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WOMEN IN PRISON:  
EXPANDING THEIR OPTIONS

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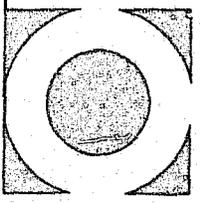
A Brief presented to the Strategic Planning Committee on the Future of the Correctional Service of Canada

by the

CANADIAN ADVISORY COUNCIL ON THE STATUS OF WOMEN

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ACQUISITIONS

## INTRODUCTION

"Prison life [makes me] feel that the society is moving and changing fast while [I] seem to stand still."<sup>1</sup>

This statement, made by a woman inmate in Kingston Prison for Women, graphically reflects the dilemma of women within the criminal justice system. Women, as prisoners, and also as victims of crime or employees of the criminal justice system, have been unfairly penalized relative to men, by the lack of significant change in the criminal justice system - a system which has not adequately kept pace with the changing realities, expectations and demands of women.

The CACSW is pleased to have been asked to present a Brief to the Strategic Planning Committee for the Correctional Service of Canada on the future of the corrections system as it impacts on women, and so to have the chance to present some of the concerns of these women. The mandate of the committee - "to assist The Correctional Service of Canada in proactive planning" - reflects a recognition shared by the CACSW, that the correctional system in Canada has been standing still too long, particularly on issues which affect women. Also, the decision of the Committee to consult the CACSW and other groups not directly involved in the criminal justice system, reveals an awareness mirrored in the inmate's statement quoted above, that crime and imprisonment must be considered within the context of structures and changes in Canadian society as a whole.

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<sup>1</sup>Statement of woman inmate in Kingston Prison for Women, Tightwire, May/June, 1979, p. 7.

### Central Premise of Brief

The central premise of this Brief is that to understand the contingencies affecting women who commit crimes, to effectively deal with the problems of women in prisons and to understand the options open to women when they are released from institutions; it is important to see the situation of these women against a backdrop of the general subordination of women in our society. This premise is based on the writings of the growing school of criminology which postulates that crime is vitally linked to societal conditions, that these conditions will affect the definition of crime as well as the treatment of criminals and most importantly that women and men may resort to criminal activities as one solution to the problems posed by their existence in a society which offers limited options.<sup>2</sup>

### Scope of Brief

The scope of this Brief, because of time constraints will be limited primarily to a discussion of women who are arrested for a crime, convicted and imprisoned. The choice was made to focus on women prisoners, because through their type and degree of involvement in the criminal justice system, their options not only within the correctional system but also within society as a whole are likely to be more severely limited than the options of women who come into contact with the correctional system as victims of crime, as employees, or are arrested but are either not convicted, or convicted but not imprisoned. However, it is the hope of the CACSW that the Committee will not neglect the very important concerns of these other groups of women.

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<sup>2</sup>Some of the major proponents of this approach include: I. Taylor, P. Walton and J. Young (eds), The New Criminology, London, Routledge and Kegan Paul, 1975.

Carol Smart, Women, Crime and Criminology: A Feminist Critique, London, Routledge and Kegan Paul, 1976.

Marie-Andrée Bertrand, La Femme et le Crime, Montreal, L'Aurore, 1979.

Purpose of Brief

Finally, the purpose of this Brief will be to examine some existing and projected limits on the options available to women in society, to emphasize the ramifications of these limits for the correctional system and to suggest directions for change to reduce the limits imposed on women and to increase the harmony between societal and correctional change.

EXISTING AND PROJECTED LIMITS: A SOCIETAL SNAPSHOT

Despite the increased visibility in the last decade of demands for greater equality between women and men, and despite some apparent changes in the roles of women in society, the inequities between women and men have not significantly diminished, and future projections do not look optimistic.

Women in the Labour Force

Of course, it is well known that since World War II, women have entered the labour force in unprecedented numbers. In 1941, the female participation rate was 20.7%, by 1979, it had risen to 49%.<sup>3</sup> By 1995 it has been predicted that as many as 80% of all women may be in the labour force.<sup>4</sup> Women's levels of labour force participation are fast approaching men's: 39% of the labour force are now women<sup>5</sup> - an increase from 32% in 1970. By 1995 it is likely that half of the labour force will be women. It is also a fact that women's patterns of labour force participation are becoming more similar to men's. Women are increasingly staying in the labour force whether or not they are married and/or have children. The participation rate among married women, at 46%, is now almost as high as the overall female participation rate<sup>6</sup> and half of the wives with children under 6 are in the labour force.<sup>7</sup>

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<sup>3</sup> Pat Armstrong and Hugh Armstrong, The Double Ghetto, Toronto: McClelland and Stewart, 1978, p. 17; and advance statistics from the Labour Force Survey, calculated by the Women's Bureau, Labour Canada.

