

Playing the “Treasury Card” to Contest Prison Expansion: Lessons from a Public Criminology Campaign

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WHEREAS MANY JURISDICTIONS, NOTABLY THE UNITED STATES, HAVE SEEN massive increases in the use of imprisonment in recent decades, Canada’s incarceration rate has remained relatively stable (Doob and Webster 2006). Although this remains the case, a recent flurry of “public safety” measures introduced by successive minority (2006–2008, 2008–2011) and majority (2011–present) federal governments led by Conservative Prime Minister Stephen Harper has translated into a record total of provincial-territorial¹ (see Dauvergne 2012, 20) and federal² prisoners (see Brosnahan 2012).

These initiatives fall into three categories. First, there are sentencing measures touted by proponents as efforts to: (1) place a greater proportion of criminalized people into prison by further restricting the use of conditional sentences in the community; (2) subject individuals to lengthier prison terms by instituting greater limits on the credit received for time served in remand at sentencing and introducing new mandatory minimum sentences; and (3) restrict opportunities for community supervision as part of terms of incarceration by eliminating mechanisms such as accelerated parole review for first-time federal prisoners assessed as nonviolent. Second, there are administrative measures that are intensifying austere conditions within the walls of federal penitentiaries run by the Correctional Service of Canada (CSC), including increasing the use of double-bunking in cells designed for one prisoner (Harris 2012). Third, there are (dis)integration measures, such as application fee increases, which put record suspensions out of reach for many seeking a fresh start following the completion of their sentences.

Many of these measures were implemented when Canada’s Conservative government had a minority of seats in Parliament. Floods of experts across disciplines and professions denounced this punishment agenda because of its human consequences and because it would not enhance community safety. Having successfully positioned themselves as the “tough on crime” political party with support from law enforcement officials and segments of the victims’ movement,

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the Conservatives branded their opponents as “soft on crime”—a slogan adopted by many journalists who were covering penal policy debates. Many of these legislative initiatives passed owing to the support of opposition parties, which held the majority of seats in the House of Commons and the Senate. This occurred even though the Conservatives failed to disclose basic information concerning the bills, including their projected costs. The lack of transparency prompted the Liberal critic for Public Safety and National Security, Mark Holland (2009), to request that the independent Parliamentary Budget Officer (PBO) provide cost estimates for some proposed laws so that “we can have an informed debate on whether or not these measures are cost-effective and desirable.” Although they occasionally voiced criticism of their Conservative colleagues, the Liberals and New Democratic Party (NDP) also engaged in sloganeering and employ “tough on crime” rhetoric (Larsen and Piché 2009). Populist punitiveness (Bottoms 1995), though not new to the Canadian context (Doob and Webster 2006), had intensified.

I conducted my doctoral research on the construction of new provincial-territorial and federal prison spaces during this period. The CSC did not disclose many of the details I sought, but prison agencies from 13 provinces and territories did provide information on dozens of penal infrastructure projects at various stages of completion by December 2010 (Piché 2012a). Surprisingly, I found that most provincial-territorial governments had not factored federal sentencing measures into their ongoing prison capacity expansion projects. Thus, if the federal government’s punishment agenda continued, the influx of additional prisoners might require more prison spaces. With the prorogation of the Parliament on December 30, 2009, all government bills—including proposed punishment measures that were set to become law (see *Law Times* 2010)—effectively died, necessitating their reintroduction and subjection to the full parliamentary process to be enacted. I sought to broaden the terms of the discussion of federal penal policy that had been dominated by the Conservatives, who considered all opposition to their plans to be unreasonable. With Parliament not scheduled to resume until the beginning of March 2010, there was time to intervene.

With state repression campaigns couched in such benevolent and malevolent terms, those who take an “abolitionist stance” (Mathiesen 2008, 59) against the prison and other apparatuses of punishment and exclusion have asked how abolition is to be achieved (De Folter 1986, 41). Others, who accept the necessity of such instruments, but on a smaller scale, have sought to devise means to reduce their use. These trends are reflected in recent academic debates on public criminology (Chancer and McLaughlin 2007; Clear 2010) and penal moderation (Bosworth 2010), in which scholars discuss the role they can play in shaping state policy and public-opinion formation on issues related to victimization, criminalization, and punishment.

This article draws on that literature and explores the gains made and pitfalls encountered during my doctoral research (Piché 2012b) on the economic costs of

prison expansion and efforts to contest the Canadian government's punishment measures. Based on an analysis of public interventions from January 2010 to December 2011, where I played the "treasury card" (Loader 2010, 361), I illustrate how this tactic directed additional scrutiny at proponents of incarceration, while providing them with opportunities to promote their brand of punitiveness. Given these experiences, I believe that Loader is correct to argue that this discursive device is rife with pitfalls that can undermine efforts to contest the growth of imprisonment. Before analyzing this foray into public criminology, I will detail the framework that guided this penal contestation by emphasizing the key messages devised, the audiences targeted, and vehicles deployed to reach them. I also assess the impact of the interventions that informed subsequent actions.

