

Report of the National Advisory Committee on the Female Offender

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Solicitor General
Canada

Solliciteur général
Canada

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Advisory Committee on
the Female Offender

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ACQUISITION IS

Cover: Entrance to the Prison for Women, Kingston, Ontario. The only federal institution for female offenders. In March 1976, its population was 120, a decrease of 22 since the previous year. By December 1976 the total had increased to 150, of these nine were serving life sentences. Average length of sentence 1971 to 1975 varied from 1303 to 3843 days.

REPORT
OF THE
NATIONAL ADVISORY COMMITTEE
ON THE
FEMALE OFFENDER
SPRING 1977

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January 27, 1976

The Honourable Warren Allmand
Solicitor General of Canada
House of Commons
Ottawa, Ontario K1A 0A7

Sir:

In accordance with the terms of reference in your appointment of the National Advisory Committee on the Female Offender, we present the following report for your consideration and action.

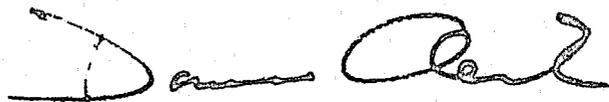
Within the very broad terms of reference of the Committee, we have attempted to be selective in terms of the crucial issues affecting women in the criminal justice system. Some of these issues are specifically related to women, others seriously affect them, and are in fact concerns affecting all offenders in the system. To address ourselves to the needs of the federal female offender and to the subsequent community and institutional services required by her to meet such needs, it has been necessary to examine both kinds of issues.

We have tried to find a balance between the needs of the individual offender and the protection of society. We find these are not as mutually exclusive as some would have us believe. We have also found we have had to put the problem in the context of society as a whole and thus some of our recommendations will relate to government jurisdictions other than federal.

We hope the content and recommendations of this report will assist in very specific planning for women within the criminal justice system.

Respectfully submitted

Donna Clark (Ms)
Chairperson

A handwritten signature in black ink, appearing to read 'Donna Clark', written in a cursive style.

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Donna Clark
Director, Dixon Hall
Settlement House

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British Columbia
Elizabeth Fry Society

Maryrose Lette
National Parole Board

Margaret Benson
National Parole Board

Judge Sandra E. Oxner
Halifax

Phyllis Haslam
Toronto Elizabeth Fry Society

David Blake
Secretary

TERMS OF REFERENCE

The National Advisory Committee on the Female Offender was appointed by the Solicitor General of Canada in September 1974, with the following terms of reference.

"To study the needs of federal female offenders, and to make specific recommendations to the Commissioner of Penitentiaries and the Executive Director of the National Parole Service regarding the development of a comprehensive plan to provide adequate institutional and community services appropriate to her unique program and security needs."

In dealing with this task we found it necessary to look beyond the federal female offender to all female offenders in the criminal justice system throughout Canada. In doing so it became very clear that joint jurisdictional planning and sharing; flexibility in legislation and in use of facilities; and an ongoing process for integrating and updating correctional planning were paramount to positive changes regarding meeting the needs of the female offender. With such small numbers of female offenders comes the need for a very high degree of flexibility and cooperation on the part of government in policy and program.

No short term advisory committee, or even well established task force, can do justice to the above terms of reference in view of the rapid change and complexity of our society, and the multiplicity of those involved in the total correctional process who need to plan together but have little opportunity to do so.

Furthermore, information and communication systems do not exist in an integrated or comprehensive form, and this detracts from the degree of accuracy and fullness of study possible in the total field. Current, uniform data was difficult, if not impossible to obtain at times. Also, so many studies touching on matters related to the Committee's work were under way without the means to discover exactly

what was being done. Surprisingly some of these groups were allotted far more extensive resources and funds for more limited tasks.

Within such limitations the Advisory Committee formulated a number of recommendations. The more important measures which we recommend appear on pages 21, 23, 25, 27, 30, 35, 36, 38, 39. Additional recommendations are on pages 40-45.

CHAPTER 1

Background Information

FACTORS WHICH MADE STUDY ESSENTIAL

1. The small numbers of women involved in the criminal justice system and, in particular, those who are in custodial settings.
2. The special needs of these women.

Relevant statistics

The following general statistics show the number of women in federal and provincial institutions compared with men charged, convicted, and in custody.

	<u>Men</u>	<u>Women</u>
<u>Charged in 1973</u>		
Criminal Code Offences	206,388	32,716
Offences under Narcotic Control Act	34,220	4,578
<u>Found guilty in 1972*</u>		
Indictable Criminal Code Offences	38,236	7,581
Federal Statutes	4,200	430
<u>In custody December 31, 1973</u>		
Federal institutions	9,042	166
Provincial institutions	8,446	413

*Excludes Quebec and Alberta (figures not available); totals not available for 1973

The following statistics give pertinent information on 154 women in custody December 31, 1974, at the federal Prison for Women, Kingston, Ontario.

Age on Admission

Under 30 years	-	93	(58 of the 93 were under 25 years, 12 of the 58 were under 20 years)
Over 30 years		<u>61</u>	
Total		154	

Offence related to criminal record

Offence	Total	No Previous convictions	Unrelated Offence	Similar Offence	Unknown
Murder	10	8	2	-	-
Man-slaughter	19	9	8	-	2
Robbery	19	2	8	6	3
Fraud Forgery	27	4	1	19	3
Theft	13	2	1	10	-
Drug import	12	12	-	-	-
Possession traffic	49	13	7	26	3
Other	5	2	2	1	-
Total	154	52	29	62	11

Years up to	Length of sentence		Total
	Under years		
2	3		26
3	4		21
4	5		17
5	6		17
6	7		14
7	8		24
8	10		2
10	12		5
12	15		5
15			3
16			2
20			1
Life			13
Unknown			4
Total			154

SPECIAL NEEDS

The following factors give rise to special needs for women in custody, and are relevant to women at any stage of apprehension in the criminal justice system.

1. Low self image: increased by society's strong condemnation of women offenders.
2. Weak family ties and few friends, making for a vulnerable situation of exploitation.
3. Tendency toward self mutilation and depreciation instead of outward aggressive behavior.
4. Women do not usually receive prison sentences until they have had a number of offences. During this period of collision with the law there are very limited community-based alternatives for women in difficulty, such as hostels, residences, accessible support services and financial help. By the time they receive prison sentences, a great number are severely damaged.
5. Because of the small number of women in custody, segregation has been viewed as impractical. This has resulted in a heterogeneous and problematic composition of inmate population, including those who are:
 - (a) serving varying lengths of sentences including very long sentences
 - (b) mentally ill
 - (c) mentally retarded
 - (d) violent and disruptive
 - (e) totally institutionalized
 - (f) from a culture and/or using a language which differs from the majority in the institution

FEMALE CRIMINALITY TRENDS

There is a significant increase in the number of women charged with criminal offences, as shown in the following nine indicators. A statistical report prepared for the National Advisory Committee on the Female Offender is available from the Ministry of the Solicitor General, Ottawa.

1. The most obvious trend is the increase in offences against property without violence.

(a) Women charged with theft offences in the course of a year, between 1964 and 1973, increased from 4,210 to 14,000.

(b) Women charged annually with fraud offences increased from 938 to 3,348 in the same 10-year period, probably due mainly to increased use of credit cards.

2. Convictions under the Narcotic Control Act increased from 127 in 1971 to 357 in 1972. Proposed changes in legislation may have a marked influence on this trend.

3. There is a trend toward greater involvement of younger persons in criminal activity. In 1968, 18.5 per cent of females convicted of indictable offences were 16 to 19 years of age. By 1972 there were 23.4 per cent. A revised age for juvenile offenders could alter this considerably.

4. Decriminalization of certain offences and the implementation of pretrial diversionary programs could change sentencing for all ages of offenders.

5. There is a significant increase in the number of "offences against the person" committed by women. In 1972 these offences represented only 4 per cent of the total criminal code offences for which women were convicted.

6. The ratio of males to females convicted of indictable offences is slowly decreasing, but still remains at 5-1. It was 7-1 in 1966. The ratio of imprisonment on conviction of an indictable offence in 1972 was 15 per cent for women compared with 39 per cent for men.

7. With the pressure for equality for the sexes is coming reduced paternalism on the part of police and judiciary. This could lead to increased charges against women and longer sentences if convicted.

8. With the increased number of women entering and remaining in the labor force comes increased opportunities for involvement by women in a wider range and number of criminal pursuits. This fact, linked with generally increasing criminality in our society, indicates an area needing closer scrutiny.

