



Carole Chen, Warden
Fraser Valley Institution for Women
33344 King Rd, Abbotsford, BC V2S 6J5

Re: December 2024 Advocacy Visit Follow-Up

January 13th, 2025

Dear Carole,

We want to thank the Institutional Management Team (IMT) at Fraser Valley Institution (FVI) for taking the time to meet with our Pacific Regional Advocacy Team on December 19th, 2024, via Teams. This letter details the overarching issues at FVI that were reported to The Canadian Association of Elizabeth Fry Societies (CAEFS) during our advocacy visit on December 12th and 13th, 2024. It also includes our summary of the discussion that took place during the meeting mentioned above, relevant laws and policies, and CAEFS' recommendations.

1. Use of and Access to Informal Resolution

Description: Individuals continue to report challenges to using and accessing informal resolution at FVI. Individuals specifically reported that there has been an increase in institutional charges recently, and that notification of charge documents often inaccurately represent whether informal resolution was attempted by the Correctional Service of Canada (CSC) staff giving the charge. It is being reported that it is common for the CSC charging staff to indicate in the notification of a charge that informal resolution was attempted, when no informal resolution attempts were made. The discrepancy between the documented informal resolution attempt by the charging officer in the notification of charge and the experience of the individual receiving the charge was reported by several individuals at FVI.

Discussion: IMT stated that there is a requirement to consider informal resolution, but it is not required to complete every time an institutional charge is laid. IMT agreed that there has been a recent increase in institutional charges but that many charges have been dismissed. IMT also said that if the individual receiving the institutional charge would like an informal resolution, they can put in a request for informal resolution directly to the charging officer, or depending on the timeline, request informal resolution at either the minor or major institutional court.

Law/Policy:

CCRA, section 4(f): correctional decisions are made in a forthright and fair manner, with access by the person who is incarcerated to an effective grievance procedure.

CCRA, section 41(1): Where a staff member believes on reasonable grounds that an incarcerated person has committed or is committing a disciplinary offence, the staff member shall take all reasonable steps to resolve the matter informally, where possible.

CAEFS Recommendations: Informal resolution is the legislated tool to mitigate use of the formal disciplinary system within the penitentiary environment. Both minor and major disciplinary convictions have profoundly negative impacts on the liberty of people who are incarcerated, and formal disciplinary actions are legislated to be imposed as a last resort because they have significant impacts on the present and future liberty of federally sentenced women and gender diverse people. CAEFS recommends that the legislation be closely followed, and informal resolution should be utilized in all possible instances.

2. Privacy within Penitentiary Setting

Description: Individuals reported challenges to having privacy within the penitentiary setting, including both physical privacy and information privacy. People in the main compound reported feeling unsafe when changing in individual cells due to correctional officers opening the privacy screen without adequate notice. Individuals told advocates that correctional officers will knock on their door once, immediately prior to opening the privacy screen, which does not give people enough time to dress or cover themselves when returning from the shower or changing. Individuals reported this lack of privacy to be especially triggering as many individuals incarcerated in federal prisons designated for women have experienced sexual violence.

People also reported experiencing breaches to their information privacy at FVI. CAEFS advocates were informed of several incidents where staff reportedly shared a person's confidential information with other people who are incarcerated. People reported these breaches to feel targeted and with the intention of creating conflict and tension within the population.

Discussion: IMT told CAEFS advocates that reminders were recently sent to CSC staff regarding the institutional protocol for individual cell privacy screens. IMT added that people who are incarcerated often do not follow the institutional protocol for when privacy screens are authorized to be down, and that if people do not respond when a staff member knocks, the staff will enter the individual's room for safety reasons.

IMT asked advocates for specific examples of information sharing by CSC staff with people who are incarcerated. CAEFS advocates informed IMT that the sharing of confidential information by CSC staff is reportedly a common practice at FVI, and that people feel personal information is being shared with the intent to instigate conflict or lateral harm. CAEFS advocates shared that while this is a systemic issue related to the ownership and control of personal information by incarcerated people, one individual has provided the Lead Advocate with consent to discuss their reported privacy concern with management. The Lead Advocate suggested following up via email to confirm a meeting date and time.

