



# Canadian Prison Law Association

April 2, 2020

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Dear Doctors and Federal, Provincial and Territorial chief medical and public health officers,

## **Re: Covid-19 in the Prison Context - Public Health and Medical Officers**

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It is with urgency I write to you as the President of the Canadian Prison Law Association. The CPLA is an organization of lawyers across Canada who work on behalf of prisoners and who seek to protect and promote the constitutional rights, interests and privileges of prisoners by advocating on their behalf within the community and in their dealings with prison and release authorities. We promote adherence to the Rule of Law within the prison law environment in accordance with the highest standards of justice and fairness as required by and consistent with the *Charter of Rights and Freedoms*. We act as a vehicle through which members of the CPLA can, on matters of common concern, communicate with government bodies.

The CPLA has advocated with Federal, Provincial and Territorial Ministers and authorities in charge of prisons, pleading that they take seriously the grave health risks to prisoners, prison staff and surrounding communities and take immediate action to depopulate prisons. We have pointed out the legal mechanisms to effect that. There has been no significant action on their part.

On March 31, 2020 the office of the Minister of Public Safety, Bill Blair, made an announcement about this. It appears to us it is no coincidence it was on the same day Canada's Chief Public Health Officer sounded the alarm. This was reported here: <https://www.cbc.ca/news/politics/prison-covid19-csc-release-1.5516065>.

Even then, the Minister's office indicated he was going to seek advice about how to depopulate, advice he had already received from us and other organizations and advocates:

*Blair's spokesperson Mary-Liz Power said the government understands the "unique risks" inherent to prisons. Minister Blair has asked both the Commissioner of the Correctional Service of Canada and the Chair of the Parole Board of Canada to determine whether there are measures that could be taken to facilitate early release for certain offenders.*

It is important to pay close attention to what the CPHO said:

*In a briefing in Ottawa Tuesday, Chief Public Health Officer Dr. Theresa Tam said infections in **correctional facilities**, nursing homes and Indigenous communities are "very concerning" because of their potential to spread fast, with "grave consequences" for those vulnerable populations.*

So far as we know, no similar statement has been made by the rest of you. We struggle to understand why. It seems self-evident to those who are paying attention to the literature on Covid19. We request that Dr Tam's opinion be publicly echoed by her provincial and territorial counterparts and that all of you direct effective action be taken immediately by those responsible for the welfare of prisoners and prison staff and you rigorously supervise such actions.

We look forward to your timely response.

Sincerely,

A handwritten signature in blue ink that reads "Tom Engel". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Tom Engel  
President, Canadian Prison Law Association

c. Media