
by

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Department of Geography and Program in Planning
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Public-Private Partnerships and Prison Expansion in Ontario: 
Shifts in Governance 1995 to 2012

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Abstract
This research explores the changing role of the private sector in provincial prison
infrastructure expansion in Ontario. After contracting out the operations of a new
prison and facing much resistance, the provincial government began delivering prisons
by maintaining public operations but financing them privately through public-private
partnerships. To understand the political and economic impacts of these changes, I
analyzed relevant government documents and interviews I conducted with 15 key
informants from government agencies, firms and other organizations involved in
creating, implementing and resisting prison expansion policies between 1995 and
today. I show how changes in infrastructure governance were shaped by contestation
between the state, international financial investors, private firms in Canada, labour and
others involved in prison systems. Through public-private partnerships, the role of
government shifted towards that of market facilitator, and as infrastructure was placed
on global debt markets, international financial capital played a new part in prison
development.
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<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>AFP</td>
<td>Alternative Financing and Procurement</td>
</tr>
<tr>
<td>AIRP</td>
<td>Adult Infrastructure Renewal Plan</td>
</tr>
<tr>
<td>CAPP</td>
<td>Coalition Against Private Prisons</td>
</tr>
<tr>
<td>CCPPP</td>
<td>Canadian Council for Public-Private Partnerships</td>
</tr>
<tr>
<td>CECC or Central East</td>
<td>Central East Correctional Centre</td>
</tr>
<tr>
<td>CLC</td>
<td>Canadian Labour Congress</td>
</tr>
<tr>
<td>CNCC or Central North</td>
<td>Central North Correctional Centre</td>
</tr>
<tr>
<td>CUPE</td>
<td>Canadian Union of Public Employees</td>
</tr>
<tr>
<td>DBF</td>
<td>Design-build-finance</td>
</tr>
<tr>
<td>DBFM</td>
<td>Design-build-finance-maintain</td>
</tr>
<tr>
<td>DBFO</td>
<td>Design-build-finance-operate</td>
</tr>
<tr>
<td>FOI</td>
<td>Freedom of Information</td>
</tr>
<tr>
<td>IO</td>
<td>Infrastructure Ontario</td>
</tr>
<tr>
<td>MCSCS or the Ministry</td>
<td>Ministry of Community Safety and Correctional Services</td>
</tr>
<tr>
<td>MPP</td>
<td>Member of Provincial Parliament</td>
</tr>
<tr>
<td>MTC or MTCC</td>
<td>Management &amp; Training Corporation (Canada)</td>
</tr>
<tr>
<td>NAACP</td>
<td>National Association for the Advancement of Colored People</td>
</tr>
<tr>
<td>OPSEU</td>
<td>Ontario Public Service Employees’ Union</td>
</tr>
<tr>
<td>PPP or P3</td>
<td>Public-private partnership</td>
</tr>
<tr>
<td>SWDC or South West</td>
<td>South West Detention Centre</td>
</tr>
<tr>
<td>TSDBC or Toronto South</td>
<td>Toronto South Detention Centre</td>
</tr>
<tr>
<td>VfM</td>
<td>Value for Money</td>
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Chapter 1: Introduction

The Ministry of Community Safety and Correctional Services (MCSCS) in Ontario built four new prisons in the last decade. One opened in 2001 and another in 2003, and the remaining two are scheduled to open in 2013 and 2014. These are the first new facilities in Ontario since 1980. The new prisons, along with renovations of existing prisons, will increase MCSCS's prison bed count by 30%, more than double the inmate growth rate over the same period. The main justification given for the expansion of Ontario’s provincial correctional system, which houses inmates awaiting trial and those with less than two-year sentences, was the high cost of incarceration; when the original expansion plans were announced in 1996, Ontario’s cost per inmate was the highest of any province (Auditor General of Ontario, 2008, p. 78). The argument was that new prisons would reduce costs by making use of design principles and new technologies to increase efficiency of operation. But the unique part of expansion was that the private sector would be used in new ways to decrease the costs of incarceration. The first pair of prisons was built as an experiment in privatization, where one was operated entirely by a private firm with the aim of comparing it to the other facility being operated publicly. The other pair, currently under construction, are being delivered through an alternative financing mechanism, where the private sector is financing the prisons but the public sector will operate them.

The new role for the private sector in prison construction exemplifies a Canadian and global trend in infrastructure delivery. Public-private partnerships (PPPs), where the private sector becomes involved in any of the financing, design, construction, operations and maintenance of infrastructure, have rapidly become the primary choice for governments in Canada to deliver public assets like roads, public transit, hospitals, schools, and prisons. They
have also sparked many debates about the role of the state in the provision of public assets and services.

Studying this new form of private involvement in prison infrastructure delivery is important in three ways. First, the nature of the prison as a secure and isolated space means that the public and media have a limited understanding of what happens inside. Yet prisons hold the greatest and most direct power over citizens’ freedoms of any public institution. Policies relating to prisons require careful examinations to ensure governments remain accountable in how they run their prisons. Second, more urgently, a study of the history of Ontario’s prison expansion is crucial in assessing current and future expansion plans in Ontario and Canada. According to an Auditor General report in 2010 (pp. 297-298), the Ministry is making plans for the construction of other facilities. A better understanding of the impacts public-private partnerships have had and are having on the prison system could provide direction as to the role of the private sector in Ontario’s future correctional plans. Third, nationally, the passing of the federal omnibus crime bill C-10 in March 2012 (Safe Streets and Communities Act, 2012), which introduced mandatory sentences and reduced conditional sentencing, and the federal announcement of plans to build new prisons, expand current facilities, and to look for new ways of delivering prisons to achieve these goals (Government of Canada 2011a, 2011b; Minister of Public Works, 2007) have brought Canada’s federal penal system into the public spotlight. These plans have been called the largest prison expansion project since the 1930s (Blaze Carlson, 2011). A 2007 report that lay the groundwork for these federal plans, the Report of the Correctional Service of Canada Review Panel: A Roadmap To Strengthening Public Safety, was written by former provincial Minister of Community Safety and Correctional Service in Ontario Rob Sampson, who implemented the prison privatization experiment in Ontario in 2001. It is likely that the federal government looked closely at how
prison expansion in Ontario occurred over the past 20 years as it created its own recent plans. Understanding how expansion played out in Ontario and its impacts is important, then, so we can respond to today’s ongoing prison expansion across Canada.

This thesis is concerned with the convergence of these two trends: prison expansion in Ontario and the proliferation of public-private partnerships for infrastructure delivery. This convergence has resulted in a new strategy for delivering prisons. To examine these trends, I asked the following questions: how has private involvement in prison development and operation over the past 15 years changed? Why have these changes happened, and what are the economic and political implications? I explored these questions by gathering and analyzing government documents related to prison infrastructure changes and interviewed key informants within the government ministries, firms, unions and non-governmental organizations creating, supporting and opposing changes to the prison system in Ontario. Throughout this thesis, I argue that Ontario’s prison expansion was not the result of one static expansion plan or an inevitable policy solution to the problem of Ontario’s expensive correctional system. Rather, I show how the construction of four new prisons in Ontario between 2001 and today is the result of much contestation, debate, reversals and reforms. Public-private partnerships play a subtle but important role in prison expansion. While increased private sector involvement in the prison did not result in substantial private control of the prison system, the change did bring market logics into the government itself. In the remainder of this introduction, I introduce in more detail Ontario’s prison expansion, locate these changes in global economic and political changes and provide an overview of the rest of the thesis.
1.1. Introducing Ontario’s newest prisons
The plans for the first pair of new prisons in the provincial correctional system began to be conceived with the election of the Ontario Progressive Conservative party in 1995 led by Premier Mike Harris. Elected based on the promise of a Common Sense Revolution, Conservative policy changes were aimed at decreasing the size of government, “weeding out” wasteful spending, and removing barriers to growth like welfare and labour laws (Ontario Progressive Conservative Party, 1994). Responding to evidence that Ontario’s prison system was the most expensive in the country (Office of the Provincial Auditor, 1993, p. 161), the government created the Adult Infrastructure Renewal Program, which closed down small, inefficient prisons throughout Ontario and opened larger superjails. Part of this program was a privatization experiment. Two identical prisons, Central North and Central East Correctional Centres, were built; one was publicly operated (Central East) while the other was privatized (Central North). Central North and Central East opened in 2001 and 2003, respectively. In chapter 4 I examine the logics underpinning the privatization experiment in greater detail.

Five years later, the privatization experiment was brought to an end. In 2006 with a newly elected Liberal government under the leadership of Dalton McGuinty, the contract with the private corrections firm, Management & Training Corporation, was terminated. The Liberal government explained the decision by saying the public facility out-performed Management & Training Corporation, but as I show, equally important in this decision was the strong opposition and resistance to privatization from communities, labour unions, and prison advocates.

Since 2006, the Liberal government’s approach to prison delivery has been to maintain public operations and ownership, but to use a particular form of PPP to deliver prisons. Alternative Financing and Procurement is a strategy wherein the private sector carries out the financing, design, construction, and maintenance of the prison, which is owned and operated
by the government. Infrastructure Ontario, a crown agency of Ontario, was set up to enable this delivery mechanism not only for prisons but for all new infrastructure assets. The third and fourth new prisons were built using this alternative financing model; Toronto South Detention Centre is scheduled to open in 2013 while the South West Detention Centre will open in 2014. In chapter 5 I explore the logics behind the use of Alternative Financing and Procurement and the implications of this method on the prison system.

1.2. Introducing the neoliberal state

The changing role of the state in the provision of public services has been widely discussed in the academy and public sphere in Canada. At its core, neoliberalism has been described as a political discourse and set of practices that embed market logics into all economic and non-economic aspects of the state as well as citizenship (Larner, 2000). Scholars have traced the implementation of neoliberal ideology and policies through the roll-back of the state via the privatization of public services, deregulation of markets, and dismantling of welfare systems, along with the complimentary roll-out of the state through the creation of new regulations to facilitate capital flows and the increased policing of the poor (Brenner & Theodore, 2002).

Yet accounts of neoliberalism often label new forms of state restructuring simply as privatization, missing the complexity of the new strategies. There is a need to look closely at how these policies, like PPPs, actually work, how they are and are not different from other state restructuring projects in the past, and why they are being used in this moment (Peck, 2003, p. 222). It is also important not to assume that the process of neoliberalization is straightforward, inevitable, and uniform across geographic location and scale. Rather, Peck and Theodore (2012, pp. 178-179) have argued that it “displays a lurching dynamic, marked by serial policy failure and improvised adaptation, and by combative encounters with obstacles and counter-movements”.
As the story of Ontario’s penal changes unfolds throughout this thesis, I hope to provide a better understanding of neoliberalism as a contested, partial and complex process. This is important because our understanding of the economic and political shifts around us shape how we respond and intervene.

This study is not only about the changing functioning of the state but also the role of the prison throughout these changes. Prisons and penal policy are essential to understanding processes of neoliberalization because they, rather than welfare and other government social services, have become a primary means of state social control, labour regulation, and the governance of insecurity (Gilmore, 1998; Peck, 2003; Peck & Theodore, 2008; Wacquant, 2001, 2009). However, most literature on the nexus of the changing nature of the state and prison expansion has been based on the U.S. In keeping with my understanding of neoliberalism as a nonlinear and complex process that varies over time and space, I believe that a study of the “context-specific” (Peck & Theodore, 2012, p. 179) neoliberalization taking place in Ontario is necessary since analyses of the U.S. cannot simply be exported to understand the Ontarian nature of penal neoliberalism.

1.3. Chapter overview
The remainder of this thesis is structured as follows. Chapter 2 explores in greater depth literatures on the prison, infrastructure delivery and neoliberalism. I identify ways my thesis contributes to, strengthens, and at times contests other work on the prison and PPPs in the context of neoliberalism. I also articulate a theoretical framework based on my understanding of “actually existing neoliberalism” (Brenner & Theodore, 2002) and the way it plays out in the penal sphere.

I explore the methods used to collect and analyze data in chapter 3. I explain my decision to interview 15 key informants from provincial government agencies; equity providers
and financial advisors for prison PPPs; former managers at Management & Training Corporation, the firm that operated the private Central North Correctional Centre; provincial and federal correctional officer staff; and staff at prisoner advocate organizations. I also describe the government documents I was able to obtain and examine. Throughout, I highlight some challenges in collecting data on the prison system and point out the analytical insights they provided.

Chapters 4 and 5 are my analyses of the history of Ontario’s prison development over the past 20 years, divided temporally. In chapter 4 (1995-2006), I look at the election of a Conservative government in 1995 and how their platform of a “Common Sense Revolution” translated to the Ministry of Corrections. I explore the privatization experiment in some detail to show how a debate around whether prisons should be run publicly or privately obscured other changes in corrections resulting in the marketization of the carceral system. In chapter 5 (2006-today), I look at the Liberal government’s approach to prison expansion from 2006 onwards using Alternative Financing and Procurement schemes. I show how this form of PPP ensured public ownership and control over new prisons but depoliticized the construction of prisons in Ontario while further implicating international financial capital in their construction.

Finally, chapter 6 provides some concluding remarks and directions for further research.
Chapter 2: Prisons as infrastructure? Literature review and theoretical framing

In this chapter, I explore three bodies of literature relevant in understanding the economic and political implications of public-private partnerships (PPPs) as financing and delivery mechanisms for prisons in Ontario and Canada. I begin by framing my project within neoliberalism. Theoretical literature on neoliberalism is relevant both for its focus on the changing role of the state in the governance of society and for its view that the prison is a central institution in contemporary economic and political space. The second group of contributions is literature on the history of public infrastructure delivery. Of particular interest is work that looks at the unbundling of infrastructure from public and private monopolies for service provision and the parcelling out of infrastructure financing and ownership, project by project, to global consulting and financial capital firms. I consider how prisons fit with global trends in infrastructure. I end with a look at the prison as an institution. I briefly trace the history of the prison and explore the role of the private sector in its history. I look at how anti-prison activists and scholars have theorized the prison and its abolition, and then discuss the history of prisons in Canada. I hope the third section will help bring prisons into the first two bodies of work. I identify three areas of literature that have not been well explored: nuanced studies of PPPs in the context of neoliberalism, a look at the impacts of prison delivery through international financing, and a geographic focus on Canada and Ontario. Taken together, this broad array of literature creates a framework for the analysis of current prison delivery trends in Ontario and Canada.
2.1. Neoliberalism and the prison

2.1.1. A brief description of neoliberalism

One way to begin understanding neoliberalism is to compare, as Wendy Larner (2000) did, neoliberal ideology, policy and governmentality. Neoliberal ideology promotes small government, individual freedoms and the implementation of free market ideas in all aspects of economic, social and political life. It was developed intellectually by Milton Friedman and Friedrich Hayek in response to the failing policies of the Keynesian welfare state, and taken up in the 1980s by Margaret Thatcher in the U.K. and Ronald Reagan in the U.S. But ideological commitments to minimal government intervention in markets are contrasted with neoliberal policies that see a restructuring and at times expansion of the state. Neoliberal policies are played out not through less government but by “shifting the techniques, focus and priorities of government” (Isin, 1998, p. 173) through processes like privatization and deregulation. Brenner and Theodore (2002) have used the concept of “actually existing neoliberalism” to emphasize the way neoliberal policies are embedded in the places they are implemented and influenced not only by ideologies of the market but also by existing regulatory, economic and political landscapes. There is no more clear example of the contrast between neoliberal ideology and policy than the carceral system in the U.S., which has expanded enormously since the 1980s despite the rise of belief in small government (Wacquant, 2012). There is also a post-structural theorization of neoliberalism as governmentality (Larner, 2000). Driven by Foucault’s (1991) work on governmentality and biopower, work on neoliberal governmentality focuses on a new use of certain kinds of knowledge and rationality that enable the governing of individuals (Rose-Redwood, 2006, p. 474). Scholars like Larner (2010) and Ong (2006) take apart neoliberalism to understand the specific mechanisms, techniques and logics that “help constitute governmental spaces and subjects in particular forms” (Larner & Butler, 2010, p. 81). Neoliberal governmentality seeks to work against the notion, sometimes assumed by scholars
working in the realm of neoliberal policy, that neoliberalism is a comprehensive and monolithic project.

In this thesis I merge ideas of neoliberalism as policy and governmentality. From studies of governmentality I use the notion that neoliberalism is an adaptable and plural project and I focus on forms of knowledge that underpin governance strategies. From studies of neoliberal policy, I want to focus on state formation rather than non-state logics. Throughout the paper, three themes ground my analysis of Ontario’s prison expansion in the context neoliberal governance strategies. First, neoliberalism cannot be understood as simply the privatization of government services, shifting power from the state to the private sector or the market. Instead, the state acts as an entrepreneur, building new state structures to facilitate markets. Second, neoliberalization is not a hegemonic and inevitable process occurring uniformly around the globe. Rather, it is process shaped by contestation and reform. The third theme, emerging from the second, is that neoliberalism is context-specific. Because neoliberalism is shaped by constant resistance, it takes different forms depending on where it is being pursued, and how it is being contested. I explore these themes further at the end of this chapter. I now explore how scholars working with these different conceptions of neoliberalism have theorized the prison.

2.1.2. Neoliberal ideology and the prison
Neoliberal ideology, with its promotion of individual freedoms, would seem to be in conflict with incarceration, punishment by the removal of freedoms. However, the role of the prison in neoliberal ideology is well developed by neoliberal thinkers; the prison, and more broadly the criminal justice system, is put in place to ensure all citizens participate properly in the free market and punish those that do not (Harcourt, 2010). Richard Posner, a professor of law at the University of Chicago and important theorist of neoliberal penalty, wrote:

\[\text{There is debate around whether the importance of prisons is something unique to neoliberalism (Wacquant, 2012, p. 76) or whether prisons were identified even by seventeenth century liberal thinkers as essential to the promotion of the free market (Harcourt, 2010).}\]
The major function of criminal law in a capitalist society is to prevent people from bypassing the system of voluntary, compensated exchange ... Attempts to bypass the market will therefore be discouraged by a legal system bent on promoting efficiency. (1985, pp. 1195-1196)

According to Posner, the state’s pursuit of efficiency is achieved by preserving the freedom of the market, partly through policing those who do not “voluntarily” choose to participate in it. Therefore, crimes are defined as inefficient acts (1985, p. 1195). Posner gives the example of stealing a car. The most efficient way for a person to get a car would be go through the market and buy one. When a person steals a car because he or she does not have the money to go through the market, it is inefficient because it gives wealth to a person who is not willing to pay for it directly. Also, if people were allowed to steal cars, then car owners would have to allocate resources towards protecting their cars, and these actions are not socially productive (Posner, 1985, p.1193). Posner argues that even crimes motivated by what he calls “passion”, like murder and rape, can also be considered economically. He says such crimes cannot be efficient because they do not increase the wealth of society. He went on to say that the prison is more efficient than fines as a form of punishment for those who break the law because of the inability of most who break the law to adequately repay the damage they have caused (1985, p. 1204). In practice, actually existing neoliberal policies have made use of the prison in different ways than suggested by neoliberal theorists like Posner.

2.1.3. Neoliberal penalty in practice

Critical scholars writing about neoliberalism and prisons have been preoccupied with a number of contradictions between the ideology and on-the-ground experiences of neoliberalism in the U.S. While the retreat of the state has been promoted aggressively in the U.S. since the 1980s, it has been massively expanding its carceral systems. Incarceration rates have increased 500% in California since 1982 (Gilmore, 2007, p. 7) and 240% in all of the U.S. since 1980 (Schmitt, Kris, & Sarika, 2010, p. 1) (see Figure 1). California embarked on the largest
First, the enormously high rates of incarceration in the U.S. compared to other countries are significant and therefore worth studying. The U.S. holds 5% of the global population but 25% of the prison population (NAACP, 2011, p. 9); U.S. incarceration rates are highest in the world and more than six times those in Canada (Walmsley, 2011, p. 3). Second, incarceration is a highly gendered and racialized process. The vast majority of prisoners are men, although women of colour are the fastest-growing subpopulation of prisoners. While blacks and Latinos make up 33% of the population in the U.S., they make up 58% of the prison population (NAACP, 2011, p. 10). Third, increased prison populations are not related to increases in crime. Rather, crime rates have been decreasing or remaining stagnant for around 30 years (Lapido, 2001).

![Graph showing incarceration rates per 100,000 adults in the U.S., Canada, and Ontario from 1980 to 2010.](image)

**Figure 1: Incarceration rates per 100,000 adults in the U.S., Canada, and Ontario from 1980 to 2010.**

*Note: Data from CANSIM Tables 251-0004 and 251-0005 by Statistics Canada, 2012, and Incarceration Rates (Table 6.28.2010) by Sourcebook of Criminal Justice Statistics Online, 2010.*

If not due to crime, why has the U.S. prison system grown, and why has inmate growth come from a particular part of the population? Scholars have contended that the prison plays at least four interrelated roles in contemporary capitalism. Gilmore (2007) writes that prisons have
been a solution to a number of capitalist crises over the past 30 years. Building on the idea that in order for capital to transcend space and time it must continuously reconfigure its fixed capital infrastructure (D. Harvey, 1982, 1985), she shows how California in the 1970s faced a particular crisis of excess capital and state capacity that it chose to solve through investing in the construction of prisons (Gilmore, 2007).

Prisons help the state manage the insecurities of neoliberal capitalism. Before 1960, the Keynesian state used welfare systems to balance the tensions between capital and labour and worked to redistribute wealth. Since the 1980s the neoliberal state has set aside this aim, and instead uses the prison to manage labour issues, particularly with already marginalized groups within society who work mostly temporary and unskilled jobs. Wacquant (2009) traces this shift by looking at decreases in welfare and the simultaneous rise of funding for prisons. He shows how welfare systems have become increasingly punitive and focused on workfare while prisons have become places where traditional welfare cliental end up (Wacquant, 2010).

Related to the “welfarization” of the prison is its use as an institution for regulating labour markets. As many poor and African-American men are cycled through the prison system, criminal records weaken their already marginal ability to find secure employment and entrench their role in informal or contingent economy jobs (Peck & Theodore, 2001, 2008).

Finally, scholars have responded to state and city arguments that prisons bring economic development to the rural regions in which they are most often built. Looking at towns that tried to attract prison construction, Bonds (2009) examined economically suffering communities in Idaho and Montana to show how discourses constructing a relationship between poverty and crime helped justify the construction of prisons as a solution to poverty, both by creating economic development in rural areas and by incarcerating ‘dangerous’ members of society. Bonds (2009) and many others showed these projects rarely brought
economic development to rural communities (King, Mauer, & Huling 2004), but served to normalize further cuts to social programming (Engel, 2007; Gilmore, 2007). It is for all of these reasons that geographer Jamie Peck has argued “the prison system can be understood as one of the epicentral institutions of these neoliberalized times” (2003, p. 226).

This research is all based on U.S. experiences of carceral growth. Little research has been done on the Canadian penal system that looks closely at prison expansion policies in the context of neoliberalism. Wacquant (2009, pp. 270-286) has argued that the U.S. is exporting its knowledge and expertise of prison expansion around the world, and cited the start of penal expansion in France as an example. But if actually existing neoliberalisms are constituted differently depending on place and economic and political context, then it is not possible to simply export this analysis to the context of Canada. As I show later in this chapter, my look at prison construction policies in Ontario provides a study of how the spacialities of neoliberalism have played out in Ontario.

2.2. The unbundling of public infrastructure

2.2.1. A focus on infrastructure?
Are prisons a form of infrastructure? Infrastructure is commonly thought of as the “bricks, mortar and pavement of society” (Swimmer, 2001, p. 19), but creating a more precise definition is difficult. Roads, water systems and electricity systems are generally considered to be “core” infrastructure assets, but the definition has been expanded to cover other assets like telecommunications networks and “social” infrastructure like schools and hospitals. Less frequently, “justice” infrastructure is added to the list, including courts, police stations and prisons. We can also think about infrastructure in terms of what it does. According to Baldwin and Dixon's (2008, p. 14) review of literature on infrastructure, infrastructure does three things: improve quality of life, support national security and enhance economic growth.
Prison abolition activists and scholars’ work indirectly brings into question the categorizing of prisons as infrastructure. Many have pointed to the violence that prisons inflict on the lives of prisoners and their families and argued that prisons make communities less, not more safe (Davis, 2003). Others argue that prisons do not bring economic growth to the towns in which they are sited and are in no way necessary for economic growth (Gilmore, 2007). In doing so, they point out the ways prisons do not fulfill the three most common aims of infrastructure.

Though the prison is often not mentioned when discussing infrastructure generally, in practice in their policies it is clear that governments in Canada view prisons as infrastructure assets. Prisons are always included when governments discuss the Canadian infrastructure crisis; therefore, they have been incorporated in Ontario’s many infrastructure renewal programs including SuperBuild in 1999 and ReNew Ontario in 2005. Infrastructure Ontario (IO), the provincial crown corporation that delivers infrastructure assets is charged with delivering all new correctional facilities in the province. As a result, prisons in Ontario have been included in the push towards delivering infrastructure through partnerships between the private and public sectors.

The prison could be considered similar to more traditional forms of infrastructure in some interesting ways. Infrastructure is concerned with delivering mobility: the movement of goods through the air or along rail, the movement of energy through electric grids and the mobility of people along roads and other transits systems. Though prisons are often considered to be permanent and fixed endpoints, very few prisoners enter prison never to leave again (Martin & Mitchelson, 2009, p. 461). In fact, prisoners enter and exit prisons frequently, with around 50% of inmates staying one month or less in Canada (Boe, Motiuk, & Nafekh, 2004). In this way, prisons regulate forced mobility while other forms of infrastructure provide access to
mobility for those who want or need it. Also, because in the U.S. most prisoners come from urban areas, prisons have become an important part of the workings of the city even though they are usually not located within it (Mitchelson, 2012). Also, the prison could be seen as replacing the asylum from the early twentieth century (Harcourt, 2007); around one in ten men and one in three women held in Canadian federal prisons have significant mental health problems (Mackrael, 2011). As it becomes increasingly difficult for marginalized populations to access transit or health care, those same populations are “accessing” the prison more and more.

