Carceral Expansion in Canada’s Provinces and Territories: An Opportunity for Prison Divestment and Justice Reinvestment

March 2017 submission to the Senate Standing Committee on Human Rights by Teneisha Green, Jasmine Hébert, Ana Kovačić and Justin Piché

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**Introduction**

Despite a decade of ‘tough-on-crime’ measures enacted by successive Conservative federal governments (2006-2008, 2008-2011, 2011-2015) that promised to put more of the criminalized behind bars, for longer periods of time and with fewer opportunities for release prior to the completion of their sentences, the massive influx of new prisoners projected by some analysts did not materialize. More recently, the rate of incarceration for adults held in provincial-territorial jails and prisons declined by 4 percent in 2014-2015.

While the adult prison population in Canada has not changed dramatically, penal infrastructure projects at various stages of completion (i.e. prison agency planning, government approval, facility design and construction, commissioning) remain a fixture of the carceral landscape. This follows the pattern of carceral expansion from 2008 to 2014 documented by Piché where new penal infrastructure took the form of renovations and the construction of new units on the grounds of existing jails, prisons, and penitentiaries or new stand-alone facilities that expanded provincial-territorial and federal the capacity to confine. Perhaps surprisingly to some, the provincial-territorial component of the carceral expansion occurring between 2008 and 2014 was often driven by a stated desire to (a) reduce facility crowding in the face of the increasing number of individuals awaiting judicial proceedings behind bars, (b) enhance prisoner-prison staff interactions through the creation of more direct supervision units, as well as (c) provide additional and more appropriate programming spaces for the incarcerated, particularly women, Indigenous peoples, and those grappling with their mental health and/or drug use.

While there was significant national media interest in carceral expansion and penal reform more broadly when the Conservatives were in federal office, the former has fallen off the radar of the commentariat with the arrival of a Liberal Government of Canada, whose leader Prime Minister Justin Trudeau mandated Minister of Justice and Attorney General of Canada Jody Wilson-Raybould to:

> …conduct a review of the changes in our criminal justice system and sentencing reforms over the past decade with a mandate to assess the changes, ensure that we

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are increasing the safety of our communities, getting value for money, addressing gaps and ensuring that current provisions are aligned with the objectives of the criminal justice system. Outcomes of this process should include increased use of restorative justice processes and other initiatives to reduce the rate of incarceration amongst Indigenous Canadians…

It is in this context where space seemed to be opening for a national discussion on alternatives to incarceration that the No On Prison Expansion / #NOPE Initiative was created. Part of its mandate is to gather “information on the construction of new jails, prisons and penitentiaries, as well as additional to existing carceral facilities”. Beginning in February 2016, #NOPE members outlined a plan to gather published and unpublished records concerning new carceral expansion across Canada informed by the approach previously adopted by Piché. The team began their work by compiling online documents, followed by informal information requests by phone and email. Based on this information, Freedom of Information (FOI) and Access to Information (ATI) requests were filed with all provincial-territorial governments. The data gathering process concluded in January 2017 with informal requests by phone to confirm the information that was obtained.

Below, is a summary of the information obtained from Canadian provinces and territories concerning the development of new penal infrastructure. Following this, we briefly discuss the implications of carceral expansion, while urging the Government of Canada to immediately enact a prison construction moratorium and encourage their provincial-territorial partners to do the same. This pause in penal infrastructure development would provide the necessary space to ensure that alternatives to confinement – which are less costly, more humane and effective – are considered and implemented as part of the federal government’s on-going review of the penal system.

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11 Excluded from this study are carceral expansion projects at the federal level, including the “recapitalization and construction of physical infrastructure” outlined in the Correctional Service of Canada’s *Accommodation Plan 2015-2020* (see page 18 of the organization’s *2017-18 Departmental Plan* – http://www.csc-scc.gc.ca/publications/092/005007-2605-eng.pdf) and the Canada Border Services Agency’s planned $138 million renovations to immigration detention centres in Laval, Quebec and Vancouver, British Columbia (see http://www.cbc.ca/news/canada/montreal/goodale-immigration-laval-1.3721125).
Carceral Expansion in Canada’s Provinces and Territories

During the period of our data collection (February 2016 to January 2017), all but three provinces and territories reported to our research team that they were not planning or building new penal infrastructure. In Atlantic Canada, *New Brunswick* is not currently expanding their capacity to confine as they recently opened the 100-bed, $20 million Dalhousie Correctional Centre in 2011 and the 180-bed, $36 million Southeast Regional Correctional Centre in Shediac in 2012.12 In the Prairies, *Alberta* is not expanding its jail and prison system as they commissioned the new Edmonton Remand Centre in 2013, which features 1,952 beds, making it the largest carceral facility in Canada at a cost of $568.5 million.13 This facility can be expanded to accommodate up to another 864 beds. In the *Yukon*, a new $67 million, 172-bed facility that houses remanded, as well as sentenced men and women was opened in 2012.14 Below, we review recently and soon-to-be completed penal infrastructure projects in Nova Scotia, Quebec, Ontario, Saskatchewan, and British Columbia. We also provide an overview of carceral expansion plans disclosed by the governments of Newfoundland and Labrador, Prince Edward Island, Quebec, Manitoba, Nunavut and the Northwest Territories.

