

Family of Dead Inmate Suing Corrections Canada for \$10 million

The family of an inmate who died after repeatedly cutting himself in prison is taking the Correctional Service of Canada to court, as the system grapples with mentally-ill prisoners and a huge increase in self-harm behind bars.

The \$10-million lawsuit, which also names the federal public safety minister and top CSC officials, comes in the midst of a high-profile Ontario coroner's inquest into New Brunswick teenage inmate Ashley Smith, who choked herself to death in 2007 as guards stood outside her cell on orders and watched. The inquest has heard that Smith repeatedly choked herself throughout her 11-month incarceration.

"There isn't simply one or two Ashley Smiths in the system," Toronto lawyer Julian Falconer, who is representing both families, said in an interview.

"There is an endemic inability on the part of the Correctional Service to be able to manage people with serious mental health issues and what we see time and again is people needlessly suffering, stuck in a system never designed to support them and ultimately hidden away out of public view."

Glen Wareham was 28 when he died in Moncton Hospital on April 29, 2010 after serving six years in federal custody.

Wareham's mother, Heather Locke, was by his side when he died.

"I'm angry, I'm frustrated and I'm just so disgusted with the system," said 59-year-old Locke, who lives in Cape Breton, N.B.

"How many more are in there and how many more [are] going to go down the same road that he had to travel?"

Wareham began his 12-year sentence in 2003 for a number of crimes including armed robbery and uttering death threats.

According to a statement of claim filed by Wareham's family, his self-injury began while in custody as a youth and within 24 hours of his federal sentence. He served his time at three prisons, including the Shepody Healing Centre, one of five regional treatment centres operated by CSC that offer psychiatric units for prisoners.

But despite that, Wareham's family says he never got the treatment he needed.

His mother said he would swallow objects such as glass, razor blades and cans, and he began cutting his genitals and abdomen, requiring some 90 surgeries. A source familiar with the file said Wareham would cut himself so deeply he would pull out his own intestines. Wareham served part of his sentence in hospital and died from complications resulting from dehydration, lawyers said.

Wareham's family argues his treatment in federal custody violated CSC's own policy and the law.

"The actions and omissions of the defendants impeded Glen's care and treatment, aggravated his self-harming behaviours, and ultimately resulted in his death," reads the statement of claim.

The family, which includes two sisters and a brother, claims Wareham was unlawfully detained in maximum-security custody under almost continuous restraint, and that it was not justifiable.

"While Glen was a danger to himself, he was in no way a danger to others," it says. The family claims the Wareham's self-injury was more frequent during periods of restraint and seclusion.

The documents also say CSC failed to provide competent and reasonable health care. The family claims CSC never completed a comprehensive clinical management plan for Wareham or addressed the underlying issues that caused him to self-harm.

The family argues negligence, infliction of mental suffering and psychiatric damage, abuse of public office, false imprisonment and breach of fiduciary duty.

None of the allegations have been proven in court. A spokeswoman for the Correctional Service of Canada said it would be inappropriate to comment on a case before the courts.

Many of the claims are corroborated by the Correctional Investigator Howard Sapers, who wrote a letter to CSC Commissioner Don Head in 2011 following a national board of investigation report on Wareham's death. The report is standard procedure when an inmate dies in custody.

"This report is especially important given that many of the documented failures occurred two years after the death of Ashley Smith," says the letter.

But the prison system says it is doing enough.

CSC spokeswoman Christa McGregor said in an email that Corrections takes the death of an inmate seriously, and a review and investigation take place after an inmate dies.

She said CSC has a comprehensive mental health strategy and interventions are provided to offenders based on their individual needs.

"Self-injury is a complex concern that requires a comprehensive and multifaceted approach," said McGregor. "Because this behaviour is a symptom, not an illness itself, CSC manages each incident of self-injury, and more importantly, engages each individual in interventions that target the specific underlying cause."

She said the Commissioner's Directive on self-injury was updated in July 2011 and provides staff with specific direction for managing offenders who exhibit suicidal or self-injurious behaviour.

The CSC also established regional suicide/self-injury prevention management committees in April 2010, the month Wareham died.

Since 2006, McGregor said the government has invested nearly \$90 million in mental health care for offenders and trained approximately 8,900 staff.

McGregor said CSC works in partnership with the Mental Health Commission, and other correctional and mental health groups, to provide services for federal offenders.

"CSC is committed to maintaining and expanding community partnerships in the area of mental health where community capacity exists and is continuously looking to enhance prevention and intervention strategies, in order to respond to the issue of offender suicide and self-injury," she said.

But Sapers says Wareham's case points to the difficulty prisons have in managing mentally ill inmates, and underscores a troubling trend in corrections. The number of self-injury incidents has almost tripled in the past five years, Sapers' office reported in October 2012.

"Mr. Wareham's death is still very important and very relevant to keep in mind because he died as a result of complications arising from his self-injurious behaviour, and self injury in federal prisons has grown so much," Sapers said in an interview.

He said, just as in the case of Smith, Wareham's death speaks to a handful of inmates the prison system simply cannot handle, and who belong in outside treatment facilities.

"That's not to say their criminal behaviour should be excused," said Sapers.

"These cases almost always end tragically. Is it time we sought alternative ways to safely house and manage some individuals?"

For her part, Locke says she is raising the issue because she hopes what happened to her son never happens again. Even after he was placed in a prison psychiatric care facility, she says Wareham continued to harm himself.

"I thought that he was in the best hands and I thought things were going to be okay, and once he got there that we would be able to determine why is he doing this, and what can we do to stop it?" she said.

"I never did get what they promised."

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