A Framework for Resisting a Punishment Agenda

Canada has a rich history of advocacy against prison expansion. Among those who have worked with marginalized peoples to resist state repression are Claire Culhane (1991), Liz Elliott (2011), Bob Gaucher (2002), Patricia Monture-Angus (1995), Ruth Morris (2000), and Kim Pate (2008). This effort continues in cities such as Montreal (e.g., Prisoner Correspondence Project), Kingston (End the Prison Industrial Complex), Toronto (Prison Moratorium Action Coalition), and Vancouver (Prison Justice Day Committee). As a criminologist, I assumed the role of "democratic under-laborer" (Loader and Sparks 2011, 124), mobilizing knowledge gained through research and deploying "replacement discourses" (Henry 1994, 289) in the service of informed and participatory politics. Two narratives were emphasized that were "directed at the dual process of deconstructing prevailing structures of meaning and displacing these by new conceptions, distinctions, words and phrases, which convey alternate meaning" (ibid.).

A first replacement discourse tapped into frustrations over federal government secrecy (see Piché 2011). I pushed for transparency by documenting CSC's refusal to disclose details of penal infrastructure plans, highlighting the unfinished (Mathiesen 1974) tendency of the state to limit dissent by preventing disclosure of information that could undermine its objectives if debated within spheres of democratic politics (Piché 2012b). The objective was to attempt to compel the federal government to disclose this information, allowing legislators and voters to make informed decisions regarding the future benefits and costs of prison expansion.

A second replacement discourse, which is the focus of this article, tapped into the uncertainty emanating from the global fiscal crisis. It advances what Loader (2010, 361) calls the "treasury card." Here my findings on the scope of new penal infrastructure emphasized the economic costs of prison expansion and connected rising prison expenditures to ongoing cuts in public services. I also challenged fiscal conservatives who tout "small government" to oppose state expansion in the form of increased prison budgets. This message "speaks a language people understand"

(*ibid.*) and is a currency that fits within the epistemological orientation of the media, which tend to privilege quantitative data (Martel 2004).

Loader (2010, 361) describes the use of the treasury card as an approach to penal moderation by stealth, but my orientation did not seek to “disregard public sentiment, address the citizenry in a circumscribed manner, or set out to neutralize public opinion as a significant force in the field of punishment.” Rather, I directly engaged legislators, members of the press, penal system administrators, staff and volunteers, advocates for the criminalized and victimized, as well as the general public on this emotive subject (Mopas and Moore 2011) to sensitize them to the issues. My hope was that they would pressure the federal government to abandon its penal policies. This orientation resembles Loader’s approach to penal moderation-as-politics in that it involves “making one’s case across the now diverse settings of public will formation ... fostering dialogue with citizens and seeking to challenge and move (rather than take-as-given) prevailing understandings of the meanings and place of punishment in our collective life” (*ibid.*, 363).

Several approaches were used to communicate the replacement discourses during the campaign. Since “the news and entertainment media represent the primary site through which the ruling class is able to produce and reproduce networks of institutions, social relations, and ideas,” I engaged in various forms of “newsmaking criminology” (Barak 1988, 567). This included: (1) practicing journalism (Henry 1994) by blogging (Barak 2007), writing 99 entries on my website,³ and publishing three op-ed pieces; (2) engaging in self-reporting, where the criminologist is the main source of a news story (Henry 1994), by organizing two public forums and giving 21 public lectures, which are also examples of public education (Currie 2007); (3) acting as a subject matter expert (Henry 1994) in 44 newspaper articles, as well as in 28 radio and seven television programs; and (4) becoming an educative provocateur by cultivating relationships with members of the press (Greek 1994) and individuals involved in federal politics to whom I sent my research and related commentary. I also became a policy advisor (Stanko 2007; Petersilia 2008), though not an embedded one, by submitting four briefs to penal policymakers.

These interventions were not simply intended to disseminate messages beyond the academy. Drawing upon Mathiesen’s (1974, 1980, 1990) approach to action research, I analyzed how my use of replacement discourses affected federal penal policy debates. My analysis specifically focused on how proponents of incarceration advanced two types of finishing discourses that foreclose other ways of conceptualizing and responding to criminalized conflicts and harms. The first, known as the “supportive component,” is an ideological structure “that renders the prison as an institution and a sanction meaningful and legitimate” (Mathiesen 1990, 137). Deterrence, incapacitation, justice, rehabilitation, reintegration, and desistance are examples of key justifications that legitimate the deprivation of liberty. The second type, known as the “negating component,” comprises “neutralization techniques” advanced to defuse critique and prevent the introduction of repression-abolishing

alternatives (ibid.). The balance of the article will examine a few instances in which the treasury card was played and how it shaped the conversation on the future of imprisonment in Canada.