Law/Policy:

Canadian Privacy Act, section 7(a): Personal information under the control of a government institution shall not, without the consent of the individual to whom it relates, be used by the institution except for the purpose for which the information was obtained or compiled by the institution or for a use consistent with that purpose.

Canadian Privacy Act, section 8(1): Personal information under the control of a government institution shall not, without the consent of the individual to whom it relates, be disclosed by the institution except in accordance with this section.



Commissioner's Directive (CD) 710 (Information sharing), section 8: All staff involved with information sharing pursuant to the CCRA will be aware that:

- a. they have a legal obligation to protect individuals who would be harmed by the inappropriate disclosure of information
- b. the confidentiality of an [incarcerated person's] personal health information will be maintained, except where disclosure is permitted pursuant to the CCRA, the *Privacy Act*, or when the information is relevant to [individual] risk or to the risk of others
- c. personal health information is protected and may be shared with other CSC staff without consent, only after the need to know is established and it has been determined to be consistent with the stated purposes for which the personal information was collected. The information that is shared, however, must be limited to only that which is relevant for the staff member to perform his/her specific duties
- d. where disclosure is necessary pursuant to the CCRA, the rules in the *Privacy Act* that would normally restrict disclosure of personal information do not apply
- e. any personal information that is disclosed beyond what is permitted by the CCRA, the *Privacy Act* or other legal means could be considered a contravention of the *Privacy Act*
- f. before sharing any information, even where this is permitted by the CCRA, they must carefully consider whether it must be shared in order to meet the requirements of the CCRA. Only relevant personal information sufficient to meet the requirements of the CCRA needs to be disclosed.

CAEFS Recommendations: Increasingly, CAEFS notes that federal penitentiaries designated for women offer less privacy and, accordingly, personal agency to people who are incarcerated. By closely following legislation and policy related to personal and information privacy, the CSC can support the principles of Creating Choices and the dignity of those within your care and custody.

3. Access to Relationships and Reports of Discrimination Based on Relationship Status

Description: Individuals continue to report that there are barriers to maintaining relationships at FVI. Individuals reported feeling discriminated against and punished when in relationships identified as within the LGBTQIA2S+ community and disclose that community and relationship building are viewed negatively by many staff within the penitentiary.

One individual gave CAEFS consent to directly advocate to IMT regarding the reported punishment of their relationship at FVI. This consent form was provided to IMT prior to the December post-advocacy visit meeting.

Discussion: CAEFS Lead Advocate informed IMT that an individual in the maximum-security unit at FVI has received dozens of serious disciplinary charges for inter-cell visiting and is being charged a fine of \$75 per eight charges by the court. This individual also reported their security level within the maximum-security unit being reduced, resulting in them no longer having access to programming or supports outside of the maximum-security unit such as the gym, leisure or volunteer-run activities. This individual reported that IMT transferred their partner to the Structured Intervention Unit (SIU) in response to an argument between the couple, despite both parties communicating their desire and willingness to mediate. This couple is currently participating in the Non-Violent Communication Program facilitated by the Chaplain at FVI. The individual shared with advocates that they feel like the least restrictive measures were not considered by the



penitentiary at the time of SIU transfer as this couple was not given the opportunity to mediate and use the skills practiced in programming.

IMT stated that this individual did not receive institutional charges for being in a relationship but for not adhering to institutional rules. IMT said that they have been doing a lot of messaging to the population at FVI regarding inter-cell visiting and why it is an institutional safety concern. The IMT acknowledged having seen this couple's request to share cell space in the maximum-security unit, and informed advocates that if double bunking is required as a temporary measure in the secure unit; a safety assessment must first occur. The IMT asked CAEFS advocates to encourage this couple to work closely with their interdisciplinary team in the maximum-security unit.

Law/Policy:

Canadian Human Rights Act, section 3(1): For all purposes of this Act, the prohibited grounds of discrimination are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

CCRA, section 4(c): the Service uses the least restrictive measures consistent with the protection of society, staff members and people who are incarcerated.

CCRA, section(d): People who are incarcerated retain the rights of all members of society except those that are, as a consequence of the sentence, lawfully and necessarily removed or restricted.

