

WITHIN BARS BUT NOT WITHOUT RIGHTS

LEGAL INFORMATION AND LIBRARY ACCESS FOR INCARCERATED PERSONS

TOOLKIT

**PLEASE NOTE: LEGAL INFORMATION IS NOT LEGAL ADVICE.
LEGAL INFORMATION IS GENERAL INFORMATION ABOUT THE LAW AND LEGAL PROCESSES WHILE
LEGAL ADVICE IS APPLYING THE LAW TO A SPECIFIC SITUATION.
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INTRODUCTION

THE PURPOSE OF THIS TOOLKIT IS TO ENCOURAGE CONNECTIONS AND COLLABORATIONS BETWEEN CORRECTIONAL CENTRES AND PUBLIC OR LAW LIBRARIES, LAW FIRMS, LAW STUDENTS OR COMMUNITY ORGANISATIONS. MANY PROVINCIAL PRISONS DO NOT HAVE LIBRARIES AND ARE STRUGGLING TO PROVIDE BOOKS AND BASIC LIBRARY SERVICES TO INCARCERATED PEOPLE, MUCH LESS MEET THEIR LEGAL INFORMATION AND RESEARCH NEEDS.

RECOGNIZING THE SYSTEM OF DISCRIMINATION AND SOCIO-ECONOMIC MARGINALISATION FACED BY THE OVERREPRESENTATION OF FIRST NATIONS, INUIT, AND MÉTIS PEOPLES MUST ALSO BE TAKEN INTO ACCOUNT AS A MAJOR FACTOR AND BARRIER.

Prison libraries can play a critical role in guaranteeing rights by providing access to information about legal rights and the tools required to exercise those rights. Additionally, it must be understood that the causes of the overrepresentation of incarcerated Indigenous people are rooted in Canada's history of colonialism. There is a significant opportunity to provide access to legal information in the form of books, programming, and services to assist the incarcerated person inside, but also to help with reentry services like job searching, digital literacy and family services.

Relationship building is an essential and time-consuming piece of the process. Building connections with correctional administration, teachers, Elders, and program workers is necessary to establish buy-in. Equally important is the relationship building with the incarcerated community members, meeting them where they are at, finding out their needs and interests, and respecting the lived knowledge and experience they bring to the relationship and the learning. Building capability by creating access to legal information is an important goal of this toolkit.

PURPOSE OF A PRISON LIBRARY

According to the Correctional Service of Canada National Guide for Institutional Libraries, “[t]he purpose of the library in a federal institution is to meet the needs of the correctional community by providing an essential service which emulates the public library model, with free and equitable access to a wide range of ideas, information, and perspectives”.

As a resource for information, personal enrichment, lifelong learning, and a bridge to the community, a prison library should support the Prisoners’ Right to Read: “to actively promote literacy as a continuum of learning that assists and allows incarcerated individuals to develop knowledge and potential, to achieve goals, and to participate fully in wider society.”

Incarcerated people and their information needs are varied and complex.

Reading for leisure is an important connection to the outside world, but it can also bridge the reader to better mental health and wellness. People may seek culture, spirituality, the arts, and health through books.

People may desire information for educational, professional development, and legal purposes, to support their plans for re-entry, or to navigate the justice and carceral system.

Access to information is a human right. Those rights do/should not stop once someone steps inside a prison.

LEGAL INFORMATION ACCESS

There is a lack of access to library resources in Canadian federal and provincial prisons, especially for access to legal information. Whether not having enough time to read the legal resources in the library, a lack of library space and/or library staff, or general difficulty navigating the judicial system, there is a noticeable lack of legal information access in Canadian prisons.

Meaningful access to the law is not consistent across institutions or jurisdictions. There is no access to the Internet, no provincial legislation around access to prison library services, and no committed budget lines.

Examples of legal collections for prison libraries includes the following options:

1. The Prison Libraries Committee and the Manitoba Law Library partnered to review, purchase and catalogue the following list of legal information books and materials: <https://lawlibrary.ca/liim/>
2. The Saskatchewan Access to Legal Information Initiative created a list of law resources relevant to Saskatchewan for libraries wishing to strengthen their legal collections. These lists concentrate on resources aligned to legal needs in the most common areas of law in the province: https://www.lawsociety.sk.ca/wpcontent/uploads/2022/02/Law_Resources_For_Saskatchewan_Libraries.pdf
3. In compliance with the *Corrections and Conditional Release Regulations Act* and Commissioner's Directive 720, a list of legal materials that must be made available (either in hard copy or CD-ROM) to federally incarcerated people includes materials like the Canadian Charter of Rights and Freedoms, Criminal Code of Canada, and the Canadian Human Rights Act.

These lists may be useful in the development of a core legal collection across jurisdictions.

COLLECTION DEVELOPMENT, LIMITATIONS, AND GUIDELINES

“Prison libraries have a responsibility to provide access to resources on Indigenous histories, cultures, and languages, to Indigenous writers and authors, and to resources that speak to the impacts and related healing processes of colonialism” (Prisoners’ Right to Read)

Indigenous Ways of Knowing and Being, culture, and histories must be considered when building any prison library collection, legal or otherwise. Prison libraries can, in small ways, support reconciliation work by providing access to books by and about Indigenous peoples.

