



April 28, 2020

Sent via email:

BC Chief Coroner, Lisa Lapointe
BC Minister of Public Safety and Solicitor General, Mike Farnworth

Re: Urgent Call for Public Inquest into COVID-19 Death at Mission Institution

We are a coalition of organizations calling for an immediate inquest into the tragic death of a person in Correctional Service of Canada's ("CSC") custody who was incarcerated at Mission Institution in BC. He died in Abbotsford Regional Hospital on April 15, 2020 from COVID-related complications. We ask you, as BC's Chief Coroner and BC's Solicitor General, to take immediate action and direct an inquest into his death as set out by the *Coroner's Act*.

Section 18(3) of the *Coroners Act* specifies that:

"The chief coroner may direct a coroner to hold an inquest if the chief coroner has reason to believe that

- (a) the public has an interest in being informed of the circumstances surrounding the death,
- or
- (b) the death resulted from a dangerous practice or circumstance, and similar deaths could be prevented if recommendations were made to the public or an authority."

The *Coroners Act* also stipulates that the Solicitor General may order an inquest if it is necessary or desirable in the public interest (s. 19(1)(a)).

We call on you to direct an inquest on the basis that there is significant public interest in the circumstances of this death, as indicated by the wide range of provincial and national organizational signatories to this letter who collectively represent thousands of people across the province and the country. There has also been substantial media and community interest in this issue, as indicated by sustained local, provincial, and national media coverage on this death in CSC custody and the unsafe and unsanitary conditions inside Mission Institution.

Further, we call on you to direct an inquest to investigate the degree to which this person's death resulted from the very real danger of prisons having inadequate health and safety measures to deal with the threat of COVID-19. It is imperative that no similar deaths occur and immediate steps are taken to prevent future deaths; incarcerated people should not be getting death sentences.

While the BC government has made significant efforts to flatten the curve for the general public since mid-March, those incarcerated in and/or working in prisons and jails have largely been ignored. As of April 4, 2020 Mission Institution had no reported cases of COVID-19 and, according to an officer at the prison, operations were being carried out normally.¹ This was despite wide-spread knowledge of how the virus is transmitted, the heightened risks associated with people forced into confined spaces, and the extreme vulnerability of a significant portion of the prison's population.²

Less than two weeks later, a person incarcerated at Mission Institution died due to COVID-19 related complications. The Mission Institution is now the site of the worst COVID-19 outbreak at a federal prison in the country and one of the largest outbreaks in the province, with conditions rapidly deteriorating. As of April 25, there are 106 positive cases among incarcerated persons, representing a staggering 30 percent of all those incarcerated at Mission Institution,³ and at least 12 positive cases among officers and staff.

An immediate public inquest is necessary to review the circumstances surrounding the first death at a federal prison and to ensure that the practices and conditions that contributed to this death are modified, and new measures are implemented to fully protect the health of people incarcerated in and/or working at Mission Institution.

The public needs to know what happened at Mission Institution and how the incarcerated person who died was treated; a confidential investigation would not suffice. The *Coroners Act* stipulates that the Chief Coroner may direct an inquest if the public has an interest in being informed (s. 18(3)(a)). At present, very limited information is available to the public about what measures Mission Institution has implemented to protect those incarcerated in and/or working in the prison. An inquest would fill a major gap in the public's access to information.

Only broad, general information is posted on the CSC website and the information presented differs significantly from accounts provided by prisoners, officers, and union staff representatives

¹ Patrick Penner, "Federal handling of COVID-19 outbreak at Mission Institution criticized by local MPs, advocates", *The Abbotsford News*, (April 17, 2020), online: <<https://www.abbynews.com/news/federal-handling-of-covid-19-outbreak-at-mission-institution-criticized-by-mission-abbotsford-mps/>>.

² According to Dr. John Farley, an infectious disease doctor working at Mission Institution, people over 50 account for 25% of the federal prison population, some with other serious health conditions like HIV and hepatitis C. See Angela Sterritt, "'It's horrifying': Physicians and lawyers say coronavirus outbreak at B.C. prison could have been prevented", *CBC News*, (April 9, 2020), online <<https://www.cbc.ca/news/canada/british-columbia/mission-institution-covid-19-coronavirus-outbreak-april-9-1.5527684>>.

³ Angela Jung, "'Worst case scenario': One-third of Mission Institution inmates infected with COVID-19," CTV News, (April 25, 2020), <<https://bc.ctvnews.ca/worst-case-scenario-one-third-of-mission-institution-inmates-infected-with-covid-19-1.4912229>>

in the media. These interviews largely indicate that CSC administrators have mismanaged the virus outbreak, including by:

- Failing to implement proven prevention measures,⁴
- Denying requests by prisoners to eat in their cells rather than in the crowded cafeteria,⁵
- Not procuring an adequate supply of masks,⁶
- Directing healthcare staff not to use personal protective equipment during intake process that places prisoners in medical isolation,⁷
- Requiring staff to continue working contrary to public health officer direction to self-isolate after exposure to the virus,⁸
- Failing to provide prisoners with access to showers, hand sanitizer, and necessary hygiene practices and supplies,⁹ and
- Lacking ventilator equipment for the treatment of prisoners suffering from COVID-19.¹⁰

It is unclear exactly what health measures, if any, Mission Institution implemented because federal prisons in BC are inconsistently applying public health guidelines. These failures disproportionately impact Indigenous people, who make up almost one-third of the federal prison population but only 5% of Canada's population.