Playing the “Treasury Card”

The influence of criminological research on broader views and responses to criminalized issues is often negligible. Yet Tonry (2010, 787) notes that “windows of opportunity” do exist, and “research-derived evidence influences policy and practice in some places, at some times, and on some subjects” (ibid., 793). Such “turning points” (Mathiesen 2008, 62) may also influence how actors talk about these matters. The treasury card can broaden the parameters of such discussions to contest prison expansion in the context of a fiscal crisis.

“Prorogation as Opportunity”

The opening salvo in this campaign was a public forum entitled “Prorogation as Opportunity: Proposing New Directions for Criminal Justice Policy.” It was organized to capitalize on concerns over federal government transparency with respect to the costs of its punishment agenda. Moreover, the event sought to make use of the space created by the prorogation of Parliament by promising to “assess the current direction of criminal justice policy in Canada” and “consider alternatives to costly, ineffective and unjust measures being adopted in this country that have proven to decrease public safety in other jurisdictions.” To promote the event, I handed out flyers at a January 23, 2010, anti-prorogation rally in Ottawa, posted a notice on my blog, and circulated the link via email.

Some 50 people attended the public forum of February 17, 2010, which was chaired by Eugene Oscapella (cofounder of the Canadian Foundation for Drug Policy). Opponents of Conservative penal policies, including Craig Jones (then executive director of the John Howard Society), Tara Lyons (then executive director of the Canadian Students for Sensible Drug Policy), and Kim Pate (executive director of the Canadian Association of Elizabeth Fry Societies), gave presentations. I presented my findings on the scope of provincial-territorial prison capacity expansion in Canada, disclosing what was then a \$2.7 billion price tag at a time when many provinces and territories nationwide needed to cut services or raise taxes to balance the books. Additional incarceration expenditures, I argued, were likely since most provincial-territorial governments reported that federal sentencing measures were not considered when planning their ongoing projects and CSC had not yet disclosed their penal infrastructure plans.

Efforts to neutralize the intervention began after the event. Mike Larsen informed me that a senior CSC official had attempted to deride my expertise by telling audience members that my findings were inaccurate. Larsen asked the official to specify what had been inaccurate, but received no response. Regardless, my use

of a self-reporting strategy, which circumvents the potential for “experts disagree” scenarios and allows the messenger to convey arguments in greater depth by being the “exclusive source of the story” (Henry 1994, 296), enabled me to articulate the message that the choice to build prisons will likely have a negligible impact on victimization and result in cuts to other government programs. Media coverage (e.g., MacCharles 2010) picked up this narrative, seeding the ground for future contestation. However, lacking specific details about CSC’s prison construction plans meant my findings did not broaden the terms of federal penal policy debates as hoped, necessitating additional research.

“Prison Spending Rising”

The release of the federal budget in March 2010 offered new opportunities to deploy the treasury card. First, the NDP (2010a) identified a 43 percent increase in CSC’s capital expenditures, from \$230.8 million in 2009–2010 to \$329.4 million in 2010–2011. Second, a journalist noted that the CSC projected a rise in its budget from \$2,460.2 billion in 2010–2011 to \$3,178.2 billion in 2012–2013, a 27 percent increase (Curry 2010). Disclosure of these figures prompted additional research into how much federal penitentiary system expenditures had increased since the Conservatives entered office in 2006.

After compiling the figures, I acted as an educative provocateur by writing a blog (March 31, 2010) based on this work, which I emailed to my contacts. The entry questioned the logic of such spending in a context of “government-wide restraint” (ibid.), especially given the failed track record of imprisonment. I then appeared on “Power & Politics,” a political program broadcast nationally. There I walked host Evan Solomon through the figures, including the 54 percent growth in the CSC’s total budget and a 138.4 percent rise in the department’s capital expenditures between 2005–2006 (when the Liberals tabled their last federal budget) to 2010–2011. I also discussed the projected increase in these figures by 95.9 percent and 237.8 percent respectively from 2005–2006 to 2012–2013.

With the headline “Prison Spending Rising” accompanying the segment (CBC Television 2010a), the host turned to a panel of parliamentarians, including Conservative Member of Parliament Shelly Glover, Liberal Public Safety Critic Mark Holland, and NDP Justice Critic Joe Comartin. Solomon first asked Glover if she could explain why the CSC budget had risen so sharply “in a time of austerity.” Glover moved to a derision of expertise, stating: “I have to disagree with some of the numbers you are presenting, Evan. Numbers can be skewed any which way we, you want depending on who’s doing it.” Acknowledging that “costs have gone up,” she also invoked the need to protect victims and to fund rehabilitation measures, reflecting the pretense shared by proponents of the prison that the institution achieves its stated objectives (Mathiesen 1990, 140).

