

Ontario inmates file class-action lawsuit for relentless lockdowns

As many as 200,000 current and former Ontario inmates could be headed for a massive payday if allegations contained in a new lawsuit against the provincial government hold up in court.

For years, short-staffed provincial prisons have been confining thousands of inmates to their cells for days on end because they lack the adequate number of correctional officers to handle Ontario's full inmate population.

On Monday, a group of those inmates filed a class-action lawsuit, arguing that these relentless lockdowns at Ontario prisons have caused "tremendous physical and psychological damages to inmates across the Province," according to the suit.

None of the allegations has been tested in court.

"It would be inappropriate for the ministry to comment on a matter before the courts," said Andrew Morrison, a spokesman for the Ministry of Community Safety and Correctional Services.

One of the plaintiffs, Samir Abdelgadir, spent fully half of his four years of pretrial custody at Maplehurst Correctional Complex on lockdown, according to the suit.

Lockdowns limit an inmate's access to showers, family visits, telephones, meetings with lawyers, medical appointments and prisoner programming.

For Mr. Abdelgadir, it also meant being cut off from Friday Muslim prayer congregations.

He was eventually found not guilty and released.

The lawsuit states that he now takes medication for depression as a result of the lockdowns.

The lawsuit alleges that these conditions constitute a breach of the inmates' Charter rights, a violation of the Crown's duty to protect inmates and negligence.

"These are conditions that are, in some ways, even worse than solitary confinement," said Jonathan Ptak, one of the lawyers advancing the suit for Koskie Minsky LLP.

"In solitary confinement, you don't have to deal with another prisoner in your midst. When confined with another prisoners or two prisoners for 24 hours a day for up to a week or more at a time, that can have detrimental effects."

The suit is open to nearly all inmates who have spent time in an Ontario facility since 2002, the year Ontario judges first began criticizing in their sentencing decisions the practice of preventing inmates from leaving cells to compensate for low staffing levels.

Mr. Ptak said the total number of people in the class could reach 200,000.

In May, a judge awarded two inmates \$85,000 in damages for excessive lockdowns at Maplehurst. In his decision, Superior Court Justice Douglas Gray said the treatment of the prisoners "was so excessive as to outrage standards of decency; was disproportionate; and was degrading."

The duo had logged a total of four years in custody – half of it on lockdown – working out to roughly \$21,250 for every year behind bars.

Scale that up to thousands, tens of thousands, or even hundreds of thousands of inmates, and the total payout could be colossal.

"We're talking about an extremely large claim," Mr. Ptak said.

"The reason we're bringing this is not just compensation, it's about reforming the system. People are shocked that these conditions exist in the system. It's needs to be changed."

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