9. A more recent phenomenon of criminality involves females who break the law in support of political and social beliefs and ideologies.

Within the context of these general trends are the problems faced by women in the criminal justice system. Some of these concerns will correspond to those of men but are heightened by factors noted under SPECIAL NEEDS (page 14), which complicate the prison experience for women.

CHAPTER 2

Women in the criminal justice system

ARREST TO TRIAL

If it is assumed the criminal justice system is designed to protect the public and to consider the best planning for the offender, including the female offender, then it is necessary to view her within the context of the total criminal justice process. This chapter looks at the female offender's early entry into the system from first contact with police to disposition of charges in court, and the problems which exist for women at this stage. Also, all her needs or problems, not just those which may be exclusive from those of the male offender. The needs of men are far from met, even though it is generally considered otherwise. The following eight points are of vital importance to the above comments:

1. When apprehended and arrested by police, women have charged there has been brutality, sexual advances, insulting personal remarks, intimidation, and lack of understanding on the part of the arresting officer. Conversely, complaints are registered by police about the behavior of women resisting arrests; physical acting out, verbal abuse, false accusations including accusations of a sexual nature.
2. Many female lock-up facilities are unsatisfactory:
 - (a) poor quality and overcrowded accommodation inflict a distressing and demeaning beginning to the process of justice, particularly for a first offender;
 - (b) toilet and wash basin facilities are frequently inadequate and too public;
 - (c) there is a lack of back-up services to provide support for health and social needs.

(d) there is a lack of adequate female staff. This can create an embarrassing and a demoralizing atmosphere for women.

3. Body searches can be a traumatic experience for women. Insufficient attention is given to a selective use of this practice and the quality of personnel performing such searches.

4. Problems faced by women and men at the court level include:

(a) inadequate legal aid in some regions;

(b) lack of availability of interpreter and court-worker;

(c) delays in hearing cases;

(d) the too frequent removal of a non-dangerous person to a jail or mental hospital for psychiatric assessment.

5. Housing women on remand and women under sentence in the same facility creates serious problems especially if the person has had no previous record:

(a) the person who had been deeply involved in criminal activities can have a detrimental effect on a naive and younger woman;

(b) the ongoing established program for sentenced women can be disrupted by those on remand; creating difficulties for inmates and staff.

6. Many women spend a considerable period of time incarcerated on remand until disposition of their case. Negative feelings are engendered for having served "dead time" once they finally receive a sentence of incarceration.

7. Too many women receive sentences of incarceration.

Many could be diverted out of the criminal justice system, either at the pre or post-trial stage (for instance, those who are neither violent nor deeply involved in crime). Others could receive alternate sanctions such as fines, probation, restitutions.

8. There is no apparent coordination of documentation and files which results in:

- (a) pertinent information and files not moving with women through the criminal justice system;
- (b) multiplicity of files;
- (c) no comprehensive picture of the offender and her situation;
- (d) poor assessment of her needs.

INSTITUTIONS

To plan for the future it is important to look at the present situation.

Federal Institution

The only federal penitentiary for female offenders is the Prison for Women in Kingston, Ontario.

Drawbacks

1. Removes females from home territory, family, and friends.
2. A woman may lose civil rights if outside the province in which civil action is being taken which involves matters such as: divorce, custody of children, property claims, etc.
3. It is difficult to make plans for release which should involve community resources.
4. The prison program is inadequate.
5. The structure of the building is unsuitable and contributes to many of the problems experienced by staff and inmates.
6. No classification for the more criminally sophisticated, and therefore no protection for the less criminally sophisticated.
7. Prevents French speaking women from communication in their mother tongue.

Staff

1. The building contributes to the inefficient use of staff potential.
2. Correctional staff are not sufficiently recognized as an important and integral part of the staff team.
3. Staff orientation, supervision, evaluation, and development are undefined or, if stated, are ignored.
4. Career opportunities for the most part are limited.

Provincial Institutions

Several centres exist for women at the provincial level.

Physical facilities

Many institutions are old, poorly located and depressingly inflexible for the needs they must serve.

Staff (see Appendix B for further statements)

1. The majority of institutions are seriously understaffed.
2. Correctional staff are not sufficiently recognized as an important and integral part of the staff team.
3. Staff orientation, supervision, evaluation, and development are undefined or stated but ignored.
4. Salaries and career opportunities for the most part are limited.

Program

1. Difficult to have effective programs when the number of inmates is small, needs are conflicting, and length of sentence is widely varied, most quite short.
2. Programming tends to be limited by the security needs of those requiring security institutions.
3. Programs vary widely in different institutions, some with full programs involving community resources, others with minimal programs and little or no community involvement.
4. Some female institutions have struggled to overcome many of the foregoing problems with varying degrees of success.

RECOMMENDATION 1

The following changes should be considered by all institutions for women regardless of the level of government administering them:

1. Women who do not need a secure setting should be moved out into community-based residential centres or become involved in a temporary absence or work release program.
2. Programs in the institution should provide opportunities for life skill courses, preferably including, with inmates, men and women as participants who are not in the offender group. There should be opportunities for educational upgrading and learning trades which are marketable and provide job satisfaction. Some institutions have such program content but need to extend their efforts, others need to develop them.
3. Opportunities should be provided for counselling and treatment on a voluntary basis.
4. Personnel should be involved on a contractual basis from established community services to provide vocational, educational, religious, recreational, counselling, medical, and psychiatric services in order to lessen the gulf between institutions and the community, and as links to the community on release.

RECOMMENDATION 2

Because the plight of mentally ill persons in the penal system is a matter of widespread concern, their removal from the system is urgent.

Immediate action should be taken to transfer the seriously mentally ill to mental hospitals. (See also Recommendation 26)

COMMUNITY VOLUNTEERS

The effective use of volunteers is dependent upon a readiness of institution staff and volunteers to work together for the benefit of inmates. Selection, training, placement, and follow-up of volunteers is an essential part of such a program. Adequate means of collaboration must exist between community volunteers and institution staff if conflict is to be avoided and effective cooperation promoted. It will require integrity by both parties. Joint meetings of staff and volunteers would be imperative.

Five particular values in the involvement of volunteers

1. People in the community with many and varied interests and skills would share these with others. This would be a two-way movement.
2. One-to-one relationships can be developed, an important factor in stemming the process of depersonalization which happens in many institutions.
3. People from the community coming into an institution can help to inject new ideas and alleviate the merry-go-round on which people in institutions tend to get trapped when their world is so small.
4. Volunteer involvement in a prison could help correct community misconceptions regarding women who come into conflict with the law, and can assist in women's reintroduction into society.
5. Volunteers from specific cultural and ethnic groups, such as native peoples, can encourage an appreciation of and support from their ethnic community, and provide programs directed to ethnic needs.

Reluctance on the part of management and staff to cooperate with volunteer involvement prevents development of good volunteer programs. Misuse of involvement by volunteers jeopardizes the potential for cooperation. In some institutions there is good cooperation, in others it is left to the whim of the administrator, or the resistance of staff; this weakens the program.

SPECIAL NOTE: The Committee strongly urges serious consideration of the reports and recommendations emanating from the National Conference on Native People's and the Criminal Justice System, Edmonton 1975, by all levels of government for action with regard to the native female offender. The Committee notes there is much in the Conference material which is also relevant to all offenders.

RECOMMENDATION 3

The involvement of people from the community in the life of the institution should be extensively developed to enable the institution to broaden the scope of its programs, and link with its community counterpart to help in the reintegration of women into the community.

FEDERAL/PROVINCIAL TRANSFER AGREEMENTS

Agreements between federal and provincial governments have been in effect for some time, and provide an option for female offenders under federal sentence to serve their time in a provincial institution.

Transfers take place at the request of the inmate. An inmate may refuse a transfer. The province has the right to refuse to accept the inmate for transfer.

In December 1974 there were 46 women offenders in provincial institutions transferred from the federal Prison for Women, Kingston, Ontario.

<u>Transferred to</u>	<u>Total</u>
Alberta	19
British Columbia	8
Quebec	19
Total	<u>46</u>

Since December 1974 transfers to other provinces have occurred. Only one province has not signed a transfer agreement.

