

A STUDY OF FEMALE OFFENDERS IN CANADA WITH
PARTICULAR REFERENCE TO EDUCATIONAL PROGRAMS

CENTRE FOR NEWFOUNDLAND STUDIES

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CAROL A. FURLONG, B.A., B.Ed.



A STUDY OF FEMALE OFFENDERS IN CANADA
WITH PARTICULAR REFERENCE TO EDUCATIONAL PROGRAMS

By

Carol A. Furlong, B.A., B.Ed.

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requirements for the degree of
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ABSTRACT

This paper is an historical and descriptive analysis of female offenders, with particular emphasis on those in Canada. Due to limited resource material on Canadian female offenders, much of the data and information are based on American and British research, with occasional reference to other countries.

Most of the research for this paper was conducted between 1983 to 1985, however there are some references to more recent material and events.

In order to gain information on female offenders in Newfoundland, a visit was made to the provincial prison for women in Stephenville in August 1985. During this visit I was also given a tour of the building.

In order to give a complete overview of female offenders the thesis deals with several aspects related to them, including a general examination of deviance; who female offenders are and what happens to them once caught, including the judicial process and penal system; available services and programs; and the role of education as a rehabilitative factor.

The overall theme of this study deals with the many problems female offenders face. Some of these problems are contributing factors to their criminal activity and some of the problems are inherent in the criminal justice system.

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CHAPTER ONE

Deviance

Introduction

The initial research for this paper was to be based solely on female offenders in Canada; however, a search for relevant literature soon revealed that this topic has been given little acknowledgement or importance by either writers or the criminal justice system. Evidence also indicated that women criminals were not perceived as a problem and did not warrant the attention and services male criminals require. Pertinent information on Canadian female offenders, while expanding, is still very limited. Even in the United States, where the numbers far exceed those in Canada, women still have not been given equal recognition with men. For example, in 1967, in the President's Commission on Law Enforcement and the Administration of Justice report, a ten volume report, females did not warrant even one paragraph. However, the involvement of women in the field of crime can no longer be ignored as recent research indicates.

The lack of literature on female offenders has been significant and although there has been an increase in the studies and problems of women and crime, the area of female criminality is still a neglected area from the point of view of both research and services.

The thesis is divided into five chapters, Chapter One is an overview of deviants and deviance in general. This

section outlines who the deviants in our society are and the factors that influence their behavior.

Chapter Two discusses the types of crimes in which women are most often involved and the consequences of their actions when caught.

Chapters Three and Four deal with the penal system and life in a women's prison. Because Canada has only one federal prison for women, the Kingston Prison for Women most often referred to as the P4W, is discussed in much detail. A personal visit to the Newfoundland and Labrador Correctional Centre for Women was necessary to gather information on Newfoundland's female prisoners. Both the P4W and the NLCCW are discussed in detail including various aspects of prison life and the women who find themselves serving time in these institutions. In order to give a complete overview of prison life and the Canadian penal system with regard to women, it was also necessary to include information about women's prisons in the United States and Britain and a comparison of male prisoners and facilities.

Chapter Five deals specifically with educational and training programs offered to women and discusses not only the programs provided but also the many factors which must be given consideration for successful rehabilitation.

Chapter Six, the conclusion and summary are comprised of findings of my research as well as recommendations.

Deviance

Sociologists regard deviance as an essential feature of our society, indeed there are some who believe that since it is an inevitable product of our social system, maintaining our present social order would be impossible without it.

Deviance implies abnormality of some type, some who are considered deviant have control of the situation, such as those who direct their actions by intentionally breaking the law, but others have no control over the circumstances, such as persons born with unappealing physical characteristics. Such people are often accorded a low status by the larger society which may deem them undesirable.

Deviance from a sociological standpoint is "conduct which is generally thought to require the attention of social control agencies -- that is, conduct about which something should be done",¹ and according to the labelling theory is "a social property conferred on an individual by others".² Durkheim suggests "that the deviant person is created by and necessary to the community, both as a focus for group feelings and as an indicator of prevailing

¹Earl Rubington and Martin L. Weinberg, Deviance: The Interactionist Perspective 2nd ed. (New York: MacMillan Publishing Co., Inc., 1973), p. 27.

²Robert A. Scott and Jack D. Douglas (eds.), Theoretical Perspectives on Deviance (New York: Basic Books Inc., 1972), p. 7.

social boundaries of attitudes and behavior".³ Durkheim's formula is well supported in the study of female offenders, where women are more often than not forced into a life of crime by society as a result of their social backgrounds, and later often granted leniency because of their gender, as long as they are not in violation of the unwritten moral code for women.

People who have been branded deviants are, as a rule, excluded from the group, treated as second class citizens, and denied many rights and freedoms. Being labelled and treated as a deviant initiates the self-fulfilling prophecy and is perhaps the most crucial step in developing and maintaining a pattern of deviancy. Once the process occurs, it is very difficult for the person to become divorced from the demeaning status which has been conferred. A transformation of status takes place once a person has been stamped inferior and morally unfit so that the self-perception of being a deviant results in acting accordingly.⁴ When the labelling process has been conferred, the person is forced into a deviant group, usually as a result of being institutionalized, where similar problems and a common fate result in the emergence of a deviant subculture. Society's reactions to what may

³Mary S. Hartman, Victorian Murderesses (New York: Schocken Books, 1977), p. 8.

⁴Walter R. Gove (ed.), The Labelling of Deviance (New York: John Wiley & Sons, 1974), p. 6.

be minor acts of deviance may increase the behavior rather than reduce it by closing off opportunities for getting involved in legitimate activities.

People who commit deviant acts have been categorized by some criminologists as being "really" deviant such as "persistent, habitual, professional and organized" and those who are "not really" deviant despite their behavior, such as the "occasional, chance, casual and passionate" offenders.⁵

The first step in most deviant careers is the breaking of rules or acting in a manner which does not conform to society's laws. Most people tend to think that the committing of deviant acts is motivated and that those who commit them do so purposely, but this may not always be so and may not always be intentional. Some people may be ignorant of the fact that they are breaking a rule or that the rule applied to that specific case, possibly because of their involvement in a particular subculture such as a religious or ethnic group. Cases of intended conformity usually raises assumptions about motivation and why some people are motivated while others are not. Yet there is no evidence to support the view that all deviant acts are committed because of impulse. Conventional law abiding people who fantasize about committing crimes or

⁵Steven Box, Deviance, Reality and Society (Toronto: Holt, Rinehart and Winston Ltd., 1975), p. 17.

who have a compulsion to deviate refrain from carrying this out because they are committed to the conventional attitudes and behaviors of society.

Without norms we cannot define deviation, since norms are the baseline and standards against which we define, measure and sanction deviation. According to Rubington, for deviance to become a social reality "somebody must perceive an act, person, situation, or event as a departure from social norms, must categorize that perception, must report that perception to others, must get them to accept this definition of the situation and must obtain a response that conforms to this definition".⁶

Gove⁷ believes that those on the margins of society, in particular those who are poor and have few resources, are least able to resist being labelled deviant and most likely to be channelled into a deviant role.

Early theorists believed that being defective was the root of deviants' actions, and although some researchers⁸ have discovered differences between official deviants such as prisoners and control groups most other researchers re-examining these and other studies have consistently been unable to find or support such evidence.

⁶Rubington, op. cit., p. vii.

⁷Gove, op. cit., p. 5.

⁸Box, op. cit., p. 4.

Acts of deviance are not usually committed unwillingly or without a reason. Combined with temptation these three factors act as forms of seduction to those who are willing partners in carrying out acts of deviancy.⁹ Social theorists suggest that people commit acts for reasons such as: belonging to a subculture or minority group whose values or ways of behavior may differ from the dominant group; conflicting responsibilities which may cause inadequacy in one role while they try to be adequate in the other; personal gain; and to intentionally break rules.¹⁰ Changes in the normative order have also been cited as reasons for deviance. Dinitz¹¹ lists these seven problems: (1) norm breakdown: for instance, the traditional role and status of the adolescent is no longer defined; (2) norm conflict: subcultures which develop because of a common bond such as age or race would clash with differing norms of the larger society; (3) unreachable goal norms: caused when only a select group can attain that which is desired by the majority such as material things, thus crime may be a means of venting the anger associated with it; (4) discontinuous norms: unlike traditional societies, industrial societies do not have a

⁹Ibid., p. 150.

¹⁰Rubington, op. cit., p. 5.

¹¹Simon Dinitz, et. al., Deviance, Studies in Definition Management and Treatment 2nd ed. (New York: Oxford University Press Inc., 1975), pp. 7-10.

smooth progression of one's life cycle. Problems with adolescence and early adulthood, for example early motherhood, may cause mental or psychological problems; (5) impotent and sanctionless norms: for example, some believe that in order to succeed one must cheat hence cheating is built into the social structure just as honesty is; (6) evasive norms: these allow and even encourage, while never wholly accepting illegal or immoral practices such as prostitution; and (7) stressful norms: which cause problems such as alcoholism or heart disease due to the increasing pressures people are under in industrial societies.

Criminality

Crime occurs in all parts of our country, violates every stratum of society and involves people of all ages, incomes and backgrounds. Underlying problems include "the unruliness of young people, widespread drug addiction, the existence of much poverty in a wealthy society, the pursuit of the dollar by any available means"¹²

Sociologists view criminal behavior as a social creation, as behavior which is learned; the product of one's social background and training and best befitting the working class whose motivation and opportunity are

¹²Ibid., p. 25.

greater than the wealthy but who do not have the resources of those involved in organized crime.

The labelling perspective or societal reaction is suggestive so that persons become what they are told they are; emphasis is placed on the conduct, not the person and little difference is made between whether those who punish or try to reform them make the evaluation.

There are many diversified reasons for committing criminal acts. At the turn of the century for example, social changes and urbanization, immigration and economic upheaval were blamed as contributing to the crime rates. The Depression years and those just before World War I were times when crime rates rose to new peaks. These were also years when large scale immigration and economic recession were dominant.

The Uniform Crime Reports of the FBI as well as all other information on American crime disclose that most crimes are committed in cities by boys and young men. Thus two social trends are considered to be associated with crime -- increasing urbanization and the increasing numbers and restlessness of American youth. These two trends are also associated with increasing affluence which not only provides an abundance of goods, but motives and opportunities for stealing which is the fastest growing crime.¹³ The only way to reduce the numbers of people who

¹³ibid., p. 29.

are motivated to steal would be to reduce poverty, relative deprivation and racial discrimination.

The perceived causes of crime in Canada are found in the results of a survey conducted in Toronto in 1970 which showed that most of the randomly selected adult population of Toronto thought that crime resulted from "psychiatric, genetic, moral and cultural forces, but rarely from economic and political inequalities while unemployment and poverty were considered secondary factors.¹⁴ Some modern writers suggest that industrial countries have a fair system of reward allocation and that those who feel they deserve but do not receive these rewards are provided with motives for deviating. Unemployment was not as high in 1970 as it is today and a more recent survey might rate it and economics much higher, which would also indicate a change in attitudes toward causes of crimes and changes in the social and political pattern as contributing factors to crime.

To admit that crime is rooted in economic relations would be admitting that the present economic system causes people to resort to crime. When substandard housing, high unemployment, low income, poor education and broken homes are combined, criminogenic forces within the ghetto

¹⁴Lorne Tepperman, Crime Control (Toronto: McGraw-Hill Ryerson Limited, 1977), p. 98 citing M.C. Courtis, Attitude to Crime and the Police in Toronto: A Report on Some survey Findings (Toronto: Centre of Criminology, University of Toronto, 1970).

environment are produced. Coupled with the inferiority attitudes of the larger society, especially towards ghetto blacks, these social forces are intensified.¹⁵ The only way to deal with this would be to reduce material inequality which would alter not only our economic order but our whole social system.

There are some criminals who do not perceive themselves as such. Rapists, child molesters, some murderers and those who commit other forms of assault are self announced deviants who often blame their victims or circumstances for their actions;¹⁶ gangs guilty of violence or robbery to ensure the survival and status of their club; naive cheque forgers; students who shoplift to belong to the in group or because everyone else does it, also do not consider their actions or themselves criminal.

The same act of shoplifting committed by a professional thief has different meanings and purposes than it does for the student. Unlike the professional thief, the daring student has no intention of making a career out of crime. Such careers involve an identification with crime, usually through a lifetime organization of criminal activities, self-conception of

¹⁵National Commission on the Causes and Preventions of Violence, "Violent Crime: Homicide, Assault, Rape and Robbery" in Dinitz, op. cit., pp. 48-53.

¹⁶Nanette J. Davis, Deviance Perspective and Issues in the Field (Iowa: William C. Brown Company Publishers, 1975), p. 22.

being a criminal and extensive association and relationship with other criminals. Three types of crime fall in the career category: conventional, organized, and professional. Although all three involve the pursuit of crime as a livelihood there are significant differences in specific offenses, organization and social reaction. Conventional crime which involves such activity as larceny, robbery, burglary and gang theft involves at least a part-time commitment to a delinquent subculture and usually includes members of a slum area who progressed from early juvenile gang offenses to adult crime. Conventional criminals withdraw from such careers when they marry, have families and take on full-time responsibilities. Abandoning the career is usually a reaction to a lack of success in the field. Because they lack the skills and knowledge necessary to be successful criminals, the apprehension and conviction rate is very high for this group. The professional criminal makes crime a full-time occupation which can involve any number of offenses. This group is not usually comprised of lower class youth who lack the technical and social skills necessary to succeed in the field of crime. Organized crime, which typically operates unimpeded by the legal system is a major form of invisible crime in the United States and some parts of Canada, particularly "Toronto,

Hamilton, Windsor, Ottawa, Montreal and Vancouver".¹⁷ Its involvement includes among its many activities drug trafficking, prostitution and loan sharking. Organized crime is seen as a means of amassing wealth, power and fame and for those who come from disadvantaged or minority groups, a means of upward mobility. Major immigrant groups have taken a turn in the upper echelons of organized crime.

Middle and upper class adults are, according to Merton (1957), less likely to commit criminal acts of self-aggrandizement because they have the opportunity to gain success legitimately; however, those who do become involved usually commit white collar crimes, thus reducing the risk of being detected, arrested and convicted either because companies do not want adverse publicity or because of professional skills in carrying out the crime successfully. White collar crime has been described as "an illegal act or series of illegal acts committed by nonphysical means and by concealment or guile, to obtain money or property, to avoid the payment or loss of money or property, or to obtain business or personal advantage".¹⁸ The class ideology which is said to be responsible for lower class crime and social reaction are

¹⁷Wade Roland, Making Connections (Toronto: Gage Publishing Limited, 1979), p. 46.

¹⁸Dinitz, op. cit., p. 136.

not evident in white collar crimes. These crimes are committed during the course of business or one's professional life by what are generally considered to be conventional and law abiding citizens. Such offenses usually involve "embezzlement, fraudulent sales, false advertising, price fixing, fee splitting, black market activities, prescription violations and antitrust violations".¹⁹ White collar crimes cause exorbitant financial losses to companies and the public and it has been suggested that such actions as consumer fraud cause more mistrust among society than the depredations of all prisoners in institutions.

Other Factors

There are many kinds of deviants for which society has no labels except to classify them as mentally ill. Scheff refers to this as residual deviance. Residual deviance may be a result of genetic, biochemical or physiological origins, caused by psychological, emotional, social factors or a lack of basic needs such as food and sleep. Defiance and innovation may be brought on by some of the typical acts of residual deviants such as hallucinating and various manias.²⁰

¹⁹Davis, op. cit., p. 147.

²⁰Thomas J. Scheff, "The Role of the Mentally Ill and the Dynamics of Mental Disorder: A Research Framework" in Dinitz, op. cit., p. 273.

Labelled deviants find it difficult to conform; the ex-mental patient is urged to rehabilitate yet does not get much encouragement upon returning to society where discrimination is evident in nearly everything in which the person tries to become involved. The residual deviant, thus labelled, partially due to society's attitude has a stereotyped self-perception which impairs ability to control one's own behavior especially under stress.²¹

Values are often acquired through consistency and a lack of such values results in a conscience deficiency. According to McCord²² there are two types of deficiency and thus criminality; the first, the limited non-conformist whose conscience is normally developed in all areas except for one and which is expressed in forms of aggression, sex offenses, etc. and second, the general non-conformist whose deviance is unlimited to several types of behavior. In its extreme this can result in psychopathy. The psychopath commits any number of crimes without guilt and is usually the product of a neglected childhood.

There are other factors which may determine or are at least partially responsible for criminal activity.

²¹Ibid., pp. 267-268.

²²William McCord and Joan McCord, Origins of Crime (Montclair: Patterson Smith, 1969), p. 196.

Studies show that there is an upsurge of illegal action during periods of economic depression or when people are unemployed or under a great deal of stress. Broadfoot's study²³ revealed that there was an increase in crime during the Depression and that ordinarily law abiding citizens who would not normally become involved in acts of crime, did so in order to survive.

During the Depression, Canadians were provided with new motives for committing crime including professional and amateur, political, acquisitive crime, etc. which led to an increase in criminal activity during that era. Radzinowicz²⁴ observed similar results in European countries.

Unemployment may also cause problems such as lack of money, idleness, depression, and discontent which may result in an increase in crime. From 1921 to 1926, fluctuations in the conviction rates in Canada correspond to rates of unemployment over the same period of time.

Wadel (1973) in a study of unemployed Newfoundlanders found that among the poor and isolated there was a

²³Tepperman, op. cit., p. 179 citing Barry Broadfoot, Ten Lost Years 1929-1939 (Ontario: General Publishing Company Paperjacks, 1975).

²⁴Ibid., p. 182 citing Leon Radzinowicz, et. al. (eds.), Crime and Justice, Vol. II: the Criminal in the Arms of the Law (New York: Basic Books, 1971).

"struggle for self-esteem in the face of chronic unemployment".²⁵

Stress has been considered a cause for criminality among the poor, unemployed and youth. The poor, seeking a better life than they are often able to attain may live in an environment surrounded by crime. The unemployed may no longer consider themselves effective contributors to the family and therefore feel a sense of degradation at not being able to provide for their families. Conceivably they continue the kind of lifestyle to which they had been accustomed. Adolescents may encounter stress as a result of the challenging new responsibilities with which they are faced, such as choosing careers and obtaining employment in today's competitive society. Social stress which results from surplus populations creates conditions such as slums which eventually lead to large scale deviancy.

Although stress may be considered possible explanations of crime, the importance of such explanations are very hard to evaluate since stress is difficult to measure. There are also no techniques for measuring self-esteem or direct evidence that worthlessness results in criminal behavior; however, in Canada as elsewhere,

²⁵ibid., p. 187 citing Cato Wadel, Now, Whose Fault Is That? Newfoundland Social and Economic Studies No. 11 (St. John's: Institute of Social and Economic Research, Memorial University of Newfoundland, 1973).

evidence implies that higher levels of stress, mental illness and anxiety are more evident in poor people than in rich.

Summary

No one factor is solely responsible for young people becoming involved in criminal activity and there is no one factor which seems more important in determining such behavior. Children are affected by any number of negative factors especially family background, social environment and school progress. Adults may be less affected by many of the things that influence adolescents, however many of the adult offenders emerge from the ranks of juvenile offenders.

Many people who are considered to be deviants are not criminals, instead they are products of a society which labels simply because of differences over which the labelled persons may not have any control. Deviants who are criminals however, are willing participants in delinquent activity although this willingness may only be as a last resort for gaining access to things they cannot otherwise attain.

