



Tabling of Documents

Pat Angnakak, MLA

Iqaluit-Niaqunnguu

March 5, 2019

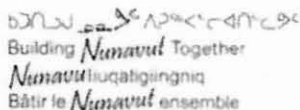
#13

Correspondence Concerning Correctional Centres

Thank you, Mr. Speaker.

I wish to table today a collection of correspondence concerning the issues that I raised in my Member's Statement today regarding correctional centres in Nunavut.

Thank you, Mr. Speaker.



Lᑕᓕᓚᐃᑦ
Department of Justice
Maligaliqiyikkut
Ministère de la Justice

Tabled Document

139-5(2) Mar 6/19

Mr. Thomas Rohner
Iqaluit, Nunavut

December 14, 2018

RE: Visit to Nunavut Correctional Centres

Dear Mr. Rohner

This letter is to inform you that I have directed Wardens under my supervision to no longer permit you to visit with inmates residing at any of Nunavut's Correctional Facilities. Under the Nunavut *Corrections Act* and its regulations, wardens have discretion to allow visits with inmates, if these visits are in the best interest of the inmates. Additionally, no visitor may enter the security areas of a correctional centre without the approval of the warden. Your recent visits to Baffin Correctional Centre (BCC) have proven that your visits are not in the best interest of inmates in our custody. Your visits have disrupted the order and management of the facility and have exacerbated the emotional states of vulnerable inmates. Section 26(3) of the *Corrections Act* and section 30 of the *Corrections Act* regulations are applicable.

After you complete your visit the negative behaviors of the inmates you visit escalate and dangerous situations for staff and the other inmates can occur. These aggressive incidents lead to breaches of institutional disciplinary rules which impact the inmates' ability to participate in rehabilitative programming and access privileges. The reintegration plans of inmates in segregation that you visit have also been hampered due to behavioral issues following your visit.

Staff at BCC face verbal, physical and emotional abuse from inmates as part of their job, and your visits directly contribute to increases of these incidents.

Additionally there have been concerns that you have been passing contraband to inmates. For example, on October 3rd, 2018 you met with two inmates and gave both of them three pieces of paper without notifying BCC staff of your intention to do so. The protocol at BCC and correctional centres in Canada is to have items vetted by correctional staff prior to those items being given to the inmates. The safety of the visitors, other inmates and staff is of paramount concern for us. In order to ensure the safety of all individuals at a correctional

Le M^{re} Jean-Pierre Dero
 Directeur de Corrections / Directeur Service Correctionnel

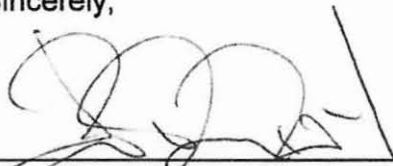
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centre staff need to be able to search all items entering and leaving a correctional centre. While pieces of paper or other small items may seem innocuous, many of our inmates have no contact orders with individuals in the community and even small items can be used to smuggle dangerous contraband, such as drugs or makeshift weapons, into a facility. Staff need to be able to examine all material given to inmates to ensure that the above material does not enter the facility.

While no further in-person visits will be approved, you are welcome to use other means to contact inmates such as by telephone or mail. Please note that any material sent from, or received by inmates in our facilities are subject to search by correctional staff.

Please note that there is no appeal available for this decision.

Sincerely,



Jean-Pierre Deroy / Director of Corrections

THE HONOURABLE KIM PATE
SENATOR FOR ONTARIO



L'HONORABLE KIM PATE
SÉNATRICE DE L'ONTARIO

18 December 2018

The Honourable Jeannie Hakongak Ehaloak,
Justice Minister
P.O. Box 1000, Station 200
Iqaluit, Nunavut
X0A 0H0

Dear Minister Ehaloak:

Re: Access of Thomas Rohner to Territorial Jails

It has come to my attention that Mr. Thomas Rohner, a freelance investigative journalist, was recently banned from visiting prisoners in all correctional facilities in Nunavut. I am of the view that the work of journalists can help provide a measure of accountability and transparency in the criminal justice system.

As Minister of Justice, I have no doubt that you recognize the value of critical observations and inquiries made by journalists in maintaining a correctional system that is accountable and transparent. As such, I am writing to urge you to investigate the circumstances and rationale for the decision and I would appreciate being apprised of the results of your inquiries.

