

# Solitary confinement by any other name is still torture

November 19 2020, by Linda Mussell and Marsha Rampersaud

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Credit: Tyler Lastovich from Pexels

In October 2020, criminologists Anthony Doob and Jane Sprott released a report on Correctional Services Canada's (CSC) use of [structured intervention units \(SIUs\)](#). SIUs were intended to replace the use of solitary confinement in federal prisons but [are a catastrophic failure](#),

especially for imprisoned people with mental illness.

Advocates, including [legal scholar Lisa Kerr](#) and [Sen. Kim Pate](#), have criticized the introduction of SIUs as a mere rebranding of longstanding and harmful isolation practices in federal prisons.

As researchers and volunteers in prisons, we have directly witnessed what it looks like for people with mental illness behind bars. The complete incapability of prisons to "care" for people with mental illness must be underscored. Prisons make things much worse, and SIUs amount to torture.

Prisoners and their loved ones have been speaking out for years, with no meaningful response. In the words of Farhat Rehman, co-founder of [Mothers Offering Mutual Support](#) and mother of an imprisoned man with [mental illness](#): "[For families like mine, prisoners are not nameless and faceless: They are our loved ones. We are terrified for them, and devastated by recent news that this won't change any time soon.](#)"

## **SIUs are a failure to provide care**

In [administrative segregation units](#) (now rebranded as SIUs), prisoners are placed in solitary confinement where they have [little room for movement, a narrow concrete bed and a steel toilet and wash basin](#). Often, there is no pillow or blanket and [bright fluorescent light remains constant](#). There is little or no access to counseling, programs or meaningful human contact. Prisoners have been confined to solitary confinement for days, weeks, months and [sometimes years](#).

We have begun a transformative era in Canadian federal corrections with the implementation of structured intervention units as the new correctional model guiding our work with inmates who cannot be safely managed within a mainstream

inmate population. [pic.twitter.com/mopnSRgSbl](https://pic.twitter.com/mopnSRgSbl)

— Correctional Service (@CSC\_SCC\_en) [December 2, 2019](#)

Prison administrators argue it is sometimes necessary to segregate prisoners to maintain the [security and order of the prison](#). While separating a prisoner from the general prison population is rationalized as [maintaining safety](#), this practice has proven destructive and inhumane. Prisoners who have experienced solitary confinement say [the experience is torturous](#).

[Bill C-83](#) was enacted in response to the B.C. Supreme Court's finding that prolonged solitary confinement in prisons [violates Charter rights](#). Critics of C-83 claim that it actually made it [easier to place prisoners in solitary confinement](#).



A solitary isolation cell at Dorchester Penitentiary, New Brunswick. Credit: [Office of the Correctional Investigator/Government of Canada](#)

### **Change in language but not action**

The federal government committed [\\$448 million](#) to pay for 950 new

staff and building renovations. SIUs were supposed to allow better access to programming and [mental health care](#). Prisoners transferred to the units were supposed to be allowed out of their cells for four hours each day, with two of those hours engaged in "[meaningful human contact](#)."

CSC has hindered attempts at oversight to ensure these changes have been made. The SIU Implementation Advisory Panel requested administrative data at [regular intervals](#), from the time SIUs began operating in November 2019. These [requests were ignored](#) by CSC until mid-October 2020. CSC then released nine months worth of administrative data.

The October report prepared by Doob and Spratt says [requirements were seldom met in the first nine months of the SIU system](#). Only 21 percent of prisoners spent four hours outside their cells on half or more of their days in the units. Only 46 percent had two hours of meaningful contact on at least half of the days. Nearly half of stays lasted for more than 15 days, and 16 percent lasted for more than two months. Multiple stints were common.

Doob and Spratt also identify that prisoners sent to SIUs are disproportionately Indigenous (39 percent) and Black (13 percent); Indigenous people make up 30 percent of the prison population and Black people comprise seven percent.

The [United Nation's Mandela rules](#) prohibit solitary confinement of prisoners for 22 hours or more a day without meaningful human contact, and prolonged solitary confinement of more than 15 consecutive days. Breaking these parameters is defined as torture.

## **Mental illnesses produced, exacerbated in prison**

Many people enter prison with [pre-existing mental illness](#). The conditions of prisons also [produce mental illness](#). Imprisonment is not mandated to put life at risk, exacerbating conditions to the point of mental crisis. [CSC is mandated](#) to provide "reasonable, safe, secure and humane control."

Yet crisis is exactly the [experience of many prisoners](#). What's more, behaviors perceived as defiant or self-harming are often a direct [effect of confinement](#), which leads prisoners to be transferred to SIUs.

Solitary confinement is [disproportionately used for people with mental illness](#). Doob and Spratt found that 35 percent of people were transferred to SIUs more than once; those tended to be male with identifiable mental health needs. Those placed in SIU because of concern about the prisoner's own safety ended up staying in the SIU a substantially longer period of time.

Solitary confinement has been found to produce [extremely high psychological distress](#), and greater levels of isolation is associated with [a higher rate of suicide](#).

With [limited funding](#) for mental health programs and services, prisons and jails have become a catchment for many individuals who experience mental health challenges. But prisons are not the appropriate place to address these challenges. Prisoners with mental health issues are paying for this failing [with their lives](#).

Jewish-Indigenous [prisoner](#) Timothy Nome, speaking from a cell during his 60th day of solitary confinement at the Stony Mountain Institution in Manitoba: "[These are guys who are trying to kill themselves because they would rather die than remain in segregation. So, if you're asking me the question, is segregation torture? I think that, in and of itself, is a response... After you've spent 30, 60, 90, 120 days in a room where you](#)

[don't see nobody, except for a plastic meal tray being handed through your slot twice a day, you understand."](#)

Nome ended up spending 20 more days in solitary.

SMI made history today and opened up our Structured Interventions Unit. The SIU will guide our work with inmates who cannot be safely managed in a mainstream population. Great work SMI Team! [@CSC SCC en @KellyKellyat7 @GrattonFrance @BellBoyc @ATousignant SCC pic.twitter.com/3mXA6z2ny8](#)

— Robert Bonnefoy (@bonnefoy\_robert) [December 2, 2019](#)

## **Prisons lack accountability**

In September, Kim Beaudin, vice-Chief of the [Congress of Aboriginal Peoples](#), spoke about the [toll of SIUs](#): "We have no oversight. I've counted four people who died in prison as a result of suicide alone. I believe two out of federal (prison) and two provincial (prison) in Saskatchewan. ... That was just in the last month and a half."

The COVID-19 pandemic has been used as an [excuse by CSC for why it has failed expectations](#). On Nov. 15, Spratt and Doob released a response report analyzing the data to counter this claim, removing data of prisons that had COVID-19 cases to see if the findings would differ. The findings were the same and the pandemic cannot be used as an excuse.

Canada's prison service lacks the ability and willingness to change. Beaudin has called for [defunding the prison system and for the resignation of Anne Kelly, the CSC Commissioner](#). We should listen to him.

Now is the time to resource community supports and provide people with ample assistance, especially people with mental health challenges where prison and SIUs are used as a crutch to manage them. We also need to hold officials accountable for perpetuating solitary confinement in all but name.

Accountability is needed. Allowing torture to continue is unconscionable.

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