<sup>4</sup> Julyan Reid, "The Future of Families and Children", a speech presented to the Ottawa-Carleton Children's Aid Society, March 25, 1980, p. 4.

<sup>5</sup> Advance statistics calculated by the Women's Bureau, Labour Canada.

<sup>6</sup> Statistics Canada, The Labour Force, January 1979, Ottawa, February, 1979, Table 48, p. 65, Catalogue # 71-001.

<sup>7</sup> Statistics Canada, Income Distributions by Size in Canada, 1977, Ottawa, August, 1979, Table 25, p. 67, Catalogue # 13-207.

However, in spite of the increased similarity in the number of women and men in the labour force and the number of years of their lives members of both sexes are likely to work outside the home, there have not been significant changes in the types of jobs women occupy, or in the amounts of money they earn compared to men. For example, 34% of women were in clerical jobs in 1979 - but only 5% in managerial or administrative jobs. In comparison, not more than 12% of men are employed in any one job category, and 9.3% are in managerial or administrative positions.<sup>8</sup> The earnings differential between men and women underlines the concentration of women in low level jobs. In 1978, it took women on the average, eight days to earn what men on the average earned in five.<sup>9</sup> In the May 1980 issue of the OECD Observer, a recent study on nineteen industrialized countries comparing the ratio of women's earnings to men's earnings, was reported. This study showed that the ratio in Canada was the lowest.<sup>10</sup>

The concentration of women in a few job categories also makes women particularly susceptible to displacement through technological change, and many have predicted that clerical, sales, and service sectors will be the first and the hardest hit by the emerging "micro-chip" revolution. The changing unemployment patterns of women and men may be the first signs of the displacement of women. Whereas, until 1966, women's unemployment rate was approximately equal to men's, since 1967 women's unemployment rate has been consistently higher than men's. In 1977 the unemployment rate for women was 9.5% compared to 7.3% for men.<sup>11</sup>

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<sup>8</sup> Advance 1979 statistics calculated by the Women's Bureau, Labour Canada.

<sup>9</sup> CACSW Fact Sheet #1: Women and Work.

<sup>10</sup> "Women in the Labour Market", OECD Observer, 104, May 1980, p. 7.

<sup>11</sup> Statistics Canada, Perspectives Canada III, Ottawa: Supply and Services Canada, 1980, Table 5.5, p. 90.

### Women in the Family

Similarly, trends in family formation and living arrangements point towards increased hardship for women. Although birth rates continue to fall and some futurists have even predicted that by 1995, the birth rate will be at only half replacement level,<sup>12</sup> most researchers agree that women will have fewer children but the number of women who become mothers will not change drastically. That is, in the future, as in the present and during most of the 20th century, only about 10% of women will remain childless<sup>13</sup> but families will be smaller. Further, the recent "epidemic" of teenage pregnancies shows no signs of abating.<sup>14</sup> Certainly as a result of these cumulative trends, statistical projections forecast a continued increase in the number of single parent families headed by women. Preliminary projections calculated at Health and Welfare Canada, indicate that between 1977 and 1991, the number of single parent families headed by women will increase from about 480,000 to about 720,000.<sup>15</sup>

### Women in Poverty

Many women living alone or heading families can expect to be poor. Presently three out of five poor Canadians are women and 16% of Canadian women live in poverty.<sup>16</sup> Older women are particularly susceptible. Even with the government's old age pension, three out of five single, widowed or divorced women over 65 live in poverty.<sup>17</sup> By 2031, it is predicted

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<sup>12</sup>Speech presented by Jean Binstock, First Global Conference on the Future, July 1980.

<sup>13</sup>Ibid.

<sup>14</sup>Ibid.

<sup>15</sup>Preliminary projections calculated by Neil C. MacLeod, Policy Planning and Information Branch, Health and Welfare Canada.

<sup>16</sup>National Council of Welfare, Women and Poverty, Ottawa, 1979, pp. 1-7.

