

Prison guards' action leads judges to toss out charges

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JUSTICE REPORTER

Frustrated Ontario judges are tossing out criminal charges or granting bail in absentia as a response to an apparent job action by prison guards that is preventing inmates from getting to court, defence lawyers from around the province reported yesterday.

The president of the Criminal Lawyers Association, Frank Addario, said his members are having great difficulty getting clients into court, or even contacting them.

"In the past month, there have been repeated delays in prisoner transfers at numerous facilities and detention centres," he said. "We are hearing of judges being so frustrated that they are releasing people on reduced bail to avoid having to bring them to court for release."

Mr. Addario said that in a typical case yesterday, Ontario Court Judge Hugh Atwood stayed weapons charges against a first-time offender because he could not be brought to court three days in a row.

Don Ford, a spokesman for the Ontario Public Service Employees Union, said if any members are taking job action, it isn't on union instructions.

He said that several of the province's largest jails have been locked down for an entire day recently while guards search for weapons or missing hardware that could be fashioned into weapons.

Mr. Ford noted that negotiations over a new contract have stalled over the government's insistence that jail guards be restricted to a maximum of five sick days a year. (The province dug in its heels after an Auditor-General's report noted they take an average of 32 sick days a year.)

The real culprit is systemic overcrowding that has created chronic stress for his members, Mr. Ford said. "We have got the Corrections Ministry admitting that there are 2,200 more inmates in the system than there were 10 years ago - but they have not added one bed.

"The majority of our jails are sitting at 135-per-cent capacity. Overcrowding is basically the springboard for everything else. You have judges in Toronto who are routinely giving prisoners two or three-for-one credit for time served in the jails because of their conditions."

Mr. Addario said "we don't really care how the labour negotiations are resolved. We just want to get on with the work of the courts."

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