**Recently or Soon to be Completed Penal Infrastructure Projects**

In a stated effort to enable “staff to more effectively supervise and monitor offenders”, the Province of *Nova Scotia* is renovating the Central Nova Scotia Correctional Facility in Dartmouth, a facility for remanded and sentenced men and women, as well as immigration detainees, to transform the “physical layout… for a direct supervision model”.15 The $4.3 million project will not add more capacity to the facility, which the province has been renting from Citigroup since 2001 as part of their 25-year P3 agreement that allows the Government of Nova Scotia to extend the agreement or purchase the facility at a later date.16

The federal government closed Leclerc Institution in fall 2013, which once housed approximately 500 prisoners serving sentences of two-years-plus-a-day, in the midst of a penitentiary construction program expanding Correctional Service Canada (CSC) facilities elsewhere across Canada.17 The following year, the Government of *Quebec* took over the facility that currently houses men, as well as women from the recently closed Maison Tanguay.18 Underway at Leclerc Institution is a $21 million renovation project being officially pursued as a means of addressing crowding across the province’s network of jails and prisons that will feature

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12 See Piché, “Accessing the State of Imprisonment in Canada”.
13 Ibid.
14 Ibid.
15 The content related to this renovation project was announced when a new prison was opened in the province. See Nova Scotia Department of Justice, “New Correctional Facility Officially Opens in Pictou County”, February 6, 2015. Retrieved from https://novascotia.ca/news/release/?id=20150206004.
17 Piché, “A Contradictory and Finishing State”.
775 beds for male prisoners upon completion.19 This past month a $90.9 million facility in Sept-Îles that includes 55 regular beds plus an additional 16 beds for individuals serving intermittent sentences was opened.20 Other detention centres for remanded and sentenced men that are in the process of being commissioned in Quebec include a $125.9 million facility in Amos featuring 220 beds,21 as well as a $265.7 million facility in Sorel-Tracy with 300 regular beds and another 80 intermittent spaces for weekend prisoners.22 These projects were part of a provincial construction program that also included the $115 million detention centre in Roberval that began operations in 2015 and has a capacity of 180.23

In a stated effort to reduce crowding at the Elgin-Middlesex Detention Centre that is exacerbated when individuals serve weekend sentences, the Government of Ontario commissioned the construction of an intermittent centre for men.24 Opening in September 2016, the $9.3 million facility features 112 beds,25 most of which are located in large dormitories. According to the Minister of Corrections and Community Safety, “[t]he new Regional Intermittent Centre at the Elgin Middlesex Detention Centre is designed to improve staff and inmate safety, address capacity issues, reduce contraband, and increase safety in our communities. It is a key part of our government’s transformation of Ontario’s correctional system focused on increased access to rehabilitation programs, enhanced mental health supports, and community-based reintegration partnerships to build safer, stronger communities in our province”.26

The Government of Saskatchewan is currently building a new $407 million facility to replace the Saskatchewan Hospital North Battleford. Set to open in summer 2018, the hospital will feature “96 secure beds for male and female offenders living with mental health issues” in separate

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19 Letter from the Ministère de la Sécurité publique – Gouvernement du Québec in response to provincial Access to Information request 116089.
25 Ibid.
26 Ontario Ministry of Community Safety and Correctional Services, “New Elgin-Middlesex Regional Intermittent Centre Opens”.

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quarters. According to media lines prepared for the project, “The entire facility will be focused on clients with mental health issues and will operate with a patient-centered philosophy. This is a shift to a modern, therapeutic environment viewing offenders as patients and is a move away from custodial care to a rehabilitative approach”.

In January 2017, the Government of British Columbia began incarcerating remanded and sentenced men and women in the Okanagan Correctional Centre located on the lands of the Osoyoos First Nation. The $192.9 million facility features 360 cells for men and 18 cells for women that are each outfitted with double-bunks should the capacity be needed to “expand while you’re building”. The project is promoted as a means to “address crowding in BC interior facilities”.

