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WILL YOU ACCEPT THE CHARGES?

CPEP

The Case for the Government of Ontario to Move Away from the Prohibitive, Predatory, and Outdated Telephone System in its Provincial Jails and Towards Accessible, Free Calling That Promotes Connections Essential to Community Well-being and Safety

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LAND ACKNOWLEDGEMENT

Acknowledgement of Traditional Territory

The land upon which we conduct our advocacy work is traditional unceded and unsurrendered Algonquin Territory. In acknowledging this, we are obligated to document and problematize how Canadian carceral institutions shape and are shaped by colonial policies and practices that must be challenged if we are to address pressing legacies, and the continued existence, of colonialism on Algonquin Territory and elsewhere on Turtle Island, including the mass incarceration of Indigenous, Black, racialized, poor, homeless and other marginalized people



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LIST OF ACRONYMS

CPEP – Criminalization and Punishment Education Project

JAIL – Jail Accountability & Information Line

MCSCS – Ministry of Community Safety and Correctional Services

MSG – Ministry of the Solicitor General

OCDC – Ottawa-Carleton Detention Centre

OTMS – Offender Telephone Management System



VOICES FROM THE INSIDE

You are the first person I've spoken to on the phone in the last 2 years other than my lawyer.

Can you ask my mom to set up a Bell phone? Her budget is tight until the end of the month, but tell her that I will pay for it.

I have a hard time in this jail. I've put in five request forms asking for a phone call, but no one is giving me one. I'm trying to arrange for bail. I could've been out a month and a half ago if I was able to make bail arrangements with my surety. I have kids to take care of.

The JAIL hotline is a lifesaver. We need free direct phone calls. Contacting people is a right.

Without you guys giving me the number to Recovery Ottawa, I wouldn't have known who to call.

I'd like to apply for treatment over the phone. They won't let me.

The lawyer isn't picking up my calls. I don't know what to do anymore.

Hello, I feel rejected by your firm right now...No one at your firm is taking my calls. The interns told me that no one is supposed to be taking my calls. I want to know if I should be talking to another lawyer.

I need to call my doctor and pharmacist to prepare for my release by making arrangements for my medication. It helps me stay away from using drugs. I'm going to get cut loose from jail and I'm not going to have a prescription for my medication and methadone. I tried to do it through the jail, but it takes so much time. They're horrible at providing phone services.



ABOUT THE JAIL HOTLINE

In its 2019 budget, the Government of Ontario committed to new jail infrastructure that expands its future capacity to cage people [1], including many who will be pushed further to the margins in the years ahead by cuts to essential services that actually contribute to community well-being and safety [2]. Especially in times when state repression deepens, it is in the public interest to demand transparency and accountability for the exclusionary laws, policies, and practices that are enacted to limit the damage they cause.

The Jail Accountability & Information Line (JAIL) is a hotline operated by community volunteers working in solidarity with people who are incarcerated at the Ottawa-Carleton Detention Centre (OCDC) and their loved ones. The JAIL hotline has two purposes: 1) Accountability (holding the provincial government, Ministry of the Solicitor General [MSG], as well as OCDC management and staff, accountable for the treatment of incarcerated individuals through tracking and resolving human rights violations within the jail); and 2) Information (providing information to people who are incarcerated at OCDC about their rights and community resources available to them upon re-entry into the community).

The JAIL hotline was founded by the Criminalization and Punishment Education Project (CPEP) in response to long-standing issues regarding the use and conditions of confinement at OCDC. A provincial jail located in a suburb of Ottawa, OCDC has an official capacity of 585 beds, including about 60 beds for incarcerated women in a separate unit. Roughly two-thirds of those incarcerated at OCDC on any given day are not there to serve sentences, but are awaiting their day in court [3]. The JAIL hotline launched on 10 December 2018 and has taken calls on weekdays from 1:00pm to 4:00pm since that time. These hours of operation were chosen with the input of people who have experienced incarceration at OCDC. Currently, we have one phone line – 613-567-JAIL (5245) – that is staffed by up to three volunteers at a time. During its first ten months, the hotline received 2,677 calls.



