

CHANGING OF THE GUARDS

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Introduction

Canadian Perspectives on Private Influences and Privatization in Criminal Justice

ALEX LUSCOMBE, KEVIN WALBY, and DEREK SILVA

Private actors play an increasingly central role in the administration of criminal justice around the world. Although one might be tempted to suggest that this is a simple matter of cost-cutting and efficiency, a growing body of scholarship over the past two decades consistently casts privatization in a negative light, and with good reason. Privatization tends to reshape criminal justice institutions and procedures in ways that are frequently anti-democratic and often cause more harm than good (Ericson & Doyle, 2003; Feeley, 2002; Fitzgibbon & Lea, 2018; Hucklesby & Lister, 2017; Loader, 1999, 2000; Mulone, 2011; Verkuil, 2007; White, 2010). Although research on privatization and criminal justice has blossomed in recent decades, most research has focused on the United States and United Kingdom (Blesset, 2012; Burkhardt, 2019; Fulcher, 2011; Hucklesby & Lister, 2017; Rappaport, 2018; Saldivar & Price, 2015; Selman & Leighton, 2010; Shapiro, 2011; Shichor & Gilbert, 2001), even if some scholars are beginning to adopt a more global perspective (Byrne et al., 2019; Daems & Belen, 2018; Singh & Light, 2019; White, 2016). There is a dearth of research on how issues of privatization become manifest in Canada's unique cultural and political contexts. Criminal justice-related research from countries such as the United States and United Kingdom might be generalizable to Canada, but this is an empirical question rather than an assumption to be taken at face value (Dorn & Levi, 2007; Meerts, 2013; Meerts & Dorn, 2009; van Calster, 2011; van Steden & de Waard, 2013; van Steden & Sarre, 2007). This leads us

to the central questions posed in this volume. What role do private actors play in the administration of criminal justice in Canada? What are the major motivations and driving forces behind developments pertaining to the involvement of private actors in the Canadian criminal justice system?

Although privatization of criminal justice is not new (Harding, 2019; Simmons, 2007; Zedner, 2006a), in recent decades we have witnessed an apparent return of private actors in criminal justice throughout much of the world. This includes not only the “rebirth” of private security guarding, a well-documented trend since the 1980s (Johnston, 1992; Jones & Newburn, 1998; Shearing & Stenning, 1983, 1987), but other forms of private influence and privatization, affecting a broad range of institutions, from prisons and jails, to courts, to national security agencies, to border police. Yet, for the vast literature on privatization that now exists in criminology, sociology, and criminal justice studies, most of it focuses on reconfigurations affecting the police without much regard for other sectors of the criminal justice system. The question of how privatization is affecting other aspects of that system, such as sentencing and incarceration, has received comparatively little attention, both in Canada and beyond (Hucklesby & Lister, 2017; Joh, 2004; Kraska & Brent, 2011; Selman & Leighton, 2010).

There are many motivations and driving forces behind the privatization of criminal justice. As argued in some of the original writings on private policing (Shearing & Stenning, 1983; Stenning & Shearing, 1979), private, for-profit security services are often purchased because they are flexible and offer a wider array of sanctions over which the client maintains a greater degree of control. Private contractors can also be appealing for their relative lack of transparency and, in some cases, their willingness to engage in dirty work to get the job done (Hansen Löffstrand et al., 2016; Thumala et al., 2011). In the field of forensic accounting and corporate investigation, Williams (2005) found that private firms are preferred in large part for the relative gains in secrecy that clients obtain, allowing them to retain a greater degree of control over the investigative process than they would have if the job was handled exclusively by the state. Although arguments about these and other motivations and driving forces behind the involvement of private actors in criminal justice figure centrally in the chapters of this volume, these are difficult questions that scholars will grapple with for a long time to come.