**Planned Penal Infrastructure Projects**

Built in 1859, Her Majesty’s Penitentiary in St. John’s, Newfoundland is the oldest operational prison in Canada. Over the years, there have been repeated calls to replace it and the provincial government has commissioned a series of studies to this end in the hopes of building a new facility that would be more hygienic and secure, feature direct supervision units to improve prisoner-staff relations, and include spaces for programming. In September 2014, a document outlining various parameters for the replacement project was produced. However, with a downturn in the province’s economy related to the decrease in off-shore oil revenue, plans for the 373-bed facility, that would hold both men and women on remand or federally and provincially sentenced prisoners, have been put on hold.

Through correspondence related to an ATI request submitted to the Prince Edward Island Department of Justice and Public Safety, we have learned that “[t]here are draft design plans and specs for a proposed facility”. However, records that would allow for an assessment of the details of this carceral expansion plan developed by public servants awaiting approval by

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28 Saskatchewan Ministry of Justice, “Saskatchewan Hospital North Battleford Project”. Obtained through provincial Access to Information request CP30415G.


31 Ibid.

32 See, for example, Simone Poirier, Gregory R. Brown and Terry M. Carlson, Decades of Darkness: Moving Towards the Light, submitted to the Newfoundland and Labrador Minister of Justice, 2008.


35 Personal communication by email with an official from the Government of Prince Edward Island – February 13, 2017.
provincial cabinet members and legislators have yet to be disclosed to us. In other correspondence with a departmental staffer we were told that “things are not moving ahead yet” because they “are still looking for the money”.36

As mentioned previously, the Government of Quebec closed Maison Tanguay in 2015.37 Plans are currently being developed to erect a new provincial facility for women to replace it.38

Built in 1917 and said to be lacking “appropriate living space, limited infrastructure for programming, recreation, trades instruction, health care and spiritual and cultural services”, the 61-bed Dauphin Correctional Centre is in the process of being replaced by the 180-bed Dauphin Healing Centre.39 The project is being touted by the Government of Manitoba as one “designed and opened as a First Nations Healing Lodge”.40 Upon completion, the facility will house remanded and sentenced women, with the promise of offering more “programming, education and job training to assist and support community reintegration”.41

Not long after Nunavut became a territory in Canada in 1999 there were calls to build a new facility to replace the decrepit and crowded Baffin Correctional Centre.42 Almost two decades later, construction of the replacement facility will begin in summer 2018. In all, the federal government is contributing $56.6 million and Nunavut will spend $19.1 million on the new $75.8 million facility.43 Current project timelines envisage the new “healing centre” to open in September 2021, which officials believe will “enhance programming opportunities”, as well as “worker and prisoner safety”.44 The carceral site will include 112 beds, which is 44 more beds than the existing jail and prison.45

With territorially sentenced women currently incarcerated in a Fort Smith “duplex” that functions as a jail, a new $23.5 million facility is slated for construction that is being touted by Northwest Territories Justice Minister as “secure. Something that can take the programming

37 CBC News, “Female inmates at Tanguay detention centre to be transferred to co-ed jail”. 
38 Letter from the Ministère de la Sécurité publique – Gouvernement du Québec in response to provincial Access to Information request 116089.
40 Ibid.
41 Ibid.
required there and will also have some cultural components and healing that the inmates are looking for.”

To date, “ancillary buildings” to be shared with the men’s facility located on the ground of the Fort Smith Correctional Complex “are under construction” (i.e. boilers, mechanical systems, power generators). Should the territorial prison for women portion of the project break ground in April 2017 as scheduled, it will include 23 beds once the facility is operational.

**Opportunities for Prison Divestment and Justice Reinvestment in Canada**

While jurisdictions engaged in penal infrastructure development try to rationalize carceral expansion, they do so in the face of a lengthy track record of jails, prisons, and penitentiaries failing to meet their own stated objectives, which dates back to their very emergence in western democratic states. As neoliberalism extends and solidifies capitalist social relations through privatization, corporatization, deregulation, individualism, cuts to social welfare programs and the like, dominant power structures that maintain economic, racial, gender, sexual and other forms of inequality proliferate in everyday practices and institutions, including sites of confinement. Expanding our reliance on an expensive, unjust, and ineffective response to social problems that arise and are criminalized in a context of growing gap between those that can versus those that cannot access basic necessities such as shelter and food ought to be considered obsolete.

Inspired by those that have come before us who sought alternatives to criminalization and punishment, #NOPE has gathered and documented carceral expansion in Canada to open-up spaces to debate the consequences of expanding the state’s capacity to confine human beings, which has the potential to shape patterns of marginalization for generations to come. Given the

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48 Ibid.