INTRODUCTION

Communication with the outside world is crucial for incarcerated persons to maintain contact with their families and loved ones [4], coordinate and arrange re-entry plans [5], and access important services in the community such as legal counsel, healthcare, mental health support, and the like [6]. At the Ottawa-Carleton Detention Centre (OCDC) and other Ontario provincial sites of human caging, the only ways for prisoners to communicate with the outside world is through written correspondence, personal visits behind a glass wall, and through collect calls, paid for by the person on the receiving end. The Ministry of the Solicitor General (MSG) recognizes “that communication between [prisoners] and members of the community is important for rehabilitation and successful reintegration into society” and that “the telephone is the primary method by which [prisoners] maintain contact with others”[7]. In order to abide by their policy, the MSG established the Offender Telephone Management System (OTMS) to provide prisoners with telephone communications. In 2013, the service was contracted-out to Bell Canada who took over managing the OTMS from TELUS, the previous jail telephone provider [8].

The OTMS only allows outgoing collect calls and direct calls to MSG pre-approved numbers, and caps the calls at 20 minutes [9]. At a time when the cost of a landline phone call is nearing zero, Ontario prisoners are forced to pay astronomical rates to call their loved ones and lawyers. Call recipients must have a landline or a cellphone number set up through a private company that accepts collect calls, and they must accept the fees for each collect phone call. Through the Jail Accountability & Information Line (JAIL) we have observed that the OTMS harms people despite the MSG’s policies. It exposes them to injustices resulting from a lack of access to necessary communication with vital post-release services and further isolates them by preventing contact with loved ones.

In this report, we expose some of the problems associated with the OTMS by (1) discussing the ways the MSG-established OTMS prioritizes profits extracted from the families and loved ones of incarcerated persons, and (2) using information shared by JAIL hotline callers and other sources to analyze the ways in which the predatory, prohibitive and restrictive OTMS harms, limits, and further isolates confined peoples at OCDC. We also (3) demonstrate that the only effective solution to the aforementioned issues is for MSG to provide cost-free telecommunication services for incarcerated persons that allow them to call both landlines and cell phones.

OTMS: PREDATORY PRACTICES, COUNTERPRODUCTIVE RESULTS

Prisoners and their loved ones experience incarceration as an adverse and distressing chain of events [10]. As revealed by multiple preventable tragic deaths behind bars and successive coroners' inquest into them, communication between prisoners and their loved ones is a lifeline. The horrific death of Cleve "Cas" Geddes – whose efforts to remain in contact with his loved ones while incarcerated at OCDC were frequently thwarted – is but one of many examples that demonstrate that contact with prison and jail guards rarely amounts to meaningful and humane contact, whose absence contributes to the deterioration of mental health and is arguably a factor in the deaths by suicide of many imprisoned individuals [11]. The constraining and violent nature of the human caging practice heightens imprisoned peoples' need for meaningful human contact [12]. To accept a local collect call, the families of prisoners at OCDC living in the Ottawa area are charged \$1. When a person is transported to the Ottawa jail from Cornwall, Pembroke or other neighbouring cities, towns, and villages, their loved ones and lawyers are forced to pay \$2.50 to accept the call and up to \$1.33 for each minute. A 20-minute, long-distance, collect phone call costs these families and lawyers almost \$30.



