

Prison deaths nearly doubled in a single year

Report shows fatalities in provincial jails are rising despite fewer incarcerations

Toronto Star · 20 Dec 2022 · ALYSHAH HASHAM WITH FILES FROM JASON MILLER

Deaths in Ontario jails have almost doubled from 2020 to 2021 — 23 to 41 — a shocking spike that follows a steady rise since 2017 despite fewer people in custody, according to a new report from the Tracking (In) Justice project released Tuesday.

“It is deeply upsetting,” said Sarah Speight, a PhD candidate at the University of Ottawa who co-authored the report with Alexander McClelland, an assistant professor at Carleton University. “Every time I look at the chart and see the sharp incline ... that line is a representation of so many more families that have gone through this loss. So many people are dying preventable deaths.”

The report publicly shares for the first time the number of people dying annually in jails, where more than 70 per cent of people are awaiting trial, often spending brief periods of time in custody before getting bail. The remainder are serving sentences of less than two years.

There have been 280 deaths in Ontario jails since 2010. Annual deaths ranged between 15 and 20 deaths per year before increasing to 24 in 2017, likely due to the opioid crisis. There have been 28 deaths so far this year.

Speight and McClelland found that, unlike with the federal system which sends out press releases when there is a death in custody, Ontario does not share information about the number of deaths in custody as they happen.

While the province does publicly release some information as a result of a court order, their numbers include deaths in police custody and parole — a total of 49 deaths in 2021.

According to that data, half the people who died had a mental health alert on file and 16 had a suicide-related alert on file. Twothirds were under the age of 50.

There were around 30,000 people who came into custody of police or jails in 2021 and about 7,100 people in custody in a jail on a daily basis.

There is little information available about the cause of death — 40 of the deaths are categorized as other or unknown — and the categorization has been inconsistent. The data also does not specify which jail the death occurred at, making it impossible to know if there are concentrated problems at any jail.

“We can’t answer some basic questions about how many people are dying and how they are dying,” McClelland said.

Possible reasons could include a toxic drug supply being smuggled into jails, lack of safe drug use options, vulnerability to overdoses due to reduced drug tolerance while in custody, witnessing violence and deaths, isolation and limited access to family during the

COVID-19 pandemic and the welldocumented increasingly harsh conditions, including frequent lockdowns and overcrowding, the researchers say.

There is also an increased risk of suicide as people first go into custody and a lack of nursing and medical staff available 24/7, Speight said. She points to the recent inquest into the drug toxicity deaths of Steven Frenette, Daniel Foreman, David Bullen, Johnathan McConnell and Susan Borja at the Central East Correctional Centre in Lindsay, Ont. between 2018 and 2019. Due to overcrowding, Borja, who used a wheelchair, was sharing a cell with one bed with two other women who both slept on mats on the floor, Speight said.

Several judges continue to sound the alarm on overcrowding and lockdowns that force inmates to remain in their cells with no access to showers, phone calls or exercise for days at a time.

“These are human beings,” said Yusuf Faqiri, who has spent the last six years fighting for accountability for the death of his brother Soleiman Faqiri.

Soleiman was in a mental health crisis when he was shackled, pepper-sprayed, beaten and pinned face down on the ground — all factors that Ontario’s chief pathologist concluded contributed to his death in jail in 2016.

McClelland and Speight also note that classifying a death as “natural causes” is far more complicated than it seems. McClelland has previously found that deaths due to natural causes in the federal system turned out to be linked to a failure to provide antiretroviral drugs to treat AIDS.

Abby Dushman, director of the criminal justice program at the Canadian Civil Liberties Association (CCLA), said the report’s findings were shocking and that there isn’t more of a public outcry is in part due to the lack of an independent provincial body dedicated to overseeing jails and quickly raising alarms, similar to the federal correctional investigator.

“There are enormous problems in our provincial system,” she said. “How can we hope to prevent deaths in custody, if we don’t in a robust, independent way look at these deaths and follow up on whether we are actually changing things in the institutions?”