

Jail understaffing a major problem



Understaffing at Ontario jails is a major problem and has a butterfly effect on every aspect of the institutions' administration and on justice in general, says Toronto civil litigator [Sarah O'Connor](#).

It leads to all-too-frequent lockdowns, as well as raises serious concerns about basic rights of prisoners and people awaiting trial, she says.

"It's a luxury to get a better toothbrush," O'Connor tells [The Lawyers Weekly](#). "The ladies can't keep any feminine hygiene products in their cells. They have to ask the guards for more. If they need new underwear, they have to ask the guard. It takes a while to get new stuff."

She comments on the issue in the legal trade publication after a Brampton, Ont. judge recently ordered the Maplehurst Correctional Complex in Milton to permit an inmate to shave and shower before appearing in court for a preliminary hearing.

"The ruling came after Justice Bruce Duncan discovered that a man facing murder charges had not been able to take care of his most basic personal hygiene needs on a regular basis in the days leading up to his first appearance in court, because the jail facility had been on lockdown, a frequent occurrence," says the article.

In an interview with [AdvocateDaily.com](#), O'Connor, the principal of [O'Connor Richardson Professional Corporation](#), says the case highlights how understaffing of jails affects prisoner rights because of frequent lockdowns.

O'Connor says ongoing staffing shortages and overcrowding lead to more administrative rather than security-related lockdowns. These lockdowns affect prisoners' rights to shower, shave and also to meet with their counsel while remanded or detained.

"Lawyers have to book an appointment to see their client and despite the scheduled time, we end up calling the institution first to see if it's on lockdown," she tells the online legal publication. "There have been times where I've called the jail and it's not on lockdown but 20 or 30 minutes later when I've shown up I've been turned away because of lockdowns. It's a problem."

She notes that the United Nations has Standard Minimum Rules for the Treatment of Prisoners.

"Not being able to shower and shave, as well as not being able to wear street clothing to court are both breaches of a prisoner's rights," she says. "Regardless if a prisoner is awaiting trial or is incarcerated, he or she still has these basic human rights that should be afforded to them."

"Not being able to present oneself in the best possible light can affect the accused's whole demeanour in court and it can negatively impact the first impression of the jury — both of these can jeopardize their trial."