Transfer problems

1. Facilities and programs of provincial institutions are not designed for people with long sentences.
2. There is great variation of standards among provincial institutions on staffing, programs, facilities, allowances, opportunities for temporary absence, work release, and parole.
3. No mechanism exists to follow up on what is happening to transferred inmates.
4. There is no set process of redress to individuals who have legitimate grievances with regard to the transfer situation.
5. An offender may request or refuse a transfer without giving the matter careful consideration.
6. Provinces may refuse to take or keep an offender even though she wishes to be in a provincial institution. This results in offenders who are considered dangerous, mentally ill, uncooperative or disruptive, and/or a security risk, being left at the federal Prison for Women.
7. There is confusion in the mind of authorities involved regarding jurisdictional questions.

Transfer problems and parole

1. A panel parole hearing in provincial institutions is not always possible.
2. Where two parole authorities operate, the timing of transfers of parole jurisdiction may pose problems, (e.g., if mutual agreement programs occur, which paroling authorities participate?)
3. Where day parole decisions are not prompt, the tendency was to institute back-to-back temporary absences.

One of the most pressing areas of concern regarding the current transfer of federal female offenders to provinces relates to the lack of clear and consistent guidelines which assure a fair deal to all federal female offenders.

Currently it is possible for a woman to be transferred from her home province to the federal Prison for Women and transferred back to her home province. In other cases she may be sent directly to a provincial institution never having been to the Prison for Women. This problem, as well as the inconsistencies between provinces related to whom they will accept or not accept, and the over-all lack of clarity as to who has jurisdiction in many key matters related to female offenders once transfers occur, are the reasons for the following interim measures being recommended.

RECOMMENDATION 4

Immediate action should be initiated affecting the transfer of federal female offenders to provincial institutions.

1. Clear guidelines must be developed regarding a common and consistent basis for transfer. It is suggested that individual provinces make it very clear which type of inmates they will accept on a transfer.
2. Information must be made available to all federal inmates about facilities, programs, etc., available in provincial institutions, and what the policies are for visits, correspondence, parole, and temporary absence jurisdictions, parole eligibility, money allowances, privileges, remission days, etc. It has been suggested that video tape screenings could be a useful information tool.
3. A review mechanism must be established to periodically assess the situation of transferred federal female offenders to ensure information is up-to-date, and appropriate transfer opportunities and planning are occurring on their behalf. Such a mechanism would be responsible for reviewing applications for transfer from one institution to another when disagreements on a transfer arise. This function might well be carried out by the federal correctional investigator on application by an inmate.

4. Immediate classification must be undertaken on parole planning, responsibility, and jurisdiction when transfers are initiated. The federal government should assume a leadership role with the provinces in assuring a common standard for hearing and deciding applications for parole to avoid widely different standards among provinces.

RELEASE

A woman has a better chance to make a satisfactory adjustment on attaining her freedom if she has had an opportunity to move into the community gradually. Facilities for this purpose have been less available for women than men in many parts of Canada.

Current situation

1. There are three methods of release from institutions apart from expiry of sentences:
 - (a) absence authorized by institution authorities;
 - (b) absence authorized by parole authorities;
 - (c) release by law under mandatory supervision.
2. These three methods create problems:
 - (a) different criteria and procedures are applied with respect to 1(a),(b) above by federal and provincial authorities;
 - (b) different nomenclature apply to types of release under 1 and 2 above;
 - (c) different procedures are applied to federal and provincial cases by the National Parole Board.
3. Results:
 - (a) much confusion for the public and the inmate;
 - (b) much criticism - protection of civil rights of inmates - protection of the public.

In granting a release from an institution, consideration should be given to the purpose of the release and the pressures the person is likely to be under in the community after release.

Suggested steps:

1. Escorted temporary absence;
2. Unescorted temporary absence, day parole, work release;
3. Parole

RECOMMENDATION 5

Temporary release from an institution should be part of an over-all plan for rehabilitation and release. The releasing authorities (national/Provincial parole boards and/or institutions) should develop more specific and clearly enunciated guidelines for qualifying for release. These should be made available to all inmates.

COMMUNITY FACILITIES

Once a woman merits release on day parole or work release, it is important that she moves out of the prison into a community-based facility. It is not advisable to mix these offenders with female inmates held even in a minimum security institution who are not free to leave the institution. This relates to the pressure which can be put upon persons leaving and returning to a security setting to bring in drugs and contraband, or to be channels of communication. On the other hand pressure is increased on those offenders not free to leave for parole or work release to contemplate escape.

RECOMMENDATION 6

Community-based facilities must be available and must be stable units receiving solid support within the community and not isolated islands within it. Styles of accommodation might be:

1. A residence where eight or 10 women might live in limited freedom.
2. A residence made up of three or four self-contained apartments each providing accommodation for three or four people. There would be a common livingroom where residents could meet if they wished. There would be general supervision, but greater freedom.
3. A rooming house where each woman would have her own bedroom but share kitchen facilities with other residents. There would be a common livingroom and general supervision, but greater freedom.
4. Accommodation within a residence where most of the other people in the residence would not be ex-offenders.
5. A single room in a private home which has been approved by appropriate authorities.

Whatever funding formula is determined for community-based resources it must be such that funding efforts are not so prohibitive as to interfere with their major task, which is service. Funding must also be related to agreed standards which are monitored. (Reference the Report of the Task Force on Community-Based Residential Centres, 1973.)

COMBINED FACILITIES FOR WOMEN AND MEN

In the first prisons, men, women, and children were confined together. With solitary confinement came segregation of the sexes. However, shared prison facilities are coming back into use, particularly for some adolescents in some provincial programs.

Advantages

1. Enables programs to be developed in situations where numbers would otherwise be small.

2. Makes the living situation closer to normal society.
3. Reduces building and administrative costs

Disadvantages

1. Confinement is an abnormal setting in which strong emotional dependencies may be formed. These could damage existing marital ties or develop lasting criminal associations for those not strongly criminally oriented.

The advantages and disadvantages vary for different segments of the criminal justice system. Combined facilities may be appropriate for diversion projects, remand facilities, police lock-ups, some Community Residential Centres and for special groups, such as the mentally ill, and some persons serving long sentences.

Current programs in Canada and United States vary considerably in the degree of integration of programs for women and men in the same facility. Programs which are experimenting in this field presently in Canada should be accompanied by research evaluation and findings utilized in future planning.

CHAPTER 3

Future Planning

Unlike men, women have been lumped together in one federal facility for all of Canada without various security levels defined; specialized programs and locations closer to their homes. Integration of institutional life with meaningful on-going community contact is limited and is forced to meet an impossible variety of needs peculiar to the female offender. (See Special Needs, page 14)

The question of the federal Prison for Women has long been the subject of argument, debate, and recommendation in nearly every report of recent years. The Committee agreed that action should be taken in this matter. (See Drawbacks of Prison for Women, page 19).

RECOMMENDATION 7

The National Advisory Committee on the Female Offender strongly recommends the Prison for Women should be closed, and that this should be done as soon as possible, at the latest within three years from publication of this report.

When considering alternatives to the Prison for Women, these objectives are important:

1. Provide security and programs in relation to need based on careful assessment, not on length of sentence.
2. Achieve adequate standards for all incarcerated female offenders.
3. Maximize the use of minimum security as much as possible.

3. The federal government would be able to purchase services from provincial institutions for federal inmates who do not require a secure setting.

4. A provincial government would be able to purchase services from the federal government for inmates who require a more secure setting.

5. Purchase of services would be available between provinces where institutions in another province meet the particular needs of an inmate.

PLAN 2

1. Each province would assume responsibility for incarceration of females regardless of the duration of their term of imprisonment.

2. Certain provinces would undertake to provide and manage a small institution which would be available for inmates requiring a secure setting.

3. Provinces would be encouraged to develop a special program and/or facilities to meet the needs of a particular inmate population.

4. A provincial government would be able to purchase services from another provincial government for an inmate requiring a more secure setting, or to meet the particular needs of an inmate.

5. The federal government would re-define its role in terms of financial assistance, coordination of research, standards, and staff training.

Comparison of alternate plans and objectives

While looking at Plan 1 and Plan 2 in relation to the objectives stated at the beginning of Chapter 3, the following emerges:

Basic to all planning is the question, whether jurisdictional cooperation is possible between all levels of government and all those involved in the criminal justice system, and whether an ongoing process can be established whereby this can occur.

In addition, an integrated approach within the criminal justice system, which links all stages in a meaningful interdependent, dynamic way, is crucial to any sensible planning, and to a meaningful experience for the female offender.

Competition, segmentation, and fragmentation, make for a correctional experience for the offender that is meaningless, costly, and counter-rehabilitative.