THE ONTARIO GOVERNMENT AND BELL CANADA PROFIT FROM THE PLIGHT OF ONTARIAN FAMILIES IMPACTED BY IMPRISONMENT

The JAIL hotline coordinators and volunteers are in touch with family members of people currently or formerly incarcerated at OCDC who have shared with us the astronomical prices they were forced to pay to communicate with their imprisoned family member. One of them is a mother whose son spent three months at OCDC before being acquitted on all of his charges. She resides at a retirement home for semi-autonomous people in the Montreal area. When the jail contacted her to ask for a number her son could call, she provided her number to them and the staff informed her that accepting collect calls would cost her \$1 per call. However, when the residential home received the bill, they noted that they owed **\$6,079 to Videotron in long-distance collect call fees** (see Appendix A). Figure 1 highlights the detailed breakdown of the collect call fees over a six-day period for the same mother who shared with the JAIL hotline her telephone bill. It reveals that **Bell Canada charged her \$837.72 for 36 calls with fees reaching up to \$2.55/minute and up to \$30.43 for a 20-minute call.**


Autres transporteurs-communications facturées pour: Bell-Interurbains						
Séquence	Date	Heure	Numéro	Lieu	Durée HH:MM:SS	Montant
1	12 jul 2019	19:10	De 6138249799	Orleans,ON	00:21:07	26,24
2	12 jul 2019	19:31	De 6138249799	Orleans,ON	00:21:06	26,24
3	12 jul 2019	19:53	De 6138249799	Orleans,ON	00:21:07	26,24
4	12 jul 2019	20:14	De 6138249799	Orleans,ON	00:19:17	23,98
5	13 jul 2019	15:33	De 6138241511	Orleans,ON	00:21:06	26,24
6	13 jul 2019	14:20	De 6138241511	Orleans,ON	00:21:05	26,24
7	13 jul 2019	14:41	De 6138241511	Orleans,ON	00:21:07	26,24
8	13 jul 2019	15:03	De 6138241511	Orleans,ON	00:21:06	26,24
9	13 jul 2019	15:25	De 6138241511	Orleans,ON	00:18:19	22,85
10	13 jul 2019	15:44	De 6138241511	Orleans,ON	00:18:15	22,85
11	14 jul 2019	09:39	De 6138377434	Orleans,ON	00:04:07	7,02
12	14 jul 2019	10:26	De 6138240798	Orleans,ON	00:19:11	23,98
13	14 jul 2019	10:47	De 6138240798	Orleans,ON	00:16:00	20,59
14	14 jul 2019	19:09	De 6138249799	Orleans,ON	00:21:16	26,24
15	14 jul 2019	19:30	De 6138249799	Orleans,ON	00:19:21	23,98
16	14 jul 2019	19:50	De 6138249799	Orleans,ON	00:21:06	26,24
17	14 jul 2019	20:11	De 6138249799	Orleans,ON	00:20:20	25,11
18	15 jul 2019	15:40	De 6138241511	Orleans,ON	00:07:17	11,81
19	15 jul 2019	14:06	De 6138241511	Orleans,ON	00:21:17	30,43
20	15 jul 2019	14:34	De 6138241511	Orleans,ON	00:21:17	30,43
21	15 jul 2019	14:58	De 6138241511	Orleans,ON	00:19:02	27,77
22	15 jul 2019	15:17	De 6138241511	Orleans,ON	00:18:15	26,44
23	15 jul 2019	15:37	De 6138241511	Orleans,ON	00:19:15	27,77
24	15 jul 2019	15:57	De 6138241511	Orleans,ON	00:02:12	5,16
25	16 jul 2019	19:12	De 6138240798	Orleans,ON	00:21:06	26,24
26	16 jul 2019	19:33	De 6138240798	Orleans,ON	00:08:47	11,54
27	16 jul 2019	19:52	De 6138241511	Orleans,ON	00:14:58	18,33
28	16 jul 2019	20:14	De 6138377434	Orleans,ON	00:20:46	25,11
29	17 jul 2019	14:31	De 6138240798	Orleans,ON	00:21:16	30,43
30	17 jul 2019	14:53	De 6138240798	Orleans,ON	00:20:14	29,10
31	17 jul 2019	15:14	De 6138240798	Orleans,ON	00:21:16	30,43
32	17 jul 2019	15:35	De 6138240798	Orleans,ON	00:18:18	26,44
33	17 jul 2019	15:54	De 6138240798	Orleans,ON	00:08:18	13,14
34	18 jul 2019	19:48	De 6138377434	Orleans,ON	00:21:17	26,24
35	18 jul 2019	20:10	De 6138377434	Orleans,ON	00:18:26	22,85
36	18 jul 2019	20:29	De 6138377434	Orleans,ON	00:08:00	11,54
Sous-total					10:36:13	837,72