49 It has been shown that recent penal infrastructure projects in Canada are sold to the public on one or more of the following grounds: (a) ensuring cost-efficiency in terms of staffing and managing the movement of prisoners; (b) the provision of carceral stimulus for host communities in the form of short-term construction jobs while new facilities are being erected and long-term careers once the structures are opened; (c) building ‘green’ buildings that incorporate sustainable construction materials, along with energy and waste management efficiencies during operations; (d) their enhanced security features; and (e) the addition of more rehabilitative spaces and opportunities that prisoners can choose to avail themselves of. See Justin Piché, Shanisse Kleuskens and Kevin Walby, “The Front and Back Stages of Carceral Expansion Marketing in Canada”, *Contemporary Justice Review*, 20, 1 (2017): 26-50.


proven failures of imprisonment and the damage caused by incarceration, we are calling upon governments across the country, including the Government of Canada to enact a moratorium on penal infrastructure development until the federal review of ‘criminal justice’ laws, policies and practices is completed. As part of this process, we also call upon the federal government to thoroughly examine the viability of diminishing the use of incarceration in Canada by enacting prison divestment strategies such as the decriminalization\(^57\) and legalization\(^58\) of criminalized substances, as well as decarceration measures including transitional housing.\(^59\) This exercise should also consider alternatives to criminalization and punishment for persons with mental health issues who are accused or convicted of offences.\(^60\) We also encourage the Government of Canada to study and implement justice reinvestment strategies that would divert funds currently destined for carceral expansion towards addressing social inequalities that foster ‘crime’ as a primary means of prevention.\(^61\)

In keeping with Prime Minister Trudeau’s mandate letter to Minister of Justice and Attorney General of Canada Wilson-Raybould, the federal government needs to lead the way in building capacity in Canadian communities for restorative justice and transformative justice. The evidence shows that such alternative conflict resolution approaches enable those who harm and/or are harmed, along with their communities of accountability, to work collectively to take stock of the human needs arising from social conflicts, as well as envisage and implement measures towards healing affected parties\(^62\) and attacking the structures of power that create the conditions for social harms.\(^63\)

Without enacting these measures, Canadians can expect “more of the same” failed penal policies and practices\(^64\) to continue for generations to come. To continue to divert taxpayer dollars towards carceral expansion will also fail to generate the kind of sustainable economic activity and transformation that is needed to build healthy, safe and inclusive communities. It is time that Canadians said no on prison expansion / #NOPE.

\(^57\) Caitlyn E. Webster and Alex Stevens, “What Can We Learn from the Portuguese Decriminalization of Illicit Drugs”, British Journal of Criminology, 50, 6 (2010): 999-1022.
\(^61\) See Stapleton and colleagues, Making Toronto Safer.
\(^63\) Ruth Morris, Stories of Transformative Justice (Toronto: Canadian Scholars’ Press, 2000).
Appendix: Overview of Provincial-Territorial Carceral Expansion in Canada

* Data gathered from February 2016 to present *

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<th>Primary Populations</th>
<th>Estimated Construction Costs</th>
<th>Project Phase</th>
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<td>Procurement</td>
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<td>QC</td>
<td>Futur Établissement de détention d’Amos (Amos)</td>
<td>220 (+98)</td>
<td>Men (remanded / sentenced / sentenced – weekends)</td>
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<td>Replacement of Saskatchewan Hospital North Battleford / New Secure Mental Health Units (North Battleford)</td>
<td>96 (+96)</td>
<td>Men and Women (remanded / sentenced)</td>
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About the Authors
This study was produced by members of the Criminalization and Punishment Education Project’s No On Prison Expansion / #NOPE Initiative.

*Teneisha Green* is an MA student in the Department of Criminology at the University of Ottawa. Her thesis project examines movement building strategies in the context of prison construction moratorium campaigns.

*Jasmine Hébert* is an MA student in the Department of Criminology at the University of Ottawa. Her thesis project examines corporate harm and accountability mechanisms in Canada.

*Ana Kovačić* is an MA student in the Department of Criminology at the University of Ottawa. Her thesis project examines post-conflict transitional justice in the Republika Srpska.

*Justin Piché* is an Associate Professor in the Department of Criminology at the University of Ottawa. His research explores how the necessity of imprisonment is reproduced and challenged in government bureaucracies, news media and popular culture.

Contact
No On Prison Expansion / NOPE# Initiative
c/o Justin Piché, PhD
Associate Professor
Department of Criminology
University of Ottawa
(613) 562-5800 ext. 1812
justin.piche@uottawa.ca