The relationship of such factors as socio-economic status and types of crimes in which certain groups of people are involved cannot be considered true sampling of the population if results are obtained through studies of

institutionalized persons only, since they cannot be regarded as an unbiased sample.

Reports also show that there are indeed differences between social classes in that most people who are members of the upper echelons of society because of their positions and needs are more involved in different types of crimes (although embezzlement and pickpocketing are both forms of stealing) and are treated differently once caught.

In conclusion, there is a difference in criminal activity of lower class and higher class people. Not only are the types of crimes different but their reasons for doing so also differ, for example, the slum offender might kill or injure someone as a result of a street fight to gain prestige, while the middle class person might do it for emotional reasons. The treatment of such people is different as well.

CHAPTER TWO

The Female Offender

Background

Female offenders are comprised of various age groups and come from all social, ethnic and educational backgrounds, however, most criminologists agree that the majority are poor, young, unskilled, uneducated, single, often with dependent children, and come from minority backgrounds. In the United States black women are the majority in prisons while Native women show a high percentage in Canadian prisons.

Most female offenders commit petty offenses and unlike their male counterparts, the majority of those who commit murder, kill someone they know, usually a husband or lover. Most women who are sentenced by the courts to serve time are not sent to a federal institution, even for those sentences requiring a federal term. In Newfoundland, it is the rare exception who is sent to Kingston Prison for Women, indeed very few women are sentenced to serve time at all.

Because of the new Privacy Act and inadequate files on women, there is not enough information to provide background knowledge on pre-adult criminal activities and whether or not these women had histories of criminal involvement as youths.

Women are not as likely as men to be detected, reported, arrested and convicted, therefore those who

finally are incarcerated are often considered to be the dregs of society. This same sentiment was perhaps even more acknowledged in earlier years. In 1847, speaking of the deplorable conditions in the colonies to which women were subjected and forced to serve their time, the Bishop of Tasmania remarked,

"Female felons are so bad, because, before a woman becomes a felon at all, she must have fallen much lower, have unlearned much more, have become much more lost and depraved than a man. Her difficulty of regaining her self-respect is proportionately greater. There is nothing to fall back upon--no one to look to When they go out as convicts everything is gone, every restraint is removed, they can fall no lower."¹

There have been several theories on why and who female offenders are; Pauline Tarnowsky² claimed that the Russian peasant murderesses she studied were "biologically different from normal women in cranial capacity, height, weight and other features" (this theory is not discussed or mentioned in other articles I have read); Eysenck and Eysenck³ suggested that incarcerated females fare higher

¹Mary Carpenter, Reformatory Schools (London: The Woburn Press, 1968), p. 316.

²Lee H. Borker, Women, Crime and the Criminal Justice System (Lexington: Lexington Books, 1978), p. 26 citing Ceasar Lombroso and William Ferrero, The Female Offender (New York: Appleton, 1920), pp. 45-75.

³Sybil B.G. Eysenck & Hans J. Eysenck, "The Personality of Female Prisoners", p. 696 in British Journal of Psychiatry (123, 1973), pp. 693-698.

in the areas of psychoticism, extroversion and neuroticism than other women; Joanna Kelley,⁴ Governor of Her Majesty's Prison for Women, Holloway, 1959-1966 reported that imprisoned females tend to possess characteristics of selfishness and violence and that their inability to recognize the rights of others often leads to conflict among them. It is because of this selfishness she states that women are permitted so few personal items. (Kelley is the only one whom I have studied who suggests that selfishness is a common trait among women prisoners). She also reports that women admit to committing more crimes and misbehaving in prison during moments of depression.

Today's criminals differ in some respects from those of the past and according to Price⁵ modern women have different attitudes and aspirations and are more intelligent than their predecessors. Modern inventions such as radio and television would significantly increase one's awareness and knowledge and even though most women in jails are poorly educated they have more education than women at the turn of the century who may not have had any opportunity to go to school at all.

A factor which does seem to be a common one among female offenders is their involvement with alcohol and

⁴Joanna Kelley, When the Gates Shut (London: Longmans, Green and Co. Ltd., 1967), p. 57.

⁵Ray R. Price, "The Forgotten Offender" Crime and Delinquency Vol. 23, No. 2, (April, 1977), p. 107.

drugs. At Kingston Prison for Women, a study conducted in 1978 revealed that 50 per cent of the inmates were diagnosed as needing treatment for drug addiction and 35 per cent required treatment for alcohol abuse.

Charlotte Ginsberg perhaps best describes who female offenders are by dividing them into three groups; firstly,

"... the neatly dressed white woman who shoplifts in the grocery store and is told to never come back into the establishment; ... the high priced call girl whose customers are important, prominent men and who earns enough money to pay off the necessary doormen, police, etc., and the circuit prostitute whose pimps are part of organized crime and keep her out of jail and on the move;"

secondly legends, such as Lizzie Bordon and more recently Patty Hearst; and thirdly those "whom we find in county jails and prisons and on probation and for whom we offer our services and must develop programs."⁶

Types of Crime

There has been a dramatic increase in female criminality, though statistics show this increase to be disproportional in white collar sectors. The reason for this is attributed to women's upward mobility in the labour force which provides them the opportunity to commit certain types of crime previously only available to men.

⁶Charlotte S. Ginsberg, "The Female Offender," (Unpublished), n.d.

International statistics indicate that in all countries where women are entering new sectors of the labour force and enjoying new legal and social rights, they are more likely to become involved in property and economic related crimes. This increase in crime comes as no surprise to criminologists, who have predicted for over eighty years the increase in crime and the new areas that would be entered by women as a result of the pursuit of women's equality.⁷

Most crimes committed by women are not acts of violence, although there is a new breed of female criminals who are usually motivated to kill for political ideals. Such women have gained notoriety for their deeds, including Squeaky Fromm and Sara Jane Moore, who attempted to shoot President Ford; followers of Charles Manson, who were accomplices to the vicious murders he committed; and the bomb throwing, gun toting revolutionary members of such movements as the Symbionese Liberation Army. Yet, according to Price, contrary to what the mass media would have us believe, "the proportion of females arrested for violent crimes such as murder and aggravated assault have changed hardly at all over the past three decades. Female arrest rates for homicide have been the most stable of all statistics on violent offenses. Unless driven by

⁷Stephen Norland and Neal Shoven, "Gender Roles and Female Criminality", Criminology, Vol. 15, No. 1 (May, 1977), p. 89.

extraordinary circumstances, women do not murder or assault strangers".⁸

Crimes showing the greatest increase from 1967 to 1976 were "embezzlement, fraud, forgery and counterfeiting." If the rate of increase for the five years indicated continues, women's arrests for these crimes will be in proportion with female representation in the labour market and equal to arrests for men. The only offence in which women are represented to a higher degree than the four listed is prostitution, and in this area the percentage of women involved far outweighs that of men.

FBI reports show that females comprise 12 per cent of those arrested in the United States in 1966 and 16 per cent in 1976. With the increase in arrests, the contribution to serious property crimes rose from 15 per cent to 22 per cent in the same years. Violent crime however, rose only one per cent in this time. Areas of crime which remained proportionately the same during the decade include

"murder and non-negligent manslaughter, robbery, aggravated assault, burglary, narcotics, curfew and loitering. Larceny - theft, forgery and counterfeiting, fraud, embezzlement, vagrancy and runaways have had a proportionate increase in female arrests while female arrests for prostitution and commercialized vice have decreased proportionately."⁹

⁸Price, op. cit., p. 103.

⁹Bowker, op. cit., p. 4.

Men and women commit fundamentally different crimes. Women do not kill as often as men and in studies of countries, such as the United States, India and Canada, victims were nearly always family members or other acquaintances, with the exception of Uganda where females were arrested more often for assault than for theft, and Argentina, where girls are represented on a higher percentage for minor assaults than boys.¹⁰ Females do not have the capacity for murder; most women, including Canadians, are more likely to use a gun to commit the crime¹¹ although poison was very popular during the nineteenth century.

Other types of crimes common to the female offender do not involve a direct victim or are without violence, such as "vagrancy, drug addiction or drug pushing. The largest number of charges laid against women are those which relate to their sexual and maternal roles, such as abortion, child neglect, infanticide and the keeping of bawdy houses."¹²

¹⁰Ibid., p. 11.

¹¹Norland and Shoven, op. cit., p. 101.

¹²St. John's Women Bureau, Women and the Law (St. John's, Nfld., Spring, 1972), p. 18.

The Women's Movement

Charlotte Ginsberg, Executive Director of the Program for Female Offenders Inc. states that the one factor female offenders have in common is that 99 per cent have never learned to be independent. Regardless of race, education or other factors they may have in common, these women have learned from childhood to be dependent either as a result of being abused or overprotected as children, then later, to have found a man to take advantage of their lack of independence. Instead of producing female offenders, she suggests the women's movement, by striving to create independent women, reduces the numbers of women involved in crime, and states in conjunction with that theory "there are no feminists in county jails."¹³

The government also plays a part in forcing women to remain dependent. Social welfare recipients especially, are victims of this. For example, a woman living alone may receive welfare to support herself and her children but if a man moves in with her she is required to inform the Department, which in turn either cuts or discontinues her payments. Even if the man is not or will not be a permanent part of the family she has to disclose this fact and the man is expected to provide for the family and the woman to be dependent on him. This issue, which has been dubbed "Man in the House" has been of grave concern to

¹³Ginsberg, op. cit.

Elizabeth Fry Societies for years. Failure to declare the presence of a man in the house to the government may result in the woman being charged and convicted of fraud and sent to jail while her children are placed with the Children's Aid Society. In Ottawa, at Fergusson House alone, up to November 1984, a total of nine women had been sentenced to serve jail terms of three to six months for that very offence.¹⁴ These same women do not believe they have done anything wrong and certainly nothing for which they should have been sent to jail.

Others, including Rasche, Klein and Smart,¹⁵ share Ms. Ginsberg's view that the women's movement is not responsible for the increase in female crime. She suggests that disciples of the movement come from backgrounds such as college graduates, middle class women and not the stereotypical women generally found in prisons.

Freda Adler¹⁶ on the other hand believes that female criminals are no longer interested in the typical female crimes such as shoplifting any more than most women want to work at low paying stereotyped jobs. Instead they are getting involved in areas of crime that once were totally

¹⁴CAEFS, Newsletter No. 9 (Ottawa, November, 1983), p. 1.

¹⁵Bowker, op. cit., p. 51.

¹⁶Freda Adler, Sisters In Crime (Toronto: McGraw-Hill Book Company, 1975), p. 27.

dominated by men just as women are legitimately gaining admittance to jobs and positions that were once only available to men. Other authors theorize that the movement breeds females who are more masculine than before and who have liberated themselves from the bondage of apron strings into a new world of crime. Norland and Shaver, however, suggest that this hypothesis is "accepted as valid more on the grounds of selective emphasis of certain characteristics of persons and acts than on empirical observations".¹⁷

Although women in jail have violated the norm for traditional sex role behavior, the majority of these women do not identify with the women's movement and they certainly do not consider themselves feminists.¹⁸ The same may be reported of juvenile girls who engage in gang activity and other unfeminine behavior. These girls, according to a study on girl gangs have not been influenced by the movement or the issues and that even if they had been exposed to them they "... would probably consider them to be irrelevant if they came into contact with them."¹⁹

¹⁷Norland and Shoven, op. cit., pp. 99-100.

¹⁸Annette Brodsky, "Female Offenders", The Counselling Psychologist, Vol. 8, No. 1, (1979), p. 43.

¹⁹Bowker, op. cit., p. 148.

Arrest

Women who violate social laws have a much greater chance of not being arrested, especially if they act in a feminine manner, than those females guilty of violating moral laws, who have little chance of escaping arrest. Murderers, embezzlers and frauds are not thought of with the same disrespect as prostitutes, drunks, women found loitering, or young girls who are thought to be sexually active or promiscuous. The increase in arrests for women is partly due to a surge of independence among young girls and adult women. Many police report that if a female acts in the traditional way, if she acts feminine, cries and appears frightened, they will not arrest her, even if she has committed a crime; this is especially true for those who are involved in drug offenses. On the other hand women considered to be lacking in morals, or those who act aggressively towards police are arrested in an unchivalrous manner.

According to Adler, females are

less likely to be arrested and, when arrested, are far less likely to be convicted than are males involved in exactly the same sort of crime, because policemen suffer from deeply ingrained prejudices which put female criminals at an advantage. In their dealings with females in all walks of life, policemen tend to conform to the traditionally paternalistic attitudes of society in general towards women. That such attitudes and tendencies have remained throughout the various law enforcement levels in this country

in spite of the rising rates of female crime puts it in the category of a prejudice.²⁰

And in Liason, there appears a statement concerning juveniles, regarding Philadelphia police

[police are] more likely to release a young woman than a young man they suspected of a crime, equally likely to apprehend males and females suspected of running away and more likely to arrest girls they suspected of sex offenses. [Drug offenses] there was a tendency not to arrest females as often as males if they behaved in expected stereotypic ways ... however ... more and more young females tend to be aggressive and hostile ... the police arrested and processed these more often than those who behaved in more traditional ways.²¹

There have been charges of "brutality, sexual advances, insulting personal remarks, intimidation, and lack of understanding on the part of the arresting officer." On the other hand, police complain about women resisting arrest "physically acting out, verbally abusing them, and making false accusations including sexual harassment."²²

Modern offenders are committing more crimes and taking on new roles in the world of crime. This holds true for many countries including Canada, the United

²⁰Adler, op. cit., p. 49.

²¹Liason, Vol. 5, No. 2 (February, 1979), p. 14.

²²Canada, Report of the National Advisory Committee on the Female Offender (Ottawa, Spring, 1977), p. 17.

States, Western Europe, New Zealand and India, where as "social and economic disparity between the sexes diminishes there is a reciprocal increase in female crime."²³

Women still do not surpass nor do they equal the numbers of men involved in crime, yet the figures are increasing. A survey by the FBI on arrests in the United States from 1960 to 1972 showed that the number of males arrested exceeded the number of females arrested but that females were being arrested at a rate increasing at nearly three times that of males. The survey showed that the number of women arrested for

"robbery rose by 277 per cent, while the male figures rose 169 per cent, ... in embezzlement up 280 per cent for women, 50 per cent for men; larceny up 30 per cent for women, 82 per cent for men, and burglary up 163 per cent for women, 63 per cent for men. Except for parity in the categories of murder and aggravated assault, the picture of female arrest rates is a consistent one for all offenses."²⁴

Although there is much talk about the increase in female crime, Marie Andrée Bertrand, an acknowledged expert on female criminality states, "there is no significant increase except in offenses against property without violence; and the increasing number of women in

²³Adler, op. cit., p. 17.

²⁴Ibid., p. 16.

jails is not proportionate to the increase in the percentage of women among people charged and convicted."²⁵ This supports the theory that the number of women in prison does not represent the number arrested.

Statistics support the assumption that women are involved in criminal activity to a lesser degree than men but since people are reluctant to report women criminals, and police to arrest and hold them, the figures reported are misleading. The arrest rate for women, in the United States rose to 60.2 per cent from 1960 to 1975²⁶ but the reasons for the arrest may be linked to stereotyping. Women often enjoy freedom from arrest and may get away with committing an offence because society does not like to have women arrested,²⁷ nor do police like to arrest them.

The Courts

Power and wealth have always been an asset for some offenders both male and female. Such assets provide the criminals with the necessary tools to gain freedom through good lawyers who represent them or the power of the accused to sway public opinion. Women, particularly those

²⁵Liason, op. cit., p. 9.

²⁶Ibid., p. 11.

²⁷Kelley, op. cit., p. 36.

of social stature have enjoyed special favor under the justice system because of their gender and social status.

In the nineteenth century womanhood was regarded ideally and convicting and punishing women, even if guilty, was not looked upon favorably by society. A woman's virtues, perhaps to a greater extent than any other time were idealized during this era, and this factor inevitably would be brought up during her trial. Even if it had no bearing on the case, a respectable woman was favorably looked upon, while one of promiscuity would be scorned and probably found guilty because of it. Morally upright women were protected from the indignity of prison or death, solely because they were considered respectable.

In a study of thirteen, nineteenth century English and French women of respectable middle class status, Mary Hartman gives an account of the murders these women were accused of committing or being accomplices to, all of which were family or acquaintances of the accused:

The victims were the women's husbands, lovers, rivals, pupils, siblings, offspring, and grandchildren. Two of the victims were suffocated, one died of a skull fracture, two were shot, another succumbed to knife wounds and body blows, and the remaining six were poisoned. Most of the accused women were probably guilty as charged, although only six were convicted and none was made to suffer the death penalty. Furthermore, five of the six who went to prison were freed before their full sentences were served. Six of the seven others were acquitted and the thirteenth was never brought to

trial. It is possible to conclude that it was wise to be female and respectable if one intended to dispose of somebody in the nineteenth century. Middle class women were literally getting away with murder.²⁸

Today, women may be looked upon favorably by the justice and social system where circumstances warrant. According to Hartman, "women, in particular socially wellplaced women, still enjoy special favor under criminal justice." But this favor, though real, has hardly been a static and fixed quantity. It has depended in part upon the capacity of a society at any given time to incorporate the deviant behavior of an individual accused woman into a generally acknowledged positive image of womanhood, and thereby both to explain that behavior and eliminate or lighten ordinarily prescribed punishment.²⁹

Even though women are taking on new roles both socially and criminally they are still part of a minority and this factor is in part responsible for the lack of change on our modern criminal system.

There is also evidence that in Canada women have been looked upon favorably by justice officials but this treatment has been undergoing change in recent years. In 1901, the probability of a charge leading to a conviction was 60.5 per cent; in 1948, it had reached 88.7 per cent

²⁸Mary S. Hartman, Victorian Murderesses (New York: Schocken Books, 1977), p. 1.

²⁹Ibid., p. 8.

and by 1966 had risen to 90.26 per cent. Even in sentencing, women enjoy more leniency than men. In 1970, for example, in the United States, the ratio of arrests was one female to six males. Admissions to correctional institutions during the same year however, showed that in correctional institutions during the same year only one female was admitted for every 21 males.³⁰ In England, in 1966, only one woman was represented in court for every 23 men, and there were 850 girls and women incarcerated compared with about 30,000 men and boys.³¹

The sentencing of women by judges is a very controversial issue. There are cries of discrimination which are two sided -- cries that women are dealt with too leniently because of their gender and the other cries that it is because of their gender that they are being punished. These are more moral issues than legal. In Edmonton, in 1982, the sentencing of a woman for striking a police officer, brought outcries from the Elizabeth Fry Society. A twenty-two year old woman was sentenced to serve nine months in the Alberta hospital in its forensic psychiatric unit when the judge diagnosed her as having a "severe personality disorder." The Elizabeth Fry Society believed that the judge was reacting to the large number

³⁰Price, op. cit., p. 105.

³¹Kelley, loc. cit.

of such cases that had come before him.³² Much more recently, in August, 1988, a judge in Newfoundland, placed a woman convicted of twenty-seven charges of fraud on probation because he did not want to separate her from her children.

Very often an offender is sentenced to a period of probation rather than imprisonment, and an attempt is made to help the woman reform. Unless the criminal wishes to reform, she will not acknowledge the assistance offered. Those who wish to take part in such programs and who are not sent to prisons are permitted to rehabilitate themselves with much more dignity, freedom and independence than those in jail, thus enabling them to deal with their problems as they arise.

