

Penal Expansion in Ontario: A Critical Political Economy Analysis

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Abstract:

Despite a decline in Ontario (Canada) crime rates, the provincial government has made expanding provincial corrections a significant infrastructure and budgetary priority. The government has sought to legitimize these investments through penological concerns such as protecting public safety, addressing humanitarian issues by modernizing prisons, and reducing overcrowding, while also using a non-penological rationale of an economic stimulus to local economies. Through an engagement with critical political economy, this article takes stock of recent prison investment in Ontario, arguing that this boom is a response not to advance justice interests or the well being of local communities, but rather is a concerted strategy to manage surpluses in the wake of financial crises. To make this argument, we draw on government publications published over the last 10 years to gain a closer understanding of the discourse present in government decision-making, and conduct analysis centering Gilmore's (2007) concept of four surpluses.

Keywords: Prison expansion, critical political economy, public private partnerships, Ontario, Canada

Introduction

Despite a decline in Ontario crime rates (Statistics Canada, 2023), the provincial government has made modernizing and expanding provincial sites of incarceration a significant infrastructure and budgetary priority. On 16 June 2020, as Ontario jails were emptying during the

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COVID-19 emergency, Premier Doug Ford announced his intention to invest \$500-million in modernizing and expanding corrections, hiring at least 500 new staff (Ontario, 2020a). Over the last five years a number of subsequent announcements followed, including the Eastern Regional Strategy (ERS), the Northern Modernization Strategy (NMS), reopening the Regional Intermittent Centre and Toronto Intermittent Centre, and expanding the Niagara Detention Centre, the Vanier Centre for Women, and the Cecil Fraser Youth Centre (slated to be converted into a women's jail) (Solicitor General, 2024a; Ontario, 2020b, 2022; Dyson & Mazloum, 2024; Evans & Mussell, 2024). In total, the province plans to add over 1,350 prison beds, increasing the number of beds from 8,531 to 9,881 by 2027 (Callan & D'Mello, 2024; Thayapran, 2025).

The government has sought to legitimize these investments as advancing justice and improving the well being of communities. It has mobilized penological concerns such as protecting public safety, addressing humanitarian concerns by modernizing prisons, and reducing overcrowding, while also justifying a non-penological rationale of an economic stimulus to local economies. However, our research shows that these justifications do not pass analytical muster. We evaluate the Ontario government's stated rationale for prison expansion and propose counter-explanations which reveal complex political-economic stakes at the centre of these projects. Applying a critical political economy lens to the case of Ontario, we argue that the state can and does mobilize prisons to regulate, expand, and restore profitability in periods of capitalist crises of accumulation. While acknowledging that public policies related to imprisonment are complex and multi-causal, we argue that efforts to grapple with Ontario prison expansion must include an analysis of the political-economic forces driving and shaping it. The political economy of punishment is a robust body of literature examining the links between capitalist political economy and practices of criminalization and incarceration; however, this work focuses on the understudied area of developments in Canada. In part, this is owing to the more hidden role of the private sector in Canadian detention, in particular how prison construction is increasingly realized through public-private partnerships (PPPs). PPPs are a model of infrastructure development that involves government ownership combined with private sector contracting over the various

components of infrastructure, such as design, finance, building, maintenance, and day-to-day operation. Following Eason (2016), we hold that grasping the non-criminogenic interests at play in prison expansion can inform a more robust and strategic advocacy opposing mass imprisonment.

In the next section, we review our methods for data collection and analysis. Following this we consider existing scholarship analysing the political economy of prison expansion, noting the limited extent of such scholarship in a Canadian context. We then move to providing readers with a background in Ontario's recent commitments to expand provincial carceral infrastructure. Drawing on news media, media releases, and other official government communications, and Hansard reports, we assess—and ultimately find unconvincing—Ontario's own explanations for the move to expand imprisonment in Ontario. We then apply Ruth Wilson Gilmore's model of "crises of surplus" to Ontario's political economic landscape, offering a counter-explanation. We argue that prison expansion projects offer a potent opportunity to fix crises of surplus by absorbing so-called unproductive assets from circulation. We close by suggesting the need for oppositional advocacy that seeks to dismantle the logics underlying prison expansion and demand the re-allocation of state capacity and resources to prioritize supportive and dignified social and human resources, over surveillance and punishment.

Method

In addition to drawing on scholarly literature on prison expansion, we collected 90 government documents published over the last 10 years (reports, statistics, Hansard, and media releases) to gain closer understanding of the discourse present in government decision-making. We collected documents which speak to prison investment in Ontario. To understand the prevalence of themes, we coded all Hansard and media release documents published between 1 January 2020 and 1 July 2025 which speak to such investment, numbering 20 Hansard and 45 media release documents. We used a deductive approach and examined emergent themes of safety, modernization, expansion, economy, and investment in the documents. To follow, we critically examine the key themes identified in government communications to justify carceral investment as in the interest of justice and community, show-

ing that evidence does not support these claims. We then discuss these findings using a critical political economy approach, centering Gilmore's (2007, 27) theory of "four surpluses" as articulated in *Golden Gulag*.