Changing of the Guards: Private Influences, Privatization, and Criminal Justice in Canada is a step toward filling these gaps in the literature by

providing both in-depth and wide-angle looks at some of the major developments in the involvement of private actors in the Canadian criminal justice system today. Although private security figures centrally in several of the chapters of the volume, it also contains chapters on the impacts of privatization in more neglected sectors of the criminal justice system in Canada, such as prosecution, imprisonment, and security intelligence. The chapters illuminate the impacts of both private influence and privatization on democratic law and policy, transparency, accountability, administration of justice, and public debate. The volume extends foundational scholarship on the role of private actors and agencies in criminal justice (Davis et al., 1991; Henry, 2015; Loader, 1999; Shearing & Stenning, 1983; Stenning & Shearing, 1979; Zedner, 2006a, 2006b) through a detailed examination of key trends and developments in Canada.

Private Influence and Privatization in Canadian Criminal Justice

As Hucklesby and Lister (2017, p. 4) observe, privatization is a “broad, container concept, the precise meaning of which is subject to debate.” Privatization can be total, but it can also be partial, as in the form of public-private partnerships (White, 2015). Although there are many excellent conceptual frameworks available (see, e.g., Crawford, 2006; Diphoorn, 2016; Jones & Newburn, 1998; Loader, 1999, 2000; Newburn, 2001; Tomczak & Buck, 2019), the main conceptual distinction that we draw in this volume is between private influence and privatization, although we describe some specific instantiations of these concepts below. By *privatization*, we refer to the whole or partial outsourcing of public services to private entities. In contrast, what we call *private influence* involves cases of private actors who bend the actions and outcomes of some agency in their favour, such as at the level of law and policy (Condon, 1998; Lippert, 2002, 2007). Private influence does not always emanate from corporations and for-profit businesses. Private voluntary groups, non-profit organizations, and charitable entities can also influence criminal justice practices, laws, and policies (Maguire et al., 2019; Tomczak & Buck, 2019). The high number of calls for police services made by private entities such as corporations could also be conceived of as a form of private influence that shapes the allocation of criminal justice resources (Rappaport, 2018).

Beyond this crude distinction between private influence and privatization, we did not impose a rigid definition of these terms on chapter contributors (indeed, they were not required to use these terms if they did not

wish to do so). Contributors were invited to engage creatively with their areas of study using whatever theoretical and conceptual tools that they thought appropriate. We did this for two reasons. First, intending this to be an interdisciplinary volume, we have avoided imposing any one theoretical framework on chapter contributors, which inevitably would come with disciplinary baggage. Second, we have not sought to impose a high level of theoretical integration and agreement across the chapters because we do not believe that this is what the study of private influence and privatization in Canada, an exploratory field in the early stages of development, currently needs.

Bringing together leading researchers from sociology, criminology, criminal justice, socio-legal studies, and law, we invited contributors to examine themes of private influence, privatization, and criminal justice in their respective subareas. The authors build upon previous inquiries in Canada that examine private entities that do criminal justice work (Baar, 1999; Brodeur, 2010; Ericson & Doyle, 2003; Sanders, 2005; Schneider, 2006; Williams, 2005) by investigating how human and other resources circulate across the public/private divide. Consistent with findings in other countries (Ayling & Shearing, 2008; Joh, 2004; Löfstrand et al., 2018; Stenning, 2000), many of the chapters argue that private influence and privatization are making the Canadian criminal justice system less transparent, equitable, and accountable by transforming public goods into commodities to be bought, sold, and marketed. Many of the chapters further demonstrate how the market logics of private influence and privatization in criminal justice intersect with other aspects of power and inequality, including systemic racism and sexism (see also Fosten, 2017; Simmons, 2007).

Before discussing the layout of the volume and the focus of each chapter, we present an overview of key developments pertaining to private influence and privatization in the Canadian criminal justice system. We organize the discussion in terms of eight overarching themes that we identified in our reading of existing academic literature (including the chapters of this volume) and current events in Canada. Although many of these themes overlap empirically, we have chosen to separate them analytically. The eight themes discussed below are (1) de-governmentalization versus load-shedding, (2) procurement of goods and services, (3) operational networks, (4) donations and sponsorships, (5) stakeholder engagement, (6) corporatization, (7) commercialization, and (8) revolving doors and directorates. The chapters engage with these and other core themes relevant to the study of private influence and privatization of criminal justice.