Summary

Female offenders generally have several common traits. They are often young, poor, have little education and skill, are usually single parents and come from a minority background. Female offenders have a history of dependence on men, starting at an early age with an abusive or overprotective father graduating to a domineering boyfriend or husband. Such dependence is often encouraged by the system as is revealed by the

³²CAEFS, Newsletter, No. 7 (Ottawa, November, 1982), p. 3.

government's perception that once a man moves in with a woman he should be responsible for her welfare.

Alcohol and drug abuse are also common among female offenders. And while some theories suggest that the women's movement is partially responsible for the increase in crime by females, many theories indicate that female offenders do not view themselves as feminists, nor try to conform to the ideals of those women who are disciples of the movement.

The types of crimes in which women generally become involved are non-violent and generally their crimes are of a sexual nature.

Female murderers have little in common with their male counterparts. Their victims are usually those with whom they have formed relationships such as husbands and boyfriends, or even their own children.

In all cases, except for prostitution, crimes committed by men, far exceed those committed by women. Ironically, prostitution, the one crime in which women outnumber men, men are willing participants in the crime, but as a rule, only women are ever punished.

While the arrest rate of women is still much lower than that of men, they are increasing. However, reports indicate that most police do not like to arrest women, and that women who assume a more aggressive role than is

expected of the "female gender" are treated differently than those who do not.

Historically, the courts also tend to consider the maternal role of women who are charged and do not like to separate mothers from their children.

CHAPTER THREE

The Penal System

Introduction

The initial purpose of prisons was to punish criminals but today they serve a dual function; to punish and to rehabilitate, although the latter is very often much more difficult to ensure than the first. It is often by virtue of being sent to prison that assists in ensuring one does not rehabilitate, but instead becomes even more hardened and more learned in the ways of criminal activity, encouraging the breeding of criminals. A prisoner serving time, however short it may be, with a hardened criminal can learn a lot in the few years of their association. The very nature of prisons and the brutality which may be experienced in them, can also be a grave factor in determining one's future. Prisons are a conglomeration of people from all walks of life, diversified backgrounds, criminal involvement, intelligence and physical and psychological abilities. They throw people together so that they often must learn violence in order to defend themselves from other inmates who may intend to physically or sexually abuse them.

Because of the caliber of people ultimately sent to prison and the diversification of crimes for which they are sent, there has always been a great deal of dissatisfaction with the prison system. However dissatisfied people may be or how much reform is

initiated, prisons serve at least part of the purpose for which they were initiated, some better than others, and their continued existence is ensured not only as a result of criminal behavior within society but within the prison system itself. The very nature of prisons dictates their own survival, as is suggested by Morris who states of prisons

"They are too frequently the scene of brutality, violence, and racial conflict. And insofar as prisons purport to cure criminals of crime, their record has not been encouraging. Nevertheless, prisons have other purposes -- to punish, to deter, to banish -- which assure their continued survival".¹

The majority of women sent to prison are not hardened criminals but are women, who through economic, social and racial inequalities, have not been able to otherwise survive on the outside. Most women are sent to prison for drug related and minor offenses. Very few are violent offenders and even those who are subsequently found guilty of murder and manslaughter, the majority did not plan to kill or in some cases were only accompanying the person who committed the act.

The locked doors of a prison, away from family and friends, and deprived of the right to privacy and freedom, is in itself a violation of everything our society holds

¹Norval Morris, The Future of Imprisonment (Chicago: The University of Chicago Press, 1974), p. ix

dear. Some of the more modern prisons, or those with lenient administrators, permit the inmates a little more freedom within the prison by placing fewer restrictions on them. Even with these extra privileges, the pain of incarceration and separation from loved ones makes it impossible for any prison to be good.

Because of the small number of institutions for women, females of all criminal backgrounds are housed together. In Canada, the only federal penitentiary for women is at Kingston, Ontario, where murderers, shop lifters and drug addicts are all housed together.

Although more women today are being convicted of offenses and sent to prison than in previous years, the numbers of incarcerated women still falls far below that of males. This is not only true of Canada but seems to be the trend universally. For example, in Britain in 1978, of the 41,796 inmates only 1,378 were females; in Scotland 169 women compared with 4,893 males² comprised the prison population; in the United States women made up 8,850 of the prison force compared with 233,900 men;³ while of the 8,858 prisoners in Australia in 1977 only 235 were

²R.I. Mawby, "Women in Prison: A British Study" Crime and Delinquency Vol. 28, No. 1 (January, 1982), p. 25 citing Scottish Home and Health Department, "Prisons in Scotland: Report for 1978" (Edinburgh: HMSO, 1979).

³Lee H. Bowker, Women and Crime and the Criminal Justice System (Lexington: Lexington Books, 1978), p. 226.

females;⁴ in India women represented 4.3 per cent of convicted prisoners in 1965;⁵ and 2.2 per cent of the Danish prison population in 1972 were females.⁶

Women were also under-represented in prisons in the eighteenth century; however, those who were sentenced to serve jail terms were most often from the peasant class and were forced to serve their time in institutions which also housed men and children and did not discriminate on the basis of age or gender; all were subjected to the same harsh treatment and cruel conditions.

The need for prison reform and special quarters for women was recognized in Canada as well as elsewhere. The housing of women and men together caused inconveniences and disturbances within the prisons and it was these factors which mainly led to the recommendations of Penitentiary Inspectors which appeared in the House of Assembly, 1839 to cope with the problem

... the sentencing of females to the Penitentiary causes some inconvenience. They must be kept closely confined in a small temporary apartment formed over the present mess table of the male convicts, and occupying part of the area on a level with the fourth range of cells; and although their labour as seamstresses

⁴Ibid., p.271 citing David Biles, "Women Offenders" (unpublished, 1975), p. 3.

⁵Ibid., citing Ram Ahuja, Female Offenders in India (Meerut, India: Meenahski Prakashan, 1969), pp. 9-11.

⁶Ibid., p. 271.

can always be turned to good account, they cannot be effectively subjected to the peculiar discipline of the prison until separate place of confinement suggested for them by the plans and reports of the recent Commissioners have been prepared for their reception.⁷

Britain and the United States, having recognized the need for separate prisons, opened prisons for women in the later half of the nineteenth century. In 1820, Britain opened the doors to women only at Brixton and three years later the following statute ensured its continued existence as a female facility, "Male and Female Prisoners shall be confined in separate Buildings or Parts of the Prison so as to prevent them from seeing, conversing, or holding any Intercourse with one another [and that] Female Prisoners shall in all cases be attended by Female Officers."⁸

In the United States, the Quakers were instrumental in forming the first women's prison which was erected in Indiana in 1873, and within forty years prisons for women were opened in New York, Massachusetts, Columbia and New Jersey, and by 1917, fourteen states had institutions for

⁷J.M. Beattie, Attitudes Towards Crime and Punishment in Upper Canada 1830-1850 (Toronto: Centre of Criminology, 1977), p. 106.

⁸Joanna Kelley, When the Gates Shut (London: Longman, Green and Col. Ltd., 1967), p. 8.

women.⁹ Canada did not have a separate federal prison for women until 1935, however, advocates of prison reform had been stressing the need for improvements to the system with regard to women since 1847 as indicated by a letter which appeared in The Examiner in March of that year which stated in part " ... The females should be placed under the superintendence of persons of their own sex. They have facilities for influencing and instructing those unhappy females, which men can never command, and therefore their assistance in this matter should be secured."¹⁰ Even though the special needs of females were recognized at this early stage, no efforts were made until much later to do anything about them. Prison for women was a punishment, reform was neither administered, encouraged nor promoted.

Women who were eventually convicted and sentenced to prison were considered immoral by 1840 standards and therefore deserving of little comfort, sympathy or any privileges. Some women in prison today believe they are still treated and regarded with the same outdated standards as women in 1840 and feel that not only are they punished for breaking social laws but 'unwritten moral laws' as well.

⁹Kathryn Watterson Burkhart, Woman In Prison (New York: Doubleday and Company, Inc., 1973), p. 253.

¹⁰Beattie, op. cit., p. 77 citing The Examiner (10 March 1847).

Other changes in the American penal system were brought about due to the unique needs of women, even to the point of how to carry out the death penalty. The hanging of Eva Dugan on February 21, 1930, the only woman in the United States penal system to be executed by hanging, caused such a public uproar when her weight had been miscalculated and she was decapitated, that on October 28, 1933 lethal gas became the means of execution. (Ms. Dugan claimed her innocence to the end.)¹¹

Women who are incarcerated suffer common psychological effects as a result of their imprisonment which according to Giallombardo (1966) include "the dehumanization as individuals through regimentation of dress and routine, lack of privacy, single sex contacts only, and most distressing -- separation from family members, particularly young, dependent children from whom they may lose custody permanently".¹² In nearly all Canadian prisons, today women wear civilian clothes, however, the other factors pointed out by Giallombardo are evident even in Canada.

¹¹Burkhart, op. cit., p. 82.

¹²Annette Brodsky, "Female Offenders" The Counselling Psychologist Vol. 8, No. 1 (1979), p. 43.

Kingston Prison for Women

Prior to the opening of the Prison For Women in Kingston, Ontario, females were housed in institutions for men and were often placed in sections of the prison where they were unable to take part in any activities or were in closely confined areas. Women who were forced to serve prison sentences in the 1800's and early 1900's were not only sent to live an existence in a place meant for men, but were expected to carry out duties similar to the male convicts and to bear equal punishments.

Women who were sentenced to Kingston prior to 1936 were incarcerated in cramped, temporary locations. Because it was an institution for men and there were so few women convicted, women were given very few, if any privileges and were of little concern to the prison officials.

In 1844, there were 26 women at the prison, cramped into cells measuring 8 feet long, 7 feet high, and 30 inches wide. Women were physically and mentally abused in provincial jails as well. Complaints of the treatment to which these women were subjected led to the appointment in the 1840's of a Royal Commission, dubbed the Brown Commission, to inquire and report on conditions in the provincial penitentiaries. The inquiry revealed charges of sexual and physical abuse were warranted and that women

were kept in deplorable conditions such as having to live in bug infected quarters.¹³

Canada's treatment of women criminals may have been a reflection of the treatment they were subjected to in Britain. Women were not given any special treatment because of their gender and were forced to do the same brutalizing and backbreaking work as the men.

The only federal prison for women in Canada known as the P4W, was established with the same design as maximum security prisons in the country constructed nearly one hundred years earlier. Very few women sent to the institution require maximum security, and since its inception, there have been complaints from those involved in the criminal system, as well as advocates of prison reform, who have recommended that it be phased out because of its unsuitability.

The basic needs of the women for medical, psychiatric and dental treatment operate under the same directives as those for men, as does the running of the institution. The only difference is in clothing issue; the women are permitted to order clothes from Sears catalogues. The women are also allowed to use cameras, which is not permissible in male prisons, as well as receive parcels from families.

¹³ibid., p. 402.

Because of their small numbers, the women's prison should be able to provide programs and special services to meet the special needs of women; however, it is for this same reason the women are being deprived of many of the services and programs provided for their male counterparts.

In January, 1979, Jean-Jacques Blais, the Solicitor General, announced plans for phasing out the women's prison in Kingston. The main issues involved were locations -- only one-half of the inmates were close to their home and facilities; the others were from five hundred to three thousand miles away; the security level necessary to operate the prison -- although it is considered a maximum security prison, only four women at that time were considered maximum security risks; and the programs required for their needs were not being met.¹⁴

As alternatives to Kingston prison, the Task Force recommended the following centres for female offenders; Vanier Institute outside Brampton for women from Ontario and the Maritimes; Maison Tanguay in Montreal for those in Quebec; and a unit at the centre for men in Mission, B.C. for women from western Canada.¹⁵ Besides recommending the phase out, the Committee also suggested changes that were

¹⁴Canada, Report of the National Advisory Committee on Female Offenders (Ottawa: Spring, 1977), p. 136.

¹⁵Liason, Vol. 5, No. 2 (February, 1979), p. 2.

needed until the phase out was complete, including an activity centre and life skills program, and security for only those requiring it.¹⁶

This was not the first time plans were made to phase out the centre. In his report of 1954, the Commissioner of Penitentiaries stated that recommendations for a new institution was submitted to the Government of Canada, which would be "more suitable for the rehabilitative training of female inmates than the existing institution," and in the following year's report, stated that plans were being drawn up for quarters adjacent to the men's at Collins Bay Penitentiary, which would help alleviate the geographic problem encountered by sending all women to Ontario.

In 1979 the Government issued reports of the pending closure of the P4W and subsequent internment of women in provincial jails. The inmates became upset, charging sexual discrimination as the government planned to use it for the male prisoners, and threatened that a riot would result. Their reasoning was that despite its negative features, "they felt they would have more freedom of movement ... than they would have in provincial jails."¹⁷

¹⁶Canada, Subcommittee on the Penitentiary System, Report to Parliament (Ottawa: 1977), p. 2.

¹⁷Brian D. Johnson, "Women Behind Bars" Equinox (March/April, 1984), p. 66.

Reports up to 1979 that recommended the closure of the P4W include the Fauteux Report (1956) which was the Report of a Committee appointed to inquire about the principles and procedures followed in the Remission Service of the Department of Justice of Canada; Brief on the Woman Offender (1968), an official Statement of policy of the Canadian Corrections Association; the Ouimet Report (1969), a report of the Canadian Committee on Corrections; Report of the Royal Commission on the Status of Women 1970; the Clark Report (1976), a report of the National Advisory committee on the Female Offender; MacGuigan Report (1977), a report to Parliament by the sub-committee on the Penitentiary System in Canada; Brief from the Canadian Association of Elizabeth Fry Societies 1978; Brief from the Civil Liberties Association National Capital Region 1978; Brief from the Federation of University Women 1978; the Chinnery Report (1978) which was a report of the Joint Committee to Study Alternatives for the Housing of the Female Offender; Berzins and Dunn Report (1978) which was a Progress Report on the Federal Female Offender Program; and the Revised Submission from the National Advisory Council on the Status of Women, 1979. All of these reports, except the 1978 Progress Report on the female Offender, use emotional reasons such as "generalizations about the harmlessness of women" for closing the prison.¹⁸

¹⁸Berzins, op. cit., p. 415.

Because of the action taken by a group of women called Women for Justice, concerned with the needs of female offenders, the Human Rights Commission ruled that inmates at P4W were discriminated against by the Correctional Service of Canada. This followed a year's investigation by the Commission because of a complaint that women sent to federal prisons were discriminated against in facilities and services that were available to their male counterparts.¹⁹ Improvements in facilities and programming have taken place since this was upheld -- for instance, an activity building was constructed, allowing for greater common space for women on the range, and the introduction of some non-traditional job training.

Physical Description

Johnson, in his article "Women Behind Bars" describes the physical structure of the Kingston Prison for Women as a

grey limestone building with the copper-green dome [which] might pass for a dignified, though somewhat austere, girls' school. But it is hard to ignore the wall. Abutting both sides of the building it encloses an area the size of a city block, just across the road from the sand-castle perimeter of the Kingston Penitentiary, whose wooden gun turrets, gaily painted white and pastel blue, appear almost quaint by comparison. Erected four years ago to replace a crumbling

¹⁹ibid., p. 400.

limestone wall, the new barrier, two feet higher than the old, cost \$1.4 million and took two years to build. Eighteen feet high and almost half a mile long, it consists of 400 slabs of reinforced concrete, each weighing 16 tons, bolted 13 feet into solid bedrock. Its sole purpose is to contain the energies of about 100 women.

Corrugated on the outside and smooth on the inside, the wall discourages escape. It serves as a psychological as much as a physical barrier, a concrete curtain drawn lightly around the street. No one has gone over it yet.

A perverse monument to sexual equality, the wall affirms the right of women to be every bit as dangerous and as desperate as men, even if no more than a handful are so inclined.

One enters the P4W by passing through a heavy wooden door, which has a cracked glass peephole shaped like a letter slot and which leads into a foyer lined with lockers, where visitors can leave their valuables. In the corner is a black garbage can full of sand, labelled "gun control." (A visiting policeman must check his firearm at the door. While emptying the ammunition, he points the gun at the sand in case it discharges). A Guard sitting in a wire-mesh booth checks credentials and flicks a switch that opens a salmon-pink sliding door. After walking through a metal detector, each visitor receives a plastic visitor's card, also pink. A corridor off to the left leads to the warden's office. The cell blocks are entered by passing through another pink sliding door and traversing a maze of corridor and stairs with a guard who stops to unlock barred gates with a large brass key.

Inmates are divided into two areas: the wing and the range. The wing is a corridor of small rooms with wooden doors - it resembles a cramped college dorm. Prisoners seeking privacy and quiet can get a room there if they behave. The range looks more like a jail. Fifty 6 by 9 foot cells, each equipped with bed, dresser and seatless toilet, are stacked in two tiers. The bars are painted cream, and a sky-blue railing runs along the catwalk on the upper tier. Both tiers face a limestone wall that let in the sun through tall, arched train-station windows. The range can get noisy.

Despite such incidents [as home brew], the place tends to be less raucous than a male prison, and there are even some institutional concessions to "femininity." Unlike men, women are allowed to wear their own clothes (usually jeans and sweat-shirt), and have access to the lounge area of the prison's new \$1.5 million activity building, where there are laundry rooms, sinks with hairdryers, and television nooks with comfortable couches. A casual observer noticing a pair of inmates strolling through the room holding hands could assume that it is a pleasant place.²⁰

Admission

Upon her admission to the P4W each prisoner is issued a copy of the Inmate Handbook (1982), which can be obtained in either English or French. The institution also provides all essential services to inmates in both of the official languages. The 60 page booklet is an information guide for the prisoner of her rights and the

²⁰Johnson, op. cit., p. 53.

rules of the prison. The booklet lists and describes everything she needs to know, including reception and orientation procedures, living and working requirements, privileges and programs, rules, regulations, rewards and penalties, and release procedures.

The following is a list of items prisoners are allowed at the P4W, as stated in the handbook: 5 rings, 2 watches, butane lighter (which is kept in the security office and distributed when needed), 3 pairs of earrings, 3 necklaces, 3 bracelets (in addition to Medic-Alert), pens and pencils, photo albums, religious material, 1 shaver, 1 hair dryer, 1 curlers, 1 comb, 1 alarm clock, 1 radio, 1 television (14" screen maximum, speakers required), 1 stereo, 1 cassette, 1 calculator, books, magazines and newspapers (a limited number of which are checked on a regular basis for fire hazard), inmate publications, toiletries such as hair brush, comb, shampoo, soap, deodorant, talcum powder, denture powder, nail clippers (on canteen issue), sports clothing and footwear, musical instruments (subject to approval), clothing (limited supply -- what dresser and closet can hold), cigarette making machine, drinking mugs, aquarium (24" by 12"), plants (which are potted at the institution and if hung, do not impair vision), 2 mats, optical glasses and reading lamp (issue). Razors may be used when necessary and only under supervision. They are not permitted mouthwash,

razor blades, luggage, medicine (all has to be issued by the hospital), carpet, rugs, or fans for their rooms.²¹

A woman entering the P4W is issued a cell on the range until she can earn a room on the wing. Being assigned to the wing carries with it many privileges not permitted to those living on the range, such as having access to laundry facilities and watching television until 0230 hours.

