' Legal Services

A Project of the West Coast Prison Justice Society

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Mr. Campeau's family further understands that he was targeted by correctional officers due to a prior incident in Saskatchewan provincial custody in which he allegedly took a staff member hostage, and that at least some of the abuse he experienced in CSC custody was related to this.

These assaults are confirmed in Mr. Campeau's CSC records. For instance, a healthcare note from December 7, 2019 describes Mr. Campeau's face as "+++ swollen" and notes a laceration on his head and puncture wounds/lacerations on his chest.<sup>32</sup> Mr. Campeau was taken by ambulance to the hospital and admitted,<sup>33</sup> and hospital records indicate a "fracture through base of right nasal bone and right medial orbital wall buckling"<sup>34</sup> and "Fragmented teeth".<sup>35</sup>

Ashley recalls her father attempting to visit Mr. Campeau at Saskatchewan Penitentiary in December 2019 but being told the visit had been cancelled because of a lockdown. She believes Mr. Campeau was in the hospital at this time. She further recalls that her father finally got a visit with Mr. Campeau after he returned from the hospital and that he described Mr. Campeau as "badly beaten and [he] appeared to be in a lot of physical pain." Ashley recalls her father saying that Mr. Campeau's "face was swollen, it was black and blue. My dad felt something was very wrong with him, Kendal couldn't even sit down and he was holding his stomach like he was in a lot of pain. I asked my dad if he knew what had happened to Kendal and he told me that he didn't know. He's said Kendal wasn't talking; he was quiet the whole visit."<sup>36</sup>

Ashley recalls that Mr. Campeau told her he had been repeatedly kicked in the head during the assault and he believed his skull was fractured. She also notes that Mr. Campeau had previously been involved in a head-on collision with a semi in which he sustained serious injuries and she believed he had an acquired brain injury, which would have made further head injuries more dangerous.

Following this assault, Mr. Campeau was transferred involuntarily to Kent Institution in BC, away from his home community and his family.

Mr. Campeau was assaulted a second time in April 2021 at Kent Institution. CSC documents indicate that he requested to go to the SIU for "quiet time", which was denied, and that he was assaulted by other prisoners later that same day. Documents further confirm that Kendal

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<sup>32</sup> See OSCAR Encounter Notes dated 7-Dec-2019 by Dinah Willoughby.

<sup>33</sup> See OSCAR Encounter Notes dated 7-Dec-2019 by Dinah Willoughby.

<sup>34</sup> Victoria Hospital Admission/Discharge Face Sheet with a discharge date of 2019/12/11.

<sup>35</sup> Victoria Hospital Medical imaging report with a print date of 7-Dec-19.

<sup>36</sup> Ashley Fontaine letter, p. 4.



## Prisoners' Legal Services

A Project of the West Coast Prison Justice Society

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informed staff he had been assaulted because correctional officers told other incarcerated people he was a “rat”.<sup>37</sup>

CSC’s investigation must explore what impact these assaults had on Kendal, including physically and mentally. For instance, as mentioned above, Mr. Campeau’s family understands he suffered a fractured skull, and notes he became dependent on Tylenol to deal with the headaches he experienced afterwards. Was the extent and impact of his head injury assessed, and did he suffer lasting effects or symptoms? Was he assessed for post-traumatic stress disorder? If so, what if any treatment or accommodations did he receive? Was he attempting to manage ongoing pain, trauma or other symptoms by using drugs? Did any CSC health staff explore the impact being so profoundly unsafe had on Mr. Campeau’s mental state?

All of these questions should be explored as part of CSC’s investigation.

### 3. Indigenous identity

Investigation Area B focuses on “whether the Indigenous social history of [Mr. Campeau] was considered in the decision-making process”.

As noted above, it is critical to understand Mr. Campeau’s experiences in custody and his death in the context of colonization and the mass incarceration of Indigenous people.