De-Governmentalization versus Load-Shedding

De-governmentalization refers to cases in which government agencies out-source total responsibility for a core criminal justice function to the private sector. In the United States, the quintessential example of criminal justice de-governmentalization is the fully privatized prison (Burkhardt & Connor, 2016; Enns & Ramirez, 2018; Sparks & Gacek, 2019), owned and operated by corporate giants such as CoreCivic. This kind of wholesale privatization has been exceptionally rare in the Canadian penal system, occurring only once before being overturned in the early 2000s. From 2001 to 2006, Central North Correctional Centre, a maximum-security prison located in Penetanguishene, Ontario, was Canada's first and only privately run prison (Buitenhuis, 2013). Facing significant backlash from prison activists and labour unions, among others, the then newly appointed Liberal government of Ontario terminated its contract with Management and Training Corporation, the company running the facility, and reclaimed public ownership and operation of it. Private jails similarly have had a limited history in Canada (McElligott, 2007). In other sectors of the criminal justice system, such as policing, evidence of de-governmentalization is similarly slim. To our knowledge, Canadian governments have contemplated de-governmentalization in the policing sector, but they have never achieved it. During the 1990s in Quinte West, Ontario, there was a sustained discussion about contracting Intelligarde, an Ontario-based private security company, for policing in the city (Rigakos, 2002). Intelligarde was asked to submit a proposal detailing how it would replace the Ontario Provincial Police (OPP) as the main police service in the region. In the end, the decision was made not to replace the OPP with Intelligarde.

In Canada, de-governmentalization appears to have happened more on the edges of the criminal justice system than at the core, which we refer to here as *load-shedding*. It occurs when governments involve private actors in criminal justice operations without handing over complete ownership or responsibility. In contrast to de-governmentalization, akin to handing over the keys to the car, load-shedding results in a more hybrid, public-private institutional form or "partnership" (typically referred to as a public-private partnership, PPP, or P3 in government parlance). The work of MacKenzie (this volume) on the privatization of food provision in the Ottawa-Carleton Detention Centre is an example of load-shedding in the Canadian criminal justice system. Privatized food provision is an example of privatization at the periphery of Canadian criminal justice operations. Another example can be found in the work of Buitenhuis (2013) on two Ontario prisons built after

the failed Central North Correctional Centre experiment via public-private partnerships. Under these arrangements, the government retained ownership of and responsibility for operating the prisons, and a private company held responsibility for designing, financing, building, and maintaining the facilities (Buitenhuis, 2013). With load-shedding, responsibility for “core government services” in the criminal justice system remains the principal domain of the state, private actors being involved in more “peripheral,” but no less important, ways.

Procurement of Goods and Services

Procurement is the main mechanism through which government agencies initiate and sign formal agreements with private entities to acquire their goods and services. Through systems of procurement, government agencies put out requests for tenders on which private actors can bid and hope to secure. Requests for tenders can be competitive or non-competitive (the latter also known as sole-source contracting). In the case of competitive bidding, the government chooses a winning bidder based upon select criteria codified in law and policy. With sole-source contracting, the government agency directly contracts a private entity to provide the good or service without any formally competitive process or necessary consideration of alternative parties (though the agency may choose to do so). Sole-source contracting is justified on several grounds, the most common reasons being size of the contract (smaller contracts are often sole-sourced), urgency, existence of a private monopoly, or national security secrecy. Prior to awarding contracts, government agencies can also submit what is known as a “request for information” or RFI. RFIs are submitted to the private sector to acquire more information about potential products or services prior to launching requests for tenders. In the acquisition of artificial intelligence tools, an area where the government generally lacks in-house expertise, RFIs are commonly used (Molnar & Gill, 2018). Finally, products and services can be procured in more informal ways. Technology companies might lend or donate surveillance and other equipment (e.g., bulletproof vests) to police agencies, sometimes on the condition that they conduct a pilot project or provide user experience feedback to the company. An example of the latter occurred in 2011 in Vancouver when the company Armourworks Canada donated \$20,000 in bulletproof vests to the city’s police department in exchange for “professional evaluation” of its products (Fridman & Luscombe, 2017).