Rules

Once she becomes an inmate at the prison, a woman is expected to follow certain rules. Failure to do so might mean a verbal reprimand, to loss of privileges, to being sent to segregation. There are rules which are also made for the benefit of the inmates -- they do not have to submit to an internal examination without a medical doctor, whose sex she may choose. She receives pay for her work -- she works 30 hours a week in a placement. If she does not like her job, after three weeks she can apply for a change. Pay depends on the job classification, her security rating and the increment level.

A Prisoner may correspond with anyone on her list, and if she wishes to add or delete a name, she may do so. She may write any number of letters -- providing she has

²¹Kingston Prison for Women, Inmate Handbook (May, 1982), pp. 3-6.

the postage, etc., and receive any number of letters. Mail coming in is checked as there have been cases of letters being soaked in hashish oil, and stamps laced with LSD.²² Phone calls may be made upon request being granted but long distance calls, other than one six-minute call once a month will not be accepted by the prison. Visitors are welcome at most time, although it is preferred, if on a regular basis, they come outside work hours. Visitors from out of town have to give advance notice so that arrangements can be made. Families visiting for the day can also get meals there at a minimal charge. Only visitors whose names appear on a woman's list may be admitted, although permission may be granted to others in special circumstances. Visitors and inmates must sit across from each other during visits and visitors are subject to rules as well, e.g. they are not allowed to bring cigarettes and lighter with them. They have to walk through a scanner and may have to submit to a search before being permitted in. Visitors bringing in illegal items may be subject to criminal charges. An inmate could lose two years visiting privileges for bringing in contraband and for weapons could lose privileges for the duration of her sentence, as well as being charged. If there are no regular visitors, an inmate may request to have one from the "Woman to Woman" program.

²²Johnson, op. cit., p.69.

Inmates are not free to roam about the prison. Unless reporting to and from work, a woman must have an authorized pass telling where she is going, the time, date and her name on it. She is expected to go directly to and from her destination. Failure to do so, or to have a valid pass may mean an offence report.

Most women in prison freely admit to having committed criminal offenses and even accept having to pay for them. They do, however complain about the treatment to which they are subjected. On being punished, one female inmate in the United States said, "I don't object to having to pay for what I did -- it's just that I object to being treated like this while I'm here."²³ Another remarked, "None of us don't like it here. We know if you play, you gotta pay, but we just want to be treated like human beings. Back a dog into a corner and keep yappin' at 'em - eventually they're gonna bite you"²⁴

Crimes

The majority of prisoners at the P4W have been found guilty of peddling drugs, vandalism, robbery, prostitution, manslaughter and murder. In 1984 nearly one-half of the number of women serving sentences were in for murder or manslaughter and of those, thirty were

²³Burkhart, op. cit., p. 214.

²⁴Ibid., p. 243.

serving life sentences. Unlike men, women rarely murder strangers. The majority of their victims are husbands, boyfriends, johns, and even their own children. Most of these incidents take place when the woman is drunk, high or in a state of emotional breakdown. One woman, a prostitute, while high on acid killed one of her clients when they became involved in a brawl. Another stabbed a man to death because he became upset and attacked her after she had stolen from him. Another woman killed her baby because it continued to cry.

Perhaps the most bitter of the women serving life sentence are those who never killed anyone but were accompanying their boyfriends or husbands when they killed someone. Because of their involvement, although not directly responsible, these women were found to be as guilty as the men who committed the acts. Some of these women insist they were not even aware they were party to anything illegal at the time.

Most of the women have themselves been victims of sexual and/or physical abuse from their fathers, husbands or other males. Abuse coupled with other factors are some reasons parents are blamed for the criminal attitudes of some women. A spokeswoman for the inmates at P4W serving a ten-year sentence, her second term for heroin related charges, was interviewed by Brian Johnson, and she too indicated that parents must share some responsibility for

their children when she stated "... A lot of women, their parents should be in jail, and I say that as a parent Half of them don't know how to use a knife and fork. They have the social grace of a slug. Now, that may be a minor thing, but if they were brought up like that, think of how many other things are missing".²⁵

Not all of the women have been socially deprived and there are some from middle and upper class backgrounds who have a greater opportunity to become involved in white collar crimes or sell drugs to make extra money.

The women sent to prison are changing, even their crimes to some extent. Those in the past who were sentenced on drug charges were more likely connected with heroin. Today, there are all kinds of drugs flooding the market and all of them, including prescribed drugs, and those which are homemade such as lysol mixed with alcohol, initiate criminal activity, especially of a violent nature in the women taking them.²⁶

Homosexuality

There is a growing public awareness of the problems of homosexuality in prisons, mostly due to the aggressiveness of the act encountered in most facilities, especially those for men. For male prisoners, the act of

²⁵Johnson, op. cit., p. 58.

²⁶Ibid.

sex with another prisoner of the same gender is a brutal and usually forced deed, a means of indicating one's power, to establish control over others, and to obtain sexual gratification. Those who are the "females" are forcibly held by other inmates or may be frightened into submitting to become another man's "woman" as a means of protection from other male prisoners.

Although such activity is not condoned by prison officials, the atmosphere and environment of a prison are conducive to such activity. In order to protect known homosexuals from the harsh treatment they would be subjected to by the prison population, they are often segregated from the main prison body.

Although lovemaking in women's prisons usually entails only holding hands, cuddling and kissing, even these acts are discouraged in most institutions because of jealousies, instability, and the friction and anxiety which may arise when a relationship ends.²⁷

Females do not turn to homosexuality in prison for the same reasons as men, but for companionship, or a means of maintaining contact with the outside. It is therefore, more affectionate than the violence of the male prisoners. Since all prisoners are the same gender, one has no choice but to seek out other members of the same gender for companionship. A former state inmate commented on

²⁷Kelley, op. cit., p. 44.

homosexuality: "It's only logical. A group of human beings placed into a given situation will act like human beings -- with emotions, feelings, desires and needs-- the need for someone or something to relate to. And that's what I am doing -- relating to someone."²⁸

In many ways, prison life forces homosexuality on many of its inmates. Being away from family, partners, lovers, children, members of the opposite sex, many feel they have no alternative but to seek from fellow inmates what they need most, both inside and outside of prison-- love, companionship and security.

In an effort to control homosexuality, some prisons grant conjugal visiting rights for spouses. Families are reunited for a day and rooms may be provided for the male prisoner and his wife to spend some private moments. There are some women's prisons that permit family visiting, but only male inmates have historically been granted the privilege of being allowed to have sexual intercourse with their spouses.

Because family visiting is only permitted in a few institutions, women who wish to maintain and carry on the roles of mother, daughter, or sister, or who wish to uphold the family structure may do so in the form of role playing. The inside world is modelled on the outside with females playing various roles. By taking part in this

²⁸Burkhart, op. cit., p. 384.

play acting, women do not feel as emotionally deprived of their former lifestyles. The inmates who take on these roles are called players and women in the group relate to each player as though she really is the mother, sister, grandmother, or even the husband, brother, father or other male roles which may be adopted.²⁹ Some women, however, get so caught up in the playing that they are unable to separate their prison family from their outside family and this causes psychological problems for them and their families upon their release. This is especially true of women who take on male roles. Although they may not have been lesbians when sent to prison, the psychological effects may be damaging to their sense of identity as women. One woman was so affected by her role that she cut her hair and took on the actions of a man. Even when she was released only three months later, the experience had taken on such reality for her that even people outside addressed her as "sir."³⁰

An interesting point in the study of female homosexuality lies with those who are lesbians prior to imprisonment. The true lesbian usually takes one partner, with whom she remains during her stay, and looks upon the family system as a harem and regards it with disgust and disdain.³¹ Some true lesbians who have female lovers on

²⁹Ibid., p. 369.

³⁰Ibid., p. 374.

³¹Ibid., p. 370.

the outside do not get involved with anyone while in prison, preferring to remain loyal to their lovers.³² Many heterosexual women also abstain from any sexual activity preferring to wait until they are released. Some even commence new heterosexual relationships, as did one woman from Newfoundland who married a male prisoner while serving a sentence.³³

At the P4W, there are signs of homosexuality, as women walk together hand in hand and unabashedly talk about their lesbian relationships. Open signs of the sexual allowances by the administration include such displays as notices on bulletin boards looking for partners or dates for a movie.

Unless the women get carried away with their sexual displays of affections in public, they are not usually bothered by the guards. The former warden, interviewed during Johnson's visit to the prison expressed his views indicating an open-mindedness on the matter and stated "Homosexuality is out of the closet in the 1980's. I don't say we openly condone it, but it's a fact of life. And unless they publicly flaunt themselves -- fondling without clothes on or something to that effect -- we don't step in." While they may not be intimate in public, they may go to quiet corners to chat or to their bedrooms,

³²Ibid., p. 379.

³³Johnson, op. cit., p. 64.

where they are permitted to pull their shams across the window and even put 'Do Not Disturb' signs on their doors.³⁴

Not all of the women who practice homosexuality in prison have stable or long-term relationships; there are those, however, who carry on lasting relationships, even to the point of intentionally being returned to prison to be with a partner if one is released before the other. Discussing her lifestyle with Johnson, one woman who had her girlfriend's initials engraved on her arm with a hot nail, freely discussed her two-year relationship with another woman who is to be released soon. Of the affair, she told him, "Ours is different than anything going on here. Ours is real." She also told him that her girlfriend would either wait for her to be paroled in 1994, or would return to prison to be back with her.

The homosexual scene fulfills a physical and social need. Relationships may lead to a marriage between two women and the wedding may be staged. Dating also takes place. According to one inmate, "You can ask somebody to a movie. You just throw out a mat, lean up against the wall, put a pillow under your head and a blanket over the top of you, and its just like taking someone out on a date."³⁵

³⁴Ibid.

³⁵Ibid.

Punishment

Those prisoners who follow the rules of the prison and act as model prisoners do so at a risk to themselves as individuals and with a great deal of determination and strength. They have to repress any anger they may feel, obey all rules without complaint, do what they are told without question, and never talk back to the guards. By doing this, the prisoner stays out of trouble and strengthens her chances for an early release. However, she may suffer upon parole for having been such an abiding prisoner when she returns to society and finds she no longer has anyone to tell her how she should live and must regain the independence she has forfeited. On the other hand, those who refuse to obey all orders, cannot suppress their anger and refuse to be controlled by others, maintain autonomy and control over their own lives but find the price is high for doing so.

Punishment can be given for different reasons, including any act of disobedience to guards or rules and takes on many forms, from verbal reprimand to being sent to "the hole." There was no indication in my research of corporal punishment for women in Canadian jails, however, this has not always been the case. In 1847 at Kingston Penitentiary, the warden was brought up on charges, one of which included pursuing a "cruel, indiscriminating and

ineffective system of punishment." The investigation produced evidence of men, women and children being flogged mercilessly, and of whippings which were so excessive and frequent that the victims were driven to a state of insanity.³⁶

Corporal punishment is still used on women imprisoned in some other countries. Such forms of punishment, often very brutal, are used not only as a form of punishment, but to strip the prisoner of any dignity she may have. Women subjected to such treatment often experience emotional difficulties and fear they will lose their sanity. Those who find it intolerable try to hurt themselves by slashing their wrists if they can find a sharp object, or burning their mattress if they can get some matches. More common methods of punishment include solitary confinement or segregation. Referred to by such titles as "the bing," "hole" or "strip cell," solitary confinement can be as psychologically cruel as corporal punishment.

At the P4W, a steel door divides the segregation area from the rest of the prison. The segregation area "consists of a two-tiered row of a dozen cells sealed off from the rest of the range. Here, the bars are painted black instead of cream. The inmates being punished are allowed only a toilet and a bed. A cell near the entrance

³⁶Beattie, op. cit., p. 26.

has been converted into a guard post, where inmates can be observed on four television monitors lined up along a shelf." The monitors were installed after a woman hung herself. Food is slid through slots in the bars of cell doors on trays.³⁷

Burkhart, writing about American jails, gives a much bleaker picture and describes solitary confinement as

drearily ... windowless and bare. Some have one thin, dirty and blood-stained mattress on the floor; some have no mattresses. Some jails provide blankets; some do not. In some quarters women ... are allowed to wear prison shifts - in others they are allowed to wear only their underwear or are stripped naked. Toilets are most often flushed from the outside and women complain that on occasion sadistic matrons play games with flushing the toilets - either flushing them repeatedly until they overflow, or not flushing them at all for a day or more at a time.... Food is passed into a room two or three times a day between the bottom of the dusty door and the unwashed floor as are sanitary napkins if the woman is menstruating Sometimes they'll remember to pass a comb into you or toilet paper, but sometimes they forget.³⁸

Women sent to solitary confinement are not concerned with maintaining a positive self-image. During his tour of the P4W, Johnson says he "received a bitter glance from a young woman with a frizzed mass of blond hair that had

³⁷Johnson, op. cit., p. 65.

³⁸Burkhart, op. cit., p. 148.

not seen a mirror in months." There is no incentive to keep up one's appearance in such a place, and a woman such as the one he described who is sentenced to serve a life term of twenty-five years without parole, has little incentive to do anything but escape. Attempting to escape results in being confined to segregation. Even though women may be sent to this section during the Christmas season, there is some sentiment of the occasion in at least the form of Christmas cards which decorate the cell walls.³⁹

Unlike male prisoners who are a threat to the general population and can be sent elsewhere, there is no other facility to send women predators, and the only means of separating them is to put them in the segregation area. While in this section of the prison, women amuse themselves as well as they can with what they have. Often however, depression takes over, and to vent their frustration, the women may scream or even injure themselves by banging on the cement walls.

While serving five months in administrative segregation against her will, one inmate who was believed to be involved in a stabbing incident at the prison

"started to write a book and made a gum wrapper chain. She did a lot of reading and a lot of thinking: 'Thinking, thinking; I got so sick and tired of thinking.' She danced and

³⁹Johnson, loc. cit.

pretended that she was a rock'n'roll star. 'It's like a chain reaction when there' about eight people in there, and someone starts smashing the wall and yelling. The wall is cement, so nothing's gonna happen to the wall."⁴⁰

Life in prison can be very difficult. Even the most passive of prisoners might be sent to segregation for 24 hours just for getting upset and swearing at a guard.

Violence

Violence in women's prisons in Canada does happen on rare occasions, usually brought on by depression, frustration or just plain aggressiveness. Guards are usually the targets of such aggressive activity, however, there are times when other inmates are the victims of assaults by their peers. One such incident took place at the P4W in June 1983, when one of the inmates was stabbed to death by three inmates. Although the incident was publicised on national television news, inmates say there was a cover up because of the negative publicity the prison would receive. No charges were laid due to a lack of evidence, however, there was little doubt who the attackers were and the prison population demanded action on the matter and signed a petition requesting that the three women responsible for the incident be segregated. Because of this demand, two of the guilty women were sent

⁴⁰Ibid.

to segregation for five to seven month periods each while the other, a six foot two transsexual was sent to a psychiatric hospital. Although as in this instance the women will sometimes demand action be taken there are times when the other prisoners and staff are aware that a stabbing is going to take place but will not intervene. According to one ex-inmate, who had been stabbed during her period of incarceration, the staff may allow the act to take place to control the prisoners. Even though women in prison treat the other inmates with more affection than their male counterparts treat their peers and the majority of them have never committed acts of violence the undercurrent of violence is always present.⁴¹

Reasons for such aggressive acts vary and may be caused due to problems with one's family outside the prison, troubles on the inside or from sheer depression. Continually being told what to do may cause tempers to flare and venting that frustration, even in such a mild form as swearing on a guard can result in having to spend a day in segregation. Experiencing the death of a family member or the knowledge that her child is sick and she is unable to help can have grave effects on women who cannot be at home with their families during these times. One prisoner expressed her feelings during such a crisis "These are angry young women who do not know how to vent

⁴¹Ibid., p. 61.

.... And pretty soon, their mother is dying. You want to try that. You want to try having your mother die while you're in here. My mother was in the hospital and I didn't think she was going to make it. I am not a violent person, but I would have liked to have ripped somebody's face off.⁴²

At Muncy, Pennsylvania a rebellion was sparked because an inmate was not allowed to attend her father's funeral even though fellow inmates had offered to pool their money and pay for the costs of transportation and a guard escort; at Bedford Hills, New York and the House of Corrections, in Philadelphia, riots took place because women lacked medical attention. These same pressures can cause women to escape or attempt to escape. In 1971 at California Institutions for Women, one-fifth of the population escaped successfully.⁴³

The majority of women are a greater threat to themselves than to their fellow inmates. Self-abuse may be a means of venting rage, of seeking attention or an attempt at punishing themselves or even those around them. Wrist slashing is perhaps the most often used form of self-mutilation at the P4W. Prior to 1981, women who committed such acts were charged with attempted suicide, even though in most cases that was not their aim. Today

⁴²Ibid.

⁴³Burkhart, op. cit., pp. 142-143.

psychiatric counselling is provided for women who request it or those whom the staff feel need it.

The use of alcohol and drugs can also alter behavior. On those occasions when the women gain access to homebrew which they make from potato peels, tomato juice or just about anything that will ferment, or drugs which get smuggled into the prison, they can become very rowdy such as the time they attempted to smash all the windows on the range.⁴⁴

Recidivism

In Canada and the United States, it is estimated that 50 to 80 per cent of women released from jail return there, often on new charges.⁴⁵ The ability to cope with the demands and pressures of society provide perhaps the main reasons for women returning to prison.

The lack of treatment for drug and alcohol addiction and emotional problems are, according to Christie Jefferson of the Elizabeth Fry Society⁴⁶ reasons why women fall prey to criminal activity and are back in prison within weeks of their release. The lack of support both inside and outside prison to assist these women in dealing

⁴⁴Johnson, op. cit., p. 65.

⁴⁵Diane K. Lewis, "Female Ex-offenders and Community Programs. Barriers to Service" Crime and Delinquency Vol. 28, No. 1, (January, 1982), pp. 40-41.

⁴⁶CAEFS, Newsletter, No. 6 (Ottawa: April, 1982).

with their problems is a crippling factor in their rehabilitation.

Mawby⁴⁷ suggests that a weakness to resist the temptations of crime and the inability to control their actions, even though the reprisal may be dreaded, are reasons why some women return to jail.

Because of these factors, women released from prison and eventually sentenced to again serve prison terms become part of what is described as the "revolving door syndrome."

Voicing Out

The deplorable and harsh conditions of imprisonment usually only come to public attention when inmates, either through correspondence or rioting make them aware of such problems. Inmates in the Women's House of Detention, New York aided by the Women's Bail Fund wrote and addressed an open letter to the people of New York describing the barbaric conditions in which they were forced to live and charging that the system fostered mental and physical degradation.

The inmates at P4W made similar efforts and although the women who are sent to prison are most often considered by some to the "worst of the lot," the Inmate Committee set up at Kingston shows that they have the ability to

⁴⁷Mawby, op. cit., p. 237.

work together to get things done. An abstract from their report to the government appointed sub-committee also indicates they want to rehabilitate themselves. A group of inmates formed a committee to present their needs to the sub-committee. They stressed their need for an activity centre and their interest in taking courses that would qualify them for skilled jobs upon release. In their brief to the sub-committee, the Inmate Committee wrote

"In spite of the fact that our needs have not been met, the women have been making do with what they have in the best way they can. They have shown a great amount of responsibility in terms of coping with the situation as opposed to the other maximum security units in Canada ... this group have also waited quietly and maintained their dignity in spite of the lack of response they have received."⁴⁸

Native Women

One of the common traits of female offenders is that they are usually from a minority background. In the United States, the numbers of imprisoned women who are black are so high that black women have formed their own sisterhood within the prison structure and have banded together in support of each other and to voice concerns and demands to obtain better conditions for themselves.

