West Coast
PRISON JUSTICE
SOCIETY NEWSLETTER APRIL - JUNE 2001

COURT TELLS NPB TO GET ITS NOSE OUT OF ETA DECISION

by Sasha Pawliuk

On April 9, 2001, Madame Justice Tremblay-Lamer of the Federal Court Trial Division declared that the National Parole Board (NPB) had no jurisdiction to issue recommendations to Wardens on Escorted Temporary Absence (ETA) applications (except in the case of lifers who have a specified parole ineligibility period pursuant to s. 746.1 of the Criminal Code). (See McCabe v. Attorney General of Canada (April 9, 2001) Ottawa T-398-00)

Barry McCabe had applied to the Warden of Mission Institution in June of 1999 for an ETA to attend the Long Term Inmates Now in the Community Program, commonly known as LINC. Mr. McCabe is serving a life sentence for manslaughter, not murder, and therefore he does not have a specified parole ineligibility period pursuant to s. 746.1 of the Criminal Code. As was the practice until this decision of the Federal Court, the Warden consulted the NPB about the appropriateness of Mr. McCabe's application. On October 15, 1999, the NPB held a hearing to consider the request. The Board did not recommend the ETA's and, not surprisingly, the Warden in his turn denied the request.

To add insult to injury, after the Board recommended against Mr. McCabe, it released its recommendation to two different media outlets. On February 28, 2000, Mr. McCabe filed an application for judicial review to the Federal Court.

In her Reasons for Judgment, the justice found the questions to be decided were:

1) Does the Federal Court have jurisdiction to review the Board's recommendation?
2) If so, was it within the Board's jurisdiction to issue a recommendation under the circumstances of this case?
3) If so, did the Board deny the applicant procedural fairness or base its recommendation on an erroneous finding of fact?
4) Did the Board act beyond its jurisdiction in releasing its recommendation to the media?

Madame Justice Tremblay-Lamer decided that the key issue to be decided was the

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ETA Cont'd from \p...1

jurisdictional question, which boiled down to whether the Board was acting as a "federal board, commission or other tribunal" within the meaning of sections 2, 18 and 18.1 of the Federal Court Act. The reason this is important is that the Court only has the power to review cases that have been decided by a body that is a "federal board, commission or other tribunal". The lawyers for the NPB argued that since Mr. McCabe was serving life with a normal parole eligibility, the provision of the Criminal Code that says that the Board must approve any application for ETA's did not apply to him. (Subsection 746.1(2) of the Criminal Code states:

> *746.1 [...]*
>
> *(2) Subject to subsection (3), in respect of a person sentenced to imprisonment for life without eligibility for parole for a specified number of years pursuant to this Act, until the expiration of all but three years of the specified number of years of imprisonment,*
>
> *[...]*
>
> *(c) except with the approval. of the National Parole Board, no absence with escort otherwise than for medical reasons or in order to attend judicial proceedings or a coroner's inquest may be authorized under either of those Acts.*

According to the Board's legal argument that meant that when the NPB recommended against Mr. McCabe's ETA, it wasn't doing so pursuant to a statutory requirement, but under policy. They argued that, therefore, led to the conclusion the NPB was not acting as a "federal board, commission or other tribunal" in relation to Mr. McCabe's ETA application. If the Court had accepted that argument, then the Federal Court would have been unable to review the Board's action, and the case would have been thrown out.

Fortunately for Mr. McCabe, the justice decided that this legal interpretation was too narrow, as it would preclude the review of decisions that were ultra vires. At page 10 she wrote:

> *I fully agree with the applicant* (Mr. McCabe) *that the purpose of the definition of a "federal board" in subsection 2(1) of the Federal Court Act is to distinguish between types of bodies not types of actions. The Federal Court Act applies to bodies that derive their powers from Acts of Parliament. Once a body is found to have powers conferred by an Act of Parliament, then all actions of that body affecting the rights of an individual are subject to judicial review..... In the present case, the National Parole Board is clearly granted statutory authority under Part ll of the CCRA*(Corrections and Conditional Release Act)*. Thus, the National Parole Board when exercising or purporting to exercise this statutory power is a "federal board" as defined by section 2 of the Federal Court Act.*
> (portions not in italics added)

Once the NPB lost that battle, their lawyers then argued that since the Board only "recommended" that ETA's not be granted to Mr. McCabe, this was not a "decision" within the meaning of

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s. 18.1 of the Federal Court Act, and therefore the Court could not hear the case. Madame Justice Tremblay-Lamer found that the Court's jurisdiction is not limited to reviewing "decisions", but includes the review of administrative acts.