Political Economy, State Power and Criminology

As the largest prisoner in the western world, the United States jumpstarted prison expansionism in the 1980s, an effort that continues to this day. Considerable scholarship has assessed and evaluated the motivations and effects of prison expansion in the U.S., taking the 1980s boom as the focal point. The period is noted for the incongruence of a declining crime rate coupled with a massive expansion of imprisoning capacity. To this end, political economy has been an important analytical tool for understanding how external (rather than internal, penological) factors influence decisions around prison construction and siting, and can further illuminate how prison building precipitates, rather than responds to, mass incarceration. To push back against mass imprisonment, it is critical that we understand and address the non-punitive factors that motivate and sustain prison expansion (Eason, 2016).

The seminal contribution in this regard is Gilmore's 2007 *Golden Gulag*. Attempting to explain the massive prison construction boom in California since the 1980s, Gilmore argues that existing explanations are unsupported by the evidence. Gilmore cites four primary explanations given to understand prison expansion, from a penological viewpoint, which rely on understanding prisons as sites of retribution, deterrence, rehabilitation, and incapacitation. In reviewing these explanations, Gilmore suggests that prison expansion today is driven less by a purported penological value than by external factors: socio-cultural and political-economic in nature.

For Gilmore, it is imperative to understand the historical context of crises of capital accumulation. These crises were resolved by the transition to neoliberalism through which a series of surpluses (finance capital, land, labor, and state capacity) were generated and then absorbed and spatially fixed in the carceral landscape. By pointing to these external factors, Gilmore directs us to confront the disconnect between prison construction and penological goals. Furthermore, the

analysis moves beyond the simple binary of for-profit or state-run detention as the key political-economic change. Instead, Gilmore shows how the state is itself reconstituted to play a different role in capital accumulation without resorting to a fire sale offloading of state assets to the private sector (Gilmore, 2007).

Gilmore's argument recalls Marxist debates on state power and its relations to capitalism. Moving beyond instrumentalist Marxist traditions which cite the state as an instrument of the bourgeoisie—a tool through which individual capitalists aggrandize their wealth (Milliband, 1969)—Gilmore's argument is more reflective of a Poulantzian model of state power. For Poulantzas, the state functions to establish and reproduce the conditions and relations of production necessary for ongoing and expanding accumulation. The state is neither separate from the economy, nor is it directly helmed by and in the interests of individual capitalists. Rather, the state performs a regulatory function for capital as a whole—for capitalism as a mode of production (Poulantzas, 1980). Gilmore, rather than point to the individual firms profiting from U.S. imprisonment, draws attention to the ways in which the state re-orders both means and relations of production to align more closely with the needs of capital.

More recent scholarship has added dimension to Gilmore's account through analysis of regional culture, local politics, innovations in financial tools, municipal/county level negotiations and actors, and public engagement. Lynch's 2009 study of the history of Arizona prison building shows how the disjuncture between penological intent and expansion is not exceptional to the neoliberal era but instead has been an enduring feature of such projects. Citing varied economic interests such as desire for prisons to stimulate local economies, Lynch demonstrates that while national or state-level interests shape the context within which construction projects are initiated, micro-regional political economies are crucial in understanding how such projects are realized.

A focus on the micro-level processes and actors pushing for and sustaining prison expansion allows us to understand the specifics of implementation, but Hagan and colleagues (2015) highlight macro-level enabling factors. They acknowledge Gilmore's insightful account however, the authors argue that the prison expansion occurring in the

1980s would not have been possible without the development of innovative financial tools. The development of lease-revenue bonds (LRB) in particular, allowed political actors to appease conservative voters by implementing a tough-on-crime agenda without raising taxes. These bonds deferred and externalized the cost of prison construction, while also allowing projects to bypass legislative and voter approvals.

Schept (2015, 2022) shows how across the political spectrum, including in progressive circles, carceral logics are mobilized to drive prison expansion. In a study of incarceration in Bloomington, Indiana, Schept (2015) illustrates how liberal discourses of justice, including calls for therapeutic justice and rehabilitation, can naturalize prison expansion as a means to manage declines in industry and social welfare. Turning to central Appalachia, Schept (2022) links prison expansion to crises of surplus labour, emigration, and declining industrial profits. In both cases, prison expansion has less to do with crime and punishment than as a strategy for economic development and political common sense when negotiating crises.

In Canada, research on the politics and economics of prison expansion has been relatively scarce (Piché, 2014; McElligot, 2017; Bui-tenhuis, 2013). In attempting to understand the expansion of provincial/territorial detention facilities across Canada from 2009 to 2014, Piché found that economic explanations—in line with Gilmore’s analysis of prisons as surplus absorption—were helpful but only told part of the story. For Piché, it is necessary to understand how conflicting discourses of risk management and humanitarianism, embedded in both penal and Canadian national mythmaking, informed the decision to address surpluses through prison absorption. Piché argues that risk aversion was politically mobilized to justify a growing remanded population in provincial/territorial corrections (i.e., surplus labour). On the other hand, humanitarian concerns, complementing Canada’s self-image as less punitive than the U.S., legitimized prison expansion by appealing to the creation of specialized units for a diverse offender population. This liberal veil (Moore & Hannah-Moffat, 2005) and increasing power of the state to immobilize marginalized people, is evident in government communications about the ERS and NMS.

