

WHERE'S THE OUTRAGE?

Thousands are incarcerated in dismal conditions for lengthy periods before seeing their day in court. This should be a scandal, not business as usual

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One of the lesser-known facts about Toronto's infamous Don Jail is that when it first opened its gates in 1864, the Don was heralded as a forward-thinking breath of correctional fresh air. Notwithstanding the high stone walls and dimly lit cells, it was quickly dubbed the Palace for Prisoners.

Toronto South Detention Centre should be so lucky. Almost from the day in early 2014 that the first of hundreds of inmates were shipped over from the Don, the new jail's reputation has taken a battering. Its inhabitants found themselves lodged in a partially completed, \$650-million mega-jail whose shortcomings have provided regular sustenance for the news cycle.

Many are confined to their cells 24 hours a day for days on end.

Access to showers, medical treatment, programming and yard privileges are inadequate. Cells are frequently overcrowded and visits often cannot be scheduled for family members or lawyers. Meanwhile, inmate assaults on jail guards are common, causing hundreds of demoralized staff to apply for transfers away from what they perceive

as a disastrous confrontation between 21st-century security technology and 18th-century problems.

This is the province's much-acclaimed response to the substandard, decrepit Don Jail?

As is so often the case, issues of the day hint at much larger, systemic problems. In this case, the need to build another mega-jail was necessitated primarily by Canada's scandalous infatuation with incarceration; a simple cure-all applied to appease the masses.

Canada's wide net of incarceration has ensnared not only those convicted of crimes, but also men and women who remain innocent in the eyes of the law awaiting trial as well. Since the 1980s, the percentage of prisoners awaiting trial on remand has risen steadily. As recently as 10 years ago, 60 per cent of prison inmates across the country had been convicted and were serving sentences; the remaining 40 per cent were on remand awaiting trial.

By 2010, those numbers had reversed.

Most prisoners in Ontario's jails on any given day have not been convicted of any crime. Some will eventually be tried and found guilty. Some will not. And, as any criminal lawyer can attest, an unknown number are likely pleading guilty to offences they did not commit solely to escape the jolting miseries of pretrial detention.

It is one of the great ironies of our era that in the U.S. — a nation we love to gaze upon with self-righteous superiority — even the ideological right is openly questioning the economics and efficacy of sky-high incarceration rates. President Barack Obama has taken

advantage of the changing mood to lead a wave of protest against absurdly long sentences and unconscionable prison conditions. Already, some jurisdictions have reversed mandatory minimum sentences or three-strikes-and-you're-out provisions in favour of smarter penal policies.

What about up here, in the self-perceived land of enlightened, rational thought? It remains front-page news — albeit, rightly so — when a Canadian journalist abroad is imprisoned prior to being tried. Yet, when thousands of anonymous citizens are incarcerated in dismal conditions for lengthy periods before seeing their day in court, it's called business as usual.

As a community, we tolerate the antiquated status quo of our correctional system partially because we are preoccupied with our own lives and problems. Many citizens also place unwarranted faith in political leaders who pander to public fear and elements of the news media that sensationalize crime. Yet, contrary to alarmist tales we are fed by all too many of our leaders, crime is in free fall. Almost all defendants who are granted bail show up for their trials and, if they don't, they tend to be swiftly apprehended by police.

Still, the current election campaign suggests the public may be waking up to empirical realities. The Harper Conservatives have steered clear of much of their traditional, tough-on-crime rhetoric. Liberal and New Democratic Party campaigns may well avoid hot button questions about correctional policy in order to avoid a public battle.

There is yet hope that political leaders will come to accept that prison bars do not deliver a safe society; that there is an adage as firm as the

stone walls of the Don Jail: Harsh conditions, more jail and less bail add up to less rehabilitation and reduced public safety.