⁴⁸Subcommittee on the Penitentiary System, op. cit., p. 138.

In Canada the minority group most highly represented among female offenders are Native Canadians -- Indians, Eskimos, and Metis.

The high numbers of Native women who find themselves in trouble with the law have escalated over the past twenty years. At Kingston Prison for Women, reports from 1979 and 1984 indicate that nearly one-third of the prisoners were of Native origin⁴⁹ while in the provincial correctional institutions, some of the ratios were as high as one hundred per cent. In Saskatchewan for instance, Native women comprise anywhere from 70 to 100 per cent of incarcerated females;⁵⁰ in Ontario where Natives comprise only two per cent of the province's population, Native female admissions for 1982-83 were as high as 16.9 per cent, more than double that for Native males; during the same period in British Columbia 20 per cent of all incarcerated women were Natives;⁵¹ while in Labrador 89 per cent of all female offenders were Native.⁵²

⁴⁹Johnson, op. cit., p. 61.

⁵⁰Canadian Association of Elizabeth Fry Societies, "Native Women and the Criminal Justice System" Exerpts from CAEFS Minutes (Unpublished, July, 1984), p. 2; and Carol Pitcher LaPrairie, "Selected Criminal Justice and Socio-Demographic Data on native Women" Canadian Journal of Criminology (April, 1982), p. 126.

⁵¹CAEFS, Newsletter No. 12, (Ottawa, Spring, 1988), p. 7.

⁵²Canadian Association of Elizabeth Fry Societies, op. cit., p. 3

Native women are incarcerated for more violent offenses than either Native males or non-Native females. They were found to have committed more than double those of the men⁵³ and statistics for 1982 from the P4W showed that 70 per cent of the Native women were sentenced for committing offenses against the person compared to 32 per cent for non-Native women.⁵⁴

Research studies indicate that Native women in prison have several common characteristics. La Prairie sums up the typical female Native inmate as

twenty-five years or younger, with a grade eight education or less and most do not have a high school diploma (sic). She resides on a reserve, where there are poor social conditions and economic opportunities. She has two children or more, dependent upon social assistance, and has never been enrolled in a Manpower course or any type of job training program. She is unemployed, with no previous employment history.⁵⁵

According to the Ontario Liberal task force on Criminal Justice and Correctional Institutions "The over representation of Native women in the criminal justice system and the seriousness of offenses for which they are

⁵³LaPrairie, op. cit., p. 3 citing R.M. Bienvenue and A.H. Latif, "Arrests, Disposition and Recidivism: A Comparison of Indians and Whites" Canadian Journal of Criminology and Corrections, 16 (2) (1974).

⁵⁴Ibid., op. cit., p. 64.

⁵⁵Carol Pitcher LaPrairie, "Native Women and Crime" Percation Vol. 7, No. 4 (1984), p. 26.

incarcerated may be seen as a reflection of their social and economic deprivation and alienation from the mainstream of Canadian life."⁵⁶

This alienation may include the practice of laws and lifestyles which not only differ from Anglo-Canadian ones but are condemned by the rest of Canadian society. For example, it is quite acceptable for an Indian to enter someone else's house and sleep there but for non-Natives it is considered break and enter; borrowing a gun or other needed article is considered robbery but Indians give it with a blessing if it is needed.

Traditional Indian laws differ from federal laws in several respects. Their laws have been formulated through tradition and consensus, as opposed to elected representatives; their laws relate to their natural environment and are therefore few and simple; and unlike Canadian laws, offenses committed against a person are dealt with by the family, clan or tribe through negotiation, while Canadian law sends them to jail. Jail and fines are a means of obtaining social control in Canadian society while in theirs being shunned by the rest of the tribe helps maintain law. And finally, Natives do not believe in

⁵⁶CAEFS, Newsletter, No. 12, loc. cit.

personal or private property but in communal sharing and the belief that the land can belong to no one person.⁵⁷

The high numbers of Native women involved in crime and the difference in the types of crime may be attributed to several factors unique to them. Based on several reports and research studies, LaPrairie summarizes these factors as follows, "lack of skills, poor educational attainment, and discrimination in the labour market. In addition the birth rates for unmarried registered Indian women are almost five times as high as those for unmarried non-Indian women." Causes of death are also different for the two groups, with deaths attributed to 'accidents, poisonings and violence' being much higher for Indian women. Similarly suicide rates in Canada for Native people far exceed those for non-Natives.⁵⁸

Not unlike their black counterparts in United States' prisons, native women at Kingston have also formed a sisterhood to support each other and to voice their demands and concerns as a unique culture. And not unlike their black sisters, some of their demands have been recognized. For instance, in 1975 the Federal and Provincial Ministry of the Solicitor-General sponsored a conference dealing with native people and the criminal

⁵⁷CAEFS, Newsletter, No. 9 (Ottawa: November, 1983), p.3.

⁵⁸LaPrairie (1984), op. cit., p. 25.

justice system at which over 200 recommendations were made;⁵⁹ in 1981, the Prison for Women hosted a National Conference for Native women with Native leaders from across the country in attendance; and in 1982, as a result of recommendations by the Canadian Association of Elizabeth Fry Societies which included suggestions that Native spiritual leaders be treated with the same respect as other religious leaders, the Native women were permitted to conduct religious services inside the prison.

Allowing the "sweat lodge" ceremonies to take place indicated to the natives and all others within the P4W system the acknowledgement of the sisterhood and their cultural rights. The purpose of the sweat lodge which represents "Mother Earth's Womb" is to purify the body and only those whose bodies are clean of alcohol and drugs for the months preceding the service may go in to be purified and be born again. Johnson describes the ceremony as follows "Eight poles were lashed together to build a small hut inside the yard, just under the far wall. In the centre, a fire was lit to heat the rocks and create what is, in effect, a sacred sauna, and a dozen native inmates sat naked in a circle while spiritual leaders from outside the prison conducted the ceremony." The first time the leaders came to the prison their sacred bundles were searched for drugs but there was an outcry over this and

⁵⁹CAEFS, Newsletter, No. 9, loc. cit.

during their second visit their bundles were not disturbed.⁶⁰

The privileges and "careful treatment" as Johnson describes it, granted to the native women can cause resentment among the rest of the prison population, especially when the natives form such a united front.

Correctional Officers

Canada's first matron was hired in 1836 not for the benefit of the women but to ensure productivity. Her role as female guard was not given the same stature as that of the male guards nor was it given equal treatment. Her salary of £48 per annum was far below the £300 paid to the male guards. She was in fact the lowest paid employee at the prison earning even less than the keepers and messengers who received yearly salaries of £92 and £54 respectively.⁶¹ Given the lack of seriousness which her position was viewed, it was not likely that she would have any power to make life better for the women in her care, if indeed she wanted to do so. At present, female guards in Canada are employed by either the Correctional Service of Canada or Provincial Governments and are entitled to receive equal pay and benefits as the male guards. They also perform the same functions in their role of guard.

⁶⁰Johnson, op. cit., p. 61.

⁶¹Berzins and Cooper, op. cit., p. 401.

No woman in Canada today may be searched or imprisoned by male guards without the woman's consent. Where there are no female guards or police available to ensure the rights of the women are not violated in arrest and search procedures or imprisonment, civilian women who are available to do the job may be called upon as needed. This also protects the men from possible false accusations of unprofessional behavior while alone with the women.

Female correctional officers are a must in jails for females but there are some male guards in a few as well. While the presence of male guards has been accepted by some within the correctional system, there is a recognition of their limitations. Problems related to the hiring of male guards to oversee female prisoners include complaints by the women that their privacy is violated and reports of sexual coercion.⁶²

Correctional officers are often unable to be actively involved in the rehabilitation process. According to the Report on the National Advisory Committee on the Female Offender (Spring, 1977) guards are not given any great incentive to become involved. There is generally a shortage of staff; they are not regarded as an integral part of the rehabilitation process of the prisoners and they are not given the proper staff development and training necessary.

⁶²Report of the B.C. Royal Commission (1978).

At the P4W there are two identifiable staff groups. The custodial staff, easily recognized in their khaki uniforms, comprised largely of female guards are front line workers and have the most contact with the prisoners on a regular basis. They are responsible for such tasks as ensuring security and discipline, admitting new inmates, and other related duties. The civilian staff include such people as teachers and are responsible for educational and training programs.

Summary

Prisons have been the subject of much controversy because of the lack of reform and the overall system which lumps all types of people together, including the aggressive and passive, regardless of crime. This is especially true of the Kingston Prison for Women, dubbed the P4W, which is the only federal prison for women in Canada.

Prior to having their own prisons, women and even children had been incarcerated with men and were treated as harshly as the men. There is still a perception that women are subjected to the same outdated standards of over a century ago and that their greatest crimes have been moral rather than social.

The Kingston Prison for Women has been the subject of much discussion and criticism since it was built in the

1930s. Although it is a maximum security prison, many of the women who must serve terms of incarceration there are not considered maximum security risks. There has also been much criticism over the lack of rehabilitation programs offered at the institution, and the fact that most women have to leave their home provinces and are demographically separated from their families.

Charges of discrimination against the Correction Service of Canada regarding its female prisoners have encouraged some changes, such as improved programming and services.

The Kingston Prison for Women is surrounded by a concrete wall which serves as a psychological as well as a physical deterrent from escaping. Women who must serve time at the P4W are immediately subjected to a prison routine commencing with the admission procedure. From there she is a part of a system which regulates her life and her contact with those who are part of her life outside of prison.

Homosexuality in women's prisons is of a different nature than found in men's prisons. For males, the sexual act is an act of aggression, control and power. In women's prisons, most often it is a form of companionship and a link with the family unit. Role playing is an accepted form of achieving this.

At the P4W, homosexual activity is obvious as women often walk together hand in hand. However, of course, not all women participate in homosexual behavior.

While there is some freedom of expression, inmates must adhere to the many rules of the institution and failure to do so could result in having to spend time in segregation.

Violence in women's prisons is not as blatant as it is in men's, however, the undercurrent of violence is nevertheless present; and aggressive acts such as stabbings have occurred at the Kingston Prison for Women.

Very often acts of violence or even self aggression result from depression or negative news from the women's family.

To voice their dissatisfaction with the many problems experienced in the prison, at the P4W, the women have taken the initiative to set up a committee to represent the general population and to speak on their behalf.

Native women comprise a large percentage of the Prison for Women's population. Their crimes are often of a more violent nature than non Native women, or even of Native men. The differences from non Natives in their crimes may be attributed to their unique culture.

In recognition of their uniqueness, Native women have been permitted to participate in some of their cultural

practices while in prison, such as the religious ceremony of the "Sweat Lodge".

Most correctional officers at prisons for women are females, however there are some male guards. There has been some feedback regarding the lack of privacy due to the presence of male guards.

At the P4W, the staff are comprised of two separate groupings, the custodial staff and the civilian staff who include teachers, nurses, and the like.

CHAPTER FOUR

Newfoundland and Labrador Correctional Centre for Women

Background

Prior to the opening of the Newfoundland and Labrador Correctional Centre for Women in 1982, women who were sentenced to serve prison sentences of less than two years, were housed in an annex of Her Majesty's Penitentiary.

This concrete block, three story building which was built around 1859 is located in the east end residential section of the province's capital. The women's quarters, located in the south east corner of the building consisted of cells to accommodate nine prisoners, laundry facilities and a small yard. In the 1981-82 annual report of the penitentiary, these quarters were described as "antiquated and inadequate facilities."

Unlike their male counterparts, women prisoners did not have the use of recreational equipment which was available in the much larger sunlit yard, nor could they partake in any of the training or educational programs offered to the men. On those occasions when a concert was held at the prison, such as by local or visiting musicians, the women had to stay at the back of the hall.

Women serving time here were issued green smocks as their code of dress, a pail to serve their toileting needs and were permitted few privileges; for example they were

not given shampoo or permitted to set their hair or to wear make-up. On a typical day their schedule would be

8:00am	Rise and Breakfast
8:30-9:00am	Locked in cell
9:00am	Clean cell
	Some general cleaning
11:15am	Lunch
12:00-2:00pm	Locked in cell
4:00pm	Supper
5:00pm	Locked in cell until next morning
10:30pm	Lights out ¹

Attempts at suicide, either as a desperate plea for attention or because of depression were not uncommon. Three of the four women at the facility who were interviewed by researcher Stella Bradley in 1972 admitted to having slashed their wrist or some other form of self abuse "in order to get out of the monotony to the mental hospital."²

In her report on female offenders in Newfoundland, Bradley described the inmates as follows; of the eighteen women committed to the prison only five were of average or above average intelligence; the majority ranged in age from eighteen to twenty-five while three of the women were between forty-eight and fifty-two years of age; seven of them had completed some high school while six had only grade three or no education at all; the other seven had completed junior high school; seven of the women were from

¹Stella Bradley, "The Female Offender in Newfoundland" (Unpublished, 197-, n.d.), p. 35.

²ibid., p. 39.

the outports, five were from the city and four were from Labrador; six of the women had a history of juvenile delinquency, seven of them had prior convictions as adults, three of these more than once, and their offenses included "break and entry, non-capital murder, cruelty to animals, drug offenses, drunkenness and vagrancy ..."³

On February 12, 1982 the Newfoundland and Labrador Correctional Centre for Women, a minimum security prison, with a capacity for twenty-two inmates and a staff compliment of fourteen, was officially opened. The relocation of the facility to Stephenville served a dual purpose; firstly, this modern facility would offer provisions to the women which were not possible in the old prison, and secondly, offered more suitable accommodations not only to those sentenced to serve provincial sentences but for those offenders who could now serve federal terms in Newfoundland.

The centre which is located next to the men's prison, is a renovated American Force. Quarters used during World War II. There are no bars, the only appearance of the centre being a prison is the chain linked fence which surrounds the building and the government sign outside.

A buzzer visibly placed on the fence, must be rung to inform the guard on duty of your presence. She then opens the gate from inside the building for those who are

³Ibid., pp. 40-41.

expected; otherwise an intercom system is used to make inquiries as to whom you are, the purpose of your visit, etc. Having notified the warden in advance makes admission to the building much easier.

The garden, a work project of some inmates, which has a walkway leading to the main door, is a well kept lawn with flowers in summer, on both sides of the walkway.

Having gained entry to the building, each person who is not on staff must sign in the time, his/her name and purpose of the visit in the registry book. Upon leaving, the time of departure and signature must be filled in to complete the details of the visit.

Physical Description

The ground floor consists of offices (Admissions, payroll, warden's), a hairdressing room, laundry facilities and a large kitchen/dining area. The second level contains the women's bedrooms, and at the end of the corridor, separated from the main sleeping quarters are the segregation and confinement cells. This floor also has a library, initiated by a local women's group, a sewing and craft area and a common room, giving the appearance of a dormitory rather than a prison. The third floor consists of several rooms, only one of which is in use. A make shift chapel with a lectern and some chairs is the only room in use at the present. The rest are

being renovated.⁴ The backyard has a vegetable garden, a project of some women and a volleyball net for recreational use.

Each woman has her own bedroom where she may receive visits from other prisoners but only two visitors are permitted in a bedroom at any one time and only with the permission of the occupant. This rule was initiated to help the inmates who may want privacy or to talk confidentially with another inmate. If they want to meet in groups other rooms are available for such gatherings. Bedrooms have no locks on the doors or bars on the windows. Adjoining two bedrooms are bathrooms which consist of a toilet, sink and shower area. Each bedroom has a bed, bureau and closet. Pictures of family, other novelties and crafts add a personal touch and provide a homelike atmosphere. Bedrooms are searched periodically to ensure that only those items which are permitted are in the rooms.

The Common room is a meeting room where the women can relax and socialize or watch television. The women take turns cleaning up and ensuring the room is left tidy. Smoking was banned in this room after one of the chairs was burned with a cigarette.

Segregation area is the only place that is locked. Upon her arrival the new resident must spend twenty-four

⁴Based on a personal tour of the centre in 1985.

hours in this room where she is left undisturbed except to be given her meals. Here she has time to think and decide how she will spend her time. She is under constant supervision during this period to ensure she does not harm herself, and to provide protection in the event that she may get sick or require attention.

In the same hallway, just past segregation area is the segregation confinement area which has a mattress on the floor and a sink and toilet. Outside the room is a system which allows the staff to shut off the water to prevent flooding by the inmate. This room is rarely used and even when a woman is brought there it is not always because she is a threat to staff or residents or to punish her, but rather to protect her from herself or to prevent her from destroying property during a period of depression or frustration.

Admission Procedure

When a woman is brought to the centre she has to go through a series of steps as part of the admission process. The warder who has been designated as the "float" is responsible for admitting new prisoners as well as a number of other duties. Officers alternately assume the duties of the float.

The admission area is comprised of three rooms, the first being a small room containing a desk and two chairs.

This is where forms are kept and the women are first interviewed. Information and property claim forms are filled out at this initial step. The warder then chats with the new resident and explains the procedures of the centre and answers any questions the new prisoner may have. A handbook of prison policy entitled "A Guide for Inmates" is issued to each woman at this meeting to educate her on such topics as remission, appeals, legal aid and rules of the institution regarding visiting, the inmate trust fund, special requests and other services provided at the centre such as temporary absences and how they can be applied for and granted.

Inside Prison

Once she becomes an inmate at this centre the female offender is subjected to many rules and failure to obey them may result in punishment in the form of loss of privileges or being sent to solitary. Being a constant discipline problem or having a poor attitude can lead to a transfer to the federal prison in Kingston, even if she is only sentenced to serve a provincial term. The women are treated with respect and are expected to return that respect to both the guards and their fellow inmates. The warders must address each other according to their title, i.e. Mrs. Jones, and the inmates are also required to use the same form of salutation when addressing the guards.

This is one method of ensuring consistency among the staff and inmates and ensures proper role modelling, another is that swearing is not permitted of the guards or inmates. The mutual respect which is demanded as a form of discipline may in part be responsible for the good behavior of the women who have been and are residents at the centre. There is very little physical aggression and there have not been any instances of aggression among the inmates themselves.

There is no hierarchy among the inmates however, it is conceivable especially where white collar crimes are concerned that women with no past criminal history and who come from a higher social background might consider themselves different from the others. There is no jealousy among the inmates and this may in part be due to the fact that all the inmates are treated equally by the staff. No one is given preference because of her social standing on the outside. Another factor which may in part be responsible for this may be due to one of the rules of the institution that it is forbidden for staff and inmates to exchange presents. If a correctional officer wishes to have an inmate make something for her, i.e. knit a sweater or hem her pants, the proper forms have to be completed and the item paid for before the exchange can take place. This is one of the attempts by the Assistant Superintendent to ensure the effective operation of the

facility, to control problems related to favoritism and favor owing which have arisen at other centres.