Holland and Comartin responded that the numbers were the government’s own figures. They also questioned the need to increase prison expenditures when

police-reported “crime” rates were declining. This prompted Glover, a former police officer, to justify the CSC’s ballooning budget (ibid.) by disregarding contradictory evidence and attempting to differentiate her party’s “tough on crime” stance from that of her counterparts:

let’s not forget that the Liberals have an interest here because, predominantly, prison inmates vote Liberal during elections. Cops vote Conservative. There is a clear interest for the prisoners to be voting for “soft on crime” legislation that the Liberals put forward. (CBC Television 2010a)

With federal penal policy debates strongly featuring populist punitiveness slogans, it was necessary to counter the use of references (Mathiesen 1990, 37) to specific actors (e.g., police officers, victims) who were portrayed as unified in their demands for more incarceration.

“Punishment versus Support”

To advance their penal policies, Conservatives relied upon a tactic used to great effect elsewhere (Elias 1993) to mobilize support from segments of the victims’ rights movement. The government largely equated sentence lengths with meeting victims’ needs, so challenging this orientation was imperative, as was fostering a climate in which more support could go to victims whose complex needs are often unmet during the penal process (Zehr 1990).

Using the federal budget’s supplementary estimates (Department of Finance 2010a), I tracked changes in funding for victims’ assistance. The federal government’s \$13.3 million commitment in 2009–2010 allowed for the establishment of the first Federal Ombudsman for Victims of Crime. Despite an additional \$6.6 million allocated over two years beginning in 2010–2011 to facilitate “access to [Employment Insurance] sickness benefits for eligible workers who have lost a family member as a result of crime” (Department of Finance 2010b), cuts to this portfolio were also made. For instance, the Grants for the Victims of Crime Initiative dropped 41.2 percent, from \$850,000 in 2009–2010 to \$500,000 in 2010–2011. The Contributions to the Victims of Crime Initiative also declined by 34 percent, from \$7,958,000 in 2009–2010 to \$5,250,000 in 2010–2011. Both funding streams are directed to victims’ service providers who receive the bulk of their support from provincial-territorial governments. I included these figures in a blog that emphasized the disparity between federal funding for prisons and for victims. Sent to my contacts and victims’ advocates, I hoped it would illustrate how gains in funding for imprisonment represented a corresponding loss of money needed to meet the diverse needs of victims.

This intervention of April 6, 2010, led to an appearance that day by Steve Sullivan, the first Federal Ombudsman for Victims of Crime, on “Power & Politics” (CBC Television 2010b). Responding to the cuts and CSC budget increases, Sullivan

discussed the negative impact they would have on the research done and services offered by “totally underfunded” victims’ organizations. He also remarked:

We can’t spend that money in two places, and ... the stuff we hear from victims of crime on a daily basis—the problems they have meeting their mortgages, needing counseling, not being able to assist their children who are sexually abused. Building more prisons [will not] address those problems.... I guess what I would be telling the government is, if you have a pot of money and you have a choice to build more prisons or help more victims, to help more victims.

Solomon, the “Power & Politics” host, then turned to parliamentarians, including Conservative Ed Fast, Liberal Public Safety Critic Holland, and NDP Public Safety Critic Don Davies. Fast’s response was that the government sought a “balance” between an increased use of prisons to keep the public safe from future victimization and providing resources, including the \$6.6 million increase in the federal victims’ budget. This neutralization technique resembles what Mathiesen (1990, 38) calls puncturing, “whereby the practical significance of the new idea” (e.g., less prison spending) “is diminished, while a front of understanding, interest, and perhaps even enthusiasm for the idea” (e.g., more spending on victims’ services) is maintained. Fast also referred to perceived demands for punishment by making totalizing claims about what victims desire. By contrast, Holland and Davies called for more funds to be dedicated to prevention and victims’ services. Headlines accompanying the show read “Victimized Again: Victims’ Groups Underfunded,” “Victims Left Behind?,” “Tough on Crime, Soft on Support,” and “Punishment versus Support.” Opponents of the Conservative punishment agenda thus had a talking point to counter claims that equated prison expansion with the needs of victims.

“Prison Budget Showdown”

Figuring prominently in the debate over penal policy was a news story based on a forthcoming PBO report (Canadian Press 2010a) that estimated the costs of the Truth in Sentencing Act (TISA 2009) at seven to 10 billion dollars for federal and provincial-territorial governments. Public Safety Minister Vic Toews was put on the defensive. Citing Cabinet confidence, Conservatives and the CSC had previously not released costs of the bill. In response to the story, Toews noted: “we’re not exactly sure how much it will cost us. There are some low estimates, and some that would see more spent—not more than \$90 million” (ibid.). The following day, he revised the estimated cost for the legislation to \$2 billion over five years (Tibbetts 2010a). No federal or provincial-territorial cost breakdowns were provided. That was true of other bills as well, with Toews insisting that “our government is prepared to pay the cost in order to keep dangerous offenders in prison” (CBC News 2010a).

The Conservatives consistently advanced incapacitation as a means to achieve safer communities.