Through procurement processes, private agencies can gain influential footholds in government agencies. Ayling et al. (2008, p. 87) show how police

procurement generates certain risks, including potential harms that result from vendor overdependence, and there is some evidence that this occurs in Canada. As Mulone (this volume) further demonstrates, public bodies not only might become dependent but also begin to operate more in accordance with the goals and procedures of the private agencies with which they are working. As a result of contracting out government work, perceptions of the role of government and what constitutes a “core government service” could also change, in theory, though as noted there is limited evidence that this is occurring (yet) in Canada, at least in the domain of criminal justice.

A growing body of research in Canada examines how companies such as Axon, Clearview AI, and ShotSpotter are supplying new technologies to police, border, and other criminal justice agencies (Bud, 2016; Côté-Boucher, 2020; Molnar & Gill, 2018; Robertson et al., 2020). Examples include predictive policing software, body cameras, and various tools for cellphone, facial recognition, and other surveillance (Duncan & Barreto, this volume). In the United States, Joh (2017) has examined the proliferation of robotics technology in public policing and the private security industry. There is some evidence that similar developments might be happening in Canada. Robotics technology can be used to automate criminal justice practices, though in ways that can have unintended consequences and harmful effects. As Joh (2017, p. 585) writes, “companies engineering the algorithms for private security robots have no obligations at all under state public records laws; they are providing a private service to private clients ... [W]e cannot know whether the algorithm used by a robot might be reliable in its ability to assess threats, or equally troubling, produce results with noticeable racial biases.” The Canadian First Responders Robotics Association formed in 2020 and is becoming a more prominent organization in national discussions of policing and robots.

Operational Networks

Over the past two decades, Canadian public policing agencies, like those in most G7 countries, have been moving toward a more integrated and hybrid operational model (Brodeur, 2010; Dupont, 2004; Murphy, 2007). There is a growing body of evidence in Canada showing how public and private policing agencies are forming partnerships (Kitchin & Rygiel, 2014; Lippert & Wilkinson, 2010; Murphy, 2007; Sleiman & Lippert, 2010), which we refer to here as *operational networks*. Sometimes these networks are formal public-private partnerships and well advertised as such. At the time of writing, on the international G4S website, the first promotional page discusses

a counterterrorism relationship between G4S and the Royal Canadian Mounted Police. As the website notes, “designed by the Public Engagement Unit of the RCMP, the programme aims to harmonize the work of the Canadian law enforcement community in identifying, preventing, responding to and investigating criminal activities related to terrorism and national security threats” (G4S, 2019). Other operational networks are more covert. Luscombe and Walby (2014) show how a variety of public and private actors converged to monitor and regulate Occupy protesters in an Ottawa park. The existence of these network ties was discovered through requests under freedom of information law. Other examples of formal, covert operational networks are the many partnerships that Canadian intelligence agencies have with private entities, the details of which are difficult to obtain because of official secrecy laws (Luscombe, this volume). Public-private operational networks can also be more informal, as when police leverage their ties to access public surveillance camera footage for an investigation. Much of Canada’s public video surveillance infrastructure is privately owned and operated (Haggerty & Ericson, 2000). To tap into this vast information infrastructure, public police can form informal relationships with private camera operators (Hier et al., 2007; Walby & Hier, 2013). These exchanges of information are happening, for the most part, in a legal grey zone, enabled by the existence of an informal public-private partnership between police and private companies.

