

PARTICIPATING ORGANIZATIONS:



June 4, 2024

To Premier Tim Houston, Justice Minister Barbara Adams, Community Services Minister Brendan Maguire, Health Minister Michelle Thompson:

The East Coast Prison Justice Society and PATH Legal, supported by a coalition of health and prison justice organizations in Nova Scotia, are requesting the opportunity to **meet with you in early July of 2024**, or at your earliest convenience.

There have been five deaths in custody in Nova Scotia jails since January of 2023. This is an unprecedented number of deaths in provincial custody in such a short period. We are determined to work together to discuss solutions and immediate action regarding the jail conditions that have contributed to these deaths, including actions that support decarceration.

The following is the limited information released by the government to date on the deaths in custody noted:

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, a person whose identity has not been publicly disclosed died at the Burnside Jail.

On Jan 17, 2024, Richard Murray, a 60-year-old man from Antigonish, died at the Burnside Jail after multiple calls for mental health support.

On April 26, 2024, another person whose identity has not been publicly disclosed was found unresponsive in their cell at the Burnside Jail and “succumbed to their injuries” in hospital later that day.

During our Month of Action, we hosted four public panels discussing fatalities in Nova Scotia jails; community responses to criminalized individuals with mental health and substance use issues; unmet needs in Nova Scotia jails regarding mental health and substance use problems; and institutional lockdowns, remand, and community alternatives. Backing each of the four panels was a letter expressing concerns regarding the recent deaths of individuals incarcerated in provincial correctional facilities. Across the four letters, we have amassed, so far, a total of 347 signatures.

These deaths, occurring in the context of harsh lockdowns and intensified securitization, highlight the vulnerability of marginalized incarcerated populations. The government has referred these deaths to a death-in-custody committee under the Fatality Investigations Act. However, we take this opportunity to continue our advocacy for mandatory public reviews of deaths in custody, equipped with robust truth-finding and information-sharing mechanisms, to replace the current secretive committee process – and to add to that three further calls to action.

With a fifth death following the conclusion of our Month of Action campaign, our coalition, and the community that supports us, wish to discuss the following four calls to action:

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 culturally safe mental health services and harm reduction 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 behalf. No one, whether they are held in pre-trial detention or provincially sentenced, deserves to be held in these conditions. In January 2024 a Nova Scotia superior court ruling recognized the deep human cost of the ongoing lockdowns at the Burnside facility – the site of four of the five deaths our campaign has focused on – and declared those lockdowns illegal, i.e. lacking in reasonable justification.

We wish to discuss with you what actions government 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 wish to discuss how we can work collaboratively to 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 our 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.

Thank you in advance for the opportunity to meet with you. We look forward to working with the government to address the real and urgent issues of illegality and harm arising daily 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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