For these reasons, it is important to contextualize changes to prison delivery mechanisms by looking at how public infrastructure has been financed, constructed and operated in the past and how it is being delivered today. The following sections explore the history of infrastructure delivery and consider how prisons fit into this history.

2.2.2. History of infrastructure delivery 1850 – present: From integrated networks to unbundling

Over the past 200 years in North America, a mixture of the private and public sectors has delivered “public” infrastructure. The “public” in public infrastructure often refers to the infrastructure that should be or is consumed by the general public, and does not necessarily correspond to the body that financed, built, and operated it. Of course, the history of infrastructure in North America is complex and not possible to summarize in this paper. Instead, I will provide a broad overview of infrastructure history in North America, based largely on Graham and Marvin’s (2001, pp. 37-216) important work. I focus on the public provision of infrastructure up until the 1960s, and the gradual shift post-war to fragmented private sector involvement in infrastructure delivery.

As industrial cities were developing in the late nineteenth and early twentieth centuries, city managers, engineers and urban planners came to view the city as a single unit to be
carefully and scientifically managed (Graham & Marvin, 2001, p. 44). The aim was to work towards the city ideal, where the chaos of the city is controlled and managed through the use of centrally run and managed technologies and infrastructure networks. Cities began to implement coordinated master plans and tried to create comprehensive sewer systems to sanitize the “dirty” city and street networks to connect all parts of the city together (Graham & Marvin, 2001, pp. 53-55).

At a national level, Brenner (1998, p. 469) saw infrastructure as “connective tissue” of the nation, helping to legitimize state power. National highway, railroad, phone, water and electricity networks became priorities in Canada and the U.S. as part of nation building projects, “allow[ing] the state to impose its own rationality on to the territorial scales, and social processes, within it” (Graham & Marvin, 2001, p. 77). Again, the focus was on coordinated networks of infrastructure, which led to the public construction of roads and highway systems and the support for national monopolies like Bell/AT&T. When delivered publicly, infrastructure was financed through bonds, where banks and other private investors held government debt. To planners, natural monopolies, either public or private, seemed the only way to deliver universal and efficient access to electricity, water and other public goods and services.

After 1960, many critiques of the cohesive public or private monopoly became apparent and the united city ideal was seen as unfeasible and undesirable. Graham and Marvin (2001, pp. 91-134) identified at least four contributors to this shift. First, infrastructure in North American cities and regions began to deteriorate due to lack of maintenance and the resulting high rehabilitation costs. Second, with the rise of neoliberalism in the 1970s and retreat of the state, infrastructure began to be governed privately and financed by international infrastructure capital. There was pressure to infuse infrastructure markets with competition and to allow different cities and regions to compete with each other for foreign capital, tourism and labour.
The focus on providing the public with access to infrastructure was set aside and citizens were viewed as consumers. Third, cities were reconfigured physically; they became decentralized through the development of the suburb and the growth of the car. Finally, social and political movements critiqued the idea of space being rationally organized and planned by the city or state and pointed out the way marginalized groups like poor people, women, and people of colour were excluding from infrastructure planning.

### 2.2.3. Public-private partnerships: The financialization of infrastructure

These factors resulted in what Graham and Marvin called the “unbundling” of infrastructure (2001), where cities, regions, nations or private natural monopolies have less control and ownership over infrastructure. Instead, individual projects are parcelled out to involve private sector firms in some combination of the financing, design, construction, maintenance and operations of the asset. This takes the form of different complex partnerships between governments, financial capital and consulting firms, engineering design companies and contractors. I have divided these partnerships into broad categories explained below and summarized in Table 1.

*Traditionally delivered infrastructure* in North America is considered infrastructure that is financed publicly through government bonds. The state puts the project out for tender to hire a private design firm to design the project and a contractor to construct the project. The physical asset is publicly owned and operated. *Contracting-out* occurs when the operation of a typical public asset is given to a private firm to operate for a relatively short period of time, for example five years, with the state either paying the firm to do so or allowing the firm to charge user fees to cover costs. This structure is sometimes called privatization, although *privatization* is also considered to be when an asset is permanently sold to a private entity who then operates the facility, or when a private firm finances and builds an asset itself. The *public-private partnership*
falls between traditional delivery and privatization, with key defining features of long contracts that expire after a set amount of time, often 30 or more years, and the involvement of the private sector in the financing of the project (Garvin & Bosso, 2008, p. 163). With PPPs the designer, contractor and financer bid together on the project and form a consortium together (Loxley & Loxley, 2010, p. 11). PPP models are often named by the components of the project that are put in the hands of the private sector; the difference between a design-build-finance-maintain (DBFM) and a design-build-finance-operate (DBFO) is that the former is operated by the public sector while the latter is not. With PPPs, ownership can take different forms; the asset can be owned by the public sector, owned by the private sector, or owned at first by the private sector and leased back to the public sector.

Table 1 summarizes the differences between three models for infrastructure delivery used at different times in Ontario’s prison expansion program. Chapter 4 looks more closely at Central North where operations are private, while chapter 5 examines the DBFM model used to deliver Toronto South and South West Detention Centre. This table will be referred to in both those chapters to clarify different partnership arrangements.

Public-private partnerships contribute to the increased involvement of international financial capital in local, regional and national infrastructure, or what could be called the “financialization of infrastructure”. Literature on financialization has looked at its role in national economies, firms and households, but not as much work has been done exploring the role of the international financial system (French, Leyshon, & Wainwright, 2011, p. 808). A focus on international finance has often been wrapped up in the technical details of financial mechanisms and depoliticized as a result, and “for whom [these mechanisms] ‘work’, the ethics of finance, the broader politics of financial markets...are questions that this particular reality discourages simply because they are never allowed to be visible” (Pryke, 2006, p. 10). But Prkye
2006, p. 10) insists, “to accept the world according to such technical (supposedly) apolitical finance is to be shielded from the very geopolitics of financial markets and the associated power to spatialize which matter to geographers”. Studying the role of international financing in prison delivery in Ontario is a way to understand the remaking of uneven geographies of exclusion that play out through the carceral system.

Table 1: Comparison of infrastructure delivery models in Ontario

<table>
<thead>
<tr>
<th></th>
<th>Traditional procurement</th>
<th>Private operations</th>
<th>Design-build-financing-maintain</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Model also called</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Example</td>
<td></td>
<td></td>
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<tr>
<td>Central East</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Correctional Centre</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Central North</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Correctional Centre</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Toronto South Detention Centre</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Design</strong></td>
<td>Private design firm</td>
<td>Private design firm</td>
<td>Private consortium</td>
</tr>
<tr>
<td><strong>Construction</strong></td>
<td>Private construction</td>
<td>Private construction</td>
<td>Private consortium</td>
</tr>
<tr>
<td><strong>Financing</strong></td>
<td>Province</td>
<td>Province</td>
<td>Private consortium</td>
</tr>
<tr>
<td><strong>Maintenance</strong></td>
<td>Province or private</td>
<td>Private corrections</td>
<td>Private consortium</td>
</tr>
<tr>
<td></td>
<td>contractor</td>
<td>firm</td>
<td></td>
</tr>
<tr>
<td><strong>Operations</strong></td>
<td>Province</td>
<td>Private corrections</td>
<td>Province</td>
</tr>
<tr>
<td><strong>Ownership</strong></td>
<td>Province</td>
<td>Province</td>
<td>Province, with an obligation to the private consortium</td>
</tr>
</tbody>
</table>

2.2.4. Evaluating public-private partnerships
PPPs are now the main way to delivery infrastructure in Canada, the U.K., and Australia despite the mixed evidence of their success. Proponents argue that PPPs deliver projects at a lower cost to the public sector due to the transfer of risks from the public to the private sector, and with more innovation in the design, construction and operation due to competition. Partnerships have been touted as able to bring infrastructure to places that would not otherwise be able to afford it and to achieve environmental and social goals (Grimsey & Lewis, 2007).
Critics of PPPs have argued against them in a number of ways. Those looking at whether or not PPPs deliver what they promise have shown that projects often have higher costs than expected, and higher costs than if the project had been delivered publicly (Flinders, 2005; Siemiatycki, 2006; Vining, Boardman, & Poschmann, 2004); a lesser ability to transfer risk from the public sector to the private sector than projected (Flinders, 2005); and negative impacts on development in that they contribute to uneven development (Musson, 2009; Siemiatycki, 2011). Additionally, they show that projects often have decreased accountability and transparency in the name of commercial confidentiality (Edwards, Shaoul, Stafford, & Arblaster, 2004; Siemiatycki, 2006) and a lack of stakeholder involvement and consultation resulting in the public goals of the projects not being met (Fischbacher & Beaumont, 2003). Because of these shortcomings, authors criticize governments for continuing to use PPPs and for setting up policies and structures to promote them (Gaffney, Pollock, Price, & Shaoul, 1999).

Research on prison PPPs is not as common, but some technical studies have been done evaluating their success. Studies in the U.S., Australia and U.K. found they can lower costs (Vining et al., 2004) but that trust issues between private partnerships and government can make contracts unsuccessful (English & Baxter, 2010), and that public accountability can be lacking in these projects, which is important in prisons to ensure health, education and quality of living standards are being met (Sands, 2004, 2006).

There have been discussions, by both supporters and critics of PPPs, around the possibility that PPPs are not a unique trend in infrastructure delivery. They argue partnerships between the public and private sectors have a long history and that PPPs were renamed as such to avoid the political controversies surrounding privatization (Wettenhall, 2003). They see PPPs as simply another form of privatization (Hodge & Greve, 2007, 2010; Ruane, 2001) and also add
that the word partnership implies an equal relationship while PPP contracts often give more agency to the private sector than to the public (Wettenhall, 2003). However, I see PPPs as a fundamentally different way to organize the provision of public assets and services. This is because of how these complex contracts have shifted the way states are organized through the creation of new crown corporations, ministries and government bodies; the way both liberal and conservative governments have taken up PPPs; and the way a whole new discourse around PPPs, value for money and best practices has emerged. I will discuss this further in chapter 5.

There has been very little detailed exploration of PPPs focused on the ways they are remaking forms and scales of governance. They have been used as examples to illustrate the “rolling out” of “actually existing neoliberalism” in Brenner and Theodore’s (2002, p. 369) work and in other research (Peck & Theodore, 2012, p. 179; Peck & Tickell, 2002, pp. 390, 393), but are mentioned only in passing and not explored in any depth. This is problematic because it risks seeing neoliberalization as a monolithic and unavoidable process. Understanding the embeddedness of a particular form of neoliberalism in Ontario shows that it is a contestable process, but also helps guide resistance to these policies. Swyndegouw, Moutaert and Rodriguez’s (2002) work on urban development partnerships in Europe demonstrated how shifts in governance structures through PPPs resulted in top-down planning approaches, a diminished role for the public in exchange for more expert advice from consultants, and the exacerbation of social polarization in cities. Prisons have not been explored from this perspective. This omission is significant because PPPs are ultimately delivering particular infrastructure assets. They are important policy mechanisms to be studied, but we must also examine the types of assets they make possible. Prisons play different roles in the neoliberal state than hospitals or roads, thus an analysis of PPPs as they deliver prisons offers something different than analysis of the PPP only as an infrastructure delivery method. I now turn to the
particularities of the prison so that my study of PPPs can be placed in the context of this institution.

2.3. Understanding the Prison

In this section, I look at the history of the prison as an institution and then at some of the major trends in incarceration between 1980 and today that have been motivation for many theoretical and empirical studies of various carceral systems. I explore the ways the private sector is involved in incarceration and the ways scholars have interpreted this involvement. I then look at how abolitionists understand and have worked against prison delivery. I finish with a look at how Canada fits into this literature, which is mostly based on carceral experiences in the U.S.

2.3.1. A brief history of the prison

Imprisonment has not always been society's method for dealing with crime, and the aims of imprisonment have changed significantly since its rise 200 hundred years ago. Up until the early nineteenth century in Europe, corporal and capital punishment were used to punish those who had broken the law and deter others from doing so. During the eighteenth century, penal colonies were also used by Britain and some other European nations to house prisoners (Feeley, 2002). It was in the early 1800s that incarceration in a prison became the new punishment technique in Europe and North America. Common reasons for this shift are thought to be pushes from Enlightenment thinkers for more humane treatment of criminals and possibly perceived increases in crime (Griffiths, 1988, p. 52). In Foucault’s (1979) well-known study of the history of the prison he argues that a society’s understanding of justice and response to crime help understand how power operates and how subjects are created. Thus the shift towards incarceration as punishment represented a shift in the way power operated, where subjects are disciplined not publicly through physical punishment but individually.
through the prison’s removal of freedoms. Foucault (1979, p. 293) cited 1840, the year of the completion of the Mettray youth prison in France, as the date of the establishment of the carceral system. Around this time in 1835, Canada’s first prison, the Kingston Penitentiary, was built (Griffiths, 1988). At the time, penitence and punishment were the main purposes of imprisonment; inmates spent time alone in their cells to reflect on their wrongdoings and pray to God. Rehabilitation began to be a focus for prisons around the 1940s. At first, prisoners were seen to be “damaged” and in need of repair by social workers, psychiatrists and doctors. When this medical model of rehabilitation failed, prisons began to offer opportunities for rehabilitation, shifting the onus on offenders to take responsibility for their own improvement (Griffiths, 1988).

From the 1980s onwards in Canada, the U.S., and Europe there has been a return, to varying degrees, to a focus on reparation and incapacitation, where criminals are held in prison to prevent them from causing damage to society, in part due perceived increased crime rates and public fear of crime (Griffiths, 1988). This is evidenced by the massive increases in prisoners in the U.S. and overcrowding in prisons resulting in few rehabilitation programs being offered. In recent years there has been a rise in immigration detention in Europe and many new facilities have been built for this purpose (Hyndman & Mountz, 2007). In Ontario, the growth in remand prisoners, those who are awaiting trial or sentencing, means the majority of inmates in Ontario’s correctional system have either not been convicted of a crime or not yet sentenced and therefore do not have access to rehabilitation programs, suggesting incapacitation is growing in importance as the aim of the prison. The case of Canada is further discussed below.

This often retold linear narrative of the purpose of prisons in some ways describes shifting trends in the logic behind incarceration, but also obscures the fact that the goals of deterrence, penitence, rehabilitation, reparation and incapacitation have all been promoted as
the benefits of prisons at different moments and by different people, groups and institutions throughout the prison’s history. For as long as the prison has been in use, there have been arguments that it fulfills none of the goals above.

2.3.2. Private sector prison involvement
Since the days of British merchant shippers transporting prisoners to penal colonies in the seventeenth century, the private sector has been involved with the state in the delivery of “justice” (Feeley, 2002). In the U.S. in the 1800s, reformers pushing for inmates to benefit from training and work, politicians seeking funds, and local businesses looking for cheap or free labour found common ground in allowing businesses to run and manage prison facilities that used convict labour (Schneider, 1999, pp. 193-194). Around the 1940s and 1950s when reformers were pushing for a stronger rehabilitation focus, and after resistance from prisoners and labour unions, convict labour was eventually outlawed.

Most prisoners in the Global North today are housed in public prisons (Lilly & Knepper, 1993); private prisons hold around 8% of inmates in the U.S. (Mason, 2012, p. 1) and 12% in the U.K. (Prison Reform Trust, 2011). That being said, private operation and sometimes ownership of prisons has re-emerged and grown unevenly starting in the 1970s (Nossal & Wood, 2004). Between 1995 and 2010, the percentage of prisoners held in private facilities in the U.S. grew from 3.5 to 8 (Hartney & Glesmann, 2012, p. 5). This is due to the rise in privatization as the preferred method of service delivery, the perceived lack of funds for prisons and other infrastructure and problems with overcrowding. The main difference between practices in the nineteenth century and today are that current private corrections firms are large, multi-national corporations rather than local businesses (Schneider, 1999). Private firms have been given contracts to run existing prisons, and in some cases to construct new facilities in the U.S., Britain and Australia, and to a lesser extent in Canada.
Though private sector firms are not the dominant operators of prisons, there is much research based on the U.S. that traces the role of the private sector in public prisons and the privatization of prisons themselves. Studies on the former look at specific companies in the U.S. and their relationships with government (Lilly & Knepper, 1993) and at the impacts of private involvement on prisoners, particularly on communities of colour in the U.S. and globally (Evans & Goldberg, 2009; Parenti, 2008; Sudbury, 2005). Work on the latter examines the unevenness of privatization (Nossal & Wood, 2004; Wood, 2007), human rights abuses in private prisons (Coyle, Campbell, & Neufeld, 2003; Matlin, 1997), the difficult experiences of prison guards in these institutions (McElligott, 2007a; Taylor & Cooper, 2008), and the associated ethical issues (Schwartz & Nurge, 2004).

These scholars and activists often argue that the involvement of the private sector in prison delivery is problematic because profit incentives work towards more prisons, higher rates of recidivism, and poorer inmate conditions. While this research looks at an important trend, it often overstates the importance and proliferation of private prisons. Other studies have begun to show that this argument is oversimplified and is not always the most significantly occurring trend. Feeley (2002) argues that entrepreneurialism in the prison system is more important than profit movies because it has continuously lead to development and subsequent expansion of social control mechanisms. He shows that when private firms innovate to create better ways of managing and controlling prisoners, governments will eventually take on these new technologies and management strategies. Gilmore’s (2007) important work focuses on the state, rather than the private sector, as the most important actor in prison expansion in California. Though I look closely at changes to the role of the private sector in prison delivery in Ontario, my study does not aim to reproduce a simple narrative about the way profit motives have led to prison expansion in Ontario. I hope instead
to provide a complex analysis of how contestation and debate between many actors led to Ontario’s use of privatization and then PPPs for the expansion of its carceral system.

2.3.3. Prison abolition

Anti-prison activist work and scholarship is important to examine here, in a study of prison expansion, because it challenges the basic assumption that prisons should exist in response to harm inflicted by someone on a community (Davis, 2003). While abolition movements are diverse, in general they see the prison not as inevitable but as a “form of racialised state violence that must be dismantled as part of a wider social justice agenda” (Sudbury, 2009, p. 26). Abolitionists, using this title to link their struggle to slavery abolition movements in the U.S., point out the racialized nature of incarceration that is exacerbated by “tough-on-crime” legislation. Instead of the millions of dollars spent by states on the carceral system, anti-prison activists ask for those funds to be spent on education, health care and other public supports that make communities safer.

Abolitionists attempt to disrupt and ultimately prevent the reproduction, both physical and intellectual, of the prison as the institutional response to crime. Abolitionists choose to see the physical construction of a prison as an inherently political decision. They oppose the construction of new prisons even when it is claimed that construction is needed to address overcrowding due to lack of beds or human rights violations due to old or out-dated facilities. They argue these problems are inherent in the prison system, rather than a problem solvable through prison reform. As part of their work to dismantle the prison system some activists have called for a moratorium on prison construction and have worked in communities to prevent individual prisons from being built. They have also worked to contest the “prison idea” by challenging the logics of incarceration and pointing out the ways the prison fails at its own purposes, “stripping the ideational structure that legitimates its existence” (Piché, 2012b, p. 2).
In my project, inspired by abolitionist work, I think carefully about the logics and justifications for prison expansion using PPPs, remembering that prison construction is always a political decision rather than a neutral or inevitable policy response to problems.

2.3.4. The case of Canada
Scholars aiming to understand recent changes to the "global" carceral system have paid little attention to Canada. Sometimes, the case of Canada is swept up in the literature on the U.S., assuming that it follows similar trends, though less pronounced. Other times, Canada is inserted as a footnote, with scholars noting it as an exception since its incarceration rates have not fluctuated much over 30 years (Wacquant, 2010, p. 209).

In fact, Canada has unevenly followed global carceral trends since the 1980s. Canada is most unique in its stable incarceration rates, which have remained at around 140 inmates per 100,000 people in Canada and 87 in Ontario since 1980 (see Figure 1 on page 12). However, the carceral system is deeply racialized in Canada, with Aboriginal people highly overrepresented in prison populations (see Table 2). This is most acute in Saskatchewan, where Aboriginal people make up 11% of the general population and 81% of sentenced incarcerated inmates. In Ontario, the focus of my research, Aboriginal people make up 2% of the general population and 9% of incarcerated inmates (Perreault, 2009, p. 21). Though the total number of all inmates in Canada grew with population growth (around 8%), the number of federal Aboriginal prisoners grew by 21.7% and 74.2% for men and women respectively, between 1996 and 2004 (Office of the Correctional Investigator, 2010). There have also been major changes in the type of inmates incarcerated; inmates on remand and awaiting trial made up 20% of the prison population in Ontario in 1980, and made up 61% in 2010 (see Figure 2). This means more than half of incarcerated inmates in Ontario have either not yet been convicted of a crime or not yet sentenced. A number of “tough-on-crime” bills have been passed in Canada since 1980 to
increase maximum sentences and limitations to parole eligibility, but these bills have not resulted in increases in incarceration rates (Doob & Webster, 2006). Only recently has serious “tough-on-crime” legislation become an issue in Canada, as the federal Conservative Government passed the Safe Streets and Communities Act in 2012, which included mandatory minimum sentencing, harsher punishment for drug and child sexual offences and restriction of access to pardons for serious offences. The impacts of this legislation are not yet visible, but Ontario has begun planning for an influx in inmates due to this legislation (Auditor General of Ontario, 2010, p. 298).

In an attempt to understand why Canada’s incarceration rates have not followed those of the U.S., scholars have pointed to structural-political and cultural factors (Griffiths, 1988). The federal government’s jurisdiction over crime and punishment has made it difficult for a populist push for punitive justice to be put into law, and it is argued that Canadians do not have the will to mimic all aspects of the American justice because of their lack of belief in the prison and their interest in differentiating Canada from the U.S. (Doob & Webster, 2006). Of course there are a number of researchers looking at certain aspects of the Canadian carceral system, including racial profiling (Wortley & Owusu-Bempah, 2011), race and policing (Dafnos, 2012; Razack, 2002), solitary confinement (Jackson, 1983), inmate rights (Moore, Leclerc Burton, & Hannah-Moffat, 2003), women inmates (Hannah-Moffat, 1967), experiences of correctional officers (McElligott, 2007a, 2008), immigration detention (Larsen & Piché, 2009; Mountz, Coddington, Catania, & Loyd, 2012), and prison memorialization (Walby & Piché, 2011), to name a few. But little research on Canada is focused on prison construction and policies for prison expansion², and few consider Canada’s situation in the context of neoliberal penalty as theorized by Wacquant (2009) and Peck (2003, 2008). My project contributes to this under-

² An exception is Piché’s (2012) important PhD thesis on prison expansion in Canada.
researched area of Canadian prison literature and also connects the case of Ontario to conversations about prison expansion in the U.S. and globally.

Table 2: Aboriginal people as a percentage of the total adult general population and total admissions to adult correctional custody in 2008/2009

<table>
<thead>
<tr>
<th>Correctional Service</th>
<th>Percent of Adult General Population</th>
<th>Percent of Remand Population</th>
<th>Percent of Sentenced Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newfoundland and Labrador</td>
<td>4</td>
<td>23</td>
<td>21</td>
</tr>
<tr>
<td>Prince Edward Island</td>
<td>1</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Nova Scotia</td>
<td>2</td>
<td>9</td>
<td>7</td>
</tr>
<tr>
<td>New Brunswick</td>
<td>2</td>
<td>9</td>
<td>8</td>
</tr>
<tr>
<td>Quebec</td>
<td>1</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Ontario</td>
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<td>9</td>
<td>9</td>
</tr>
<tr>
<td>Manitoba</td>
<td>12</td>
<td>66</td>
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<td>Saskatchewan</td>
<td>11</td>
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<tr>
<td>Alberta</td>
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<td>76</td>
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<tr>
<td>Northwest Territories</td>
<td>45</td>
<td>85</td>
<td>86</td>
</tr>
<tr>
<td>Nunavut</td>
<td>78</td>
<td>Not available</td>
<td>Not available</td>
</tr>
<tr>
<td>Federal</td>
<td>3</td>
<td>Not applicable</td>
<td>18</td>
</tr>
</tbody>
</table>


Figure 2: Number of actual in-count inmates sentenced and on remand in Ontario from 1980 to 2010

Note: From CANSIM Tables 251-0004 and 251-0005 E-STAT by Statistics Canada, 2011.
2.4. Weaving it all together

2.4.1. Situating my project

In my exploration of literature on neoliberalism and prisons, public infrastructure development, and the history of the prison, I have pointed to a number of gaps that I feel my project works towards filling to strengthen, expand and at times challenge research in these areas.

Within literature on actually existing neoliberalism, there is a need to pay close attention to PPPs. Public-private partnerships have been mentioned in this literature in passing as techniques of neoliberal governance or as a new name for privatization without a detailed understanding of how they work. My work shows that PPPs are complex and a result of much contestation and reform that cannot be described simply by the "privatization" label. As I show in chapter 4, the oversimplification of neoliberal policies as simply the growth of the private sector and retreat of the state ignores major changes to the state itself and masks underlying problems with these changes.

On the other hand, PPP literature is focused on assessing the ability of PPPs to deliver infrastructure projects successfully, but has not examined the relationship between PPPs and broader economic and political trends. The focus is on the technical aspects of PPPs, and the partnerships are seen as a neutral policy tool for infrastructure delivery. By tracing the history and development of PPPs and the logics that motivate their widespread use in Canada, I show they are products of a particular socio-cultural-technical geography rather than the inevitable result of a search for the most efficient infrastructure delivery mechanism.