Indigenous people are over-represented in the most restrictive and degrading prison environments, including maximum security institutions<sup>38</sup> and structured intervention units.<sup>39</sup> This is due in part to the use of “institutional adjustment” ratings, which are often code for a person having higher needs for mental health support or for culturally appropriate healing – neither of which are available or conducive to offering in a maximum security environment. Instead, these environments – which are focused on security, restriction and deprivation and tend to be hostile, tense and violent places – tend to exacerbate trauma.

Further, institutional adjustment is often used in a discriminatory manner against Indigenous people to equate their being Indigenous with having poor values and morals. Indeed, an

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<sup>37</sup> Correctional Service Canada, “Assessment for Decision – Inst. Transfer (Involuntary) – Provide a Safe Environment”, April 26, 2021.

<sup>38</sup> Correctional Investigator of Canada, “Indigenous People in Federal Custody Surpasses 30% - Correctional Investigator Issues Statement and Challenge”, January 2020. Online: <https://www.oci-bec.gc.ca/cnt/comm/press/press20200121-eng.aspx>.

<sup>39</sup> Anthony Doob and Jane Sprott, “Understanding the Operation of Correctional Service Canada’s Structured Intervention Units: Some Preliminary Findings”, 26 October 2020. Online: [https://johnhoward.ca/wp-content/uploads/2020/10/UnderstandingCSC\\_SIUDoobSprott26-10-2020-1.pdf](https://johnhoward.ca/wp-content/uploads/2020/10/UnderstandingCSC_SIUDoobSprott26-10-2020-1.pdf).



## Prisoners' Legal Services

A Project of the West Coast Prison Justice Society

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assessment for decision from April 2021 characterizes Mr. Campeau as having a high institutional adjustment rating and states as its very first justification that:

Mr. CAMPEAU appears to have normalized the use of violence and substance abuse both in the community and the institutional setting. His Indigenous Social History (ISH) has very likely contributed to Mr. CAMPEAU developing these anti-social values and disregard to authority. He lacked structure in childhood and started associating with negative individuals at a very young age. Instead of developing a positive moral code with respect for law and society, he learned and followed rules associated with criminally entrenched attitudes. He lacked positive role models and mimicked the values from other negative individuals.<sup>40</sup>

This characterization appears to equate Mr. Campeau's being Indigenous with "anti-social values", "disregard [for] authority", a poor "moral code" and "criminally entrenched attitudes". The same document also, as noted above, fails to properly identify the First Nation Mr. Campeau belonged to, incorrectly stating he was Métis. It also entirely ignores Mr. Campeau's loving family and the fact that he was ripped away from his parents and siblings as a small child and placed in group homes and youth detention facilities, where he was abused – exactly the kinds of colonial experiences that a person's Indigenous social history – or *Gladue* factors – are meant to bring forward. Further, it is very likely to have been these abusive institutional experiences that led him to have negative views of authority and that contributed to his using substances to cope with trauma and loss. It is a perversion of the concept of *Gladue* factors for CSC to use this information against Mr. Campeau to justify greater restrictions on him.

The document goes on to describe other reasons for Mr. Campeau's high institutional adjustment rating related to his time in custody, which consist almost entirely of relatively minor misbehaviours and allegations of substance use, including "refusing to follow directions, inter-cell visiting, smoking,...preventing doors from closing", "rolling unknown white powders into a cigarette shaped object in the janitor's closet", being found with "a brew like substance" (brew refers to homemade alcohol), "'snorting' a line off of a table in his units laundry room" and throwing up, refusing to lock up, refusing to stand for count, refusing to provide a urine sample on multiple occasions, inter-cell visiting, showering during lockup, and having a positive urinalysis test.<sup>41</sup>

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<sup>40</sup> Correctional Service Canada, "Assessment for Decision – Inst. Transfer (Involuntary) – Provide a Safe Environment", April 26, 2021.

<sup>41</sup> Correctional Service Canada, "Assessment for Decision – Inst. Transfer (Involuntary) – Provide a Safe Environment", April 26, 2021.



## Prisoners' Legal Services

A Project of the West Coast Prison Justice Society

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These are not adequate justifications for keeping someone in such a restrictive prison environment.