Thank you and please do not hesitate to contact me if I may assist in any manner.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kim Pate', written in a cursive style.

The Honourable Kim Pate, C.M.
Senator

The Canadian Association of Journalists L'Association Canadienne des Journalistes

To: The Honourable Jeannie Hakongak Ehaloak, Minister of Justice
CC: Mr. Adam Lightson, MLA alightstone@assembly.nu.ca; Mr. John Main MLA
jmain@assembly.nu.ca; Ms. Pat Angnaka PatAngnakak@niaqunnguuma.ca

December 21, 2018

I am writing on behalf of the Canadian Association of Journalists about a matter of concern to us, involving the denial of several requests made by Vice's freelance Journalist Thomas Rohner to visit inmates inside the Baffin Correctional Centre and, most recently, other facilities.

The CAJ is Canada's largest national professional organization for journalists from all media, representing over 600 members across the country. The CAJ's primary roles are to provide high-quality professional development for its members and public-interest advocacy. We are committed to protecting the public's right to know.

Mr. Rohner has been visiting prisoners for more than three years. It is our understanding that restrictions on visits to inmates began after Mr. Rohner wrote a series of articles which scrutinized conditions in the Baffin Correctional Centre. Articles like these are critical to bringing forward the concerns of citizens who are not otherwise able to voice those concerns to the public. Such media investigations can also help provide valuable information to inform public policy and should be welcomed by all those who wish to see the best possible systems in place.

In mid-October 2018, Mr. Rohner requested interviews with three inmates: Bernard Naulalik, Gary Arnaquq and Eetooloo Ejetsiak. All three requests were denied. The reason given was that, previously, on October 3rd, Mr. Rohner had given two inmates a copy of a Vice news article. Mr. Rohner believed this was permitted, as he had previously asked a guard about sharing an article with an inmate and it had been allowed.

Mr. Rohner was never briefed or shown protocols which stated this was not allowed. After Mr. Rohner learned of the apparent issue concerning his October 3rd visit, he requested a full copy of the protocols or other guidance regarding visits to ensure compliance. Mr. Rohner was subsequently granted visits with an inmate Jamesie Kakee on November 17th and 24th. For the first time, a case worker briefed Mr. Rohner prior to these visits.



The Canadian Association of Journalists
L'Association Canadienne des Journalistes

It has come to our attention that Mr. Rohner is now being denied access to visit inmates in any of Nunavut's Correctional Facilities following a review by Jean-Pierre Deroy, Director of Corrections for the Department of Justice. Mr. Rohner has only been told that this is based on the October 3rd incident and vaguely some behavior of inmates allegedly taking place after his visit.

These vague allegations, appear to be nothing more than an attempt to prevent Mr. Rohner from continuing to report on these correctional facilities.

In the spirit of transparency and fairness, we support Mr. Rohner's request for details about these alleged concerns raised by staff, and we support his request to know why this review was conducted. To the extent that any alleged concerns relate to interactions that took place prior to mid-October, this is perplexing given that those issues were resolved.

We agree with Mr. Rohner that he was not properly briefed on protocols before November, which is the facility's responsibility to do. We have seen the emails sent to Michael Warren, Warden of the Baffin Correction Centre, and several others at the Department of Justice in which Mr. Rohner requested the protocols and further information, and we believe that he is committed to adhering to all protocols and guidance.

Mr. Rohner's research and writing about Nunavut's correctional facilities is an important public service. We hope this matter can be resolved fairly and expeditiously so that Mr. Rohner can resume this valuable work as soon as possible.

We look forward to hearing from you soon.

Karyn Pugliese

A handwritten signature in dark ink, appearing to read 'Karyn Pugliese', with a horizontal line extending to the right.

President, Canadian Association of Journalists
204-995-1071
karyn@caj.ca



Jan. 9, 2019

Hon. Jeannie Hakongak Ehloak
Minister of Justice, Nunavut

Dear Minister,

I am writing on behalf of CWA Canada, the country's only all-media union, to express our concern about the decision by the Director of Corrections to bar journalist Thomas Rohner from visiting inmates at any Nunavut correctional facilities.

CWA Canada represents over 6,000 workers at newspapers and other media companies coast to coast and Mr. Rohner is a freelance member of our biggest Local, the Canadian Media Guild.

