



OPINION

# Addressing systemic discrimination in federal prisons

By CHRISTOPHER J. SCHNEIDER AND STACEY HANNEM OCTOBER 29, 2020

In correctional facilities across Canada, the ion scanner is calibrated to test visitors for trace detections of illicit drugs in order to prevent drugs from entering prisons. In many cases, it does not produce valid results.



Ottawa has been well aware of the problems with the ion scanner for years, yet puzzlingly, the devices continue to be used by CSC across the country. Photograph courtesy of Unsplash

The battle against systemic racism in Canadian prisons has won all-party support following a *Globe and Mail* investigation that showed bias against Black and Indigenous men when assessing risk. This is a good first step. We can now probably expect that government-funded studies and reports will be commissioned and that much more ink will be spilled initially detailing, rather than actually correcting the issue.

What actions can we take right now to address systemic discrimination in federal prisons and risk assessment?

We think our 2019 book, *Security and Risk Technologies in Criminal Justice: Critical Perspectives*, provides some clear and concrete answers, particularly our chapter on the ion mobility spectrometry device or the ion scanner. For anyone who has had their hands swabbed to test for trace detections of explosive residue material when passing through airport security, the ion scan is likely familiar.

On the one hand, Correctional Service of Canada, as *The Globe and Mail* investigation clearly documented, bases part of its risk assessment of incarcerated individuals on family ties and that this level of risk assessment is based on the administrating officer's judgement. On the other hand, the technology presents the illusions of objectivity that continues to allow correctional officers to make their own subjective determinations of visiting family members who pose risks to the correctional institution. The compendium of evidence is crystal clear that preserving family ties of incarcerated persons is a significant factor for reducing risk and reoffending.

In correctional facilities across Canada, the ion scanner is calibrated to test visitors for trace detections of illicit drugs in order to prevent drugs from entering prisons. In many cases, it does not produce valid results. A positive test could result in loss of visitation privileges to see incarcerated family members, sometimes permanently.

First, the evidence reveals that the technology is not discriminatory enough to identify individuals who are carrying drugs (false-positive readings can be common). Second, the device does not actually prevent drugs from entering prisons, since not every single person who enters is tested (correctional staff are not tested).

Ottawa has been well aware of the problems with the ion scanner for years, yet puzzlingly, the devices continue to be used by CSC across the country.

CSC, even as it said the devices can be useful in detecting most drugs, it noted in its 2010-2011 report that "these devices are often oversensitive and are limited in their ability to detect certain forms of drugs."

In 2017, Professor Stacey Hannem testified before the Public Safety Committee on the use of the ion scanner by CSC. Drawing from 60 interviews with family members of incarcerated persons in Canada, Professor Hannem found that the device does little more than provide an opportunity for CSC to exclude certain people. Often, these determinations of risk can be rooted in assumptions about race and class.

One woman, whose husband was incarcerated, told Professor Hannem: "They don't apply the rules to everyone in the same way." Another woman on a visit to see her incarcerated husband observed that the correctional officers had failed to change their gloves and add a new insert to the ion scanner. The "lady before me tested positive for cocaine, and I went behind her and I tested positive for cocaine." (Common antacid medications are known to have the same mobility constants as cocaine, thus providing a false positive for trace detections of cocaine. Banknotes will also regularly test positive for cocaine).

We can protect and preserve family ties of incarcerated persons including Black and Indigenous inmates right now—and maintain family relationships and reduce risk—while we wait for the House of Commons committee members to raise and vote on the NDP motion to review CSC risk assessments.

CSC should stop using these devices immediately.

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