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Solitary confinement at federal prisons in decline: Correctional Service Canada

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Facing an onslaught of criticism over amendments to policy on solitary confinement and a high-profile demand for a change in leadership, Correctional Service Canada revealed that it has cut the number of inmates housed in long-term solitary confinement by more than 50 per cent since March.

In a rare interview, a senior administrator at CSC told The Globe and Mail that the reduction is part of an agency-wide effort to reduce the use of solitary confinement in federal prisons that began two years ago with the release of 104 reform proposals arising from the coroner's inquest into the death of Ashley Smith.

CSC granted the interview after a [Globe story](http://www.theglobeandmail.com/news/national/federal-prison-agency-makes-changes-to-solitary-confinement-policy/article27900867/) [http://www.theglobeandmail.com/news/national/federal-prison-agency-makes-changes-to-solitary-confinement-policy/article27900867/] on Tuesday cited criticism of recent amendments to a regulation covering administrative segregation, the Correctional Service practice of confining inmates for up to 23 hours a day in a cell no larger than a compact car.

The agency's reduction strategy began to bear fruit in the spring, shortly after CSC endured widespread condemnation of its response to the Ashley Smith inquest recommendations and The Globe and Mail published an investigation into the [death of Edward Snowshoe](http://www.theglobeandmail.com/news/national/confined-the-death-of-eddie-snowshoe/article21815548/) [http://www.theglobeandmail.com/news/national/confined-the-death-of-eddie-snowshoe/article21815548/], whose spiralling mental-health issues were ignored before he took his life in a federal solitary cell.

Since March, CSC has reduced its total solitary population by 34 per cent, according to Chris Hill, Director of Security Operations, Procedures and Monitoring. The number of inmates who have spent more than 60 days in solitary has declined by 52 per cent since May, he said.

"I think the segregation renewal strategy was very effective in doing what it was supposed to do," Mr. Hill said, "but in terms of where we go from here, we're always looking for ways to refine and move forward in knowing that we've always got to respond to the current climate."

That climate has changed drastically in recent months. Prime Minister Justin Trudeau has endorsed the recommendations of the Ashley Smith coroner's inquest, urging his Justice Minister to implement all recommendations concerning solitary confinement and the treatment of offenders with mental illness.

Those recommendations called for far more than statistical reductions. They proposed placing hard limits on the amount of time an inmate can legally spend in solitary confinement – 15 days in a row up to a maximum of 60 days in a calendar year.

On Tuesday, Public Safety Minister Ralph Goodale, whose portfolio includes the Correctional Service, reiterated the Prime Minister's position. "Our government is committed to implementing the recommendations from the inquest into the death of Ashley Smith on restricting the use of solitary confinement and the treatment of those with mental illness," he said in a statement to The Globe. "We recognize that the challenges raised by these issues are complex and require careful consideration. Canadians expect us to do better – and we will."

The new government will face one major obstacle in that effort, according to the lawyer who represented the Smith family at the coroner's inquest. Julian Falconer said that the current CSC leadership will stonewall any attempt to implement the inquest recommendations.

"They have an inbred cultural resistance to change," said Mr. Falconer, who focused his criticism of CSC on current Commissioner Don Head, who was senior deputy commissioner when Ms. Smith died in a solitary cell while staff watched.

"The presence of Commissioner Head as deputy commissioner or commissioner right through the circumstances around Ashley Smith's death, right through the endless coverup and grief the family was put through by CSC, through the inquest, and now through this intransigence for two years after the inquest makes clear that the commissioner is part of the problem," Mr. Falconer said. "And, in my opinion, any political leadership that is looking to actually implement serious change would be wasting tax dollars if they put Mr. Head in charge of that change."

Mr. Head was unavailable for comment. Speaking on behalf of the Correctional Service, Mr. Hill, the security operations director, took issue with any demand for Mr. Head's ouster. "I completely disagree with that," he said, crediting the commissioner's leadership for much of the work involved in the recent segregation reductions. "Frankly, I don't think we would be where we are without that [leadership]."

In the Prime Minister's mandate letter to Justice Minister Jody Wilson-Raybould, he explicitly referred to "solitary confinement," a significant semantic break from his top prison officials. Mr. Head and the CSC have long rejected use of the phrase in the Canadian context. "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 during a March Senate hearing.

On Tuesday, the Correctional Service did not alter its vernacular, but Mr. Hill did show more openness toward recommendations from the Ashley Smith inquest that CSC had previously rejected, including the introduction of time limits on segregation stays.

"Notionally we completely support the idea," he said of segregation limits. "The difficulty and challenge for us would be to adopt a policy where the net result of putting someone out at day 16 ... could be to put people in harm's way, which is in some ways completely counter to why it is we segregate people, which is all about the protection of inmates, the protection of staff and the protection of the public."

That's one reason there was no mention of time limits in recent amendments to the agency's segregation policy, known internally as Commissioner's Directive 709 (CD-709), reported in *The Globe* on Tuesday. The updates include the introduction of a mental-health advocate for inmates with high mental-health needs and a new layer of external review to help inmates with acute mental-health needs "spend as little time in segregation as possible."

On Tuesday, Correctional Investigator Howard Sapers joined a chorus of voices raising concerns about CD-709. He applauded the creation of a mental-health advocate but questioned why that advocate needs to be picked by a warden. "The advocate can only participate with the blessing of a warden and that raises some concerns," he said. "There is no guidance to inmates about who the advocate can be, whether it can be a family member or a clergyman or one of a roster of professionals in the community who are specialized in this."

Another concerning element of CD-709, he said, is the creation of an external reviewer to evaluate segregated inmates with significant mental-health needs. While reform activists have long called for independent external reviews of all segregation cases, the new external reviewer is chosen by CSC and only has the power to make recommendations, Mr. Sapers said.

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