



Prisoners' Legal Services

A Project of the West Coast Prison Justice Society

November 29, 2019

VIA EMAIL: engageaccessibility@gov.bc.ca

Honourable Shane Simpson
Minister of Social Development and Poverty Reduction

PO Box 9933 Stn Prov Govt
Victoria, BC V8W 9R2

Dear Mr. Simpson:

RE: Accessibility through Legislation

I write on behalf of Prisoners' Legal Services ("PLS"), a legal aid clinic for all federal and provincial prisoners in British Columbia. We assist prisoners with thousands of prison law issues each year, including solitary confinement, health and mental health care, and human rights. We also advocate for systemic and policy reforms based on the experiences of our clients. In 2018, our team of advocates and lawyers helped nearly 1,400 prisoners.

Prisoners are among the most vulnerable members of our communities. Many have come into contact with the criminal justice system as a result of poverty, racism, colonialism, trauma and other forms of marginalization.

Prisoners with physical disabilities, such as prisoners who are deaf or have mobility issues, can be particularly vulnerable and isolated in prison.

PLS has spoken to deaf prisoners who describe feeling lonely and isolated without access to sign language interpreters and no other deaf people to communicate with. These individuals have described challenges communicating with staff, often having to rely on gestures and writing messages back and forth. They are sometimes perceived as hostile or aggressive when

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using their voices, large gestures and facial expressions. For some, this led to adverse consequences such as disciplinary charges and officers using physical force against them.¹

PLS also assists clients with mental health disabilities, who are significantly over-represented in Canadian prisons and jails. According to the Medical Director of Correctional Health Services for the Provincial Health Services Authority, an estimated 60 percent of people in BC Corrections custody have mental health and addictions issues.² For many, the prison environment is unsafe and isolating, which exacerbates mental health issues.

Accessibility standards

PLS supports the inclusion of accessibility standards, and suggests BC's accessibility legislation set out mandatory accessibility standards for correctional facilities.

We recommend all deaf and hard of hearing prisoners have access to the Video Relay Service (VRS). Currently, it is our understanding that prisoners must communicate using TTY, a cumbersome system that makes conversations of any complexity difficult. Having access to VRS would allow deaf prisoners to communicate with outside agencies, legal organizations, family, and other community supports, allowing for more effective communication and reducing isolation.

We also recommend accessibility standards provide for regular access to sign language interpreters for deaf and hard of hearing individuals in custody. In our clients' experience, interpreters are not routinely available to help them communicate with staff. As such, they must often rely on writing notes, which is a poor substitute for a real conversation. Further, since they are isolated from other deaf individuals, deaf prisoners spend the vast majority of their time without the ability to communicate freely. We recommend BC's accessibility legislation set out standards for access to sign language interpreters so that deaf prisoners can communicate regularly and effectively with prison staff. Having access to VRS could also be used to facilitate communication between deaf prisoners and correctional staff, though it should not replace the use of in-person sign language interpreters.

¹ See, for instance, PLS' recent report on use of force in BC provincial and federal correctional institutions, which tells the story of a deaf woman in BC Corrections' custody who was pepper sprayed and subject to physical force by correctional officers after she failed to follow officers' instructions. The report, *Damage/Control: Use of force and the cycle of violence and trauma in BC's federal and provincial prisons*, is available online at <https://prisonjustice.org/wp-content/uploads/2019/06/use-of-force-report-online-1.pdf>.

² Katie DeRosa, "Inmate health care improving, warden tells inquest," *Times Colonist* (May 24, 2019). Online: <https://www.timescolonist.com/news/local/inmate-health-care-improving-warden-tells-inquest-1.23832293>.

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Accessibility standards should also apply to mental health services for prisoners in BC. Prisoners with mental disabilities should have access to appropriate services, including regular counselling if indicated, and a safe and therapeutic living environment.

Governance, compliance and enforcement

PLS supports the measures outlined in the Framework for Accessibility Legislation ("Framework") that would provide oversight and ensure compliance with accessibility laws and regulations. In our view this is particularly needed in the case of correctional facilities, where there is little if any external oversight, and prisoners are vulnerable to abuse.

We recommend that BC's accessibility legislation include inspections of correctional facilities to identify how the needs of prisoners with disabilities are being met and provide opportunities for prisoners with disabilities to make complaints.

In addition, we recommend BC's accessibility legislation require public reporting to identify how key indicators for prisoners impact people with disabilities versus those without.

Culture of accessibility

We support the Framework's focus on initiatives to create a culture of accessibility. We recommend trainings and workshops for correctional staff to assist in creating a culture inside prisons that respects the rights and dignity of prisoners with disabilities and ensures they are not subject to adverse consequences because of their disabilities.

We look forward to further opportunities for consultation as BC's accessibility legislation is developed.

Yours truly,

PRISONERS' LEGAL SERVICES



Jennifer Metcalfe
Barrister & Solicitor
Executive Director