<sup>17</sup>CACSW Fact Sheet #2: Women and Aging.

that there will be even less tax money spent on each older Canadian. Although 20% of the population will be over 65, we will probably spend only 8% of our national income on their public pensions and health care.<sup>18</sup> The poverty of the elderly will therefore undoubtedly increase. Similarly, about two-thirds of single parents who are women have incomes below Statistics Canada's poverty line.<sup>19</sup> This fact, coupled with demographic and job trends, led one researcher to predict that motherhood in the next fifteen years, might become a major welfare industry unless social service support for families improves radically.<sup>20</sup>

To summarize, while these trends are not all-inclusive, the snapshot of women's options in society that emerges for 1995 is not very different from the one we could take today or even one taken twenty years ago. Women are just working harder to stay in the same disadvantaged position.

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<sup>18</sup> Ibid.

<sup>19</sup> Neil C. MacLeod, Incomes of Single-Parent and Multi-Earner Families, Ottawa: Health & Welfare Canada, 1977 (Staff working paper 77-08).

<sup>20</sup> Jean Binstock, Speech presented at the First Global Conference on the Future, July 1980.

THE IMPLICATIONS OF THESE TRENDS FOR THE CORRECTIONS SYSTEM

The trends detailed in the previous section can be encapsulated into four major trends which have very important implications for the corrections system.

1. The majority of women will continue to be concentrated in subordinate, low-paying insecure jobs, despite their increased participation in the labour force.

This trend places in question a dominant expectation popular in corrections literature which forecasts significant increases and changes in female criminality. The expectation is that women's "participation in financial and white-collar offences should increase as they gain greater entry into the business world and are rewarded for their contributions".<sup>21</sup> It is not likely, certainly in the near future, that women will gain the positions or the promotions that this hypothesis assumes.

2. More women are likely to be poor. This trend would anticipate, instead of growth in white-collar crimes, a potential concentration of crimes of need among women. These crimes fall into the category primarily of property offences both major and minor. The media has already exposed the plight of many old-age pensioners forced to steal groceries because of their inadequate incomes. As the number of women divorced and living alone or as single-parents with inadequate incomes and the number of older women goes up, we may expect many more such reports.

In fact, the trend towards crimes of need may already be escalating. The recent much publicized increase in the proportion of female arrests for "serious" crimes

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<sup>21</sup>Rita James Simon, Women and Crime, Lexington, Mass.: Lexington Books, 1975, p. 19.

is almost entirely the result of more arrests for property offences, not for crimes of violence as is often assumed.<sup>22</sup>

Between 1968 and 1972, the number of women convicted of property offences without violence almost doubled from 3,522 to 6,666. In comparison, offences against the person increased from only 213 to 331.<sup>23</sup> More recent statistics on the number of women charged by police with property and violent offences, show that between 1965 and 1975, the number of women charged with property offences rose from 7,096 to 26,411, but those charged with violent crimes rose from only 249 to 818.<sup>24</sup> Clearly, increases in property offences are the more serious.

3. Women will be increasingly susceptible to job displacement and unemployment. As a result, the need for constant life-long re-education and retraining for women will increase if women are to avoid being permanent dependents of government support programs. The role of occupational rehabilitation programs in corrections will thus become increasingly important.
  
4. The number of single-parent families will increase and the size of families will decrease. These two trends will combine to increase the importance of family ties for the woman prisoner and for her child or children. Women prisoners will therefore be more likely to expect and demand that the corrections system take greater responsibility for the maintenance of family ties.

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<sup>22</sup> Ibid. p. 36.

<sup>23</sup> Susan Gillis Adams, The Female Offender: A Statistical Perspective, Report to the Statistics Division, Programs Branch of Solicitor General Canada, Ottawa: 1978, Table 2.2, p. 30.

<sup>24</sup> Ibid., Table 1.2, p. 17.

These trends also combine to increase the need for social service support systems including adequate and affordable child care. The need for child care of the woman who is a single-parent and on parole even before she finds a job, must be recognized by the correctional system.

IS THE CORRECTIONS SYSTEM PREPARED FOR THESE TRENDS?

These trends paint a very different picture of the future female offender than that painted by much of the recent criminological literature. Instead of the massive increase in women convicted of violent crimes predicted by some writers who speculate that the women's rights movement and violence are linked,<sup>25</sup> the trends we have detailed, suggest that if there is a growth in crime among women, it is much more likely to be an increase in property crimes predicated on need, which could be prevented by increasing women's economic, employment and child care options.