The decision to bar Mr. Rohner is not warranted or fair. In fact, this sort of action is something we would expect in an authoritarian regime, not in a progressive country like Canada where transparency and press freedom are vital to our society and democracy.

The rationale used to justify the action is flimsy and contrived and it's obvious that Corrections and the government did this because they did not like the negative publicity generated by Mr. Rohner's stories.

This is a classic case of "shoot the messenger." Rather than obstructing Mr. Rohner, the government should be addressing the serious issues his stories raise. That is how our democracy is meant to operate.

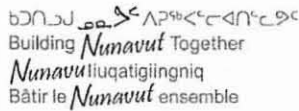
I should note that the government's handling of this situation is hurting Nunavut's reputation and will continue to do so as long as the arbitrary and unjustified action against Mr. Rohner remains in place. We certainly will not drop the matter; we will keep raising it publicly, seek federal pressure, and consider other options if necessary.

Out of respect for the vital role of the press in our democratic system, we ask that you rescind the ban on Mr. Rohner and once again allow him access to correctional facilities.

Sincerely,

Martin O'Hanlon
President, CWA Canada
The Media Union

CC: Mr. Adam Lightson, MLA; John Main, MLA; Pat Angnaka; Hon. Jody Wilson-Raybould, Minister of Justice and Attorney General of Canada



The Honourable Jeannie Ehaloak

Due to the privacy rights of inmates in our care we cannot provide specific details about incidents. The inmates that Mr. Rohner has been meeting with are on enhanced supervision placements and his visits have been affecting their ability to reintegrate with the general population. After his visits, the inmates he speaks with become aggressive and their behaviour escalates to dangerous levels that place staff and other inmates at risk. Property has been damaged and staff have had to deescalate dangerous situations that are the direct result of Mr. Rohner's visits.

We also have serious concerns about the professional conduct of Mr. Rohner. His behaviour towards staff in recent months has been belligerent, demanding and rude. Furthermore, we have made every good faith effort to provide Mr. Rohner with information to report on corrections in Nunavut and have in the past year provided him many pages of information, several high profile interviews with top officials (including myself) and we have offered to have a subject matter expert sit down with him to discuss Nunavut corrections in depth.

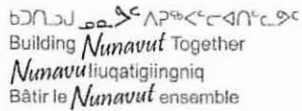
I do not believe that the department's actions towards Mr. Rohner are excessive or inconsistent with existing standards within Canada regarding media access to correctional facilities. I will continue to allow journalists' access to inmates and correctional facilities in a manner that is publically transparent and is consistent with the department's mandate to ensure inmates and the public are protected.

Yours truly,



Jeannie Ehloak
Minister

cc: Ms. Pat Angnakak, MLA - Niaqunnguu
Mr. John Main, MLA - Arviat North - Whale Cove
Mr. Adam Lightstone, MLA - Manirajak



The Honourable Jeannie Ehaloak

Moreover, we have made every good faith effort to provide Mr. Rohner with information to report on corrections in Nunavut and have, in the past year, provided him many pages of information, several high profile interviews with top officials (including myself) and we have offered to have a subject matter expert sit down with him to discuss Nunavut corrections in depth.

I do not believe that our department's actions towards Mr. Rohner are excessive or inconsistent with existing standards within Canada regarding media access to correctional facilities. I will continue to allow journalists access to inmates and correctional facilities in a manner that is publically transparent and is consistent with the department's mandate to ensure inmates and the public are protected.

Your truly,

A handwritten signature in cursive script, appearing to read 'J. Ehloak'.

Jeannie Ehloak
Minister

cc: Ms. Pat Angnakak, MLA – Iqaluit Niaqunnguu
Mr. John Main, MLA – Arviat North/Whale Cove
Mr. Adam Lightstone, MLA – Iqaluit Manirajak
The Honourable Jody Wilson-Raybould, Minister of Justice and Attorney General
of Canada



Jeannie Ehloak
Minister of Justice
Government of Nunavut

January 31st, 2019

Dear Ms. Ehloak

I was disturbed, reading your Director of Corrections, J.P. Deroy's, December 14th letter to local journalist Thomas Rohner.

Mr. Deroy's letter, banning Mr. Rohner from visiting inmates at any of Nunavut's correction facilities prevents him from effectively doing his job, keeping the public informed and sets a dangerous precedent for investigative journalism in Nunavut.

