



Prisoners' Legal Services

A Project of the West Coast Prison Justice Society

December 1, 2025

Julie Cook

**A/Director General - Strategic Planning, Broadband Fund & Networks
Canadian Radio-television and Telecommunications Commissioner**

VIA EMAIL: REED@crtc.gc.ca

Dear Julie Cook:

Re: TEL 8020-1/25 - telecommunications systems and services in correctional facilities

Thank you for the opportunity to provide submissions to the Canadian Radio-television and Telecommunications Commissioner ("CRTC") regarding telecommunications systems and services in correctional facilities.

I am providing this joint submission on behalf of the Canadian Prison Law Association ("CPLA"), PATH Legal, East Coast Prison Justice Society ("ECPJS") and Prisoners' Legal Services ("PLS"). Our organizations focus on prison matters and provide representation to incarcerated people in federal and provincial prisons across Canada.

We would be glad to share any additional information that would be of assistance to the CRTC.

Yours truly,

Nicole Kief, Executive Director
Prisoners' Legal Services

cc: Nora Demnati, President, Canadian Prison Law Association
Pierre Hawkins, Canadian Prison Law Association
Emma Halpern, Director, PATH Legal
Sheila Wildeman, East Coast Prison Justice Society
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PLS

PRISONERS' LEGAL SERVICES



Canadian Prison Law
Association



TEL 8020-1/25 - Response to CRTC information gathering on telecommunications systems and services in correctional facilities

Canadian Prison Law Association, PATH Legal, East Coast Prison Justice Society and Prisoners' Legal Services

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Notes on terminology:

- By 'telecom services', we mean phone calls and voice messages, video calls and text messaging; the more general term 'communications' can also encompass these services.
- When we refer to 'incarcerated people', we mean those on remand and awaiting trial, as well as those who are serving a sentence; we will specify when we mean one or the other rather than both—and you are invited to do the same.

Response to Questions:

1. Examples of **complaints** related to telecom services include but are not limited to the cost, communications options, payment options, inability to make collect calls to wireless numbers, the quality of service (such as service interruptions), and unreliable access (such as communications equipment not functioning or delays in repairing equipment).
 - a. What types of complaints do you hear about in supporting incarcerated people and their families?

Costs

The broken and expensive phone systems that have been implemented in federal, provincial and territorial prisons across Canada have detrimental effects on incarcerated individuals, their rehabilitation and their families. Maintaining contact with family and community while in prison lowers the risk of reoffending and improves reintegration outcomes. Maintaining regular contact is also crucial for the human dignity and emotional well-being of incarcerated individuals. A very large percentage of women in prison are mothers, and barriers to phone calls make maintaining contact with children even more difficult.

Despite these known data, prison authorities across the country make no effort to facilitate access to affordable phone calls, and video conference options with community supports remain limited depending on the institution (federal v. provincial v. pre-trial detention) and on the security classification of a given institution.

The high cost of calls places undue financial burden on families who may already be living in poverty and people in prison who rarely earn enough money to afford these calls. Indeed, people in federal prisons, run by Correctional Service Canada (“CSC”) may earn as little as \$1 per day, and a maximum of \$6.90 per day.¹

The pay rate of federal prisoners has not increased since 1981, when it was first introduced. In 2012, the Harper government added in a 30% deduction for "room and board", further squeezing the very limited funds of prisoners. Meanwhile, just between 1981 and 2013, prisoners saw a 700% inflation in the cost of canteen goods. The phone costs have no regard for this material reality. Prisoners are placed in a grossly unjust position, where they cannot afford to make necessary phone calls, and their ability to do so has been diminishing with the squeeze of inflating costs.

The costs associated with phone calls may also force families to choose between communication and other necessities the incarcerated loved one might need to purchase. The cost of phone calls is also exacerbated by the fact that most people entering prison may have experienced poverty, unemployment and/or housing instability before being incarcerated and too often do not have the finances to meet the cost of calls.

Lastly, the high costs of phone calls in prison severely limits people’s ability to better plan their release (employment, housing, identification card renewal, etc).

Prisoners’ Legal Services (“PLS”) hears from clients incarcerated in federal prisons that they sometimes cannot access phone numbers that are supposed to be free to call for everyone, such as the Office of the Correctional Investigator or the Canadian Human Rights Commission.