Further, classifying Mr. Campeau to maximum security would have prevented him from accessing more culturally appropriate settings and healing opportunities, including Lalem Xeyíyá:qt at Pacific Institution as well as Indigenous healing lodges.

#### 4. Health, mental health and substance use needs

Mr. Campeau's records indicate he had significant mental health needs. Ashley writes that her brother "was suffering from severe PTSD, dissociative disorder, and ADHD. Due to the conditions, he was experiencing in prison, his mental health was deteriorating tremendously."<sup>42</sup>

In addition, Mr. Campeau's correctional plan considered substance use to be an area of "high need for improvement" and indicates he was waitlisted for correctional programs.<sup>43</sup>

Ashley also notes that Mr. Campeau was living with significant chronic pain as a result of all of his physical injuries. She recalls he was prescribed morphine but wanted to come off it and switch to methadone.

We understand that Mr. Campeau had discussed the possibility of getting on methadone while in CSC, but at the time of his death it was not prescribed to him. As such, the investigation must examine whether Mr. Campeau faced any barriers to receiving a prescription for methadone, other Opioid Agonist Treatment ("OAT"), or other medications to address chronic pain. The kinds of barriers to care that PLS clients have described include wait times to receive treatment, lack of trust or rapport with health providers, difficulty getting appointments, perceptions by health providers that they are "drug-seeking" when they ask for specific medications, accusations of diversion, and a failure to appreciate the seriousness of chronic pain. Was Mr. Campeau obtaining methadone on his own to address chronic pain, manage cravings and/or withdrawal or meet another need because he was not able to get his needs met by CSC?

If Mr. Campeau was prescribed other medications that would have prevented him from receiving OAT, the investigation should examine whether his health providers discussed any other health interventions or supports with him related to chronic pain and/or substance use.

The investigation should also examine, as discussed above, whether Mr. Campeau was using drugs to cope with trauma, including trauma experienced in custody, and what support he

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<sup>42</sup> Ashley Fontaine letter, p. 1.

<sup>43</sup> Correctional Service Canada, "Correctional Plan Updated", April 14, 2021.



## Prisoners' Legal Services

A Project of the West Coast Prison Justice Society

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received. For instance, did he have access to psychosocial treatment, therapy to cope with underlying trauma, or Indigenous forms of healthcare? Would he have benefitted from an Indigenous-focused environment, like an Indigenous healing lodge?

The investigation should also examine the mental health care he was receiving more generally. As noted above, there is evidence that Mr. Campeau's healthcare providers repeatedly found him "fit" to remain in segregation, despite the well-known harms of this practice. This cannot be considered adequate or ethical healthcare. As noted above, the investigation must consider the impact of isolation on Mr. Campeau's mental state.

The investigation must also consider the impact of rape, physical assault and other abuse on Mr. Campeau. As Ashley writes, "The psychological damage and physical abuse that Kendal suffered through, changed him. It had such detrimental impact on his mental well-being, it literally broke him."<sup>44</sup> There is significant evidence that these experiences were on Mr. Campeau's mind when he died.

Further, in assessing whether the mental health care provided to Mr. Campeau at the time of his death was appropriate, the investigation must consider whether this care acknowledged and responded to his experiences of solitary confinement, rape, physical assault and other traumas in custody.

The investigation should also consider whether the care Mr. Campeau received was culturally appropriate or safe for him as an Indigenous person. Ashley notes that her family sent traditional medicines into the institution for Mr. Campeau, but she does not know if he received it and it was not returned to the family with his possessions.

Investigation area D includes an examination of CSC's National Drug Strategy and the implementation of the "four pillars" (Prevention, Treatment, Harm Reduction and Enforcement) at the Regional Treatment Centre. As noted above, the investigation should focus on what supports CSC provided to Mr. Campeau to address substance use, trauma and other mental health needs, whether the services were culturally appropriate, and the ways in which his classification to maximum security impeded access to care. It would be a mistake to focus on the need for more restrictions and enforcement related to substances, since these prohibitions tend only to drive people to use substances more covertly – which in turn makes using more dangerous. Indeed, as noted above, Mr. Campeau's CSC documents use his drug use against him to justify higher security ratings.

