

Dear [Recipient's Name],

**Re: Health and Prison Justice Coalition Call to Action #3 - *Mental Health and Substance Use Problems: Unmet Needs in Nova Scotia Jails***

I am writing to urge your immediate attention to the lack of adequate supports for people with mental health and substance use problems in Nova Scotia's provincial jails. This matter demands urgent action to ensure the well-being and rights of individuals currently incarcerated.

It is a distressing reality that both provincially and federally incarcerated people experience markedly higher rates of mental health conditions, self-harm and suicide than the general population.<sup>1</sup> Incarceration worsens mental health, regardless of whether one experienced psychological problems prior to incarceration.<sup>2</sup>

In particular, prisoner isolation for 22 hours or more without meaningful human interaction has been proven to have grave psychological effects and has been ruled by courts to be a form of state torture.<sup>3</sup> Further, similar conditions of isolation rapidly becoming a norm of confinement (known as "lockdowns") has also been proven to have grave and potentially permanent psychological harm.<sup>4</sup>

Beyond the special harms of prolonged in-cell isolation is the basic fact that separating people from family and other social supports, while subjecting them to harsh conditions of confinement including routine degradation (e.g., strip searches) and the constant threat physical violence, is corrosive to mental health and may create or exacerbate substance use dependency. For some, jail is where they first develop substance use dependency in response to the anguish of separation from supports in situations of high stress.

**Provincial jails are not acceptable sites of mental health or substance use treatment.**

Based in calls to its provincial jail phone line and review of correctional health systems in other jurisdictions, the East Coast Prison Justice Society has recommended several changes to Nova Scotia's correctional mental health and substance use policies in its annual reports in the past two years. These recommendations are secondary to the more fundamental

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<sup>1</sup> F Kouyoumdjian et al., 'Health Status of Prisoners in Canada: Narrative Review' (2016) 62:3 Canadian Family Physician 215 at 217.

<sup>2</sup> C Wildeman and E Wang, 'Mass Incarceration, Public Health, and Widening Inequality in the USA' (2017) 389(10077) The Lancet 1464; World Health Organization, Prisons and Health (Copenhagen, WHO Regional Office for Europe, 2014); L Brinkley-Rubenstein, 'Incarceration as a Catalyst for Worsening Health' (2013) 1(1) Health Justice 3.

<sup>3</sup> *Canadian Civil Liberties Association v. Canada (Attorney General)*, 2019 ONCA 243.

<sup>4</sup> West Coast Prison Justice Society / Prisoners Legal Services, *Solitary by another name: The ongoing use of isolation in Canada's federal prisons* (West Coast Prison Justice Society, 2020) at 7-19.

recommendation that community organizations providing supports and services preventive of incarceration be fully resourced.

We call on the province to respond to the full set of recommendations proposed by the East Coast Prison Justice Society to Nova Scotia Health – Correctional Health Services (NSH-CHS) on provincial prisoners’ access to health care.<sup>5</sup>

In particular, we call on NSH-CHS, Nova Scotia Correctional Services Branch (NSCS), and the Departments of Justice and Health and Wellness, to make the following 10 changes to provincial correctional policies:<sup>6</sup>

1. Collect and make public data on health care complaints, including facilities in which complaints arose and the proportion of complaints falling into designated thematic areas (e.g., mental health care, substance use issues, medication continuity, etc) to ensure transparency and accountability.
2. Ensure a clear and accessible appeal process exists within the NHS-CHS complaints process.
3. Provide awareness and free access to the NSHA Patient Relations phone line for individuals in provincial custody.
4. Create an independent Correctional Health Patient Advocacy Service to safeguard the health rights of individuals in provincial custody.
5. Implement a system which facilitates medical appointments with advance scheduling and equitable access to emergency medical care.
6. Ensure that mental health professionals are available onsite to deliver regular therapeutic treatment including alternatives to psychiatric medication.
7. Establish an accountability mechanism to ensure that medication is dispensed in the manner prescribed.
8. Permit access to Opioid Agonist Therapy (OAT) where clinically indicated and abolish the current policy of barring access to persons not already in treatment.<sup>7</sup>

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<sup>5</sup> East Coast Prison Justice Society, [Conditions of Confinement in Nova Scotia Jails Designated for Men: East Coast Prison Justice Society Visiting Committee Annual Report 2021-2022](#), pp. 78-85, and pp.95, 97, and 108-113 (Recommendations)

<sup>6</sup> See above, East Coast Prison Justice Society, [Conditions of Confinement in Nova Scotia Jails Designated for Men: East Coast Prison Justice Society Visiting Committee Annual Report 2021-2022](#).

<sup>7</sup> We understand that the province plans to finally end the Nova Scotia Health policy which has long prohibited access to OAT in provincial jails unless one was already receiving such treatment in the

9. Protect the independence of health services from corrections, as mandated by Mandela Rules.
10. Incorporate human rights standards into correctional health policies and procedures, including the prohibition of solitary confinement for persons with serious mental health problems.

Psychological and psychiatric mental health and substance use supports must be used in tandem with culturally appropriate and relevant care. As such, there is an equally urgent need to increase the cultural supports and services available to Indigenous peoples incarcerated in provincial jails. Actions must be taken to ensure there is daily access to holistic spiritual and cultural supports, such as smudging, sacred medicines and sweats, when requested.<sup>8</sup>

As noted in the second week of this month of action on fatalities and illegal conditions of confinement in Nova Scotia jails, investing in community-based mental health and substance use supports is an essential step in reducing health inequity and the criminalization and incarceration of poor, racialized and disabled people. No real progress will be made without investment in those preventive supports.

We request that the Nova Scotia government inform the public of what it is doing in the immediate term to reduce the psychological anguish currently threatening the lives and safety of people incarcerated in Nova Scotia's jails. Together, we can strive for a more humane society that prioritizes mental health and substance use support.

Sincerely,

[Your Name]

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community. That policy also capped dosage levels on a uniform, non-evidence-informed basis. We welcome this change and look forward to formal announcement and public sharing of the replacement policy.

<sup>8</sup> See the above-noted ECPJS Report at 119-123.