Still trying to get the Court to agree that the case should not even be considered on its merits, the lawyers for the NPB brought up another jurisdictional argument. On pages 12 and 13 of the decision, the Justice stated:

> *The respondent* (the NPB) *finally argues that the Board's recommendation is not reviewable because it is not a 'final decision that disposes of a substantive question". I find no merit in this argument. As a principle of administrative law, non-dispositive decisions are reviewable if they affect the subject's interests. As has been pointed out in D.J.M. Brown and J.M. Evans, Judicial Review of Administrative Action in Canada..... the scope of judicial review "has broadened to include a decision that was fully determinative of the substantive rights of the party, even though it may not be the ultimate decision of the tribunal".*
> (portion not in italics added)

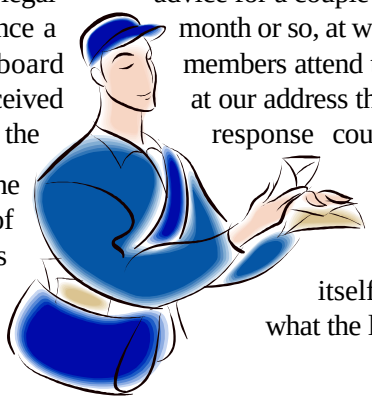
In my view, this is one of the portions of the judgment that may prove the most useful. The Court reviews a number of earlier cases, which all point to the conclusion that where a tribunal will make a decision based on a recommendation or report, those recommendations or reports must be produced fairly. This quote is found on page 14 of the judgment, and comes from Kampman v. Canada (Treasury Board),

Cont'd on p...4/

KEEP THOSE LETTERS COMING, BUT.....

by Sasha Pawliuk

In reviewing the correspondence that has come into the West Coast Prison Justice Society (WCPJS) over the last few months, we thought that we'd better clarify a couple of matters. We invite all of your comments and suggestions as well as articles and artwork to be considered for publication in the newsletter.



However, we cannot give individual legal advice for a couple of reasons. One of the problems is that we have no staff - the board meets once a month or so, at which time the mail is opened. Where responses are required, individual board members attend to it - we have no clerks or secretaries at WCPJS. This means that a letter received at our address the day after a meeting won't even be opened for at least a month, and then the response could take a while after that.

The objectives of the WCPJS include the promotion of the rule of law in penitentiaries in B.C. and the sharing of legal information inside the walls. Although some individual board members are lawyers who represent prisoners in their private law practices, the WCPJS itself does not represent individuals. Our mandate is to try and let prisoners know what the law says and to report on new cases, not to create those cases.

We are concerned that people may be waiting for inordinate periods of time to hear back from us in answer to a particular problem, only to be told that we can't help. If you need legal help, please contact your own lawyer or Prisoners' Legal Services.

Meanwhile, keep those articles, decisions and artwork coming in!

STRONG ON VENGEANCE, WEAK ON MORALITY?

Des Turner

In the world's strongest nation - supposedly a great democracy -the world's best known arm of justice has committed a monumental foul-up. The FBI "mistakenly" withheld over 3,000 pages of new documents and about 700 pages of witness statements from the lawyers who were defending Timothy McVeigh in his 1997 conviction as the Oklahoma City bomber.

The statements and actions of Attorney-General John Ashcroft as a result of this "mistake" have raised many more questions than answers. The gist of his office's pronouncements (supported by President George Bush) is: McVeigh's execution is postponed from May 16 to June 11 because justice must be seen to be done; the new evidence won't really make any difference to the conviction; McVeigh has already confessed to the crime; the A.G. said he will not impose any further delays (Van. Sun, May 14/01).