1. Provides security and programs related to need.

Provision of security involving transfers to other provinces might be used less readily than transfers to a federal facility. This might lead to retention of emphasis on security in all institutions unless persons being transferred remained in the same jurisdiction. The same argument applies to transfers to obtain program diversity. Plan 2 would be better for provinces with regional facilities; possibly Plan 1 for other provinces.

2. Maintaining Standards

Plan 1 more clearly defines where responsibilities lie. Plan 2 enables the federal government to intensify and concentrate its efforts on improving standards, provided such a role is accepted by the province.

3. Maximize use of minimum security

Few provincial institutions currently achieve this objective. Neither of the two plans is directed to this concern.

4. Financial support for community-based programs

The type of cost-sharing arrangements agreed on are more important in achieving this objective than the plan selected.

5. Bring women closer home

Neither plan can solve this problem, although Plan 1 could provide safeguards. Plan 2 maximizes this objective except where transfers are required.

6. Provision of adequate institutions

Plan 1 gives greater assurance of meeting this objective.

7. Equal opportunities for all women serving sentences of 2 years or more.

8. Diversity and adequacy of programs

Plan 1 could be geared to achieve this objective.

9. Jurisdictional problems

Plan 2 minimizes the number of transfers, but may make them less accessible when required.

Any kind of specific planning is a wasted effort unless the basic jurisdictional and legislative questions are answered.

CHAPTER 4

Implementation of Report

Specific planning is impossible without solution to the broad questions of joint planning, standards, and funding by federal and provincial officials.

RECOMMENDATION 8

Joint federal-provincial planning should be undertaken using this report as the basic working document.

Implementation:

(a) Submission of this report to the Continuing Meeting of Deputy Ministers with the chairperson of the National Advisory Committee on the Female Offender being present.

(b) If federal-provincial planning is accepted, the Continuing Meeting of Deputy Ministers would need to determine which method would most adequately enable the various justice levels in Canada to meet this objective. It would be important to retain an over-all perspective while responding to provincial variations and requirements.

Standards

Regardless of whether a woman is held in a federal or provincial institution, the necessity of developing, monitoring, and evaluating the standard of service provided by correctional facilities for female inmates is of the utmost importance to ensure adequate program levels and institutional standards of administration. Given the existing disparity of institutional services available for women, a common definition of basic

adequate standards must be achieved. Such a definition must not be so broad or ambiguous as to permit varying interpretation. Yet guidelines for standards must allow for the differing needs of inmates and the differing capacities of provinces to meet these needs. The Committee suggests that standards be approached in this manner.

RECOMMENDATION 9

1. That the federal government convene a meeting of the appropriate federal and provincial correctional authorities for the purpose of drawing a common definition of adequate standards for programs and administration, especially as they apply to women serving sentences of two years or more. Such standards would apply to the following institutional services (the list is intended as an example; it is not exhaustive).

(a) Institutional facilities: adequate living/sleeping space; assured degree of privacy; adequate program and recreational space.

(b) Staff: adequate number of qualified staff; appropriate ratio of staff to inmates; basic orientation program for all staff; ongoing training, supervision, evaluation and development programs for all staff at all levels; appropriate specialized staff as the need requires.

(c) Program: basic educational/vocational upgrading courses; access to higher educational/vocational programs; productive work and payment of a basic minimum wage; programs geared for long-term offenders; specialized programs as the need requires; suitable socialization program including temporary absences, visits, etc.

(d) Treatment: access to religious/medical/counseling and treatment staff, and programs; availability of psychiatric and other specialized services.

(e) Services: adequate food allowance, clothing provision, laundry facilities, etc.

2. Once a common definition of the guidelines for standards has been agreed on by federal and provincial authorities, an independent review should be undertaken of all institutional aspects as they apply to standards.

3. Once the areas of need have been identified in all provincial institutions, holding or preparing to hold federal female offenders, the federal government should initiate discussions with each provincial government to determine costs involved in meeting these needs, and a cost-sharing agreement to be reached.

4. A timetable should be established by the federal government and individual provincial governments within which period implementation of agreements will occur. A three-year plan is recommended.

5. A mechanism should be established for monitoring, regulating, and evaluating institutional facilities and programs for federal female inmates.

Standard setting should result in a common base for accrediting institutions, for judging those which fail to measure up, and in what way they would be obligated to improve.

To ensure future and interim planning takes place, and proceeds as soon as possible, Recommendations 10 and 11 are made.

RECOMMENDATION 10

A meeting should be convened by the Commissioner of Penitentiaries to enable the National Advisory Committee on the Female Offender to discuss interim recommendations concerning the federal Prison for Women with federal government administrators, including Ottawa headquarters, regional headquarters, and Prison for Women personnel.

Implementation:

(a) The Commissioner of Penitentiaries would arrange the format of the meeting with the chairperson of the National Advisory Committee on the Female Offender.

(b) This Committee would provide background material on areas of concern, suggested specific changes, and directions for change.

(c) Minutes of the meeting, prepared by the chairperson, and agreed to by the chairperson of the National Advisory Committee on the Female Offender would be submitted as an appendix to the report of the National Advisory Committee on the Female Offender.

RECOMMENDATION 11

It is recommended that a National Advisory Council on the Female Offender be established with the following objectives:

(a) To act as a senior level policy adviser on matters which pertain to the recommendations of the National Advisory Committee on the Female Offender, and the female offender generally to ensure adequate planning and programming for the female offender.

(b) To oversee the development of correctional facilities both institutional and community-based, for the female offender in Canada.

(c) To monitor the transfer under federal/provincial contract of federal female offenders to provincial institutions from federal institutions, and the reverse, if Plan 1 is chosen.

(d) To monitor, when legislation is approved, the progress of transfer responsibility for incarceration of the federal female offender from federal jurisdiction to provincial jurisdiction, if Plan 2 is chosen.

It is suggested that a Council (See Recommendation 11), be comprised of seven non-governmental persons, at least 50 per cent of whom are women, a chairperson and one member appointed by the federal government, and one person from each of the five regions of Canada, appointed by the provincial governments of each region. Persons appointed to this Council would act on a part-time basis only, would meet at regular intervals, and produce an annual progress report. The Council would call upon representatives of all segments of the criminal justice field for input and advice. The Council would be funded by the federal government and would report to the head of the Federal Corrections Agency. It is strongly suggested that the annual report of the National Advisory Council on the Female Offender be a public document.

CHAPTER 5

Additional Recommendations

The Committee has highlighted certain recommendations in Chapters 1-4. The following recommendations require serious attention by appropriate levels of government.

PRIOR TO AND AT ARREST

1. Greater emphasis needs to be placed on the early detection of children facing problems which may contribute to delinquency, and the provision of a better team-work approach to meet the needs of these children.
2. More pre-trial diversionary programs should be instituted on an experimental basis with full evaluation.
3. Alternatives to formal court adversary hearings for minor offences should be investigated.
4. Attention should be paid to women at the time of their arrest to assure them that, if necessary, arrangements will be made to see their children are cared for.
5. Except where it is prejudicial to the administration of justice, only female personnel should search women. Internal searches should be carried out by medically trained personnel only.
6. An examination of fitness to stand trial or a pre-sentence psychiatric assessment should take place in the community if possible. If there is a likelihood of a further act of violence, it is expected that examination in the community would properly not be considered.
7. All lock-up facilities should provide decent overnight accommodation with reasonable privacy. Women should always be attended by female staff. There should be medical and social personnel on call for police departments.

8. People retained on remand should be housed separately from convicted offenders. Different groupings are necessary which do not mix inexperienced people with those well into criminal pursuits.

9. A system of coordinating documentation on an offender should be developed to ensure information is integrated and passed on with an offender as she moves through the criminal justice system.

COURT

10. The court should be physically separated from the police station to avoid the appearance that it is an agency of the police. The clerk of the court should not be a member of the police force.

11. An accused charged with an indictable offence should always be represented by counsel, unless the accused has declined counsel.

12. In every court, especially in a court of arraignment, there should be a court-worker available to ensure the accused knows what is happening and is aware of any action which is the responsibility of the accused. (e.g., obtaining a lawyer, applying for bail).

13. An interpreter should always be available if the accused has difficulty with the language spoken in court.

14. The ideas put forward by native people concerning an increased community-based criminal justice system, rather than that which removes persons miles away from their community, should be supported.

15. All criminal matters should be brought to trial within three months from the laying of information.

16. Time spent incarcerated prior to disposition of the case should be counted as part of the time served, should a sentence of incarceration result.

STAFFING

17. Women, including women of native and other ethnic backgrounds, should be recruited to all levels of the criminal justice system.