In response, the NDP (2010b) released a statement noting that the Conservatives “own estimates for a single piece of legislation rose by more than 2,000% overnight.” NDP Public Safety Critic Davies added: “Billions if not tens of billions will be dumped on the provinces, whose correctional systems are already bursting at the seams.” Discussions on the downloading of prison costs to the provinces and territories due to these federal initiatives continued. For instance, during an April 29, 2010, segment of “Power & Politics,” Ontario Minister of Community Safety and Correctional Services Rick Bartolucci stated that although his government agreed with federal legislation, they would request “some assistance financially so that we can implement the legislation as effectively as possible, as expeditiously as possible, in order to ensure that across Canada we have the safest communities possible” (CBC Television 2010c). Although Prime Minister Harper stated during the 2008 federal election campaign that he would work with other jurisdictions to fund additional prison spaces (Whittington 2008), the fact that the provinces and territories called for some of the measures, including the TISA (2009) (Government of Newfoundland and Labrador 2008), undermined efforts to obtain such assistance. In response to rumors of potential penal downloading, Minister Toews insisted that the legislation would result in “some reduction for the provincial governments given the shift of individuals out of the provincial facilities and into federal facilities” (Scofield 2010). Liberal Public Safety Critic Holland (2010) disagreed, arguing:

There’s only one taxpayer, and at the end of the day if provinces are getting billions dumped on them, with no support, obviously it’s going to create a system that’s near the breaking point and push it right to the edge.... The government is sprinting forward to play politics with a system that is going to have profound implications for the corrections systems ... and for the treasury.... Let’s at least know what we’re getting ourselves into, so we can have an honest debate.

As the conversation began to heat up, I assumed the role of educative provocateur by writing a blog post on April 29, 2010, that discussed the emerging conflict over who should pay for these expenditures. As usual, I sent it to my contacts. A few weeks later, *Globe and Mail* journalist Gloria Galloway (2010) wrote an article noting that “six out of 10 provinces surveyed ... said they are worried that the new tough-on-crime laws would pose a major financial burden. The remaining four said they simply did not have enough information to determine the costs they are facing.” This narrative was also the central theme of a May 6, 2010, segment of “The Current,” a national radio program, on which I appeared as a subject matter expert (CBC Radio 2010). Among the issues raised were my preliminary findings on the scope and costs of prison capacity expansion in Canada, and the burden that

could potentially pose to provincial-territorial prison authorities owing to federal legislation.

Sensing a potential rift between provincial-territorial and federal governments that could slow the implementation of sentencing measures, I completed an unsolicited report entitled *An Overview of Prison Expansion in Canada*. Submitted to the Provincial-Territorial Heads of Corrections, my document outlined facility construction initiatives being undertaken across the country. I concluded that other policy options were available and needed, given the ongoing fiscal crisis (Piché 2010). The Provincial-Territorial Heads of Corrections invited me to speak at their May 30, 2010, meeting, where I was asked to emphasize the policy alternatives needed to manage a future influx of prisoners resulting from federal bills.

I suggested that given the current trajectory, prison agencies could increase the use of parole. Among the levers available to the penal system that I believed could be used to absorb change were “police officers to utilize greater discretion in dealing with the public,” to have prosecutors “alter how they manage their caseloads,” and to urge judges to “exercise more leniency when deciding on whether or not to allow someone to post bail and make similar provisions during sentencing.” Given my abolitionist stance, I advised them to exhort their ministers to call for a moratorium on federal punishment legislation instead of other forms of carceral control. Whether this intervention affected federal-provincial-territorial discussions behind closed doors is unknown. However, the provinces and territories now had a report they could submit to the Canadian government on their recent spending on new facilities, which would be useful for lobbying against measures that might increase their prison populations and pressure them to expand their prison spaces.

I then contributed to the framing of discussions on the release of the delayed PBO report. My blog entry, disseminated to my contacts on June 18, 2010, listed key debates when the projections were released. The focus was mostly on government transparency (see Piché 2011, 640), but also touched upon whether the cost projections tabled by the PBO would trigger a showdown over the prison budget between the provincial-territorial and federal governments, and whether federal parliamentarians from all parties would oppose future sentencing bills. In response, members of the press contacted me for background information for related news coverage.

On June 22, 2010, the PBO report (Rajekar and Mathilakath 2010), which ultimately focused only on the TISA (2009), was released. Its authors estimated that the federal penitentiary system would need another 4,189 prisoner beds, with projected construction costs of \$1.8 billion, as well as \$618 million more for each of the next five years to manage the influx of new prisoners. Total prison expenditures in 2009–2010 had been \$4.4 billion, with the federal and provincial-territorial governments spending \$2.2 billion and \$2.15 billion respectively. Projected total prison expenditures for 2015–2016 due to implementation of one federal “tough

on crime” bill was \$9.5 billion. The federal share represented \$4.18 billion, and the provinces and territories were projected to spend another \$5.23 billion.