PLS also understands federally incarcerated people are not permitted to add 1-800 numbers to their personal phone cards, preventing them from reaching many services. For example, Prisoners’ Legal Services is considered “common access” in all British Columbia prisons, meaning incarcerated people can call without cost and without adding the number to their card. However, it is not common access in federal prisons in other provinces, and people incarcerated outside BC are not permitted to add our toll-free number to their personal phone cards. As such, if they want to reach PLS, they must pay to call the non-toll-free number.

Further, the only way to reach a service with only a toll-free number is to ask officers for an “administrative” call, which can be granted or denied. If granted, it is only done once (i.e. the person must make a new request for each call), and may take hours or even days to be arranged.

¹ Commissioner’s Directive 730: Offender program assignments and inmate payments; online at <https://www.canada.ca/en/correctional-service/corporate/acts-regulations-policy/commissioners-directives/730.html>.

Prisoners' Legal Services has received many complaints from individuals incarcerated in BC provincial jails, where a contract with Synergy requires incarcerated people to pay nearly \$1 per minute for local calls and \$1.20 per minute for long distance calls. Rates go up to \$2 per minute for local collect calls. We understand that calls previously charged at the rate of local calls are now being charged at the long distance rate, increasing costs. One client has reported spending approximately \$1,000 on phone calls in the past year. These are exorbitant rates that take advantage of a vulnerable population that has no choice of phone provider.

This burden disproportionately impacts Indigenous and Black people and communities. Indigenous and Black people are significantly over-represented in Canadian prisons and jails, and the prison system continues Canada's history of separating Indigenous families and removing Indigenous Peoples from their traditional territories. Barriers to communicating from prison exacerbates this discrimination.

Legal calls

In some jurisdictions, such as Nova Scotia's provincial corrections, calls to Legal Aid are free, but calls to private lawyers (for those not qualifying for or using legal aid) are not free. East Coast Prison Justice writes in its 2021-22 Visiting Committee Annual Report:

In 2020-21, the superintendent of CSNCF indicated that granting free telephone calls to prisoners (on phones other than the pay-based range phones) is done at the discretion of staff. He added that many legal calls are facilitated each day, and that calls to NSLA [Legal Aid] offices are free from the unit telephones. The superintendent expressed openness to exploring how free calls to private lawyers might be facilitated, for instance by enabling lawyers to register with the facility for this purpose the same way Legal Aid and other entities are registered. This past year, however, we were advised that arranging for free calls for lawyers outside Legal Aid may be administratively cumbersome or impossible.

As this appears to be an ongoing concern for prisoners with non-Legal Aid counsel (including certificate lawyers), we will continue to explore the possibility that private lawyers might register for free call status – a status that should be paired with recognition that these are *confidential* calls.

Confidentiality of calls to lawyers and other justice officials is a distinct but related concern. Solicitor-client privilege is a "fundamental civil and legal right" which must be assiduously protected in criminal law matters (*Bacon v Surrey Pretrial Services Centre (Warden)*, 2012 BCSC 1453 at para 24, citing *Geffen v Goodman Estate*, [1991] 2 SCR 353 at p 383). Correctional authorities must therefore ensure that facility-based lawyer calls are "not vulnerable to breaches of solicitor-client privilege, intentional or accidental."

In Nova Scotia, correctional law provides that telephone communications with lawyers are confidential and cannot be recorded. However, provincial prisoners have indicated that not all staff or incarcerated people know this, suggesting that greater awareness of the right to confidential lawyer calls must be promoted within correctional facilities. Further, calls from dayroom telephone lines may be presumptively or potentially recorded and it may be difficult for prisoners to know whether their calls are being recorded or not. This was a particular concern among people with non-Legal Aid lawyers, including lawyers whose private lines are not registered in the facility phone system.

