

## Editorial ? Bigger obviously isn't better

It was likely more than 10 years ago that work got under way planning a replacement for Toronto's infamous Don Jail and the more modern Metro West Detention Centre.

We obviously don't know what was in the minds of the planners in Ontario's Ministry of Correctional Services, but we strongly suspect a lot had to do with the bottom line.

Whatever the case, the decision was to replace the two jails with a 'super' jail that could house more than 1,600 prisoners, compared with the roughly 600-bed capacity of the Don and Metro West.

Stories published while the new jail was being built in southern Etobicoke made it sound relatively lavish (at least by comparison with the 150-year-old Don) with flat-screen TVs and the best of care for inmates who took ill. However, reports since the jail began taking in prisoners in 2014 seem to portray it as little short of disastrous.

In fact, the front page of last Monday's Toronto Star included a story about a court proceeding at which conditions faced by a convicted drug peddler while awaiting trial (and still legally presumed innocent) were bad enough for his lawyer to be seeking sentencing credit beyond the limit prescribed in the Criminal Code as the result of the Harper government's stiffening of penalties. The current Code provision prevents judges from routinely giving an offender credit for more than a day for each day spent in pre-trial custody, and in exceptional cases no more than a day and a half. Previously, judges routinely allowed two days, partly because of provincial jails' condition and lack of rehabilitative programs but mainly in recognition of the fact that after sentencing inmates would normally get parole after serving about half their sentences.

In the sentencing hearing, Gregory Chaytor, 29, who was arrested on drug charges in August 2014 and spent seven months in pretrial custody at the Toronto South, has pleaded guilty to production of marijuana and possession of methamphetamine for the purpose of trafficking.

The offender says he was subjected to 'frequent and ever-increasing' lockdowns at the prison, amounting to 'arbitrary administrative segregation,' and that as a drug addict, he didn't get appropriate medical or mental health care.

In the circumstances, he has asked the court for an enhanced credit of 1.75 days for each day served before trial as a form of compensation for the conditions he experienced.

Jail records provided to the defence suggested the institution was locked down for 43 days from August 2014 to March 2015, roughly 20 per cent of the time Chaytor was incarcerated. However, he says his unit was on lockdown 50 to 60 per cent of the time, during which he had limited or no access to showers, fresh air, visits with his lawyer and family, or rehabilitative programs. He recalled it having been locked down over the Christmas and New Year's holidays in December 2014 and January 2015, and said the entire jail was locked down for 'almost the whole month of February.'

The ministry concedes that staffing the prison has posed a continuing problem, and no doubt one reason for that is the disruptive behaviour of inmates.

However, we suspect that much of the problem at Toronto South relates to its size and the fact that it houses a wide variety of inmates, many of whom are there simply because they couldn't raise bail money and others who have been imprisoned for white-collar crimes and pose little or no threat to the public such as to require their placement in a maximum-security prison. There must be a touch of irony in the fact that someone sentenced to two years less a day in a provincial prison for a non-violent crime winds up spending all his or her time in a maximum-security provincial jail while an offender given a two-year penitentiary sentence will spend much of the time in a minimum-security setting such as at the Beaver Creek Institution near Gravenhurst. We think serious thought needs to be given to having provincial facilities like the prison farm that used to occupy the Dufferin County Forest on Airport Road to house non-violent offenders and accused persons who are facing trial for relatively minor offences.