

'Access to justice' an issue: lawyer

Hamilton Spectator

The lockdown at the Hamilton-Wentworth Detention Centre has created a “serious access to justice problem” for inmates awaiting trial or release, said a local defence lawyer.

Beth Bromberg said lawyers have been unable to visit clients in the Barton Street jail all week — and until Thursday, inmates were unable to make phone calls or use the video link to Hamilton courtrooms.

That resulted in a “significant backlog” of legal aid applications and, potentially, delayed court appearances and pleas, she said.

“The majority of people in this facility have not been sentenced — they’re presumed innocent,” said Bromberg, a past president of the Hamilton Criminal Lawyers’ Association. “There are people in there who potentially could be released ... but may be forced to needlessly sit in jail. That’s a fundamental human rights issue.”

Bromberg said she has tried to pass important information to a client facing an attempted murder charge for days without success. Two other clients told her they had difficulty getting needed medicine during the lockdown, while another called Thursday to say he was “given the choice between a shower or a phone call.”

The Barton Street jail went into lockdown Monday during a search for a possible weapon after a broken piece of a metal fixture was found to be missing. Union officials said jail guards refused to continue the search after managers turned down some staff requests to wear bullet- and stab-proof vests, but a ministry spokesperson argued Friday the work refusal “is not related in any way” to protective gear.

Senior ministry officials were in talks about a return-to-work protocol with the union late Friday afternoon. “We’re hopeful this will be resolved,” said Stephen Smith, the local president for the Ontario Public Service Employees Union. “Our people are here are ready to return to work immediately.”

Guards could be seen entering and leaving the building Friday, but visitors were turned away by managers, who are temporarily in charge of jail operations. A sign on the door said visitors would not be allowed inside Friday.

Dan Sidsworth, the OPSEU corrections division chair, said he spoke by phone to Stephen Rhodes, deputy minister for Correctional Services, Friday morning.

“We thought we had an agreement last night, but it didn’t come through. I’ve expressed our frustration to the deputy minister,” said Sidsworth, who added other unionized jail staff have reported frayed tempers and minor altercations between inmates.

Correctional services spokesperson Brent Ross said Friday the ministry has brought in workers from outside Hamilton to keep inmates and remaining staff safe. Ross said the jail is now in a “rotating lockdown” that allows inmates to access phones and showers. He added medication has been delivered to inmates throughout the labour disruption.

Ross also said the work refusal by guards is not related to use of protective vests, but wouldn’t suggest another cause. He said the ministry can’t talk about the circumstances in which protective vests are used by guards because of unspecified safety concerns.

Correctional officers refusing to work are being threatened with suspension and docked pay. Sidsworth said he doesn’t expect “fallout” until after guards are back on the job. There were 562 inmates in the Barton Street jail Thursday. Its capacity is 510.

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