Donations and Sponsorships

Many police departments across Canada, as in other countries (Ayling & Shearing, 2008), now accept corporate money, products, and services in the form of *donations and sponsorships*. Such practices appear to be on the rise in both Canada and the United States (Walby et al., 2018). Private organizations and individuals provide money, goods, and/or services to public police forces through unconventional channels and sometimes for equivocal reasons (Luscombe et al., 2018). In many of these arrangements, the private organization will transfer funds to a non-profit police foundation that acts as an arms-length broker for the police department (Fridman & Luscombe, 2017). Policing-oriented galas and other events at which police and corporate representatives meet, mingle, and dine can be a means of private influence (Luscombe et al., 2018). In the province of British Columbia, the Vancouver Police Foundation solicits, acquires, and redirects millions of dollars in individual and corporate funds to the police every year. These funds have been used for everything from funding training events, to buying new bulletproof

vests, to purchasing a new mobile command vehicle (CBC News, 2013). On paper, sponsorship differs from donation in that the former often involves an explicit quid pro quo (e.g., advertisement at an event in exchange for money), whereas the latter tends to be framed as one-way transfers motivated by altruism and generosity. In practice, however, the differences between them can be less clear since donors can still reap some personal and professional benefits from their generosity (Walby et al., 2020).

Stakeholder Engagement

Meetings between government officials and industry stakeholders offer private entities a more informal means of influencing government actions in their favour, and there is evidence of this type of *stakeholder engagement* occurring in Canada (Lippert, 2007; Lippert & O'Connor, 2006). Recently, the Quebec engineering giant SNC-Lavalin sought to control the outcome of an anti-bribery case by meeting regularly with federal officials and hosting roundtables involving stakeholders from the highest levels of government. SNC-Lavalin's engagement with political officials played a significant role in the decision to amend the Criminal Code of Canada, introducing the option of deferred prosecution agreements to law (Blaze Baum & Fine, 2019). In their research on the policing of Indigenous dissent across Canada, Crosby and Monaghan (2018) show how a police-corporate nexus emerged from meetings between private and public actors about Northern Gateway pipeline activists and protesters. Beginning in August 2010, several public and private actors and agencies met at the Enbridge Northern Gateway Pipeline Project–Intelligence Production Meeting. The stakeholders included oil and gas executives, Royal Canadian Mounted Police officers, and Canadian Security Intelligence Service agents. Crosby and Monaghan provide evidence of similar police-corporate engagements at the Canadian Association of Petroleum Producers meetings.

Corporatization

Privatization involves the act or process of transferring ownership from the public sector to the private sector. *Corporatization*, in contrast, involves public sector organizations that mimic, or become more like, their private sector counterparts (Brownlee et al., 2018; McDonald, 2014; O'Malley & Hutchinson, 2007). As Brownlee et al. (2018) argue, corporatization can lead to privatization by acting as its precursor. It entails broad changes to public bodies that emulate private bodies without handing over ownership or operation to the private sector. The adoption of “new public management”

principles in policing agencies and unions in the United Kingdom, Canada, and Australia is an example of corporatization (O'Malley & Hutchinson, 2007). Police officials in Canada have been encouraged to think more like managers in private corporations (Ayling et al., 2008; Law Commission of Canada, 1999). As noted above, privatization occurs when, to varying degrees, a public body ceases to provide the service and hands it over to a private agency in whole or in part. Where opposition to privatization is strong, corporatized public entities might be viewed by political and corporate elites as preferred vehicles for transforming the public sector, enhancing corporate profit, and maintaining economic growth – ways to achieve the same goals of privatization without the political and economic risks associated with it (Brownlee et al., 2018).

Commercialization

Some public police forces in Canada are beginning to charge for services in a market-like manner, which we refer to here as *commercialization*. Mulone (2011, p. 166) argues that commercialization can be coercive or non-coercive. An example of a non-coercive commercial arrangement is police offering training services to private security companies. These activities are not required by the purchasing client but offered on a voluntary basis as a way of creating additional revenues for the public police force. Police can also be hired by private companies or individuals for guarding, escorting, and other services that the client pays for out of pocket (rather than with tax dollars) (Lippert & Walby, 2013). These arrangements go by several names in Canada, most commonly “user-pay” and “paid duty” policing. In other cases, hiring police in a user-pay arrangement can be more coercive, as in the case of major sporting events or movie filming activities in many regions of Canada. In such cases, public police are required in many cities (e.g., Toronto, Vancouver) as a condition of carrying out these activities in city spaces but must be paid for by the contracting entity rather than with public tax dollars.