I fully agree with Mr. O'Hanlon, President of the Canadian media union, and his letter to you protesting the "flimsy and contrived" reasons. In discussing this locally and reviewing previous well documented concerns, I must say the decision is alarming. It's well known that conditions at BCC are less than ideal. It wasn't long ago, senior officials wrote a memo to your predecessor warning that BCC was "a ticking legal time bomb that could go off at any moment" The memo stated "The public reports, media coverage and 'ATIPPable' materials as a whole, do not simply provide a damning assessment of the BCC; from a legal perspective, these materials provide persuasive evidence that the (Nunavut government) has, since 1999, failed to take appropriate measures to correct the constitutionally suspect, legally deficient use of BCC as a correctional facility."

That damning memo is only a few years old, as are scathing OAG reports, scathing comments from investigator Howard Saper comparing it to some of the worst prisons in the world and recent comments from Justice Cooper suggesting the conditions are intolerable. Therefore, Mr. Rohner's focus on corrections issues in Nunavut is clearly warranted. Hard-hitting articles should not offend or surprise anyone, especially the Department of Justice and Attorney General of Nunavut.

As I see it, Mr. Rohner wrote a series of articles after filing ATIPP requests, meeting with inmates and hearing concerns related to lengthy segregation time. These are concerns that experts suggest may violate the Canadian Charter of Human Rights and the United Nations Standards for the Minimum Treatment of Prisoners.

It appears that managing the message around this issue was high priority, since the Premier's Chief Communications Officer, Cate MacLeod participated in your interview with Mr. Rohner. The Premier's office may believe the reporter didn't present the GN side well enough because it spiralled into a debate about word choice regarding segregation vs solitary confinement. Let's all agree, Nunavummiut are more concerned with safety of inmates, staff, families and community than word choice or image control. Most share the view that the more aware inmates are of their rights and the more their voices

can be heard, the better off we all are. Lengthy periods of segregation, lack of meaningful contact and a lack of fresh air cannot be helpful to mental health or future rehabilitation.

From my reading, your senior officials were unable to answer many of the journalist's direct questions. They admitted they don't have a definition of "meaningful contact", they didn't immediately have numbers to substantiate claims, and appear to have lost control of the message before taking these excessive measures.

Mr. DeRoy's letter goes to great effort to leave the impression that Mr. Rohner is nothing but a trouble maker whose visits immediately turn the institution upside down. The suggestive language paints the journalist as some sort of common criminal, regularly providing inmates "contraband", suggesting he has disrupted order and management, exacerbated emotional states, escalated negative behaviours, created dangerous situations for staff, hampered inmate reintegration, immediately and directly lead to verbal, physical and emotional abuse of staff at BCC.

I guess if I had never met Mr. Rohner or dealt with him as a journalist and professional, I would read that sensationalist letter and think he was the "enemy of the people" and wonder why he wasn't banned sooner. However, a careful reading of the letter reveals those exaggerated comments are unsubstantiated and come back to one incident where the journalist provided one of the inmates 2 pieces of paper - an article directly related to them and segregation at BCC. These visits with the journalist were monitored by BCC staff, yet the journalist was not provided any information about protocols, the protocols were not on display and apparently some guards were not even aware of the protocols. It appears there was a general lack of clarity on protocol and Mr. DeRoy's letter does nothing to mention or dispute those failings. Nor does he make any effort to resolve the issue and provide a simple solution for the benefit of the journalist and everyone. Instead he appears to have conducted a review in private, offered no opportunity for the journalist to participate, and made a unilateral and authoritarian ruling with no opportunity for appeal.

I guess that has me wondering what is going on at this facility that a simple visit from a journalist, monitored by guards, could be cause for the level of chaos suggested by Mr. DeRoy. I still don't get why Mr. DeRoy didn't take the opportunity to share his concerns with the journalist directly, inform him of protocols, provide a copy of the protocols and simply let him know that any future violation of protocol could lead to a revocation of visiting privileges.

I was disillusioned by your response to Mr. O'Hanlon's concerns. Your quick reply letter to the president of the media union, turned this from a professional matter to a personal matter. As Attorney General you stated that you "have serious concerns about the professional conduct of Mr. Rohner. His behaviour towards staff in recent months has been belligerent, demanding and rude."

