Criminal Law

No cost too high to train prison staff to help disturbed inmates



By Jacob Stilman

The recent <u>testimony of Don Head</u>, commissioner of Corrections Canada, at the appearance before the Ashley Smith inquest should be both sobering and infuriating to not only anyone with an interest in matters relating to our correctional system, but to all right-minded Canadians.

Smith, a seriously emotionally disturbed teen, entered the correctional system on a one-month sentence due to a minor assault incident. Six years and countless prison transfers later — her one-month sentence

inflated to an interminable penitentiary term due to accumulated institutional offences — Smith died of self-strangulation while under the direct watch of her prison guards.

It cannot be said that Head's testimony before the Inquest was not candid. He said, among other things, that the jury's recommendations at the inquest would be ignored since they would be "too costly" to effect. Leaving aside the appropriateness of the commissioner testifying on matters of broad institutional policy and national budgeting, this comment should be concerning to anyone with a conscience. Our correctional system is a creation of parliament and the government, which not only establishes its funding and sets its policies, but also creates the laws which put people in there in the first place.

So, while the current government continues to flog the tired theme of "we won't coddle criminals anymore" as a recurrent electoral platform, our system has become overburdened, overcrowded, and increasingly ill-equipped to deal with an ever-escalating prison population. And who are being incarcerated? A significant portion, like Ashley Smith, are the mentally ill.

For Head to cynically state to the inquest that Corrections Canada will simply ignore jury those recommendations which are too expensive to implement really underscores the failing state of our criminal justice and penal system. First, as a general observation, the Ashley Smiths of our nation do not belong in jail, they belong in the mental health system. But we cannot divert every mentally ill offender into the health system, and many will find themselves incarcerated.

Given the responsibility that is being imposed on our correctional institutions, the response that it is too expensive to deal with these people is simply unacceptable. We would not tolerate this attitude of our schools, our hospitals, or any other institution which we entrust with the care of the vulnerable and defenceless. Why should this be condoned in the correctional setting?

The perception, which our current government likes to perpetuate, that prison inmates are subhuman and deserving of our contempt, is reflected in the comments and actions of Head. A seriously emotionally disturbed inmate was subjected to prolonged periods of isolation. The only response to her outbursts was to impose physical restraint and segregation. Deliberate efforts were taken to conceal the extent of her segregation through regular institutional transfers, a bureaucratic shell game by which Corrections Canada could avoid otherwise mandatory administrative review of her treatment. And none of the staff had training to deal with her condition, something for which the individual guards cannot be blamed, since Corrections Canada did not see fit to undertake the task of embarking on proper training of its staff, due to "expense" considerations. And what is the institutional response? It will be too expensive to fix.

We must all ask ourselves: should we, as Canadians, countenance this lamentable state of affairs?