Responding to the projections, Minister Toews derided Page’s expertise: if he did “not get any of his information from Correctional Services Canada, he must be making this up, correct?” (Tibbetts 2010b). He reiterated the government’s \$2 billion estimate for the legislation (Canadian Press 2010b). However, he failed to publish the CSC’s methodology that was used to estimate the costs of the sentencing reform. Unconvinced, the Liberals (LPC 2010) and the NDP (2010c), along with editorialists from major Canadian newspapers, demanded some “Truth in Budgeting” (e.g., *Globe and Mail* 2010). As such, the actual and projected fiscal costs of imprisonment became a central feature of the federal penal policy debates.

Several organizations soon introduced awareness initiatives that featured the treasury card. For instance, the Church Council on Justice and Corrections (CCJC 2010a) launched their well-publicized “Prison Facts—The Co\$t\$” campaign (e.g., CBC Radio 2011), including a pamphlet that compared the costs of incarceration in prison versus community-based punishments. The campaign also featured a letter to Prime Minister Harper signed by various Christian leaders who expressed concern that “in this time of financial cuts to important services you and the Government of Canada are prepared to significantly increase investment in the building of new prisons” (CCJC 2010b). They criticized the effectiveness of incarceration and noted that “the vision of justice we find in Scripture is profound and radically different from that which your government is proposing.” Despite notable pitfalls, the use of the treasury card provided opponents of prison expansion with an argument that resonated across various constituencies, including parliamentarians in opposition, the press, and some provincial governments, notably in Ontario and Québec, that intensified their questioning and criticism of Conservative penal policies.

Pitfalls Encountered

After enduring months of questions and criticism over the economic costs of their punishment agenda, the Conservatives adopted neutralization techniques such as derision of expertise, making reference to demands from purported incarceration proponents, and advancing claims that their measures would enhance “public safety.” The following analysis examines the federal government’s responses, along with my efforts to counter them, which illustrate the limits of efforts to reduce imprisonment on fiscal grounds (see Loader 2010).

Costs of Victimization

One pitfall of the treasury card is that its “success depends on citizens coming to the conversation as taxpayers, rather than, say, as fearful victims, or potential victims, or as individuals and social movements in solidarity with victims” (ibid., 361). Conservative parliamentarians have successfully promoted prison expansion

by cultivating the appearance of solidarity with victims. For instance, Minister Toews's (2010a) editorial in the *National Post* (August 12) stated:

Our approach toward corrections will require us to expand capacity within existing prisons. This is a small price to pay to ensure dangerous criminals don't create new victims or terrorize previous ones.... It does cost money to deal with serious criminals. But failing to do so comes with significant costs as well, and not just in dollar terms.... We disagree with the Liberals' view that dangerous criminals should be released onto our streets early just to save a buck....

The federal government also received criticism associated with rising prison expenditures due to a Department of Justice study that estimated the costs of "crime" in 2003 at \$70 billion (Li 2005). It argued that costs could be reduced if the criminalized spent more time behind bars (see O'Malley 2010). After examining Li's (2005) cost breakdown, my blog post noted that \$13 billion of those expenditures were used to fund the penal system. Since research suggests that increasing the use of confinement has a negligible impact on reducing victimization, I stated that the Conservative policy could potentially exacerbate related financial costs. Unlike earlier posts, this intervention was largely ignored, with the release of another Department of Justice report pegging the costs of victimization at \$99.6 billion in 2008 (Zhang 2011) meeting little criticism (e.g., Akin 2011). The federal government continues to deploy this talking point when challenged on rising prison costs.

Austere Budgeting, Austere Prison Conditions

A second pitfall of the treasury card identified by Loader (2010, 362) is that it creates an opening for the "demand that the necessary cost savings are made by making prisons more austere or cutting back on educational or drug treatment programs." Conservatives had not yet announced cuts to CSC's budget, but in March 2010 they began to assert that the use of double-bunking would rise in response to questions about whether they were going to build new prisons (see CBC Television 2010d). Ignoring that this practice runs counter to CSC's (2001) operational policies and international conventions to which Canada is a signatory (UNHCHR 1977), the office for Minister Toews released the following statement:

Releasing criminals onto our streets early has a much higher cost than keeping criminals behind bars. In the short-medium term, CSC will be implementing temporary accommodations and increasing capacity in existing institutions.

In an interview, Toews said that double-bunking "is not something that is inappropriate or illegal or unconstitutional or violates international standards. Many countries use double-bunking, and quite frankly I think in many cases, it's appropriate" (CBC Television 2010e).

While researching double-bunking, among the documents I obtained using ATI was a February 16, 2010, briefing note from CSC's senior deputy commissioner to Minister Toews. It noted that "further expansion of double-bunking increases the risk to staff and offender safety in an institution" (CSC 2010a). I organized a public forum centered on that document, to be held on August 10, Prisoners' Justice Day (PJD, see Gaucher 1991). Featured speakers at the event were lawyer Kim Pate, researcher Michelle Mann, Circles of Support and Accountability volunteer Susan Haines, and former youth prisoner "Petey" (2011). Presented in absentia was an article written by Peter Collins (2008)—a federal prisoner. To generate interest, I had discussed double-bunking in a newspaper interview (Czekaj 2010) and disclosed the briefing note on "Power & Politics" (CBC Television 2010f). During the PJD event, this and other harms of the Conservative punishment agenda were discussed.