Space does not allow recording all the obvious questions arising. Here are a few: How can justice be seen to be done when the A.G. has already re-set the execution date, before defence lawyers can go over the new evidence and consult with their client? How could a huge organization like the FBI make such a "mistake" in one of the most dramatic trials in U.S, history? Was there an inordinate rush to convict? Was there more critical evidence withheld and about to be leaked? Is the admission of this "mistake" a cover-up for withholding documents that would clearly call for an appeal?

No wonder one Democrat wants "a blue-ribbon commission to review the FBI" (Van. Sun, May 14/01).

The enormity of the potential for injustice here deserves ruthless investigation. Will that happen? I doubt it.

In the meantime, it is in order to add a little "colour" to the mindset of the President of the U.S., who as Governor of the state of Texas had already signed 153 death warrants, and who as the most powerful politician in the world, has the right to have the final say in McVeigh's fate.

ETA Cont'd from /p...3

[1996] 2 F.C. 798 (C.A.), which in turn quotes from Re Abel et al. and Advisory Review Board (1980) 31 O.R. (2D) 520:

> *In short, where the power to recommend or advise holds the potential for significantly adverse consequences for the person concerned, as herein, it is clear that a duty to act fairly can arise....*

Another quote from the Re Abel case (found in Kampman and quoted at page 13 of McCabe.) is also interesting:

> The Lieutenant Governor is, of course, not bound to act upon the recommendations in the report, but I do not think I go too far - indeed I think I only state the obvious - when I say that a patient's only hope of release lies in a favourable recommendation by the Board.
>
> Just as the Lieutenant-Governor need not act upon the Board's report so the Board need not act

Cont'd on p...5/

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upon the information and reports of the officer in charge, but there can be no question that these will influence the Board and may in many cases be decisive....

> *I agree completely with these comments, but I would go even further. the whole purpose of the establishment of an advisory review board was to create an independent body, bringing to its task a considerable and varied expertise of its own, and likely to develop quickly an even greater expertise with the kind of problem assigned to it, with the hoped-for result that no one would be kept indefinitely in a mental institution, half-forgotten, and with his situation unreviewed except by the staff of the institution. It is inherent in the conception and operation of such a board that its recommendations will virtually always be accepted...*

Wouldn't this type of reasoning also apply to reports written by CSC staff, produced as they are to be relied upon by various tribunals in making decisions from visits to transfers to release?

Back at Mr. McCabe's situation the Court found at page 15:

> *In the present case, the Board's recommendation plays a prominent if not determinative part of the institutional head's negative decision.... Moreover, the Board's opinion was obviously important to the warden since he requested it in the absence of any statutory requirement to do so. I am satisfied that the recommendation was sufficiently prejudicial to the applicant's interests to warrant judicial scrutiny. It is hard to imagine that the Warden would have granted the applicant's request in the face of a negative recommendation from the Board.*

Once the Court found that it had jurisdiction to hear the case at all, it quickly disposed of the Board's recommendation. Since there is no statutory provision allowing the Board to make a recommendation on ETA's for someone in Mr. McCabe's situation, she found that the NPB acted outside of its legal mandate in doing so. At page 16 she wrote:

> *It is a fundamental principle of public law that all governmental action be supported by a grant of legal authority.... I find no provision of the CCRA that grants the Board power to conduct hearings, review evidence, find facts or issue recommendations with respect to request for ETA's. Subsection 17(1)* (of the CCRA) *clearly gives the institutional head the decision-making authority subject to the caveat in section 746.1 of the Criminal Code. As noted by the respondent, that provision does not apply here because the requested ETA would not occur more than three years before the specified number of*

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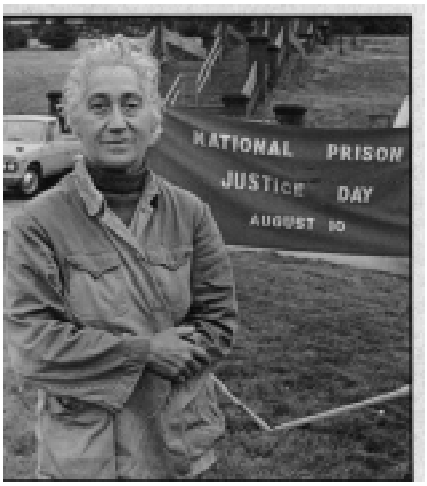

People must know what is happening.
They must care about what is happening.
They must begin to do whatever they are
capable of doing,
Individually and collectively.