EXPENSES

Another mother shared the following table with the JAIL hotline in which she tallied the cost associated with accepting collect calls from her daughter when she spent time at OCDC. The high volume of calls in the table above reflect the degree to which incarcerated persons can perceive telecommunication as a lifeline – a light that brings brightness to the sombre and violent jail environment.

■■■■■'s actual costs for 43 days		
Bell landline – September 2016	13 days / 204 calls	\$230.52
Call2Talk Plan A – September 2016	13 days / 13 calls	\$89.83
Bell landline – May/June 2014	30 days / 219 calls	\$248.42
Call2Talk Plan B – September 2014	30 days / 20 calls	\$72.18
Rogers Cell Overage – May/June 2014		\$63.48
Total		\$704.43
Note: The fees above are associated with the different services a mother had to pay in order to stay connected to her incarcerated daughter.		



Unfortunately, stories of incarcerated persons' families being plundered by telecommunication providers, with the MSG playing the enabler's role and receiving kickbacks in the process [13] are the rule rather than the exception in Ontario. This begs the following questions: How can the Ministry responsible for community safety and effective reintegration justify measures which serve as a barrier for these goals to be achieved, especially for families of prisoners that experience economic strain? The MSG is responsible for thwarting the safe re-entry of prisoners under their custody and control by imposing a restrictive OTMS on them that places significant constraints on the supports in the community they can reach and how often they can speak with them due to significant costs incurred by the latter. The phone system effectively punishes prisoners and their community supports that are said to be crucial to their being able to live a law-abiding, productive life.

In an email between the MSG and a community member concerned about the dysfunctional OTMS, an MSG employee stated that the "rates for collect calls are approved by the Canadian Radio-Television and Telecommunications Commission (CRTC)" [14]. Given that families are sometimes billed thousands of dollars to communicate with their loved ones behind bars, the CRTC is then also complicit in this predatory practice. Documents obtained by Ottawa lawyer Michel Spratt demonstrate that MSG receives a kickback from Bell Canada due to the markup in phone call prices [15]. In Appendix C of the Bell Implementation Transition Plan, a passage reads as follows: "Proposed Commission Percentage Rate to be paid to the Government of Ontario based on the monthly Gross Revenue generated from all the OTMS and conventional public telephones in all facilities". The exact rates, however, are redacted in accordance to sections 17(1), 18(1)(a), 18(1)(c), and 18(1)(d) of the Freedom of Information and Protection of Privacy Act. Knowing the exact amount Ontario prisoners' community supports pay for jail and prison phone calls would reveal the exact portion of the 2019 provincial budget dedicated to "Improving Safety and Security in Communities" [16] that comes from the pockets of people whose family members are entangled with this criminal (in)justice system. Given that the criminalization and punishment apparatus in Ontario disproportionately impacts individuals belonging to certain groups along determinants of class and identity, families from these same groups are then forced to unjustly bear the brunt of the profit-oriented OTMS. It is not only the jailed people who are punished, but their families are also punished, especially the families who belong to lower economic classes and cannot afford the exorbitant price tags of communicating with loved ones behind bars.