Nonetheless, the CSC (2010b) suspended Commissioner's Directive 550 on August 11, 2010, allowing for higher levels of double-bunking to occur without commissioner approval. Packaged as a temporary measure pending the construction of new units at existing penitentiaries, some floor plans included rough-ins for double-bunked cells (NORR 2011). The implementation of austere conditions of confinement in the name of deficit slashing continues unabated (see Mills 2012).

Carceral Stimulus

A third pitfall of this approach is that the public "may even be persuaded that government investment in prisons is a (Keynesian) route out of recessions" (Loader 2010, 362). The promise of carceral stimulus is a longstanding tactic used by proponents of incarceration to reproduce penal hegemony in the United States (see Gilmore 2007) and has been used in the Canadian context for some time (e.g., CPS 1977).

More recently, the Government of Canada used a dual-pronged communications strategy to sell the addition of 39 new units on the grounds of existing institutions to host communities following the release of the PBO report. First, operating under the pretense "that the prison is a success" (Mathiesen 1990, 140), Conservative ministers and parliamentarians announced these projects in cities across Canada from August 2010 to January 2011. Their main talking points included the protection of society through incapacitation, delivering "just deserts" through longer prison terms, enhancing institutional security, and promoting rehabilitation (see CSC 2010c).

In the second component of the strategy, CSC officials proclaimed the economic benefits of the projects to their community partners. For instance, an email from a CSC official (2010d) dated August 19, 2010, noted:

The construction of these new living units will also mean construction jobs for the local community, and new hiring at the facility where the units are ready to be staffed. This is an important part of ensuring tangible economic growth for the communities located around our institutions....

The message of economic salvation also made its way down the operational chain. For example, when new units at Drumheller Institution and Bowden Institution in Alberta were announced on August 31, 2010, a prison officer said the new space will “enhance our ability to keep our population separated and isolated.... It’s really good for the town of Drumheller. They’re our major partner. What’s good for us is good for them” (Zickenfoose 2010). Bryce Nymmo, the mayor of Drumheller, added that the initiative is “wonderful for us here. Our population count includes the prisoners. When you get various amounts of money from the provincial government, it depends on your population” (ibid). He also remarked that the “addition of not only the prisoners, but the people working there will have a lot to do with more money coming to our town” (ibid). Similar discourses appeared in newspapers across the country in municipalities such as Kingston, Ontario (Lea 2011), and Abbotsford, British Columbia (Toth 2010).

The economic case for prison expansion may be attractive to localities looking to attract long-term employers and to enhance their ability to raise funds through larger populations and workforces. With the CSC and other proponents of incarceration who champion prison profiteering in mind, my blog post of August 19, 2010, asked: “Has CSC undertaken a review of the impact of establishing new facilities or expanding existing institutions on host communities to substantiate their claim that their expansion agenda will ensure ‘tangible economic growth’?”

Two months later, Liberal Public Safety Critic Holland (2010, 1) placed a question (Q-469) on the Order Paper in the House of Commons in which he asked whether “a review of the impacts on host communities of expanding existing facilities [has] been undertaken by CSC.” He also inquired into the evidence the CSC had “to support their claim that the prison expansion plan will ensure ‘tangible economic growth.’” The following was noted in a December 6, 2010, reply tabled by Minister Toews (2010b, 2):

Since the announced institutional expansions will be occurring within the existing perimeters on CSC-owned land, a review of the impacts on host communities was not undertaken.... Given the level of funding that will be expended in the communities, there will be an increase in terms of construction jobs for the community in addition to new hiring at the facility when the units are ready to be staffed. This is an important part of ensuring tangible economic growth for the communities located around CSC’s institutions.

Toews’s admission illustrated that the economic benefits touted by proponents of federal penal infrastructure initiatives were based on unsubstantiated assumptions.

To disrupt the narrative promoting carceral stimulus, in January 2011 I highlighted the unsubstantiated assumptions during public presentations that followed federal government announcements in and around Kingston, Ontario, and Montreal, Québec, where 11 new penitentiary units were being built. I drew upon findings from US

studies that found that the purported long-term economic benefits associated with prison construction and facility jobs often fail to materialize (e.g., Hooks et al. 2004). The presentations drew sizeable audiences and garnered publicity from alternative media outlets (e.g., CFRC Kingston 2011; Stevens 2011). Yet the scope of the Conservative penal pork-barreling campaign was a limiting factor. Canadian studies were lacking on this topic, and today limited research exists to inform discussions on the financial impact of prison expansion.