Somewhere in the human organism there is
an ear that will listen,
a mind that will open,
a heartbeat that will quicken and
a voice that will clamour for
the conversion of an order which exalts
"Business as usual" over
one which honours concern for others.
And
when enough people realize this
and
organize themselves to act
upon their convictions,
it will change.

Clare Culhane, 1972

In Memory of Claire whom we know
was welcomed by Warriors over all Ages
on April 28, 1996.

Still, we miss you so.

In Memoriam

by Eddie Rouse

Claire Culhane
September 2, 1918 to April 28, 1996

Claire was a champion of those people whose plight was ignored by society. She was a person of integrity and lived by her word. She fought the unpopular fights to bring to public awareness the injustices faced by many people throughout the world. Before she took up the cause of prisoners, she fought against the atrocities committed against the Vietnamese people and the complicity of Canada in that dirty war. She chained herself on Parliament Hill to bring this to the attention of Canadians and forced the politicians to answer hard questions. During the 1940's she fought against the injustice of employers who wanted to make virtual slaves of their employees and make them work in substandard and dangerous conditions. Claire and people like her are the conscience of society. They force the public to a level of awareness they refused to acknowledge before.

When Claire left this plane of existence, she left a great void in everyone who knew her. It didn't matter whether they were prisoners, politicians, police or ordinary citizens, their lives were enriched and their actions were inspired by her actions. Even if they didn't agree with everything she may have said or stood for, they genuinely respected her. Claire was one of the people who practiced the courage of her convictions. She was one of the main people to start Prison Justice Day which this year, marks its 25th Anniversary. It is a non-working day of fasting to remember those prisoners who have died within the confines of Canada's prisons. Since the inception of Prison

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ICBC The Final Chapter

Eddie Rouse

As you are aware from previous articles about my battle with, what some consider the evil corporation, ICBC, this is the final chapter.

As I left you in the last article, ICBC didn't show up for the last court date and was handed a $100.00 penalty which had to be paid before they could re-file for clarification of the judgement. Judge Gedye made that specific order due to the fact that no notice of non-appearance was given by the firm representing ICBC and my time was wasted. As a consequence, the $100.00 was ordered to be paid to me as a way of compensating me.

At the end of February, 2001, I received two cheques. One was for the $100.00 and the other was for an amount reflecting the negotiated amount under the settlement conference plus ten percent. The reason given for non-appearance was that there was a scheduling error. I replied to the lawyer thanking him for the prompt remittance of the cheques and also stated that I would be filing to the court if I did not get notice of a reapplication within two weeks. In March 2001, I received a letter showing that the date set for hearing would be on March 27, 2001.

This hearing was for clarification of the award given in October, 2000. ICBC disagreed on the amount of $4000.00 and wanted it reduced to the amount of $2800.00 reached in the settlement conference over two years ago. The argument used before Judge Gedye was that the amount agreed on in the settlement conference should be honoured by the court in finding an amount for settlement.

When it came to my turn to address the court I stated that any agreement coming from the settlement conference should be voided due to the fact that ICBC through its representatives negotiated in bad faith. They knew full well that they were not going to settle when they entered the settlement conference, came to an agreement and then refused to agree to a close. I compared this to union negotiators and management where the latter forces the employee representatives to make certain concessions and then refuses to negotiate any further *after getting everything they want.* Now the courts must decide what is just and fair. After the process is complete, management (ICBC) loses and is ordered to pay an amount different than the negotiated amount. Management (ICBC) wanted the court to enforce a previously agreed upon settlement that was based on their own negotiations at the beginning. Valuable time was taken up in court and my own time was wasted due to their (ICBC) refusal to settle fairly in the beginning. The bottom line of my argument was this: If one party bargains in bad faith and then loses in a subsequent lawsuit, they should not be able to come back to the court to enforce that prior negotiated settlement.