OTMS IS THE PROBLEM, NOT THE SOLUTION

The Canadian federal and provincial governments affirm that one of the purposes of imprisonment is rehabilitation. To that end, one of the responsibilities of the MSG is to provide “programs and facilities designed to assist in [criminalized persons’] rehabilitation”[17]. However, after the JAIL hotline received 2,390 calls in our first nine months of operation, it became evident that the MSG’s efforts to expand programming in places like OCDC is insufficient in satisfying the needs of incarcerated persons [18]. The Government of Ontario should invest their efforts in diversion, decarceration, and in creating and/or bolstering community support programs instead of reinforcing and expanding the use of ineffective and costly human cages. Beyond this, the provincial government should at the very least not get in the way of prisoners trying to resist further marginalization, advocate for themselves, and access crucial services that in the end will contribute to community safety and diminish the use of imprisonment. However, the OTMS hampers their most earnest endeavours to help themselves and disempowers them by constraining their ability to communicate. For example, many incarcerated people are unable to make post-release arrangements to support themselves financially or even arrange for places to live as a result of the unnecessary restrictions of the OTMS.

ACCESS TO MENTAL HEALTH SUPPORTS

The isolation created by imprisonment has adverse impacts on the mental health of incarcerated individuals. Given the scarcity of mental health supports within provincial facilities of human caging (e.g. there is no mental health staff after regular work hours and during weekends at OCDC), JAIL hotline callers, who are often diagnosed with at least one mental health issue, express that having nurturing dialogues with loved ones on the phone is a meaningful way to alleviate the psychological strain and symptoms of mental illnesses. In a context where it is known that incarcerated persons are more likely to die by suicide [19], it is cruel to exacerbate the isolation they experience by depriving them from effective ways of communicating with their support circles. The OTMS exposes the persons under the “care” of the MSG to grave prejudice that is often fatal [20].



ACCESS TO JUSTICE

The OTMS poses a significant barrier to access to justice as it hinders the ability of people detained at OCDC, along with other Ontario jails and prisons, to make the necessary legal arrangements. Almost 70% of the Ontario jail population is legally innocent before the law pending the results of their legal ordeals [21]. This means that they are serving pretrial custody, while waiting for their next court appearance(s). These can be interim judiciary release (bail hearings), bail reviews, preliminary hearings or trials. In a March 2019 Supreme Court ruling, where he denounced the routine delays in the bail and detention systems as the manifestation of what he called the “culture of complacency”, Chief Justice Wagner wrote that pretrial custody has “‘serious detrimental impacts’ on the accused person’s ability to mount a defense [sic] and comes at a significant cost to liberty, mental and physical well-being, family life and employment” [22].

In Ontario, accused persons often need guarantors (also called sureties) for a judge to grant them bail and allow them to undergo their court proceeding from the community. Many JAIL hotline callers stress that the inability to call cellphones directly prevents them from securing sureties. This means that in Ontario, the dysfunctional OTMS often denies people their right to fully defend themselves in court during various proceedings as a result of inaccessible communication. Furthermore, the barriers to accessing to justice created by the OTMS are exacerbated when accused are unrepresented or self-represented. The already slim margins of conducting an effective defense are drastically reduced, especially when the laws by which the accused are judged and court processes are difficult to navigate for persons with no formal legal training. According to the Office of the Attorney General of Ontario, unrepresented or self-represented accused are “usually ill-equipped to conduct a criminal trial” [23]. Often, JAIL hotline callers who find themselves in this situation for various reasons express enormous frustrations attempting to research relevant information, gather evidence, communicate with their potential supporters, summon expert witnesses and the like.

ACCESS TO JUSTICE (CONTINUED)

The OTMS poses significant obstacles for Indigenous peoples who are trying to contact services that support them in navigating the penal system. Many of these services have switchboards, which cannot accept collect calls. Despite landmark Supreme Court decisions [24] that aimed to rebalance the scale of justice, the current picture remains bleak [25]. The OTMS adds to the multifarious ways the criminal (in)justice system is made more inequitable for Indigenous peoples by preventing access to many of the Indigenous services aimed at providing supports for release and healing for both people who are incarcerated and their broader communities. Additionally, the lack of access to Indigenous supports while incarcerated acts to further exacerbate existing harms caused by the continued colonization and genocide against Indigenous peoples on this part of Turtle Island.