Looking at the financing of prisons through PPPs will contribute to the small but growing literature on the geographies of international financial capital. I will look at the economic and political implications of international financing on prisons in Ontario.
Finally, within theorizations of the prison and the neoliberal state, there has been a tendency to omit Canada. Contradictorily, Canada is assumed to be either an exceptional case or simply another, more subtle version of the U.S. penal state. My geographic focus on Ontario is important. I show that prisons play a different but significant role in the neoliberal state in Ontario, implying that neoliberalism has not been exported from the U.S. and implemented in Canada, but that it takes a new and unique form in Ontario. This makes for a more theoretically rich assessment of neoliberalism, but it also helps to challenge the idea that neoliberalism is an inevitable and uniform global force. Instead, I point out the fragmented and uneven nature of neoliberalization in Ontario, opening the possibility for further contestation and providing some guidance as to how it might look.

**2.4.2. Theoretical framework**

Despite these gaps, there are specific theoretical contributions, ideas, and assumptions from the research I explored in this chapter that help frame my project.

My project follows other scholars who have gone beyond broad or monolithic notions of neoliberalism to look at how it actually works on the ground, and how it takes different forms in different communities (Larner & Butler, 2010; Larner & Le Heron, 2005; Mitchell, 2001). My project is driven by the need perceived by Peck (2003) to "move beyond ‘thick descriptions’ of state restructuring, policy reforms and new forms of governance to ask what it is that the state is actually doing – why, where and with what political, social and economic implications” (p. 222). This is crucial to any analysis of Ontario since changes to the penal system have been a process not of “straight forward” privatization but one of privatization, resistance, reform, adjustment, and reimaginaition of policies using new logics. I see the uneven, non-linear nature of neoliberalism as constitutive rather than simply contingent (Peck & Theodore, 2012, p. 180).
Building on the above, as I study the changing nature of the private sector in prison delivery in Ontario, I do not look only at the increases in private involvement as the most important trend. As Ferguson described, “rather than shifting the line between state and market, then, neoliberalism...involved the deployment of new, market-based techniques of government within the terrain of the state itself,” (Ferguson, 2010, p. 172). Thus, privatization is different than “marketization” (Bakker, 2005, p. 554; Cowen & Siciliano, 2011, p. 1519). The latter can be understood as when market logics are embedded in public institutions and when governments become involved in facilitating markets, whereas the former is when private firms take over services previously provided by governments. I look at how the private sector is involved in shaping penal governance in Ontario and how the state has changed and responded. I’ll explore how the PPP, implemented in many forms over the past 20 years, has played a role in constructing an entrepreneurial, market-oriented government in Ontario, and how the government has increasingly become a market facilitator rather than simply a regulator.

In general, keeping the prison central in my analysis of neoliberalism points to a vision of neoliberalism that presents different faces to different segments of the population. To the elite, holders of economic and cultural capital, it works to promote freedom and individual choice, while to marginalized populations it is coercive, paternalistic and intrusive. Wacquant (2012, p. 74) identifies this as the centaur state, different at the top and bottom. This plays out in how people are able to access public services and infrastructure. Infrastructure like transit and roads become less accessible to marginalized populations while prisons become increasingly significant.

Finally, I make use of the idea from abolitionists that the construction of any prison is a political decision. In chapter 4, I look carefully at the government justifications for building new
prisons in Ontario, favouring large superjails over smaller regional centres, and contracting-out correctional services to the private sector, to show that the prison expansion project was not a natural response to problems in the correctional system but carried out to reinforce the prison idea in Ontario. In chapter 5 I look at how the prison idea is strengthened by PPPs by allowing prisons to be equated to other infrastructure like roads and hospitals.
Chapter 3: Methods

This chapter describes the methods I used and barriers I faced in exploring the primary research questions of this thesis: how has private involvement in prison development and operation over the past 15 years changed? Why has this happened and what are the economic and political implications? Along with many other prison researchers in Canada and elsewhere, I faced major challenges to accessing data related to prisons. In this chapter, I first describe the type of data I collected and review the experiences of other researchers collecting this type of data. Then, I describe the details of data I collected and the difficulties I faced in accessing them in two parts: interviews and documents. I describe how I analyzed the data and end with reflections on the challenges during the research part of the project.

3.1. Gathering qualitative data on the state and the prison

The aim of this thesis was to gain an understanding of how policies around prison construction have changed in Ontario since 1995, why they changed, and the logics behind these changes. Thus it was important to have access to both official government documents describing new programs, policies and decisions related to prison expansion in Ontario and descriptions of how these changes came about according to key informants involved in prison and infrastructure development over the past twenty years.

Using multiple sets of “data”, both interviews with key informants and public and internal documents related to prison expansion, was important for this research. Using more than one set of data, called triangulation, improves the quality of the research because “triangulation should produce knowledge at different levels, which means they go beyond the knowledge made possible by one approach” (Flick, 2007, p. 41). Multiple forms of data helped me consider the differences between “official” and “unofficial” descriptions of policy changes
and gain insights into how governments articulate their visions and how others perceive these visions.

Using multiple sources of data was also a solution to the challenge of accessing information about prison expansion policies in Ontario. It has been notoriously difficult for social scientists to gain access to the state, particularly those critical of state activities. As Abrams (1988, p. 62) articulated, “an integral element of [state] power is the quite straightforward ability to withhold information, deny observation and dictate the terms of knowledge”. The state employs a number of strategies to prevent information from being meaningfully accessed; Larsen and Walby have termed these strategies “techniques of opacity” (2012b, p. 21). They include active techniques like destroying records, denying records exist, and omitting information, to passive techniques like postponing responses to requests, requiring clarification for costs, and charging high prices for requests (Piché, 2012b, p. 25).

This problem of accessing data is enhanced with the study of one of the state’s most secretive institutions, the prison. Most often, data will only be released when research is beneficial for the agency in question and does not compromise security (Dafnos, 2012; Piché, 2012a). Those looking to analyze prison policies and possibly make critiques do not necessarily meet these criteria. Barriers to prison access in Canada are best documented in relation to accessing prisoners (Martel, 2004; Yeager, 2008). Less has been written about accessing information about the logics behind prison policies. This must be done by going beyond publicly accessible documents since “the actual implementation of policies and models does not always match their intentions” (Dafnos, 2012, p. 214). Access to Information and Freedom of Information requests are one way researchers have used to better understand the internal logics of state security (Dafnos, 2012; Piché, 2012a).
My original strategies to gain insights into the logics of prison expansion policies were to interview public servants about these policies and use formal Freedom of Information requests to access internal government documents. These strategies were largely unsuccessful. Instead, I turned to those outside the state who played a role in prison expansion and publicly available documents and media coverage. Doing so highlighted the importance of non-state actors in prison policy and allowed me to focus more on public discourse and its role in prison expansion. In the following sections I discuss the data I was and was not able to acquire and insights about the state’s techniques of opacity that can be gained from my experience.

3.2. Interviews

3.2.1. Who I interviewed
I conducted 15 semi-structured interviews with the following people involved in prison development in Ontario since 1995: staff from Infrastructure Ontario; provincial and federal correctional officer staff; equity providers, investors and financial advisors for PPPs in Ontario; former staff at MTC, the private operator of Central North Correctional Centre; former staff with the Ministry of Community Safety and Correctional Services; Canadian managers at bond rating agencies; and prisoner and prison abolition advocates. All of these people had direct or indirect involvement in Ontario’s prison expansion project and the PPP industry in Canada. A description of the key informants interviewed is provided in Table 3.
<table>
<thead>
<tr>
<th>Title</th>
<th>Affiliation</th>
<th>Name</th>
<th>Notes</th>
<th>Date of Interview</th>
</tr>
</thead>
<tbody>
<tr>
<td>Managing Director, Infrastructure</td>
<td>Fengate Capital Management Ltd.</td>
<td>George Theodoropoulos</td>
<td>Fengate Capital provided equity for Toronto South Detention Centre</td>
<td>May 23, 2012</td>
</tr>
<tr>
<td>Staff with Correctional Services</td>
<td>OPSEU</td>
<td></td>
<td></td>
<td>June 18, 2012</td>
</tr>
<tr>
<td>Former manager</td>
<td>Government of Ontario</td>
<td></td>
<td></td>
<td>July 10, 2012</td>
</tr>
<tr>
<td>Former manager</td>
<td>Management and Training Corporation (MTC) Canada</td>
<td></td>
<td>MTC held the operations contract for Central North Correctional Centre</td>
<td>July 24, 2012</td>
</tr>
<tr>
<td>Manager</td>
<td>Infrastructure Ontario</td>
<td></td>
<td></td>
<td>August 8, 2012</td>
</tr>
<tr>
<td>Manager</td>
<td>Investment firm for PPPs in Canada</td>
<td></td>
<td></td>
<td>October 12, 2012</td>
</tr>
<tr>
<td>Leader</td>
<td>Union of Canadian Correctional Officers</td>
<td></td>
<td></td>
<td>October 18, 2012</td>
</tr>
<tr>
<td>Correctional Officer</td>
<td>OPSEU</td>
<td></td>
<td>Involved in Ministry Employee Relations Committee</td>
<td>October 24, 2012</td>
</tr>
<tr>
<td>Prison Abolition Advocate</td>
<td></td>
<td></td>
<td>Affiliated with the Prison Moratorium Action Coalition</td>
<td>October 30, 2012</td>
</tr>
<tr>
<td>Prison Abolition Advocate</td>
<td></td>
<td></td>
<td>Affiliated with the Prison Moratorium Action Coalition</td>
<td>November 13, 2012</td>
</tr>
<tr>
<td>Manager</td>
<td>Financial advisor for PPPs in Canada</td>
<td></td>
<td></td>
<td>January 28, 2013</td>
</tr>
<tr>
<td>Senior Managers</td>
<td>Bond ratings agencies</td>
<td></td>
<td>Four managers were interviewed</td>
<td>April 19, 2013; April 22, 2013; April 24, 2013;</td>
</tr>
</tbody>
</table>

The interviewees were identified through the snowballing technique (Atkinson & Flint, 2003). An initial group of informants were identified by reviewing government, firm, and non-government organization websites; looking at the authors of various reports on prison infrastructure; networking at a conference I attended on PPPs organized by the Canadian Council of Public-Private Partnerships; reading profiles on the online job site LinkedIn; and following potential interviewees on Twitter. During interviews, this initial group of participants suggested other relevant people to be interviewed. A diverse range of methods for identifying
participants was needed because most were difficult to access. I was not part of the communities to which the participants belonged, so using creative ways of making contact helped me gain access to a wider range of people involved in Ontario’s prison system.

In addition to the 15 interviews I conducted for my research, I also assisted in a research project on union perspectives on PPPs where I had access to 20 interviews with public and private sector union staff and pension fund managers of union pensions (summarized in Table 4). I conducted 11 of these interviews and other members of the research team conducted the other 9 interviews. Of the 20 interviews, 10 were with public sector union representatives, one was with a trade union representative, eight were with pension fund managers of public sector union member pensions, and one was with a senior manager with Infrastructure Ontario. Though these interviews were not directly related to prisons, they informed my understanding of PPPs in Canada and are occasionally quoted throughout my thesis.

Table 4: List of interviews conducted for research assistantship work

<table>
<thead>
<tr>
<th>Participant Affiliation</th>
<th>Number interviewed for project</th>
<th>Number of interviews I conducted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public sector unions</td>
<td>10</td>
<td>4</td>
</tr>
<tr>
<td>Private sector unions</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Pension funds managing union member pension</td>
<td>8</td>
<td>5</td>
</tr>
<tr>
<td>Infrastructure Ontario</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>20</strong></td>
<td><strong>11</strong></td>
</tr>
</tbody>
</table>

Most participants, with the exception of George Theodoropoulos, asked that their anonymity be preserved as a condition of their participation. Thus, I used participants’ suggestions for how to refer to them throughout this paper. Most often, I describe the type of firm at which the participant worked, rather than identify the firm by name. Also, some participants have worked for a number of firms within the PPP industry over the past 20 years. While it would be interesting to trace these careers to see how many move between public service jobs writing policy on infrastructure to jobs with firms that benefit from these policies,
doing so would likely imply the identities of participants. I mostly do not include these details in my writing, and when I do, it is out context to preserve the confidentiality of participants. I have included my Letter of Consent, approved by the Research Ethics Board at the University of Toronto, in Appendix A.

3.2.2. Who I did not interview
There were two groups of people that I was mostly unable to interview: civil servants working within the Ministry of Community Safety and Correctional Services (MCSCS or the Ministry), and provincial politicians involved in corrections. Because I was interested in understanding more about the policy decisions to involve the private sector in the operations of Central North Correctional Centre and to subsequently shift away from private operations towards private financing, the people creating and carrying out these policies seemed like a natural source of insight. By going through MCSCS reports and websites, I identified the Alternative Service Delivery group at the Ministry as most relevant to my research since they were the group considering new ways of delivering prison services, including through private sector involvement. However, before I could speak with staff there, I was told to apply to the Ministry of Community Safety and Correctional Services Adult Correctional Services Research Committee. I submitted an application, received feedback and resubmitted, and after waiting four months was ultimately denied approval. The letter of rejection explained, “the Committee felt that your study has limited benefit to the Ministry” (David Day, personal communication, November 19, 2012). Informally, someone from the committee explained that my proposal would be have been more likely to be approved had I been interested in speaking with prisoners rather than civil servants. He was referring to the fact that the majority of the applications received by the Committee pertain to accessing prisoners and thus the Committee is better prepared to address these concerns. However, it is frustrating that it is easier to speak with
prisoners than it is to discuss prison policy decisions with the people who made them. This is surprising based on the numerous barriers other academics have faced accessing prisoners (Martel, 2004; Yeager, 2008). It is another example of the state’s techniques of opacity (Larsen & Walby, 2012b) to shield information from the public about the inner workings of the state.

I was also unsuccessful in interviewing politicians about prison policy. In most cases, the politicians in office during decision making around the privatization of Central North Correctional Centre are still in office, thus it was difficult to have them sit down for an interview due to their busy schedules. To address this issue, I examined Ontario Legislative Assembly debates transcripts between 1995 and today and media coverage of prison policy changes, including government press releases and national and local newspapers. Often articles about prison expansion had interviews or quotes from politicians involved. Though this does not help understand how decisions were made “behind the scenes” and does not allow for a nuanced descriptive account of how certain policies came about, it does help understand how politicians were choosing to frame issues of prison expansion.

3.2.3. Power and self-representation in interviews

Interviewing is a challenging method in that the data comes from participants’ personal experiences and changes depending on how the interview is conducted. Interviews are affected by positionality, in terms of gender, race, class, sexuality and age, of the researcher and the interviewee. They are also affected by the mood of those in the interview, the time of day and rapport between researcher and participant. In my view, this serves as a reminder that the aim of the interview is not to obtain “objective” data from the interviewee, but rather to gain insight into the way the interviewee understands the situation, based on the idea that knowledge is socially constructed. Thus, rather than a miner mining the interviewee for information, the
researcher can be thought of as a traveller, travelling through new or familiar landscapes and listening to narratives of those within a particular landscape (Kvale, 2007, pp. 19-20).

The power relations between and positionalities of the interviewee and interviewer affect the responses given by the participants. My position as a young, white, female student interviewing people in positions of power in private firms who were older white men and sometimes women complicates traditional interviewer-interviewee power relations by putting the interviewee in a position of power in some ways. In thinking through positionality, it is not a matter of producing more or less “objective” data, but rather thinking about how these things affect the data. In some interviews, I felt my position as a young white women made me seen innocuous, and thus more able to access personal insights about PPPs from the interviewees. In other cases, I felt the need to actively assert my position as a researcher knowledgeable about the PPP industry to be taken seriously. Power dynamics in my interviews played out in different ways and I thought carefully about the way I presented myself to develop the best rapport with the participants.

Some debate around how to best access interview data centres on status as an “insider” or “outsider” (Mullings, 1999, p. 340), or as an “expert” or “ignoramus” in McDowell’s (1998, p. 2137) words. While insiders/experts could be seen to access better information because of their awareness of privileged “insider” knowledge, outsiders can be seen as neutral and therefore be given information that would not normally be told to an insider. Feminist economic geographer Mullings (1999) argues that successful interviewers rarely fall exclusively into the insider or outsider categories. Researchers should occupy “positional spaces” where insider and outsider status is fluid, dynamic and transitory (Mullings, 1999, p. 340). My positional space changed throughout interviews and also depended on the interviewee’s position. In my interviews with managers in the PPP industry I felt I moved from insider, because of my knowledge of PPPs in
Canada, and outsider, due to my gender, age, and position as a student, throughout the interviews. In interviews with correctional officers, I was an insider due to my union membership and work experience and an outsider due to my inexperience with the world of corrections.

There has also been debate about whether or not, or how, researchers should be honest about their intentions, politics and research agendas, particularly from feminist researchers (McDowell, 1992, 1998; Mullings, 1999; Schoenberger, 1992). McDowell (1998) values openness about the purpose of a project, especially in cases where the participant may not agree with the perspectives of the interviewer. I was open about my research questions, but in interviews I stressed what I perceived to be areas of shared interest, like mentioning a conference that the interviewee and I had both attended or mentioning my affiliation with a union. I also used a particular “gloss” (McDowell, 1998, p. 2137) to describe my project as an investigation into the relationship between the private sector and prison development in Ontario over the past 15 years, rather than the role of the prison in the roll-out of the neoliberal state. Upon reflection, I wish that I had been better able to articulate my theoretical position to my participants who may take issue with my analysis of their perspectives on prison development in Ontario.

3.3. Documents

3.3.1. Description of documents analyzed
I gathered documents related to prison development in Ontario from many sources including government agencies like the Auditor General, Ontario Ministry of Community Safety and Corrections, Infrastructure Ontario and the federal Correctional Service Canada; industry firms and organizations like the Canadian Council for Public-Private Partnerships, Conference Board of Canada and Fasken Martineau; and non-profit organizations and unions like the John Howard Society, Canadian Council for Policy Alternatives, the Ontario Public Service
Employees Union (OPSEU) and the Canadian Union of Public Employees (CUPE). I included a full list of the non-academic documents I analyzed in Appendix B. I used these documents to gain insight into how different groups understood and framed prison expansion, PPPs, and private sector involvement in prisons in Ontario.

3.3.2. Media studied
I also studied media reports covering prison expansion from 1995 to today. Using archives at the University of Toronto, I searched for articles relating prisons, jails and correctional centres in the national and local newspapers like the Toronto Star, National Post and Globe and Mail, Midland Free Press, the Windsor Star, the Barrie Examiner, the Lindsay Post, and The (Hanover) Post. These articles allowed me to gain a sense of how issues of prison expansion and PPPs were being portrayed in the media. The articles often included quotes from local and provincial politicians, both from the party in power and the opposition parties, and provided me with some limited information about how politicians viewed prison expansion over the period of study.

3.3.3. (Not) Accessing data from the state
There are vast amounts of information related to PPPs online. Many industry groups, including the Canadian Council for Public-Private Partnerships, the Association of Consulting Engineering Companies Canada and Infrastructure Canada magazine, as well as individual companies like Fasken Martineau and Moody’s, publish informational reports on PPPs. It is in the interest of these firms to make public information about PPPs to increase awareness about the industry, encourage other firms to participate in PPPs, and facilitate successful partnerships. Within the provincial government, Infrastructure Ontario publishes reports about the PPP projects it facilitates. It publishes background information and value for money reports about each of its projects, as well as documents about its methods for infrastructure delivery.
and assessing the success of its projects. Though the reports are often sparse in details, they nonetheless provide researchers with basic details about current infrastructure projects in Ontario. The same cannot be said for the Ministry of Community Services and Correctional Services. Few documents about prisons in Ontario are publicly available; the Ministry’s website includes only a strategic plan for 2008-2013 and a limited number of “business plans”, annual reports and “results-based plans” that have a few sentences describing capacity expansions. I gleaned more information about MCSCS from the Ontario Auditor General’s reports about MCSCS. Auditor General reports are available online starting from 2001, and reports before 2001, which I acquired for my project, can be accessed through informal requests to the Auditor General’s office.

After my extensive survey of online materials, I created a list of internal MCSCS documents mentioned but not publicly accessible that I believed would be useful to my research. They were generally related to prison expansion policies and programs carried out by the Ministry between 1995 and today. I requested these documents from MCSCS informally by phoning their communications department. I was eventually successful in acquiring one report, the comparison between Central North and Central East Correctional Centres and evaluation of Central North’s private operator’s performance (PricewaterhouseCoopers, 2006), which I explore in chapter 4. However, at first I was only given the executive summary of this report, a total of ten pages, which excluded the table of contents of the longer the report, preventing me from even looking at what might be in the full version. After a second request, I was given the full report of around 60 pages with some redacting. I was told that the other documents are not publicly available but that I may be able to access them through a Freedom of Information (FOI) request.
Freedom of Information requests have been an important tool for critical researchers studying the state (Larsen & Walby, 2012a) and the prison in particular (Piché, 2012a). One of the catch-22s (Heller, 1961) of the FOI request is that the more information one has about the documents in question, the higher the chances are of receiving the documents, but it is difficult to gain information about the documents without having the documents in the first place. I made an initial request, spoke with an FOI analyst and made a second request including more details for five documents. The response from the Ministry was that my request would cost $3,492. The majority of this cost, $3,390 was attributed to “record search” fees; the Ministry estimated it would take 113 hours to search for the five records I requested. Unable to pay the amount, I submitted a third request, narrowing my search to two documents. The document of most interest to me was a “capacity requirement study” done by MCSCS and mentioned in the 2008 and 2010 Auditor General Annual Reports of MCSCS’s Adult Institutional Services (2008, p. 82; 2010, p. 298). According to the Auditor General, the purpose and scope of the study were:

To determine current bed utilization and future adult correctional capacity needs up to 2022. The scope of this study included the development of an adult institution count projection model; a preliminary assessment of the Ministry’s current infrastructure; an examination of the Ministry’s decommissioned infrastructure for future suitability; a costing analysis for both operating and capital expenditures; and an analysis of how future legislation will affect adult incarcerations. (2010, p. 298)

Considering my research aims to understand how prison infrastructure has been developed in Ontario, including looking at the logics that frame prison expansion, this study seemed highly relevant. I was also interested in how the study was being used for future prison construction, since the Auditor General explained that:

We were informed that the Ministry had prioritized the issues identified in the study to determine future capital construction projects, including capital work that needs to be done to extend the life of facilities nearing the end of their expected life cycle. (2010, p. 298, my emphasis)
I also included a request for a second document of which I had the title and authors, since I thought it would be easily accessible and thus not costly. The Ministry estimated the cost of this new request to be $1,135.70, including $1,087.50 for 36.25 hours for a record search.

At that point I began pushing the analyst and those I knew working within government to explain how it could be that “searching” for two reports could take 36.25 hours. Eventually, one of the managers I interviewed from Infrastructure Ontario explained that he had heard of my request and that the high cost was likely due to the many hours of redacting needed before I was given access to report. I filed a fee waiver request, arguing that the cost of the documents was too high based on my income, where I provided copies of my bank statements and information my income and expenses. The fee was reduced to $567.85. When I expressed frustration at the process to the analyst I had been working with, she suggested I file an appeal. I began informal mediation with the Office of the Information and Privacy Commissioner, which resulted in MCSCS stating again that it felt it had correctly assessed the cost of my request. The Office of the Information and Privacy Commissioner analyst then suggested that I file a formal appeal. It was only after the analyst notified MCSCS that she would be filing a formal appeal that MCSCS decided to significantly reduce the cost of my request; it was reduced to $168.00 for “partial access” (Ministry of Community Safety and Correctional Services, personal correspondence, May 3, 2013). Interestingly, the reduction of fees was not in relation to my fee waiver request, but due to an adjusted estimate for finding fees. The appeal stated that only 1 hour (as opposed to the original 36.25) was required to locate the documents and 1.5 hours were needed to “prepare”, likely redact, the documents. I decided to pay the reduced fee and at the time of writing, I am currently waiting for MCSCS to provide the requested documents. A summary of the documents I requested and responses from MCSCS, including costs, can be found in Appendix C.
I think it is important to make note of some of the reasons the Ministry gave to explain why some information in the reports I requested is “exempt from disclosure” (MCSCS, personal correspondence, May 3, 2013). MCSCS anticipated the information would be redacted because disclosure of information in my request might:

- Reveal advice...of a public servant, any other person employed in the service of an institution or consultant;
- Endanger the security of a building,...vehicle...or system;
- Facilitate the escape...of a person who is under lawful detention;
- Jeopardize the security of a centre for lawful detention;
- Disclose...plans relating to...an institution that have not yet been put into operation or made public;
- Disclose information...where the disclosure could reasonably be expected to result in premature disclosure of a pending policy decision or undue financial benefit or loss to a person;
- Disclose a record that reveals a trade secret or scientific, technical, commercial, financial or labour relations information...where the disclosure could reasonably be expected to...result in undue loss or gain to any person, group, committee or financial institution or agency.

(MCSCS, personal correspondence, August 15, 2012, May 3, 2013)

When I made my original request, I expected to face barriers related to security, but I was surprised to read that commercial sensitivity, as described in the last two points, was an issue. Even if I had received the documents I requested before the submission of this thesis, it is unlikely that I would have been able to learn more about why my request is considered commercially sensitive. However, I think it possible that it is related the increased involvement of the private sector in prison expansion, as described in the following two chapters. That PPPs could be making it more difficult for information about prison construction to be made public is a serious consequence of this new form of infrastructure delivery mechanism. I also found the fifth point surprising, it seems to imply that it is not possible to obtain information about future plans. This leads me to ask how researchers and non-government officials might ever be able to comment on potential changes to prison policies before they are made.
I included the details of my attempts to access documents from MCSCS to illustrate the challenges to obtaining data for this project. It seems that information justifying the construction of new prisons would be important information to be shared with the public. While to my knowledge the Ministry did not actively withhold information from me, I believe they used the passive technique of charging very high prices for requests to prevent access to information. The Ministry’s omission of information and high costs to carry out FOI requests ultimately resulted in relevant documents being excluded from my research.