CCRA, section 70: The Service shall take all reasonable steps to ensure that penitentiaries, the penitentiary environment, the living and working conditions of [people who are incarcerated] and the working conditions of staff members are safe, healthful and free of practices that undermine a person's sense of personal dignity.

CAEFS Recommendations: Supporting relationships and meaningful connections of all types between consenting adults under federal custody and supervision is required in Canadian law and aligns with the principles of Creating Choices. CAEFS recommends that FVI work to increase dialogue and procedure to hear and be responsive to the issues this community is raising. Implementing increased dialogue will allow FVI management and the 2SLGBTQIA+ community to more meaningfully understand and engage with one another's needs and priorities.

4. Access to the Request Process

Description: People incarcerated at FVI report that request forms are not being replied to by FVI staff, and that if requests are replied to, the replies often fall outside of the 15-day timeframe prescribed in the commissioner's directives. Individuals also reported on the challenges to documenting their requests as triplicate request forms are not made available to them.

Several individuals reported on the challenges of having healthcare requests go unanswered. Advocates were told that individuals are being proactive about their healthcare needs by submitting non-urgent requests to healthcare, but that the lack of response by FVI staff results in the individual's non-urgent healthcare need escalating to an urgent one. An example of this provided by an individual incarcerated at FVI is a non-urgent request was submitted to FVI's healthcare to develop a care plan for an upcoming medical procedure that will significantly impact their mobility. This person did not receive a response to their request for over a month and as a result they were left without a care plan when given the 24-hour notice for their procedure.



Discussion: IMT asked advocates to encourage individuals at FVI to put in requests directly to healthcare and not through the general mail to expedite the request process. IMT informed advocates that this must be a temporary shortage in request forms as these forms are regularly purchased by IMT.

Law/Policy:

CCRA, section 4(c): the Service uses the least restrictive measures consistent with the protection of society, staff members and people who are incarcerated.

CCRA, section 4(c.2): the Service ensures the effective delivery of programs to people who are incarcerated, including correctional, educational, vocational training and volunteer programs, with a view to improving access to alternatives to custody in a penitentiary and to promoting rehabilitation.

CAEFS Recommendations: The request form process is a requirement that the CSC has implemented for people who are incarcerated to use to communicate with staff in relation to all penitentiary processes. By not providing enough request forms, or triplicate copies of forms so that individuals can track and organize their communications with CSC staff, people feel disempowered and without access to fair procedure. CAEFS encourages FVI to make triplicate request forms accessible in the common access areas of all security classifications, and to reply to requests in the timeframe determined in the CDs.

5. Peer Support in Maximum Security

Description: Individuals continue to report on the challenges of accessing Peer Support within the maximum-security unit. Several individuals in maximum security reported submitting urgent requests to meet with Peer Support but were denied by the Correctional Manager (CM) on the grounds of these requests falling outside of the scheduled drop-in times. Peer Support workers confirmed with advocates that they have specific hours and drop-in times, but that they are available on an as-needed basis due to the nature of their work. Peer Support workers also noted that they are willing and able to visit the maximum-security unit upon request due to the negative health and wellbeing impacts of being held in a restrictive maximum-security environment.

Discussion: IMT stated that the Peer Support drop-in time at the maximum-security unit is not well utilized by the people in the maximum-security unit. IMT also added that they think the population is unclear on the differences between the institutional employment positions of Peer Support worker and Peer Advocate at FVI. Both IMT and CAEFS advocates agreed to communicate the differences between these positions to the people incarcerated at FVI, and advocates encouraged IMT to discuss these reported issues directly with the Peer Support workers.

Law/Policy:

CCRA, section 3(b): The purpose of the federal correctional system is to contribute to the maintenance of a just, peaceful and safe society by assisting the rehabilitation of people who are incarcerated and their reintegration into the community as law-abiding citizens through the provision of programs in penitentiaries and in the community.

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CCRA, section 4(c.2): the Service ensures the effective delivery of programs to people who are incarcerated, including correctional, educational, vocational training and volunteer programs, with a view to improving access to alternatives to custody in a penitentiary and to promoting rehabilitation.