The OTMS also leads to immigration detainees who are caged at OCDC to be subject to differential treatment. Many individuals are “caged in a provincial jail cell rented out and paid for by the Canada Border Services Agency (CBSA) for the purpose of immigration detention” [26]. CBSA officers can arrest and detain a foreign national (non-Canadian citizens) without a warrant if they are not satisfied with the identity of this person [27]. This means that CBSA cages people in punitive and dysfunctional provincial jails [28]. This is taking place despite the Government of Canada’s claim that immigration detention is an administrative measure [29]. The OTMS exacerbates this egregious situation by reducing the chances of immigration detainees, who often do not have family members in Canada, to make the necessary arrangements for immigration court proceedings. This is particularly alarming given that the Canadian government has the authority to detain migrants indefinitely [30].



ACCESS TO OPIOID SUBSTITUTION TREATMENT: A MATTER OF LIFE AND DEATH

JAIL hotline callers are often living with mental health and substance use issues. These individuals are often criminalized because of behaviours that result from these conditions [31]. Incarcerated persons at OCDC need to access particular services to accommodate their situations. The OTMS prevents them from accessing these services by blocking calls to many of the support centres and medical offices which they require access to in order to have their prescriptions filled. Canada is in the midst of an opioid overdose crisis, which took the lives of 4,460 people in 2018 [32]. This situation is the result of laws, policies, and practices that leave countless victims and families mourning their loved ones [33].

People who are forced into the revolving door of provincial imprisonment are also impacted [34]. The MSG and OCDC management are not doing their due diligence to prevent or mitigate its devastating effects by refusing to improve ineffective policies, procedures, and practices around opioid substitution treatment. Some OCDC staff have instructed prisoners to request that the JAIL hotline help them find drug treatment clinics willing to take them on upon their release. Yet, this is made nearly impossible because the OTMS does not allow direct calls to the clinics that do not accept collect calls. Ensuring continuity of care for people transition to the community is a laudable goal. However, the OTMS, in combination with MSG policies, guidelines, and practices, constitute a systemic hurdle for incarcerated persons to access the necessary treatment to curb potentially fatal outcomes during and following incarceration. It is a miracle no one has died from an overdose at OCDC to date.

ACCESS TO ESSENTIAL SERVICES AND COMMUNITY SUPPORTS

Below is a list of services people imprisoned at OCDC cannot access due to the constraining OTMS, which are essential to their well-being behind and beyond jail walls once they are released from custody. This list is not an exhaustive one, but rather one based on the services callers have asked JAIL hotline coordinators and volunteers to assist them with to diminish the damage caused by their imprisonment.

INDIGENOUS SERVICES

Wabano Centre for Aboriginal Health

- Access community programming for Indigenous peoples
- Access addiction treatment programming
- Advocacy to resolve legal, social, and housing issues
- Access to, or continued, counseling
- Obtain referrals to other useful services
- Coordinate discharge planning
- Access to mental health support
- Access to women-specific programs for addressing addictions



Odawa Native Friendship Centre

- Access justice based on Indigenous concepts through the Aboriginal Community Justice Program
- Better navigate the court system through the Aboriginal Criminal Courtworker Program
- Access addiction treatment programming
- Access to, or continued, counseling • Contact with 510 Drop In, an important service used by numerous Indigenous peoples on Algonquin Territory who are homeless or at risk of homelessness
- Access to various individual supports



TELEPHONE PROVIDERS

Various Telephone Providers

- Make the necessary arrangements to install a phone line to receive collect calls at their family member's homes
- Defer payments due to incarceration
- Cancel services



ADDICTION TREATMENT

Recovery Ottawa Vanier/West

- Fill in the gaps of the ineffective MSG policies, procedures and practices around opioid addiction treatment
- Access to opioid substitution treatment
- Ensure continuity of care between the jail and the community, and vice-versa