The judge agreed with me and ordered us to leave the courtroom and come to an agreement on the amount of damages that should be paid. I received the final cheque two weeks later. The amount was approximately $400.00

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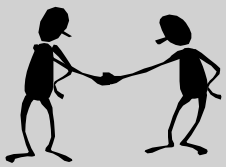
Thanks for the Support

The WCPJS gratefully acknowledges the financial contribution from the



Public Legal Education Program of the Legal Services Society

which enables the publication of this newsletter.

ICBC Cont'd from p.../6

less than what I initially filed for.

A short recap on this case. My car was torched by someone unknown in 1998. I was initially told by the fire department that the fire was electrical in nature. When I filed my claim I was then told that the fire was caused by arson. Subsequent investigations by the police and ICBC could not pinpoint any suspect. The ICBC investigators recommended the claim not be honoured because they felt the fire was caused by me. Their reasoning centered around my having a criminal record and what they felt was a good understanding of the police and courts. I told them that they should either file charges or pay up. They were accusing me of a crime without any evidence and their only justification was my record. After getting the run-around from ICBC, I filed in small claims court at the end of 1998. It has finally ended here in 2001. This case has impact on current and future cases where insurance adjusters attempt to deny claims based on claimants having records although that criteria does not necessarily apply across the board. Basically, if a person is being accused of a criminal act by the adjusters and then denied their claim, they should file in small claims court. People should not be bullied into accepting a denial of something that is rightfully theirs.

ETA Cont'd from /p...5

> *years of imprisonment. There is no statutory requirement under such circumstances for the institutional head to obtain the Board's approval with respect to an ETA application. Thus with respect to the Board's lack of jurisdiction, I agree with Dube J.'s finding in* Steele, supra (that the Board had no jurisdiction to make a recommendation)) (portions not in italics added)

At the end of it all, the Court addressed the NPB's actions in releasing its recommendation to the media. Pursuant to subsection 144(2) of the CCRA, the Board may release its decisions to the public subject to certain conditions, but even counsel for the Board conceded that this was not a "decision", but a recommendation, and that it should not have been released.

This is an important case, and it will be interesting to see what sorts of changes occur in the releasing practices and decisions of Wardens. Please send any observations to the West Coast Prison Justice Society, c/o Conroy and Company, 2459 Pauline Street, Abbotsford, B.C. V2S 3S1. If you have any questions about how this decision may apply to you, contact your own lawyer, or Prisoners" Legal Services in the manner set out at page 9.

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PRISONER ATTACKS PSYCHOPATHY CHECKLIST IN FEDERAL COURT

by Sasha Pawliuk

In a brief expression of judicial exasperation, Mr. Justice Campbell of the Federal Court of Canada has directed the Assistant Commissioner of Corrections how to answer a third level grievance. In Metcalfe v. The Attorney General of Canada (26 April 2001) Vancouver T-553-00 (F.C.T.D.), the judge stated he was unable to answer the main question raised by the application (whether a Psychopathy Checklist Revised (PCL-R) written about the prisoner required the prisoner's consent) because the evidence before him was "defective".

Peter Victor John Metcalfe, who had been subjected to a PCL-R without his consent, brought the application. In June of 1995, Mr. Metcalfe's case manager had asked a psychologist to produce a "consult" on Mr. Metcalfe's risk of violence for a proposed involuntary transfer. The psychologist stated that the report was a "memo","not to be construed as a psychological assessment", and that the "consult memo did not constitute a basic risk assessment".

When this whatever-it-was-PCL-R (referred to in the judgment as "the 1995 response") was included in Mr. Metcalfe's institutional file even thought it was completed without his consent, he filed a grievance. In January of 2000, the Assistant Commissioner denied Mr. Metcalfe's third level grievance on the basis that the memo **was** a "basic risk assessment" (despite the fact that the psychologist who produced the 1995 response said that it **wasn't** a "basic risk assessment") and that "a consent for health services" was

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PRISONERS' LEGAL SERVICES

We can help you with your prison and parole issues. We can also assist with disciplinary charges.

Federal prisoners in BC may call us toll-free at 1-888-839-8889 on Millennium, or on the administrative phones. The correctional authorities tell us that we are a "common access number", which means that you do not have to enter us on your authorized call list. If you don't have a PIN, ask to use the administrative (or non-Millennium) phones.