Daily Routine

On a typical day women rise at 0645 hrs. Showers are a must. At 0715 hrs. breakfast is eaten, at 0745 hrs. the women tidy their bedrooms and at 0830 hrs. chores such as cleaning are carried out. On weekends and during the summer months the women are given the privilege of sleeping in until 0900 hrs. The rest of the year women attend programs or go to school. Newcomers who have not become involved in any programs finish the chores at this time. At 0930 hrs. the library is available for those who are not involved in programs. This period may be changed in lieu of a special guest should one avail him/herself. During summer months from 1030 to 1130 hrs. gardening chores such as planting flowers, mowing the lawn and caring for the vegetable garden are seen to. Lunch is prepared at 1130 hrs. by the women responsible for kitchen duty. After lunch the women have a free time from 1230 to 1300 hrs. for themselves, to rest, chat, etc. From 1300 to 1400 hrs. crafts such as sewing, knitting, ironing, crocheting are available. Women may earn money for themselves by making crafts which are sold to staff or at community projects, or hem and sew uniforms for a fee, for the men in the prison next door. Each item has a set

rate, for example, hemming a pair of pants would cost staff or prisoners the same. At 1330 hrs. Fully Alive, a program which is offered through a volunteer service helps women to better come to terms with life and with themselves. A social work student who was also a Roman Catholic nun was the moderator of this program which most of the women enjoyed and looked forward to. There was also a typing program taught by a volunteer for those interested. From 1400 to 1500 hrs. depending on the weather, the women and staff would spend this time on recreation in the back yard. Afterwards preparations are made for supper which is served at 1700 hrs. Once supper is over and everything tidied up a fitness program initiated by the staff commences. From 1900 to 2000 hrs. the women take part in an exercise class. Although the guard who had originally begun the program had left the women had kept the program going on their own initiative. A.A. meetings also run on the same principle. When there are no volunteers for these meetings the women sometimes run their own sessions or spend this time watching television, playing games or making crafts. On Wednesday evenings movies are rented and shown. Although 2300 hrs. is bedtime and 2330 hrs. lights out, when a request is made to stay up late to continue watching a movie, that request is rarely denied. (This schedule may have altered and some of the programs deleted or new ones incorporated

into the schedule depending on the number of volunteers, interests of the women, etc.). Those women who are involved in programs outside the centre spend their day in the community or school and operate under a different schedule than the others, obviously because their situations are different. During the first years of the prison, a special treat for the inmates might mean a day outside berry picking or fishing. However, since the admission of women serving life sentences, who are not permitted to leave prison grounds by virtue of their sentence, this activity has been discontinued. This is because staff believed it would be psychologically depressing for those women who had to remain at the centre if the short term prisoners went on an outing.

Rules

The rules of the NLCCW are made known to all inmates upon their arrival and refusal to obey them could mean loss of privileges, extra work or whatever disciplinary action warrants the deed. Although many of the rules of the institution are common throughout provincial institutions and indeed Canada, many institutions have their own list of rules unique to individual centres devised and supervised by the staff. Rules are enforced to ensure the safety of everyone concerned and to ensure a smooth and effective operation. All rules are made with a purpose in

mind, for instance, women are not permitted to use makeup, however, those going out to day programs may use makeup under supervision. Cigarettes are not allowed to be sent in or brought in. All cigarettes have to be purchased from the prison store to control the smuggling of drugs. Matches are not issued, sold or permitted, to protect the prisoners and staff from arson or to ensure someone does not intentionally burn herself. A guard is responsible for lighting cigarettes.

Searches

As part of the admission procedure a new resident is subjected to a strip search which involves removing her clothes in front of a guard to ensure that she is not trying to hide contraband. Although this is somewhat embarrassing for the women, according to the assistant superintendent, they try and make it as dignified as possible. Unlike many of the centres and institutions, especially in the United States, as previously discussed, where women are subjected to internal examinations, pregnancy and V.D. tests, these are only given at the NLCCW at the request of the women and then by a certified doctor. Women who wear dentures must also remove these but this has only been in effect since staff became aware that one woman had smuggled in a twenty dollar bill hidden behind her false teeth.

Any time staff feel it is necessary for a woman to be searched they may take such action. Every time she leaves the building for a day release she may be searched upon her return. None as yet⁵ has had to be and this shows that they are trusted by the staff and none of them yet at least to anyone's knowledge has violated that trust.

There are two types of searches, the exploratory search which involves the search of a person's body and clothing and may be carried out "when the inmate is suspected of concealing items of contraband (2) when placed in dissociation or segregation (3) when an inmate is received at the institution and (4) when the inmate is leaving the institution"; and the second type, frisking or routine which may involve searching a person or the premises. A search of the person would only involve feeling the outside of her clothes for items that may be in pockets or attached to their clothing. The idea of a routine frisk is to prevent "the accumulation of any items or conditions which should not be found in prisons."⁶ Routine searches may be carried out when inmates are going to see the superintendent, before and after receiving visitors, leaving and returning to the building, if frequently leaving an assigned task to talk to others, or

⁵Based on information obtained during a personal visit to the centre in 1985.

⁶HMP Staff Training Manual.

moving from one place to another. These rules apply to both men and women, however, because of their small numbers, women prisoners are much easier to account for and because they are not as violent as men, or apt to use such tactics, they are not searched as often as the male prisoners.

Bedrooms however are searched periodically to ensure that contraband is not hidden or that too many items have been accumulated. Again because of the small numbers involved a check count of items is much easier to do with the women as well as discovering who is responsible for the act. This may be why female prisoners are permitted to have personal possessions. All sewing items and craft materials such as scissors and needles have to be checked and accounted for at the end of each session as well as all eating utensils, none of which has ever been missing.⁷

Clothing

Unlike male prisoners, and females who served time at Her Majesty's Penitentiary, inmates at NLCCW do not have to wear a uniform but may wear their own clothes. Once a woman has been sent clothes from home at the start of her stay she is not permitted to receive anything else from her home. Should she wish more or newer items of apparel,

⁷Based on information obtained during a personal visit to the centre in 1985.

or if a member of her family wishes to send her a present, it must be ordered and sent directly from Sears Catalogue department.

Prisoners are permitted to have a certain amount of clothing (for example, only four pairs of slacks may be kept at one time). Some is kept in her room while the rest is put away. Each month she may exchange the clothes she has for some of that which is in storage. Controlling the amount of clothes a woman may have makes room searches easier and also alleviates problems such as jealousy which may arise because someone has more clothes than the others.

For those women who do not have their own supply of clothes, the prison provides outfits, usually second hand articles which have been donated. If a woman wishes to leave an article to another upon her release she may do so but must fill out the appropriate forms first.

Privileges

Telephone Calls

Women are permitted to make and on occasion receive phone calls. Calls usually take place on Sunday evenings but may be permitted on other days for special events such as for children's birthdays or in emergency situations. Phone calls are limited to those listed on the form filled out at admission time, although these names may be changed

at the inmate's request and the people listed must be approved by prison officials. Ex-convicts or those whom staff consider a bad influence or upsetting to residents may not be permitted to be a part of the resident's contact with the outside. Calls are not permitted to last more than ten minutes unless there are problems which warrant an extended time per call. Inmates are not permitted to receive calls unless of course an emergency arises at home and then the call is usually taken by the staff to help lighten the blow. Often, if the call is received in the evening or at night when there is a shortage of staff, and waiting to relay the message will not alter the situation, the inmate concerned may not be notified of the call until the next morning. The reason for this is that the woman may become so upset at the news that she may require extra attention and since more staff are available during the day the situation can be better dealt with then, if extra staff are required.

Female prisoners may call those people listed on her list, however the centre does not accept responsibility for long distance charges. Calls which require long distance billing are either charged to the inmates' accounts or the calls must be made on a collect basis.

The "H.M.P. Staff Training Manual" allows for telephone calls with approval of the superintendent or assistant superintendent and only for purposes of dealing

with a matter that cannot be handled by letter and in the case where visitors are infrequent, to communicate with family and friends. The use of the telephone on a weekly basis is indeed a privilege granted to the women only due perhaps in part to their small numbers and the sensitivity of the assistant superintendent, who occasionally digresses from the Training Manual to meet the need of the women in her care.

Mail

Inmates may write one letter each week to a relative, friend or other authorized person. At the discretion of the assistant superintendent women may correspond with others not listed, for example, she may wish to enroll in university and take correspondence courses.

Any money which is sent to the women from family should be in the form of certified cheque or money order. Money does not go directly to the inmates but is credited to their trust fund which they may withdraw from to buy items inside the prison or when ordering from Sears, or for an authorized item such as wool which one of the guards may buy at a nearby store.

All necessary materials for correspondence such as stationary and stamps must be bought at the prison store.

Visitors

One of the most positive features of serving time in a provincial jail is that prisoners are boarded close to home. This also means that family members are often within visiting distance.

At the NLCCW, families are encouraged to visit and children may stay at the prison to have meals with their mother. Prisoners may receive visits from people other than family members, but they must be approved by prison personnel and they must meet certain specifications. They must have made arrangements prior to the visit and then be given proper identification. Volunteers are especially welcome to visit.

Visits are usually supervised, especially if the staff are not familiar with the visitor and may take place for one half hour. Family members may stay longer.

Prison staff prefer to know in advance if visitors are coming and they may visit from 0930 to 1130 hrs; 1530 to 1700 hrs. Monday through Friday or anytime during the day on Saturday and Sunday. Three people may visit at one time once a week. Again these rules are flexible depending on the need and circumstances of the women and their families. For instance a woman's family who has travelled several hours to be with her may be permitted to spend much more time with her than if her family lived in close proximity.

Temporary Absence

A temporary absence is permission to leave the penitentiary for an extended period of time usually one day or a few days depending on the circumstances. Before she is eligible for this privilege however, a prisoner must have served at least one-quarter of her sentence.

Temporary absences may be granted for attending day programs in the community, for spending time at home with families on special occasions such as Christmas, or for family deaths. For day release or special leave at Christmas, the women who have been selected must have earned the trust of the prison staff to leave the prison premises and return to them unescorted. For unplanned events, such as a death in one's family the prisoner may require an escort, depending on her situation. Long term prisoners at NLCCW, like at other prisons, such as those serving life sentences, although not considered security risks can not be granted a temporary absence for any reason.

In the event that a pregnant woman was ready to deliver she also would be granted a leave and again depending on her situation may need supervision. Such a situation however, has not had to be dealt with at Stephenville. Although some women were pregnant at the start of their sentences, they never went full term while there.⁸

⁸Ibid.

Again, in order to acquire such a privilege the proper forms have to be completed and approved. Those leaving the prison premises may be subjected to a search upon their return.

Discharge

A woman may be discharged from the prison for two reasons: first, because she has been awarded it by the courts, for instance she may have completed her sentence or she may be paroled; second, she may be transferred from one institution to another. A woman serving time at a federal penitentiary may be discharged to a provincial jail if it is felt she has earned it and can be better served there, and likewise, a woman sentenced to a term of less than two years may be sent from a provincial centre to a federal one if warranted. Such a move may be brought on by continually displaying a bad attitude or being a constant discipline problem. One woman who had been serving time at NLCCW was transferred to the P4W, much to the approval of both staff and other inmates. Such a person can disrupt the serenity or social and family setting which can be made in a prison and also upset the women themselves.

Before she is officially released proper procedure is enforced. On the eve of her departure, all of her belongings are gathered, including those items she brought

with her, anything which had been sent to her, any crafts she may have made while serving her time, and any money she has left in her trust fund. Any money she has accumulated is signed out by the payroll clerk to the Admissions clerk. The woman must then sign a release form for both herself and her property. If a woman who is leaving wishes to leave property, for example a sweater or something she has made, to another inmate, she may do so by filling out the forms provided. This ensures that the item becomes registered as the other inmate's and is filled out on her property sheet and it also clears the prison staff of any mishandling of personal property.

Prison Staff

Assistant superintendents are the administrators of their individual facilities and are directly responsible to the Superintendent who oversees all penal institutions in the province.

Mary Ennis, the assistant superintendent at the NLCCW has been in charge since its opening. It is she, after research and study on other institutions who initiated and activated several rules and guide lines at her prison. Ms. Ennis has been in the field of corrections as a social worker since 1975. She is a dedicated and thorough woman who makes demands of her staff as well as the prisoners in her care. She enforces discipline (will not tolerate

sass or foul language); demands respect ((believes that respect has to be earned and that prisoners also deserve it); is available to talk to any woman who may wish to do so; and maintains her position by earning the respect and trust of those under her. Her role at the centre is widely varied. She is administrator, volunteer director, buyer and liaison among other things. She plans the meals for the day and gives directions on how to cook them if necessary. In an effort to ensure that the people in her care get the best quality food and to ensure that government funds budgeted to her facility are not unwisely spent, she shops at the local markets on their sale day to take advantage of lower prices to buy fresh fruit and meats. She ensures that all food has been cooked or eaten before replenishing the food supply.

She takes a great deal of pride in the centre which she tours often to ensure its cleanliness and maintenance. My tour revealed a spotless, unmarred facility, of which Ms. Ennis was obviously very proud. She believes the prisoners must be disciplined yet respected and said that if questioned about being at the centre they would say they are "treated fairly" but that they know they must pull their weight too.

She has been awarded Stephenville's Citizen of the Year for her involvement in outside programs and services

for ex-offenders as well as her involvement with youth groups.

Ms. Ennis believes that the role of the correctional officer is changing and that she/he is "not only a guard anymore." At the Stephenville Centre for example, one of the guards, with a baccalaureate degree in education teaches reading, math and other subjects to inmates who wish to advance their education. Many of the guards, new to the field of corrections when the centre opened have become very involved in upgrading themselves, including taking part in a certificate program in criminology offered by MUN Extension, a program which they have been paying for themselves and studying on their own time.

Programs

Because most of the women who are sentenced to serve at NLCCW are there for such a short period of time, most long term planning can only be directed at a few, and for the others, because of the length of their stay, many programs offer little more than a means of passing time. There are a variety of programs offered to the women at Stephenville, however not all are on going and not all are conducive to every woman there. First of all, in order to succeed at any program, she must be interested enough to gain from it. Only a few wish to receive a high school diploma for instance (or at least have enough courage to

try and earn one). Therefore many do not choose to upgrade themselves. Once leaving the prison premises, it is often difficult to complete or continue in the field that had been offered inside. Many factors contribute to their discontinuation, some of which include family and peer pressure, lack of financial and moral support, little encouragement and understanding and even a loss of motivation.

While inside prison, however, there are a number of programs although as previously stated, many are short lived and few offer employment opportunities or a means of living a new life style once back in society. Because of the small numbers at the NLCCW (there are rarely more than twelve there at any time), a limited number of courses are offered. The men's centre however, employs a full-time educator, but it is not considered financially feasible to do the same at the women's centre.

A variety of programs for the women include crafts and hobbies; family training and counselling; and employment programs. Many of these are offered on a voluntary basis by groups or private citizens in the community, by the staff and even by some of the inmates themselves. There is very little government support for such programs and when there is, it is often a dual or shared position with the men's centre. For instance in August 1983 to March 1984, the Solicitor-General provided

a grant which resulted in five courses for both centres and a Life Skills Coach to be shared at the two centres. The NLCCW does not have a program or volunteer coordinator and any new programs are started as a result of efforts by staff or community volunteers.

Some of the classes offered in crafts and hobbies include knitting, quilting, embroidery, bulletin boards (made of cork and bordered with material), wall plaques, banners and Christmas decorations. The women often use this to their advantage. If they are good at a craft it may become a means of earning extra money. Some of the crafts are sold to staff, in the community gift shop, and at malls if they are considered good enough. The male prisoners take advantage of some of the women's abilities as seamstresses to sew or hem their uniforms, at a cost. Staff also use the services of the women or have those who are good at knitting for example knit a sweater also for a fee. There are also sewing machines available for those women who would like to learn to sew and perhaps earn some extra money.

Some of the women are involved in a gardening project in the summer months. In the front entrance on both sides of the walkway leading from the gate to the door are rows of flowers, planted and cared for by inmates. The back garden also has a vegetable garden which provide some of the meals.

Many of the women who enter the prison have drinking problems and A.A. meetings often take place. A group of women from a nearby community first started the meetings there. After their project was over, one of the inmates took it on herself to continue the sessions on a weekly basis. Since she has been discharged however, sessions are held on a monthly basis. In the Spring of 1983 one of the women attended an A.A. convention held in Stephenville.

Another program which has been offered to help the women with their lives when they return to the community is the Parent Effectiveness Training Program. This is geared towards helping women deal with the problems they encounter in their home lives. It gives tips and offers suggestions on how to handle situations effectively. This had been a very effective program according to Ms. Ennis who was informed by one of the ex-inmates, the mother of four "I'm really trying to do what I learned in that program."⁹

Religious leaders play a large role in the women's lives. Representatives from five denominations visit the prison and provide services. Bible classes provided by a Roman Catholic nun are not only attended by the women but are requested by them.

⁹Based on a personal interview with Mary Ennis.

Besides helping with morals, emotional and religious needs, the inmates' physical needs are also cared for by community groups. One woman with a severe sight defect was registered with the CNIB. Manpower representatives and members of the John Howard Society also visit. Because there is no Elizabeth Fry Society in Newfoundland the John Howard Society also looks after women who seek their help. Their agent offers an orientation program on the services it offers.

Setting up academic programs may cause problems because they are based on the level of education the women are individually at. Because most of the women are there for such a short stay, they are not usually able to complete their programs. They are there long enough however to gear themselves for continuing their education. As much as they may desire to continue on once outside of prison, with all of their old problems waiting for them, they are not usually able to progress. The centre has only had one woman there long enough to complete a program. She was then paroled to school where she did well. (There have been a couple of women sentenced to serve long terms of incarceration at NLCCW since this interview).

In April 1983, the centre had three referrals for Manpower; one for basic literacy, one for typing; and one for career exploitation. For the next three months these

women went out for upgrading, a Work Activity Project to learn the basic skills necessary to effectively run a home, and to do community work at a Salvation Army Thrift Shop.

Representatives from beauty culture and guidance counselling at the local Community College have also visited the prison. Manpower also interviews the women for schooling and if any are acceptable they may go to the Community College across the street. Going out to school not only offer a chance to learn something new but offers a certain amount of freedom for those attending and gives them a degree of self-assurance.

Programs provided at the NLCCW during 1982 to 1983 include Life Skills, Addictions, Inmate Service, Chaplaincy, Temporary Absence, Physical Fitness, Upgrading, Food Services, Beauty Culture, Handicrafts and Agriculture,¹⁰ however the scope and frequency varies.

Summary

The Newfoundland and Labrador Correctional Centre for Women opened in 1982 in Stephenville. The building itself, is an old United States Armed Forces quarters. Thus the prison has the appearance of a dormitory.

¹⁰Newfoundland and Labrador Department of Justice, Annual Report of the Adult Corrections Division, (1983), p. 8.

The rules and privileges of the prison are adapted from rule books pertaining to all prisons in the province, however, due to the small numbers, usually less than 20, changes and special allowances are much easier to apply.

Programs at the prison often depend on the availability of resource people, although some women do attend educational programs and on the job training outside of the institution.

CHAPTER FIVE

Programs

Introduction

When a woman has been sentenced to prison the most important question for officials should be how her time there will be spent and what are her chances of retraining. Knowing why women break the law is necessary to make a woman's stay in prison beneficial to her and to ensure that she does not return.

There are a number of necessary steps to carrying out needed changes in the penal system, the focal point of which includes re-education in the institutions and preparation for re-entry into society. Society's attitude toward the criminal has to be altered if the individual is to be given the opportunity for rehabilitation. Many of our present day attitudes toward criminals are based on preconceived concepts which exclude them from the mainstream. Because society has not had the required education to understand the needs of female criminals, the rehabilitation process is hindered.