18. In the selection of a police officer, special attention should be given to the assessment of the applicant's ability to handle constructively hostility, authority and stress. Training of police officers should emphasize communication skills and inter-personal relationships, including an understanding of emotional problems of individuals, and an appreciation of the changing role of women in Canada today.

19. Continuing education programs for judges should be encouraged to aid in uniformity of sentencing, and to keep judges advised of continuing developments in the criminal justice system.

20. Opportunities for mobility and exchange programs should be developed between provincial and federal correctional services to provide a variety of experiences for staff.

21. Institution staff should be of both sexes, and reflect in their experience different social, educational, and ethnic background.

LAW

22. Any revision of the Criminal Code should be related to a sound philosophical base, such as that being developed by the Law Reform Commission, and should not be based on an emotional reaction to a crises situation.

23. The Criminal Code should be amended to include more alternative sanctions to incarceration, such as community service orders, house arrest.

24. All mandatory minimum terms should be removed from the imprisonment sanctions of the Criminal Code.

25. The Federal Prisons and Reformatories Act should be revised to eliminate all provisions that discriminate on the basis of sex or religion.

INSTITUTIONS

26. Mentally ill persons should be located in provincial psychiatric settings within their home province. Should this not be feasible, then special services should be provided for them within forensic centres, where these are developed, or within the new regional centres being built for federal offenders. The ultimate aim should be treatment as close to home as possible in a treatment setting.

27. An accused charged with possession of drugs, possession for the purpose of trafficking, or for trafficking in non-commercial amounts, who is primarily an addict, should be directed to a community-based resource rather than to prison. The professional trafficker should not be in this group but rather should be dealt with through incarceration.

28. Only the dangerous, seriously disruptive or escape-risk type of offender requires a secure prison setting. Such a setting should be small (30-50 beds), should have sufficient physical security to ensure the safety, not only of society, but staff of the facility and offenders placed there. It should have a program related to the special problems of the group, and be integrated with total correctional programming, allowing for movement to other settings when appropriate.

29. In a custodial setting, a single room should be provided for each woman.

30. Institutional training programs, which are adapted to today's new options in the rapidly changing labor market, should be promoted.

31. In recognition of the more limited range of institutional facilities and programs, and the fact that women, for the most part, do not pose a threat of violence, the Committee stresses that flexibility on the part of the releasing authority must

be retained, in fact increased, to enable greater use of community resources for offenders not classified as dangerous, or as having sought excessive profits from crime.

STATISTICS

32. Attempts should be made to increase the coverage of the national criminal justice statistics to provide equivalent data for females as is currently available for males, in raw form and in published reports. A monitoring mechanism should be implemented to assist program and policy formulation through the provision of information necessary to quantitatively describe current and future processes and enable retroactive review.

33. There have been severe shortcomings encountered with statistics presently available on females within the criminal justice system. This should be brought to the attention of the permanent federal advisory committee on judicial statistics.

COMMUNITY

34. Offenders requiring supportive, but not secure facilities, should be directed to a variety of community-based facilities (Community Residential Centres, sheltered workshops, day attendance centres, and other residential alternatives). These need not be specifically for the offender. A variety of people with similar needs might utilize them. This would lead to a better use of facilities and remove the stigma attached to those situations labeled as correctional. Special projects in remote settings should be developed for people serving long sentences.

35. Contact should be established with unions, employers, and government services to promote better adjustment to the labor market for the female offender and ex-offender in terms of opportunities for today's women. This would include more day-care centres for young children, part-time jobs, flexible working hours, and sheltered workshops.

36. The balance in funding with regard to community-based programs and institutional programming should shift to greater

support of the former and less to the latter, to provide incentive for the development of community-based resources and a reduction and greater specialization in the institutional area. Adequate "seed" money and realistic per diem rates are of paramount importance for community facilities. Particular attention should be given to native-run, community-based programs for native people.

Where it appears the Committee is recommending a different or better arrangement for women than for men it has done so according to the needs of the female offender. Planning with regard to men should move in the direction of what is better, rather than planning for women being restricted to what may exist for men.

In closing this report, the Committee hopes serious attention and action will be given to its contents which reflect not only the thinking of Committee members but the contribution made in regional conferences and in briefs. The material will be made available to those charged with responsibility for future planning related to the Committee's report.

Acknowledgements

The members of the Committee wish to express their sincere thanks to the countless numbers of persons from coast-to-coast who extended their time, effort, and kind cooperation in the formulation of this report. The Committee extends very special thanks to the director, staff, and inmates of the Prison for Women, Kingston, Ontario, to the director, staff, and inmates of the many provincial facilities they visited, and to the directors, staff, and inmates of Pleasanton Institute in California and in Massachusetts Correctional Institute in Framingham, USA. The cooperation and sharing afforded by such visits was of immeasurable help to the Committee. We owe a debt of gratitude to all who participated in regional conferences held in every region of Canada; to all who took the time and effort to make written submissions; and to all who, in government, municipal, provincial, or federal, or in private endeavor, participated or collaborated in the study process.

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APPENDIX A

Scope and Method of Committee Work

Scope

Upon consultation with the Commissioner of Penitentiaries and the Executive Director of the National Parole Service at the first meeting of the Committee, September 1974, it was agreed the scope of the Committee's mandate be expanded beyond the federal offender to include the female who becomes involved in the criminal justice system, whether federal or provincial, throughout Canada, and the possible methods of dealing with her problems. This expansion of the original terms of reference was deemed necessary for the following reasons:

1. The present division of federal-provincial jurisdiction or responsibility for incarceration of offenders represents a legislative separation of responsibility. Many offenders presently under federal jurisdiction have previously been under provincial jurisdiction, either on probation or incarcerated in a provincial institution. Likewise, some females presently under provincial jurisdiction have previously been federal inmates. While the length of sentence formerly determined whether a female served her sentence of incarceration in a federal or provincial facility, with the transfer of service agreements some federal offenders are now able to serve sentences in provincial institutions.
2. The direction given the recent federal-provincial contracts for transfer of federal female inmates to provincial institutions indicates a move toward the provinces assuming a greater role in terms of the female offender. The same situation exists in respect of parole in those few provinces having or considering provincial parole boards.
3. On both the federal and provincial levels, there is considerable thought and planning directed toward diversion from the criminal justice system and other alternatives to incarceration with a strong emphasis on community-based planning.

4. The private agencies, which are primarily provincially based, are involved with all female offenders.

Method

Members of the Committee determined to consult as many persons as possible. Provincial liaison persons appointed by the director or Minister of Corrections, assisted in arranging visits to institutions and organizing regional conferences. Sessions in provincial prisons were attended by senior administrative personnel, line staff, and inmates.

The Committee held regional consultation conferences in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, and the Atlantic Provinces. Members of the Committee also conferred with personnel in the Yukon and Northwest Territories.

Persons from all segments of the criminal justice and correctional systems were invited to these conferences, and included representation from senior government staff, directors, senior and line staff from institutions, police, judiciary, court-workers, probation, parole service, community agencies, self-help groups, native people groups, inmates, ex-inmates, volunteers.

The Committee had representation at the Conference on Native Peoples and Justice held in Edmonton, February 1975, which highlighted areas for immediate attention and action, while pointing at other areas which need far more attention than the Committee could give.

In addition, requests for submissions were sent to some 4,000 individuals and organizations throughout the country. Committee members consulted many individuals and interviewed persons and groups who requested follow-up discussion on their submissions. In addition, we met with many individuals and groups who did not submit written reports but who requested to meet with one or more of the Committee members or whom we sought out for advice. This was aimed not only at soliciting ideas and advice, but also at stimulating thought and action with respect to the female in conflict with the law.

The Committee gave consideration to the concept of co-educational programs where men and women live and work together with separate sleeping accommodation. Although Committee members are aware of such programs in Canada, they recognize these are limited. Consequently, some members visited two co-educational prisons in the United States to observe effectiveness as related particularly to female inmates.

Committee members, with the assistance of federal resource people, collected and examined significant literature and statistical information on female offenders. A statistical analysis of this material is available in the statistical report of the Committee, which is a supplement to the main report, and is available from the Ministry of the Solicitor General, Ottawa.

From all these efforts the Committee tried to discern the major issues and concerns affecting women in conflict with the law, and the implications these had for program planning, facilities, and staffing at community and institutional levels in Canada.

The Committee was not constituted as a Task Force with all the resources and time that implies, but as an advisory committee composed of members who were in full time employment. Since the Committee's task was extremely broad, but its resources very limited, we had to be selective in terms of content and emphasis.