A 2021 “Audit of Interception of Inmate Communications” by Correctional Service Canada found that privileged legal phone calls were frequently monitored without authorization. Specifically, the audit found that “communication between an inmate and their lawyer was intercepted without approval for 10% (8/79) of the files reviewed, resulting in a potential breach of solicitor-client privilege. In total, 25 phone calls were recorded and four of them were accessed.”²

While most federal penitentiaries in Quebec facilitate private phone calls to lawyers, Donnacona institution (a maximum-security institution where access to the phone is already more difficult) has an unwritten policy to refuse requests for legal calls. CPLA members based in the Quebec region are regularly being told by staff members from this institution that they do not facilitate legal calls, and that if they do, it is under exceptional circumstances. Facilitating a call to a lawyer should never be the exception, but the rule. At Port-Cartier institution (the second maximum-security institution in the Quebec region), there is no such policy, but requests for legal calls are tools for officers to abuse their power (clients have reported not being informed of the call request or receiving blunt refusals to help facilitate the call).

In federal prisons in general, people confined in Structured Intervention Units (similar to segregation) must often call from inside their cells via a phone on wheels that sits outside the cell with the receiver passed through the hatch in the door³. There is no privacy at all on these calls, despite the fact that people on these units have some of the greatest legal needs.



² Correctional Service Canada, “Audit of Interception of Inmate Communications”, 2021; online: <https://www.canada.ca/en/correctional-service/corporate/transparency/audits-evaluations/interception-inmate-communications.html>.

³ Office of the Correctional Investigator , Annual Report 2029-2020, p. 10 <https://oci-bec.gc.ca/sites/default/files/2023-06/annrpt20192020-eng.pdf>

People on the Structured Intervention Unit at Kent Institution in BC can request a privileged legal call in a private room; this must be done in writing and may not occur until one or more days later. The room available for this purpose has a “gun port” near the ceiling that is often left open, allowing the officers manning the area to hear the conversations taking place inside. Prisoners’ Legal Services’ clients have reported hearing officers walking around and talking through the open window of the gun port.

Detection of three-way calling

Three-way calling is forbidden in prisons for alleged security concerns. The reality is that people in prisons often resort to these mechanisms to reach people that have not been previously approved on their phone list (sometimes, it can take days, if not weeks, for a single number to be approved). Three-way calling is also used for people to reach out a new lawyer, to inquire about their personal matters with other governmental entities, or simply because the person facilitating the call has a local number which reduces the cost per minute.

It should also be noted that in federal institutions, there is a maximum amount of numbers a prisoner can have on their approved list. For people serving a life or long sentence, this list is often quickly maxed out, hence the need to resort to alternatives such as three-way calls, to maintain contact with extended family members, friends and other community support.

Despite these variety of reasons for which three-way calls are made, their arbitrary and indiscriminate prohibition increases the cost of phone calls. Once a three-way call is detected, the system automatically puts an end to the call, implying that the person has to place the call again and be charged again for it. For example, the Telmate system implemented in Saskatchewan provincial jails a few years ago, would block the number called and charge a \$25 fee when it detects a three-way call. Moreover, there is no redress for money lost on mistakenly dropped calls or many complain about the inability to access the system due to problems with the voice recognition technology. (Buhler and Dodge 2019 CanLII Docs 2834)

Violence around phone access

Incarcerated people do not have phones inside their cells, and instead must use the shared telephones on their unit. There is also no email access for prisoners, so phones and snail mail are the only way for incarcerated people to communicate with those on the outside.

The low number of available phones in a given unit and range exacerbate tension over phone access and contributes to fights over phone access. For instance, in a regular maximum-security penitentiary, there is usually one or two phone booths for an entire range of 18 people. In other institutions, there is only a handful of phones per ranges. Moreover, in federal prisons, it is not a rare occurrence that phones are broken and not

fixed for significant periods of time, hence forcing people from a given range to compete for phone time or find time slots on the phone of other ranges. Moreover, competition for phones increases when units are placed into prolonged in-cell lockdowns, where people may only be let out of their cells for as little as 15 minutes per day. According to the monitoring of your collective members, lockdowns seem to have become more frequent in both federal and provincial facilities over the last 5-10 years.

In a time when virtually everyone has their own cell phone, it is particularly unreasonable to require a group of adults – particularly adults who do not choose to live together – to share such a small number of phones, and no clear rationale for why more phones are not available.

Lack of privacy and confidentiality

In most, if not all, prisons, phone booths are located in the open, on the range and afford no privacy to the person placing a call. Prisoners could be making important calls to family members to inquire about private matters, while having to remain alert to a potential fight or use of force taking place a few meters from them. The lack of privacy also allows of officers to eavesdrop and weaponize what they have heard – often taken out of its original context – against the prisoner and their community support.