Examining the same period of carceral expansion as Piché, McElligot (2017) tackles the economics of prison expansion more squarely. McElligot assesses governmental claims that prison expansion can foster public safety, both through the increased capacity to immobilize and reform offenders, while also generating profound economic benefits to small communities. McElligot finds little evidence to support claims that new prisons create jobs for communities, demand for local suppliers and service providers, incentivize infrastructural upgrades, or reduce crime induced by economic marginalization. Rather, he shows that recruitment for staffing new prisons and jails typically draws from nationally or provincially competitive pools, that supply and service contracts are rarely awarded to local businesses, and that workers often commute, thereby not contributing as much as anticipated to retailers in prison towns. He also finds that poor working conditions inside prisons often have the effect of degrading broader working conditions in the community. McElligot argues that investments in prisons come at the cost of investments in other areas of government spending that are more effective in addressing public safety and creating jobs such as housing, healthcare, and education.

Finally, Buitenhuis (2013) examines the specific model used to develop new penal infrastructure in Canada, public-private partnerships. Buitenhuis argues that the growing use of PPPs to build prison infrastructure has enabled the state to restructure its assets and open spaces for capital accumulation in a manner which has avoided political contestation. While the use of PPPs to develop hospitals or road infrastructure has been contested, the general neglect and disregard for prisoners' health and safety has meant that there is limited popular pushback.³ Furthermore, Buitenhuis argues that the use of PPPs in prison infrastructure locks governments into contracts spanning several decades, effectively cementing a political policy choice which prioritizes imprisonment over alternative measures to address harm in our society. This has implications for the separation of politics and economics under western liberal democracies, as private sector contracts hold significant influence over public policy in the criminal legal realm.

³ One exception being the public resistance to the Penetanguishene privately run supermax-jail experiment which the provincial government regained control over in 2006 (CBC, 2006).

Ontario’s Prison Landscape: Background

In June 2020, as provincial jails were emptying owing to the COVID-19 pandemic and decisions to release low-risk detainees, the government of Ontario announced that it would invest \$500-million over a period of five years to “transform correctional facilities” (Ontario, 2020a, n.p.). This money would be invested in hiring 500-additional staff in part to ensure compliance with regulations governing the use of segregation, and the building of day rooms and yard space to deliver required programming.

Two months later, the province made another announcement, this time a commitment to expanding correctional infrastructure in Eastern Ontario. The Eastern Regional Strategy (ERS) would include building the new Greater Ottawa Correctional Complex on surplus government land in Kemptville, Ontario; replacing the Brockville Jail; expanding the St. Lawrence Valley Correctional and Treatment Centre and the Quinte Detention Centre; and renovating the Ottawa Carleton Detention Centre (Ontario, 2020b). At the time, these projects were to add 375 beds to detention across Eastern Ontario (Ontario, 2020c). The number of planned beds associated with the ERS has since reached 601 (Piché, 2025).

In April 2022, the provincial government announced its Northern Modernization Strategy (NMS), with plans to invest \$1.2-billion in a new Thunder Bay Correctional Complex that was first announced in May 2017 by the previous provincial Liberal government (Solicitor General, 2017; Piché, 2025), \$96-million for the expansion of the Thunder Bay Correctional Centre and Kenora Jail, and \$five-million for a pilot project to attract and retain corrections staff in Northern Ontario (Ontario, 2022). This will add over 220 prison beds and double the capacity of Thunder Bay Correctional. In 2024, the province announced repurposing and reopening intermittent centres at the Elgin-Middlesex Detention Centre and Toronto South Detention Centre, adding a total of 430 beds without disclosing associated infrastructure costs (Solicitor General, 2024a). In 2025, the province announced an additional 150 beds, at a cost of \$180-million, adding 50 beds each to the Niagara Detention Centre, the Vanier Centre for Women, and the Cecil Fraser Youth Centre which is being converted into an adult facility for women (Thayaparan, 2025). These an-

nouncements have largely appealed to objectives with penological value relating to public, staff, and prisoner safety concerns, incapacitation of accused persons through tougher bail legislation, and prison modernization and capacity, affirming Piché's argument about the balancing of a liberal veil with punitive policy. However, an additional justification for these projects has been economic. The Ontario government's news release relating to the ERS stated:

The Eastern Region Strategy will provide benefits throughout the area for years to come, including creating jobs and supporting local businesses during construction and providing jobs to local residents once the projects are completed. As a result, these projects will help stimulate the economy over the long term as Ontario moves into the next phase of recovery from COVID-19. (Ontario, 2020b, n.p.)

Analysis: Official Rationalizations of Penal Expansion

In the Hansard and media release documents we coded safety, modernization, expansion, and investment as key themes.⁴ These themes are communicated by the government as meaning new and improved infrastructure and jobs to ensure safety, human rights, and bolster local economies, but which we analyze as advancing a narrower set of interests. In what follows, we address the key themes identified in government communications to justify carceral investment in the interest of justice and community, showing that evidence does not support these claims.

⁴ Hansard: in government speeches, investment was coded 29 times; safety: 29; modernization: 12; consultation: 11; expansion: 10; health: 6; law and order: 4; hiring/jobs: 2; human rights: 0 times; rehabilitation: 1; and economy: 0 (rather discussion used the language of 'investment'). When members of legislature from other parties spoke, investment was coded 7 times (namely investing in housing); safety: 6; modernization: 1; consultation: 3; expansion: 0; health: 15; human rights: 2; rehabilitation: 4; tough on crime: 0; hiring/jobs: 0; and economy: 0. News releases: safety was coded 85 times; investment: 32; modernization: 32; consultation: 5; expansion: 36; health: 16; tough on crime: 4; hiring/jobs: 37; human rights: 0; rehabilitation: 12; and economy: 9.