3.4. Data Analysis
The data I collected was analyzed both “directly”, to gain an understanding of key dates, people and policy changes that occurred, and “indirectly”, to provide insight into the logics and frameworks within which policy changes were made (Finnegan, 2006, p. 143). Part of my aim with this project was to map out how private sector involvement in prison development in Ontario has changed since 1995. Thus, the data I collected was used directly to understand things like when decisions were made to build certain prisons, when prisons opened and closed, and which companies were involved in which projects. Using the data directly is important because information about prison infrastructure delivery is not easily accessible and often not available to the public. I hope my thesis will be able to make clear a part of Ontario’s prison history that is not well understood.

“Indirectly”, these interviews and documents were analyzed through discourse analysis. Discourse analysis assumes that language is fundamental to how we construct meaning about ourselves and the world around us, and that studying the way language is used can help us understand how meanings associated with words and ideas change over time and across context. Understanding how discourse is constructed allows us to understand how certain versions or understandings of the world are made possible (Potter, 2004, p. 610). It also
assumes that discourse does not simply reflect social relations, but actively constructs them (Fairclough, 2003). Thus, I looked at how discussions around prison expansion, prison privatization and PPP prisons made possible certain realities and foreclosed others.

It is difficult to explain practically how to go about doing discourse analysis, but as an example, resistance to the privatization experiment was focused around framing the private operator of Central North Correctional Centre as a scary, “foreign”, American company that didn’t understand Canadian corrections. Through discourse analysis I looked at the language used to describe the private operator, and the contexts in which it is used and ask the questions: what is the discourse around privatization doing, and what are its impacts? This comes from a central assumption in discourse analysis, that language is active in making the world in which we live, and that “unpacking and rendering visible” (Potter 2004, 609) the work language does helps to understand the impacts of a particular making of the world. Rather than help understand how private sector involvement in prison expansion has changed over the past 15 years, discourse analysis explores why these changes occurred, how they were justified, and what their impacts might be people for involved in the prison system and society as a whole.

3.5. Reflections on challenges

The organization of my thesis, which is divided into literature review, methods, and discussion of results, constructs my research process as a linear narrative. This structure works best for positivist approaches to research that view the research process as objective and describe methods as a way for other researchers to replicate the “experiment” to verify results. Though this is not my approach, I found the literature review/methods/discussion structure useful for organizing my thoughts and for making my research understandable to the reader. However, the structure masks the circular, iterative and messy process of data collection. Before, during and after interviews, I reflected upon and analyzed my experiences and
connected them with my research questions. I believe that paying attention to methodological challenges can help with analysis and interpretation of results. Here I provide two instances of how issues I faced in data collection guided my arguments in chapters 4 and 5.

3.5.1. Politics of availability
I have already documented the difficulties I faced in accessing information about Ontario prison development history. However, not all organizations involved in prison delivery are equally inaccessible. While MCSCS was unwilling to provide access to relevant documents or allow staff to participate in interviews, I found that current and former staff of Management & Training Corporation (MTC) involved in the privatization experiment at Central North were willing to speak with me and share information. I also spoke with managers at private corrections firms based in the U.S., and Canadian investors in PPP prisons who were willing to participate in my research. In one case, a firm provided me with research it had conducted about private prisons and PPPs related to prisons. When I asked managers of private prison operation firms why they were so open, they explained they know there are many “myths” about private prisons they want to dispel. I believe firms are aware that major barriers to increased private sector involvement in prison infrastructure are the negative perception and moral issues members of the public have about profiting from prisons. Firms are interested in changing public perceptions of their work by disseminating research and at times, participating in academic studies like mine.

My experience with interviews goes against some critics of prison privatization, who argue that private sector control of public assets will decrease accountability. It may be true that governments have more legal obligations to be accountable legally, but in practice it seems they are unwilling to be transparent about prison operations. Thus it is not necessarily true that prison privatization decreases transparency and accountability. This insight pushed
me to think differently about prison privatization and helped me to think through my argument in Chapter 4 about the way the good/bad, public/private binaries entrenched prison expansion in the policies of MCSCS and prevented discussions of other problems in the prison system in Ontario.

3.5.2. Making the prison argument

The most common question I received from interviewees working in the PPP industry was about why I was interested in talking about PPPs in relation to prisons. It was sometimes difficult to have people agree to be interviewed because they were certain they would have nothing to offer that was specific to the prison, even though they were integral to the construction of new prisons in Ontario. The question of “why the prison” in the context of PPPs was one I thought about constantly throughout my research, because it was so difficult to convince those dealing with PPPs it was relevant. This challenge lead me to make the argument in Chapter 5 that PPPs play a role in depoliticizing the prison through the removal of specific assets from conversations about PPPs.

In the following two chapters, I explore what I found during my data collection process and what can be learned about prison expansion in Ontario.
Chapter 4: Privatization and back again? 1995 to 2006

This chapter traces changes to Ontario’s provincial corrections that took place between 1995 and 2006. Reforms to the prison system were an important part of the restructuring of the state by the Progressive Conservative party and their Common Sense Revolution. The changes involved bringing market principles into the “business” of corrections through constructing superjails, contracting-out of certain prison services and reframing ideas about inmates and rehabilitation. The privatization of the operations of one new facility, Central North Correctional Centre (CNCC or Central North), as part of the privatization experiment, garnered much attention and strong opposition, fostering public debate about the way prisons should be run in Ontario. These conversations centered on the issue of public versus private prisons, and did not engage with other correctional changes by the Conservatives. I show how both neoliberal rationalities and resistance to these ways of thinking about prisons influenced the transformation of Ontario’s corrections. I contend that based on the discourse around prisons from politicians, bureaucrats, community groups, prison advocates, organized labour and the media, certain changes to corrections were seen as problematic and reversed during that period while others were overlooked and remained permanent.

It would perhaps be helpful to provide on note on my choice of 1995 to 2006 as the timeframe for this chapter. This chapter aims to explain the construction of two new prisons that opened in 2001 and 2003. These prisons were conceived of soon after the 1995 election of the Conservative party as part of its Common Sense Revolution. The Common Sense Revolution was a significant shift in Ontario’s approach to governance, and the two new prisons cannot be examined without the context of the Common Sense Revolution, beginning in 1995. I
chose 2006 as the end for this chapter because it was the year the privatization experiment at Central North officially ended.

The chapter proceeds as follows. I begin by describing the ways the Common Sense Revolution manifested in the correctional arm of the state and focus on the construction of the superjail CNCC and the contracting-out of its operations to a U.S. firm. I explore resistance to these changes and the eventual contracting-in of CNCC’s operations. I analyze the logic behind the attempted restructuring to learn about the way neoliberal rationalities played out in Ontario. I then look at the impacts of the discourse used to contest the privatization process on the future of corrections in Ontario.

4.1. Ontario’s prison development 1995 to 2006

4.1.1. Bringing the Common Sense Revolution to the prison

The election of the Progressive Conservative party lead by Mike Harris in 1995 significantly shifted the Ontario provincial government’s approach to public service delivery. Harris ran for election with the promise of a “Common Sense Revolution” (Figure 3), which preached small government and the freedom of the market. Though some austerity measures were passed by the previous New Democratic government facing poor economic conditions (Prudham, 2004, p. 596), the Conservative policies were a clear move towards roll-back and roll-out neoliberalism (Brenner & Theodore, 2002). Initiatives of this government included the underfunding of the education system, the replacement of welfare with workfare, amalgamation of many local governments including the creation of the Greater Toronto Area, privatization and deregulation of environmental policies and services, staffing cuts to most government agencies, cut backs to public sector unions, and increased policing of private space through the Safe Streets Act (1999) (Keil, 2002). The “common sense” part of the Common Sense Revolution was bringing the logic of the market into all aspects of government and
removing governmental barriers to Ontarians reaching their “full potential”. These barriers included welfare, environmental laws and regulations and employment equity initiatives (McElligott, 2007b).

Once elected, Harris began plans to bring his common sense to the Ministry of Community Safety and Correctional Services\(^3\) (MCSCS), partially in response to reports written by the Office of the Provincial Auditor a few years earlier about a problem with the costs of the administration of correctional services. In 1993, the Office of the Provincial Auditor of Ontario found that Ontario had the highest daily cost-per-inmate in the country ($140 per day compared to the average for all provinces of $98 per day). The Auditor argued this was due to high staffing costs, underuse of community programming and out-dated prison infrastructure (Office of the Provincial Auditor, 1993). He suggested that new and upgraded facilities could

\(^3\) This ministry has had various names over the past few decades. It was the Ministry of Correctional Services until 2002, then the Ministry of Public Safety and Security from 2002 to 2003, and since 2003 it has been known as the Ministry of Community Safety and Correctional Services. Throughout the paper I refer to it as “the MCSCS”, its most current name, or “the Ministry”.

Figure 3: Cover of the Ontario Progressive Conservative Party platform for the 1995 election

improve the system’s efficiency (Office of the Provincial Auditor 1993, 164). Though identified as a problem in 1993, it was only after 1995 when the Conservative party was elected that the Province began acting to address its high incarceration costs.

Under the Progressive Conservative party, all infrastructure development was to involve the private sector in significant ways. It created SuperBuild Corporation, a $20 billion infrastructure initiative with “an approach anchored firmly in the belief that public-private partnerships can help build public infrastructure in the province in the most cost-effective and productive manner possible” (SuperBuild Progress Report 2000, p.3). The Conservative use of the term public-private partnership loosely refers to any way of delivering infrastructure that involves the private sector, including privatization and the contracting-out of certain services, rather than the way I use the term later in this paper to refer to a particular relationship between the public and private sectors involving private financing and long term contracts. The Conservative party began a “modernization” process of all facilities called the Adult Infrastructure Renewal Program. A main aim of this process was the reduction of staffing costs (McElligott, 2008), which were the highest in the country. Like neoliberal changes elsewhere, in part the goal was to reshape labour markets to increase the precariousness and contingency of work (Peck & Theodore). In Ontario this occurred through the expansion and retrofitting of certain facilities and the building of new ones with an emphasis on new technologies and better design to reduce the staff required per inmate and in one case hire non-unionized staff.

The first major Conservative cost-saving measure was centralization through the creation of “superjails”. While most facilities in Ontario were small regional centres with capacities of between 23 and 600 inmates at the time, the superjails were to have capacities of between 1,184 and 1,550. The original plan, announced in 1996, was to build five new facilities, including two superjails, and close down 14 smaller facilities around Ontario. The Conservative
party claimed this would cut the number of correctional officers by 1,400 to save around $80 million (Welsh, 1996). By 2006, a few years after the Conservative government had left office, three superjails had been created, 18 facilities around Ontario had been decommissioned, $400 million had been spent and no reduction in incarceration costs had been achieved (Auditor General of Ontario, 2008, p. 78). Construction began on two new superjails, Central North Correctional Centre (CNCC) in Penetanguishene in 1998 and Central East Correction Centre in Lindsay (CECC) in 1999, with capacities of 1,184 inmates each. A third superjail was created by retrofitting Maplehurst Correctional Complex in Milton, already the second largest facility in Ontario with 432 beds, to increase capacity to 1,550. The Conservative party made plans to centralize food preparation through the creation of a Cook-Chill facility, which would prepare food for most facilities in Ontario.

The logics behind the centralization project were to reduce staffing costs through new technologies and prison designs. Centralization was a direct response to the Auditor General’s criticisms in 1993 about Ontario’s high incarceration costs. The plan to replace many older jails with fewer larger facilities was explicitly not for the purposes of addressing the inhumane living conditions in older jails. As Minister of Community Safety and Correctional Services Runciman described at the time, “I don’t think that our goal is necessarily to increase the quality of life for people convicted of serious crimes. Part of that is a deterrent as well,” (as cited in Welsh, 1996). This is significant because often prison expansion projects, including the new prisons built after 2006 discussed in chapter 5, are justified by claiming to address overcrowding and make spaces more amenable to rehabilitation. In this case the Conservative government was keen to distance itself from these aims and were open about its focus on reducing costs and also having prison as a deterrent for inmates. This is therefore an example of the prison’s role shifting from rehabilitation towards punishment as discussed in chapter 2.
Once CNCC and CECC were under construction, the Conservatives began a second new cost-saving measure: private sector operations. This came at the direction of Rob Sampson, who left his position as the minister responsible for privatization in 1999 to become Minister of Correctional Services. According to a former manager with the Government of Ontario, he and his staff visited different private prisons in the U.K. and U.S. to learn about best practices and business cases for private prisons (personal communication, July 10, 2012). He announced that the two prisons would be built identically but that Central East would be publicly operated, while Central North would be contracted-out to the private sector. The two were considered a natural experiment to see how the private operation of a prison might work in Ontario. As a former government manager described:

Well the idea was: here was a perfect opportunity, because you had two identical prisons, to do what we call a pilot project...with the mandate of the Harris government to save money,... to do things effectively and efficiently and all that other stuff...when there's something like this you look at the all the options and you do the business plan and you see which one comes out as more cost-effective,...never, in any continent to date, was there this opportunity. (personal communication, July 10, 2012)

Utah-based Management & Training Corporation (MTC), the “third largest private operator of adult correctional facilities in the world” with a capacity of 29,534 inmate beds based in the U.S. (Management & Training Corporation, 2013), won the contract for CNCC and began operations in 2001. MTC’s control over CNCC meant that the correctional officers there would not be unionized and MTC would run all rehabilitation programming. CECC opened a year later in 2002 and, as planned, was operated publicly. Thus at CECC, the correctional officers were unionized with OPSEU and MCSCS ran all rehabilitation programs. The Cook-Chill facility was also put out for tender and Compass Group Canada Ltd began operating it in 2002.
4.1.2. **Contesting neoliberal restructuring of corrections**

The superjails and privatization initiatives within corrections were met with significant resistance from communities, prisoner advocate groups, the correctional officers’ union, and political opposition parties.

Correctional officers in Ontario, a major target in the restructuring, were vocal in their opposition to these changes through their union, OPSEU. They were opposed to the construction of superjails to replace aging facilities and instead proposed the creation of more regional centres. They felt regional centres allowed inmates better access to courts and families and created a better environment for inmate rehabilitation. As one OPSEU staff and former correctional officer described:

> We were lobbying for more regional detention centres, something around 400 to 600 beds, which did a couple of things: it allowed for more of them to be built so that areas would have more access to those facilities, so if you’re arrested in Barrie, you are not being shipped 300 km somewhere else; it puts less stress on policing, on prisoner transport, on all the rest of it; and what we had found is that the larger facilities, when you pack that many inmates into one facility, basically they become crime factories....Our ideas pretty much fell on deaf ears. (personal communication, June 18, 2012)

The John Howard Society (2006, p. 16) found superjails to be problematic because they minimize staff contact with inmates, which has been shown to support rehabilitation; create problems like overcrowding, the spreading of disease and increased aggression; and posed barriers to visitation for families and other outside organizations due to their rural locations. John Howard Society also cited the “United Nations Minimum Standard Rules on the Treatment of Prisoners”, which suggests that “the size of the institution should not be so large that the individualization of treatment is hampered, generally no larger than 500” (as cited in John Howard Society, 2006, p. 12). It recommended that all plans for superjails be terminated, that current superjails be eventually closed, and that the Province should commit to ending superjails in Ontario (John Howard Society, 2006, p. 16). Most communities did not take such a position against superjails; 19 communities in Ontario responded to MCSCS’s notice of interest
in the site selection process in 1997 (CCPPP, 2002). After construction began on the two facilities it was announced that one would be contracted out privately (Dion, 2005, p. 14).

The decision to contract-out CNCC resulted in even more resistance and quickly eclipsed the issue of superjails. OPSEU was highly involved in the campaign against MTC. Before the facility opened, correctional officers within OPSEU handed out flyers within the town, held a rallies in Penetanguishene and elsewhere (see Figure 4), made presentations to the Town Council of Penetanguishene (see Figure 5) and voiced their concerns to Members of Provincial Parliament (MPPs). OPSEU’s vocal opposition to MTC’s management continued throughout the contract.

Figure 4: Photo of a meeting in Penetanguishene about the privatization of Central North Correctional Centre

Note: From Lock Talk by Ford, D., 2000, Feb. 25.

Figure 5: Photos from rallies held by OPSEU against the privatization of Central North Correctional Centre

Note: From Lock Talk by Ford, D., 2000, Mar. 31.
Community members in Penetanguishene were mixed in their reactions. For some in the community, CNCC was an opportunity for economic growth in a town that struggled to attract business. As one resident who worked for MTC described, “there was anticipation that: great...we are going to have a jail, which will bring jobs, bring activity, bring a stronger economy” (personal communication, July 24, 2012). The Business Association in Penetanguishene supported privatization, particularly when MTC promised to source all of their products locally (personal communication, July 24, 2012; PricewaterhouseCoopers, 2006). Others were wary of the impacts of private operations (see Figure 6). Eventually, a business owner in Penetanguishene named Sharon Dion started a group called Coalition Against Private Prisons (CAPP) (see Figure 7). This group collected research on private prisons from the U.S. and other countries and connected with other anti-private prisons researchers like the Florida-based Private Corrections Institute. The concerns of Dion and CAPP related to human rights violations within private facilities in the U.S., the moral challenge of profiting from incarceration, and the undemocratic nature of decision making around the operations of CNCC. Dion made presentations to Town Council, met with MPPs to discuss her research and was interviewed numerous times by local and provincial media including the Barrie Examiner, the Midland Penetanguishene Mirror, the Midland Free Press, the Pembroke Daily Observer, the Toronto Star and the Ottawa Citizen.

**Figure 6: Sign in Penetanguishene - “Private prison company NOT welcome in our town!”**
*Note: From Lock Talk by Ford, D., 2000, Mar. 31.*

**Figure 7: Photo of an organizer of the Coalition Against Private Prisons (CAPP)**
*Note: From Lock Talk by Ford, D., 2000, Feb. 25.*
Political figures in Penetanguishene were also divided. The mayor felt that whether the public or private sector operated the facility was irrelevant, while the deputy mayor raised concerns that the decision to privatize Central North had been made part way through construction (Bruineman, 2003). It is also possible that early in the process Town Councillors felt that their opposition to a private facility would mean that the province would not site the new facility in their community because of a statement made by the Minister at the time, Rob Sampson (Toronto Star, 2000). CAPP and OPSEU made regular deputations to the Town Council, and eventually the Council created their own subcommittee to deal solely with the issue of the operation of CNCC.

4.1.3. Central North Correctional Centre’s private operations
I focus the following two sections on the time MTC spent operating CNCC and the decision to allow its contract to expire. Central North was operated by MTC from 2001 to 2006. During these five years, the facility faced a number of challenges and was closely followed and scrutinized by local and often national media, perhaps more than any other facility in Canada. A closer look at Central North’s time as a private institution is important because it was Canada’s first adult private correctional facility and marks a major change in the role of the private sector in Ontario’s prison system. It is difficult to look inside the walls of CNCC to assess how “well” MTC operated the facility, and it is not my aim to do so. I am not interested in making a general claim that the contracting-out of CNCC to MTC was a “good” or “bad” decision. Rather, my interest is in the discourses surrounding that decision, and the subsequent claims about corrections that it made possible. I am also interested in the politics of the decision not to renew MTC’s contract to operate Central North for another five years. Here I explore how issues of staffing, correctional philosophy, problem incidents and community engagement were discussed and debated by a variety of communities during MTC’s contract.
Labour was an important part of all disputes about MTC. The Ministry’s decision to privatize Central North was likely in part motivated by the ability to avoid collective bargaining and labour disputes by having MTC hire correctional officers not covered under the Province’s collective agreements with OPSEU. Of CNCC’s newly hired, non-unionized correctional staff, around 40% had previously worked for the Ministry⁴ and 60% were new (OPSEU staff, personal communication, June 18, 2012). The Ministry used this new non-unionized workforce to their advantage almost immediately when OPSEU correctional officers went on strike in 2001. The Ministry forwent a gradual start-up period at CNCC and moved in inmates from around the province to reduce its reliance on other facilities where officers were striking to minimize the impacts of OPSEU’s labour disruption (PricewaterhouseCoopers, 2006, p. 34). In 2003, two years into MTC’s contract, CNCC’s correctional officers unionized through OPSEU and signed their first collective agreement in 2004 (Brennan & Powell, 2004). Throughout MTC’s operations, CAPP, OPSEU and correctional officers at CNCC made claims that MTC managers were understaffing the facility (Ford, 2001, June 23; Avery, 2002). These claims were bolstered by a leaked internal MTC memo showing that managers had concerns about the low levels of staffing at the facility. According to the Midland Free Press (2004), MTC managers reported: “On a regular basis, we are not in compliance with the contract”. Both Ministry documents and OPSEU members reported a toxic work environment at CNCC (Ford, 2002; PricewaterhouseCoopers, 2006). Unlike CECC, where the relationship between managers and staff was “characterized as harmonious and respectful” (PricewaterhouseCoopers, 2006, p. 34), the Ministry’s commissioned report on MTC’s performance found “there is a strong sub-culture of fear with a number of concerns expressed by staff that some senior level managers have

⁴ They likely came from Barrie Jail and Wellington Detention Centre, which closed in preparation for CNCC’s and CECC’s openings.
behaved inappropriately towards staff” (PricewaterhouseCoopers, 2006, p. 34). This toxic environment was cited as a possible hindrance to successful rehabilitation within the facility.

There was much debate around whether the “correctional philosophy” used by MTC at CNCC was in line with “Ontario values”. Management & Training Corporation advertised its corrections philosophy as “rehabilitation through education” (Management & Training Corporation, 2013) and argued in a document put out by the “independent research unit” of MTC that “results and performance (i.e., recidivism reduction) are what ultimately matter to taxpayers, not whether a private or public employee does the work,” (MTC Institute, 2012, p. 3). The evaluation of MTC’s performance found philosophical differences between the way MTC wanted to operate CNCC and the Ministry’s vision. It stated, “The Services Agreement [with MTC] is, according to our interviews, rooted in the “tough on crime” philosophy that predated the current model [of corrections],” (PricewaterhouseCoopers, 2006, p. 57), implying that tough-on-crime philosophy is out-dated and not in line with the Ministry’s approach. According the Conservatives’ own articulation of their crime policies, though, MTC was very much inline with the Conservative goals for corrections. It seems misleading to imply that MTC brought that style to Ontario rather than the Conservatives themselves.

A number of problem incidents at CNCC raised the concerns of the Ontario Ombudsman and made local and national media headlines. Inmates went on hunger strike during 2001 to protest lack of winter clothes (Ford, 2001, Nov. 23; Dion, 2005, p. 14). Complaints were made to the Ombudsman about delayed access to health care (Ombudsman Ontario, 2004). A riot occurred in September 2002 (Ombudsman Ontario, 2004). An inmate died from a blood infection from a small cut on his finger in July 2003, sparking an investigation and media coverage (Avery, 2004), and four other inmates died at the facility during MTC’s operation (PricewaterhouseCoopers, 2006, p. 43).
The community continued to have mixed reactions to MTC. A number of MTC’s initiatives to connect with the community were positively received; for example, inmates built units for affordable housing organizations (Brennan, 2001, Dec 20) and built and painted holiday decorations and a structure for a local park (personal communication, July 24, 2012). Reflecting on MTC’s time as operator of CNCC, local MPP Garfield Dunlop felt that most public voices spoke loudly against the private facility, and that support for MTC from the community, though present, was not strong enough to counter opposition narratives. He explained, “A lot of people told me to my face, told me at the corner store or at Tim Hortons, that, ‘Hey, it's a great idea’, but they wouldn’t write a letter to the editor to support it,” (as cited in Bowe, 2010). Citizens Against Private Prisons and other local community members continued to voice their concerns at Town Council meetings and in local and regional media. Despite public opposition, the privatization of CNCC was not enough for the constituents of the riding of Simcoe North to vote for a change in government as opponents of privatization had predicted. In 2003, when the Liberals won a majority in the election, Conservative Dunlop kept his seat, though he did win 7.02% less of the popular vote than he did in the 1999 election (CBC News, 2003).

4.1.4. The “contracting-in” of Central North Correctional Centre
In 2006, the MTC contract at CNCC expired and was not renewed. The decision was made by the Liberal party, which had won a majority in 2003. This was a major reversal of penal policy, and it is worth exploring how this decision came to be. Here I look at this decision in the context of the change in government from Conservative to Liberal. I examine the report used by MCSCS to justify the contracting-in of CNCC, and then explore other factors that contributed to the decision, such as public criticisms and union and local opposition to MTC.

The Liberal government was highly critical of the Conservative decision to give MTC the operations contract. During debates in the legislature, Liberal MPPs highlighted that the
private operation of CNCC would bring “American-style warehousing” to Ontario (Levac, 1999, Dec. 22), that privatization was in part done “to bust another union” and “hire less expensive, poorly trained rookie guards” (Levac, 1999, Dec. 22), that the government was spending too much money on promoting the private prison in Penetanguishene (Lecac, 2000, April 20), and that the profits from the operation of CNCC would be leaving the community and the country and going to the U.S. (Levac, 2000, Nov. 2). There was also a petition signed by over 2,000 people, including a number of Liberal and NDP MPPs, that “demand[ed] that the government of Ontario must stop the privatization of any correctional service” (Gravelle, 2000, June 13).

In 2006, MTC’s contract expired and the Liberals decided not to renew it. According to press releases and the Minister of Correctional Services, Monte Kwinter, the basis for the decision rested largely on one report written about MTC’s operation of CNCC (Government of Ontario, 2006). In preparation for the expiration of MTC’s contract in 2006, the Ministry commissioned PricewaterhouseCoopers (PwC) to compare the successes of CNCC and CECC and report on how MTC was doing as the operator of CNCC. This 60-page report, Central North Correctional Centre Review and Comparison to Central East Correctional Centre, had three components: a financial comparison of the Ministry’s costs to run both facilities, an evaluation of MTC’s performance based on its contractual obligations, and a comparison of the operations of both facilities using an evaluation framework developed by Ministry staff. The results of the report are summarized in Table 5 (page 69).