Revolving Doors and Directorates

The final theme that emerged from our reading of research and current events pertaining to private influence and privatization of criminal justice in Canada is *revolving doors and directorates*. The idea of a revolving door refers to the movement of employees across the public/private divide and back again. As Marx (1987) observes, the booming private security industry in North America is made up of thousands of former officials from the

military, police forces, and national security agencies. These employees “go private” for a variety of reasons, including the desire to continue working past the mandatory public sector age of retirement or because they are offered more lucrative salaries in the private sector. The door is revolving because of how these now private sector officials can leverage their connections in the public sector. In research on drone technology and policy in Canada, Bracken-Roche (2019) found evidence of a revolving door between government and industry stakeholders. Another way private sector organizations can secure access to public agencies is by appointing high-level officials to their directorates. Corporations can also get their executives onto the boards of directors of organizations that might have close ties to or involvement with a criminal justice organization. For example, Motorola, one of the major suppliers of communications technology to police forces, has placed several of its executives on the boards of directors of Canadian police foundations (Walby et al., 2020).

Chapter Overviews

The interdisciplinary scholars in this volume examine how recent institutional developments are opening up the criminal justice system in Canada to varying degrees of private influence and privatization. Although the level of private influence and privatization in Canadian criminal justice appears to be nowhere near what is occurring in other G7 countries, such as the United Kingdom, this could change. The encroachment of private security into the domain of public policing has been increasing for decades in Canada (Arsenault, 2018). Private security personnel in Canada are not only growing in number (Harris, 2016) but also appear to be taking over more of the responsibilities once exclusive to public police forces (Brodeur, 2010; Rigakos, 2002). Private prisons and jails are a recurring topic of discussion in Canada (CBC News, 2006; Roslin, 2007; Tencer, 2012). Other ongoing policy debates in Canada pertain to the privatization of national security, the acquisition of private surveillance technologies by police and at the border (Molnar & Gill, 2018; Robertson et al., 2020), the expansion of private, citizen-led policing initiatives (Wood & Mackinnon, 2019), and the implementation of private risk assessment tools in sentencing and parole decisions (Pratt, 2001; Zinger, 2004), topics that the chapters of this volume examine.

The volume is divided into four parts. [Part 1](#), “Private Provision and Purchase of Security,” examines issues of private policing. In [Chapter 1](#), Massimiliano Mulone sets the stage by proposing a novel theoretical framework,

inspired by classical works in organization studies, for examining the increasingly blurred lines between private and public policing agencies in Canada. Specifically, Mulone applies Powell and DiMaggio's (1991) theory of institutional isomorphism to the study of public-private policing partnerships and dynamics. Using their concepts of coercive, normative, and mimetic isomorphism, Mulone shows how ongoing collaborations between public and private policing agencies are blurring the lines between the two sectors, rendering them more alike over time. Highlighting several policy-related concerns about these developments, Mulone points to a number of concrete avenues for challenging and resisting this increasing homogenization of public-private policing agents in Canada.

In [Chapter 2](#), Steven Kohm examines the work of Child Find Manitoba, a grassroots charitable organization in Winnipeg that works closely with the police. In 2002, Child Find Manitoba established Cybertip.ca as Canada's line for reporting online child sexual exploitation. Renamed the Canadian Centre for Child Protection (C3P) in 2006, the organization assumed an official role as Canada's designated reporting agency under federal legislation in 2011. Kohm uses in-depth interviews with C3P directors and board members, media stories, and reports produced by the centre to explore the private policing of images in Canada. An example of a hybrid or mixed operational network, C3P acts as a liaison among the private sector, government, and police to regulate sexual exploitation online. In 2016, C3P's mandate was expanded under Manitoba's new Intimate Image Protection Act, the so-called revenge porn law. Kohm shows how C3P, despite operating at a distance from the state, though given authority and operating funding from provincial and federal governments, has become a hub for the policing of sexual images of children and adults. Throughout the chapter, Kohm critically reflects on how C3P has framed issues of sexual exploitation online and the implications of its work for policing, accountability, and access to information in Canada.