BC Provincial Prisoners call us collect at (604) 853-8712, except for those at North Fraser who use our toll-free number above.

We answer the phones daily from 9:00 am to 3:00 pm Monday to Friday.

We are a small office of only eight staff, including one lawyer, serving prisoners across BC. We cannot take every case that comes our way , but can usually at least give some advice.

If you wish to appeal your conviction or sentence in a criminal matter, please call the Appeals Department at the head office of the Legal Services Society in Vancouver by calling (604) 601-6000 collect, and ask to speak to a person in the **Appeals Department**.

Memorium Cont'd from /p...6

Justice Day, it has become an international event observed worldwide and serves to bring to public awareness, the names of prisoners who have died and the injustices committed against prisoners in their names.

Prisoners who observed the original PJD lost one day of remission, were charged with refusing to work and sometimes charged with wasting food by refusing to eat. The CSC started to unoffically recognize Prison Justice Day several years later and issued orders from National Headquarters not to charge anyone nor was there a loss of remission or any other sanctions. There are few prisoners left within the system who were around when the original Prison Justice Days were observed. It is up to those prisoners today who must continue to fight against the system, in solidarity, to ensure that the injustices that were corrected in the past are not repeated in the future.

JOHN HOWARD SOCIETY OF THE FRASER VALLEY

The JHS worker is available with information and assistance on the following:

- *Services for Families*
- *Accommodation for Visitors*
- *Halfway house information*
- *Parole preparation*
- *Street survival Tips*
- *Community based programs and services*
- *Social Insurance Applications*
- *BC Medical Applications*
- *Welfare rates and information*
- *Substance Abuse programs and services*
- *Counselling*

And other concerns

Visitation is provided in the following institutions

Matsqui, RHC, Ferndale, Mission, Mountain, Kent PC, Kent GP and Elbow Lake.

Please refer to the institutional brochures posted in each institution for dates and times of the JHS workers schedule.Federal prisoners in BC can call us at 1-877-640-1122

NOTICE TO ALL PRISON VISITORS

Are you aware that the *JOHN HOWARD SOCIETY FAMILY HOUSE* exists to serve you. We recognize that visiting a loved one who is incarcerated often means financial strain for families. If you are visiting from out of town and are finding accommodation costs difficult, you are invited to contact

JHSFV Family House
Abbotsford, BC
Telephone: (604) 852-1226

Prison Justice Day - August 10th, 2001. Twenty-five Years!

Greetings,

What started as a one time event behind the walls of Millhaven Prison has become an international day of solidarity with prisoners, family, friends and supporters taking a day to remember all the men and women who have died in prison. For us on the outside it is also a time to work together to draw attention to prison conditions worldwide.

The Prisoners' Justice Day Committee (Vancouver) is starting to organize for this years' August 10th Commemorations. We are planning community events which will include:

August 9th- 2:30 - 9pm

Prisoners' Justice Day programming on Co-op Radio CFRO lO2.7 FM - interviews with ex-prisoners, prisoners rights activists, and reading articles from prisoners about the day.

August 10th- noon-1:30 p.m.

The 25th Anniversary Memorial Rally with speakers and performers. The rally will be held outside the Vancouver Pre-trial Centre 275 East Cordova Street.

August 10th -8:OO p.m.

Rock Against Prison Concert at the WISE Hall 1882 Adanac Street. This is an all ages event which will feature local performers, information tables, films and onsite childcare.

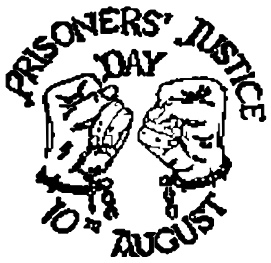
We are asking for your input. If there is anything you want to let us know about, please drop us a line. Any prisoner who wants to send writings, thoughts, poetry or images concerning the day, can mail it to the address below. We will either read the material we get at the Rally or on the radio or print it in a zine of words and images, so if you don't want us to use your name please let us know.

As well we have a banner that contains the names of prisoners who have died inside Canadian prisons. The banner spans about a thirteen-year period and has over 600 names. If you have any names you wish to add, please let us know so we can remember those people along with you.