The report’s financial comparison found that Central North, the private facility, was run at a lower cost to the Ministry than Central East. In terms of the costs per inmate per day, CECC and CNCC had per diem rates of around $126 and $87, respectively. It found over the five-year

5 The report, Central North Correctional Centre Review and Comparison to Central East Correctional Centre, written April 18, 2006, is not publicly available. I accessed it by making two informal requests to the Ministry, as described in chapter 3.
initial service agreement with MTC, the Ministry saved $22.5 to $23.0 million dollars at CNCC, and projected that if the contract was renewed for an additional five years the Ministry would save $8.4 to $10.3 million.

The report also found that CNCC fulfilled its contractual obligations. By examining non-compliance reports, inmate complaints, Ombudsman opinions and recommendations and conducting interviews with stakeholders in the operations of CNCC including Ministry and MTC staff, it found that MTC was meeting contractual expectations. The report found that “the operation of the institution under MTCC’s management has not been a trouble-free experience” (PricewaterhouseCoopers, 2006, p. 54) due to a number of complaints related to health care and food provision. However, it showed that MTC did make improvements to problems and seemed committed to meeting the service agreement requirements. It found that community stakeholders felt problems around the impact of CNCC on the community were resolved with satisfaction. Community members interviewed by PricewaterhouseCoopers felt that MTC had positive impacts on Penetanguishene through their “buy local” policy and community donations, and Ministry interviewees felt that MTC had a positive impact on the Ontario correctional system through the involvement of competition and the introduction of new correctional programs.

The comparison of the twin facilities found CECC to be better operated than CNCC. The evaluation was done based on data provided by MTC, the Ministry, and the Ontario Ombudsman, as well as interviews from staff at both facilities and site visits. PricewaterhouseCoopers assessed CECC and CNCC based on four categories: security, health, educational programming and impact on the local communities. An examination of security device placement and maintenance plans gave CECC and CNCC scores of 65% and 54%.

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6 Management & Training Corporation Canada (MTCC) was the official name of the firm responsible for the operation of CNCC.
respectively. CNCC scored a low 48% in the health category, compared to 78% at CECC, due to a number of complaints from inmates, delays in treating inmates, problems with female inmate health care, and incidents of improper restraint including the injection of sedatives without inmate consent and improper physical restraint at CNCC. Educational programming at CECC was better delivered according to correctional literature, although CNCC provided a broader range of programming options. While CECC was found to be better overall for the surrounding community, community organizations working at both facilities raised concerns about their difficulties accessing inmates due to unwelcoming and inflexible staff. The report concluded by saying that overall, Central East performed better than Central North (p. 42).

The report documented mixed results; it highlighted both successes and challenges faced by MTC and brought up contradictions in how the facility was received by Ministry staff and community members. The report did not point clearly to a decision as to how the government should proceed, though the Liberals spoke as if the results were clear. Minister Monte Kwinter explained at the time “We found that in basically every single area, the outcomes were better in the publicly run facilities” (as cited in CBC News, 2006). He went on to express that the decision was not based on correctional philosophy, but rather on evidence: “I have no real problem with the concept of it being run by the private sector,...But in the end, the results just didn't justify it.” A correctional officer OPSEU staff member felt that the report accurately represented the shortcomings of private operations, but also noted that private prisons were something that ideologically, the Liberals did not support. He said:

"The Liberals had been on record since 1999 stating that there would be no private prisons in Ontario...during the election campaign we reminded them quite often saying "you were on record saying this won't happen", and they knew it was one of their priorities". (personal communication, June 18, 2012)

He went on to suggest that the Liberal party commissioned this report so it would have some evidence to back up its political agenda. As he described, “they weren’t just going to shut it
down, they wanted to have good reason... and that report gave them the ammunition they needed to end the contract” (personal communication, June 18, 2012). A former government manager also felt the report was used to support a particular ideology of government, saying “some of the stuff was very politically motivated” (personal communication, July 10, 2012). She suggested that the Liberal Ministry staff skewed the evaluation criteria to work in favour of CECC by creating new performance criteria instead of evaluating CNCC and CECC on previously agreed upon criteria because “the bureaucracy has got a new master, and the bureaucracy is trying to please the new master”.

Table 5: Comparison of Central North and Central North Correctional Centres and summary of results from the Central North Correctional Centre Review and Comparison to Central East Correctional Centre report by PricewaterhouseCoopers for the Ministry of Community Safety and Correctional Services

<table>
<thead>
<tr>
<th></th>
<th>Central North Correctional Centre</th>
<th>Central East Correctional Centre</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Operations</strong></td>
<td>Private</td>
<td>Public</td>
</tr>
<tr>
<td><strong>Operator</strong></td>
<td>Management &amp; Training Corporation (MTC)</td>
<td>Ministry of Correctional Services</td>
</tr>
<tr>
<td><strong>Opened</strong></td>
<td>November 2001</td>
<td>February 2003</td>
</tr>
<tr>
<td><strong>Location</strong></td>
<td>Penetanguishene</td>
<td>Lindsay</td>
</tr>
<tr>
<td><strong>Capacity</strong></td>
<td>1,184</td>
<td>1,184</td>
</tr>
<tr>
<td><strong>Unionized staff?</strong></td>
<td>2001-2002: No</td>
<td>2002 on: Yes, OPSEU</td>
</tr>
<tr>
<td><strong>SUMMARY OF COMPARISON STUDY</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Satisfied contractual obligations?</td>
<td>Yes</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Actual per diem costs per inmate</td>
<td>$87</td>
<td>$126</td>
</tr>
<tr>
<td>Cost savings</td>
<td>$22.5 – 23.0 million</td>
<td>None</td>
</tr>
<tr>
<td>Security assessment score</td>
<td>54/100</td>
<td>65/100</td>
</tr>
<tr>
<td>Health assessment score</td>
<td>48/100</td>
<td>78/100</td>
</tr>
<tr>
<td>Rehabilitation programming</td>
<td>Better range of programs offered</td>
<td>Better delivery of programs</td>
</tr>
<tr>
<td>Numbers of deaths at facility during study period</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Number of inmate complaints to Ombudsman during 2005/2006</td>
<td>1,105</td>
<td>940</td>
</tr>
</tbody>
</table>

It seems, then, that the decision to contract-in CNCC and end the relationship between the Ministry and MTC was based on a number of factors. The Ministry’s report did find that CECC outperformed CNCC in a number of ways, but the Liberal government was likely conscious of the broad criticism of MTC’s performance and resistance from public sector unions and communities. These groups were vocal during MTC’s evaluation process and were clear that they wanted to hold the Liberals accountable to what they believed were election promises to end the privatization of correctional facilities. The decision to privatize the operations of CNCC was reversed, but other changes made by the Conservatives, including the plans for superjails, remained and became taken for granted penal policy in the province.

4.2. Making sense of the corrections Common Sense Revolution
Above, I described the details of changes to Ontario’s approach to corrections between 1995 and 2006. I provided context for the contracting-out and then-in of Central North to show that these changes were not simply the result of objective policy decisions focused on efficiency. Changes to corrections in Ontario emerged out of a struggle between provincial politics, local politics, organized labour, and community organizations about the nature of crime and criminals and the role of prisons in society. What can this struggle reveal about the processes of state restructuring going on in Ontario? Next, I look at what this story says about how neoliberalism played out through the Common Sense Revolution, and then what role contestation played in the reshaping of the penal state.

4.2.1. The logics of the common sense prison delivery
The logics underpinning “common sense” prison policy changes reconfigured the state and citizenship in particular ways. In terms of the state, the privatization of Central North represented both a shift towards market provision of public services and the marketization of the state itself. Through ideas about the way Central North’s new operations philosophy would
build self-reliance and self-discipline in inmates, the Conservatives articulated ideas about the ideal citizen. In these ways, common sense prison delivery is neoliberal prison delivery.

At first glance, the Conservative move to privatize Central North was a straightforward neoliberal move to transfer public control of services to the private sector. CNCC and the Cook-Chill food preparation facility were contracted-out to be run by multi-national firms, as it was believed private involvement would bring efficiency to the prison system. Equally as important, though, were changes that brought market logics into the Ministry of Corrections itself. Emphasis was placed on low cost and efficiency rather than rehabilitation. Any new prison included new technologies and designs to reduce the number of staff required in facilities at any given time. The Ministry’s plan to construct newer larger jails and phase out older facilities was aimed at reducing the guard-to-inmate ratio without necessarily creating a space more conducive to rehabilitation. The MCSCS at the time held press conferences describing the reigning-in of exorbitant spending at facilities around Ontario (Brennan, 2001b). Community corrections, which was originally put in place to provide non-institutional rehabilitation for offenders through collaboration within their communities, was seen instead as a cost-saving strategy and was “enhanced and modernized to provide stricter supervision in the community for more low-risk, non-violent offenders” (Ministry of Corrections, 1996). More subtly, language was used to shift the way government was imagined. The MCSCS referred to corrections as “our business” and, along with other ministries, produced annual business plans, as opposed to annual reports, identifying core businesses and identifying key performance measures.

Looking beyond the state, the discourse surrounding the Conservative penal changes suggests that notions of citizenship are being recreated. Through the lens of neoliberal governmentality, it is not just states but also individuals that must be innovative and entrepreneurial (Larner, 2000, p. 13). In Ontario, self-improvement was expected of inmates by
working hard to achieve their rehabilitation. The Corrections Minister in 1999, Rob Sampson, explained “We are imposing a strict-discipline regimen for offenders of all ages and are exploring ways to make criminals accountable for their actions,” (Ministry of Corrections, 1999). In 2001 the Ministry listed “Managing a secure, no-frills institutional system which protects public safety and holds offenders accountable” (Ministry of Corrections, 2000) as one of their core businesses. Holding inmates accountable meant having them work to repay society not only for crimes committed, but also for their “room and board” while incarcerated (Brennan, 2000, Aug. 5). Sampson wanted to add work programs to every correctional facility in Ontario so that “every inmate in Ontario will be forced to work” (as cited in CBC News, 2001). Parole was considered a privilege to be earned through good behaviour (Ministry of Corrections, 2001, p. 5). Underlying these decisions was the belief that individual hard work and discipline would result in improved inmates and therefore safer communities. With these logics, the prison played the role of building neoliberal citizens in inmates.

Neoliberal notions of state and citizenship were not the only political rationalities at work in the Common Sense Revolution. Justifications for prison privatization were also articulated through neoconservative logics. In contrast to the amoral neoliberal drive for efficiency through the retreat of the state, with neoconservatism the state has a role in “setting the moral-religious compass for society” (Brown, 2006, p. 697). In Ontario this took the form of ensuring criminals were punished for their crimes. As Dunlop described, “Our government is committed to ensuring that criminals pay for the crimes they have committed”, (2000, May 16). The Conservative party hoped to have inmates literally pay for their crimes by forcing them to work in inmate work programs to cover the costs of their incarceration. But they would also pay by living in tough “no-frills” cells. Excess and luxury were seen as a threat to rehabilitation and public safety. As one MPP suggested, “How can a criminal be rehabilitated when they're in the
lap of luxury?” (Dunlop, 2000, May 16). The Conservative government held press releases aimed at reigning in “luxury” spending for items like coffee makers, sports equipment and CD players (Brennan, 2001, June 13). Conservative MPPs also characterized federal institutions, being run at the time by the federal Liberal party, as resorts, calling them “Club Fed”, in reference to the high-end all-inclusive resort Club Med, due to the perceived comfortable living conditions. As many prison programs were perceived as luxurious and repayment for crimes committed became more important, the purpose of the correctional system shifted from rehabilitation to punishment. For neoconservatives, it seemed morally wrong for the state to provide criminals with any benefits whatsoever. This was further illustrated by the centering of corrections around the “victim” of crime; then Minister Bob Runciman identified the need to “rebalance the justice system to focus on serious crime and increased respect for its victims” (as cited in Ministry of Corrections, 1996). The state has a moral obligation to bring “justice” to victims, where criminals “pay” for their crime through punishment.

Despite their contradictions, it seems neoliberalism and neoconservatism worked together in this case. Neoliberalism, where the drive for the efficiency of the market in all aspects of social and political lives is framed as amoral and as the only way forward, seems in direct contrast with the openly moral desire to protect the past associated with neoconservatism. Yet these rationalities have meshed together in the U.S. (Brown, 2006), and I argue they also do in Ontario throughout the Common Sense Revolution. In Ontario, the need to reduce what were perceived as exorbitant incarceration costs intersected with the aim to reduce “frills” for inmates. Inmate-staff interactions and other “luxuries” contributed to a cushy inmate lifestyle that was problematic because it wasted tax dollars but also because it disserviced victims of crime by not adequately punishing inmates. Neoconservatism and neoliberalism thus produced a particular political landscape where problems of inefficiencies in
Ontario’s prisons and too-comfortable inmate experiences were only solvable through the construction of new prisons and contracting out of prison services, in other words, through the expansion of the corrective arm of the state and through market mechanisms.

4.2.2. The discourse of “public” and “private”
As I discussed earlier in this chapter, the restructuring of MCSCS in Ontario did not occur without strong opposition, and it is this resistance that I now explore. Critics of MTC and the Ministry’s decision making were politicians, unions, prisoner advocates, academics and community members in Penetanguishene. Their arguments were heard through local, regional and national media, through petitions and debates in the legislature, in meetings in Penetanguishene and marches and rallies. Resistance to the privatization of CNCC’s operations worked within a particular discourse that set the terms upon and limits within which ideas about prisons in Ontario could be discussed. As Rose suggests, “language not only makes acts of government describable; it also makes them possible” (1999, p. 23). So, what acts of government were made possible through the discourse around MTC’s operation of CNCC? In other words, what discourses were used in resisting the Conservative changes to corrections in Ontario and why were they used?

Once the decision was announced that the operations of Central North would be put out for tender, debates quickly focused on the “privatization” of Ontario’s prisons. The construction of superjails and closing down of small regional centres to cut staff and costs were relatively ignored. Though at first OPSEU and prisoner advocate groups were critical of superjails, the debate quickly moved to the question of privatization. Most media coverage focused on this question, as did opposition from community groups and Liberal and NDP politicians. A notable exception to this would be the John Howard Society’s continuous
recommendations that the construction of superjails be halted and CNCC, CECC and Maplehurst be closed down (John Howard Society, 2006).

It is important to look at the way CNCC was covered in the media compared to other facilities. As the first privately run adult correctional centre in Canada, CNCC was under constant public scrutiny, more so than its twin CECC in Lindsay. While it is true that more inmate deaths occurred at Central North than at Central East (five compared to one), it not clear that more problematic incidents occurred there. In fact, the Ontario Ombudsman received a similar number of complaints from each facility; in the 2005/2006 year, CNCC and CECC received 1,105 and 940 respectively, making them the second and third most complained about government organizations in that period (Ombudsman Ontario, 2006, p. 62). The John Howard Society reported similarly about both facilities in their review of superjails in 2006 (John Howard Society, 2006). In my analysis of Toronto Star coverage of the two facilities between 2000 and 2006, only one negative incident at CECC was reported on, while one positive and 16 negative incidents at CNCC were reported on. One MTC employee felt that the intense public scrutiny of the private facility did not match that of public facilities and felt that it was difficult to have anything other than negative media coverage of the facility. He explained “we did small things in the community that got small press, and I could send out press releases across this country that were positive, and I tried to, but when those press releases were delivered outside the area, good stories don’t sell” (personal communication, July 24, 2012). Public scrutiny of MTC stands in contrast to the apathy more commonly demonstrated by the public towards how prisons are run (Jackson & Stewart, 2009).

The heightened public scrutiny of CNCC brought on by MTC’s operations contract is in some ways surprising. As Angela Davis (2003, p. 15) writes, “there is reluctance to face the realities hidden within [prisons], a fear of thinking about what happens inside them”. Jackson
and Stewart write that because the Canadian public generally does not know or understand what happens within prisons and do not hold prisoners high on their “radar” it is difficult to mobilize Canadians around prison issues (2009, p. v). Also, the neoconservative rhetoric around punishing criminals for their deviant behaviour actively worked to construct inmates as “other”, while the neoliberal focus on efficiency worked to make cost the only important factor in evaluating prison operations. In this case however, the restructuring of corrections increased the public’s awareness of and interest in issues related Ontario’s prisons other than cost. It sparked conversations about who should be running prisons and how they should be run. It may also have impacted the way MTC ran the prison. An OPSEU member explained “we didn’t stop [privatization] from happening, but I think as a result of what we did it made [MTC] a lot more careful of how they were going to run that operation” (personal communication, June 18, 2012).

Concerns raised about MTC’s corrections approach were often grounded in constructing a clear difference between Canadian and American correctional practices. There was a worry that MTC would bring an “American-style of corrections” (Levac, 1999, Dec. 22) to Ontario and that this was not a good direction. Media coverage of MTC pointed out its American address and opposition MPPs took issue with bringing “American corporate, for-profit private jails” to Ontario (Kormos, 2000, April 11). The Ministry’s commissioned report on MTC’s performance found philosophical differences between the way MTC wanted to operate CNCC and the Ministry’s vision. It noted that MTC had a “tough on crime” philosophy and suggested, “the evolution of the Ontario model of corrections – the balance between custody and rehabilitation – should be reflected in any future contract the Ministry has with MTCC or another provider,” (PricewaterhouseCoopers, 2006, p. 57, my emphasis). The reference to “tough on crime” philosophy, which is common in the U.S., as well as the reference to the Ontario model of corrections, emphasized the differences between the Canadian and American
system. Anti-American rhetoric played out at the local level as well. A manager at MTC explained that people in Penetanguishene said that they felt he should be ashamed that he was “working with Americans” (personal communication, July 24, 2012).

Examining the language and logics used to implement and contest the decision to contract-out CNCC is important because discourse is active in making the world in which we live, and importantly, is constitutive of government (Rose, 1999, p. 28). It is not only the Conservative government but also those who resisted CNCC’s privatization and the media’s portrayal of this conflict that shaped the terms and limits of how the prison system in Ontario is understood. The discourse around the private operation of CNCC constructed the public corrections system as safe, accountable, just and desirable compared to privately run systems. The use of the “Americanization” threat juxtaposed the image of a flawed, inhumane and immoral prison system in the U.S. with its supposedly humane Ontarian alternate. This contrast was made despite the Conservative’s open goal to bring harsher “no frills” punishment to Ontario. The absence of incident reports from other public facilities around Ontario and of conversations about the way public facilities were being run further contributed to the construction of these facilities as good and privately run facilities as dangerous. Anti-American sentiments are not at all new to Canada (Bow, 2008; Granatstein, 1996; Nossal 2008); in fact, many argue that “not being American” has been a defining feature of Canadian imagined national identities (Cohen, 2011). The demonization of the privatization project as an “American” project externalized the problems occurring in Ontario’s prison system and the responsibilities for them. Thus, the “America-ness” of the new penal policies becomes the problem and the solution was a return to the status quo of Canadian corrections.

The public-Canadian (good)/private-American (bad) binary set the terms of the conversation around prisons in Ontario. Other major changes, like the implementation of
superjails, the steady increase of remand inmates (see again Figure 2 on page 30), and increases in Aboriginal and female prisoners did not fit easily in the binary and thus debate around them was subdued. The conflict became about whether the public or private sector should run the facility, rather than about the problems inherent in the (Canadian) prison system itself. Thus, the Liberal decision to end the private operation of CNCC in 2006, a return to the status quo of Ontario corrections, was seen as a win for prison justice and other problems in the correctional system were not part of the collective conversation.

4.3. Conclusion

In 2001, a newly elected Progressive Conservative government undertook a major neoliberal restructuring of government where corrections reform played a central role. In addition to schemes to criminalize the poor and replace welfare with workfare, it implemented a plan to close down old inefficient jails, replace them with new, modernized, “no frills” superjails and contract-out the operations of one of the new facilities. This plan justified bringing market logics into the running of the MCSCS by reshaping the way inmates were imagined as delinquent and in need of discipline, hard work and punishment. There was much resistance to these changes from community groups, inmate advocates, and organized labour. The critiques of the Conservative corrections plans focused around the dangers of prison privatization. Thus, when a change in government occurred, the Liberals did not continue with a private operator for CNCC, but did carry on with other Conservative correctional initiatives. The discourse that occurred in debates around prison privatization prevented a more nuanced conversation about the function of prisons and sheltered the government from addressing the growing inequities in Ontario’s prisons.
Chapter 5: The rise of Alternative Financing and Procurement: 2006 to today

In this chapter I look at factors that led to the Liberal government constructing two new prisons, Toronto South Detention Centre (TSDC) and South West Detention Centre (SWDC), through a new form of PPP called Alternative Financing and Procurement (AFP). In terms of prison policy, this chapter begins in 2006 with the end of the privatization experiment described in chapter 4. 2006 is also the year Infrastructure Ontario began, the crown corporation that facilitates the delivering of public provincial infrastructure using the AFP model. Toronto South and South West were under construction at the time of writing with plans to open in 2013 and 2014, respectively. Thus it is not possible to explore the impacts of AFP on prison operations. I look instead at how AFP came to be used to deliver these prisons and the logics behind this decision. To do so, I examine the trajectory of PPPs in Canada and Ontario to study how AFP became the model of choice for infrastructure in Ontario.

The story of PPPs under the Liberal government is different than that of PPPs in the Common Sense Revolution. As described in chapter 4, Mike Harris’s “revolution” was an openly neoliberal one, pushing for privatization to bring private sector efficiency to a wasteful government. The Liberal government was highly critical of prison privatization and PPPs more broadly, and was elected in part as a rejection of neoliberal policies. During the Liberal party’s time in government, they restructured PPPs and framed them not as revolutionary but as innocuous, technical policy mechanisms that were a natural choice for infrastructure delivery. In this chapter I explore how neoliberal ideas were taken up, reformed and reworked by a seemingly “non-neoliberal” government to produce unexpected results.

I begin with a history of the development of PPPs in Canada and Ontario to explain why AFP was Infrastructure Ontario’s choice delivery method. After a closer look at Ontario’s prison
policy under the Liberal government, I unpack the logics behind PPPs from proponents and the government of Ontario, as well as the framing of opposition to PPPs from public sector unions. I do this to show how PPPs have been framed in vastly different ways, and understandings of PPPs have changed over time. This helps challenge the notion that PPPs are simply an inevitable solution to the infrastructure deficit. I then detail how private financing works with PPPs to illustrate the less obvious impacts of PPPs. I end by looking closely at the prison to see the role that PPPs have played in Ontario prison expansion project.

I argue that PPPs are part of a process that has depoliticized prison expansion in Ontario and embedded this expansion more deeply within global financial markets. I show how the place of the prison has been further secured as important institution for governance. Ultimately, I show how the use of PPPs in Ontario has been a contested process where neoliberal aims to increase private control of public assets were curtailed in favour of a subtler strengthening of the relationship between the state and private finance and a solidifying of the role of the state as a facilitator of markets.

5.1. Development of public-private partnerships in Ontario

5.1.1. Defining public-private partnerships
The private sector has had a long-standing role in public infrastructure delivery. Since the 1950s, governments have asked private firms to design and construct infrastructure; in Canada this is now considered the “traditional model” for infrastructure delivery. Government funds the project with public bonds, owns and operates the asset once completed (again, see Table 1 on page 20 for description of infrastructure delivery mechanisms). Governments – municipal, provincial and federal – in Canada began trying arrangements they called PPPs in the 1990s. However, there was little in common amongst the arrangements beyond an
increased role for the private sector in the financing, operation and ownership, and the aim of transferring risk from the government to the private sector.

Public-private partnerships in the 1990s were singular projects not delivered through any coordinated program and took many forms. The contracting-out of Central North Correctional Centre, explored in chapter 4, was considered a public-private partnership. It was financed, designed and built in the same way as traditional projects, but the operations were contracted-out to a private firm for five years. The Confederation Bridge between New Brunswick and P.E.I. that opened in 1997 involved the federal and both provincial governments working with a consortium that designed and constructed the bridge and then operated it in exchange for payment of the former ferry subsidy from the federal government and the collection of tolls. Originally, the 407 highway in Ontario was set up to be designed, built and operated by a private firm that would collect tolls on the highway for 30 years. Two years after opening, Ontario sold the highway in a 99-year lease to a private operator. Those within and outside of the industry consider these examples part of a first wave of PPP projects (Bain, 2010, p. 40; Loxley & Loxley, 2010). Table 6 describes some early PPP projects in Canada.

**Table 6: Some early, “first wave” PPP projects in Canada**

<table>
<thead>
<tr>
<th>Project</th>
<th>Public partner</th>
<th>Model-private involvement in:</th>
<th>Revenues</th>
<th>Length of contract</th>
<th>Year of opening</th>
</tr>
</thead>
<tbody>
<tr>
<td>407 highway</td>
<td>Province of Ontario</td>
<td>Design-build-operate</td>
<td>Payments from federal government, bridge tolls</td>
<td>30 years, then 99 years</td>
<td>1997</td>
</tr>
<tr>
<td>Central North Correctional Centre</td>
<td>Province of Ontario</td>
<td>Operations</td>
<td>Payments from Province</td>
<td>5 years</td>
<td>2001</td>
</tr>
</tbody>
</table>

*Note: Data from Canadian PPP Project Database by CCPPP, 2013e.*

After learning from these first experiences, the federal government and many provinces began to develop programs, protocols and agencies like Partnerships BC,
Infrastructure Ontario, and PPP Canada to facilitate the delivery of infrastructure through PPPs. Governments also became more serious about implementing PPPs at a larger scale. In 2004, the Liberal federal government tied infrastructure funding to PPPs by requiring all projects be assessed for their viability as a PPP. If project deliverers want to use the traditional method, they must justify why they are not using a PPP (Loxley & Loxley, 2010, p. 42). Projects that have been delivered through these programs, roughly from 2005 onwards, are considered to be part of the “second wave”. According to governments and those within the PPP industry, second wave PPPs follow well-defined models managed by central procurement agencies that have been developed through expertise on past projects (Podkul, 2010, p. 11). Because a similar model of project delivery is used for each project, governments and private sector partners have a better understanding of expectations. Experiences from the first wave of projects gave governments and firms an understanding of how the public reacts to PPPs and provided an understanding of how to frame PPPs in ways that would be palatable.

