

## Quebec woman suing over solitary confinement 'hell'

Judge approves class-action lawsuit for federal inmates - particularly the mentally ill - subjected to lengthy periods of administrative segregation in prisons in the province.

A Quebec woman who spent nine months in solitary confinement has been cleared to bring a class action lawsuit which argues inmates subjected to lengthy periods of isolation have had their rights violated.

Bolstered by the condemnation of the United Nations and Canada's prison watchdog, the lawsuit seeks more than \$10,000 in damages from the Correctional Service of Canada for each prisoner held in solitary confinement for longer than a 72-hour period since Feb. 24, 2013.

It also seeks compensation for prisoners with mental-health problems, regardless of how long they were held in isolation.

The representative claimant is Arlene Gallone, a 25-year-old woman who served a year-and-a-half sentence at Joliette Institution for Women starting in February 2013 for robbery, criminal harassment, assault and breach of her parole.

Gallone's lawyer estimates there could be thousands of other federal inmates past and present who may be eligible for compensation if the lawsuit is successful.

Gallone said in an interview that she was sent on four occasions to administrative segregation - the official term for solitary confinement - for two three-month periods, as well as two additional stretches of two months and one month each.

She said the reason she was removed from the general population of inmates could be as insignificant as banging too frequently on her cell door in an attempt to get the attention of a guard, or blocking her toilet.

In total, she spent a total of nine months locked in a cell the size of a bathroom.

"If you're not already claustrophobic, you will become claustrophobic because the room is so small," Gallone said.

"My depression became worse. My anxiety became worse. Also, I lose trust in people easily. If I hear a door slam I'll jump because they always slammed the doors there. I'm so used to sleeping with the door closed that I sleep with my bedroom door closed even now."

The lawsuit describes her experience as "hell," adding that she is still affected by it more than two years later.

The allegations in the lawsuit have not been proven in court.

The suit is just the latest attack on a practice that has been criticized at home and internationally, including by the special rapporteur of the UN Human Rights Council and the UN Committee against Torture.

Last month, an Ontario judge authorized a lawsuit on behalf of mentally ill inmates who were placed in administrative segregation in federal prisons.

In October, Ontario's human rights commissioner accused the province of violating prisoners' rights through the "alarming and systemic overuse of segregation."

The review showed that one-fifth of prisoners had been placed in solitary confinement at least once over a three-month period. More than a third of them had a history of mental health problems. One indigenous inmate at a Thunder Bay jail, Adam Capay, had spent four years in segregation after being charged with the murder of another inmate.

Federally, a 2015 report from the correctional investigator, Parliament's prison watchdog, noted that the average stay in administrative segregation was 27 days in 2015, down from 40 days in 2005.

Last spring, the correctional investigator recommended prison authorities stopped placing the mentally ill in segregation and limit the length of stays in solitary confinement.

In Quebec, there are regulations that limit a prisoner's stay in administrative segregation at provincial facilities to 72 hours, with a possible one-time extension of 24 hours if an individual is suspected of having ingested contraband.

But recommendations in 2012 urging that the federal government adopt the same rules were rejected.

An inquest into the death of Ashley Smith, an inmate who ended her life while being held in isolation at the Grand Valley Institution for Women in 2007, recommended that administrative segregation stays be limited to a maximum 15 days.

Ottawa rejected the inquest recommendations, although federal Justice Minister Jody Raybould was given a mandate to reduce the use of solitary confinement in Canadian prisons when she took the post in 2015.

Until that happens, Gallone said she is optimistic that her case might result in a positive change in the prison system.

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