APPENDIX B

Staff in the Correctional System (Applies to Provincial and Federal Jurisdictions)

Staffing methods

Initially what seems most important are the personal qualities of staff members in terms of maturity, self-awareness, communication, and interpersonal skills, flexibility, integrity, and ability to deal objectively with a variety of pressure situations including those of intense aggressiveness and hostility. These attributes were among those most frequently mentioned by persons in various segments of the correctional system, and by inmates of institutions we visited. Additional orientation with regard to the criminal justice system, personality dynamics, community action, and group dynamics, were seen as important. Sensitivity and integrity in personal relationships, with an ability to relate in terms of the offender's situation, were seen as key needs. Skill in recognizing manipulative behavior and dealing with it objectively and consistently is basic to the staff role in corrections. There needs to be an awareness and understanding of, as well as a tolerance for, the various roles of the contemporary Canadian woman.

Careful selection of staff is of utmost importance and has received too little attention. Part of this relates to the nature of institutional programming, and whether or not it is intended to be as constructive an experience as possible. The dynamics for change rests primarily in the potential for meaningful relationships between staff and inmates.

Staff development

The present staffing situation in Canada is such that inadequate staffing exists in numerous places of the criminal justice system. Too often there are insufficient numbers of

of staff, with an alarming proportion who begin with no orientation or initial training and who, as they proceed in the job, never experience adequate inservice training staff development, staff supervision, nor evaluation. An unfair and unsafe situation for staff and limited opportunities for career advancement do not help the situation. Staff members required to work double shifts can be neither as responsive nor alert as the prison situation demands.

Dialogue needs to occur between correctional administration and unions regarding the use of manpower. In particular, measures have to be worked out to deal with problems related to staff placement when major shifts occur in programs. This will involve development of staff for the new roles envisioned for them, or a change in their work placement, or transfer or relocation should they not be able to qualify for new roles.

Adequate attention needs to be given to on-the-job needs of staff related to proper breaks, staff meeting rooms, facilities for personal belongings, etc.

APPENDIX C

Topics for Research

1. It is alleged more supervision time is required for the female offender than for the male offender. An objective evaluation of this statement is required.
 2. The effects of incarceration on a pregnant woman and/or a mother of small children requires study, little is known about it.
 3. How are children affected by having their mothers in custody?
 - (a) For a short period of time;
 - (b) For an extended period of time.
- This could be an important area for research.
4. Some institutions permit small children to live in the institution with their mothers. Much more information is needed on this matter:
 - (a) Effect on child (at what age);
 - (b) Effect on mother;
 - (c) Effect on other women who have children in the community;
 - (d) Use of weekend visits by children.
 5. Much more is needed to be known concerning women whose offences involve murder of a person previously known to them:
 - (a) Her relationship with the victim;

- (b) Previous involvement by police regarding assaultive behaviour by the victim toward the accused and by the victim toward the accused and by the accused to the victim;
- (c) Previous helping agents involved.

Possibly preventive action, a different and more appropriate correctional approach, could be devised if more were known.

6. There is inadequate knowledge of the interrelationships of drug and alcohol use and criminal acts. More is needed to be known about patterns of drug and alcohol use, and possible patterns of criminal involvement. Most drug and alcohol users tend to be lumped together and warehoused in correctional facilities, when other resources and living facilities outside the institutions may be more appropriate. Research of a pilot project nature involving a "doing" kind of research, which tests out action on such problems, is urgently needed.

7. There is need to examine the problem of bail skipping in more detail to prevent a mass negative reaction to a problem situation which may have many understandable reasons why: process procedures, such as long process of court procedure and trial, personal crisis, family problems, etc.

8. How is the correctional setting to deal with prisoners who have broken the law in support of political and social beliefs and ideologies? They are mixed in with all other offenders, yet present very different attitudes and problems. Should they be there? What should the approach be? Further study is needed.

APPENDIX D

In fulfilment of recommendation number 10 of this Report, the Commissioner of Penitentiaries convened a meeting on 20 January, 1977 to enable the National Advisory Committee on the Female Offender to discuss interim recommendations concerning the federal Prison for Women with federal government administrators. The meeting was held at the Prison for Women, in Kingston, with the following officials in attendance:

- | | |
|---|--|
| National Advisory Committee
on the Female Offender | - Donna Clark, Chairperson
- Marg Benson
- Phyllis Haslam |
| National Headquarters - CPS | - Lorraine Berzins, Director
Community Relations
- Peter Maitland, Special
Projects Officer |
| National Headquarters - NPS | - Louis Zeitoun, Director
Community Resources |
| Regional Headquarters - CPS
(Ontario) | - Art Trono, Regional Director
- Don Clark, Deputy Regional
Director, Inmate Programs |
| Regional Headquarters - NPS
(Ontario) | - Gord Pinder, Regional
Director
- Brian Yealland, Coordinator
Community Resources |
| Prison for Women | - Doug Chinnery, Director |

Proceedings

At the request of the members of the National Advisory Committee, the format of the meeting was organized to allow them to meet successively with the following sub-groups:

- I Official representatives of National Headquarters and Regional Headquarters, CPS and NPS, with Director and 7 Assistant Directors of the Prison for Women;
- II Inmate Committee of the Prison for Women;
- III Director and Program staff of the Prison for Women;
- IV Director and Correctional Staff of the Prison for Women;
- V Official representatives of National Headquarters and Regional Headquarters, CPS and NPS with Director, Prison for Women.

Session I

The Director of Community Relations representing the Commissioner of Penitentiaries, opened the meeting by recalling that the National Advisory Committee has been asked by the Solicitor General to make recommendations to the Commissioner, and to the Executive Director of the National Parole Service, regarding planning for the federal female offender; and that these recommendations would soon be made known to the public. As many of the Committee's recommendations have implications for both federal and provincial jurisdictions, the position the Commissioner is taking in publishing the Report is a willingness to enter into discussion about them with provincial representatives. The National Advisory Committee's report is to be submitted to the Continuing Committee of Federal-Provincial Deputy Ministers of Corrections, with a request that the latter set up channels for this purpose. In the meantime, the federal government will continue to cooperate with the provinces to expand opportunities for female offenders in the light of concerns noted in the Report, within the range of jurisdictional alternatives already available through purchase of service agreements and parole.

The Chairperson of the National Advisory Committee explained that the purpose of this meeting, in the light of the above, was to clarify the scope of its report, take stock of changes that may already have taken place since the Committee's last visit to the Prison for Women, and dialogue openly about the needs for the immediate future.

The Committee's Report, she stressed, does not address itself exclusively to the Prison for Women. It focusses on issues of joint concern to both federal and provincial administrators because its intent is to provide a long-range direction for the policy-makers. Its major thrust is to increase the options open to women offenders across the board, and the Committee feels that this can only be done through the cooperative efforts of both levels of government - all planning for the federal female offender should bear this long-range view in mind. On the other hand, the Committee is well aware of the complexity of the current situation and acknowledges that lengthy political negotiations will be required before broad policies can be formulated to satisfy the great diversity of needs. It is for this reason that its recommendations have remained general, emphasizing flexibility for individuals. The Committee does not advocate a specific plan, but is asking the federal government to commit itself to a planning "process" within which more attention can be given to the needs of the female offender.

Changes at the Prison for Women

The Director reported that the Prison for Women now has a full complement of senior staff, all of whom are male: Assistant Directors of Finance, Inmate Programs, Technical Services, Organization and Administration, Security and Occupational Development, respectively. There are four Classification Officers working under the Supervisor of Classification and nine staff under the Head Social Development. As a result, a much broader range of programs can now be provided for the approximately 116 inmates in the institution. He stated that there is a good working relationship between the Administration and the active and responsible Inmate Committee. The atmosphere in the institution is relaxed, with a drastic curbing of the self-mutilations and other hysterical acting out.

behaviour that formerly plagued the institution (1). The Director feels that the current stability, in spite of the enforced heterogeneity of the population noted as a detrimental factor by the Committee, is due to the fact that the staff strives to support the well-motivated inmates to the point where theirs is the dominant influence.

In regard to the Committee's objections to the prison senior staff's being exclusively male, Mr. Chinnery stated that although this was a regrettable situation, it had been created by the absence of qualified female candidates for the positions. He pointed out that to favour female candidates on the basis of their sex would be discriminatory, and contrary to the employment policies of the Public Service.

