



WHAT IS PRISON JUSTICE DAY?

National Prison Justice Day started on August 10, 1976, to pay tribute to two prisoners who died in solitary confinement at Millhaven Maximum Security Prison in Ontario. What started as a one-time event has grown to an international day of recognition for all the men and women who have died unnatural deaths while in prison.

On this day, prisoners go on a one-day work stoppage and hunger strike, while outside supporters organize public education events to draw attention to conditions inside prison.

In a one-year period, 2008/09, 206 prisoners died while under the supervision of Canada's criminal justice system.

Statistics Canada

Prison suicide rates are calculated to be nearly eight times the rates found in the population as a whole.

Prisoner deaths through suicide, murder and neglect can and must be prevented!

SEGREGATION-LIKE, BUT NOT QUITE SEGREGATION

The law recognizes only two prisoner populations: general population, where prisoners can associate with others, and administrative segregation where association is temporarily restricted for security reasons, and is subject to prescribed reviews and safeguards.

According to the Office of the Correctional Investigator (OCI) CSC is operating a number of units inside the prison system that look and feel a lot like segregation but have been assigned other names and functions; Enhanced Structured Units, Special Needs Units, Transition Units, and Orientation Units. These are definitely not ranges/units that the CCRA would recognize as "general population," typically there is not much difference in terms of the conditions of confinement between these units and segregation. Operating outside the protections and procedural safeguards afforded by law and policy these specialized "sub population" units effectively remove a large segment of the population from procedural and legal entitlements. These Units typically restrict out-of-cell time, access to regular routines, programs or visits can be severely curtailed, associational privileges allowed in general population are denied. The OCI has raised concerns regarding "segregation by any other name" in numerous Annual Reports and is again "recommending that the Minister of Public Safety direct the CSC to conduct an immediate review of all inmates in segregation-like units to ensure they are provided the same legislated protections and access to programs afforded to the general inmate population."

"Modified Routine" (lockdown) creates conditions of confinement similar to that of segregation for all prisoners. Lockdowns appear to be becoming more frequent and are sometimes used to facilitate training exercises or staff assemblies. Reports also show an increasing number of Section 53 "exceptional" searches and "modified" routines. These actions can bring an institution to a virtual standstill, sometimes for weeks on end. Protracted interruptions in education, program delivery and restricted access to Case Management officers are common consequences of these measures.

DEATHS IN CUSTODY REPORT

In 2007, the OCI publicly released its *Deaths in Custody Study*, an examination deaths while in CSC's custody between 2001/05. The study found that some of the deaths could have been averted through improved risk assessments, more vigorous preventative measures, and more competent and timely responses by CSC staff. Areas of concern included delayed response to medical emergencies, assessment of pre-suicide indicators, availability of medical resources, lack of information-sharing between clinical and front-line staff, and care and custody of offenders with mental health problems.

The study also found that a significant number of recommendations and findings by investigative boards and coroners were not acted upon and that CSC failed to incorporate lessons learned and implement corrective action during the five-year study period, with the same errors and observations being made incident after incident.

Over the next three years the OCI continued to monitor the CSC's progress in preventing deaths in custody, releasing quarterly progress reports and its final assessment in 2010. The same systemic problems recur in every report.

I have stated publicly that until accountability is strengthened at the institutional, regional and national levels and external review of segregation placement is introduced, the likelihood of future preventable deaths remains unacceptably high. The Office is on record of stating that the use of extended segregation and isolation and physical restraints to manage mentally disordered offenders is not safe or humane. Although I do not expect my calls for outside intervention, independent oversight and external decision-making to be warmly embraced by the correctional authority, they are necessary for reform and progress. Howard Sapers, Correctional Investigator

The Correctional Investigator is mandated by an Act of Parliament to be an Independent Ombudsman for federal prisoners. This work includes ensuring that systemic areas of concern are identified and addressed. The Deaths in Custody Study, and Annual Reports can be found at www.oci-bec.gc.ca

SOLITARY CONFINEMENT

Section 31(3) of the Corrections and Conditional Release Act states that administrative segregation is to be used only when there is no other reasonable alternative. But at any one time, 5.5% of the Canadian prison population is in solitary confinement. In 1998, the Solicitor General found that 15.7% of segregated men and 60% of segregated women were of First Nations origins. Close to 40% of prisoners spend more than 60 days in solitary confinement.

DOUBLE BUNKING

is one of the most serious problems in prison, especially in segregation cells, where the prisoners are locked in their cells 23 hours a day. Segregation is hell at the best of times; this is compounded by having two people in a cell designed for one. In the past five years double bunking has increased by 50%. Some prisons are regularly triple bunked.

INVOLUNTARY TRANSFERS

constitute one of the largest complaints to the Federal Correctional Investigator's Office. In many cases, the prisoner is transferred not only from one prison to another, but from medium to maximum security in absence of formal disciplinary charges or hearings.

HEALTH CARE

The number of prisoners with mental health needs has doubled in the last decade. Prisoners with mental health issues continue to be segregated and punished for displaying symptoms of their illnesses. Given gaps in appropriate mental health treatment and the reliance on segregation as a population management strategy, a sizable proportion of the segregated population are found to be mentally disordered. There is growing international recognition and expert consensus that the use of solitary confinement should be prohibited for mentally ill prisoners and that it should never be used as a substitute for appropriate mental health care.

CANADA'S CRIME RATE: 40 YEAR LOW

The national crime rate continues to decline. Overall, the crime rate is at its lowest level since 1973. The violent Crime Severity Index declined 6% in 2010 this is the fourth consecutive annual decrease. The youth crime rate is down 7% over last year.

Despite this continuing decrease in crime prisoner populations continue to grow. Canada has one of the world's highest rates of incarceration and the longest sentences, for both adults and youth. It's about to get worse due to the introduction of mandatory minimum sentencing. A former Commissioner of Corrections, Donald Yeomans, stated that 40% of prisoners do not need to be in custody; prison activists put this figure at 85%.

BUILD COMMUNITIES NOT PRISONS

Funds used to build and maintain prisons can be reallocated to other non-custodial solutions such as:

- Alternative measures programs
- Early intervention with youth at risk
- Ex-prisoner, peer-assisted initiatives
- Community-based reintegration programs, housing and employment
- Skills-building and empowerment programs
- Long-term violence prevention programs
- Victim assistance programs
- Community Mediation and Restorative Justice initiatives
- Decriminalization of victimless crimes

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**BUILD COMMUNITIES
NOT PRISONS**

**CALL FOR A MORATORIUM
ON PRISON EXPANSION**

**ABOLISH
SOLITARY CONFINEMENT
DOUBLE BUNKING
INVOLUNTARY TRANSFERS**

ABOLISH PRISONS