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## Federal prison agency amends solitary confinement policy

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Canada's federal prison agency has introduced a series of re-forms to the way it handles solitary confinement, part of its response to a highly critical coroner's inquest into the death of Ashley Smith that concluded two years ago.

Correctional Service Canada brass introduced the changes to staff on Oct. 13, one week before the federal election.

A memo to CSC staff obtained by The Globe and Mail lays out 12 changes to the policy governing administrative segregation, the controversial practice of confining inmates for up to 23 hours a day in a cell the size of a compact car.

They include the introduction of an advocate to help mentally ill inmates held in segregation and a new questionnaire tool to evaluate all inmates admitted to segregation.

But prison reform advocates say the changes do little to address myriad systemic flaws that surrounded the deaths of Ms. Smith in 2007 and Edward Snowshoe in 2010, both of whom died while incarcerated in solitary confinement.

A 2014 Globe investigation into the death of Mr. Snowshoe found that CSC failed on multiple levels to respond to a young man suffering a grave mental-health crisis. He took his life after 162 days in solitary. Ms. Smith, a teenager, spent more than a thousand days in some kind of segregation and died in a solitary cell while staff watched.

"At first glance [the reforms] look good on paper," said Jennifer Oades, former CSC Deputy Commissioner for Women. "But in the end, this is really meaningless if the purpose is to reduce the use of segregation and time spent in segregation."

Ms. Oades took up her post three years after Ms. Smith's death. She helped evaluate the feasibility of the inquest recommendations before retiring in frustration in April of 2014.

"The feeling at CSC when the coroner's recommendations came down was that since Ashley Smith's death, everything that could be done had been done already," she said. "Even before the Ashley Smith recommendations came out, there was belief that there would be nothing new in these recommendations that we hadn't already looked at. That was the thinking."

The new rules represent a continuation of that inflexible attitude, she said.

The CSC could not fulfill an interview request from The Globe until later in the week.

Other reforms outlined in the memo to CSC staff include adding a mental-health professional to the internal prison teams that periodically review all inmates in isolation and new layers of evaluations to identify "practical alternatives to administrative segregation" for inmates identified as having "acute or high level mental-health needs."

The new modifications are part of the agency's Segregation Renewal Strategy, first announced last year in a formal response to the coroner's inquest into the death of Ms. Smith. Much of that official response sidestepped the 104 recommendations from the coroner's jury. And the recent tweaks fall far short of a necessary overhaul, according to authorities on federal correctional policy.

When they released their findings two years ago, the jury in the Ashley Smith inquest was particularly blunt in its recommendations for reforming solitary confinement. They endorsed a UN Special Rapporteur's call for an end to indefinite solitary confinement and urged CSC to implement strict time limits on an inmate's stay in segregation: no more than 15 consecutive days up to a maximum of 60 days in a calendar year.

"What the Ashley Smith recommendations and what reformers are looking for is a commitment from CSC that they will not segregate mentally ill prisoners under any circumstances," said Lisa Kerr, assistant professor in the Faculty of Law at Queen's University, who specializes in prison law and sentencing. "They've improved the assistance mentally ill offenders will get, but in a way they've also doubled down on their commitment to using segregation to house mentally ill inmates."

Ms. Kerr said the new rules circumvent three key reforms she believes are needed to improve segregation in Canadian prisons: limits on time spent in solitary; adjudication of an inmate's suitability for segregation by an independent body; and legislative change rather than policy tweaking.

"When we're talking about segregation or solitary confinement, these are topics of bodily integrity, of the fundamental liberties that prisoners retain, and in my view this is a topic that can only be addressed appropriately through legislation. A Commissioner's Directive reform to me is not an appropriate fix."

Ms. Kerr and other reformers recently gained a high-profile supporter. In a ministerial mandate letter, Prime Minister Justin Trudeau called for the implementation of the Ashley Smith recommendations, specifically those concerning "solitary confinement and the treatment of those with mental illness."

Curiously, the request was included in his letter to his Minister of Justice and not his Minister of Public Safety, Ralph Goodale, whose portfolio includes CSC.