5.1.2. Public-private partnerships in Ontario
In Ontario, the shift from first to second wave projects roughly maps onto a change in government from Harris’s Conservatives to Dalton McGuinty’s Liberals. The Progressive Conservative party created SuperBuild, an initiative that encouraged all infrastructure projects to be delivered through PPPs, but the models used for different assets were quite diverse. Through SuperBuild, the operation of Central North Correction Centre (CNCC) was contracted-out entirely to Management Training Corporation and food services were contracted-out to Compass Group through the Cook-Chill Facility in Milton. The Conservative party also built two new hospitals under the PPP model: the William Osler Health Centre in Brampton and the Royal Ottawa Hospital in Ottawa. Reactions to these and other PPPs, in particular the hospital projects, were quite negative. For example, the Auditor General found that the decision to use
the PPP model for William Osler was not based on enough evidence and the cost of the project was likely higher than if it had been delivered through the traditional procurement model (Auditor General of Ontario, 2008, p. 104).

The Liberal government, as the official opposition in the provincial legislature, was vocal in their opposition to the Conservative’s infrastructure plan. Their focus was mostly on opposing PPP hospitals likely because of the strong commitment many Canadians feel towards public health care. The Liberal party argued that the Conservative government had not provided enough evidence supporting PPPs, and that PPPs cost more than public financing. It promised to end the use of PPPs for hospital delivery. In an interview with the Ottawa Citizen, McGuinty stated that “What I take issue with is the mechanism. We believe in public ownership and public financing [of health care]. I will take these hospitals and bring them inside the public sector,” (as cited in MacIvor, 2003). The party was even prepared to make PPPs an election issue, with Liberal MPP Sandra Pupatello saying, “Minister, it is incumbent on you and your government to go to the people and ask them if they want privatization in the health system. We call on you: call an election before you let this happen,” (2003, May 21). It positioned itself in opposition to private involvement in infrastructure, and in 2003 was elected in part due to this opposition.

Once elected, however, the Liberals began developing and streamlining the PPP process in Ontario, renaming it Alternative Financing and Procurement (AFP). The Province used the term AFP rather than PPP to distance themselves from the Conservatives’ SuperBuild infrastructure plan, hoping to avoid the label of “privatization” (Livingston, 2008), which has a negative connotation for the public. In 2005 the crown corporation Infrastructure Ontario (IO) was created to support the AFP program. Since 2006, IO has used AFP to deliver $23 billion in capital projects (Infrastructure Ontario). Most AFP projects in Ontario involve private sector
financing, design and construction, and larger projects involve private maintenance of the facility throughout the life of the contract, usually around 30 years. As I explained in chapter 2, PPPs are named for the aspects of a project that are undertaken by the private sector. The two most used models for PPPs in Ontario are called the design-build-finance (DBF) and the design-build-finance-maintain (DBFM) models. The design-build-finance-maintain model is the most common model for substantial projects in Ontario and around Canada. For example, between 2009 and 2011, 52 PPP projects were procured and 37 were done through the DBFM model (Table 7). Throughout this chapter, my focus is on the DBFM model (see Table 1 on page 20 for a summary of the DBFM model).

Table 7: PPP projects procured in Canada between 2009 and 2011

<table>
<thead>
<tr>
<th>Type</th>
<th>Design-build-finance</th>
<th>Design-build-finance-operate</th>
<th>Design-build-finance-maintain</th>
<th>Design-build-finance-operate-maintain</th>
<th>Other</th>
<th>Total</th>
<th>Percentage of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreation and Culture</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td>4</td>
<td>8%</td>
<td></td>
</tr>
<tr>
<td>Transportation</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>3</td>
<td>12</td>
<td>23%</td>
<td></td>
</tr>
<tr>
<td>Defense</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>2%</td>
<td></td>
</tr>
<tr>
<td>Education</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>4%</td>
<td></td>
</tr>
<tr>
<td>Hospitals and Healthcare</td>
<td>18</td>
<td>1</td>
<td></td>
<td></td>
<td>19</td>
<td>37%</td>
<td></td>
</tr>
<tr>
<td>Justice and Corrections</td>
<td>11</td>
<td></td>
<td></td>
<td></td>
<td>11</td>
<td>21%</td>
<td></td>
</tr>
<tr>
<td>Real Estate</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>2%</td>
<td></td>
</tr>
<tr>
<td>Communication</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>2%</td>
<td></td>
</tr>
<tr>
<td>Energy</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>2%</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>6</td>
<td>3</td>
<td>37</td>
<td>4</td>
<td>2</td>
<td>52</td>
<td>100%</td>
</tr>
<tr>
<td>Percentage of total</td>
<td>12%</td>
<td>6%</td>
<td>71%</td>
<td>8%</td>
<td>4%</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

Note: Data from What does the Canadian P3 market look like? by PPP Canada, 2013.

5.1.3. Prisons in Ontario
After bringing the privatization experiment to an end, the Liberal government was faced with the following carceral landscape in Ontario. The crime rate was the lowest in Canada and had dropped 46% since 1991 (MCSCS, 2008a). The total inmate population was slowly but unevenly growing; the number of sentenced inmates decreased 34% since 1996 while the number of remand inmates increased 97% (see again Figure 2 on page 30). The Ministry did not
have enough beds to house the growing remand population. Ontario’s prison system was still the most costly of the five largest provinces. The government also faced evidence that the Conservative party’s expansion plan was unsuccessful in reducing costs. Ontario’s cost per inmate per diem remained highest of the five largest provinces from 1991 (Office of the Provincial Auditor, 1993) to 2008 (Auditor General of Ontario, 2008). Superjails Central North and Central East, intended to reduce costs through centralization of inmates, did have lower costs per diem than older facilities when they first opened from 2001 to 2003, but by 2004 costs had risen to above those of other provinces (see Figure 8). Summarizing its assessment of the 1996 to 2006 Conservative-led Adult Infrastructure Renewal Plan (AIRP), the Auditor General wrote: “Although the Ministry of Community Safety and Correction Services has invested over $400 million in infrastructure renewal over the past decade, it has been unable to meet its commitment to significantly reduce average cost of incarcerating inmates as a result of this investment” (2008, p. 73).

![Figure 8: Comparison of Trends in Average Per Diem Operating Costs per Inmate ($)](image)

**Figure 8: Comparison of Trends in Average Per Diem Operating Costs per Inmate ($). AIRP facilities include Central Correctional Centre, Central East Correctional Centre and Maplehurst Correctional Centre.**

**Note:** Figure from Annual Report by the Auditor General of Ontario, 2008, p. 79.
The government chose to respond to this landscape through the expansion of the prison system. The Liberal government’s expansion has been framed as “modernizing the system”. According to MCSCS’s website, “Ontario is continuing to build new, state-of-the-art facilities with ultra-modern features and advanced technologies that enhance public safety” (2008b). The Ministry’s choice to focus on modernizing their system is an interesting one. Though being justified as a way to reduce inefficiencies in older jails, the results of the Progressive Conservative AIRP show that expanding the prison system did not reduce incarceration costs. It is not clear that the Liberal expansion program will have any more success with cost savings than the AIRP before it. The expansion plans have also been in response to overcrowding in provincial correctional facilities. In light of overcrowding, which results in poor living conditions for inmates, the construction of new prisons could be framed as a way to promote human rights in Ontario’s prisons. However, overcrowding in Ontario is directly related to the massive growth of remand prisoners over the past decade, and the expansion has been focused mostly on building more remand beds (MCSCS, 2008a, p. 12). Thus, MCSCS decided that the new superjail Toronto South Detention Centre will hold mostly remand inmates when it opens in the fall of 2013. The decision to increase available remand beds is not an inevitable response to overcrowding; MCSCS could instead focus their efforts on changing the court systems to reduce the number of remanded prisoners. Remand prisoners are those who are awaiting either trial or sentencing, and spend on average 35.5 days in remand custody (MCSCS, 2008a, p. 7) with little access to rehabilitation resources and programs. Thus the expansion of the correctional system to house more of these prisoners seems less a humane response to overcrowding and more a process of solidifying the prison as a holding centre for marginalized populations.
Since the Liberal party was elected in 2003, it built two adult facilities and one youth facility. Considered part of the second wave of PPP projects, all three were built through the AFP program. However, the youth facility was a smaller project and the private sector was involved only in construction and some financing. My focus is on the two adult facilities, Toronto South Detention Centre (TSDC or Toronto South) and South West Detention Centre (SWDC or South West) since they were delivered through DBFM model.

**Table 8: Overview and description of Toronto South and Southwest Detention Centres**

<table>
<thead>
<tr>
<th></th>
<th>Toronto South Detention Centre + Toronto Intermittent Centre (TIC)</th>
<th>South West Detention Centre</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location</strong></td>
<td>Etobicoke</td>
<td>Windsor</td>
</tr>
<tr>
<td><strong>Capacity</strong></td>
<td>1,650 + 320 (intermittent) = 1,970</td>
<td>315</td>
</tr>
<tr>
<td><strong>Size</strong></td>
<td>67,000 m²</td>
<td>18,580 m²</td>
</tr>
<tr>
<td><strong>Type of facility</strong></td>
<td>Maximum, for male prisoners on remand</td>
<td></td>
</tr>
<tr>
<td><strong>Cost estimates</strong></td>
<td>Substantial Completion Payment: $200 million + $50 million (TIC) (32%) Yearly Payments: $29.8 million Total: $788.5 million</td>
<td>Substantial Completion Payment: $45 million (13%) Yearly Payments: $8 million Total: $336 million</td>
</tr>
<tr>
<td><strong>Value for Money estimate</strong></td>
<td>$66.8 million saved</td>
<td>$14.3 million saved</td>
</tr>
<tr>
<td><strong>Timeline</strong></td>
<td>Oct 2009 to Sept 2012: Construction</td>
<td>June 2013 to Fall 2013: Construction</td>
</tr>
<tr>
<td><strong>Consortium</strong></td>
<td>Integrated Team Solutions</td>
<td>Forum Social Infrastructure</td>
</tr>
<tr>
<td><strong>Equity</strong></td>
<td>EllisDon and Fengate Capital</td>
<td>Forum Equity Partners</td>
</tr>
<tr>
<td><strong>Debt</strong></td>
<td>Calyon, Norddeutsche Landesbank, Banco Espirito Santo de Investimento, Bank of Montreal, Canada Life Assurance Company, and Sun Life Assurance Company</td>
<td></td>
</tr>
<tr>
<td><strong>Construction</strong></td>
<td>EllisDon</td>
<td>Bondfield Construction</td>
</tr>
<tr>
<td><strong>Maintenance</strong></td>
<td>Johnson Controls LP</td>
<td>Johnson Controls LP</td>
</tr>
<tr>
<td><strong>Financial Advisor</strong></td>
<td>RBC Dominion Securities</td>
<td>Brookfield Financial</td>
</tr>
<tr>
<td><strong>Feeder facilities</strong></td>
<td>Toronto (Don) Jail, Toronto West Detention Centre</td>
<td>Windsor Jail</td>
</tr>
</tbody>
</table>

*Note: Data from Value for Money Assessment: Toronto South Detention Centre and Value for Money Assessment: South West Detention Centre by Infrastructure Ontario, 2009 and 2011.*
Toronto South, located in Mimico in the place of the former Mimico Correctional Centre, is the larger project. It will be the largest correctional facility in Ontario and one of the largest in Canada in terms of capacity with space for 1,650 men on remand, plus 320 beds for men on intermittent sentences, which are served only on weekends (see Table 8 on the previous page for a description of both new facilities). It was also one of the most expensive AFP projects at the time it was deliver with an estimated cost of $788.5 million, according to the Value for Money report (Infrastructure Ontario, 2009). South West, located in Windsor, is a smaller project, with 315 beds and a cost of around $336 million.

5.2. The logics of public-private partnerships

One dispute in discussions about PPPs has been their level support from the public. The Canadian Council for Public-Private Partnerships (CCPPP), an advocate for PPPs in Canada, claimed that 60% of Canadians supported private sector involvement in infrastructure delivery in 2004, and that this number increased to 70% in 2011 (CCPPP, 2011). On the other hand, a study commissioned by the Council of Canadians and the Canadian Union of Public Employees (CUPE), both strong critics of PPPs, claimed that 75% of Canadians support public infrastructure delivery over PPPs in 2004 (Ipsos-Reid, 2004). Both studies were conducted in a similar manner and yet observed very different results, likely based on the phrasing of their questions (see Table 9 for comparison). This obvious disagreement about how the majority of Canadians feel about private involvement in public infrastructure projects helps reveal that the politics of PPPs have affected the industry. It is important to examine how different groups have communicated their ideas about PPPs to the public. Also, by illustrating how logics behind PPPs have changed over time, I challenge the notion that PPPs are the natural choice for infrastructure delivery. I will now look at how the PPP industry, the province of Ontario, and public sector unions have constructed and framed their arguments for and against PPPs.
**Table 9: Comparison of opinion polls on Canadians’ perspectives on PPPs**

<table>
<thead>
<tr>
<th>Study Title</th>
<th>From the Ground Up: Canadian Opinions on PPPs</th>
<th>Canadians’ Views on PPPs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Commissioned by</strong></td>
<td>Canadian Council for Public-Private Partnerships</td>
<td>Council of Canadians and Canadian Union of Public Employees (CUPE)</td>
</tr>
<tr>
<td><strong>Conducted by</strong></td>
<td>Nanos Research</td>
<td>Ipsos-Reid</td>
</tr>
<tr>
<td><strong>Published</strong></td>
<td>November 2011</td>
<td>April 2004</td>
</tr>
<tr>
<td><strong>Poll conducted</strong></td>
<td>September 2 to October 2, 2011†</td>
<td>March 30 and April 1, 2004</td>
</tr>
<tr>
<td><strong>Sample size</strong></td>
<td>1,209 adults</td>
<td>1,057 adults</td>
</tr>
<tr>
<td><strong>Margin of error</strong></td>
<td>2.8% 19 times out of 20</td>
<td>3.1% 19 times out of 20</td>
</tr>
<tr>
<td><strong>Support for private sector involvement in infrastructure delivery</strong>†</td>
<td>2004: 60% in favour of private sector involvement</td>
<td>2004: 75% in favour of only public sector involvement</td>
</tr>
<tr>
<td></td>
<td>2011: 70% in favour of private sector involvement</td>
<td>2011: not available</td>
</tr>
<tr>
<td><strong>Support for private involvement in hospitals</strong>†</td>
<td>2004: 62% in favour of PPPs</td>
<td>2004: 64% in favour of only public involvement</td>
</tr>
<tr>
<td></td>
<td>2011: 66% in favour of PPPs</td>
<td>2011: not available</td>
</tr>
</tbody>
</table>

†No information available for how 2004 data was collected.

Both surveys phrased their question differently. Nanos used the phrase: “I am open to the private sector delivering these types of services in partnership with government”, 60% and 70% of respondents agreed in 2004 and 2011, respectively (CCPPP, 2012, p. 3).

Ipsos-Reid used the phrase: “Canada should rebuild its public infrastructure, such as hospitals, schools, highways and water systems, through direct public investment and not through public-private joint ventures with corporations”, 75% of respondents agreed in 2004 (Ipsos-Reid, 2004, p. ii).

Nanos used the phrase: “Would you support, somewhat support, somewhat oppose or oppose public-private partnerships in...hospitals”, 62% and 66% of respondents supported or somewhat supported in 2004 and 2011, respectively (CCPPP, 2011, p. 3).

Ipsos Reid used the phrase: “Canada’s health care system should exclude corporations that operate for-profit, and instead rely solely on public and not-for-profit health care providers”, 64% of respondents agreed in 2004 (Ipsos-Reid, 2004, p. ii)


### 5.2.1. “It’s as easy as PPP”: Industry promotion of PPPs

Advocates of PPPs include organizations involved in some way with PPPs, like investors, financial advisors, construction firms and politicians. The Canadian Council for Public-Private Partnerships (CCPPP) is an important body in organizing these proponents and plays a significant role in advocacy for PPPs. The organization was created in 1993 and according to its website, its vision is:

To influence the way in which public services are financed and delivered in Canada by: encouraging public-private partnerships, providing information on public-private partnerships, sponsoring conferences and seminars on partnerships, stimulating dialogue between public and private sector decision-makers on the financing and delivery of public services, educating the public, [and] conducting objective research on key issues that influence the effective use of partnerships. (CCPPP, 2013b)
It has 453 firm, government and individual members who play a role in the PPP industry in Canada and pay around $0.5 million\(^7\) total in membership fees. It holds an annual conference that attracts 1,200 attendees and is a significant place for discussion, advocacy and business transactions related to PPPs in Canada.

The justification of the use of PPPs as the main infrastructure delivery mechanism in Ontario and Canada has changed over time. When they were introduced in the first wave of projects in the 1990s, they were seen as “off-the-books” accounting. The private sector would build and own the asset and the government would lease it for an extended contract. The leases were considered to be operating expenditures rather than capital expenditures and thus did not appear as debt on the provinces’ budgets. Critics argued that this was a way for politicians to hide debt and decrease accountability. Between 2001 and 2004, after a number of recommendations from provincial Auditor Generals, the projects began to be considered debt on the provincial books (Loxley & Loxley, 2010).

More recently, arguments for PPPs centre on efficiency and innovation. In public documents and on websites, advocates contend that PPPs help the public sector save money because they can deliver projects at a lower cost than traditional delivery models (Podkul, 2010, p. 11). They also argue that the structure of PPPs, with designers and builders working together as part of a consortium, allow for more innovation resulting in new design techniques that can save costs and improve services.

Beyond these benefits, some in the industry have sought to make PPPs viewed as an apolitical infrastructure delivery mechanism that should be outside of spaces of political debate. Former Conservative MP, former Chair of CCPPP and current Chairman at Barclay’s

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\(^7\) Based on my calculations using membership data and fee descriptions from the CCPPP website (CCPPP, 2013b).
Capital Canada Michael Wilson described his vision for Canadian PPPs in a CCPPP 20th anniversary video:

What we have to do is take this out of the political realm so it’s not a political issue, it becomes a financial operating question: do we want to have a new hospital, do we want to have a new school, do we want to have a new bridge, do we want to have a new highway? And focus on the real needs of the people, rather than have this distraction of a political debate as to whether a P3 is good or not question, and resolve that question by making sure our political representatives understand what this is all about. (as quoted in CCPPP, 2013a)

Here, Wilson sees the question of whether PPPs are “good” or not as a “distraction” leading away from the more urgent goal of providing infrastructure for Canadians. If Canadians want a hospital or a school, then PPPs are naturally how the assets should be delivered, in his view, and no further discussion in warranted. Advocates have made use of the infrastructure crisis as further justification for the depoliticization of PPPs (Baldwin & Dixon, 2008; CCPPP, 2013c; Podkul, 2010; Residential and Civil Construction Alliance of Ontario, 2006). As one industry magazine, *Infrastructure Investor*, described, the solution to the infrastructure crisis is “as easy as PPP” (Podkul, 2010, p. 4). The president and CEO of the CCPPP Mark Romoff explained that “We need more dialogue around the benefits of P3s, not only as a viable approach but a necessary solution to overcoming mounting challenges, such as the infrastructure deficit, that threaten both the Canadian economy and quality of life” (as cited in CCPPP, 2013c, my emphasis). Sam Pollock, CEO of the global infrastructure developer and financial advisor for the South West Detention Centre project Brookfield Infrastructure Partners, explained in *Infrastructure Investor* that because of Canada’s infrastructure deficit and financial pressures faced by the provinces, there “must be a shift in responsibility for infrastructure ownership from the public to the private sector” (as cited in Podkul, 2010, p. 11). With a focus on the infrastructure deficit and the threat that it poses to Canadian society, debate about PPPs is implicitly viewed as contributing to this threat.
Criticisms of PPPs have been taken more seriously as public relations concerns than as problems with the method. Guy Giorno, former Chief of Staff for both Mike Harris and Stephen Harper, published a report in 2005 while working as a lawyer at Canadian international business law firm Fasken Martineau documenting the public’s political will for PPPs and suggesting ways for firms to secure public support for PPP projects. The proliferation of PPPs is seen as a struggle that must be fought to win, and every cancelled PPP project is a battle lost rather than a failure. Before describing the perceived climate for PPPs in each province, he reminds PPP firms that widespread acceptance of the model is not inevitable and must be actively pursued:

In an environment of articulate, high-profile criticism, advocates of public-private partnerships must not be complacent or take for granted that the drive toward increased P3 activity is inexorable. As a survey of developments in individual provinces shows, the battle in favour of public-private partnerships is far from won. (Giorno, 2005, p. 3)

The suggestions for this battle include that firms should support politicians financially and politically. Providing financial support can be difficult since “Most jurisdictions in Canada restrict political contributions, by limiting their size or restricting donor categories or both.” He goes on to explain, “In any event, financial support is usually less important than effective political support,” (Giorno, 2005, p. 13). Political support involves providing politicians with the data and arguments to counter criticism while maintaining a safe distance to avoid creating the image of a partisan project. He also suggests that firms make personal arguments in favour of PPPs rather than rely on statistics, correct “myths” as soon as the enter debate, resist the instinct to protect commercial information through secrecy and share information widely with the public (Giorno, 2005, pp. 13-18).

Privately, however, some members of industry have different views on PPPs. One financer of PPPs, George Theodoropoulos, feels PPPs are not a response to austerity because governments are still responsible for paying the private consortium for the infrastructure.
Instead, he feels PPPs give the government better value for their money. Using the example of maintenance risk, he said: “I can tell you with some confidence that the traditional method will produce less cost to government in the...first x number of years” because “Basically, government in P3s [PPPs] has mandated a higher level of service [in maintenance] than government in a traditionally run facility” (personal communication, May 23, 2012). He went on to say, “in the latter stage of the life of the project [the traditional model] may cost more than this one [the PPP]...because these [PPP] guys may have been doing preventative maintenance a lot better than [the province]”. He explained this is based on the government’s ideological view that the private sector is inherently more efficient than the public sector:

P3 [PPP] was ideological in Ontario...they [MPPs] just had a lot of ideological views, it’s a, I would argue it’s a right wing view of how government should be run, outsourcing vs. ... yeah it’s just these guys [MPPs], they looked at what happened in the UK, they did their research and they just felt this was value for money for the tax payer. (personal communication, May 23, 2012)

The PPP industry has a diverse range of views on why PPPs work for infrastructure delivery in Canada. While some individual investors, like Theodoropoulos, understand the logics behind PPPs to be based on ideology, most firms involved in PPPs and the CCPPP advocate for PPPs based on cost savings and innovations they have observed. They also explicitly aim to move PPPs from an ideological question to an apolitical delivery mechanism by viewing PPPs as a necessary solution to the infrastructure crisis where critiques are distractions and public relations issues rather than genuine concerns.

5.2.2. Risk transfer and Value for Money: Provincial justification
After McGuinty’s relatively abrupt change from opposing PPPs to encouraging and supporting them and in response to PPP critics, the province began to implement PPPs more systematically. The crown corporation Infrastructure Ontario was developed, and began using tools for analyzing PPPs that focused on risk transfer. The Province committed to
“transparency and accountability” throughout this process (Ministry of Public Infrastructure Renewal, 2004, p. 46). Infrastructure Ontario set aside some of the rhetoric of “innovation” and was clear that governments still hold debt and that PPPs do not provide access to new financing. Rather, it views PPPs as a way to distribute risks associated with infrastructure development between the government and private firms such that each risk is allocated to the party that is best able to manage it.

Infrastructure Ontario makes the following argument about risk transfer (2009, p. 13).

All projects have risks that can result in increased projects costs, like unknown site conditions or changes in law. Certain risks are better handled by the private sector while others are better handled by the public sector. With PPPs, the aim is to have project risks dealt with by the most capable partner. With the TSDC project, development risks handled by the private sector included construction costs and schedule, site conditions, mechanical and electrical systems, and facility maintenance (Infrastructure Ontario, 2009, pp. 13-14). Infrastructure Ontario argues “on a traditional project, these risks and resource availability can lead to cost overruns and delays” (2009, p. 11). With the PPP model, any costs associated with problems, delays or changes related to the topics above are the responsibility of the private consortium rather than the project.

Infrastructure Ontario considers any savings that occur due to the transfer of risk to be value for money. It has tried to quantify Value for Money (VfM) and use the calculation of VfM to justify the use of PPP models for different infrastructure projects. At first glance, the VfM calculation is simple: it is the difference between the cost for delivery of an asset through the PPP method and the cost of delivery through traditional methods (see Figure 9). However, the cost estimates are made in a complex way. The VfM calculation is described in the “Value for Money Assessment” report (see Infrastructure Ontario, 2009) put out by IO for each PPP
project, and in “Assessing Value for Money: A Guide to Infrastructure Ontario’s Methodology” (Infrastructure Ontario, 2007) and “Risk Analysis for Design, Build, Finance and Maintain Model” (Altus Helyar Cost Consulting, 2007), but these reports provide few details.