In [Chapter 3](#), Erin Gibbs Van Brunschot examines the management of security threats on university campuses. Postsecondary institutions across Canada are under mounting pressure to ensure the security of the campus community and campus spaces. These pressures have led to several measures undertaken on campuses in the name of security, including emergency communication systems, controlled campus access, and safe-walk programs. To implement these measures, many Canadian universities have turned to the private sector for new technologies and security services. Although postsecondary environments are considered "public," Van

Brunschot argues, more often threats to security involve “norm violations” of the culture of the postsecondary environment and the foundation of academic integrity and collegial governance. Using data from her university, Van Brunshot discusses jurisdictional issues related to norm violations, private governance of public spaces, and the dual challenges of autonomy and liability in the provision of security in the postsecondary context.

In [Part 2](#), “Private Actors in City Spaces and Surveillance,” the focus is on private security, surveillance, and governance in the urban environment. In [Chapter 4](#), Jamie Duncan and Daniella Barreto explore the corporate logics and discourses of smart city developments in relation to the long-standing issue of racialized policing across Canada. Using the notions of privatization, platformization, and anticipation as a conceptual framework, Duncan and Barreto show how the proliferation of for-profit data-driven technologies acquired by police can amplify the overcriminalization and underprotection of racialized and marginalized people in Canada. Central to their chapter is the claim that private influence and privatization in criminal justice can further entrench patterns of racism, inequality, and exclusion in society.

In [Chapter 5](#), Debra Mackinnon examines issues of corporatization, urban governance, and policing by business improvement areas (BIAs) using Vancouver, British Columbia, as a case study. Mackinnon shows how city governments like that of Vancouver, in collaboration with BIAs, have implemented a range of private, tech-based “solutions” and expanded public-private networks to augment urban governance and service delivery. Specifically, Mackinnon examines how five Vancouver-based BIAs have been using an app called VanConnect – a citizen-to-government or C2G application – to navigate what they conceptualize as the “splintered streetscape.” Tracing the various actors and institutions involved in this work, Mackinnon adds depth and nuance to existing discussions of private influence, privatization, and corporatization through a detailed examination of the city’s “clean and safe” mantra and associated policing, surveillance, and intelligence practices.

[Part 3](#) examines issues of private influence and privatization in Canadian courts, prisons, and jails. In [Chapter 6](#), Nicholas Pope and Rebecca Bromwich examine the use of privately owned risk assessment tools in court decision making. Comparing Canada’s efforts to regulate the use of these tools with efforts in the United States, Pope and Bromwich express concern about how an increasing reliance on these new privately developed predictive tools can undermine “fundamental foundations of the common

law tradition.” They find that, though Canadian courts impose a higher standard of algorithmic transparency and accountability than courts in the United States, there is still considerable room for improvement as well as much about which to be concerned.

In [Chapter 7](#), Kaitlin MacKenzie explores the privatization of food services in Canadian prisons and jails. Food service privatization was heralded as a measure that would increase efficiency and save the Ontario government money. However, not only did privatization fail to achieve the cost-saving and efficiency goals, it also led to a food crisis in Ontario prisons and jails. MacKenzie examines the human rights implications of food privatization through a case study of the Ottawa-Carleton Detention Centre. Drawing from interviews with former prisoners, they reflect on the range of impacts of food privatization on the carceral experience. MacKenzie argues that food consumption comprises both “concrete” and “symbolic” punishment and reflects on the broader moral and ethical consequences of using incarceration and punishment as opportunities for corporate profit.

In [Chapter 8](#), Rashmee Singh investigates the implications of private influence and privatization for the governance of domestic violence in Canada. Singh draws from a case study of Toronto’s specialized domestic violence plea courts. Established in the late 1990s, these courts are notable for their reliance on eleven community-based organizations to deliver provincially accredited Partner Abuse Response (PAR) programs. Drawing from ethnographic observations of the court process and interviews with PAR counsellors conducted over nearly two decades, Singh explores voluntary penal partnerships and their impacts on the prosecution and punishment of domestic violence. Singh reveals the complex and variegated ways in which penal power asserts and reasserts itself as it governs through the community.