Present conditions in women's prisons do not reflect a concern with this preventive approach. Traditionally, the small number of women prisoners relative to male inmates has been used to justify large discrepancies in the programs and facilities offered in prisons for men and prisons for women. As a result of a very restricted, present-oriented concern with cost-effectiveness, the needs of women prisoners have been ignored. Some of the concerns expressed by women prisoners and by researchers evaluating the prison system for women are listed below. It should be noted that, according to the future scenario outlined in this Brief, needs are likely to become even more pressing in the next decade.

1. The educational and vocational programs available to women prisoners are totally inadequate.

In Kingston Prison for Women, the only occupational training offered to women prisoners is in clerical, hairdressing, sewing, laundry, cleaning and kitchen jobs which are poorly paid and are among those occupations at the greatest risk of becoming redundant in the next few years.

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<sup>25</sup>Richard Deming, Women: The New Criminals. New York: Thomas Nelson, 1977.

2. While federal male offenders can be housed in a number of different prisons in each region of Canada, the Prison for Women in Kingston is the only federal facility available to women. As a result, the majority of women in the federal prison have almost no opportunity to maintain ties with friends and family including their children.

The authors of this Brief are aware that exchange of service agreements do exist in some provinces for federal women prisoners to serve time in provincial institutions. However, as of January 1, 1980, these arrangements seemed to be working adequately only for women in Quebec and British Columbia where about 75% of the federal prisoners were housed in their respective provinces.<sup>26</sup> The social isolation experienced by women who come from northern or rural isolated parts of Canada is often particularly acute and yet no programs exist to combat the woman prisoner's often total loss of outside support networks.

Further, many provincial facilities are presently very inadequate. Inmates in Kingston Prison for Women report that the Maritimes have the "record of giving young first offenders sentences over two years for minor offences, such as breaking windows, so that they will be sent to (the) Prison for Women and there will be one less problem for them to deal with".<sup>27</sup> Therefore, exchange of service agreements cannot be seen as a final solution.

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<sup>26</sup> Statistics obtained from the Canadian Association of Elizabeth Fry Societies, Ottawa.

<sup>27</sup> Susan Hopkins, "Is there a Future for the Prison for Women", Tightwire, March/April, 1978, pp. 27-34.

3. Although almost 20% of women prisoners are North American Indian or Métis, no special programs exist to protect their cultural links or to deal with the special problems these women experience.

Indian women prisoners have focussed particularly on their need for assistance in adjusting to life once they are released from prison. Some have asked for a half-way house segregated from non-Indians, and counsellors who understand the problems and views of native women.<sup>28</sup>

4. The male prison facilities allow for separation of offenders by security classification (Maximum, Medium, and Minimum Security Institutions and Community Correctional Centres in each region). In comparison, no provisions for such a separation exists for women even within the prison for women. All federal female offenders, regardless of security level, are housed in a Maximum Security Institution, even though it has been estimated that under 5% of women federal prisoners require maximum security.<sup>29</sup> This maximum security designation serves to unfairly justify restricted options for women prisoners.
5. The perspectives of women are not adequately presented at the senior administrative levels in prisons. There has not been a female Director of Prisons for Women since the resignation of Isabelle McNeil in 1966.

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<sup>28</sup> "Bad Girls", Tightwire, March/April, 1980, p. 36. Reprint of Lois J. Bickley's article in Ontario Indian, March, 1980.

<sup>29</sup> L. Berzins and S. Dunn, Federal Female Offender Program Progress Report, Ottawa: Correctional Service Canada, 1978, Section VI.

In Oakalla prison in B.C., the problem of male oriented administration not sensitive to the needs of the female prisoners has reflected itself in the introduction of male guards into the prison. This has led to numerous reports of sexual coercion and loss of privacy by the women prisoners.<sup>30</sup>

6. Almost 50% of the prisoners in Kingston Prison for Women have been diagnosed by prison classification officers as requiring treatment for drug abuse/addiction and 35% as requiring treatment for alcohol.<sup>31</sup> In spite of these staggering statistics, no comprehensive treatment programs exist for women prisoners.

This sample of the problems identified by women prisoners and evaluative researchers, strongly points to the present inability of the corrections system to meet the needs of the female prisoner - an inability which threatens to grow as economic, employment and demographic factors change.

If the Canadian corrections system is to move in tune with society, it will be forced to adopt a long-term, cost-effective approach - an approach based on prevention, community based or regional alternatives to maximum security prisons and a more individual sensitivity to the special needs of women prisoners.