CAEFS Recommendations: Broad access to programs and services can be enhanced by increasing community engagement with people in the maximum-security unit. Even with programs available, CAEFS notes that the architecture of the unit will lead individuals to feeling isolated, given the stark contrast of the unit's conditions with those in the general population. CAEFS encourages FVI to increase access to programming and supports external to maximum-security unit for individuals classified as maximum security.

6. Access to Programs and Opportunities in the Minimum-Security Unit

Description: People in the minimum-security unit (MSU) report to have not met the Correctional Manager (CM) assigned to the MSU, despite that position being filled for several months. Individuals also expressed that directives communicated on behalf of the CM by Primary Workers (frontline correctional officers) can feel confusing without context and that a direct line of communication would be helpful.

CAEFS also received consent from an individual in the MSU to discuss a denied proposal and its corresponding group grievance signed by numerous impacted individuals. The people involved in this group grievance are seeking to understand why the proposal to allow dogs to spend the night in the MSU as part of the Kennel Program was denied given all the risk mitigating factors listed in the proposal, such as: working alongside the Kennel supervisors who are supportive of this proposal to develop safety plans for dogs pre-selected to visit the MSU; having dogs leashed at all times; and having consent from the dog's owner to spend the night in the MSU.

The person whose consent CAEFS received is also seeking information related to access to an emotional support animal at FVI. Their consent form was forwarded to IMT prior to the meeting.

Discussion: IMT informed advocates that FVI does not have dedicated funding for a full-time CM of the MSU. IMT asked advocates to encourage people in the MSU to send requests to a specific individual who is most frequently working on rotation as CM of the MSU. IMT said they will discuss creating a regular drop-in time where individuals can meet directly with this rotating CM to have their concerns heard.

IMT stated that they met with the individual whose consent CAEFS received to discuss the MSU Kennel Program proposal. IMT would like to support this person in receiving dog-related vocational training in community as opposed to expanding the Kennel Program to the MSU. IMT cited allergies and the potential fear of dogs amongst staff and people incarcerated in the MSU as reasons for denying this proposal. IMT said they would fulfill their duty to accommodate if an individual required an emotional support animal, but that this dog would not be affiliated with the Kennel Program.

Law/Policy:

Canadian Human Rights Act, section 3(1): For all purposes of this Act, the prohibited grounds of discrimination are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability and conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.



CCRA, section 3(b): The purpose of the federal correctional system is to contribute to the maintenance of a just, peaceful and safe society by assisting the rehabilitation of people who are incarcerated and their reintegration into the community as law-abiding citizens through the provision of programs in penitentiaries and in the community.

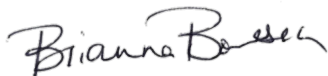
CCRA, section 4(c): the Service uses the least restrictive measures consistent with the protection of society, staff members and people who are incarcerated.

CCRA, section 4(d): People who are incarcerated retain the rights of all members of society except those that are, as a consequence of the sentence, lawfully and necessarily removed or restricted.

CAEFS Recommendations: The conditions within penitentiaries designated for women need to provide a dignity preserving environment with opportunities for individuals to meaningfully develop themselves. CAEFS encourages the CSC to broaden its application of Creating Choices philosophies of empowerment, support, and person-centered care in its administration of the material conditions of incarceration, especially listening to the needs and ideas of people in the CSC's care and custody. Economic and vocational opportunities are especially important for people within the minimum-security unit. Increasing access to programs and opportunities can improve outcomes for individuals in your care and custody not just in the penitentiary, but upon their release, improving public safety outcomes for all.

Thank you for taking the time to review this letter and for your continued efforts to improve the outcomes for individuals in your custody and care. CAEFS appreciates IMT's willingness to engage in dialogue with the people incarcerated at FVI to ensure the voices of those impacted are included in institutional decisions. CAEFS encourages FVI to continue collaborating with the committees at FVI to improve the conditions of confinement and create a penitentiary environment that is aligned with law and policy, and the Principles of Creating Choices.

Respectfully,



Brianna Bourassa
Lead Advocate, Pacific Regional Advocacy Team, CAEFS

