

Inmate suffering during lockdowns being used as a bargaining chip

Persistent lockdowns create inhuman conditions and are mainly used as a bureaucratic solution to staff shortages



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utinely condemns in other countries, writes Daniel Brown. (SIMON WILSON / TORONTO STAR FILE PHOTO)

By **DANIEL BROWN**
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No world is quite as closed as that of the prison inmate. Under a cover of institutional invisibility, all manner of indignity and unfairness can — and frequently, does — take place.

This cloak was partially torn away last week in a David versus Goliath battle for the ages. A pair of Ontario inmates who had challenged the unrelenting practice of prison lockdowns were awarded \$60,000 and \$25,000 respectively; compensation for the suffering they endured after being repeatedly confined to their cells 24 hours a day for days on end.

The decision is a classic example of the courts forcing reform upon a virtually unaccountable institution. Still, its after-effects have barely begun to be felt. Countless similar cases could be on the way should federal and provincial prison systems fail to change their ways.

With the rare exception of lockdowns based on genuine security concerns, most are a bureaucratic solution to staff shortages. A single correctional officer not showing up for work can trigger a lockdown. Accordingly, it is no coincidence that the most persistent lockdowns occur during protracted salary negotiations between corrections officers and the government.

In effect, the suffering of inmates becomes a bargaining chip. Worse still, lockdowns typically occur without warning, explanation or the slightest indication of their probable duration.

Jamil Ogiamien, whose immigration status remains the sole basis for his lengthy incarceration, has spent approximately half of his three years on detention in a maximum security unit at Maplehurst Correctional Complex under lockdown conditions.

Huy Nguyen has spent a year in jail awaiting his trial on weapons charges; 50 per cent of it on lockdown. As is the case with approximately 65 per cent of detainees in Ontario jails, he remains legally innocent pending the outcome of the case against him.

The conditions they described were harrowing. Confined to their cells on lockdown, the two men had no opportunity to shower, exercise or fraternize with anyone apart from their cellmate. Laundry isn't done during a lockdown. Cells accumulate filth.

The applicants had little access to medical treatment or the jail library. Their ability to attend courses or programs, such as addiction counseling or anger management, was sharply curtailed. Family and friends travelled considerable distances only to be denied visits with them without notice.

When the two inmates were able to consult with their lawyers at all, it was through a thick, Plexiglas barrier. This, in itself, amounts to an unconscionable form of jeopardy since barriers to reviewing evidence and receiving legal advice can drastically harm an inmate's ability to prepare for trial or secure release on bail.

Lockdowns, like solitary confinement, induce a state that is akin to sensory deprivation. In Nguyen's words, the lack of stimulation, exercise and sunlight drove him toward madness. Lockdowns can also be particularly dangerous when they end. Inmates have been known to fight over immediate access to phones and showers following lengthy lockdown periods.

While the overall plight of inmates in lockdown may fall short of Guantanamo, these are nonetheless the kind of prison conditions Canada routinely condemns in other countries. Yet, practiced here, they are complacently cast off as a benign, acceptable form of correctional cost control.

Jail authorities can now choose to either act or face an avalanche of similar legal applications and costly rulings. Should they opt for the path of good sense, they can begin by building more short-term detention centres in order to keep people solely detained on immigration matters from being lodged in the unduly harsh regime of provincial jails.

However, the most important remedy is to alleviate the inevitable staffing shortages that are the root cause of most lockdowns. Correctional officers may have to work overtime when necessary, rather than overtime being a choice.

There must also be an end to the regular bouts of trench warfare that pit unions against correctional authorities. And if government negotiators are unable to facilitate agreements that obviate this senseless warring, then perhaps they ought to be replaced.

There is a principle at play. To remove the liberty of individuals who are merely charged with a crime is horrific enough. To make them unwitting pawns of labour unrest or managerial convenience is unconscionable.

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