Infrastructure Ontario divides the estimates into four categories: base costs, risks retained, ancillary costs and other adjustments. These categories are described in Table 10 based on the available information from IO as they relate to the TSDC. These categories are described generally and no detail is provided as to why, for example, the risks retained by the public sector amount to $350.7 million while those for the private sector amount to $63.3 million beyond describing the general formula for quantifying risks shown in Figure 10. This lack of detail makes it difficult for others to assess whether IO’s method for calculating VfM is fair and accurate, as others have pointed out (Siemiatycki & Farooqi, 2012, p. 291). The Value for Money assessment of Toronto South is shown in Figure 11.

\[
\text{Value for Money} = (\text{cost of traditionally procured asset}) - (\text{cost of asset procured through PPP})
\]

**Figure 9: Value for Money calculation**

*Note: Adapted from Value for Money Report: Toronto South Detention Centre by Infrastructure Ontario, 2009.*

<table>
<thead>
<tr>
<th>Traditional method:</th>
<th>PPP method:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost of Risk (=) (Base Costs) (\times) (Probability of Occurrence of the Risk under Traditional delivery) (\times) (Impact of the Risk under Traditional delivery)</td>
<td>Cost of Risk (=) (Base Costs) (\times) (Probability of Occurrence of the Risk under AFP) (\times) (Impact of the Risk under AFP)</td>
</tr>
</tbody>
</table>

**Figure 10: Value for Money cost of risk calculation**

*Note: Adapted from Assessing Value for Money: A Guide to Infrastructure Ontario’s Methodology by Infrastructure Ontario, 2007.*
Table 10: Description of estimates for the Toronto South Detention Centre Value for Money calculation

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Costs – traditional (millions)</th>
<th>Costs – PPP (millions)</th>
<th>Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base costs</td>
<td>All construction, maintenance and financing costs</td>
<td>$479.6</td>
<td>$708.4</td>
<td>PPP cost higher due to premiums charger for risk transfer and higher financing rates</td>
</tr>
<tr>
<td>Risks retained</td>
<td>Potential adverse events that may have a direct impact on project costs. Estimated based on method developed by third party construction firm, see Figure 10</td>
<td>$350.7</td>
<td>$63.3</td>
<td>PPP cost lower because risks are paid for by the private consortium, not the province</td>
</tr>
<tr>
<td>Ancillary Costs</td>
<td>Fees for project management, legal transactions, and engineering advising</td>
<td>$7.6</td>
<td>$16.7</td>
<td>PPP cost higher due to “greater degree of up-front due diligence”</td>
</tr>
<tr>
<td>Competitive neutrality adjustment</td>
<td>Adjustment made to traditional model cost to include other items accounted for in the PPP model</td>
<td>$17.3</td>
<td>-</td>
<td>Taxes paid under PPP model that flow back to the public sector, private sector insurance premiums paid in PPP model (used as a proxy for costs when the public sector self-insures)</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$855.2</td>
<td>$788.5</td>
<td>Value for Money: $66.8</td>
</tr>
</tbody>
</table>

Note: Data from Value for Money Assessment: Toronto South Detention Centre by Infrastructure Ontario, 2009.

Figure 11: Value for Money assessment for the Toronto South Detention Centre
Note: Adapted from Value for Money Report: Toronto South Detention Centre by Infrastructure Ontario, 2009.

Beyond the VfM calculation process, questions have been raised about IO’s decisions to deliver projects either as PPPs or through traditional means (Siemiatycki & Farooqi, 2012).

Infrastructure Ontario has the task of both assessing whether a PPP should be used and delivering PPP projects, providing a possible incentive for having the project delivered through
a PPP (Siemiatycki & Farooqi, 2012, p. 295). Also, the VfM assessments are done using Altus Helyar Cost Consulting’s methodology, and approved by accounting firms like KPMG, PricewaterhouseCoopers and Deloitte (Siemiatycki & Farooqi, 2012, p. 296), all of which are explicitly in support of PPPs and are “sponsor members”\(^8\) of the CCPPP (CCPPPd, 2013).

Infrastructure Ontario has been very deliberate with their communications around PPPs. As mentioned earlier, their decision to give the PPP program the name “Alternative Financing and Procurement” was an explicit attempt to avoid the negative image of “privatization” in the public’s eye (Livingston, 2008), and likely also a way to distance themselves from Harris’s PPP program that the Liberal government openly opposed while the Official Opposition before 2003. The IO website focuses on a commitment to the public aspects of projects. Infrastructure Ontario’s five key guiding principles are: “transparency, accountability, value for money, public ownership and public control, and public interest,” (2011), and in its Value for Money reports, it includes in bold: “The public sector retains ownership, control and accountability of the facility”, (2009, p. 8). Yet one manager at IO explained that what remains unwritten that should follow these statements is that public ownership, control and accountability is maintained “to the extent that we’ve haven’t already outsourced it” (personal communication, August 8, 2012). He feels IO decides the best way to deliver infrastructure projects and then works to communicate its plans in a way the public finds palatable that does not always match what is “actually happening”. He explained this is because the public does not fully understand the way PPP contracts work, they are afraid of giving away partial control of some assets and worried that the failures of the first wave of PPPs

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\(^8\) A sponsor member must pay the highest membership fee of $3,650 per year and is in turn permitted to “act as a resource to CCPPP on issues and government interface, assist in setting the Council’s agenda and priorities, be the first to sponsor CCPPP events, lead Advisory Groups and receive recognition on Council materials” (CCPPP, 2013d).
will be repeated. Though IO is committed to being transparent and accountable to the public it seems there are still barriers IO faces in openly communicating its plans to the public.

5.2.3. Resistance to PPPs: Another form of privatization

In PPP literature and during all my interviews, public sector unions were viewed as the biggest barrier to the implementation of PPPs. Public sector unions have opposed PPPs in Canada and Ontario since their initial development, with the most active unions being the Canadian Union of Public Employees (CUPE) and the Ontario Public Service Employees’ Union (OPSEU). Both unions have run a number of project-specific anti-PPP campaigns, like protesting a PPP for a water treatment plant in Abbotsford (Council of Canadians & CUPE, 2012) and a hospital in Kingston (OPSEU, 2013). They have also tried to address the PPP industry as a whole by holding a rally outside the CCPPP’s annual conference in 2002 (see Figure 12). CUPE has produced a number of research reports on PPPs (CUPE 2002a, 2002b, 2008, 2011, 2013; CUPE & Council of Canadians, 2010). Additionally, the Canadian Labour Congress, an umbrella organization for many Canadian unions, has taken a strong stance against PPPs. It has made a number of critiques of PPPs. These include that costs are higher than with public projects, quality of service is decreased, transparency and accountability are compromised, and wages and job quality are sacrificed for profits.

![Figure 12: Flyer for CUPE rally against the Canadian Council for Public-Private Partnerships conference in 2003](http://archive.ontario.cupe.ca/events/2003/p3demo/)

Public sector unions have used the concept of “privatization” to frame debates around PPPs. They make the argument that PPPs are a new form of privatization on their websites (CUPE, 2006, 2013) and OPSEU and CUPE representatives repeatedly used this idea in my interviews (OPSEU representatives, June 4, June 18, 2012; CUPE representative, July 4, 2012) and in public. Many of their reports on PPPs are centered around privatization, with titles like *The Drive to Privatize: Why Public is better for our communities and for local business* (CUPE 2002a) and *Public Water for Sale: How Canada Will Privatize our Public Water System* (CUPE & Council of Canadians, 2010). The Canadian Labour Congress’s statement on PPPs says: “The labour movement is opposed to privatization, including public-private partnerships, because it undermines both the values and ethos of the public sector, and the goal of enhancing the public good” (Canadian Labour Congress, 2005, p. 1).

The newer generation of PPP projects delivered through IO have addressed a number of concerns from public sector unions by using PPPs to finance, build and maintain infrastructure while having the Province own and operate assets. Particularly with respect to the first wave of PPPs in Canada, there was concern around the government using PPPs to avoid collective agreements with the employees, known as “union busting”. Certainly with some early PPPs, this was the case. The contracting-out of Central North Correctional Centre (CNCC) resulted in hiring all new correctional staff not covered under OPSEU’s collective agreement. The Brampton Civic Hospital delivered as a PPP contracted-out most of the food and administrative duties privately (Ontario Health Coalition, 2008). However, after much lobbying and activism around this issue, IO limited the services that could be contracted-out (CUPE, 2006). There was also concern about decreased quality of service when the province originally involved the private sector in the operations of assets. But opposition to this model has resulted in provincial governments staying away from the private operations of assets.
Despite these changes, public sector union stances on PPPs have only marginally changed. While visible opposition to PPPs has decreased in the past few years, many public sector unions still maintain positions against PPPs. These positions still focus on describing PPPs as a form of privatization and often fail to make a more nuanced critic of the current form of PPPs in Ontario. Many of the critiques centre on limiting public control and transparency and causing a loss of public sector jobs through private ownership and operations of assets. Few recent reports opposing PPPs respond to the current status of PPPs, where public ownership, operation and sometimes maintenance are maintained, and where the private sector is only involved in financing and some maintenance. The emphasis on the negative aspects of privatization from CUPE and other unions may be a tactical decision to appeal to a process that members of the public can understand, but it does not allow for a nuanced understanding of how PPPs currently work in Ontario and the issues they evoke. As a result, unions have not been successful in contesting design-build-finance-maintain projects and IO is rapidly increasing its portfolio of these projects.

5.3. Following the money: who funds P3s in Ontario

5.3.1. Understanding Alternative Financing
One of the major differences between traditional infrastructure delivery and the AFP model that Ontario has used since 2006 is the way projects are financed. Under the traditional method, municipal or provincial governments paid for infrastructure through government bonds at low interest rates. They repaid these bonds through tax revenues or user-fees depending on the type of project (Siemiatycki, 2006, p. 139). User-fees are more often used in road and bridge projects like the 407 highway and the Confederation Bridge. Prisons are financed provincially and do not have user-fees, and are thus paid for through tax revenues.
Under the AFP model, there are two major changes to infrastructure financing. First, rather than through government bonds, the project is financed by private equity and debt. Second, assets are funded through “project financing” meaning financing is specific to one particular project. When governments use government bonds, they acquire general debt that can be used for a number of projects. Through project financing, investors are investing in one particular project. The private consortium that delivers many aspects of the project (design, financing, construction and maintenance, see again Table 1 on page 20) must win the bid for the project, design the asset and construct it entirely before receiving any payment from the government. Upon finishing the project, the private consortium receives a “substantial completion payment”; though the percentage varies based on the asset, for TSDC this payment amounted to $250 million or 32% of the total project costs (Infrastructure Ontario, 2009, p. 12). Once the asset is in use, the government pays the remaining cost of the project through monthly service payments to the private consortium for the remaining years of the contract; for TSDC, the payments will amount to an average of $29.8 million yearly for 30 years (Infrastructure Ontario, 2009, p. 12). If the private consortium does not meet the construction or maintenance standards mandated by IO, deductions are made to the substantial completion payment and monthly payments, respectively.

Financing comes from a number of institutional investors. Equity providers are often pension funds, construction firms and other institutional investors and usually make up around 10% of the project financing. Debt providers are mostly insurance companies, bondholders and Canadian and non-Canadian banks and usually make up around 90% of the project financing (see Table 11 for list of equity and debt providers in Ontario). Debt providers are typically involved in the financing of the construction phase of a project, which can be one to five years
long, while the equity providers are involved in the project for the whole contract of around 30 years.

**Table 11: Sources of equity and debt for Toronto South Detention Centre**

<table>
<thead>
<tr>
<th>Equity</th>
<th>Debt – Insurance companies</th>
<th>Debt – Canadian banks</th>
<th>Debt – non-Canadian banks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fengate Capital</td>
<td>Canada Life Assurance Company</td>
<td>Bank of Montreal</td>
<td>Calyon (France)</td>
</tr>
<tr>
<td>EllisDon</td>
<td>Sun Life Assurance Company</td>
<td></td>
<td>Norddeutsche Landesbank (Germany)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Banco Espirito Santo de Investimento (Spain)</td>
</tr>
</tbody>
</table>

*Note: Data from Integrated Team Solutions achieves Financial Close on the Toronto South Detention Centre project by Daily Commercial News, 2009.*

The rationale behind AFP is to provide private investors with incentives to make the project a success according to the needs of the provincial government. Success in construction is having a project that is delivered on time, within budget, and to the specifications set by IO. Success in maintenance is when the asset remains at a certain level of service throughout the length of the contract, typically around 30 years. Private investors do not receive any payment until the substantial completion of the project, and thus are motivated to ensure the project is delivered to the date, budget and specifications of IO. It is argued that governments cannot hold designers and constructors to the same standards, and often delay maintenance of assets to reduce operating costs. Thus, AFP is seen as a way to control costs and properly maintain assets.

Infrastructure investments, of which PPPs are a part, are an important and growing portion of the portfolio of institutional investors. Figure 13 shows an advertisement for infrastructure investing on the website of Brookfield Asset Management, an equity provider for the South West Detention Centre project. Brookfield promotes infrastructure investing as “Things you can see. Locations you can visit. Tangible products and services that people use every day” (2013).
5.3.2. Financing, ownership and control

Through the AFP method, though infrastructure is privately financed, it is publicly owned. As I mentioned above, one of the major worries public sector unions have with PPPs is that ownership and control of assets will be handed over to private firms. In response, IO has ensured that all PPPs are done in such a way that ownership and control is maintained. In prisons, this means MCSCS has control over how they are run, how inmates are distributed in the system and how programming is delivered.

Alternative financing does mean that the government has an obligation to pay the private consortium the monthly service fee for the duration of the long-term contract. The asset stays in good condition over the 30-year contract because of regular maintenance.
ensuring that the asset does not deteriorate or break down. This was designed to address a common infrastructure problem where governments allow infrastructure to degrade by delaying maintenance work to lower costs in the short term. Alternative financing means the Province would face a challenge if, for example, it wanted to shut down a PPP prison part way through the 30-year contract. It also means that the province has slightly less control over their budget. Without a PPP, in the face of budget cuts MCSCS could choose to not pay regular prison maintenance fees, allowing prison infrastructure to deteriorate as opposed to cutting prisoner programming. Because through PPPs governments are obligated to pay a monthly maintenance fee, they would not have the option of deferring maintenance in light of budget cuts. The DBFM contracts would not make it impossible for the MCSCS to end their relationships with the private consortia involved in Toronto South and South West; the non-renewal of MTC’s contract at Central North despite evidence of cost savings and the costly cancellation of power plants in Mississauga and Oakville in 2011 (Auditor General of Ontario, 2013) show that the government in the past has made seemingly inefficient decisions. But the long-term PPP contracts and political fallout of cancellation do provide a disincentive to changing or ending them. This means the maintenance of prison infrastructure is set as a priority rather than the decrease of reliance on prison infrastructure to be used to deal with those who have broken the law. It is one way that, as Piché (2012b) puts it, the “prison idea” is reproduced. Infrastructure Ontario’s decision to guarantee that prison infrastructure like the Toronto South and South West Detention Centres is kept at a high quality for a 30-year contract comes with the implicit assumption prison infrastructure will still be needed in 30 years to address issues of crime. This occludes MCSCS from making alternative arrangements for dealing with crime that do not involve incarceration.
The other important change that private financing for infrastructure brings is the creation of a new debt market for investment. Whereas through traditional procurement, banks back public bonds with lower interest rates, PPPs get financing from institutional investors like pension funds, insurance companies and banks at market interest rates. The new market is developed and managed by IO. This represents a change in the role of government, from the provider of public goods and services to the facilitator of markets for public goods and services. With this new market, the returns are much higher for investors.

Private financing changes infrastructure delivery in subtle ways. It does not result in major shifts in control or ownership of public assets to the private sector. It does retain the value of infrastructure over time through ensuring preventative maintenance. In the case of prisons, it means PPPs preserve the prison as the institution for addressing crime in society. PPPs also deepen the relationship between the prison and international financial capital, making capital accumulation integral to the delivery of prison infrastructure.

5.3.3. The contradictions of union pension fund investment in PPPs
I have already explored public sectors unions’ unequivocal opposition to PPPs in Canada. However, union pension funds are some of the major investors in infrastructure and are actively growing their infrastructure portfolios. In this section, I briefly explore the contradictions that arise from this situation and the extent to which they play out in Ontario and Canada.

Canadian union pension funds are increasingly investing in forms of public-private partnerships around the world. In his paper on the tension between PPPs and the union movement in Canada, Siemiatycki (2012, p. 5) found that 3 of the top 10 infrastructure investors globally are Canadian pension funds and that the infrastructure portfolio is providing some of the strongest returns. He also found globally, funds that invest the pensions of public sector
union members, like the Ontario Municipal Employees Retirement System (OMERS), Caisse de Dépôt and OPTrust, are heavily invested in infrastructure (Siemiatycki, 2012, p. 9).

Pension investors are aware of union opposition to PPPs, but most feel this position is not relevant to their investing, and that unions cannot prevent their pensions from being invested in PPPs. As one fund manager described, “if the unions didn’t like public-private partnerships, which I would say in general they don’t, they couldn’t impose it, that will, on the fund” (personal communication, June 14, 2012) because when union members are trustees on pension fund boards, they must consider only their fiduciary responsibilities. According to pension investment practice, any criteria for investment must be solely related to return on investment, rather than any ethical, moral or political considerations. For example, one fund has developed criteria for investment that takes into account the labour practices of the firms in which it invests because it feels coercive labour practices increase risks. As a manager at this firm described, “It’s not that we’re passing a moral judgement on them, it just raises the level of risk for us, reputational and real, that we’re not sure we want to take on” (personal communication, June 14, 2012). However, these criteria do not prevent the fund from investing in projects with poor labour practices, they only allow it to take labour practices into account when making decisions. Beyond issues related directly to labour, funds do not have criteria or policies around PPPs.

Canadian public sector pension funds have generally stayed away from investing in PPPs in Canada. As Siemiatycki explains, “this is because most PPPs in Canada do not fit their investment criteria in terms of size and a long-term facility operation concession, but also to avoid high profile conflicts with local union critics,” (2012, p. 13). Exceptions include pension fund investment in first wave projects like OMERS investments in PPPs 15 schools in Nova Scotia, hospitals in Brampton and Ottawa and the Confederation Bridge to P.E.I., and
investment from Caisse de Dépôt and B.C. Investment Management Corporation (bcIMC) in the Canada Line rapid transit project in Vancouver (Loxley & Loxley, 2010). Of depositors with OMERS, 51% are members of CUPE, SEIU and COPE (Siemiatycki, 2012, p. 9) and Caisse de Dépôt and bcIMC both manage the pensions of unionized public sector employees in Quebec and B.C.

Public sector unions are generally aware of the contradiction between their anti-PPP policies and their PPP pension investments but say they cannot prevent their pensions from being invested in PPPs because they do not have control over their pension funds. They have worked towards joint trusteeship for pensions, but they often find union trustees are not able to make much of an impact at the board level. As one public union staff explained:

There’s a socialization process...it’s really hammered into them by the [fund] managers that their job is not to micro-manage the plan, that there are quote unquote “experts” that should be left to do that, and that the role of the pension trustees is broad policy direction for the plan and oversight. (personal communication, July 4, 2012)

It is also understood that pension management is complicated because the extent to which funds should be used to better the position of individual union members beyond strictly providing access to a pension is not obvious. He went on to explain that:

The prime imperative of a pension fund is to make sure that we can pay the retiree...the money shouldn’t be played with. It’s a complex area, it’s not so easy as saying “if we just put unionists on the board everything would be different. (personal communication, July 4, 2012)

Public sectors unions feel that union members should have more say on jointly trusteeed boards, but they also recognize that more conversations must be had with union members about the purpose of the pension fund and how it should be used.

Smaller funds managing private sector union pensions have begun actively investing in Canadian PPP projects. For example, Fengate Capital, the equity provider for the TSDC and for a number of Ontario hospital projects, manages the Labourers’ Pension Fund, Teamsters
Canadian Pension Fund and the Toronto Electrical Workers Infrastructure Fund. For private sector unions in the construction and building trades, investing in PPPs can be seen as investing in job opportunities for their members. These unions rely on having something to build so their members can work and get paid, and government construction and maintenance contracts are important for that, so they are less interested in whether the project is built traditionally or through a PPP. As a trade union representative explained, “any time we have work opportunities, we’re not going to go out and start publically bashing people and saying “you’re stupid for giving us all this work,”” (personal communication, September 10, 2012). Trade unions use the design-build-financing-maintain model as an opportunity, by building the facility and then organizing the private sector maintenance workers to become part of their union.

Through their pension funds, unions contribute large amounts of capital to national and international markets. As funds begin to invest more in infrastructure, Canadian union members’ pension funds will likely become increasingly reliant on international PPPs and possibly Canadian ones as well. There will be increasing pressure for Canadian public sector unions to re-examine their strong opposition to PPPs in light of this dependence. Looking closely at pension governance and investment in PPPs may help unions better understand the nuances of current PPP models and update their responses to the new wave of PPPs.

5.4. Taking the prison seriously
The majority of this chapter has been dedicated to exploring PPPs as infrastructure delivery mechanisms without addressing the specificities of different public assets. This is because I felt it was important to look at the historical growth and logics of PPPs in Canada. But a general study of PPPs without looking at certain assets specifically was in part influenced by the documents I read and interviews I conducted with those from the PPP community. During most conversations I had with key informants and in many documents I reviewed, PPPs were
talked about in the abstract, without specifying a particular type of asset. In fact, it was sometimes difficult to convince those within the PPP community to have conversations with me about prisons because they could not understand why I would want to discuss PPPs in the context of prisons. In one request for an interview where I specified my interest in prison PPPs, one investor (personal communication, September 17, 2012) asked, “Are there any specific issues/implications that make the study of prison PPPs different from other PPPs in your mind?” I believe this question came from the assumption within the PPP industry that with PPPs, infrastructure assets are interchangeable. There are few differences between assets for investors, so there would be no need to look at one asset, like the prison, in particular. This is despite the fact that investors play a key role in making infrastructure construction possible in Ontario. Some investors even become specialists in certain forms of infrastructure. For example, Brookfield Financial delivered a series of justice projects including South West Detention Centre in Windsor, Surrey Pre-trial Services Centre in British Columbia, as well as Quinte Consolidated Courthouse in Belleville. When it develops teams to put a bid on one justice project, it becomes easier to bid on other similar ones with the same team of people. In this final section I aim to take seriously the role of the prison in the prison PPP. I consider the participant’s question in a slightly different form: what can studying prison PPPs tell us about both prisons and PPPs in Ontario? First, I look at the insistence that the asset being delivered is irrelevant in discussions of PPPs and show how this has helped depoliticize Ontario’s prison expansion program. Then, I look at what this study of prison PPPs can say about how neoliberalism has worked in Ontario.

5.4.1. A prison is a hospital is a road
The depoliticization of market policies has been identified as a central technique of neoliberal governance. Shifts in governance are constructed as logical changes towards a more
efficient technique of governance. As Ong (2006, p. 3) argues, neoliberalism can be thought of as “a new relationship between government and knowledge through which governing activities are recast as non-political and non-ideological problems that need technical solutions”. Here, I explore how prison expansion was “recast as non-political” through the use of the PPP.

Investors involved with prison PPPs understand that prison partnerships can be seen as controversial to members of the public. A former public servant explained that because of this: “it took them [the Province of Ontario] a long time to get into prisons on this path [PPPs],” (personal communication, July 10, 2012). A manager at an investment firm explained that,

I think in launching the P3 program, the government was probably wise to go through a wave of hospitals first, for the reason we talked about earlier: it’s easier to sell the public on that, whereas if you launched your first 10 P3 projects as all prisons, people would be kind of…it wouldn’t look good, right? (personal communication, Oct 12, 2012)

Despite this, they were clear that from an investment perspective, prison PPPs are the same as all other PPP projects. When asked how prison PPPs are unique, most participants responded that they are not. As an investor with the equity provider of Toronto South explained,

Doesn’t really matter what the asset is, like I didn’t do anything special because it was a prison facility vs. a hospital vs. a school vs. an office building vs. a road vs. a, you know, any…asset. Like, there’s nothing, I’m trying to tell you that there’s nothing in my opinion that is special about the prison that makes the financing special, doesn’t really matter. (personal communication, May 23, 2012)

This investor and others explained that the type asset he is delivering has no bearing on how he structures his deals from an investment perspective. Another investor similarly explained,

Every project is unique somewhat, but a prison or a hospital or a courthouse or other kind of social building, from a procurement perspective...it’s effectively the same project. We use the same model, the same parameters, you need to keep it up to a certain standard, you have to build it to a certain standard. (personal communication, Oct 12, 2012)

Thinking about PPPs in general terms without talking specifically about the type of asset being built is part of a process of taking the politics out of prison infrastructure delivery. Talking about PPPs in an abstract sense allows them to be seen as neutral delivery structures providing value
for money for the government’s capital expenditures. But as many have pointed out (Davis, 2003; Piché, 2012b; Sudbury, 2009), the construction of prisons is always political. By talking about infrastructure in the abstract, prison expansion is seen as just another governing activity that requires the PPP as its technical solution.

The PPP as it has been used by IO to deliver Toronto South and South West Detention Centres is not necessarily the only way that Ontario’s prison expansion has been made apolitical. As I explored in the previous chapter, when expansion began in the late 1990s, the Conservative government was responding to the problem of high incarceration costs, identified by the Auditor General. High costs were caused by out-dated old facilities and related high staffing costs. Since Ontario’s cost per inmate per day was the highest in the country compared to other provinces, the Conservatives began an expansion campaign, the Adult Infrastructure Renewal Program, which involved the construction of superjails and the privatization of CNCC. At that time, private superjails were seen as a technical solution to the problem of high inmate costs, since the new facilities would require less staff to run due to their modern designs and new technologies.

This program was unsuccessful politically; many groups opposed the privatization of a prison in Ontario and the Liberal government did not renew an operations contract with the private firm in 2006. The Conservative party was not able to successfully frame privatization as a neutral cost saving technical delivery mechanism. Despite this failure, the Province continued to build newer, larger and more modern facilities. It modified its plan to use the design-build-finance-maintain PPP model to deliver its two new prisons. As I described earlier, the DBFM model maintains public sector control of the prisons, a major demand from those contesting the privatization experiment. The DBFM model was not designed in direct response to the termination of the privatization of Central North; it was developed to deliver all infrastructure in
Ontario, not only prisons. But the Province’s experiences with the privatization experiment, in addition to many critiques of PPP hospitals, likely informed the design of the DBFM model. The success of the new PPP model is that it has been able to achieve the label of apolitical technical solution to the problem of costly infrastructure delivery in a way that the privatization of CNCC was not.