In some jurisdictions and facilities, people in custody are not given a private space in which to call their lawyers but must instead do so on the open unit in close proximity to other prisoners and staff. East Coast Prison Justice reports in its 2021-22 Visiting Committee Annual Report that lawyers were also concerned about having conversations on monitored phones in public locations, where conversations could be overheard.

Self-representing prisoners have added their concern that it is important to be able to make non-monitored legal calls not only to lawyers but to the court, Crown, or other representatives of the legal system and providers of legal information. East Coast Prison Justice and others have argued that the communications of self-represented parties not only with lawyers but also with third parties on matters currently or prospectively before the courts triggers “litigation privilege” – the purpose of which “is to create a ‘zone of privacy’ in relation to pending or apprehended litigation” (Blank v Canada (Minister of Justice), 2006 SCC 39 at para 34). Therefore, these calls should not be monitored.

Other restrictions

Other restrictions also limit access to phone. For instance, calls are often capped at 20 minutes in maximum security institution and 30 minutes in medium security institution (federal institutions). Some federal institutions also shut the phones off at specific times, and any calls in progress at that hour are automatically terminated. In some of the federal institutions in BC, such as Kent Institution, phones cut off temporarily at 10:30am, despite Prisoners’ Legal Services’ client line staying open until 11am.

In Nova Scotia, provincial facilities also cap calls at 20 minutes – a limit that prisoners have advised is not sufficient to meet the needs of the self-represented persons who may be placed on hold or otherwise forced to navigate complex bureaucracies and information while preparing their own case.

Persons in provincial jails in Nova Scotia have also advised that calls to police are blocked on unit phones such that self-reps and individuals requiring contact with police (e.g. to report a stolen car or deal with other matters) are unable to make those calls.

In British Columbia provincial prisons, all calls are capped at 30 minutes. Due to the high volume of calls Prisoners' Legal Services receives, clients are often required to wait on a lengthy hold before speaking to a legal advocate, and may get through the queue only to find they only have five minutes left before their call times out.

Another barrier is that prisoners generally cannot press buttons to make a selection on an automated system. For instance, if they call a number that starts with an automated request to press 1 for English or 2 for French, they cannot proceed.

Finally, incarcerated people are routinely restricted from accessing phones when restrictions are placed on their movements whether through individualized segregation (for putative security, health or disciplinary reasons) or where entire units are locked down.

Telephone access is experienced by many prisoners as a precarious privilege that is perpetually at risk of revocation by guards (Buhler and Dodge 2019 CanLIIDocs 2834). This experience characterizes the experience of prisoners across the country.

Access to Phones for Prisoners who are Deaf and Hard of Hearing

Incarcerated people who are Deaf and Hard of Hearing face particularly intense barriers to communicating both inside prison and with the outside community.

The only way Deaf people can make phone calls from prison is by using a Teletypewriter ("TTY"). TTY is a device similar to a typewriter that is plugged into an electrical outlet and connected to a telephone. It is outdated technology that is no longer used in the Deaf community. It requires the Deaf person to type what they want to say, and then a Telus Relay Services operator reads what is being typed to the hearing person on the other end of the phone. The hearing person then speaks to the relay operator, who then transcribes it for the Deaf person to read on their TTY.

TTY is incredibly slow and error-prone, and messages are often garbled and difficult to read. It is a very cumbersome way of communicating in a second language that many Deaf individuals have lower literacy skills in to begin with. With TTY, there is no access to tone, emotion, or other layers of non-verbal communication that is part of ASL/LSQ. While in

the past TTY reduced barriers by allowing Deaf individuals to communicate when they are not in the same room, technology has advanced to the level that now the TTY is itself a barrier.

By contrast, in the community Deaf people use Video Relay Services (“VRS”, or “SRV” in French), an app that connects the Deaf person to an American Sign Language (“ASL”) or langue des signes québécoise (“LSQ”) interpreter via video. The interpreter watches the Deaf person communicate in ASL/LSQ and verbally interpreters what the Deaf person is saying to the hearing person on the other end of the phone.

