



February 5, 2020

Ms. Deborah Richardson
Deputy Solicitor General – Correctional Services
George Drew Building, 11th Floor
25 Grosvenor Street
Toronto ON M7A 1Y6

Dear Deputy Solicitor General Richardson,

On behalf of the Schizophrenia Society of Ontario (SSO), I am writing to share with you our recommendations for how the Ministry can best support individuals with mental illness who come into contact with the justice system.

SSO is Ontario's largest not-for-profit charitable health organization supporting individuals, families, caregivers and communities affected by schizophrenia and psychosis provincially. For 40 years, we have been providing services and education, advocating for system change and conducting research into the psychosocial factors that directly affect mental illness.

Individuals with mental illness are over-represented in the criminal justice system and the numbers of people with mental illness continue to rise in both federal and provincial correctional institutions. In fact, prisons and juvenile detention centres have become de facto housing centres for adults and youth living with mental illness. As well, studies suggest that for three out of 10 people with mental illness, the pathway to mental healthcare is through police. This approach is costly for taxpayers, injurious to individuals with mental illness and highly ineffective from a treatment perspective.

SSO has been a long-standing advocate for investments that support individuals with mental illness who are currently in our correctional facilities as well as programs and policies to divert them from involvement with the criminal justice system in the first place. Recognizing the unique challenges of people with mental illness in the correctional system, SSO along with the John Howard Society of Ontario, has convened the Correctional Reform Coalition which comprises mental health, health and restorative justice organizations and individuals who work to prioritize corrections reform and the often-harmful segregation practices in Ontario's correctional institutions.

There are many reasons that individuals with mental illness end up in contact with police including negative stereotypes and misconceptions about their risk of violence; crimes which are directly related to the symptoms of their conditions, such as causing a disturbance, mischief or minor theft; and the role of police as first responders to mental health crises.

At the same time people with mental illness experience significant challenges when detained, including barriers to accessing mental health treatments and supports and disproportionate placement in segregation. The outcomes of this can be profound, including potential

exacerbation of existing symptoms, increased challenges with reintegration, increased risk of recidivism and, in the most severe cases, increased risk of self-harm and suicide.

The use of segregation, especially for people with symptoms of mental illness, is a severe deprivation of liberty as evidenced by the United Nations Committee against Torture’s call on Canada to limit the use of segregation as a measure of last resort, and to abolish its use for persons with serious or acute mental illness. It also completely contradicts the principles of recovery by, in effect, punishing a person for behaviours that may be directly related to their condition, and by placing a person in an environment that is known to aggravate and contribute to extraordinary stress and to symptoms of mental illness.

Improving health in people who experience detention and incarceration could lead to important secondary benefits to society, such as decreasing health care costs, improving health in the general population, improving public safety and decreasing rates of recidivism.

For these reasons, SSO has called for **an end to the practice of segregation in Ontario correctional facilities as a long-term goal**. In the short-term, **we urge investment in Ontario correctional facilities to support the prohibition of the use of segregation for vulnerable groups, including people with mental health problems, starting with the implementation of the *Correctional Services and Reintegration Act, 2018***.

SSO supports the recommended changes to segregation policies, which include mandated mental health screening upon admission, ongoing mental health assessments, the development of Care Plans and Treatment Plans and regular assessments by physicians for people with mental health problems. These changes to policy have not translated into practice consistently across institutions. Therefore, we recommend immediate policy reform to address the needs of people with mental health problems in segregation starting with:

- Defining and instituting standardized screening and ongoing mental health assessments for people in segregation.
- Updating all relevant policies and forms to identify who is responsible for initiating, monitoring and updating Care Plans and Treatment Plans.
- **Legislation should establish the following oversight mechanisms:**
 - Independent Corrections Inspectorate (appointed by Order-in-Council) to oversee and evaluate implementation of reforms, highlight systemic or institution-specific issues and to support Canada’s anticipated ratification of the Optional Protocol to the Convention Against Torture;
 - Independent Chairpersons who are appointed to be the decision-makers regarding placement in disciplinary segregation; and
 - Independent Hearing Officers who are appointed to adjudicate continued segregation placement beyond five days.
- **Regulations should include the rights of people placed in segregation such as:**
 - Informing individuals of the reasons they are placed in segregation and the duration, and of any changes affecting these conditions as well as what is required for them to leave segregation;

- Proactively offering access to the “Inmate Information Guide” and the “Segregation Handout Information” sheet in a format that is easily understood and accessible; and
- Informing people of their right to make a submission(s) to the superintendent or designate in writing or in person and that they should receive timely follow-up on any submission(s) made.

To strengthen the work that is being done on reforming corrections in Ontario, we support further investment in programs that divert people with mental illness out of the criminal justice system entirely. SSO recommends targeted investments to support the following:

- Early intervention through the mental health and addictions system, including well-resourced and accessible community mental health and addictions treatment(s) and peer supports;
- Programs that divert vulnerable people out of the criminal justice system entirely, including pre- and post-charge diversion programs, mental health courts, drug treatment courts and alternatives to detention for people on immigration hold;
- Initiatives that target the intersection of criminal justice system involvement and social determinants of health, including poverty and income inequality, lack of housing and homelessness, and gaps in employment and volunteer opportunities;
- Programs and initiatives that address stigma and discrimination related to mental health, police records and past justice involvement;
- Implementation of the Truth and Reconciliation Commission recommendations; and
- Collaboration between community organizations and government aimed at addressing overrepresentation of racialized groups in the criminal justice system, including inequitable outcomes at bail, disproportionate policing practices and application of Gladue principles.

We can readily understand that lasting transformation requires commitment over time and will be incremental. Yet, recognizing that change is long overdue and that segregation has a disproportionate impact on already-vulnerable groups, we strongly recommend that segregation be immediately prohibited for identified groups. Investment in such cost-effective reforms will reduce lawsuits, jail costs, court and policing costs and create horizontal impacts across government.

We support additional recommendations delivered to the Standing Committee on Finance and Economic Affairs through a joint submission by the Ontario Human Rights Commission and the Ontario Public Service Employee Union Corrections Management-Employee Relations Committee. These recommendations, briefly, are as follows:

- Reduce overcrowding in correctional institutions through diversion practices, parole and gradual release of incarcerated persons in collaboration with community-based agencies.



- Support front-line staff in correctional institutions including increasing recruitment benchmarks and providing correctional staff with additional training and support focused on de-escalation and mental health.
- Ensure that incarcerated persons have access to healthcare that is commensurate with the standard of care outside of correctional institutions as well as rehabilitative programs which are consistently available and meet the needs of a diverse inmate population.
- Enhance oversight and accountability including the establishment of the position of an Inspector General and strengthening the process for segregation reviews.
- Modernize correctional infrastructure and information management systems including incorporating alternatives to segregation.

The progress in corrections over the last two years has been significant. We are hopeful that under your leadership, the momentum will continue, so we can realize a modernized corrections system that is smart on crime and evidence-informed.

We are eager to work together to achieve good community safety and corrections outcomes and effective use of resources.

We thank you for your attention to these recommendations and we welcome the opportunity to discuss them with you in greater detail. Should you have any questions, please contact Erin Boudreau, director of government/stakeholder relations and quality assurance, at eboudreau@schizophrenia.on.ca or 416-449-6830 x 255.

Sincerely,

Mary Alberti, CEO

Cc: Renu Mandhane, Chief Commissioner, Ontario Human Rights Commission
Chris Jackel, Co-Chair, Ontario Public Service Employee Union Corrections
Management-Employee Relations Committee