



Trudeau calls for ban on long-term solitary confinement in federal prisons

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Prime Minister Justin Trudeau has directed his Justice Minister to implement a series of recommendations stemming from the death of Ashley Smith that would ban long-term solitary confinement for federal inmates and steer all vulnerable prisoners away from the regressive form of incarceration.

The move would bring Canada into line with guidelines set down by the United Nations Human Rights Committee and mark a stark about-face in the federal government's attitude toward the prison practice of isolating offenders upwards of 23 hours a day with little meaningful human contact.

The mandate letter for the Justice Minister, made public by the Liberal government on Friday, uses a phrase that the previous government and corrections officials avoided entirely – solitary confinement.

Last year, following a Globe and Mail investigation into the death of Edward Snowshoe, a young Gwich'in man who took his life while housed in solitary confinement, then public safety minister Steven Blaney defended the practice during Question Period, but preferred the phrase "administrative segregation."

"It is done for safety reasons: the safety of the inmate, the safety of the personnel, and the safety of the facility," he said.

Under questioning about Mr. Snowshoe's death at Senate Committee hearing last March, Correctional Service of Canada commissioner Don Head denied that federal prisons use solitary confinement when asked about Mr. Snowshoe's death. "The term 'solitary confinement,' which has been used in the media quite a bit, actually refers to something different than what we do in Canada," he said.

The new Prime Minister clearly disagrees. His letter directs Justice Minister Jody Wilson-Raybould to usher in "recommendations from the inquest into the death of Ashley Smith regarding the restriction of the use of solitary confinement and the treatment of those with mental illness."

In total, four provincial and federal government bodies have conducted inquests and investigations into Ms. Smith's death. Chief among their recommendations has been the call for a prohibition on placing inmates in long-term segregation, defined as any term beyond 15 days, and a limit of 60 days in a calendar year. Other key recommendations include a ban on segregating inmates with histories of self-harm or mental-health issues. As well, there were recommendations for the creation of an independent adjudication system to review all offenders in segregation.

"This is the first time I can recall seeing a minister's mandate letter," said federal correctional ombudsman Howard Sapers, who led one of the investigations. "I find that alone to be quite encouraging in terms of transparency, particularly because so many of the reforms of the past decade seemed to have been done with little consultation and, in fact, were ad hoc. This is a good start."

Diagnosed with severe mental disorders, Ms. Smith strangled herself with a ligature eight years ago, at age 19. She had spent more than 1,000 days in segregation, in youth and federal prison.

The changes directed by Mr. Trudeau would affect only federal prisons – those in which inmates have been given sentences of least two years.

There are 1,800 Canadian inmates held in segregation on any given day. While the United States and the United Kingdom have actively moved away from the practice in recent years due to the severe psychological toll it is believed to have on offenders, its use has been on the rise in Canada, jumping 6.2 per cent in the five-year period leading up to 2013.

"The last decade of 'tough on crime' measures have really caused serious problems in corrections and I'm really hopeful this government will take a serious look at remedying some of that," said Catherine Latimer, executive director of the John Howard Society of Canada, which is part of one of several lawsuits targeting solitary confinement.

In Ontario, lawyers filed a class-action lawsuit this month asserting that juveniles as young as 12 are being held in solitary, and harmed by the practice. At the federal level, the BC Civil Liberties Association and the John Howard Society filed suit in January alleging that the use of solitary leads to the deaths of prisoners, discriminates against mentally ill and aboriginal inmates and is unconstitutional. Separately, the Canadian Civil Liberties Association and the Canadian Association of Elizabeth Fry Societies have filed a lawsuit calling the federal practice of solitary confinement unconstitutional.

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