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<sup>30</sup>"Women in Prisons", Kinesis, 6(10), August, 1977, pp. 10-12.

<sup>31</sup>L. Berzins and S. Dunn, op. cit., Section V.

OUTLINING A PREVENTIVE APPROACH TO CORRECTIONS

A preventive approach to corrections can only be truly successful if it is accompanied by changes in the justice system as a whole, including a greater emphasis on diversion, fine options programs and legislative changes in sentencing. However, many important and necessary changes fall under the authority of the Corrections Service. The following discussion provides an outline for a preventive approach sensitive to the needs identified by women prisoners.<sup>32</sup>

A. Providing More Relevant Information

To better enable the Corrections System to identify the particular needs of women prisoners, it is suggested that there be a National Clearing House for information on the female offender, run jointly by the Ministry of the Solicitor General and non-governmental organizations sensitive to the concerns of women in prison. This clearing house would collect information and statistics with a sex breakdown from all levels of provincial corrections institutions as well as information pertaining to the federal female offender.

B. Expanding Regional Facilities

The question of the split in jurisdictional responsibility of prisoners based on sentencing - namely that prisoners sentenced to two years or more be sent to federal prisons and those sentenced to less than two years go to provincial prisons - is one that has been posed, with no answer, for many years.

It is therefore suggested that the split in jurisdiction between federal and provincial governments be examined to determine how the female offender is treated

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<sup>32</sup>These suggestions for change, except where otherwise indicated, do not reflect the official position of the CACSW. Formal recommendations will be submitted after lengthy consideration of these issues by CACSW members.

and affected by this split, and that a report on this issue be released within a year.

The provision of regional prison facilities for women prisoners remains a primary concern of the CACSW. The CACSW therefore reiterates its former recommendation of October, 1979 that:

- the Kingston Prison for Women be closed and that resources be provided by the federal government to aid provincial jurisdictions to establish provincial facilities that meet federal standards, including job training and other programs that will enable women to function normally in society, and half-way houses in areas where no adequate facilities are available.

C. Increasing Training and Employment Opportunities

It has come to the attention of the CACSW that inmates in the Prison for Women have occasionally been allowed to take jobs outside the institution through a day-parole arrangement. Such innovative approaches to the retraining problems of women prisoners should be expanded.

It is therefore suggested that diverse training opportunities within or outside the prison including on-the-job training be provided in non-traditional occupations as well as occupations more traditionally filled by women. This training should include life skills programs, career counselling and problem-solving techniques for preparation for release and should include a realistic matching of the prisoner's aptitudes and interests with the opportunities available in the community in which she hopes to work following her release from prison.

To facilitate the reintegration of women into community life following their release from prison, life-skills training, career counselling and psychological counselling and family counselling could be provided where desired by the women, for up to a year following release from prison.

D. Protecting Family Ties

To ensure continuous contact between women in prison and their families, and particularly their children, it is suggested that:

- in existing institutions, an attempt be made to provide a more comfortable atmosphere for family visits including playground facilities for children and private areas for individual families;
- the use of video home movies, exchanged between women and their families already introduced in Kingston Prison for Women, be expanded and possibly augmented with other imaginative forms of communication;
- in the planning of new decentralized corrections facilities, cottage units be provided for longer term family visits and playground and recreation areas be planned for children.

It is further suggested that:

- the corrections system ensure that affordable accessible child care is found for women with children for up to a year following their release from prison.

E. Using Private Sector Support

For women prisoners and ex-inmates, the participation in private sector facilities is particularly important for individualized care given the lack of counselling, drug and alcohol treatment programs and educational opportunities currently provided within the public sector. It is therefore suggested:

- that the role of private sector agencies concerned with, and knowledgeable about the particular needs of women, be strengthened to enhance choices for women in choosing the appropriate agency for individual needs, and that government financial support to these agencies be increased in accordance with this expanded role;
- that half-way houses for Native women only, run by Native people, be provided for Indian, Métis and Inuit women released from prison.

F. Incorporating the Women's Perspective in Decision-Making

To ensure that women's perspectives are more adequately represented in the Correctional Service of Canada, it is also suggested:

- that the Correctional Service of Canada employ women in senior management positions so that women will be proportionately represented in decision-making capacities by 1984;
- that advocates for women prisoners be consulted on policy decisions;
- that implementation and monitoring of standards for correctional institutions and agencies be a national exercise including agencies from the private sector who are concerned with and knowledgeable about the needs of women in prison and in society as a whole.

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