“Public Safety” as a Prison Infrastructure Issue

The Ontario government emphasizes safety as a primary motivation for building or expanding prison infrastructure (Ontario 2024a, 2025). In the words of Solicitor General Michael Kerzer:

Our government continues to enhance our adult correctional system by increasing capacity and providing the tools and resources needed to support this essential pillar of our justice system. We are absolutely committed to keeping dangerous criminals off our streets and behind bars where they belong. We remain dedicated to protecting Ontario communities. (Ontario 2024a, n.p.)

In Hansard and government media releases (Ontario 2024a, 2025), in addition to public safety, the safety of workers and imprisoned people is also part of the justification for new and expanded prison infrastructure. Yet, new or expanded prisons do not necessarily better meet mandates of safety.

Evidence shows that prisons do not deter crime and harm, and incarceration cannot be justified on the grounds of improving public safety by reducing recidivism. This is well-established in the literature (e.g., Nagin et al, 2009; Villatez et al., 2015). For example, a 2021 meta-analysis of 116 studies found that custodial sentences have no effect on reoffending, or increase it when compared to non-custodial alternatives (e.g., probation) (Petrich et al., 2021). This is true regardless of the types of custodial and noncustodial sanctions, the age and gender of imprisoned people, location, the type of reoffending, and variations in research designs of primary studies (Petrich et al., 2021).

Imprisonment can return criminalized people to the community in a state of crisis. It has a destabilizing effect, and imprisoned people can lose housing, possessions, family connections, and jobs. Regaining housing and employment following imprisonment presents significant challenges. This is even recognized by governments themselves. For example, a 2021 Public Safety Canada report (Babchishin et al., 2021) found that people with criminal records face considerable barriers when seeking employment, with only half with federal criminal records finding employment after an average of 14 years post-release. Of those employed, the average reported income was \$14,000 annually (Babchishin et al., 2021). Research finds that imprisonment im-

pacts both short- and long-term housing security, and an estimated 30 per cent of imprisoned people have no housing following discharge (To et al., 2016). Imprisonment can also create hardship and insecurity for families and communities. Clear (2008) concludes that imprisonment damages social networks, relationships, and opportunity among racialized families and communities. Imprisonment impacts family functioning, mental and physical health, and economic and political participation—all which interconnect with experiences of safety.

“Modernization” as a Prison Infrastructure Issue

The Ontario government frames prison expansion as contributing to modernization, addressing outdated infrastructure through PPP agreements to improve human rights (Ontario 2021a, 2023, 2025). In the words of the Solicitor General: “I am truly excited by this project because we’re replacing out-of-date infrastructure that goes back to the 19th century. This new, modern facility will provide staff with the tools and technology and a healthy work environment to do their jobs safely and effectively” (Ontario 2023, n.p.). However, even the Premier’s own words later contradict the idea that these new sites will modernize and enhance safety for prisoners and workers. When asked about prison conditions, Ford responded: “I’m going to be building more jails and I’m not worried about the criminals” (Casey, 2024, n.p.).

Evidence indicates that new facilities do not necessarily better meet mandates. In particular, the choice of service delivery through PPPs (e.g., site construction, maintenance, and operations) raises significant concerns as to how such new institutions will enhance the safety of those housed or working in them. Prisons in general, including the so-called modern and cutting-edge prisons built through PPPs such as the Southwest Detention Centre and Toronto South Detention Centre in Ontario, are not free of human rights infractions and safety concerns. Southwest Detention Centre opened in 2013 as a “modern, clean, and bright” (Campbell, 2022, n.p.) facility, and has been subject to a 2022 review by the Centre for Conflict Resolution, finding issues of understaffing and excessive lockdowns, inadequate support for prisoners with complex mental health and addiction issues, and leadership problems severe enough to cause staff shortages (CBC,

2022). Several staff members have made allegations of harassment and discrimination amidst a code-of-silence culture (Taekema, 2018). PPP prisons built under DBFM (design, build, finance, maintain) can have particular challenges. For example, maintenance issues rest on a private actor who has many options to defer action, and such delays have been linked to human rights abuses in Ontario, including prolonged lockdowns (OHCR, 2020).

The Toronto South Detention Centre, Ontario's first PPP incursion into carceral infrastructure, opened in 2014 and has multiple failings (OHCR, 2020; OPSEU, 2015). There are a growing number of judicial decisions in which an accused's time served has been reduced due to inhumane conditions. In 2024, records show at least 24 prisoners had their custodial periods shortened because of repeated lockdowns, pest infestations, and other harsh treatment at the facility (Woodward, 2024). In considering a bail decision issued in 2024, Justice Brock Jones of the Ontario Court of Justice, wrote that near-constant lockdowns and confinement are contributing to a "deplorable state of affairs" at the facility (O'Brien, 2024, n.p.). The Ontario Human Rights Commission (2020) report on conditions of confinement found routine use of lockdowns, segregation, restrictive confinement, and sanctions which result in significant deprivations of liberty and raise human rights concerns under the Charter of Rights and Freedoms. There are public health concerns related to infrequent changes of bedding and clothing and outbreaks of scabies. Prisoners also face several systemic challenges to maintaining family and community contact. Given that several of the province's new jail projects will be built through PPPs,⁵ which have featured a lack of accountability and prioritisation of profits over human rights, it is unconvincing that these new institutions will bring modernized improvements to the health and safety of prisoners and staff.