Moving Forward

I have discussed how the treasury card was advanced to contest prison growth in Canada by appealing to a wariness to spend public funds on prisons in a period of cutbacks and austerity. This campaign provided many actors with opportunities to appear reasonable while critiquing Conservative penal policies, but those promoting state repression could also employ economic arguments to advance their case for prison expansion.

As the struggle continues, there are reasons for optimism. Opposition parties, some provincial-territorial governments, journalists, practitioners, and advocates in the area of penal policy have adopted this replacement discourse. Ongoing emphasis of the fiscal costs of the current penal trajectory, along with a continuing barrage of commentary concerning the failures of imprisonment, appear to be generating momentum against the intensification of punishment. However, much of the critique is timid, with interventions often calling for reforms in the penal system in the name of rehabilitation, a tendency also present in most academic work (Carrier 2010).⁴

Like scholars who cite the emergence of a “new punitiveness” (Pratt et al. 2005), opponents of Conservative punishment agenda tend to encounter the pitfall that Matthews (2005) observed, where a punitive present is juxtaposed to a nostalgic and benevolent rehabilitative past. Consequently, they fail to acknowledge that “therapeutic discourses and practices are also punitive” (Moore and Hannah-Moffatt 2005, 86), as well as integral to penal hegemony. Although fostering benevolence may trigger a halt in the expansion of imprisonment, history shows that this is often not the case (Gamberg and Thompson 1984).

Another reason for pessimism is that following the period documented in this article, the Liberals and NDP passed sentencing measures that had been tabled during the remainder of the third session of the 40th Parliament despite having adopted a stronger discursive stance against the incarceration push. The Liberals, in particular, engaged in double-speak, having triggered the 2011 federal election by tabling a no-confidence motion. The Conservatives, they said, were in contempt of Parliament for failing to provide requested financial information on key expenditures, including their sentencing measures. That became an issue during the electoral campaign. Although the Liberals denounced the Conservatives for putting prisons ahead of the needs of Canadians (LPC 2011), their own platform did not address scaling back incarceration expenditures or account for why they now denounced sentencing

measures they had earlier supported. Along with members of the press (e.g., Coyne 2011), I raised this issue in the months before the May 2, 2011, election—in which the Conservatives won the right to form a majority government, propelled to some extent by this contradiction.

The Government of Canada then fulfilled a campaign promise by passing an omnibus bill, the Safe Streets and Communities Act (2012), which included restrictions on eligibility for community-based sentences, mandatory minimum sentences related to marijuana production and distribution, and expanded criminalization. Moreover, since the federal prison population grew at a slower rate than the CSC and PBO had forecast, the Conservatives have spent less on the federal penitentiary system than anticipated. This has been spun as the product of fiscally prudent policymaking (PSC 2012) and a sign of the fallibility of expertise (Quan 2012).

Ultimately, attempts to broaden the terms of this conversation have not yet translated into the opposition needed to change the trajectory of penal policy in Canada. As such, we must return to the larger question haunting practitioners of public criminology: How can scholars connect with individuals and groups to affect change beyond the academy?

Penal abolitionists have criticized the penal system for reducing complex conflicts and harms under the rubric of “crime” (Hulsman 1986), for appropriating these issues as their own (Christie 1977),⁵ and, in response, emphasizing the violence of incarceration (Scruton and McCulloch, 2009) and other forms of punishment (Pepinsky 2007). Public criminologists frequently seek to contribute to the discursive deconstruction of these matters (Barak 1988) and advance replacement discourses (Henry 1994), yet these efforts are often oriented toward dissemination. Public criminologists occasionally exclude those for whom they presume to be struggling, which is to say marginalized individuals. Ruggiero (2010, 208) has criticized a “missionary and paternalistic” criminology, and the propensity of some criminologists to work in isolation in the pursuit of change.

This does not diminish the value of public criminology as applied in this campaign or elsewhere; yet more can be and is being done without the valorization of the discipline. As with ethnographic and feminist research undertaken in solidarity with the marginalized, public criminology would likely benefit from a form of praxis that combines the extra-academic engagement of the excluded with “experts.” Despite detractors from this approach (e.g., Rock 2010), insight may be gained into how to achieve concrete reductions in state repression by revisiting the works of abolitionists such as Mathiesen (1974), who emphasized working with various actors. In short, what is public in public criminology? Reconsidering the term may help us to expand the possibilities of practice, enhance the production and consumption of knowledge, and maximize what can be achieved through its application.

NOTES

1. Canadian provincial-territorial prisons are mandated to incarcerate individuals awaiting trial and sentencing, as well as prisoners sentenced to terms of two years minus a day.
2. Canadian federal penitentiaries are mandated to incarcerate prisoners sentenced to terms of two years plus a day.
3. See “Tracking the Politics of Criminalization and Punishment in Canada” (www.tpcp-canada.blogspot.ca).
4. I have occasionally done this myself (see CBC News 2010b).
5. Penal abolitionists make this argument, but Nils Christie is a penal minimalist.

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