The similarities of women most often involved in criminality indicate their special needs and the type of programs needed for their rehabilitation. Lack of education and work skills are the two main characteristics of the female offender. Programs should include courses in basic education, as well as specially designed courses to help the women gain an awareness of their problems and

how to effectively deal with them. Training skills would offer them the opportunity to improve their qualifications for an active role in the labour market. Stereotypical female jobs such as typing, sewing and hairdressing need not be the only programs offered, and women who have an interest in or aptitude for plumbing, nursing, mechanics, designing, painting, acting or whatever, should be given the encouragement and the necessary help to enter these fields.

The education of society, of the correctional workers, and finally of the criminals themselves, are vital if female offenders are to become contributing citizens of what is considered acceptable society. Our present penal and justice systems do not always offer the necessary programs nor do they always promote rehabilitation through educational channels. Until these problems are defined and their needs met, the criminal offender has no motive or opportunity for reform. The increase in women being sent to prison indicates that imprisonment is gaining more importance in the courts as a fitting sentence. Until our prisons change, the reasons for criminal behavior given intense review, and education and training programs put into effect, the numbers of women going to prison will steadily rise and the risk of breeding new criminals will increase with it. As long as the present penal system is in operation, attempt at

reform may be counter-productive. What is needed is a complete overhaul of the system in order to meet these newly defined objectives.

Prison Programs

There is almost no research on young or adult female offenders who are serving prison terms. Of the limited literature that is available regarding programs for female offenders, most deals with women confined in prisons, community correctional institutions or local jails. Not only is there a lack of research on programs for those in community settings but Ross¹ suggests that the concern over the scarcity of programs for female offenders in prison is responsible for reducing the attention on programs for young female offenders and those in community settings, who represent a much larger number of women involved with the law.

Recent concern over inadequate programming for female offenders has brought about an interest and concern regarding the need for better and more appropriate programs which had been neglected in all but rare exceptions. In contrast male prisoners comprise over 90 per cent of the prison population² and their needs and numbers

¹Robert R. Ross and Elizabeth A. Fabiano, Correctional Afterthoughts: Programs for Female Offenders (Ottawa: Solicitor General, 1985), pp. 3-4.

²Ibid., p. 121.

have been given much more priority than women in similar circumstances. Not surprisingly programs have been designed for men and by men. Therefore any programs for women are mere extensions of those for men and are initiated more as an afterthought than a planned initiative or endeavour. Berzins and Cooper perhaps summed it up most clearly when they wrote

...They have been given the left-overs and hand-me-downs of facilities and programs designed for men; and when nothing had been left over to hand down, a poor imitation of the model, an outmoded version, has been hastily provided with inferior facilities, less space, fewer programs and at less cost.³

Male prisoners disproportionately outnumber females; consequently males are allocated funds and resources that women are denied. Women do not have the same recreational facilities or programs as men, even though the need is as great. Because women's institutions are smaller in size and capacity, the female inmate is usually more isolated from normal community life than are male offenders. In some cases, the only programs available to women are stereotyped jobs such as sewing, doing laundry and other traditional female tasks. Where vocational and educational programs and health and dental treatment do

³Lorraine Berzins and Sheelagh Cooper, "The Political Economy of Correctional Planning for Women: the Case of the Bankrupt Bureaucracy" Canadian Journal of Criminology (October, 1982), p. 405 citing Women for Justice, Brief to the Canadian Human Rights Commission (unpublished, 1981).

exist they are minimal and often inadequate. A common perception is that, because there are only five to eight per cent as many females in prison as men, governments do not consider it cost effective to provide for such numbers the same quality and quantity of services as those provided for men.

Programs for female offenders have generally been of poorer quality, less quantity, and have been lacking in availability and variability than those for male offenders. They have been influenced by economics, politics, and by social and ideological factors.⁴

Throughout the history of penology, programs for women have been inadequate. Prior to having their own prisons women were housed with men but not permitted to take part in any activities or programs. Even when they were transferred into their own buildings, programs were still not provided. Single sex prisons however, were applauded in terms of more humane custodial care but they provided little in the way of rehabilitation, such as teaching women how to be self-sufficient outside of prison.

Most incarcerated women learn how to live in prison but few learn through this experience how to get along as part of society.

⁴Ross, op.cit., p. 2A.

Unless programs are offered to address the needs of these women, time served cannot be viewed as valuable in assisting them fit society's mould. Programs have to address their self-esteem, social and cultural needs, life skills, and educational and employment abilities. Programs must be offered which will emphasize the need for training in effectively managing a home and family which also provide realistic job skills and training to reflect the demands of the labour market.

There has been a great deal of pressure and continuous outcries by advocates seeking to improve the lot of female offenders by demanding that women receive equal treatment with males and be given equal opportunities with regard to prison programs. However there is also a view that a par with programs designed for males may not be in the best interests of women and that demanding equity will not suffice.

Women in prison have been recognized as having more in common with other women in society at large, especially disadvantaged ones, than with their male offender counterparts. Because of the different needs of women, it is imperative that programs be designed specifically to suit their needs and not merely be extensions of programs designed for men. In order to successfully carry out programs for women, their needs as well as other factors

which contribute to their criminal behavior and recidivism must be targeted.

It has been suggested that the needs of women have not been taken into account because of the costs of developing programs specifically designed for them. Thus, programs that are available are tailored from the ones developed for male offenders. Co-institutional and co-community services which have been considered as an alternative for the lack of programs, have been rejected by the Elizabeth Fry Societies because they do not see them as a step forward for women. Instead they see this as a barrier to women and support the view that women have more in common with other women than they do with male offenders. They fear that women's special needs will not be identified or implemented in prisons at a co-correctional level.⁵

Berzins and Cooper adequately describe the lack of concern for women's needs and the influence of the male model,

...their needs have never been documented. Their facilities and programs have not been designed for them. It has been assumed that a smaller scale version of what was available for men would suit them, and when that smaller version proved to be uneconomical, even that was no longer considered.⁶

⁵Sheila Arthurs, "Spotlight on Women" (unpublished).

⁶Berzins and Cooper, loc. cit.

It has been theorized that many female offenders, once they have entered the correctional system, remain there because of their inability to succeed elsewhere as a result of their lack of skills.⁷ The lack of programs and training was evident in a national study of female offenders in prison and community settings, conducted in fourteen states in the United States which concluded that,

Treatment in correctional institutions was conspicuous by its absence. Treatment staff ... were most often involved in intaking, testing and court ordered examinations, and ... prescribing medication. Counselling was often a duty of correctional officers who were not necessarily trained and whose primary role was custodial ... tranquilizers may be used instead of programs to help maintain control in an institutional setting ... in many jails, religion was the only program offered.⁸

Where programs do exist female offenders are generally classified merely by their gender. Rarely are other considerations taken into account. For instance, at the P4W, just as all female offenders are sentenced to serve federal terms of incarceration, they are all classified to maximum security prison, and are restricted to the same limits of classification in identifying their needs for programs, training and education.⁹

⁷Ross, op.cit., p. 8A.

⁸Ibid., p.6 citing R.M. Glick and V.V. Neto, National Study of Women's Correctional Programs (Washington: National Institute of Law Enforcement and Criminal Justice, 1977).

⁹Ibid., p. 81.

At the provincial level, in most cases, there is even less consideration given to female offenders. Each province typically has at least one correctional centre for women, some of which are mere annexes of male institutions, others which are facilities designed for women. The number of prisoners these house varies. Some house as many as 120, at any one time, while others house as few as one at any time. In Quebec, according to the Quebec Human Rights Commission the women at Tanguay prison in Montreal are "treated like babies and are deprived of the range of activities available to men." Hobby workshops are available however such work activities are provided merely to give the women something to do as opposed to the job training available to male prisoners at Bordeaux jail and Orsainville prison. Women who choose not to take part in the hobby shops have the alternative of remaining in their cells.¹⁰

In an attempt to improve in these areas Solicitor-General Kelleher announced in April 1987, several proposals which would benefit all prisoners. These included raising the literacy level from grade five to grade eight; introducing special programs for minority groups and providing programs in both official languages; assessing prisoners' educational needs with follow-up programs; diagnostic training; presenting certificates or

¹⁰CAEFS Newsletter, No. 15 (Winter, 1986), p. 5.

awards for achievement; providing incentives for participating in basic education programs by having involvement count for special privileges such as leave and for parole and making it a provision of working in the institution; and providing a standardized program so that if an inmate is transferred the program can be continued; to fund university courses; introducing computer and television programming; retraining secondary and post-secondary courses; and to train correctional staff so that they are aware of the importance of these training programs.¹¹

The proposals are all positive steps in the process of providing educational programs, however the \$120,000 which has been budgeted with the Correctional Service of Canada to implement these programs comes from a reallocation of resources already in existence in the correctional service and is not additional funding. While an attempt has been made to address the educational needs of prisoners, all that has been done is to ensure that another area is now neglected. One might question the sincerity of this position.

Women who have served time in prison are faced with a dual discrimination. Women in general are lower paid than men, are placed in traditional female jobs and are generally less independent than men, and not as flexible

¹¹CAEFS Newsletter, No. 19 (April, 1987), p. 6.

in their jobs because of their dependence on support services, such as child care. Women who are branded with the stigma of having served time are at an even greater disadvantage. Not only are their options and opportunities limited by their gender but they are also subjected to the prejudice of prospective employers and in many cases discriminatory legislation.

Prisons as a means of punishment or retribution fully serve their purpose. However, as sources of learning or as institutions of rehabilitation, they are often a dismal failure. They very rarely provide for women what they need to make it on their own and to be successful mothers and productive citizens. While attempts to assist them are growing, there is still a real need for quality programming. A study at the P4W in 1984 of the needs of the women, revealed that rather than expand them, they should improve on the programs already offered,¹² that the programs which were offered were appropriate but lacked quality.

In order to provide services and training that would be beneficial to female offenders, their needs and abilities have to be assessed. In so doing, individual requirements could be addressed and programs determined by the needs of the women. Until these basic needs are recognized, attempting to implement other programs would

¹²CAEFS Newsletter, No. 11 (Winter, 1984), p. 12.

be useless. In a prison with as many women as are at Kingston, there is a wide and diversified group, requiring many different programs. At the facilities which house much smaller numbers, it would appear to be much more simple to assess and therefore provide the necessary services. This however is not the case. Ironically, many of the provincial jails offer very little to the few women who serve time there. Those women serve their sentences but are given little if any opportunity for rehabilitation. It is for this reason that steps to have women serve their sentence at provincial jails is perceived as being an economic move rather than as progressive reform.

At the P4W, where inmates enjoy a greater advantage to participate in a wider variety of programs, some of the women take part in programs offered outside the prison at nearby male facilities. Some of the jobs they participate in at the men's prisons include microfilming, auto mechanics, carpentry and computerization. At the P4W itself, inmates work in the following areas, "kitchen, beauty parlour, cleaning, school, yard, stores, library, social development, canteen, inmate committee, segregation, orientation," clerical, sewing and laundry; all of which are traditionally low paying female occupations and provide little preparation for returning

to the community; many of which are at a risk of being redundant.¹³

Women in protective custody are much more limited in their programs and activities. They do take part however in volunteer activities sponsored by the Kingston Elizabeth Fry volunteer program and are involved in socials and weekly discussion groups as well. Until a few years ago, they could not avail of any programs.¹⁴ For Native women, special programs related to their cultural and ethnic needs with regard to their rehabilitation are also provided.

The plight of female offenders is increasingly becoming an issue to contend with but mainly because of such groups as the Elizabeth Fry Societies and other concerned advocates who have continued to pressure the powers to be until they were forced to acknowledge that problems do exist and need to be addressed. In 1980, for example, an advocate group "Women for Justice" lodged a complaint that women in prison were discriminated against in the areas of education, programming, geographic location and security levels. They charged that women were deprived of programs that were available to male prisoners; they received little if any recreational, social or cultural stimulation; that women were unable to

¹³Ibid., p. 8.

¹⁴CAEFS Newsletter, No. 14 (Summer/Fall, 1985), p. 8.

maintain close contact with their families; and that all women at the P4W were subjected to maximum level security regardless of crime or sentence. In 1982 the Human Rights Commission concurred and charged that female offenders were discriminated against by the Correctional Service of Canada. As a result some positive changes were put into effect. For instance an activity centre was built and some non-traditional programs made available.¹⁵

The process is slow but advances are being made and the need for improved opportunities recognized. In November, 1987, Honourable David Crombie, when he announced that the women's program would be renewed for another five years at a cost of \$12.9 million remarked "... there is still a lot more to do if women and men are to enter the 21st century on an equal footing. The new women's program will be flexible, fair and forward looking"¹⁶.

The concern of advocate groups for women involved with the law is justified but the extension of such concern is unrealized or downplayed by others. Even those devices which could be better used to educate the public of the dilemma faced by those who are at risk or serving time is undermined. Over the past few years there have

¹⁵CAEFS Newsletter, No. 7 (November, 1982), p. 2 and CAEFS Newsletter, No. 10 (March, 1984), p. 4.

¹⁶CAEFS Newsletter, No. 21 (January 1988), p. 22.

been several documentaries and profiles on such women. While most of the stories relate directly to the women themselves and their crimes, a recent television program on a prisoner at the P4W dealt with a woman who had earned a Bachelor of Arts degree while serving her sentence. The show gave a background story regarding the woman's crime and also her accomplishments while in prison. Rather than accentuate her educational achievements and focus the show on the need for rehabilitative opportunities, it seemed to be more concerned with the reason for her imprisonment. This very point was addressed in a letter to the CAEFS Newsletter; the writer was obviously very much aware of the hardships of prison life and the lack of support for these women when she wrote, "Rather than focussing on the very real difficulties encountered by inmates who strive to educate themselves you decide to reopen the case of Canada's own Bonnie and Clyde"¹⁷

Women who serve time in provincial jails are closer to home but are at a disadvantage with regard to educational opportunities and programs. While there is room for vast improvement in these areas at P4W, many women feel they have a better chance of gaining new skills if they serve their sentence at the federal prison. For many it is a very difficult situation and an even more difficult decision in deciding whether to remain close to

¹⁷CAEFS Newsletter, No. 19, op. cit., p. 5.

home or go where chances for improvement are greater. A common complaint of the women is ironically the new law which was originally set in place to assist female offenders so that even those women sentenced to serve federal sentences, unless a security risk, could serve their time in provincial prisons, is the very law that deprives them of enhancing their abilities. Because of this law women who wish to be involved in programs that are offered at P4W can only be transferred if they are perceived to be behavior problems. This in turn would be a negative factor at their parole hearing. Another negative factor with regard to serving time at a provincial facility is in relation to the achievements that have been made over the years for native rights which are not dealt with in most local prisons.¹⁸

There is little doubt that the female prison population is in need of more support and that there is now a recognized problem with regard to present services. The role of education as a positive aspect of rehabilitation is now being taken seriously by those who have the power to alter the system. Solicitor-General Kelleher acknowledged this when he remarked in March 1987, "I have no doubt you share my belief that improved education is one of the most significant avenues we can pursue towards genuine inmate rehabilitation."¹⁹ However,

¹⁸Ibid., p. 9.

¹⁹Ibid., p. 6.

until they are obligated to act upon such statements and can empathize with the concerns of the female offender, these will just be empty promises, and the women, most in need of the assistance they can provide, will be no better off.

It is a belief among many²⁰ that prisons are breeding grounds for criminals and that until programs are offered which will teach women something of value such as employment skills, then prisons will do little to encourage rehabilitation. The warden at Sybil Brand Institute for Women suggests that until they receive life skills programs and are taught how to properly raise their children the prison system contributes to recidivism and does little to prevent further involvement. She suggests that unless they provide the training needed, prisons are a contributing factor in ensuring that not only do these women return but so to their daughters.²¹

In provincial prisons, of those which do offer programs most are part of the institutional maintenance such as cooking, cleaning and laundry; while some have been recreation and typical stereotyped female programs such as hairdressing, typing and sewing courses. Overall, the programs they offer do not address the needs or

²⁰Kathryn Watterson Burkhart, Women in Prison (New York: Doubleday and Company, Inc., 1973), p. 271.

²¹Ibid.

individual circumstances of the women housed there. Most programs presently in effect do not take into account the employment needs; they do not recognize the drug and alcohol abuse; and they do not promote changing women's self-image of themselves; or deal with the racial problems many of them are forced to contend with. Nor are the women informed of what resources they might have access to or how they may use them.

Recent reports and recommendations such as the one by Ross²² suggest that in order for policies and programs to be effective, the needs, characteristics and circumstances of female offenders must be assessed from an objective and realistic perspective. This however, is seldom the case.

Education

Fifty per cent of the 12,000 male and female inmates in Canadian federal penitentiaries are considered to be functionally illiterate, defined as having grade eight level or less. Of these men and women, only 500 participate in courses which are designed for their benefit, and of these only 150 graduate.²³ Approximately 15 per cent are classified as functionally illiterate, below a grade five reading level. A survey of female offenders by Glick and Neto (1977) revealed that 14 per

²²Ross, op. cit., p. 4.

²³The Evening Telegram, May 7, 1987.

cent had only grade eight or less and that 40 per cent had at least completed high school or higher.²⁴

In 1987, the Solicitor-General, James Kelleher announced that he planned to raise the annual budget of two million dollars to \$5.4 million to help stamp out illiteracy in prison. He planned to offer more programs for the functionally illiterate and to make them more appealing by making attendance at them compulsory to be given prison jobs where pocket money could be earned, and in being granted privileges such as day parole. This was reflected in his statement, "If I keep discharging illiterates back out on the street, they're going to be back in within two or three months because they can't get a job." However, the government had never commissioned a study to show a correlation between illiteracy and recidivism.²⁵ Therefore his theory has not been substantiated. As well there have only been a small number of adequate studies to validate whether educational programs for females are effective²⁶, if indeed women were to be considered part of this measure.

Programs for female offenders in recent years have altered to take the emphasis off regular academic education to put more emphasis on social education. These

²⁴Ross, op. cit., p. 37.

²⁵The Evening Telegram, op. cit.

²⁶Ross, op. cit., p. 38.

courses accentuate life skills, job related skills, and parental responsibilities.²⁷

The lack of enthusiasm and involvement by inmates are some of the shortcomings of prison programs. These are coupled with a relatively low budget (only one per cent in 1970 went to programs); the importance of security as a priority to quality programs; negative attitudes of staff; programs with no real goals; teachers not trained to deal with the needs of the women; limited resources and materials; and lack of initiative to participate.²⁸

Some prisons offer a different variety of educational programs for the women. At the P4W for instance, the women can avail of a full academic program at the primary and secondary level, or a commercial course at Frontenac Institution; or at near by Collins Bay Institution they can participate in courses such as hairdressing, industrial sewing, woodworking, welding and auto mechanics.

Sandeman²⁹ reports that academic courses generally include English, mathematics and social sciences. Correspondence courses, although available, do not offer

²⁷Ross, op. cit., p. 39.

²⁸Ibid.

²⁹Gillian Sandman, "Programs for Women" p. 387 in J. Douglas Ayers (ed.), Proceedings of the National Conference on Prison Education (Victoria, B.C.: University of Victoria, 1981), pp. 387-391.

stimulation or provide enthusiasm and is usually a lonely ordeal. As well, the necessary tutors or assistance is often unavailable which inhibits the learning process.