The Ottawa-Mission Stabilization Program

- Access to addiction treatment program
- Check on the status of their application into the 13-bed drug treatment program
- Coordinate with program management for residential treatment admission



Addiction Services Cornwall

- Fill in the gaps of the ineffective MSG policies, procedures and practices around opioid addiction treatment
- Access to opioid substitution treatment
- Ensure continuity of care between the jail and the community, and vice-versa
- Access to safe housing
- Access to therapy, as well as referral, follow-up and relapse prevention
- Access addiction treatment programs for mothers who consume alcohol and/or drugs
- Access a 16-bed addiction treatment facility



MENTAL HEALTH & HOUSING SERVICES

The Royal Ottawa Hospital

- Consult with their psychiatrists concerning their mental health
- Ensure a continued communication between them and their psychiatrists



The Canadian Mental Health Association (CAMH)

- Continue contact with their Brokers (the CMHA staff designated to work with people who are diagnosed both with a mental health issue and/or a developmental disability with whom the law is in conflict)
- Continue the relationship with their case manager



Ottawa Community Housing

- Ensure that their property is safe
- Make arrangements with the security department



SOCIAL SUPPORT & FAMILY SERVICES

Ontario Works

- Notify them about change in circumstances
- Plan for release and resuming payments



Ontario Disability Support Program (ODSP)

- Continue conversations with respective ODSP workers
- Request payments for services
- Check on status of applications



Children's Aid Society (CAS)

- Make arrangement for supervised phone calls with children
- Share information with CAS workers •
- Coordinate with CAS workers about post-release family visits



FINANCIAL INSTITUTIONS, REVENUE & TAX SERVICES

Various Financial Institutions

- Notify the banks about power of attorney assignments
- Make banking transactions such as suspending credit cards, cancelling debit cards, changing address, etc.



Canada Revenue Agency

- Fulfill necessary administrative steps
- Communicate with CRA agents to resolve numerous concerns



Canada Revenue
Agency

Canada Pension Plan

- Fulfill necessary administrative steps
- Signal a change of address
- Report delayed payments and other issues



INEQUITY AND THE FINANCIALIZATION OF RELATIONSHIPS

Poverty exposes individuals to various social problems and is a major determinant in who gets caught-up in processes of criminalization and punishment [35]. People with low incomes are more likely to drop out of school, be homeless or at risk of becoming homeless, to be exposed to violence, to live with mental health issues, and experience difficulty to find meaningful employment [36]. Not only that these barriers increase the chances of people with lower income to become criminalized, but they also lead to them facing greater issues when under the grip of the penal system. For example, people who have lower incomes and/or homeless are more likely (1) to be detained after arrest, (2) to be denied bail, (3) to plead guilty to charges, (4) and to experience difficulties post-release [37]. As a consequence, people with low incomes constitute a great portion of the people incarcerated at OCDC and other Ontario sites of human caging and that they are the ones who suffer the most.

The OTMS represents an added barrier for low-income confined persons. The issues that are created by poverty are exacerbated by other factors such as race [38], gender [39], and citizenship status [40], intensifying the impact of punishment on Black, Indigenous, and immigrant people behind bars. As highlighted above, jail and prison phone calls cost families hundreds and sometimes even thousands of dollars monthly. Many JAIL hotline callers report that the OTMS reduces low-income imprisoned peoples' relationships with their families, who experience serious financial strains – we call this the “carceral financialization of relationships”. Families often go to great lengths to communicate with their loved ones who are behind bars even if it means putting more strain on already-unstable and precarious financial situation. However, affording the predatory prices of telecommunication with people behind bars is sometimes impossible for these families. When communicating with the families of the loved ones, the JAIL hotline staff have documented how (1) the families of the imprisoned persons sometimes feel guilty when they cannot afford telecommunication, and (2) how some of the imprisoned people feel as if their families abandoned them when in reality the problem is the MSG imposing a predatory and unaffordable OTMS on families. This exacerbates the feeling of isolation for confined peoples, disempowers their families and adds strain on family relationships. In the documents obtained by lawyer Michael Spratt, the MSG affirms that it is “considering alternative options for collect calling in order to assist [prisoners] with limited income” [41]. In the following section, we propose a solution the MSG can enact to this end.