You speak of Mr. Rohner of being "belligerent" but I have never heard you or any of our colleagues suggest anything close to that. Mr. DeRoy own letter didn't even make that claim. However, by signing that letter as Attorney General, you personally attested to that despite providing no direct evidence or substantiation which makes the allegations come across as an attack on an individual's character by the Attorney General of Nunavut.

You are not just *any* Minister, you are the Attorney General and have the ultimate responsibility for managing and directing the Department of Justice. You are tasked with being a guardian of the public interest and must exercise those duties without personal bias. Given these major responsibilities, you need to question your officials, not just rubber stamp letters, especially letters that turn a professional matter into a personal matter, attacking a journalist's integrity and credibility without providing direct

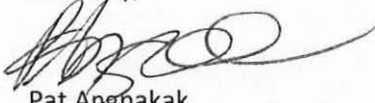
evidence or substantiation. Again, you signed off the reply the very next day, without any due diligence and without any effort to resolve the matter.

All that aside, interestingly, your own letter acknowledges Mr. Rohner's contributions and "the opportunity his reporting has given us to improve our accountability, and respond to inmates' needs and the public's interest." I agree with that statement and believe it should trump the personal attacks and heavy handed decision to ban him.

I believe public confidence and your reputation among Nunavummiut is now at stake. Fortunately, you have the ability to resolve this quickly. I urge you to work with Mr. Rohner and reverse this authoritarian decision immediately.

I have copied our caucus colleagues because this matter affects each of them as leaders and community representatives. In good conscience, I am hoping they too will urge you to resolve this matter immediately, in the best interest of all Nunavummiut.

Sincerely,

A handwritten signature in black ink, appearing to be 'Pat Angnakak', written in a cursive style.

Pat Angnakak

MLA Iqaluit-Niaquunguu

CC RMC

February 12, 2019

The Honourable Jeannie Hakongak Ehloak,
Minister of Justice

Dear Minister Ehloak,

We write on behalf of the Canadian Journalists For Free Expression (CJFE) because Vice freelance Journalist Thomas Rohner has been denied access to visit inmates in any of Nunavut's Correctional Facilities by Jean-Pierre Deroy, Director of Corrections for the Department of Justice.

As you may know Mr. Rohner has been visiting prisoners for more than three years. Mr. Deroy's ban on Mr. Rohner visiting prisoners coincided with Mr. Rohner exercising his constitution right of freedom of expression through publishing articles critical of conditions in the Baffin Correctional Centre.

His reports on prison conditions are very much in the public interest in that they inform the debate about how prisoners are treated. His reporting not only gives prisoners a voice but should be of assistance to policy makers and those interested in prison reform.

In mid-October 2018, Mr. Rohner was denied interviews with three inmates: Bernard Naulalik, Gary Arnaquq and Eetooloo Ejetsiak. He was told this denial was as a result of him providing two inmates with a paper copy of a Vice news article on October 3rd, 2018. Mr. Rohner understood this was allowed because, he had previously asked a guard about sharing an article with an inmate and permission was granted.

Prior to the October 3rd visit Mr. Rohner had never been briefed or shown protocols which stated this was not allowed. When Mr. Rohner was advised of the apparent issue concerning his October 3rd visit, he asked for a full copy of the protocols or other guidance regarding visits so he could be sure to comply. Later Mr. Rohner was allowed to visit inmate Jamesie Kakee on November 17th and 24th and for the first time, Mr. Rohner was briefed by a case worker in advance of these visits.

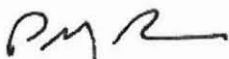
Mr. Deroy's blanket ban on Mr. Rohner are based on an unspecified October 3rd incident and some vaguely described behavior of inmates Mr. Deroy was told by staff that took place after Mr. Rohner's visit.

The paucity and vagueness of Mr. Deroy's reasons lead to our concern that the real

We trust you will give this matter a high priority and ensure it is transparently resolved in a just, expeditious and proportional manner so that Mr. Rohner can continue to visit prisoners and write articles based on his visits and observations of prison conditions in the very near future.

We urge you to treat this as a serious issue and provide a substantive response to this letter very soon.