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<sup>44</sup> Ashley Fontaine letter, p. 4.





## Prisoners' Legal Services

A Project of the West Coast Prison Justice Society

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Similarly, the investigation should proceed based on the understanding that access to OAT is a critical and life-saving medication for people who use opioids. In November 2018, Dr. Seonaid Nolan, Medical Director of the Interdisciplinary Substance Use Program at Providence Health Care and a clinician scientist with the BC Centre on Substance Use, authored an expert report for Prisoners' Legal Services regarding treatment of opioid addiction in prison. Among other things, the report explained that providing OAT in correctional settings has numerous public health and safety benefits and discussed the importance of making OAT accessible to incarcerated people.<sup>45</sup> The report also discussed research demonstrating that limiting the supply of OAT for eligible patients has proven to be one of the strongest predictors of diversion in correctional facilities.<sup>46</sup>

With respect to Mr. Campeau's use of methadone, the investigation should focus on what needs Mr. Campeau was meeting by using it and on whether the punitive prison environment encouraged him to use drugs covertly so as not to be disciplined for having contraband, and whether this increased his risk of death.

### 5. Notification of Mr. Campeau's family

Investigation Area F includes "the process through which the inmate's Next of Kin was notified." Mr. Campeau's family feel that they were not provided adequate information or kept apprised of developments following Mr. Campeau's death. Ashley explains they were notified by a chaplain, but that he did not have any details about the circumstances of Mr. Campeau's death and he mistakenly called Mr. Campeau "Kyle".

Ashley further notes that she was initially told CSC would not cover the cost of sending Mr. Campeau's body back to Saskatchewan, which is contrary to CSC policy.<sup>47</sup> She also states that her calls to the family liaison was not returned in a timely way.

When Prisoners' Legal Services reached out on behalf of the family, we found that the staff available to respond were not knowledgeable about working with families whose loved ones had passed away in custody.

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<sup>45</sup> Please let me know if CSC would like a copy of this report.

<sup>46</sup> Lofwall MR, Walsh SL. A review of buprenorphine diversion and misuse: the current evidence base and experiences from around the world. *Journal of addiction medicine*. 2014;8(5):315-326.

<sup>47</sup> See Correctional Service Canada, "Death of a person in the care and custody of Correctional Service of Canada: A guide for family and friends", October 2021, which states: "In the event that there is a cost associated to transporting the deceased person's body to a funeral home in their hometown or that of the next-of-kin, funds from the Inmate's Trust Account will be used. Where there are insufficient funds to cover these costs CSC will cover this cost at the public's expense." Online: <https://www.csc-scc.gc.ca/publications/005007-2309-en.shtml>.



## **Prisoners' Legal Services**

A Project of the West Coast Prison Justice Society

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No further information was provided to the family by CSC until, with the assistance of Prisoners' Legal Services, Mr. Campeau's family was able to obtain the Warden's Situational Report on February 9, 2022 (two months after a formal request). CSC initially (incorrectly) indicated that Mr. Campeau's family would be required to pay a \$5 fee to receive this information.

Mr. Campeau's family does not feel that information was provided to them in a timely or transparent manner.

### **6. Conclusion**

In investigating the circumstances of Mr. Campeau's death, CSC must thoroughly explore his experiences in custody. This includes investigating his allegations of rape and abuse by correctional officers, his history of being physically assaulted, and his experiences of solitary confinement. Even if some of these experiences occurred in provincial custody, they were deeply traumatic and would have continued to impact Mr. Campeau throughout his life.

Should you require anything further to assist you, please do not hesitate to contact our office.

Yours truly,

**PRISONERS' LEGAL SERVICES**

Nicole Kief  
Legal Advocate & Human Rights Lead

cc: Anne Kelly, Commissioner, Correctional Service Canada  
Kathryn Bernardo, BC Coroners Service  
Ivan Zinger, Correctional Investigator of Canada