⁵ For example, the ERS and Thunder Bay Correctional Complex have PPP design, construction, finance, and maintenance components. Other projects involve elements of PPP, primarily construction, such as the Kenora Jail, Thunder Bay Correction Centre, Niagara Detention Centre, Vanier Centre for Women, and Cecil Facer Youth Centre.

“Overcrowding” as a Prison Infrastructure Issue

The Ontario government focuses on overcrowding in prisons and more beds and staff as the method to address this problem (Ontario 2021b, 2023, 2024b). In the words of then-Solicitor General Sylvia Jones:

We committed to hire an additional 500 correctional officers, to invest in expanding jail capacity so that we don’t have to house people in very small cells with two or three people to a cell. These investments are going to protect individuals who are in our correctional facilities, they’re going to protect our correctional guards and other staff who work in these institutions and, ultimately, they’re going to make a better society. (Ontario 2021c, n.p.)

While appealing to prisoner safety, it is important to note that this response and investment has largely emerged in response to public criticism over the over-representation of Black and Indigenous peoples in Canadian carceral institutions. Such a fix to the problems of racialized mass incarceration fall significantly short of community calls to reduce the incarceration of BIPOC bodies and to invest in human and social services to address unmet needs in said communities.

Freedom of Information data from 2024 indicates that the majority of Ontario’s jails were operating on average at 113 per cent capacity (Casey, 2024a). On September 30, 2023, there was an average of 8,889 people in provincial jails, well over the 7,848-person capacity at the time. Maplehurst Correctional Complex was the most overcrowded, with an average population of 1,188 but an official capacity of 887—meaning it was operating at 134 per cent capacity in 2023. The Ontario Public Service Union reports that prisoners are triple-bunked in several prisons (Casey, 2024a). This occurs amidst long-term trends of dropping crime rates and high remand rates (81 per cent of imprisoned people in the province), which can be addressed with different measures such as diversion and alternatives to detention to reduce prison numbers. For example, during the pandemic, the prison population in Ontario jails fell from 8,344 to 6,025 between mid-March and April 2020 due to these measures (CBC, 2020). Yet now there is little interest in reducing prison numbers to address

overcrowding, with Ford calling on “like-minded judges” to be tougher on accused people (Casey, 2024b, n.p.) and the federal government to tighten bail legislation (Solicitor General, 2024b). Despite funding more beds, government is also seeking to increase prison numbers which may outstrip new prison capacity and sustain overcrowding and disproportionately impact racialized peoples.

The Aboriginal Justice Inquiry of Manitoba (Government of Manitoba, 1991) and Supreme Court in *R. v. Gladue* (1999) identified the denial of bail and pre-trial detention as concurrent problems commonly facing Indigenous accused. Indigenous people face barriers to employment and may be alienated from family and community. Affording bail or meeting bail conditions (such as holding a particular address) can be impossible. Between 1 April 2019 and 31 March 2021, Statistics Canada reports that the bail to remand ratio was higher for (4.9) non-Indigenous persons than Indigenous persons (2.6) in three reporting provinces (B.C., Alberta, Saskatchewan), meaning overall bail was used more frequently for non-Indigenous persons (Robinson et al., 2023). Indigenous individuals made up eight per cent of total custodial admissions in Ontario in 2000/1 (Statistics Canada, 2024b), despite only comprising 1.7 per cent of the total population of the province (Statistics Canada, 2022a). In 2022/23 that number was 18.2 per cent (Statistics Canada, 2024b)—despite Indigenous peoples comprising only 2.9 per cent of the total population of the province in 2021 (Statistics Canada, 2022a). The same trends are also true for Black people (Statistics Canada, 2022b). A study by Justice Canada and Statistics Canada (Saghbini & Paquin-Marseille, 2023), found that Black people (adults and youth) were overrepresented by a factor of two in the accused population; Black people accounted for six per cent of all accused, while representing only three per cent of the Canadian population. Owusu-Bempah and colleagues (2023) further show that in Ontario, incarceration is heavily concentrated among Black men from poor socio-economic backgrounds. The issue of overcrowding in Ontario jails is also an issue of racial- and socio-economic inequity. If public safety and human rights norms are the goal, the solution should be alternative measures such as bail reform, rather than increasing the capacity to detain.

Prison Expansion as Economic Stimulus

In announcing investment, the provincial government has claimed that building new jails will create new jobs, forming a crucial component of Ontario's post-pandemic economic recovery strategy (Ontario 2020e, 2020f). Regarding the ERS, Ford said: "These four projects will also help create jobs right here in Ontario, both during construction and once the facility is built. It's clear that these investments will contribute significantly to the economic recovery" (Leck, 2021, n.p.). Similarly, then-Minister of Northern Development, Greg Rickford, welcomed the province's announcement of the NMS, noting that new correctional facilities will "continue to develop northern communities with good-paying jobs" (Ontario, 2022d, n.p.). In Hansard, discourse around investment was the most commonly coded theme alongside public safety.

