

## Teen inmate suing B.C. over alleged solitary confinement

A British Columbia teen who says he was held in solitary confinement for four months has filed a lawsuit against the provincial government, the latest in a flurry of suits involving the practice in Canada.

The legal challenges come as critics call solitary confinement cruel and harmful, and argue it increases inmates' suffering. The use of solitary confinement has been on the rise in Canada, even as jurisdictions such as the United States and Britain have scaled back its use.

The teen, who is not identified in the notice of civil claim, filed his lawsuit this week in B.C. Supreme Court. The lawsuit says he suffers from both an intellectual impairment and a severe behavioural disorder. It says he was involved in an altercation with a correctional officer in November, 2014, and was subjected to solitary confinement until March. He was 17 at the time.

"This is the last person you want to be putting in solitary confinement, and the fact that it was so lengthy exacerbates a problematic situation," Christopher Terepocki, the teen's lawyer, said in an interview Wednesday.

The Globe has exposed widespread problems with solitary confinement, including the suicide of Eddie Snowshoe after 162 consecutive days in segregation.

A \$125-million class-action lawsuit was filed earlier this month against the Ontario government over its use of solitary confinement for youth.

The lawsuit alleges the province's youth-justice centres regularly violate policies meant to limit the use and duration of solitary confinement.

Earlier this year, the B.C. Civil Liberties Association and the John Howard Society of Canada sued the federal government over the use of solitary confinement in prisons.

Though the former Conservative government defended the practice, Prime Minister Justin Trudeau last week directed his Justice Minister to implement recommendations from an Ontario coroner's inquest into the 2007 death of teenager Ashley Smith that would ban long-term solitary confinement for federal inmates.

B.C.'s Ministry of Children and Family Development, which operates the Burnaby Youth Custody Services Centre where the teen was held, said it would not comment on the lawsuit because the matter is before the courts.

In a statement, however, a ministry spokesperson wrote that "separate confinement arrangements" are made for youth at custody centres "on very rare occasions."

"These rare circumstances are continuously reviewed to assess when it is safe, and in the youth's interest, to be reintegrated with other youth," the statement read.

The statement did not answer a question on how many B.C. youth had been placed in solitary confinement.

The lawsuit says the teen was moved to a separate confinement unit immediately after the altercation with the correctional officer for the maximum allowable period of 72 hours. However, the lawsuit says, rather than release the teen back to his former living area, centre staff sent him to a different unit where he lived alone.

The lawsuit says B.C.'s ombuds-person expressed concern about the situation about two months after the solitary confinement began. It says that while centre staff then agreed to let the teen contact a social worker, it was another two months before he was permitted to again reside with other youth.

The teen is charged with second-degree murder, attempted murder and firearms offences. A trial date has not been set. He has since been transferred to Surrey Pretrial Services Centre, an adult facility. The teen, who recently turned 18, is a refugee from South Sudan.

Mary Ellen Turpel-Lafond, B.C.'s children's representative, said in an interview that she is familiar with the teen. Generally, she said, it should be policy to never use solitary confinement for youth.

“The evidence is very strong that using isolation, using separation, over a long period of time – more than a short de-escalation period – is not helpful for young people,” she said.

Ms. Turpel-Lafond said greater mental-health supports for in-custody youth are needed.

“They came through the criminal justice door, but that is because they are in very rough shape, and we don’t want them to come out that criminal justice door in worse shape,” she said.

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