Reaction to Report

The dominant theme of the institutional administration's reaction to the Committee's report was skepticism in relation to any suggestion that the Prison for Women should close. They raised the following points in this regard:

- i) it will be very difficult to ensure that a standardized service is provided to all federal female offenders incarcerated throughout the various provinces; who will monitor in this regard?
- ii) the provincial institutions are not likely to be in favour of this recommendation as they have problems already caring for mentally ill or other inmates who are difficult to manage;
- iii) there are many inmates who would not want the Prison for Women to close;
- iv) lifers and other long-term offenders can get more group support at the Prison for Women than in

(1) as well as a considerable reduction of the amount of medication previously administered.

provincial institutions where they would be in small numbers;

- v) there will always be inmates for whom incarceration in other than a centralized facility is inappropriate or, in some cases, undesirable: i.e., deportables, inmates with no family ties, drug addicts and others trying to get away from negative influences;
- vi) it would be discriminatory for women sentenced to two years or more to be mandatorily subject to provincial jurisdiction while men remain subject to federal.

Response by Committee

The Committee reminded the group that the emphasis of their recommendations is on decentralizing correctional services for federal female offenders rather than advocating incarceration in provincial institutions per se. They offer two alternate suggestions in their report, one of which (Plan 1), calls for small regional facilities under federal jurisdiction, while Plan 2 recommends that provinces assume responsibility for incarceration of all females regardless of their term of imprisonment. Either way, the question of developing and monitoring standards of service is important and the Committee's position is that it is the responsibility of the federal government to ensure that this is done. The Chairperson acknowledged that the needs of women serving lengthy sentences require particular consideration in terms of these long-term plans and must be explored as more than a warehousing problem. What the Committee wishes to promote is some joint planning whereby, through cooperative exchange, some more specialized attention can be given to groups such as this one who have more specific needs. The Committee stated that members struggled with all the concerns expressed by the Prison for Women administration and indeed came to no simple solution. Their main point, however, is that these problems must not be dealt with unilaterally, but the resources of both jurisdictions must be pooled to provide more options.

The Committee also noted Mr. Chinnery's observation regarding the employment of women in senior staff positions, and recognized that discrimination would be unacceptable; however, they reiterated the desirability of having a reasonable proportion of women in senior management at the Prison, and urged that intensified efforts be devoted to finding ways of attracting and recruiting qualified women for such positions, in view of the presence of a considerable untapped reservoir of highly trained and capable women professionals in the community.

Immediate Needs at the Prison for Women

The biggest concern of the Administration is to plan immediately for the space and program requirements of its increasing population. There is staff and equipment to set up "non-sexist" trades training, but limited space in which to do so. There are plans for making lawn furniture, providing a sewing room for leisure time dressmaking as well as training purposes, and a need for better common rooms. The Director has submitted a request for a three-storey multi-purpose activities building to meet this urgent need. His concern is that, if doubt continues to be cast on the future of the Prison for Women, there will be a reluctance to provide these much needed resources. Such uncertainty has plagued planning for the Prison for Women for many years already, and is a frustrating perpetual handicap for the staff who must deal with the immediate situation and cannot foresee it changing.

The Committee noted in this regard that a more productive approach to solving the problem of space might be to improve living quarters by building new wings to replace the existing ranges, and then converting these ranges into training shops and activity areas.

Conclusion

The Regional Director concurred that needed expansion would be approved only if there was assurance that the building would be put to good use for a significant period of time. He confirmed, however, that the facilities could always be used for men and the possibility of terminating its use for women should there-

fore not preclude expanding to meet present needs. It was pointed out that any final decision as to closing the Prison for Women was not within the jurisdiction of this group, who could however, act to increase the options available to women offenders in areas other than Kingston. There was consensus with regard to the need for such action, with the Director advocating release to "approved homes" as well as community-based residential centres. It was noted that there was no follow-up on federal offenders incarcerated in the provinces, little is known about the extent to which such purchases of service are meeting the needs of women and there are many confusing jurisdictional issues to be clarified. The Committee endorsed all efforts to improve services to the present population and stated that both federal and provincial systems could benefit by working cooperatively in this regard, by sharing information and personnel.

Session II

The Chairperson and three members of the Inmate Committee had been incarcerated at the Prison for Women for periods ranging from seven months to four years. They had experienced significant changes in the atmosphere and programs and were most positive in their feedback about the improvements that had been made, even over the past year. They reported broader participation in a wide variety of leisure-time programs, widespread enthusiasm for special events such as the Christmas concert, relatively free association between the inmates of the two living areas and generally good group morale. Through the "wing" offers private rooms and a more quiet atmosphere, some inmates prefer to remain in the barred cells of the range once they have settled there and developed friendships. The inmates described the current atmosphere as more "intellectual" with shared planning and involvement in constructive and creative pastimes, with an opportunity for contact with resource people from the community. It was noted that many of the activities offered were still new and it remained to be seen how long interest could be maintained; and there is still a significant lack of meaningful work.

Exchange of Service Agreements with Provinces

One of the women had served a federal sentence in a provincial institution and had chosen not to return there. Drawbacks mentioned were overly high expectations of them; lack of privileges with a feeling that they were discriminated against as compared with provincial inmates; too much time spent locked up; compulsory initial assignment to work in the kitchen; dormitory accommodation with lack of privacy and overcrowding. The Prison for Women in comparison offers more openness and freedom. It was thought that many women were frightened to come to the Prison for Women because they heard many rumours and horror stories about it, most of them totally unfounded. For women, there was also a prevailing feeling that once you hit the Kingston pen, "you've had it" - there was no more hope for you. It was suggested that many women incarcerated in Kingston continue to feel that way, though they may not openly acknowledge it.

The Inmate Committee expressed some misgivings at the suggestion that smaller federal institutions be set up across the country; they are reluctant to see a "going concern" such as the Prison for Women dismantled, while new programs would have to be established from scratch in the new facilities.

Needs Identified by Inmate Committee

The following issues were raised:

- i) course in Life Skills: this was offered twice and considered highly successful, but no money was made available to provide it again;
- ii) separate accommodation for day parolees: there are two vacant houses across the street that could serve such a purpose, but the inmates have been told they are too expensive to renovate and too expensive to run for such small numbers;
- iii) additional space for programs: the "little house" on the grounds is now reserved for storage but was once

used for ceramics and home economics and should be readapted for such purposes;

- iv) psychiatric facilities: there seems to be a reluctance to certify to a psychiatric facility some women whom the inmates consider to be severely mentally ill;
- v) medical services: there is a lack of flexibility and availability, in emergency situations, of services offered only on Mondays, Wednesdays and Fridays;
- vi) psychological services: there is too big a caseload for only one psychologist;
- vii) dental services: the waiting list for the one dentist who services the male inmates as well is so long that the women have noted a tendency to pressure them into extractions rather than more time-consuming fillings;
- viii) pre-release assistance: the women feel they need more programming in this regard, more guidance in making plans, more opportunities to earn money prior to release;
- ix) mandatory supervision: women released on this basis get too little assistance, there are no facilities for them; some women would prefer to remain at the Prison for Women where they have developed relationships and are assured of material security. After-care agencies such as the Elizabeth Fry Society are overworked and the inmates think more funds are required to increase such services.

Session III

Approximately sixteen members of the inmate programs staff were present for this discussion. They expressed satisfaction with the fact that they are providing an atmosphere where inmates are coping with the stresses of incarceration and there is good team work at all levels, to an extent difficult to match elsewhere. The Committee acknowledged the diversity of program opportunities but wondered how much the programs were being

related to the actual needs of the individual women. Concerns about realistic planning for women were then raised as follows:

Programs within the Prison

- i) Plans were outlined for non-sexist trades training such as autobody work and welding.
- ii) Some staff pointed to the danger of opting for this direction at the expense of the needs of many women deeply influenced by a traditional, sexist culture who may have neither the ability or courage required to defy this pattern. Many women offenders have had difficulty coping with child-rearing or balancing a budget and it would be far more realistic to provide training programs to help them develop better home-making skills.
- iii) The drug and alcohol abuse problems of a considerable number of women offenders are a much more important factor in their post-release adjustment than whether or not they get a job; the psychologist and psychiatrist are seeing some success in their treatment of the problems leading to this abuse, but are only scratching the surface in view of numbers involved.
- iv) Many programs start off with a bang but the basic problem of motivating inmates to stick with them long enough to derive any significant benefit still remains.
- v) The Life Skills program was meeting some of these needs but a big factor of its success was its leadership by an "outsider" under contract and this is no longer authorized.
- vi) Informal channels are used for occasional input by correctional officers into planning for the inmates they know best, but there seemed to be some resistance to maximizing use of this resource by formally introducing an approach such as the "Living Unit Program".

