

## B.C. inmates confined to cells for 10 days seek class-action lawsuit

Inmates at a B.C. prison who were confined to their cells for 10 days and denied access to medication, showers, phones, visitors and legal counsel were victims of unjustified administrative segregation and should be allowed to proceed with a class-action lawsuit, say their lawyers.

The lockdown occurred in January, 2010, at Kent Institution, a federal maximum-security prison in the Upper Fraser Valley community of Agassiz. Prison officials believed an improvised firearm had been smuggled into the facility, though one was never found.

A scathing report by the federal Office of the Correctional Investigator said compliant and handcuffed inmates were led out of their cells at gunpoint and strip-searched with little regard for dignity or privacy. The report said there was an abuse of correctional power and authority, and violations of human rights.

A certification hearing that will determine whether the class-action lawsuit against the Attorney-General of Canada can proceed began Monday in B.C. Supreme Court.

Tonia Grace, a lawyer representing the inmate who launched the court case, said the actions taken during the lockdown were unlawful. "Inmates were placed in what was, in effect, a prolonged and unjustified period of administrative segregation," she told the court.

The Globe and Mail this month highlighted the case of Eddie Snowshoe, a man who took his life at a prison in Alberta after he had spent 162 straight days in solitary confinement.

The federal government last week rejected calls to place limits on solitary confinement in federal prisons, dismissing recommendations from the Ashley Smith inquest. At the age of 19, Ms. Smith died of suicide in her Ontario cell after having spent long periods in solitary confinement or segregation.

The use of solitary confinement has been on the rise in Canada, even as other jurisdictions have turned away from using it. The government has said solitary confinement differs from administrative segregation, because inmates in administrative segregation can sometimes still have staff visits and TV. It has acknowledged, however, that long periods in administrative segregation are "generally not conducive to healthy living."

Ms. Grace said there were 222 inmates at Kent Institution at the time of the lockdown and she would expect nearly all of them to join the class-action lawsuit, if it was certified.

Ms. Grace spent part of Monday's hearing reading excerpts of the Office of the Correctional Investigator report aloud. She noted the report, which was released in March, 2011, said that by the end of the lockdown period "the physical conditions of confinement could best be described as mentally distressing and physically inadequate, even by maximum security standards."

The report also said an internal review found the delivery of items and services to meet basic living needs, including the opportunity for fresh air and exercise, would not have increased the threat or risk level.

Lawyers for the Attorney-General of Canada are expected to begin their submissions today. Counsel declined to discuss the case outside court, referring questions to a Department of Justice spokesperson. The Department of Justice then referred questions to Correctional Service Canada. A CSC spokesman said it would be inappropriate to comment since the matter is before the courts.

The certification hearing is expected to run through Wednesday.

The correctional investigator's report said Kent Institution's relatively isolated location – about 150 kilometres east of Vancouver – has affected its capacity to attract and retain experienced staff. It said the facility has had a tarnished history, including a high number of hostage takings and lockdowns.

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Globe and Mail  
Dec 15, 2014