Prisoners' Justice Day is but one day in the continuing struggle to change prison conditions worldwide. We wish you a successful August 10th and hope that this day can be recognized without repercussion.

In Solidarity,

PRISONERS' JUSTICE DAY COMMITTEE
P.0.BOX 78005 - 2606 COMMERCIAL DRIVE
VANCOUVER. BC V5N 5W1



PCL-R Cont'd from /p...6

not required for its completion. It was agreed by counsel for the CSC that the Assistant Commissioner made an error of fact as to the nature of the 1995 response.

Commissioner's Directive 850 stated in paragraph 5 that:

> *The informed consent of the inmate is required to any assessment, procedures and treatment provided by the Service. For exceptions to this policy, refer to Commissioner's Directive 803 entitled "Consent to Health Service Assessment, treatment and Release of Information".*

Mr. Metcalfe argued that a PCL-R was exactly the type of "assessment" that was contemplated by CD 850, and that, therefore, the report should not have been produced, let alone placed on his file, without his informed consent. However, the 1995 response itself was not produced into evidence, and its absence is what caused the justice to decide that the evidence before him was "defective". While finding that he was unable to characterize the 1995 response as a report contemplated by CD 850 on the evidence, the Justice concluded his reasons as follows:

> *I find that the error in fact made by the Assistant Commissioner in the present case constitutes a reviewable error. Accordingly, I set aside the Assistant Commissioner's decision and refer this matter back to him for redetermination. In order to provide a decision which gives clarity and certainty in response to the Applicant's grievance, on the redetermination I direct the Assistant Commissioner to do the following:*
>
> 1. *State whether the 1995 response provided is a PCL-R , and give the reasons for the conclusion reached;*
>
> 2. *If the 1995 response is, or is not, concluded to be a PCL-R, state whether the 1995 response is an "assessment" within the meaning of paragraph 5 of Commissioner's Directive 850, and give the reasons for the conclusions reached.*
>
> *Should the Assistant Commissioner's decision on the redetermination result in a subsequent judicial review application, in order to reach a fair and just determination on the exact facts, I strongly suggest that the 1995 response be produced for examination by the judge hearing that judicial review, on such confidentiality terms as a judge of this Court might direct.*
>
> *As he is successful in the present application, I award costs to the Applicant in the sum of $200.00 to cover disbursements incurred.*

From the sounds of it, we haven't heard the last of Mr. Metcalfe and his attack on the PCL-R-in-absentia practices of the CSC....

the vancouver prisoners' justice day committee
is looking for:
Artwork, Poetry, or Written Works
concerning August 10th

written material will be used for;
broadcast on community radio,
read at the rally, or printed as part of the zine
let us know if it is ok to publish your name

graphic designs will be used in the zine,
on posters, or on Prisoners' Justice Day t-shirts

we appreciate all contributions and as we have
limited printing resources we ask that any
artwork be one colour only. Thank you.

please send your submissions to:
Prisoners' Justice Day Committee
P.O. Box 78005, 2606 Commercial Drive
Vancouver, British Columbia V5N 5W1

Subscription Renewals

Have you renewed your subscription? The newsletter depends in part, on your financial support for publishing costs. We have a grant from the Public Legal Education Program of the Legal Services Society, which has enabled us to bring this newsletter to you. It is distributed free to prisoners in various prisons across Canada and to Canadians who are incarcerated internationally. We have had positive feedback from prisoners and the public on the value of the information printed.