Evidence shows, however, that the direct economic benefit to communities in which new jails are built is far from clear. McElligot (2017), for example, argues that prison towns are unlikely to receive net gains from new prison construction. Winning bidders on prison PPP and construction contracts are often large conglomerates that may bring in their own workforce, rather than hire locally. In Ontario, EllisDon and Bird Construction, both located in the Greater Toronto Area (GTA), have been the top bidders on prison PPP contracts. It is expected that labour for this new infrastructure will be sourced from the GTA, which is not local to where many of the projects are located. Prison staff are often recruited from national or provincial job pools and frequently commute rather than relocate to localities. The anticipated increase in demand for local goods and services is muted as new staff does not necessarily translate into new residents who spend recession-proof salaries locally. Prison supplies are also often purchased through large, centrally managed contracts, rather than locally. While some supplies may be purchased locally, evidence suggests that the overall benefit to prison communities is limited (McElligot, 2017).

Transforming Prisons and the Politics of Surplus

In the prior section we argued that the existing government rationale for prison expansion—in the interest of advancing justice and the

well being of local communities—is not sufficiently supported by existing evidence. In this section, we argue these decisions are motivated by needs to facilitate economic recovery in a post-pandemic context, prioritizing the financial needs of capital rather than community. Although the publicly disclosed economic benefits that prison expansion is supposed to generate are not supported by evidence, there are additional ways prison expansion can be a component of broader governmental strategies of economic recovery and neoliberal ideology. Here, our argument is not that the state is captured by the private interests of individual capitalists. Instead, we argue that the state plays a crucial role in organizing and re-allocating both the means and relations of production in the interest of capitalism as a mode of production (Poulantzas, 1980). We show that prisons function as a critical infrastructural tool in the state arsenal—they absorb and remove unproductive assets from circulation during crises of accumulation, in alignment with neoliberal principles. To do this we draw from Gilmore’s “four surpluses” (2007)—surplus labour, surplus state capacity, surplus land, and surplus capital.

Surplus Capital

Capital is value in motion—when capital is not expanding and generating surplus value it ceases to function as capital (Marx, 1887). As such, surplus capital is constantly seeking opportunities for productive investment. During periods of crisis, opportunities for productive investments tend to decline, causing owners of capital to shift to income generating non-productive investments which will ensure a constant return. This problem of surplus capital can also be met by the development of public markets for investment. At a time when public willingness to support state debt for social goods declined, opening up investment to the private sector can balance the state’s management of both the conditions for capital accumulation and public legitimacy (Whiteside, 2021).

The growing use of PPPs in Canada has been one way of affecting this balance. As Whiteside (2020) argues it is important to attend to the variety of ways that states intervene in the economy to restore profitability following a crisis, in particular noting the role of PPPs. Under the PPP model, infrastructural projects and services can be used to solve a crisis by absorbing surplus capital in two ways. First,

through the partial privatization of these projects, new spaces are opened up for capital, effecting a spatial displacement which draws excess capital out of circulation (Whiteside, 2012). Additionally, built infrastructure serves as a form of temporal displacement—capital from the private sector is sunk into long-term infrastructure, offsetting its reentry into circulation. In this case, capital is not destroyed to solve overaccumulation, but is instead deferred (Whiteside, 2019). The state plays a critical role in capital accumulation (particularly in times of crisis) as it creates the conditions for surplus absorption while retaining responsibility and control. In retaining partial public control, the state can avoid destabilizing social contestation as PPPs tend to depoliticize the privatization of politically sensitive pieces of infrastructure (Buitenhuis, 2013; Whiteside, 2009, 2019). This is a form of asset restructuring which is an essential component of state responses to financial crises (Ashman & Callinicos, 2006).

Most PPP infrastructure projects in Ontario have proceeded through a model known as Alternative Finance Procurement (AFP) (Buitenhuis, 2013). Under AFP models of financing, private equity and debt is used to finance infrastructure rather than government bonds which function as a form of generalized debt used for any number of projects (Buitenhuis, 2013). When private actors are contracted to finance specific projects, they are paid a lump sum upon the completion of design/construction phases, while the remainder is paid out as monthly installments for the duration of the contract, often between 30 to 40 years (Buitenhuis, 2013). Governments are locked in long-term spending and partnerships with private actors such that these public assets (i.e., prisons) must be continuously in use. Government debt is traded in for long-term spending obligations while private finance assumes the bulk of the risk associated with investment. In turn, private capital locks governments into multi-decade payment agreements which are tied to specific pieces of infrastructure, regardless of changes in their usability over the long-term. The use of PPPs also mirrors the advantages cited by Hagan and colleagues (2015) regarding the use of LRBs in the 1980s U.S. prison-construction boom. By deferring public debate and approval through the use of private finance, the government is able to appease populist tough-on-crime rhetoric, without burdening taxpayers in the short term.

