

40th Anniversary of Prisoners' Justice Day And Prison Reform

On every anniversary of the suicide death of Edward Nalon in a segregation cell in Millhaven Penitentiary on August 10th, 1974, Canadians have held a vigil to mark all prisoner deaths. Many prisoners fast and decline to work on that day, and some Canadians outside of prisons pray, meet, and call for a more humane correctional system.

This anniversary comes at the beginning of a long election campaign which we hope will clarify party positions on the urgent need for prison reform in Canada. Canadian prisons are too often crowded, violent, and under-resourced. They function as default residences for the mentally ill, cognitively impaired, brain injured, addicted, and poor. More than 60% of those detained in provincial facilities have not even been convicted or sentenced, but are awaiting trial. The system has given up on correcting behaviour and providing humane conditions. The Auditor General has shown that the federal correctional system is not preparing prisoners for release as well as it should, now that resources for rehabilitative programs have been reduced. Prisoners are being released later in their sentences and without adequate supervision and support as they reintegrate back into their communities. More generally, the overuse of prison to manage social stresses is inconsistent with the values of a free and democratic society.

Some forms of confinement in our prison system are cruel and result in people being even more damaged when they leave prisons than when they entered them. Since Mr. Nalon's death 41 years ago, we have become increasingly aware of the link between solitary confinement, deteriorating mental health, and suicide in prisons. But cruel forms of confinement and the ensuing deaths continue. Some of these deaths have come to the attention of the public. Many will remember Ashley Smith, the young woman who strangled herself while prison officials watched and waited outside her cell, and Edward Snowshoe, the young First Nations man who spent 162 days in administrative segregation and eventually succeeded in his suicide attempts. But there

have been too many others. The Correctional Investigator's study into 30 suicides in federal custody over a 3 year period ending in 2014 found that about 50% of suicides occurred in segregation cells which only house about 8% of the total prison population. He defined the long-term reliance on segregation placements to manage mental illness, suicidal ideation, or self-harming as unsafe and called for its prohibition.

The Correctional Investigator is not the only one calling for a limit to administrative segregation and a ban on its use for those battling serious mental illness. The Coroner's Report into the death of Ashley Smith recommended 15-day limits to periods in administrative segregation with a limit of 60 days in a year. The John Howard Society of Canada unanimously passed a resolution calling for limits to periods in segregation, judicial review of its use, and a prohibition against its use for the mentally ill.

The United Nations Human Rights Committee Report on Canada released last month expressed concerns about the numbers in administrative and disciplinary segregation, which included the mentally ill, and called on Canada to use segregation as a measure of last resort, to limit the duration of segregation to as short a time as possible, and to avoid such confinement for those with serious mental illness. The Report also raised concerns about the high level of crowding in detention facilities, reports of insufficient medical support for detainees with serious mental illness, and the lack of information on the impact of the Mental Health Strategy within Correctional Service of Canada. It called for reductions in the overcrowding in detention centres and improved access to treatment for prisoners with mental health issues. The Correctional Investigator has observed that the percentage of prisoners in the federal system dealing with mental illnesses has more than doubled between 1997 and 2008.

In the last year, legal challenges have been launched by the British Columbia Civil Liberties Association, the John Howard Society of Canada, and others to test whether the laws and practices relating to federal administrative segregation are consistent with prisoners' Charter rights. A class action has also been launched for damages caused by segregation practices. This recent surge of public inquiries, Charter challenges, damage suits, and international human rights findings might finally prompt some action to limit the use of segregation, particularly for those with mental health issues.

It has become clear that yesterday's 'tough on crime' policies are today's prison crisis. Both the United States and the United Kingdom, which had adopted tough on crime policies, have recently signaled new approaches to incarceration. President Obama was the first sitting president to visit a penitentiary and has spoken about the need to reverse his country's mass incarceration. Michael Gove, the new Justice Secretary in the United Kingdom, stressed that all humans beings should be considered assets and potential contributors to society, emphasizing that prisoners should get literacy, numeracy, and other skills, which indicates a return to social rehabilitation in Britain's corrections policy.

But where is Canada on addressing the prison crisis? Jailers have a duty not to endanger the lives or health of those being detained. With increasing information about the links between administrative segregation or solitary confinement and deteriorating mental health and suicide, limits must be adopted to prevent unnecessary deaths in custody. Further significant changes would be needed to achieve just, effective, and humane prisons that would reduce our over-reliance on incarceration, lower rates of recidivism, and promote community safety -- both within and outside of prisons. Unless we act now, Canada will be far behind the progress now being made in the rest of the world.

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