VRS is on par with a conversation that hearing people would experience through a telephone. It is completely free to use and available 7 days and week, 24 hours a day, 365 days a year. The VRS system allows people to have lengthier, more complex, natural conversations. ASL/LSQ is a visual-spacial language with many layered complexities that not only transmits communication, but also culture. This cannot be expressed through broken English in slow garbled up English messages on a small text screen. Asking a Deaf person to communicate using the TTY is similar to asking all hearing people to communicate with a Morse Code machine.

Despite this, VRS is not available to people in prison in Canada, and incarcerated people must rely solely on TTY.

Neither CSC nor BC Corrections has policy for having a TTY available inside institutions; we are not aware of any other provincial prisons having a policy either. PLS has communicated with several Deaf clients who have arrived at an institution and there is no TTY available or it is broken. Some Deaf people have waited months until a TTY is available.

Further, in order to have access to a TTY machine, a Deaf person must submit a written request and may have to wait several days to use the TTY. The TTY machine is often located in a room that is booked for multiple purposes and Deaf people must be supervised while using it, meaning availability is often very limited. PLS has heard of many instances where a Deaf person has not been allowed to use the TTY due to staff not being able to connect it or connecting it incorrectly. When the Deaf person attempts to instruct them or loses their temper in frustration, they are scolded or disciplined.

Deaf individuals already experience extreme language deprivation when they are incarcerated. They are in an elevated sense of danger due to the lack of information around them and not being able to communicate. It is imperative that they have access to communication equivalent to a hearing person.

“Tablets”

A further point of concern relates to tablets provided in many provincial jurisdictions through Synergy. These tablets are described as “a user pay device that allows persons in

custody to access music and entertainment, movies, games, TV/news, messaging with friends and family, legal research and spiritual guidance websites, facility information, telephone account information, placing phone calls, and video visitation (where available).” We understand tablet use for entertainment purposes (movies, video games) to be 10 - 12 cents per minute – i.e., \$6 per hour. Therefore it would appear that watching a movie or gaming for 2-3 hours would cost about \$12-\$18. Compared with the cost of a streaming service subscription this is extremely high. The cost combined with competition for these devices may introduce new possibilities for conflict and extortion within facilities.

- b. How do you respond to these complaints—do you provide the name and contact details for the federal or provincial-and-territorial ombudsman or oversight body, contact the ombudsman on their behalf, or some other action?

Efficient remedies are limited when it comes to grieving issues within the prison system. The telecommunication system is no exception and cannot be easily challenged, hence making the prison population vulnerable to a decision making process that rarely consult them or consider their needs.

Moreover, there is limited case law in Canada about phone access in prison, and the little jurisprudence that has been developed does not afford it constitutional protection (Buhler and Dodge 2019 CanLII Docs 2834). The absence of constitutional protection limits the scope of the challenges that can be brought against institutional and operational decisions made regarding the phone system.

Lidkea v. Correctional Service Canada was heard last year before the Canadian Human Rights Tribunal and concerns the rights of Deaf people in custody to communication tools, including VRS. PLS represented the complainant, and a decision by the Tribunal is pending.

2. **Alternative service providers**—such as Call2Talk, FedPhoneLine and TrappCall or a similar service—also offer telecom services in correctional facilities, by providing a local virtual number that can be used to make outbound calls, which are automatically routed without the recipient having to accept the call in real-time.
 - a. Have you heard about incarcerated people and their families using this type of alternative calling service?

We are not familiar with these services.
 - b. What reasons do they give for using these alternative calling services?

3. In **closing the survey** part of our meeting:
 - a. Are there other questions you wish we had asked?
 - b. Is there anything else you would like to share with us on this topic?

N/A

4. In terms of **next steps**:

a. Are there other organizations that you think we should contact regarding this issue?

- BC First Nations Justice Council
- Canadian Association for the Deaf
- Deaf Wellbeing Program of Vancouver Coastal Health
- Unlocking the Gates Services Society

Nicole Kief would be glad to share contact information if helpful.

b. Would you like to be contacted regarding future CRTC proceedings and activities?

Yes, all the organisations who co-signed these submissions and mentioned on the first page would like to be contacted on issues relating to people in prisons and jails. We can be reached at:

Nora Demnati, President, Canadian Prison Law Association - ndemnati@nd-legal.com

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