By July 2020, infrastructure investment in Canada had reached an historic low (Whiteside, 2021), and overall private equity (PE) activity hit its lowest value since 2016 (Lamonde et al., 2021). In Ontario, PE investments remained extremely low with 2023 levels only half pre-pandemic levels (CVCA, 2023). On 8 July 2020, the Ontario government announced the Economic Recovery Act centering heavily on infrastructure to stimulate the economy, and introducing a number of construction-related changes aimed at facilitating private sector investment and reducing the barriers to entry (Whiteside, 2021). This was also the timeframe within which the government announced its intentions to build new, and revamp existing, custodial infrastructure through Infrastructure Ontario, re-opening and expanding private sector access to relatively safe and stable investment opportunities. Furthermore, while multi-billion-dollar investment in infrastructure through PPPs is broadly seen as a lower-risk activity by the private sector, investment in prisons and jails has a tendency to be viewed as recession proof because of the perception that these spaces must and will be continuously in use regardless of economic conditions (McElligott, 2017).

Surplus Land

Drawing from Smith's concept of (1984) uneven development, Gilmore (2007) explains that capital moves spatially and sectorally to ensure it is expanding (i.e., capital in motion). In the process of these shifts, however, previous sites of capital investment are abandoned, leading to the devaluation of machinery, buildings, labour, and land. Surplus land is the product of abandonment by capital or its devaluation. When land is abandoned or devalued, there remain sunk costs for which the state is committed, notably in the form of utilities delivery. Land abandoned or devalued by capital continues to absorb public monies.

In addressing the problem of surplus land, the state can either sell off such assets or repurpose them. One example in Ontario is the Eastern Ontario Correctional Complex (EOCC). The proposed 235-bed facility is slated to be built on a portion of the 178 acres of surplus farmlands held by the province (North Grenville, 2022). These lands were part of the former Kemptville College which served as an agricultural-education hub for Eastern Ontario. When the college closed, the

non-farming lands and buildings were sold to the municipality of North Grenville which now houses an education and community centre, and the remainder of the land remained with the province under Agriculture, Research and Innovation Ontario (Wilson, 2022). While initially zoned for agricultural use, records obtained under judicial review show that the municipality faced pressure to approve zoning for institutional use which would permit the construction of a prison (North Grenville, 2022).

Residents of North Grenville, alongside the Greater Ottawa Valley, have been vocal in their opposition of the proposed land use. Opposition to prison construction often rests on not-in-my-backyard style appeals; however, much of the response to the EOCC has contested the use of provincial funds for imprisonment, rather than social support and programming, and the proposed use of land in a context of declining farms, farm infrastructure, and food security (Wilson, 2022). Wilson (2022) argues that the current proposal to build a correctional facility on this land is illogical, citing the loss of 2,350 farms and four-thousand farmers between 2011-2016. Younger generations of farmers hoping to break into the market face barriers including access to affordable land tenure and financial resources (Wilson, 2022). Given that these surplus lands are graded Class 2, ideal for agriculture, along with the province's stated priority of creating new jobs, alternative uses for this land outside of prison construction that could stimulate jobs creation and strengthen agriculture. The choice to use these lands to build prisons, instead of expanded agricultural resources, arguably serves to absorb surplus finance in the construction industry as discussed previously, though these decisions are not uncontested. The future of Kemptonville prison remains uncertain reflecting Lynch's (2009) argument that it is crucial to attend to the nuances of municipal level political-economy in shaping decisions about where to locate prisons.

Surplus Capacity

Contrary to free market ideology, capital does not operate without the involvement of the state. The state is constantly involved in negotiating and balancing the interests of capital accumulation with public perceptions of the legitimacy and fairness of the economy more broadly (Poulantzas, 1980). According to Gilmore (2007), this man-

aging role requires the generation of state capacity through fiscal, institutional, and ideological means including laws, lawmakers, offices, bureaucrats, budgets, rules, regulations, staff, taxing, and borrowing policies. This managing role also entails direction of communication and education to produce primary definitions of social realities. With a move away from direct social services provision following neoliberalism, the state turns its capacity to increasing coercive control.

Toronto City Council granted Toronto Police a full budget increase of \$20-million on their \$1.2- billion spending plan (Jeffords, 2024). That is instead of the \$7.4-million increase initially recommended by both Mayor Olivia Chow and city staff. It came after both the police service and the Toronto Police Association waged aggressive campaigns to convince council and residents that not receiving that full request created an unacceptable risk to public safety. Police have been successful in increasing budgets elsewhere across the province. Canadian cities police spending ranges from one-10th to nearly a third of total budgets (Cardoso & Hayes, 2020). In Ontario, Halton Region spent 20.1 per cent of its budget on police in 2019, Peel Region 18.8 per cent, Niagara 18.5 per cent, and Durham 18.3 per cent—falling in the top 10 in the country. Between 2009 and 2018, Ontario police budgets grew by 34 per cent. During that same period, funding for social and family services—a category some community stakeholders argue should receive funds diverted from the police—grew by 24 per cent. Spending on social housing, meanwhile, declined by eight per cent. These budget increases continue, and in 2024 police budgets increased in municipalities across the province including Ottawa, Windsor, London, Hamilton, Thunder Bay, and Kingston (White-Crummey, 2023; Campbell, 2024; Bhargava, 2024; Chandler, 2024; Law, 2024; Gibson & Peddigrew, 2024).

