

Ottawa woman's human rights settlement sparks sweeping changes for Ontario jails

The province of Ontario will make sweeping changes to the way its jails treat mentally ill women and administer solitary confinement after settling a human rights complaint with a bipolar and terminally ill Ottawa woman.

Christina Jahn filed a complaint against the Ministry of Community Safety and Correctional Services to the Ontario Human Rights Tribunal, alleging the Ottawa-Carleton Detention Centre discriminated against her by locking her up in segregation for more than 200 days instead of treating her mental illness.

On Tuesday, the ministry reached a settlement with Jahn, promising to change the way they operate by screening all inmates for mental illness, devising treatment plans and training staff to better deal with the mentally ill.

The ministry also agreed it will no longer use segregation for people with mental illness unless they can demonstrate they've considered and rejected all other alternatives. Inmates with a major mental illness who are placed in segregation will be examined by a psychiatrist every five days, according to the settlement.

As part of the settlement, the ministry agreed to conduct a study within the next 18 months to measure the need for a secure treatment centre for mentally ill female offenders, something critics have complained is long overdue. The province currently has a 100-bed secure treatment facility for men, but nothing for women.

The findings and recommendations of that report will be provided to the Ontario Human Rights Commission, according to the agreement. The ministry has committed to acting on the recommendations within another 18 months, or publicly explain why they won't.

The 43-year-old Jahn, who is dying of advanced breast and bone cancer, also received a cash settlement, although the exact amount is confidential. She had been seeking a record \$250,000 in damages in an Ontario Human Rights Tribunal hearing that was supposed to have started Monday. The two sides reached a settlement before the proceedings began.

"The compelling facts of this case have really caused the ministry to wake up and agree to serious systemic change for inmates with mental illness," said Jahn's lawyer, Paul Champ. "To the credit of the ministry, I've never seen a government department agree to such positive and far-reaching changes."

Jahn said her fight wasn't about the money.

"It was a matter of discrimination, the way I was being treated," said Jahn.

"I think it's a good start in order to get some change going on in the way people are treated. I hope that others after me won't have to go through this and that people who have experienced this will come forward with their stories," she said.

Jahn alleged that the Ottawa-Carleton Detention Centre discriminated against her on the grounds of mental illness and gender when they denied her cancer medication, left the lights on in her cell night and day, forced her to sleep on the floor without a mattress and shut off her cell's water for days at a time.

She spent at least 23 hours a day in a windowless cell during separate stays at the Innes Road detention centre in 2011 and 2012.

During one of her stays, Jahn missed a scheduled surgery and chemotherapy. She needed an emergency mastectomy after being released from the jail because her cancer had become so advanced.

"It was the worst treatment I had ever had," said Jahn, who insisted that the public interest remedies promised by the ministry be made public. "It seemed like a decision was made and I wasn't getting out of there under any circumstances."

Raj Dhir, a lawyer for the Ontario Human Rights Commission, said the settlement not only addresses Jahn's experience, but the policies and procedures that led to her being placed in segregation in the first place.

"It recognizes that the lack of accessible treatment and programs, and the use of segregation, can have severe consequences for inmates with mental disabilities," said Dhir.

"The ministry has committed to making a number of changes to better address the mental health needs of incarcerated individuals. These changes are consistent with recommendations by experts, oversight bodies and Canadian and international health and human rights organizations," he said.

Bryonie Baxter, executive director of the Elizabeth Fry Society, said the changes are long overdue.

"I think it's a good step toward better treatment to people with mental illness in Ontario prisons," said Baxter, who praised Jahn for being "incredibly brave" in challenging the ministry and forcing change.

"We've been asking for this both from the ministry and the ombudsman's office for years. What happened to Christina could have been prevented had they moved on what was clearly a need far more quickly," said Baxter.

Jail documents revealed Jahn, serving sentences for resisting arrest, shoplifting and causing a disturbance, was being held in segregation for no other reason than her mental illness.

It was apparent the guards thought little of Jahn, whose lawyer acknowledged she was a challenging inmate because of her mental illness. In one memo, a jail guard described her as being the "thoroughly disgusting, rude and obnoxious inmate that all staff have experienced in the past" when explaining why the water to her cell was being shut off.

Jahn alleged her treatment led to "harm to dignity, humiliation, mental anguish and reckless discrimination."

Champ earlier alleged the jail treated Jahn in an "utterly cruel and degrading manner" and the treatment she received was the "worst to ever come before a human rights tribunal."

As a result of the settlement, the ministry will also become more transparent. They will revise the handbook that is provided to inmates to include prisoner rights and ministry policies, and will post the document online.

Neither has ever before been done, and Jahn complained that the ministry refused to provide her with such information while she was detained.

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