Finally, [Part 4](#) examines issues of private influence and privatization in Canadian national security intelligence and border control. In [Chapter 9](#), Alex Luscombe examines how privatization affects national security or “high policing” operations in Canada. Despite the extensive literature that has now emerged documenting the rise of America’s “industrial-espionage complex,” Luscombe argues that it is important not simply to assume that trends in countries such as the United States generalize to Canada. In search of evidence of privatization in Canada’s high-policing apparatus, Luscombe looks to procurement arrangements, accountability mechanisms, public controversies, and events and publications of non-profit associations and think

tanks. Luscombe finds similarities and differences between high-policing privatization in Canada and the United States and discusses their broader implications for theories of policing, surveillance, and pluralization from a Canadian perspective.

In [Chapter 10](#), Jona Zyfi and Audrey Macklin analyze the rise of private, for-profit actors in Canada's immigration detention regime. Once the core responsibility of the state, Canada's border agency is increasingly turning to the use of private, for-profit companies to manage detention facilities across the country. These companies are being contracted in Canada to supervise detainees and assist in the deportation process. Zyfi and Macklin further argue that emerging partnerships between federal and provincial governments in Canada are blurring the boundaries between public and private logics. They show how provincial jails are now renting out detainment facilities to Canada's federal border agency, as if they were contractors, and that drastic cuts to legal, health, and social services in publicly owned immigration detention facilities mirror the pursuit of the bottom line by private, for-profit entities. Zyfi and Macklin conclude their chapter by reflecting on how the increasing involvement of private actors and the adoption of private logics by Canada's border authority are coming at the expense of transparency and accountability in Canada's immigration system.

The volume concludes with a postscript by Torin Monahan on parallels between Canada and the United States, where racial violence and inequality are being reinforced and in some cases aggravated by the increasing involvement of private actors and institutions in criminal justice. Monahan contends that, though the United States is likely a "limit case" when it comes to the issues of racial inequality, violence, and private influence and privatization that he describes, similar patterns are present elsewhere, including Canada. As research on private influence and privatization in criminal justice in Canada continues to develop, we encourage scholars to take Monahan's call for more research on the intersections of race and inequality, private influence, and privatization seriously.

As a final word, we note that the title *Changing of the Guards* is not a rigid assertion. As we have sought to emphasize throughout this introduction, there needs to be more systematic, empirical research on the topic of private influence, privatization, and criminal justice in Canada. Whether the guards really are changing in Canadian criminal justice institutions is an empirical question that we do not yet have a definitive answer to and might not for some time to come.

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Library and Archives Canada Cataloguing in Publication

Title: Changing of the guards : private influences, privatization, and criminal justice in Canada / edited by Alex Luscombe, Kevin Walby, and Derek Silva.

Other titles: Changing of the guards (2022)

Names: Luscombe, Alex, 1990- editor. | Walby, Kevin, 1981- editor. | Silva, Derek M. D., editor.

Description: Includes bibliographical references and index.

Identifiers: Canadiana (print) 20220214786 | Canadiana (ebook) 20220214832 |

ISBN 9780774866842 (hardcover) | ISBN 9780774866866 (PDF) |

ISBN 9780774866873 (EPUB)

Subjects: LCSH: Corrections—Contracting out—Canada. | LCSH: Privatization—Canada.

Classification: LCC HV9506 .C53 2022 | DDC 365/.971—dc23

Canada

UBC Press gratefully acknowledges the financial support for our publishing program of the Government of Canada (through the Canada Book Fund), the Canada Council for the Arts, and the British Columbia Arts Council.

Set in Segoe and Warnock by Artegraphica Design Co.

Copy editor: Dallas Harrison

Proofreader: Judith Earnshaw

Cover designer: Will Brown

UBC Press

The University of British Columbia

2029 West Mall

Vancouver, BC V6T 1Z2

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