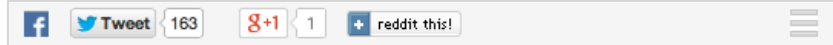


Opinion / Commentary

Time to get rid of solitary confinement

We can no longer ignore this inhumane segregation, as much as prison authorities would like to keep the practice out of public view and off the political radar.



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Any notion that solitary confinement leads to rehabilitation is absurd, writes Breese Davies.

By: Breese Davies *Published on Sat Jan 17 2015*

Exposed to constant surveillance and subject to the whims of their jailers, prisoners slump hopelessly in tiny cells. Sleep is difficult owing to the unremitting glow of fluorescent lighting and the white noise of the prison environment. Deprived of human contact, those who do not already have mental health issues may well become unhinged by fear and boredom.

Guantanamo Bay? A police lock-up in downtown Karachi or Kabul? Hardly. This is the daily reality for hundreds of people in Canadian prisons lodged in solitary confinement.

Correctional officials like to refer to solitary confinement as “administrative segregation.” Let’s not be fooled. The label does not matter. Solitary confinement, administrative segregation, intensive psychiatric care, medical observation — in prison, they all involve intensive, debilitating isolation.

Solitary confinement has a long history. It was invented generations ago by ivory tower theorists and clerics in the hope that prisoners would use their time to reflect on their lives and dedicate themselves to self-improvement. But it has always been a tool of control and punishment. In theory, solitary is reserved for rebellious or violent prisoners. In reality, it is a warehouse for the vulnerable, those with intellectual disabilities and those with disabling mental health issues or those who are simply difficult to “manage.”

In a recent report, the Correctional Investigator described solitary confinement succinctly as a “default population management strategy.” And so it is. Almost one-quarter of the 21,000 individuals who passed through the federal prison system in 2014 spent time in solitary confinement. Roughly one-third of those spent more than 60 days in isolation.

It gets worse. Star readers learned last week that many mentally or physically ill prisoners at the province’s new Toronto South Detention Centre are being lodged in isolation cells because the institution’s infirmary and mental health unit will not be open until spring — well over a year after the rest of the jail opened.

The situation at the Toronto South Detention Centre is particularly indefensible in that people are there awaiting trial. These individuals are presumed innocent. They have not been found guilty of anything, yet they suffer the hardship of solitary confinement because they were unable to secure bail.

Perhaps worse yet, the federal penitentiary system makes no pretext of trying to do better; it unabashedly flouts criminological research and wisdom at every turn. Witness its recent, long-awaited response to the findings of an [inquest jury](#) into the penitentiary death of Ashley Smith. The government refused such key recommendations as the need to remove those with mental health issues from prison, and to keep prisoners no longer than 15 consecutive days in solitary confinement. The practice, it said, is too administratively useful to be dispensed with.

What the inquest jurors appreciated — yet, prison officials are apparently untroubled by — is a growing recognition that solitary confinement is tantamount to torture. A United Nations Special Rapporteur reached the [same conclusion](#) in 2011, stressing that isolation should never be used for youth and those with mental health issues; and, that the sustained use of solitary confinement violates the International Covenant Against Torture and the Covenant on Civil and Political Rights.

Why the current furor about practice that dates back to 1820? Because we are becoming increasingly aware that human beings are social creatures who rapidly deteriorate in conditions of isolation. Any notion that solitary confinement leads to rehabilitation is absurd. Rather, it leads to anger, paranoia and self-harming behaviour. Minds decay. Brains atrophy. The human spirit is extinguished. Anxiety and depression run rampant. For those who have mental health issues, who make up 15 to 20 per cent of the prisoner population, segregation is particularly harsh.

We can no longer ignore the inhumane reality of segregation, as much as the prison authorities would like to keep this practice out of public view and off the political radar. It is difficult to truly understand how a policy so ineffective and cruel has thrived for so long. Few votes are likely to be cast in this election year based on reforming outdated prison policy. Still, pressure for reform is mounting. In a country that prides itself on being at the forefront of social progress and human rights, politicians who favour the current addiction to punishment and imprisonment, especially solitary confinement, must be called to account.

Breese Davies is a Vice-President of the Criminal Lawyers' Association and was counsel at the Ashley Smith Inquest