A class action lawsuit was filed against the federal government on April 23rd for failing to protect the incarcerated men at Mission Institution, who the federal government and CSC have complete control over. In the statement of claim, an incarcerated man details how prison staff suggested he had allergies when he first developed COVID-19 symptoms.¹¹ The class action lawsuit claims

⁴ Kim Bolan, "Outside investigation demanded after COVID-19 races through prison in B.C.," *Vancouver Sun*, (April 17, 2020), online: <<https://vancouversun.com/news/outside-investigation-demanded-after-covid-19-races-through-prison-in-b-c/>>.

⁵ Justin Ling, "Inside the Canadian Prison Hardest Hit by the Coronavirus Pandemic," *Vice News*, (April 21, 2020), online: <https://www.vice.com/en_ca/article/4agjyq/inside-the-canadian-prison-hardest-hit-by-the-coronavirus-pandemic>.

⁶ Jen St. Denis, "COVID-19 cases continue to rise at B.C. prisons as advocates call for inquest," *CTV News*, (April 18, 2020), online: <<https://bc.ctvnews.ca/covid-19-cases-continue-to-rise-at-b-c-prisons-as-advocates-call-for-inquest-1.4902470>>.

⁷ Ling, *supra* at note 5.

⁸ Bolan, *supra* at note 4.

⁹ Ling, *supra* at note 5.

¹⁰ Sterritt, *supra* at note 2.

¹¹ Kim Bolan, "Inmate suit filed against federal government over Mission outbreak," *Vancouver Sun*, (April 23, 2020), <<https://vancouversun.com/news/crime/covid-19-inmate-suit-filed-against-federal-government-over-mission-outbreak/>>.

CSC failed to take “adequate measures to protect the plaintiff and class from COVID-19,” then failed to “provide appropriate medical care in a timely manner or at all.”¹²

The public needs to know how Mission Institution failed to protect the health of the deceased person in order to prevent future deaths in similar circumstances. There is strong reason to believe a clear and meaningful connection exists between Mission Institution’s failure to provide necessary care such as harm reduction supplies, hygiene necessities, adequate space to implement physical distancing measures, and extended healthcare to limit the spread of the virus, and the resulting death due to COVID-19-related complications.

Mission Institution and other prisons must implement transparent and substantive health practices in accordance with public health guidelines. By determining the cause of death of the person in custody, and shedding light on the factors leading up to his death, necessary information will come to light that will hold CSC accountable and prevent future deaths from institutional mismanagement and negligence.

To date, the government and CSC have taken an entirely passive approach, failing to adequately protect the health and well-being of people incarcerated in and/or working in prisons, allowing the virus to spread through Mission Institution and other provincial and federal prisons. Amidst a global pandemic, we cannot continue to sit back and watch people die in prison from the ticking time bomb of COVID-19 spreading through these institutions.

We strongly urge the BC Chief Coroner and BC government to act now and direct a public inquest. We look forward to hearing back from you promptly on this urgent and critical matter.

Sincerely,



Aisha Weaver
Policy Director, BCCLA



Harsha Walia
Executive Director, BCCLA

For Coalition of Co-signatories:

1. Abolition Coalition
2. Amnesty International-Canada
3. Atira Women’s Resource Society
4. BC Assembly of First Nations
5. BC Association of Aboriginal Friendship Centres
6. BC Civil Liberties Association

¹² Bolan, *supra* at note 11.

7. BC First Nations Justice Council
8. BC Health Coalition
9. BC Poverty Reduction Coalition
10. Canadian Association of Elizabeth Fry Societies
11. Canadian Centre for Policy Alternatives-BC
12. Canadian HIV/AIDS Legal Network
13. Centre for Justice Exchange
14. Community Legal Assistance Society
15. Criminalization and Punishment Education Project
16. First Nations Summit
17. Health Justice
18. HIV & AIDS Legal Clinic Ontario
19. Jail Accountability and Information Line
20. John Howard Society of Canada
21. Joint Effort
22. Journal of Prisoners on Prisons
23. Law Union of British Columbia
24. Law Union of Ontario
25. Ligue des Droits et Libertés
26. Migrant Workers Alliance for Change
27. No More Silence
28. Ottawa Sanctuary City Network
29. PACE Society
30. PASAN: Prisoners with HIV/AIDS Support Action Network
31. Pivot Legal Society
32. Prisoner Correspondence Project
33. Prisoners' Legal Services
34. Queen's Prison Law Clinic
35. Toronto Prisoner's Rights Project
36. Union of BC Indian Chiefs
37. Vancouver Prison Justice Day Committee
38. West Coast Legal Education and Action Fund

With copies emailed to: Minister of Public Safety and Emergency Preparedness, Bill Blair
 Commissioner of the Correctional Service of Canada, Anne Kelly
 Correctional Investigator of Canada, Ivan Zinger