Regarding provincial policy, the 2024 Bail Compliance and Warrant Apprehension (BCWA) Grant program (Solicitor General, 2024c) funds police services to establish dedicated bail compliance and warrant apprehension teams to monitor high-risk individuals. The program also supports new technology for a province-wide bail compliance monitoring system. The BCWA Grant program is part of a \$112-million investment to strengthen the province's bail system and ensure high-risk and repeat violent offenders comply with bail condi-

tions. Other measures include the creation of a Bail Compliance Unit within the Ontario Provincial Police's Repeat Offender Parole Enforcement (ROPE) Squad, the establishment of Intensive Serious Violent Crime Bail Teams within the court system, and a new bail compliance dashboard (Solicitor General, 2024c).

Before this development, bail was already difficult to secure or meet. The Canadian Civil Liberties Association (2024) found that people released on bail faced an average of 5.9 different conditions, up to a high of 24. None were released without conditions, and many conditions imposed "may be difficult or impossible for [people] to comply with" (n.p.). Tough-on-crime oriented judges are also being appointed. In 2024, the provincial government appointed two former staffers to a committee that helps select provincial judges, with the rationale that the government got elected "to get like-minded people in appointments" (Jabakhanji, 2024, n.p.). Ford expressed that he is "sick and tired of judges letting these people out on bail (n.p.)." In 2024, Ford expressed further tough-on-crime rhetoric, "I'll build as many jails as we need to put these criminals behind bars for a long time" (Casey, 2024b, n.p.). While bail reform could reduce tensions and overcrowding in provincial jails, the government has instead sought to make bail conditions harsher and expand conditions of imprisonment into the community while generating new demand for employment to track and enforce bail compliance. In the context of ongoing provincial disinvestment from community welfare and social services, where citizens are increasingly displaced and experiencing crisis, this move to tough-on-crime-led government expansion functions to re-legitimize a government facing critique. This legitimacy is bought through the policing, punishment, and performative scapegoating of those most affected by state withdrawal from social service and welfare provisioning.

Surplus Labour

In periods of economic crisis, as unemployment swells, prisons can function to absorb surplus labour. While surplus labour—what Marx (1887) referred to as the reserve army of labour—is necessary and functional to capital, in times of crisis it can pose a threat. As the numbers of the reserve army grow, such population may turn to either illicit (and criminalized) gray market survival activities and/or

become a politically organized threat to capital. As such, prisons function to absorb the most marginal of these surpluses (Rusche & Kirchheimer, 1939; Colagouri, 2005) through tough-on-crime legislation and restrictive bail conditions, thereby temporarily pulling such devalued assets out of circulating labour. Expanding capacity for detention—creating modern and more numerous beds in the system—guarantees the state’s capacity to manage those made redundant now and in future crises. Prisons can serve as a place to extract labour, as imprisoned people (typically those in federal prisons) are made to work (e.g., prison manufacturing, farming, cleaning, and cooking).

Following the declaration of a state of emergency in Ontario due to the COVID-19 pandemic, the province experienced its largest decline in employment on record, with approximately 355,000 jobs lost in the first year (Afroz & Lewis, 2021). As the pandemic hit, and jobs were lost, those in the most ‘flexible’ (insecure) sectors experienced the greatest losses. Even as the economy started to pick up, flexible industries were met with a slow pace of job recovery. By December 2020, it was noted that the accommodation and food service (23.7 per cent), business building and support service (15.3 per cent), transportation and warehousing (12.1 per cent), and construction service (4.3 per cent) industries held the highest rates of weak (negative) job recovery, in comparison to the other major industries in Ontario (comparable to February 2020 levels) (Afroz & Lewis, 2021). A lack of security owing to reliance on contract work means that many of these workers would be unable to rely on savings to bridge the crisis, and ineligible for a range of governmental financial support programs. In this regard, it is not surprising that tent encampment raids and arrests were common throughout the pandemic—a targeted attempt to remove the precariously employed and unemployed. Further, recent policies including the Restricting Public Consumption of Illegal Substances Act (2024) and Safer Municipalities Act (2024) have made it easier to imprison people who use drugs in public and are unhoused.

Conclusion

Using Ontario as a case-study, we sought to make sense of recent moves to significantly expand the province’s capacity to detain and imprison. We find the provincial government’s official explanations

that this advances justice interests and community well being to be unsupported by existing evidence. Specifically, we examined explanations forwarded by the government which argue such expansion was necessary to address public safety, to modernize corrections for the safety of staff and prisoners, to address overcrowding, and to create jobs in the wake of the COVID-19 pandemic. Drawing on critical criminology and Marxist theories of state power, we argued that recent prison expansion in Ontario should be understood in relation to state efforts to reorganize the conditions necessary for capital accumulation following economic crises. We applied Gilmore's model of crises of surplus, arguing that prison expansion projects offer an opportunity to fix crises of surplus capital, surplus capacity, surplus land, and surplus labour by absorbing unproductive assets from circulation. Government pursues these projects through PPPs, opening new spaces for investment of excess capital into infrastructure. In all, we argue that there is little evidence to support the government's stated penological motivations for Ontario prison expansion, which is instead more convincingly understood as a tool to manage surplus. Efforts to generate oppositional advocacy should focus on dismantling and contesting the logics underlying the use of prisons in relation to financial tools like PPPs, the absorption of surplus land (instead proposing alternative, more beneficial uses for that land), contesting the reallocation of state capacity, calling on the Ontario government to invest more in state-supported social services, and addressing the intertwined crises of cost of living, housing, and employment.

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