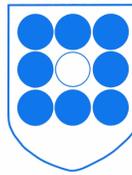


CANADIAN
CIVIL LIBERTIES
ASSOCIATION
Telephone (416) 363-0321
Fax (416) 861-1291
E-mail: mail@ccla.org



ASSOCIATION
CANADIENNE DES
LIBERTES CIVILES
Téléphone (416) 363-0321
Télécopieur (416) 861-1291
Courriel: mail@ccla.org

FOR IMMEDIATE RELEASE

Government must end solitary confinement of mentally ill prisoners

Toronto, ON – March 22, 2010 - Canadian prisons need to drastically re-evaluate their use of solitary confinement, especially where it concerns those with mental illness, the Canadian Civil Liberties Association said in a letter sent to the Minister of Public Safety. The CCLA joined with other concerned groups, the Criminal Lawyers Association, the Canadian Association of Elizabeth Fry Societies, the John Howard Society of Canada, the B.C. Civil Liberties Association, and the Schizophrenia Societies of both Ontario and Canada, to voice their concern about the practice of solitary confinement in our country.

The 2008 Correctional Investigator's report into the death of Ashley Smith, who committed suicide in her segregation cell while her guards watched, highlighted the inadequate mental health resources in prisons, the reliance on segregation to manage mental illness, and the detrimental impact segregation can have on mental health. The segregation of mentally ill prisoners, however, has continued, and it now appears that yet another case is surfacing in Saskatchewan, where a woman with severe mental illness has been in segregation, and subject to physical restraints, for over a month.

“This is an issue,” said Nathalie Des Rosiers, “that the Canadian government can no longer afford to ignore. Our prisons are increasingly relegating individuals to solitary confinement – a severe restriction on a person's liberty – without meaningful independent oversight. The safeguards and oversight mechanisms currently in place are inadequate, and simply do not apply to a growing portion of the segregated prison population. Institutions intended to promote law and order must themselves be ruled by adequate laws.”

“We are particularly concerned about the impact that significant periods of isolation and deprivation has on those with mental health issues. In the absence of adequate mental health resources, our prisons are managing mental illness through prolonged segregation. In the words of Canada's Federal Correctional Investigator, this practice is “not safe, nor is it humane”.”

Over the past ten years, action to reform the use of solitary confinement been called for in multiple reports from government taskforces, commissions and ombudsmen. The United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has endorsed the recommendation that mentally ill prisoners should never be subject to solitary confinement. Courts in the United States have found that such treatment constitutes cruel and unusual punishment. In Canada, the report of the Office of the Correctional Investigator in 2008-2009 indicates that the prevalence of offenders with significant mental health issues upon admission has doubled in the past five years, and statistics show that the number of reported self-injury incidents in custody has

doubled over the past two years. As these issues appear on the rise in our prisons, we need to acknowledge that solitary confinement is not a solution.

Concern over Corrections Canada's unwarranted reliance on solitary confinement is not a new issue. Almost 14 years have passed since Madam Justice Arbour concluded that, "the management of administrative segregation that I have observed is inconsistent with the *Charter* culture which permeates other branches of the administration of the criminal justice." She continued to urge that there was "no alternative to the current overuse of prolonged segregation but to recommend that it be placed under the control and supervision of the courts".

Correctional Services Canada (CSC) has not implemented the recommended independent reviews. In addition to the rising number of inmates subject to segregation, and the duration of the average stay in solitary confinement has increased dramatically over the past ten years. Moreover, the CSC is increasingly using "transitional units" to house inmates. These transitional units, which the office of the Correctional Investigator has called "segregation by any other name," are not subject to any review and due process. There are no statistics available on inmates held in "transitional units", suggesting even higher rates of solitary confinement than are officially published. This lack of both legal process and transparency demands review and reform of the current practice of solitary confinement in Canadian prisons.

Contact: Nathalie Des Rosiers, General Counsel – (416) 363-0321