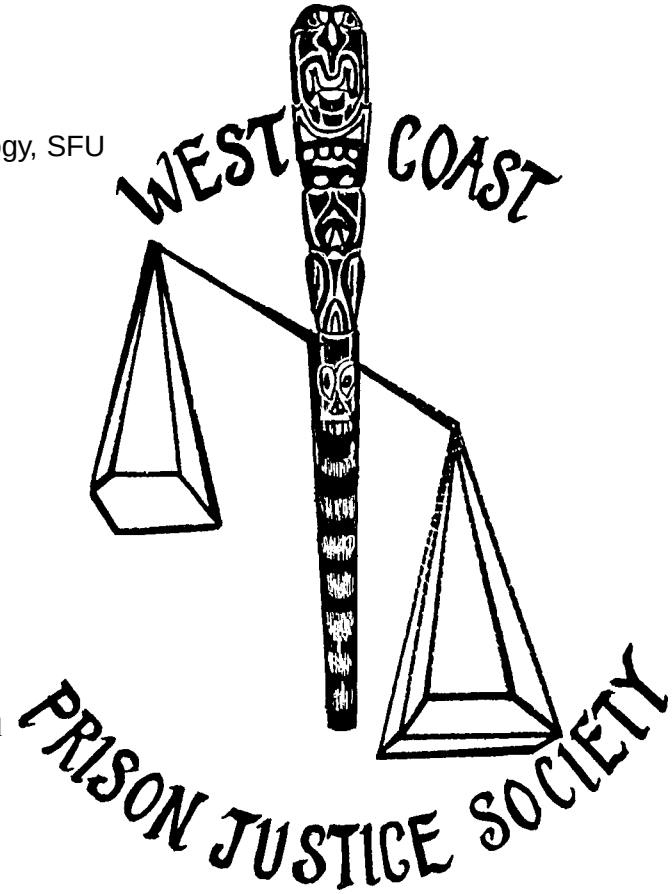
Thank you for your support in the past and your continued support in the future. Current subscription rates are listed on Page 8 of this newsletter.

The West Coast Prison Justice Society was started in 1993 and incorporated in February 1994. The objectives of this organization are to further the application of justice in B.C. penitentiaries, prisons, jails and reformatories. Through our newsletter, we wish to provide prisoners with an open forum for ongoing dialogue. We will try to provide legal interpretations of recent legislation and current prison case law and to bring to the forefront the major issues which concern prisoners in B.C. We will also keep you updated with respect to current Legal Aid policies. We share the commitment to work together towards these goals.

Your responses and your suggestions are key to the success of this ongoing process. In order to be able to address the problems that you believe are most relevant to conditions inside the walls and when on parole, we rely on your questions and comments. We also wish to hear how any legal precedent and/or legislation is affecting you.

PURPOSES OF THE WEST COAST PRISON JUSTICE SOCIETY

a) To promote the provision of legal services to people who are incarcerated in the Lower Mainland and Fraser Valley of British Columbia, and who are financially unable to obtain legal services privately.
b) To encourage the provision of legal services to prisoners whose problems arise because of their unique status as prisoners.
c) To promote the rule of law within prisons and penitentiaries.
d) To encourage prisoners to make use of the legal remedies at their disposal.
e) To promote the fair and equal treatment of prisoners, by assisting prisoners who face discrimination based on such matters as sex, aboriginal origin, race, colour, religion, national ethnic origin, age or mental or physical disability.
f) To encourage the application of the Canadian Charter of Rights and Freedoms inside prisons and penitentiaries.
g) To promote openness and accountability in the prisons and penitentiaries of British Columbia.
h) To promote the principle that incarcerated people must be treated with fairness and dignity.
i) To promote the abolition of prisons through the reform of the criminal justice system.



We would be pleased to hear from you. Please write, or have someone write for you, to:
West Coast Prison Justice Society
c/o Conroy and Company,
Barristers & Solicitors
2459 Pauline Street, Abbotsford, B.C. V2S 3S1

Survey

Over the past several years the West Coast Prison Justice Society's newsletter has tried to bring relevant information to prisoners throughout British Columbia. We have found that many of the issues we have published have also had an impact on federal prisoners throughout Canada. Many prisoners have written to comment and express their views on the content. Our model has been to write about new legislation, opinions on legal decisions, commissioner's directives and administrative changes that affect prisoners and those who are on parole.

We would like you to complete this short questionaire and mail it to us. Thank you for taking the time to complete it.

Where did you hear about this newsletter? _____

How long have you read the WCPJS newsletter? _____

Has the newsletter been informative and useful? Yes No

Are you a prisoner in Canada or a Canadian in a foreign prison? Yes No

Where? [if applicable] _____

What were some of your favorite sections/articles you have enjoyed?

What would you like to see/read/be addressed if possible?

Comments:

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