

Closure of "the Don" significant for Toronto criminal law



[By Jacob Stilman](#)

The impending closure of the Don Jail (also known as the Toronto Jail) represents the end of a significant chapter in the history of criminal law practice in the Toronto area.



Arguably the most historic, and storied, penal institution in the country, the "Don" has been a fixture for the local criminal defence bar for well over a century. Visiting an inmate at the Don was an essential rite of passage for any new member of the defence bar, and a second office for many of us.

The Don has been a landmark in the city, housing notorious inmates, and being the scene of executions (including the last execution conducted in Canada in 1962 - a "double bill" in fact). It has seen more than its fair share of inmate murders and suicides, and has been the subject of critical judicial and media commentary with respect to its current sub-human living conditions.

Yet, it retains a certain macabre charm to all those who are familiar with it, and in a counter-intuitive way its closure will be lamented, perhaps even by the inmates who are forced to reside there.

The fact is, with the upcoming replacement of the Don with "state-of-the-art" Toronto South Detention Centre, people familiar with remand centres should be concerned that an even more dehumanizing facility will take its place. For the Don, while highly flawed, allowed inmates and correctional staff to have closer contact with each other than any of the more modern facilities which have sprung up since.

One need only visit the ultra-modern - dare we say "sleek" - Central East Correctional Centre (CECC) to know what I am referring to. There, one encounters from the exterior an edifice that resembles something out of a 1970s futuristic sci-fi film; angular, harsh, sprawling, and space-age in design. But if the exterior of the CECC is forbidding in appearance, entry through its secure doors takes the visitor straight into a dystopic nightmare.

What is striking is the degree of dissociation between the inmates and all others. Visitors observe the inmates whiling away their time in their communal "pods," utterly cut off from all human contact. With no interaction between inmates and staff, it is not hard to see how those charged with the oversight and care of the inmates would become quickly dehumanized. It is the quiet sterility of the place that is so disconcerting. The new Toronto South Detention Centre, built on this model, is certain to feel similar.

By contrast, the Don is a cacophonous, bustling (and bursting) facility, where guards still maintain close contact with the inmates. With contact comes understanding and respect, and perhaps even compassion. Lawyers and other professional visitors meet with clients on the prisoner ranges, at close quarters, and can overhear the banter, usually good-natured, between the inmates and guards. This human element will be lost when the Don ships out its last inmates to the new location.

Don't get me wrong - the thought of spending one night in the Don, let alone the weeks or months and sometimes longer period that remand prisoners may face while awaiting the disposition of their cases, would terrify most of us.

When one hears from the "law and order" set about how prisoners are coddled and should be made to do "hard time," my response to them is to pay a visit to the Don and see it for themselves; better yet have them spend the night there - on the floor, in an overcrowded cell, surrounded by the mentally ill who sadly constitute such a large segment of the inmate population, and then tell us that the jails are "soft."

Nonetheless, the Don's closing represents the passing of an era. Prisoners will be housed in a facility which appears new, shiny and bright, but life within that place will be harder than the steel bars that encage them.