Yours Sincerely,



P.M. Jacobsen
Chair of CJFE Canadian Issues Committee

Via Email: jehaloak@gov.nu.ca
jeannieehaloak@cambridgebaymla.ca

CC: Mr. Adam Lightson, MLA alightstone@assembly.nu.ca;
Mr. John Main MLA jmain@assembly.nu.ca;
Ms. Pat Angnaka PatAngnakak@niaqunnguumla.ca



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Building Nunavut Together
Nunavut iluqatigiingniq
Bâtir le Nunavut ensemble

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Minister of Justice
Minista Maligaliqiyitkut
Ministre de la Justice

The Honourable Jeannie Ehloak

Translation to follow

FEB 21 2019

Ms. Pat Angnakak
MLA, Iqaluit – Niaqunnguu
PO Box 1200
IQALUIT, NU X0A 0H0

Dear Ms. Angnakak:

I am writing in response to your letter dated January 31, 2019 which was hand-delivered by our colleague, Minister Hickes on February 19, 2019.

It is unfortunate that you did not come and speak to me in person about this matter. I would have provided you any information that I had on this matter. As it stands, it is apparent that your knowledge of the limits placed on this journalist's visitation privileges is collected from either discussion with the journalist directly or from reading recent pieces he has written. With respect to the situation with Mr. Rohner, I will reiterate, as I stated in the letter to Mr. O'Hanlon that you referenced, the corrections division has placed limits on Mr. Rohner's visitation privileges because he breached corrections policies regarding contraband. Regardless of what the contraband is, it is still in breach of the policies we have. This action was not taken in response to any story this journalist may have written. Mr. Rohner is free to speak with inmates by telephone and is, of course, free to write about corrections.

I expect this issue will be resolved between Mr. Rohner and corrections officials in the very near future, when Mr. Rohner acknowledges his obligation to follow correctional policies and protocols when visiting inmates.

I can assure you that, like many in Nunavut, I have an authentic interest in the well-being of inmates. This concern is shared by the hard-working staff in our correctional facilities who work tirelessly every day to ensure inmates in our custody are well-cared for and provided the necessities that they are allowed, as inmates. Additionally, I am dedicated to addressing the deficiencies in our correctional system that were identified in the Auditor General's 2015 report and other reports you have referred to in your letter.

We have made significant infrastructure, programming and legislative changes since the Auditor General's report. The opening of Makigiariq in 2015 significantly reduced overcrowding at the Baffin Correctional Centre (BCC) and has allowed for more programming for inmates.

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The new *Corrections Act*, currently before the Standing Committee on Legislation reflects the importance that the Department of Justice places on Inuit societal values, culture and language and will aid in the provision of culturally appropriate corrections programming through the creation of an Inuit societal values committee. It will make Nunavut's correctional system a leader in the protection of inmate rights and in the delivery of culturally relevant programming and rehabilitation measures.

The construction of the Qikiqtani Correctional Healing Facility, which is set to replace BCC, is expected to begin this spring.

On April 1, 2019, the Department of Justice will launch the Therapeutic Justice Pilot Project in Cambridge Bay. This is a diversion program that will focus on addressing the underlying causes of criminal behavior such as mental health, addiction issues, and trauma.

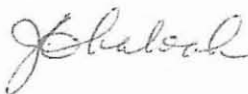
In my opinion, your letter lacks important, factual information. I take issue with your claim that I "rubber stamp" decisions made by department officials: I have personally visited every correctional facility in Nunavut. I have spoken with inmates, staff, wardens, probation officers and many community members and MLAs about the corrections system in Nunavut. I have a strong understanding of the challenges that our correctional system faces, and I have a clear vision of where we want this system to go.

My thoughts have been shared with my fellow MLAs on many occasions. I even arranged for my colleagues to tour the BCC a few months ago in order to gain a better understanding of its challenges and how we can move forward. I note that you did not take part in that tour.

I assure you that I am very aware of and dedicated to my duties as Minister of Justice and Attorney General of Nunavut. While I appreciate your passion, the insinuation that I have not conducted myself in keeping with the obligations of my office or have acted in an "authoritarian" manner is misguided and distressing to my professional integrity. I am happy to speak with you about this matter, and provide a package of the extensive materials and information given to Mr. Rohner over the last several months, so you can gain a better and more complete understanding of this matter.

In the future, I ask that before delivering such an allegation, you come to me directly, as a member of this assembly to discuss matters of concern. My door is always open.

Respectfully,



Jeannie Ehloak

cc: Regular Members Caucus