Transfers to Provinces

- i) There is a lack of specific information on each province's criteria for accepting federal inmates so that staff have difficulty knowing who to refer or how to prepare potential candidates for eligibility.
- ii) Channels of communication between program staff at the Prison for Women and program staff in provincial institutions are clogged.
- iii) There is difficulty planning transfers as part of planning release to the home community because provincial institutions do not want a day parole decision, for example, imposed upon them.

Pre-Release Planning

- i) There is a great lack of pre-release facilities for women across the country and insufficient information about what is available.
- ii) There is difficulty negotiating release to other provinces with several incidents of incomplete planning at the other end beyond the control of Prison for Women staff.
- iii) Many federal inmates are severely institutionalized and it is ironic that the neediest ones tend to be released only on mandatory supervision whereby they receive the minimum of support and services.
- iv) Many of these women do not wish to be released and are readmitted to the Prison up to six and seven times on the same sentence, as soon as they can manage to get their mandatory supervision revoked.

Isolation of Prison for Women

- i) People working with federal female offenders feel isolated as no other federal institution has quite the same experience.

- ii) There is a need for more support in sharing problems and information and in Canada this can only be done with institutions under provincial jurisdiction.
- iii) A suggestion for a national conference bringing together staff of institutions for women from each province and the federal penitentiary was greeted with enthusiasm.
- iv) Other means of sharing information should be promoted such as visits to institutions in the provinces and the U.S.A. and exchanges of personnel with such facilities.

Session IV

Only the two senior representatives of the correctional staff were available to meet with a member of the Committee due to the demands of security staff deployment. This generally presents a problem for training and other staff meetings as well. The correctional officers feel that they get to know the incarcerated women very well in a variety of daily situations and there are insufficient opportunities for them to contribute their unique insights to the staff team. The Assistant Director for Security has developed a plan to provide security staff with more training. Some aspects of this training would be equally beneficial to other staff. The Director agrees that the training basically geared to male institutions provided at the Correctional Staff College is not satisfactory for the Prison for Women and that sharing resources with provincial institutions may help to develop a training program better suited to the needs of female institutions.

Session V

Members of the Committee concluded as follows with representatives of the national and regional administration:

1. The National Advisory Committee endorses any effort to expand facilities and services at the Prison for Women to meet the immediate needs of female offenders

presently under federal jurisdiction, but qualifies its support by adding that any realistic proposal for expanded facilities would have to insist that they be easily convertible for use by male inmates should the Prison for Women eventually close. Otherwise, the Committee feels that the limited function of such facilities would be used to rationalize a decision not to build them. This whole question will be referred for action to the National Headquarters Facilities Planning Committee.

2. Efforts should begin immediately to increase options and services available to federal female offenders for release to areas other than Kingston; this will be referred for study and action to the joint federal-provincial correctional planning committees established in every region.
3. There is a need to increase information available to women about parole; the Director of the Prison for Women and Regional Director, NPS, Ontario will take joint action in this regard.
4. Opportunities should be provided for Prison for Women staff to exchange ideas and information with other Canadian facilities working with female offenders; the Regional Director, Ontario, CPS endorses the idea of inviting representatives of provincial institutions to a Conference in Kingston for this purpose.

Statement by Judge Sandra E. Oxner

While I agree generally with the recommendations of this report, there are two areas in which I would like to have my separate views noted.

My first concern is the impression from the report that the changing role of the women in Canadian society is not a significant cause of the increasing number of women being charged with criminal offences. In my opinion it is.

In the period 1964 to 1973 there was an increase of 115 per cent in the total number of females charged with Criminal Code offences as opposed to 51 per cent for males.

206 per cent more women, as opposed to 77 per cent more men, were charged with assault in 1973 than in 1964.

200 per cent more women, as opposed to 87 per cent more men, were charged with robbery in 1973 than in 1964.

255 per cent more women, as opposed to 71 per cent more men, were charged with break-and-enter in 1973 than in 1964.

234 per cent more women, as opposed to 83 per cent more men, were charged with theft in 1973 as opposed to 1964.

257 per cent more women, as opposed to 60 per cent more men, were charged with fraud in 1973 as opposed to 1964.

These figures indicate not only that increasingly more women are being charged with criminal offences, and that their rate of increase far outstrips that of their male counterparts, but also that they are being charged in an increasing number with offences traditionally regarded as male offences (assault, robbery, break-and-enter).

This is, as I would expect, reflecting the infiltration by women of traditional male roles in society at large.

While causal factors of criminal activity are impossible to determine with certainty, the changing role of the woman in Canada, with its attendant burdens, frustrations, and opportu-

ities for criminal conduct, seems to me an obvious contributing factor. The lessening of paternalistic attitudes on the part of judges and police officers, which is a consequence of the changing female role, is also, of course, a contributing factor.

Women who have difficulty in successfully identifying with either the new role of the woman or the traditional role, and those women who have voluntarily or involuntarily assumed the burdens of both roles, and do both or one of them poorly, suffer from the poor self-image, traditional of the women offender, and may well resort to criminality for recognition and achievement.

As women assume the male role they inevitably will suffer from the same pressures that have been traditionally too much for some of their male predecessors. There is no reason to think that women lawyers will not dip into trust funds, that women doctors will not attempt to defraud government medical plans, that women truck drivers or taxi drivers will not commit alcohol-related driving offences, that women in positions of trust in business will not embezzle, and so forth.

While proposed decriminalization and pretrial diversion plans would, if implemented, reduce the number of women in the criminal justice system, it is not likely these changes would touch women charged with offences against the person, against property with violence, or non-violent offences against property involving breach-of-trust or large sums of money. Therefore, if the pattern continues we must expect increasing numbers of women convicted of offences which carry sentences of incarceration. This means an increasing number of women incarcerated and in the parole system.

I foresee difficulties in institutions and in parole supervision if the supervisors in both areas are not only aware of, but also tolerant and understanding of, the various roles of the woman and the difficulties attendant to this time of change.

My second area of concern is with alternative Plan 2, Chapter 3, put forward by the Committee in respect to the future res-

possibility for the incarcerated woman in Canada.

I would not recommend the adoption of Plan 2 unless the federal government was sure it could, and would, enforce uniform standards in those provincial penal institutions and parole services which would have responsibility for the federal female offender. Otherwise Plan 2 would cause varying penal institution and parole standards in 10 provincial and two territorial jurisdictions. This would have the effect of turning like sentences in different provinces into very different sentences, which would intensify the problems of disparate sentencing practices in Canada.

From a practical point of view I have difficulty in accepting that the federal government would enforce uniform standards throughout Canada.

If the federal government vacates the field of penal institutions for women, will it, in fact, in a province which has not met the set standard, have any choice but to leave the federal female inmate in whatever facility is available there? If it has a choice, it is to incarcerate her in another province which would create among other problems, provincial or regional disparity.

Atlantic Region and Prairie Region inmates have traditionally been generally less criminally sophisticated than inmates from other regions of Canada. It can only be harmful to the Atlantic and Prairie inmates to unnecessarily incarcerate them with the criminally more sophisticated inmates from the other regions.

For how long would the woman, sentenced to more than two years from a province which has contracted with another province for institutional space, remain in a lock-up situation in her home province, when the facilities of the province with the institution are fully occupied by its own women?

Varying standards cause other problems, such as impeding international negotiations for the exchange of incarcerated or

paroled nationals. It will be far more difficult to negotiate with varying jurisdictions having varying standards than to negotiate with one government. It must be remembered that in one province jails are still a municipal responsibility.

I also have hesitancy in recommending Plan 2 for the following reasons:

1. It creates disparity. The inmates of some provinces will be incarcerated in their own province while the inmates of other provinces will not have this advantage.

2. It places female inmates and parolees under a different jurisdiction than their male counterparts. This is a discriminatory policy even if it is construed to favor the female offender.

3. Increasingly sophisticated communication systems cause crime to be of increasing national and international significance. It appears unlikely that the information and experience of other provinces and nations will be as available to the 12 provincial and territorial governments as to a federal government department.

I favor a variation of Plan 1 which would provide for one central small federal maximum security facility with regional federal medium security facilities, some of which could be similar in size to existing Community Correctional Centres for men. The nature of the regional facilities would be determined by the needs of the region it served, taking into account available provincial facilities. A reception and a diagnostic service would be an integral part of this variation.

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