

## PARTICIPATING ORGANIZATIONS:



### **Calls to Action: Deaths in Custody and Conditions of Illegal Detention in Nova Scotia's Provincial Jails**

**To Premier Tim Houston, Justice Minister Brad Johns, Community Services Minister Brendan Maguire, Health Minister Michelle Thompson:**

#### **Four Points of Action**

**There have been four deaths in custody in Nova Scotia jails in the past year.**

**Last month the Nova Scotia Supreme Court declared ongoing conditions of detention at Central Nova Scotia Correctional Facility (mass solitary confinement / “lockdowns”) to be illegal.**

**The deaths and the illegal conditions are deeply connected. Immediate action is required.**

Over the next month, PATH Legal and the East Coast Prison Justice Society, supported by a coalition of health and prison justice organizations, will send to the government of Nova Scotia, and publish, four letters. Each letter will detail one problem, specified below, and provide solutions to the issues raised in these calls to action.

We will also host four public panels to elaborate on the action items identified in our letters, as described below.

We are hopeful that following the month of action we can convene a meeting with the Premier and Justice Minister, Deputies, and Correctional Directors to work together on solutions.

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*On Jan 28, 2023, Peter Paul, a 27-year-old Two-Spirit individual from Eskasoni First Nation, died at Cape Breton Correctional Facility, reportedly by suicide.*

*On March 26, 2023, Sarah Rose Denny, a 36-year-old woman from Eskasoni First Nation, died in hospital after being transferred from Central Nova Scotia Correctional Facility (Burnside Jail) due to complications from pneumonia.*

*On October 9, 2023, an unnamed person died in the Burnside Jail.*

*On Jan 17, 2024, Robert Murray died in the Burnside Jail after multiple calls for mental health support.*

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**A coalition of Nova Scotia health and social justice organizations will be holding a month of action on human rights in custody to bring light to the conditions of confinement that have led to the tragic deaths noted above.** We will be calling for action on the following issues, each of which will serve as the theme for a weekly panel (webinar link:

<https://us02web.zoom.us/j/84542718052>):

- 1. Fatalities in NS Jails – Thurs March 21st, 2024 6:30 -8:30 pm (Hybrid: In person, room 104, Weldon Law Building & via zoom webinar)**
- 2. Community Responses to Criminalized Individuals with Mental Health and Substance Use Issues – Thurs March 28th, 2024 6:30-8:30 pm (via zoom webinar)**
- 3. Mental Health and Substance Use Problems: Unmet Needs in Nova Scotia Jails - Thurs April 4<sup>th</sup>, 2024 6:30-8:30 pm (via zoom webinar)**
- 4. Institutional Lockdowns, Remand and Community Alternatives - Thurs April 11<sup>th</sup>, 2024 6:30pm-8:30 pm (via zoom webinar).**

We call on the government to do the following:

### **Call to Action #1: Mandatory Public Inquiries for Deaths in Custody**

The public deserves to know the causes and circumstances of the four deaths in custody in the past twelve months and what measures are being taken to prevent similar tragic deaths. We are calling for (i) transparency around the processes of inquiry that are or are not occurring regarding these recent deaths, and (ii) reforms to the *Fatality Investigations Act* to make public, transparent, procedurally rigorous review of deaths in custody mandatory in Nova Scotia.

In addition, we repeat our call to ensure that inquiries into Indigenous deaths in custody, like those of Sarah Rose Denny and Peter Paul, are Indigenous-led and informed by community concerns and protocols.

### **Call to Action #2: Take Immediate Action to provide community based housing and health supports and services to keep people out of jail**

We are calling for more investment in community-based supportive alternatives to criminalization and policing responses to health and substance use problems.

**Call to Action #3: Take Immediate Action to provide mental health programming and support inside provincial jails**

The increase in prisoner deaths in recent years cannot be separated from ongoing unacceptably harsh conditions of confinement, including lockdowns and a lack of mental health services and programming to support rehabilitation, release and reintegration.

**Call to Action #4: Take Immediate Action to End Illegal Lockdowns and provide community supports and services to keep people out of jail**

Lockdowns and their immensely harmful effects on prisoners have been consistently the most serious and frequent concern raised by ECPJS and PATH Legal, as well as by prisoners on their own behalf. No one, whether they are held in pre-trial detention or provincially sentenced, deserves to be held in these conditions.

We call on the Government of Nova Scotia to indicate, without delay, what actions it is taking to respond to the ongoing unlawful violations of the health and human rights of individuals in provincial jails occurring in the form of ongoing “lockdowns”. These responses must explain how government will ensure sufficient staff are available daily to permit prisoners 10-12 hours per day out of cell and access to legal and other visits and communications, services and programming.

More fundamentally, we must move people out of provincial jails. Nearly four years ago, in March 2020, at the onset of the COVID-19 public health emergency, it was widely recognized that decarceration was a central pillar of the provincial plan to protect against community spread and to preserve hospital capacity. ***Nearly half the jail population was moved into the community in the first 4-6 weeks of the pandemic.*** This establishes that it is possible to work together to build new systems of support to replace broken systems of incarceration.

We urge the government of Nova Scotia to work with us and allied organizations to find ways to sustain decarceration, recognizing that conditions in provincial jails are not conducive to the rehabilitation or community reintegration of individuals, but conversely result in acute physical and psychological deterioration.

We look forward to working with the government to address the real and urgent issues of illegality and harm arising on a daily basis in our province’s correctional facilities.

Sincerely,



Sheila Wildeman, Co-chair, East Coast Prison Justice Society, Associate Director, Dalhousie Health Justice Institute (on behalf of a coalition of health and prison justice organizations)  
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