5.4.2. Spatialities of neoliberalism
Taking the prison seriously means considering Ontario’s prison expansion in the past 15 years via the PPP in the context of economic changes occurring in the province and research about the role of prisons in neoliberal state. We have learned from studies on penal neoliberalism that with the decline of the welfare state in the U.S., the prison has become the state institution that manages the surplus labour of the poor, people of colour and other marginalized groups (Peck & Theodore, 2008; Wacquant, 2009). In California, Gilmore (2007) showed how prison expansion was a response to surplus labour, but also surplus capital, land and state capacity.

Unfortunately, these studies based in the U.S. are often extrapolated to the global level. This is problematic empirically and theoretically. It means that we do not know as much about the way neoliberalism works in Canada. But it also inaccurately ascribes uniformity to neoliberalism. This case offers an account of actually existing neoliberalisms in Ontario as explored through changes to prison infrastructure delivery mechanisms. It is not simply a case study of how global neoliberalism had played out in Ontario. Nor is it an example of how neoliberal policies crafted in the U.S. have been exported to Ontario. Rather, it examines one process of neoliberalization to inform our understanding of how this global process works. It is a study of how neoliberal ideals were taken up, contested, reinvented and reformed in Ontario. It is only through context-specific study that it is possible to learn anything about neoliberalism.
As Peck and Theodore have articulated, “The spatiality of neoliberalization...is crucial to its very character as an incomplete (indeed ‘incompletable’) programme, inconsistently prosecuted and resisted across a variegated landscape” (Peck & Theodore, 2012, p. 180).

My study of the history of PPPs in Ontario and Canada has aimed to trace the ways neoliberal ideas have been promulgated and resisted and how this has shaped infrastructure delivery. The current favoured method for delivering prisons and other social infrastructure, through the design-build-finance-maintain PPP model, is a product of much debate, contestation and compromise. As I pointed out earlier in this chapter, policy outcomes have been shaped by PPP proponents, Infrastructure Ontario and public sector unions, who all have different understandings of what PPPs are and why they should or should not be used in Ontario.

The resulting infrastructure delivery mechanism that delivered Toronto South and South West does not facilitate a major shift in control of public assets from the public to the private. PPPs, as they are currently being implemented, depend on private finance capital from banks, insurance companies, pension funds and other institutional investors, but investors do not have more control over whether a prison is built or where the prison is located. They do not result in major public sector union job losses; in prisons, unionized public sector employees carry out all correctional operations. Some services, like heating and ventilation maintenance, are run by the private sector, though this is sometimes the case in traditionally delivered correctional facilities.

The impacts of PPPs in the prison sector are subtler. New innovations in layout and security technologies will likely result in fewer staff required for operations, which could negatively affect correctional officers and have impacts on the experiences of prisoners. A new debt market has been created that has entrenched the prison as a site of accumulation of
capital. This accumulation is not directly tied to the number of prisoners that are housed in the prison or to the operations of prisons, thus skirting the critiques of many anti-prison privatization activists. Nevertheless, the debt market solidifies the prison as a fix for circulating international capital. Also, public-private partnerships have the potential to more seriously lock governments into commitments to adequately maintain their penal infrastructure due to the long-term maintenance contracts part of the DBFM model used with Toronto South and South West. Thus PPP contracts, rather than public policy decisions about how to respond to crime, could play an increasingly important role in decisions about the future of prisons in Ontario. This results in a depoliticization of decisions around prison infrastructure, where efficiency is a more significant criterion than the purported rehabilitation and reparation goals of the prison. Infrastructure decisions are further depoliticized when PPPs are discussed in the abstract, outside of the context of the assets they are actually delivering.

Reforms and compromises to PPPs that resulted in the preservation of unionized jobs, increased transparency and the maintenance of public control of infrastructure were direct results of resistance from the public sector unions, media, and members of the public. Remembering this can help those resisting neoliberal policies think about how to move forward. On the one hand, it is a reminder that neoliberalism is not inevitable and intervention is possible. On the other hand, it is guide for how contestation might look. As I pointed out in the previous chapter, the discourses and framing of political interventions shape the terms upon and limits within which debate can occur. Debates about infrastructure in Ontario have largely unfolded around resisting privatization and increased private control of public assets. Thus PPPs have been created such that public ownership is maintained even as the importance of financial capital in the delivery of infrastructure is solidified. Groups aiming to resist
neoliberal policies will have to imagine new ways of framing debates around PPPs that are not necessarily only about privatization.

**5.5. Conclusion**

In the 1990s, public assets were being delivered through new arrangements between government and the private sector through what were loosely described as public-private partnerships. By the mid-2000s, systematic programs for delivering PPPs were being carried out by new crown agencies like Infrastructure Ontario. Firms involved in the design, construction and financing of PPP projects worked over this time to promote PPPs not only as a cost-effective way to deliver innovation to governments, but as necessary to address the infrastructure deficit crisis. Public sector unions fought against private control of public assets and public sector jobs losses. The result was the design-build-finance-maintain model that preserves public ownership and control while placing Ontario’s infrastructure on the international debt market. This model was used to deliver two new prisons in Ontario as part of the province’s prison “modernization” and expansion program.

Throughout this chapter I have made claims about PPPs, Ontario’s prison expansion program, and neoliberalism. I have shown that PPPs are not apolitical arrangements for efficiently delivering infrastructure, but a particular model for infrastructure delivery that is the product of contestation and debate between many actors. I have also shown that prison expansion has been depoliticized through the use of PPPs to deliver new prisons while infusing international financial capital more deeply into the prison system. Thus, the story of PPPs and prisons in Ontario is not one of sweeping neoliberal policy changes towards the privatization of public infrastructure. It is one of neoliberalization (Peck & Theodore, 2012, p. 179), guided by market principles but ultimately non-linear, uneven, and characterized by policy failures, adaption, and responses to resistance. This serves as a reminder that resisting neoliberal
trajectories like prison expansion is possible, but that it must be done taking into account the nuances of new and incomplete techniques of neoliberal governance like the public-private partnership.
Chapter 6: Conclusion

The last two decades of prison expansion policies in Ontario have changed the role of the private sector in prison infrastructure delivery. Driven by aims to reduce the size of government, lower incarceration costs and “toughen” the experience of prison, the Ontario Progressive Conservative Party implemented the Adult Infrastructure Renewal Plan within the Ministry of Community Safety and Correctional Services. It shut down small, regional jails, replaced them with newly constructed superjails and used the new jails to implement a privatization experiment. The neoliberal logics underpinning these changes were that increased private control of government services would reduce costs and improve efficiencies. They intersected well with the neoconservative moral imperative also being promulgated at the time by politicians to reduce “frills” to ensure harsh punishment for criminals, ultimately providing “justice” for victims.

While the superjail plans were less discussed, the contracting-out of correctional services at Central North Correctional Centre became the topic of much debate and contestation from the local community of Penetanguishene, correctional officers and other labour unions, inmate advocate groups, and local and national media. This resistance played an important role in the decision to end the privatization experiment at CNCC by not renewing the contract with the private corrections firm Management & Training Corporation. While successful in bringing CNCC under public operations, the contestation of the privatization experiment drew on Canadian national imaginaries to frame privatization as a dangerous, American policy in contradiction with Ontario correctional values. This in turn framed Ontario’s public approach to corrections as the reasonable, civilized approach to crime and resulted in celebration of Central North’s public operations as a win for social justice in Ontario. I showed
how a public/private dichotomy obscured from public conversation the government’s other policies to reduce costs, like superjails, and lack of policies responding to problems like growing remand populations. I argued that since discourse shapes the possibilities and limits of discussion, those resisting prison expansion must look carefully at the way they frame debate to see what kinds of responses their contestation makes (im)possible.

The experiences of the Progressive Conservative party with the privatization experiment suggested that such a key role for the private sector in prison operations would not be successful in Ontario. The Liberal party, elected in 2003, began exploring the use of a particular form of PPP for infrastructure delivery. The Alternative Financing and Procurement mechanism developed preserves public ownership and control of assets while involving the private sector in financing and maintenance. Opposition to AFP has mostly come from public-sector unions and has focused on ensuring government ownership and control of public assets. Less emphasis has been placed on the impacts of private financing in partnership contracts. I found that a lack of understanding of the impacts of these new forms of PPPs stems in part from examining PPPs only as an infrastructure delivery mechanism and not thinking about them in relation to the assets they deliver. I showed that PPPs have ensured public ownership of prisons while also solidifying the dependence of prison expansion on international financial capital, strengthening the role of the prison as a site of accumulation. The state took on the fundamentally new role of market facilitator, with Infrastructure Ontario as the new government agency tasked with managing infrastructure markets. Also, by committing to 30-year maintenance contracts with PPP consortiums, MCSCS potentially builds its long-term commitment to new prisons into its budget, making it potentially costly and therefore difficult for the government to make decisions to decrease reliance on prisons. These implications stem from the marketization of MCSCS and the Province of Ontario, not from the privatization of
public services. Peck (2003, p. 223, original emphasis) has pointed out “contemporary shifts in state forms are entangled with the dispensation of new state functions”. I showed that PPPs, as a new state form, have enabled the state to function as a market manager.

The story of Ontario’s prison construction over the past 20 years has been one of “neoliberalism in motion” (Peck & Theodore, 2012, p. 178). Neoliberalization in Ontario has been non-linear, volatile, uniquely informed by Ontario’s existing penal landscape, and shaped by resistance. Policies originally implemented in the late 1990s to bring private sector efficiencies to what was perceived as a costly, “cushy” prison system were contested, resisted, and ultimately reformed to look completely different in the late 2000s. Though still centered on efficiencies, PPPs as they were used in Ontario to deliver Toronto South and South West Detention Centres were viewed as neutral infrastructure delivery mechanisms ideal for curbing construction and management costs. Public-private partnerships were designed explicitly to maintain public ownership and control and have resulted in few direct transfers of control to the private sector. The impacts of PPPs, as described above, though subtle, still have serious consequences for the prison system and for justice in Ontario.

Of her study of neoliberalism, Larner (2000, p. 6) said that her “delineation of the different interpretations of neo-liberalism is not simply an academic exercise; our understandings of this phenomenon shape our readings of the scope and content of possible political interventions.” An important contribution of this thesis has been to highlight how both neoliberal state policies, and also our analyses of and responses to them, shape the trajectories of carceral policies. I pointed out the ways particular interpretations of the privatization experiment in Ontario from its opponents limited possible state responses. More broadly, I hope this thesis provides an analysis of changes to Ontario’s prison system that helps broaden possible political interventions.
I am of course left with many questions about prisons expansion in Canada and directions for further research on this topic. This thesis was completed before either of the two new PPP prisons opened doors to inmates. Once Toronto South and South West become operational, it would be interesting to examine how or whether prisoner and guard experiences are different compared to non-PPP prisons. Innovation within PPP prisons is an important and yet understudied topic. Feeley (2002) has argued that the significant but insidious effects of private involvement in prisons is that entrepreneurship creates demand and supply for new forms of penal social control. Since innovation with public assets is touted as one of the most desirable outcomes of PPPs, it seems relevant to study what innovation in prison design, construction and maintenance looks like and what its implications are for the prison system. As I mentioned in chapter 3, it would be interesting also to study whether PPPs are contributing to difficulties in accessing information from MCSCS about prisons due to commercial sensitivity issues. Most importantly, though, it is important to study how lessons learned from prison delivery in Ontario are being shared and implemented at the federal level. If we are, in fact, facing Canada’s largest prison expansion plan since the 1930s (Blaze Carlson, 2011), it is crucial we understand the implications of different partnerships between the public and private sectors in prison expansion so they can ultimately be contested.
Bibliography


Brennan, R. (2000, Aug. 5). Prisoners to be forced to pay room and board, *Toronto Star*. Retrieved from


CCPPP (2009). For the Record: Canadian Infrastructure Crisis Still Critical. Toronto: CCPPP.


**Government documents accessed through informal request**


Legislation
Appendices

Appendix A: Letter of Consent

CONSENT FORM: PARTICIPATION IN INDIVIDUAL INTERVIEW

Project Title: Private sector involvement in prison development in Ontario 1995-present

I, ____________________________ (please print name), agree to participate in this research project examining private sector involvement in prison infrastructure in Ontario over the past 15 years.

I understand that, as a participant in the study, I will be asked to participate in an interview. During the interview, I will be asked questions about my views and experiences in the delivery of prison infrastructure in Ontario and private sector involvement in this.

The interview session is scheduled to last between 45-60 minutes, and will be transcribed from either tape (with my permission) or from hand-written notes. I am aware that the transcripts will only be seen by the principal investigator and possibly her supervisor and that no other person will have access to them. The completed interview transcripts and other research data will be stored in a secure location. No information will be released or printed that would disclose my personal identity unless I give permission to do so (below), and all such research data will be destroyed after five years of use.

I understand that I am under no obligation to agree to participate in this study and may choose not to answer specific questions during the interview. Any questions I have asked about the study have been answered to my satisfaction. Any risks or benefits that might arise out of my participation in the study have also been explained to my satisfaction. I understand that my decision to participate or not to participate will be kept completely confidential. I further understand that I can withdraw from the study at any time until two weeks after the interview with no explanation. I understand that should I wish to withdraw from the study, I can do so by submitting a written request to the Principal Investigator, Amy Buitenhuis.

Although this research may not benefit me directly, by participating in this study I will be contributing to a better understanding private sector involvement in prison infrastructure in
Ontario. The research results will be published in academic journals or reports, and may also be reported in popular forums.

Upon my request, a summary of the results of this research will be distributed to me. I understand what this study involves and agree to participate. I have been given a copy of this consent form.

If I have any questions or concerns about this study, I can contact Amy Buitenhuis at 647-972-5042 or buitenhuisa@geog.utoronto.ca. I may also contact the Office of Research Ethics at ethics.review@utoronto.ca or 416-946-3273, if I have questions about my rights as a participant in this study.

I agree to the use of a tape recorder during the interview    YES       NO
I agree to be identified by name and affiliation in any final written report    YES       NO
I agree to be identified by affiliation only in any final written report    YES       NO
I would like my identity to remain anonymous in any final written report    YES       NO

______________________________  ____________________
Signature                      Date
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<tr>
<th>Document Title</th>
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<th>Institutional Author</th>
<th>Year</th>
<th>Accessed?</th>
<th>Method of Access</th>
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<td>Understanding Public Private Partnerships in Canada</td>
<td>多元化</td>
<td>Fasken Martineau</td>
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<td>Chapter 3 Reports on Value for money Audits and Reviews 3.04 Institutional Services and Young Offender Operations in Annual Report 2000</td>
<td>多元化</td>
<td>Fasken Martineau</td>
<td>2008</td>
<td>Yes</td>
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<td>Adult Infrastructure Renew Value for Money Follow Up in Annual Report 2008</td>
<td>多元化</td>
<td>Fasken Martineau</td>
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<td>Canada’s Infrastructure Gap: Where It Came From and Why It Will Cost So Much To Close</td>
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<td>The true cost of P3s</td>
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<td>2010</td>
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<td>Public-Private Partnerships in Canada [powerpoint presented at National Public Private Partnerships Summit: Advancing the Model for Increased Infrastructure Development]</td>
<td>多元化</td>
<td>Fasken Martineau</td>
<td>2010</td>
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<td>From the Ground Up: Canadian Opinion on Public-Private Partnerships 2004-2011</td>
<td>多元化</td>
<td>Fasken Martineau</td>
<td>2011</td>
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<td>Surrey Pretrial Services Centre Expansion Project, British Columbia: Setting a New Standard for Correctional Facilities in B.C.</td>
<td>多元化</td>
<td>Fasken Martineau</td>
<td>2011</td>
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<td>20th Anniversary Video - Celebrating 20 Years of P3 in Canada [video]</td>
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<td>2013</td>
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<td>Fasken Martineau</td>
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<td>International PPP schools survey report: PPP schools – The view from Within</td>
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<td>Fasken Martineau</td>
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<td>Public-Private Partnerships: Understand the Challenge</td>
<td>多元化</td>
<td>Fasken Martineau</td>
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<td>Dispelling the Myths: A Pan-Canadian Assessment of Public-Private Partnerships for Infrastructure Investments</td>
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<td>Fasken Martineau</td>
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<td>Issues raised by Public Private Partnerships in Ontario's hospital sector</td>
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<td>Fasken Martineau</td>
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<td>Canadians' Views on Public-Private Partnerships: Canadians Reject Private Sector Funding Of Some Key Public Sector Areas</td>
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<td>Methodology: Rating Canadian Public-Private Partnerships</td>
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<td>Superprisons in Canada: What They Are How To Stop Them</td>
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<td>Public Perception and Political Will: Overcoming Obstacles to Public-Private Partnerships in Canada</td>
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<td>Yes</td>
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<td>P3 Structure Considerations [powerpoint]</td>
<td>多元化</td>
<td>Fasken Martineau</td>
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<td>Ontario Legislature Debate Proceedings</td>
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<td>Fasken Martineau</td>
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<td>Alternative Financing and Procurement in Ontario, Canada [powerpoint]</td>
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<td>Fasken Martineau</td>
<td>2008</td>
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<td>Infrastructure Ontario</td>
<td>2009</td>
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<td>Value For Money Assessment South West Detention Centre</td>
<td>Infrastructure Ontario</td>
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<td>Assessing Value For Money A Guide To Infrastructure Ontario's Methodology</td>
<td>Infrastructure Ontario</td>
<td>2007</td>
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<td>An Introduction to an Alternative Financing and Procurement Model</td>
<td>Infrastructure Ontario</td>
<td>2012</td>
<td>Yes</td>
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<td>Risk Analysis Services for Design, Build, Finance and Maintain Model</td>
<td>Altus Heylar Consulting</td>
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<td>Privatization of Corrections</td>
<td>John Howard Society of Alberta</td>
<td>1998</td>
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<td>The Superjails in Ontario</td>
<td>John Howard Society of Ontario</td>
<td>2006</td>
<td>Yes</td>
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<td>Results-based Plans</td>
<td>Ministry of Community Safety and Correctional Services (MCSCS)</td>
<td>2006 to 2010</td>
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<td>Correctional Program Assessment Inventory, Central North Correctional Centre</td>
<td>MCSCS</td>
<td>2005</td>
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<td>A Safe, Strong, Secure Ontario: Strategic Plan 2008-2013</td>
<td>MCSCS</td>
<td>2008</td>
<td>Yes</td>
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<td>Central North Correctional Centre Review and Comparison to Central East Correctional Centre</td>
<td>PricewaterhouseCoopers</td>
<td>Prepared for the MCSCS</td>
<td>2006</td>
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<td>Ministry of Correctional Services Business Plans</td>
<td>Ministry of Correctional Services</td>
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<td>1999 Ontario Budget Budget Papers: Foundations for Prosperity</td>
<td>Emie Eves</td>
<td>1999</td>
<td>Yes</td>
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<td>ReNew Ontario 2005-2010 Strategic Highlights</td>
<td>Ministry of Public Infrastructure Renewal</td>
<td>2005</td>
<td>Yes</td>
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<td>Building a Better Tomorrow: An Infrastructure Planning, Financing and Procurement Framework for Ontario's Public Sector</td>
<td>Ministry of Public Infrastructure Renewal</td>
<td>2004</td>
<td>Yes</td>
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<td>The Roy McMurtry Youth Centre: A Summary of Advocacy Activities and Issues August 2009 – February 2010</td>
<td>Nancy Russell, Lee Tustin</td>
<td>Office of the Provincial Advocate for Children and Youth for Ontario</td>
<td>2010</td>
<td>Yes</td>
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<td>1993 Annual Report: Reports of Value for Money Audits</td>
<td>Office of the Provincial Auditor</td>
<td>1993</td>
<td>Yes</td>
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<td>When Public Relations Trump Public Accountability: The Evolution of Cost Overruns, Service Cuts and Cover-Up in the Brampton Hospital P3</td>
<td>Ontario Health Coalition</td>
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<td>Alternative Service Delivery in the Ontario Public Sector</td>
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<td>The Urban Infrastructure Challenge in Canada: Perceptions and Realities</td>
<td>Altus Clayton</td>
<td>Prepared for Canadian Home Builders Association</td>
<td>2005</td>
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<td>The Infrastructure Funding Deficit: Time to Act</td>
<td>Residential and Civil Construction Alliance of Ontario</td>
<td>2006</td>
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<td>Protecting Workers under Public-Private Partnerships: Public Sector Union Experiences and Models</td>
<td>SEIU Local 1000</td>
<td>2007</td>
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<td>Infrastructure &amp; Public Finance Ratings: Public Private Partnerships, Global Credit Survey</td>
<td>Standard &amp; Poor's</td>
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<td>Top 10 Investor Questions For 2013: Global Public Private Partnership Infrastructure Investment</td>
<td>Anne Selting</td>
<td>Standard &amp; Poor's</td>
<td>2012</td>
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<td>A One-Day Snapshot of Inmates in Canada's Adult Correctional Facilities</td>
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<td>Statistics Canada, Canadian Centre for Justice Statistics</td>
<td>1999</td>
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<td>A Guide to Public-Private Partnerships for Infrastructure Projects</td>
<td>SuperBuild</td>
<td>2001</td>
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<td>SuperBuild</td>
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<td>A Guide to Privatization</td>
<td>The Heritage Foundation</td>
<td>1988</td>
<td>Yes</td>
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<td>Rewards and Consequences: A Correctional Service for the 21st Century</td>
<td>Union of Canadian Correctional Officers</td>
<td>2007</td>
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<td>Interim Report on Business Planning and Cost Savings Measures</td>
<td>Ministry of Correctional Services</td>
<td>April 11, 1993</td>
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Appendix C: Summary of Freedom of Information requests (Request Number CSCS-A-2012-02004) made to the Ministry of Community Safety and Correctional Services and its responses

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<th>Response from MCSCS</th>
<th>Cost charged by MCSCS</th>
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| First request | 1. Report by Cheryl Miller, Isabelle Sauvé-Thompson, Greg Wright, Dr. Jill Rettinger, Dr. Lina Girard and Verna Nutbrown written in 2005 and entitled "Correctional Program Assessment Inventory, Central North Correctional Centre".  
2. Reports related to Adult Infrastructure Renewal Program which was announced in 1996. Specifically I'm looking for reports related to the purpose and implementation of the AIRP and any evaluations of the program.  
3. Reports written about the financing, design and implementation of Toronto South Detention Centre and South West Detention Centre.  
| Second request (with more detail provided) | 1. Report referred to in the following sentence from 2008 Provincial Auditor report: “the Ministry has a capacity-completion study for the next 15 years and in the process of obtaining approvals.” (p82). I believe the same report is referred to in the following sentence from the 2010 Auditor Annual report: “the Ministry undertook an internal study to determine current bed utilization and future adult correctional capacity needs up to 2022. The scope of this study included the development of an adult institution count projection model; a preliminary assessment of the Ministry’s current infrastructure; an examination of the Ministry’s decommissioned infrastructure for future suitability; a costing analysis for both operating and capital expenditures; and an analysis of how future legislation will affect adult incarcerations.” (p298)  
2. Contract between the Ministry and the private sector firm that was contracted to do the electronic monitoring required for the Intermittent Community Work Program and Electronic Supervision Program  
3. Comprehensive review of the Electronic Supervision Program (mentioned in the Auditor’s 2010 Annual Report p298)  
Reports referred to in the following sentence from 2008 Provincial Auditor report (the reviews of the new facilities and the proposal for the use of direct supervision): “The two new-facility project teams have reviewed, evaluated, and researched the extensive body of literature available regarding the direct supervision model. A proposal for the use of direct supervision in these new facilities will be finalized shortly for review and approval by senior ministry officials” (p87)  
Report referred to in the following sentence from 2008 Provincial Auditor report: “the Ministry has already commissioned an intensive and thorough evaluation of the cook-chill method of inmate food preparation and distribution” (p88). This report was done by an external consultant.  
4. Study referred to in the following sentence from the 2008 Provincial Auditor report: “We agree to undertake a study of operating costs in correctional institutions and any cost-saving practices in other correctional jurisdictions to identify any opportunities to further reduce costs.” (p86)  
5. A staffing analysis project (mentioned by Provincial Auditor in 1993 report, it was 60% complete by 1993)  
KPMG’s Value for Money Assessment of the Toronto South Detention Centre (mentioned in the Value for Money report included on the Infrastructure Ontario Website) | Provided cost estimate of request | $3,492.00 |
| Third request (reduced request) | 1. Report by Cheryl Miller, Isabelle Sauvé-Thompson, Greg Wright, Dr. Jill Rettinger, Dr. Lina Girard and Verna Nutbrown written in 2005 and entitled "Correctional Program Assessment Inventory, Central North Correctional Centre".  
2. Report referred to in the following sentence from 2008 Provincial Auditor report: “the Ministry has a capacity-completion study for the next 15 years and in the process of obtaining approvals.” (p82). I believe the same report is referred to in the following sentence from the 2010 Auditor Annual report: “the Ministry undertook an internal study to determine current bed utilization and future adult correctional capacity needs up to 2022. The scope of this study included the development of an adult institution count projection model; a preliminary assessment of the Ministry’s current infrastructure; an examination of the Ministry’s decommissioned infrastructure for future suitability; a costing analysis for both operating and capital expenditures; and an analysis of how future legislation will affect adult incarcerations.” (p298) | Provided cost estimate of request | $1,135.70 |
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<td>Fourth request</td>
<td>Reduced my request to only one document: 1. Report entitled &quot;Capacity Study 2008&quot; (report title provided by MCSCS in fee assessment after appeal) Paid the required amount to begin the request (50% of $168)</td>
<td>Awaiting documents</td>
<td></td>
</tr>
</tbody>
</table>
Copyright Acknowledgements

I wish to thank the Office of the Auditor General of Ontario for permission to reproduce “Figure 3: Comparison of Trends in Average Per Diem Operating Costs per Inmate ($)” from page 79 of its report entitled 2008 Annual Report, included in this document as Figure 8.