

## Woman who spent 16 days in extreme solitary confinement sues federal government

A woman who spent 16 days in an extreme form of solitary confinement in a Nova Scotia prison is now suing the federal government for damages.

In 2020, Lisa Adams and her lawyers successfully argued before a Nova Scotia judge that her Charter rights had been breached after she spent 16 days in a "dry cell" on suspicion that she hid drugs in her vagina while serving a sentence at Nova Institution for Women in Truro.

A "dry cell" can be used for male and female inmates suspected of ingesting or hiding contraband inside their bodies. It is a solitary room with no flushing toilet or running water.

The inmate is observed through a glass window and a security camera at all times, even while using the toilet, until the item is removed through the person's bodily waste. There is always some form of lighting in a dry cell, as guards are required to take notes on what the inmate is doing every 15 minutes.

Adams eventually requested a pelvic examination by a doctor, which found she had no objects inside her.

In response to her case, the federal government changed the law and placed new restrictions on the use of "dry cells." The amendments set a 72-hour maximum for dry celling, although the head of the institution can extend that by an extra 24 to 48 hours under certain conditions.

"This whole thing has been a roller coaster, in all honesty," Adams said in a recent interview in Halifax.

### Difficult memories

Adams now lives in Saint John, near her mother and two sons. She was released from prison in early 2021 after a two-year sentence for drug trafficking, and she is no longer under any conditions.

Her civil case is scheduled to start on June 16, and Adams says it's been difficult to prepare herself mentally.

In the dry cell, the medical staff noted she had a mental break in which she mumbled to herself, was unable to follow directions, rubbed her hands on her arms continuously, pulled at her hair and appeared "jumpy" and "scared at noises and sudden movements."

She became suicidal, to the extent where she said she wrote letters to her family to say goodbye.

Adams said she's tried to "compartmentalize" the experience, but the legal case has stopped her from moving forward.

"I know that I'm going to have to revisit it, and revisit it properly when it does go to trial," she said.

"So I've kind of set it to the side as opposed to fully healing from it yet, because I didn't want to have to re-experience all of the details and have to go through it all over again."

### Seeking compensation

Adams's 2020 case was a Charter challenge and not a lawsuit, so there was no compensation attached to the decision. That's why her lawyers are returning to court with a civil case now.

"She suffered an immense amount of psychological damage as a result of [the dry cell]. And that's what this case is about," said Mike Dull, one of the Halifax-based lawyers representing Adams.

Dull argues that previous decisions placed restrictions on solitary confinement and that correctional officials acted wrongly in Adams's case.

"What we are arguing is that the law, the courts, need to hold them to account," he said. "And the way that the justice system is able to do that is through financial means."

Dull declined to discuss what amount Adams's legal team is seeking, but noted courts have ordered compensation for other cases of solitary confinement.

### Government defence

In its statement of defence, the Government of Canada said Adams had "reasonable access" to legal counsel and daily visits from medical professionals, and that a urine test and drug detector dog search revealed sufficient evidence of methamphetamine use to give the institution "reasonable grounds" to believe Adams had drugs in a body cavity.

The defence states there was no negligence or breach of duty toward Adams, that it did not breach her Charter rights and that she is not entitled to damages because its actions complied with the law as it read at the time and weren't "wrong, taken in bad faith, or an abuse of power."

The government's statement of defence agreed a doctor's examination found nothing inside Adams, and stated "Canada acknowledges that the confinement of [Adams] in a dry cell in the circumstances of this case was regrettable."

In response to an inquiry from CBC, the Correctional Service of Canada said they're moving toward "least invasive" search methods, and regulatory amendments around the use of body scanners came into effect last fall.

### Class action suit not proceeding

In a separate case, a proposed class action against dry celling will not go ahead due to a lack of participants.

A limited number of women came forward to join the class action, and determining which of their cases involved a dry cell as opposed to another form of administrative segregation became complicated.

The case was led by the same lawyers who represent Lisa Adams, but she was not part of the proposed class action.

In a defence brief to the proposed class action, the federal government stated that between 2013 and 2022, the "dry cell protocol" was used on 90 inmates in the five federal women's institutions in Canada.

Mike Dull said it became difficult to define "what is and what isn't dry cell," and the case was unable to go ahead.

### 'She was, in our opinion, tortured'

Adams's case is supported by the Elizabeth Fry Society of Mainland Nova Scotia and the Canadian Association of Elizabeth Fry Societies (CAEFS). The Elizabeth Fry Society advocates for women who've been involved with the justice system.

CAEFS executive director Emilie Coyle said her organization worked closely with the government when it changed the wording of the dry cells law.

She says Canadians should bear in mind that at the time Adams was dry celled, it was part of the law. In her view, this was wrong.

"She was, in our opinion, tortured in those conditions for 16 days. And the fact that she's able to be here and to speak about her experiences is quite remarkable, because she experienced some very traumatic treatment at the hands of our state," Coyle said.

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