Federal directives provide collection development guidance and highlight unique limitations for prison library collections:

Content that would not be permitted in a prison library collection is identified in Commissioner Directive 764-1:

- 1.information that clearly and purposely explains and/or demonstrates how to:
 - a.fabricate, assemble or conceal a weapon
 - b.produce an intoxicant or mask its ingestion in order to defeat detection
 - c.carry out a criminal act or suppress evidence of a criminal act
- 2.material that supports genocide, promotes a theory of racial superiority or incites hatred toward any identifiable group or sub-population
- 3.material of a sexual nature that involves violence, coercion, degradation, bodily harm or threats thereof to a person, whether real or fictional
- 4.material that recruits membership in, encourages adherence to, or promotes the aims of a security threat group, criminal organisation or terrorist ideology, pursuant to CD 568-3 – Identification and Management of Security Threat Groups.

Commissioner Directive 764-1 also states states that “in accordance with the National Guide for Institutional Libraries and in terms of their content, expressive material that would generally be available” in the library includes the following:

- 1.social commentary, political protest and cultural criticism, including works that advocate for prisoner’s rights or reforms to the criminal justice system
- 2.literary works and popular publications on mainstream subjects
- 3.religious and spiritual resources, pursuant to CD 750 – Chaplaincy Services
- 4.legal reference material
- 5.educational materials

VOLUNTEERING AND WORKING IN A PRISON LIBRARY: THINGS TO KEEP IN MIND

RESPONDING TO CHALLENGES

- Keep the **big picture** in mind and think **long-term**.
 - **Be realistic** about the expectations of the project, of the prison, of one another.
 - **Communicate** clearly about those expectations and what projects are on the go.
 - **Understand** what can be accomplished within the limits of time, bureaucracy, and other challenges.
 - **Collaborate** with other groups within and outside the prison.
 - **Support each other** through accomplishments and obstacles.
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CONTRIBUTING FACTORS TO SUCCESS

Community Development Librarianship “goes beyond receiving feedback or hearing from the community [...] and extends to encompass meaningful and active community member engagement in service prioritisation and planning” (Working Together Project).

This librarianship approach is useful for work in prisons and with the incarcerated community. It also requires a set of soft skills helpful in the work of providing library services in prisons:

- **Critical thinking and self-awareness:** Being aware of the assumptions you make and your own cultural biases, as this is very important when building relationships with socially-excluded individuals.
- **Humility:** Abandoning the role of expert and recognizing that community members are the experts when it comes to their own needs.
- **Contextual and active listening:** Recognizing the needs behind the needs and trying to understand rather than jumping in to solve problems.
- **Empathy:** Trying to see the library from the incarcerated person’s perspective, and again leaving behind our assumptions.
- **Confidence:** Drawing on confidence to work outside of the traditional library models comes as you get to know your community.
- **Curiosity:** Being learners and genuinely interested in the life of the incarcerated person.
- **Open-minded attitude:** Being non-judgmental, inclusive, and not stuck in the traditional library approaches.
- **Stress management:** People in this community have great challenges, and the environment can be very distressing.

LIBRARY SERVICE ARRANGEMENT

TEMPLATE EXAMPLE

This arrangement is between [Name of Correctional Centre] and the [Library or Community Organization].

The [Library or Community Organization] is responsible for:

- providing [legal information and/or law] books and resources based on the established rules or on the collection development guidelines. These rules or guidelines will be attached to this document
 - the collection development guidelines will be developed in consultation with [Name of Correctional Centre]
 - in the event that certain books and resources are not cleared, these materials will be set aside for pick up by [Library or Community Organization]
- ensuring that all library staff and/or volunteers, who will be working within the correctional centre, gain clearance on appropriate timelines, via appropriate channels
- planning and delivering programming, in consultation with corrections administrators
 - where possible, [Name of Correctional Centre] will assist with supplies
- abiding by the rules and regulations of [Name of Correctional Centre] and ensuring that library staff and/or volunteers do the same

The [Name of Correctional Centre] is responsible for:

- providing and maintaining appropriate shelving and equipment, as agreed upon by the [Name of Correctional Centre] and [Library or Community Organization]
- providing appropriate criminal record checks, and orientations, to library staff/volunteers
- ensuring prison patrons receive access to the library space at [Name of Correctional Centre] on a weekly basis, preferably during time periods when [Library or Community Organization] is on-site
- hiring "Inmate Trustys" recommended by [Name of Correctional Centre] who will assist in the regular shelving, maintenance and organising of the library space

This agreement between [Name of Correctional Centre] and the [Name of Library or Community Organization] is subject to periodical reviews which will take place every 12 months.

Signed this [X] day of [Month], [Year], by:

[Representative of [Name of Correctional Centre]]

[Representative of the [Library or Community Organization]]

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Canadian Federation of Library Associations. Prisoners' Right to Read Position Statement.
<https://cfla-fcab.ca/en/guidelines-and-position-papers/prison-libraries-network-the-right-to-read-position-statement/>

Commissioner Directive 764-1. Guidelines: Expressive Material
<https://www.csc-scc.gc.ca/policy-and-legislation/764-1-gl-en.shtml#2>

Correctional Services Canada. National Guide for Institutional Libraries.
<https://www.publicsafety.gc.ca/lbrr/archives/cn21137-eng.pdf>

International Federation of Library Associations (IFLA) Guidelines for Library Services to Prisoners (4th Edition)
<https://repository.ifla.org/handle/123456789/2538>

The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf

Working Together: Community-Led Libraries Toolkit
<https://www.vpl.ca/working-together-community-led-libraries-toolkit>