



March 27, 2020

Sent via email:

Minister of Public Safety and Emergency Preparedness Bill Blair
Parole Board of Canada Chairperson Jennifer Oades
Solicitor General of Ontario Sylvia Jones
Québec Ministère de la Sécurité publique Geneviève Guilbault
Correctional Investigator of Canada Ivan Zinger

Re: Conditional and compassionate release of incarcerated people to prevent the spread of COVID-19

I am writing on behalf of the British Columbia Civil Liberties Association (“BCCLA”) to urge the Parole Board of Canada, the Ontario Parole Board, and la Commission Québécoise des Libérations Conditionnelles to use every appropriate legal mechanism to expeditiously conditionally and compassionately release as many incarcerated people as possible to prevent the spread of COVID-19 in correctional facilities. We recognize this will not be an easy task. It will require a balanced approach to address the health risk to the imprisoned against the potential risk to public safety, however, it is a necessary step in preventing the spread of COVID-19.

We are deeply concerned about the health and wellbeing of people who remain behind bars. Even with the additional COVID-19 hygienic measures, correctional facilities remain unsanitary, overcrowded, and filled with individuals with chronic health conditions. The already limited access to healthcare professionals and mental health services for inmates has been further impacted by COVID-19 preventative measures. With the suspension of visits from the legal counsel, families, friends and volunteers, temporary absences, and work release programs, we are worried about the strain on the mental health of people currently incarcerated.

We know that statistically, Indigenous people are overrepresented in the prison population and these numbers continue to rise. Correctional Investigator, Ivan Zinger, recently released a report clearly indicating the over-incarceration of Indigenous people for nearly two decades. Indigenous incarceration has increased from 17% in 2001 to over 30% in 2020, despite only representing approximately 5% of the population. The incarceration rates in provincial facilities are even worse.

We also know that Indigenous communities are often disproportionately impacted by health crises. During the H1N1 epidemic, Indigenous people made up 28% of hospital admissions and 18% of deaths, despite only representing approximately 4% of the population in 2009.¹ Tuberculosis, a highly infectious disease with relatively low rates in Canada, impact First Nations people at a rate of 40 times and Inuit people at a rate of 290 times that of people living in the South.² These health conditions are further exacerbated in prisons. We have already seen that a guard working at the Toronto South Detention Center has tested positive for COVID-19. An outbreak of this virus in correctional facilities would threaten the health and safety of prisoners, staff and local hospitals.

Additionally, we urge the Federal and Provincial Parole Boards to temporarily waive conditions of parole that could impact a parolee's ability to remain in the community. For example, given the current state of the economy, to ask a parolee to find and maintain employment is unrealistic and counterproductive to reducing the prison population. Furthermore, it is essential that individuals on parole be provided with the necessary emergency financial support. Many of these individuals will not qualify for Employment Insurance, and may not be eligible for the current financial assistance being offered by both Federal and Provincial governments. These individuals will need to buy food, pay bills, and assist their families in coping with the financial fallout from this pandemic.

We are calling on the government to take action and prioritize the health needs of **all** people living in Canada in their efforts to fight the spread of COVID-19. It will take a village to combat the spread of this virus and no one should be left behind.

Sincerely,



Latoya Farrell
Staff Counsel - Policy

¹ Pamela Palmater, "COVID-19 pandemic plan needed for Canada's jails and prisons", *APTN National News*, (March 23, 2020), online: <<https://aptnnews.ca/2020/03/23/covid-19-pandemic-plan-needed-for-canadas-jails-and-prisons/>>.

² Ibid.