THE SOLUTION: COST-FREE TELECOMMUNICATION SERVICES FOR INCARCERATED PEOPLE

Above is an analysis of the problems and the counterproductive results the current OTMS creates for incarcerated persons, their loved ones, and by extension the communities to which most will eventually return. If MSG states that one of their main preoccupations is “rehabilitation and successful reintegration into society” they must reform the OTMS in a meaningful way. This cannot be done through piecemeal steps such as providing a virtual calling card with some funds on it for the prisoners and their loved ones who are experiencing financial hardship, although this would be a small step towards improving phone access. So long as we cage people in Ontario jails and prisons, the only logical and equitable way to address the problems noted above is for the MSG to **provide cost-free telecommunication services for incarcerated persons, allow them to directly call any telephone number – including cell phones – in Canada, and increase or eliminate the phone call limit.**

In the United States, several cities, counties, and states are now, or soon will be, providing incarcerated persons with cost-free telecommunication. The cities of New York [42] and San Francisco [43], Shelby County [44], and the State of Connecticut [45] are some examples of those places where families do not pay to talk to their loved ones who are condemned to imprisonment. The current OTMS often severs family ties. Making telecommunications free would: (1) help confined individuals foster family relationships and improve outcomes for children [46]; (2) support fair and more equitable access to justice [47]; (3) alleviate some of the financial strain the OTMS puts on families of incarcerated person, especially low-income families; (4) ensure that imprisoned persons tend to their civic duties and engagements, which would also promote safe re-entry upon release [48], and counteract further social exclusion of an already marginalized population stemming from stigma of criminalization and imprisonment [49]; and (5) improve re-entry outcomes and enhance community safety [50]. To ensure such a reform is affordable, it is recommended that when the MSG enters into a new contract for jail and prison phone services when the current contract with Bell Canada expires in 2020 it should negotiate a flat fixed rate with the service provider so as to not incur charges per minute.





CONCLUSION

As highlighted in this report, extracting profits from the loved ones and community supports of prisoners in ways that benefit the service provider and the Ontario government via the OTMS poses a great barrier for people who are isolated and dehumanized by incarceration. We argue that many imprisoned peoples experience the OTMS as an additional punishment beyond the deprivation of liberty. This being the case, we call upon the Ontario Solicitor General Sylvia Jones to enact evidence-based policies and take steps toward meaningfully addressing problems within the jails and prisons she oversees by **providing cost-free telecommunication services for incarcerated persons, allowing them to directly call any telephone number – including cell phones – in Canada, and increasing or eliminating the phone call limit.** It is time for the provincial government and corporations to stop profiting from human caging, as well as do more to foster the necessary connections and relationships across jail and prison walls that contribute to community well-being and safety.

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APPENDICES


Appendix A: Phone Bill from an Elderly Mother of an Incarcerated Person





Facture

Facturé à


Facture	
Date facture	2019-09-01
Date référence	2019-06-15
Numéro client	

Description	Montant (\$)
<i>Frais interurbains pour la période du 2019.03.15 au 2019.06.15</i>	
 - Frais d'interurbains	5,287.34
Total avant taxes	5,287.34
TPS (0.05000)	264.37
TVQ (0.09975)	527.41
Total de la facture	6,079.12



N° enregistrement TPS 	N° enregistrement TVQ 
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CONSERVEZ CETTE SECTION

Découpez le long des pointillés et joindre avec votre paiement

Office municipal d'habitation de Montréal

Facturé à


Facture	
Date facture	2019-09-01
Date référence	2019-06-15
Numéro client	
Montant à payer	6,079.12
Païement	