Who Guards the Guards – A public lecture by Prof. Andrew Coyle
October 23, 2013, Ryerson University

In October 2007, Ashley Smith died tragically at the age of 19 inside her prison cell after tying a ligature around her neck, while prison guards – instructed not to intervene before she stopped breathing – watched. An inquest into her death began in January 2013. Ms. Smith’s experience in the Canadian corrections system raises key civil liberties issues. CCLA is participating as a party in the inquest to address these issues, and to ensure that there is a full public accounting of the circumstances surrounding her death and that meaningful recommendations are made for improvement in the Canadian corrections system.

This October, CCLA invited Prof. Andrew Coyle to Toronto to testify as an expert witness at the Ashley Smith Inquest. Prof. Coyle is Professor Emeritus of Prison Studies in the School of Law, King’s College, University of London. Between 1997 and 2005 he was Director of the International Centre for Prison Studies in the same School of Law. Prior to that he was for 25 years a prison director in the prison services of the United Kingdom, where he governed four major prisons. He holds a PhD in criminology from the Faculty of Law in the University of Edinburgh. He has been an adviser on prison matters to the Office of the UN High Commissioner for Human Rights, the UN Latin American Institute, the UN Office on Drugs and Crime, The World Health Organisation, the Council of Europe and the OSCE.

On Wednesday, October 23, members of the public, specialists and professionals from the field of corrections, students and faculty from a diverse range of disciplines, including criminology, social work, law and social sciences, gathered at Ryerson University to hear Prof. Coyle speak. The public lecture was co-hosted by CCLA and the Ryerson University Criminology Department, and was entitled, “Who Guards the Guards: Prisons and Public Accountability.”

Prof. Coyle began his lecture by asking the simple question, “What is this place we call the prison?” To understand the prison system, Prof. Coyle looked to historic and present reasons why prisons exist in society and what purposes they serve. He also provided statistics showing the wide variations around the world in incarceration rates, management strategies and practices, family access, voting rights, and what constitutes incarceration. Generally, crime rates bear no relationship to imprisonment rates; crime is largely unaffected by changing trends around imprisonment. Indeed, as a member of the audience pointed out, the crime rate in Canada has been steadily decreasing over the past few decades. In recent years on the other hand, the proportion of the population who is incarcerated has increased.

The standard reasons for prison are: punishment, deterrence (individual and general), and reformation/rehabilitation/re-integration. However, not many of these stand up to close analysis.

No matter the differences across jurisdictions however, Prof. Coyle reminded us of the simple notion that all prisons deal with human beings, and prisoners and prison staff share a common humanity. There are many international standards relating to prison management, one of the most important guiding principles being Article 10 of the International Covenant on Civil & Political Rights (to which Canada is a signatory): “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”

Prisons and correctional facilities are by their nature secretive institutions, but those who manage them have to be publicly accountable for their actions. With Article 10 as a guiding principle, Prof. Coyle stressed the importance of managing prisons within an ethical context which respects the humanity of
everyone involved in a prison: prisoners, prison staff and visitors. There needs to be recognition that prison staff perform an important public service and that working in a corrections setting is a demanding job – especially so because in many countries of the world, prison personnel are badly trained, poorly paid, and experience poor levels of respect in wider society. Over his 25 years spent working in the UK prison system, Prof. Coyle observed that many prison staff began by wanting to do a decent job, but that the system made this difficult. There is a strong need for careful selection of staff, better training, fair pay, better leadership from senior staff, and for creating a set of structures which empowers and values good staff who understand this ethical foundation.

Along with these changes to staff attitudes is also the importance of re-examining prison management practices such as segregation (solitary confinement) and the use of pepper spray and injections. The UN Special Rapporteur on torture has called on all countries to ban the solitary confinement of prisoners except in very exceptional circumstances and for as short a time as possible, with an absolute prohibition in the case of juveniles and people with mental disabilities. He recommends that States develop and implement alternative disciplinary sanctions to avoid the use of solitary confinement. In many countries, however, prisons are expected to deal with people who have been failed by other institutions, including those with mental health problems. Segregation is often used as a form of prison management.

In the case of Ashley Smith, throughout her custody in both the youth and adult correctional systems, she remained largely on segregation status with little or no opportunity for meaningful human contact. Jurors have heard evidence that Ms. Smith’s behaviour demonstrated many of the harmful effects documented in studies on prolonged solitary confinement.

Prof. Coyle also discussed the need for transparency, independent inspection, ongoing community monitoring and a robust internal audit when policies are set out to ensure that they are being implemented. Prisons are abnormal in that they are closed institutions. This creates a danger that they will become insular. There is a strong need for better public awareness about prisons so that the public will appreciate efforts made by prison authorities to implement good practices. Prisons need to be open to public view. Connected to this is the importance of creating pressure from the international community to hold states accountable to their human rights commitments.

Throughout his work in the prison system and in the years since, Prof. Coyle remains optimistic that attitudes can change and that conditions in prisons can improve with a human rights approach to prison management. He has seen it first-hand in the institutions he managed in Britain, and through his involvement in prison reform projects all over the world. Canada is no different, and it is through instruments such as public inquests that we begin to shed light on prison management and practice. CCLA is participating in the Ashley Smith inquest as a party to ensure that there is a full public accounting of the circumstances surrounding Ms. Smith’s death and that meaningful recommendations for change in the Canadian corrections system are made. Read more about CCLA’s work on the Inquest here – (link) and continue to check our website for updates as the Inquest continues.