

## Curb Solitary Confinement

The B.C. Civil Liberties Association and John Howard Society of Canada have filed a lawsuit challenging the use of solitary confinement in Canadian prisons.

It sounds like something that occurs under barbaric, totalitarian regimes.

Prisoners are held in solitary confinement for up to 23 hours a day. They have no recourse to an independent body to oversee their incarceration, nor do they know when it will end. They have no access to outside stimulation or human interaction. Often they are mentally ill.

But it happens in Canada. In our prison systems.

At any time in Canada, up to 1,800 prisoners are being held in solitary confinement and one out of every four inmates has spent some time there.

Moreover the Correctional Service of Canada shows no signs of putting restrictions on the practice despite indefinite solitary confinement being regarded internationally as a form of torture by organizations such as the United Nations, the Inter-American Court of Human Rights and the European Commission for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

That's why a lawsuit challenging the use of solitary confinement in Canadian prisons as unconstitutional is so welcome.

The suit, launched this week by British Columbia's Civil Liberties Association and the John Howard Society of Canada, argues that solitary confinement "leads to prisoner suffering and deaths, deprives prisoners of fundamental procedural protections and is discriminatory against both mentally ill and aboriginal prisoners."

The B.C. association quotes Canadian prison expert Michael Jackson describing solitary confinement as "the most individually destructive, psychologically crippling and socially alienating experience that could conceivably exist within the borders of the country."

It was under solitary confinement conditions that Ashley Smith of Moncton, N.B., choked herself to death in 2007 at the age of 19 after 300 days on "segregation status" in the last year of her life. She had originally been incarcerated at 15 for throwing crabapples at a postal worker.

Edward Snowshoe of Fort MacPherson in the Northwest Territories committed suicide in 2010 after 162 days in segregation at the age of 24. He had originally been jailed for robbery. Like Smith, he was depressed and had suicidal tendencies.

These are just two cases. There have been on average 10 suicides a year in Canada's federal prisons for the last three years. Nearly half of the inmates involved were in solitary and half had mental health problems.

It's not as if Canada doesn't know better.

As far back as 1996, a key recommendation of Justice Louise Arbour's report on events at the Prison for Women in Kingston was that prisoners should not be made to spend more than 30 consecutive days in administrative segregation and that it occur no more than twice in a calendar year.

In 2012, the UN Committee Against Torture called on Canada to limit solitary confinement as a measure of last resort and to use it for as short a time as possible.

Then, last September in a report on federal inmate suicides the Correctional Investigator of Canada said that solitary confinement is "an important risk factor for prison suicide."

The coroner's inquiry into the death of Ashley Smith also recommended that indefinite solitary confinement be abolished.

The federal prison service ignored that recommendation, as it has the others, even though the negative effects of long-term solitary confinement can include psychosis, hallucinations, insomnia and confusion.

Canada is increasingly isolated in its stance on this issue among advanced countries, including the United Kingdom and the U.S. In fact, while there is a trend in U.S. prisons to reducing solitary confinement, in Canada there has been a "a six per cent increase in the number of federal prisoners in solitary confinement in the last five years," the B.C. association points out.

The organization isn't asking for a wholesale ban. There may be times when it is necessary to segregate a prisoner from the general population, it acknowledges. But even so it should be limited to a certain number of days and assessed by an independent decision-maker. The prisoner should also have access to daily human interaction in the form of programs and access to the outdoors.

That makes sense. It's past time the Correctional Service reined in this abusive practice.

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