At Vanier Centre for Women, the education program has various levels. The basic literacy program, called the "Blade" program is carried out on an individual basis. It is done at the student's own level with the use of cassettes, tests, study sheets, etc. to educate the student to a functional reading and mathematics level. Teachers, volunteers and teacher aides are also available for assistance.

"Plato", the upgrading program, focuses on English and mathematics and prepares students for equivalency examinations or furthering their education at a nearby community college. This is a computer based program which has been designed for functionally illiterate adults to become competent in English, mathematics and language skills. An individualized program with interactionist techniques, this program which requires at least a grade three education, offers immediate feedback. It is self paced and has various levels of difficulty. The program offers basic skills in reading and mathematics as well as high school skills.

Vanier also offers high school credit courses in compliance with the Ontario Ministry of Education and

offers subjects in the academic area, business studies and family studies.³⁰

Women at Vanier may also participate in correspondence courses at Canadian universities, however they must pay the tuition fees themselves.³¹ While this is seen as a positive step, it once again indicates the lack of understanding and sensitivity to the plight of these women. A serious attempt to educate female inmates and ensure a level of education which would enable them to achieve a higher standing in society, would encourage the women to avail of university courses and in so doing would pay the necessary costs.

Employment Training

Economic factors have been perceived as the major determinants of women becoming involved in criminal activity, according to several recent reports.³² Because of the characteristics common to female offenders, such as

³⁰British Columbia. Vanier Centre for Women (unpublished), p. 16.

³¹Ibid.

³²Ross, op. cit., p. 40 citing American Bar Association, Community programs for women offenders: Cost and economic considerations (Washington, D.C., 1975); J.R. Chapman, Economic Realities and the Female Offender (Toronto: Lexington Books, 1980); C.H. Milton, Female Offenders, Problems and Programs (Washington: American Bar Association, 1976); C. Spencer and J.E. Berescochea, Vocational training at the California Institution for Women: an evaluation (California: Department of Corrections Report #4, 1972).

having poor work skills and little education; they do not possess the required qualifications to earn a salary that would encourage or enable them to become self-sufficient, even though the majority of them are self-supporting with dependent children. Those who were employed prior to incarceration, were in most instances, employed in low paying, unskilled jobs that required little or no training.³³

The problems related to employment are not only recent. In fact Elizabeth Fry saw unemployment as the base of many female offenders' problems. It was her belief that if women were employed, not only would it keep them out of trouble but would also give them some self-respect.³⁴ Today, employment which provides an adequate salary is still considered to be an instrumental means of deterring criminal activity and is also seen as a crucial determining factor in successful rehabilitation.³⁵ Lack of employment skills is seen as a factor in contributing to persistent criminal behavior.³⁶ Women in the labour force in general however are at a disadvantage. Not only are they lower paid than men, they are not encouraged to

³³Ibid., p. 41 citing Glick and Neto.

³⁴CAEFS Newsletter, No. 18, January, 1987, p. 16 citing Patrick Pringle, The Prisoners' Friend, ch. VI.

³⁵Ross, loc. cit.

³⁶Ibid., p. 9.

enter the higher paying areas of the job market which is a common discriminatory practice towards women. Women also receive fewer support services, which offers mothers very little, if any means of flexibility in the workforce.

The limited research which has been conducted on female offenders points to employment as one of the major factors to persistent criminal behavior. Studies as far back as 1930, with the work of Sheldon Gleuck indicate a closely-related correlation between unemployment and recidivism for ex-offenders.³⁷ Studies such as the one conducted by Lambert and Maden in 1976³⁸ revealed that female offenders with steady employment had a 15 per cent recidivism rate while the recidivism rate for those with a prior criminal history was 46 per cent.

With regard to attaining successful employment female offenders have two strikes against them. First is the fact that they are female and must cope with the inherent problems which women face in the job market, and secondly, they are ex-convicts and meet with prejudice and discrimination because of their criminal background. Also, as a rule, they have few employable skills, little work experience and very little education. As a result they are most often unable to find work or are acceptable

³⁷Camilla K. Zimbal, "Hiring Women Ex-Offenders: What We Can Do", unpublished information from John Howard Society (September, 1983), p. 42.

³⁸Ross, op. cit., p. 42.

candidates for training positions which would lead to high paying positions. The female ex-offender's pay, if she does gain employment, is low, often little more than a welfare cheque would be. Because she, in all likelihood, has a child or children to support she is unable to meet financial demands such as day care expenses. Life is so bleak and the employment she obtains is so insufficient, she is likely to resume her criminal activity or become dependent on welfare.

Milton et al. (1976) perhaps best summed it up by saying

Because she is female she suffers from a number of well-documented discriminatory practices which affect all women who want to work -- less pay for equal work; less opportunity to enter the better paying blue-collar job market, more credit problems ... and fewer support services such as child care to allow her job flexibility. Because she is an offender she suffers from the prejudice of prospective employers, she is blocked from obtaining a licence for many occupations; she is considered unqualified in the language of much civil service legislation for state and city employment; and she has problems in all jobs which require bonding.³⁹

Female offenders need to have an employment program that will enable them to secure the type of position which will allow them the independence and ability to make it on their own and to support themselves by meeting their

³⁹Ibid., p. 48 citing Milton (1976), p. 35.

financial obligations. Such programs need to provide them with the training to enter traditionally male dominated fields which are higher paying, or allow them an opportunity for advancement.

Training in non-traditional areas may provide substantial benefits for women. Hargrove and Fawcett, (1978) reported that in comparison to the female traditional work which averaged an entry income of \$3,924 annually, those trained in non-traditional jobs such as appliance repair and meat cutters earned an average of \$10,547. The majority of those employed in those areas earned from \$7,740 to \$11,589 with the top earner making \$16,636.⁴⁰

The job training that has commonly been offered did not take into account the needs of the job market or of women. They have failed to realize that a woman, for example trained and certified as a clerk typist, would not be able to support herself and her children, or that it would offer her the financial independence to make it on her own as a sole supporter.⁴¹

Not only are most of the programs not relevant to the needs of the labour market but often prison training programs are not acceptable to employers in the

⁴⁰Ibid., p. 49.

⁴¹Ibid., p. 47 citing E.E. Miller, Corrections in the Community (Reston, Virginia: Reston Publishing Co., 1977).

community.⁴² As a result ex-offenders are still not considered employable once they return to the community. In a study by Spencer Berecochea (1972)⁴³ who evaluated courses such as hairdressing, ceramics and nurses aid training, less than one-third of the 225 women had found employment in the areas for which they were trained in prison.

One of the follow-ups to employment training is employment placement. One of the recommendations in this area is that a total employment service program is necessary to ensure that the women find successful employment, in other words, a job that will not only offer them job security but give them the other things they need, for example self worth and a good salary. Many jobs in which they are placed are low status and low paying positions and do not offer the security or incentive to remain out of trouble.

In order to be the type of program that would take into account the needs of these women and provide them with the opportunity to pursue a successful employment program, special services need to be at their disposal through a multi-faceted approach. Community support would assist in this by assisting with the necessary equipment and facilities.

⁴²Ibid., p. 45.

⁴³Ibid., p. 46.

According to Zimbal⁴⁴, a four step plan of action would be required for such a program. First, and in agreement with Ross's suggestion that women need to be made aware of realistic goals and the jobs for which they are most suited, the needs of the women need to be assessed to identify their individual traits, including their history, their abilities and the jobs for which they would best be suited. Second, especially in early months, providing services to counsel and offer support for primary needs such as child care and housing. To accomplish this it is necessary to have community access and supporting services. Third, training in preparing for jobs and developing the necessary skills and knowledge in employment seeking, how to prepare for an interview, and keeping a job. Fourth, deals with job development and placement and a follow-up for identification of employment that is suitable and the success of the employment. Providing support for the employer may also prove a valuable part of the program.

Vocational Education

The theory that incarcerated women require counselling services because they experience a great deal

⁴⁴Ibid., pp. 12-13; Zimbal, op. cit., p. 43.

of emotional stress has been partially responsible for the lack of emphasis on vocational training and skills.⁴⁵

In many cases, in those institutions which have established vocational training programs, they are mainly limited to training women in areas which have been female dominated such as typing, hairdressing and sewing.⁴⁶ These hardly prepare them for the job market or well paying positions that will give them the security to achieve independence. Male prisoners on the other hand are trained in much higher paying fields.

Some vocational training programs are actually programs in name only. In many institutions, training in areas such as housekeeping, laundry, janitorial, sewing, and cooking, are merely part of the regular needs of the institution and are classified as part of a program.⁴⁷

Many of these serve a dual purpose. They take care of the housekeeping needs of the facility, and give the

⁴⁵Ross, op. cit., p. 14 citing H.E. Gibson, "Women's Prisons Laboratories for Penal Reform" in L. Crites (ed.), The Female Offender (Toronto: D.C. Heath Canada Ltd., 1976) and C. Smart, Women, Crime and Criminology (London: Routledge & Kegan Paul, 1976).

⁴⁶Sandeman, op. cit., p. 388 citing O.I.S.E. Report to the Solicitor General Concerning the Educational Program of the Canadian Corrections System (1979).

⁴⁷Ross, op. cit., p. 43 citing M.L. Velimesis "The Female Offender" Crime and Delinquency Literature (1975, 7 (1)); H. Gibson, "women's Prisons: Laboratories for penal reform: Wisconsin Law Review (1973); J. Potter, "Women's Work? The Assault on Sex Barriers in Prison Job Training" Corrections Magazine (1979); D.S. North, "Breaking the Training mold" Manpower (February 7, 1975).

facility a training program. "Thus scrubbing floors is called vocational housekeeping; doing laundry is called vocational laundry; kitchen duty is called training in quantity cooking."⁴⁸ Once released, these women are qualified to work in jobs that have been traditionally female oriented and provide an inadequate salary for security and independence.

According to Glick and Neto, 1977⁴⁹ more than half of the women who end up in jail have already had some training in the areas offered in prison, namely those which focus on women's type occupations.

The types of courses offered are not usually in conjunction with the aspirations or desires of the women. Rarely are they asked what occupation they might want to pursue, so they can take part in relevant courses, and many do not prepare them in semi-skilled or skilled areas.

Some institutions have attempted to alter the inadequacies due to lack of appropriate programs for female offenders by providing them with an opportunity to attain marketable skills by offering programs which traditionally only were available to male prisoners.

It has been suggested, albeit based on incomplete data, that certain types of women might influence the success of a program. Women who have had prior employment

⁴⁸Ibid., p. 43.

⁴⁹Ibid., p. 45 citing Glick and Neto (1977).

history, who are above the average age of female offenders and whose children attend school are considered to be better risks. Emotional stability, and other relevant personal traits perceived of as necessary to make it in the labour force also help ensure success of the program.

For such a program to be at least adequate a combination of the following are suggested:

1. good quality training of sufficient duration to ensure that the offender actually progresses from unskilled to skilled status;
2. training in skills for traditional or non-traditional vocations which are of interest to the offender
- b) appropriate to her ability
- c) in demand on the job market
- d) financially rewarding;
3. training not only in job seeking but in job maintaining skills (e.g. punctuality, relations with employers and employees);
4. job placement;
5. employer preparation;
6. follow-up counselling.⁵⁰

Child Care

Estimates vary widely, but approximately 50 per cent to 70 per cent of female offenders are mothers. Approximately 50 per cent of the children are of pre-school age (less than six); more than two-thirds are under 10 or 11. Many offenders have two or three children. Although in 35 per cent to 60 per cent of the cases children were not in the care of the mother before her arrest, most of the offenders expressed concern for their children.⁵¹

⁵⁰Ibid., p. 50.

⁵¹Ibid., p. 87.

Many female prisoners are single parents who are sole supporters for their children. A study conducted in Alberta in 1983 revealed that 65 per cent of the children studied who had lived with their mothers before incarceration, were placed under Alberta's Department of Social Services when their mother was imprisoned. Many women sentenced to jail terms do not identify themselves as mothers because they are afraid that their children will be permanently taken from them. Legislation does not differentiate between intentionally abandoning children and being forced to leave them because of incarceration. The female offender's responsibilities as a parent are rarely considered so that she can be given the same opportunities as men for parole or day release which would enable them to care for their children. There is little available data on children of female offenders, however some institutions, such as Lakeside Correctional Centre, in British Columbia have started keeping data on the status and age of the children.⁵²

There is also little data on the effect of mothers being taken away from their children. It is thought to have very devastating effects on some women who find it difficult to cope with their loss and who are often in shock as a result of the separation. Some women report that the hardest aspect of prison life is being separated

⁵²CAEFS Newsletter, No. 16 (Summer, 1986), p. 16.

from their children.⁵³ When many of these mothers go to jail, they have not made arrangements such as accommodations or guardians for the care of their children. Robert W. Friesew, a lawyer, wrote on the issue,

"I have a young prostitute in custody at the Remand Centre in a state of absolute panic, not because of the fact she is sitting in custody but because of the realization that there will be no one to look after her children in the morning when they wake up and need to be fed and sent off to school."⁵⁴

The anxiety many female offenders experience over the fate of their children may leave them emotionally scarred as well as leave them apathetic towards prison programs. Other negative effects of being separated from their children include loneliness, fear of permanently losing their children or that their children will lose their affection for their mothers or forget them, and that substitute parents for incarcerated mothers might want to keep their children or will turn their children from them.⁵⁵ For the women who are affected the adjustment process will depend to a large extent on available support services and the terms of the separation process.

⁵³The Ottawa Citizen, December 1, 1986, p. D1.

⁵⁴CAEFS Newsletter, No. 18, op. cit., p. 3.

⁵⁵Ross, op. cit., p. 88.

Studies indicate that 80 per cent of incarcerated mothers maintain contact with their children, and that two-thirds of incarcerated mothers do not see their children.⁵⁶

Some women's prisons in the United States and in Canada offer day care programs in which they award a certificate in Early Childhood Education. This is seen as an effective program both from the perspective of the Corrections Service and the women who enjoy the company of the children. A few mens' prisons in the United States are involved in these programs as well and even those prisoners considered to be hardened criminals are touched and affected in a very positive way by the presence of children. This program provides a close contact with the outside and assists the prisoners in learning skills to assist with becoming better parents. It also provides a release from the hardships of prison life. A woman serving a life sentence at Bedford Hills, California explains its impact on her, "The psychological effects of working with children gave me an outlet and also a release since I don't have regular visits myself." While many prisons allow children to visit their mothers, and some even encourage it, most Canadian prisons do not permit

⁵⁶Ibid., p. 93 citing B.G. McGowan & K.L. Blumenthal, "Children or women prisoners: A forgotten minority" in L. Crites (ed.), The Female Offender (Lexington Books, 1976); S. Roger & C. Currey, Child-Care Needs of Female Offenders (Toronto: Ministry of Correctional Services, 1979).

children to stay at the prison with their mothers. The exceptions to this are Twin Maples Correctional Centre for Women, in British Columbia and the Portage Correctional Centre for Women in Manitoba. They allow children under two years of age to stay with their mothers, however the numbers are limited and only three children can be accommodated.⁵⁷

Twin Maples was licenced to operate as a day care centre in 1981. Mothers serving time at this facility may have their children placed at the centre along with children from the community. Training is provided at a local college to women who indicate an ability and desire to participate in the program. Women are paid to work there (\$8.00 a day in 1985) and the program seems to have been a success. Because Twin Maples is located on a farm, the children's day care program is designed around the surroundings and includes learning about the animals as well as other preschool activities.

This program is one of the most, if not the most progressive in this field, as it enables the women who need it to learn how to deal effectively with children; create training for employment when released; is a satisfying job for participating women as it keeps them in contact with the community and gives them an opportunity they would not otherwise have -- to hug a child.

⁵⁷CAEFS Newsletter, No. 16, op. cit., p. 15.

There are some prisons which do make allowances for children to stay with their mothers. A women's prison in Germany permits children under age seven to stay with their mothers in spacious cells in a special wing. The prison yard has become a playground and the children eat and live with their mothers and while the mothers work, the children are cared for by nurses.⁵⁸

Permitting children to reside in prison with their mothers poses some questions, such as the effect of the exposure on the children to a criminal element and the structure of the prison; the effects on both the mother and child when the visit ends; jealousies, antagonism, depression, etc. of other women whose children are not with them. There has not been adequate research to credibly answer these questions however literature suggests that permitting children to live in prison is not viewed favorably.

There are some special programs and services initiated as alternatives to living in such as mother and children living together in special apartments under supervision; another facility has arranged that a foster home for the children be close by so that they can maintain contact with their mothers.⁵⁹

⁵⁸Ross, op. cit., p. 94.

⁵⁹Ibid., p. 96.

The purpose of providing special arrangement for mothers and children must be assessed on an individual basis and follow-up programs have to be a part of this to ensure that the mothers and children value from the experience. For instance, the abused children of an incarcerated woman might not benefit from visits with their mother.

The Kingston Prison for Women has a family visiting unit, commonly referred to as the little house. The small bungalow where women are allowed to spend two or three days visiting is often vacant. Because families are usually so far away from the federal penitentiary, or family links strained or severed, the requests for the bungalow are infrequent. Instead women usually request the little house so they can be by themselves.⁶⁰

At the P4W, Sandy, arrested for possession of hash oil with intent to traffic was serving a two year sentence with the possibility of parole in six months. Because of the short duration of her sentence she was ineligible to have private family visits and therefore could not visit with her son who was less than a year old and being weaned from his mother when they were separated. Sandy who had never been apart from her son prior to this said that not seeing him was "the hardest thing I've had to do in my life." The separation is equally hard for the children as

⁶⁰The Ottawa Citizen, loc. cit.

well. When Sandy and her baby were separated, he had to be taken to the hospital because he refused the bottled milk which was given to him.⁶¹

In the United States, a play area erected in an Atlanta prison made it possible for the 600 mothers there, more than half of whom had not seen their children since incarceration, to see their children. Prior to this, the children who could visit with their mothers in the gymnasium were considered a nuisance. The play area was built to make the visits more pleasurable and according to the warden, "We want to remove them to a place where it's just the mothers and the children, where they can do children things, where they can talk and hug and hold each other."⁶²

Sometimes, visiting the children is beyond the control of the prison staff and administration and attempts to give the women a touch of motherhood can be thwarted by circumstances outside of their control. One woman, Lydia, who had murdered the husband who had battered her, spent a week preparing for a birthday party she was planning for her children who were staying at a foster home. "I'd looked forward to it for weeks, baking cakes and getting everything ready ... then at the last minute it was cancelled because there was no social worker

⁶¹Ibid.

⁶²CAEFS Newsletter, No. 15, op. cit., p. 5.

available to bring the kids over. I cried for a week after that."⁶³

Many mothers do not take care of their children upon release even though they suggest they will do so. This is often due to a lack of housing, support services, and financial resources. It is because of the needs of the women outside of the prison as well as inside the prison, with regard to separation from their children, that the recommendation is made to consider parenting needs and family separation in program planning and services for both incarcerated and released offenders. And that the needs of the children as well as the mothers be considered.⁶⁴

According to the American Bar Association, 1975, one of the most important factors in contributing to successful rehabilitation is maintaining family ties.⁶⁵

Some prisons in recent years have granted more leniency in permitting telephone calls to their children and making allowances for children to spend the night or even several days with their mother, as well as other positive steps.⁶⁶

The Canadian Association of Elizabeth Fry Societies⁶⁷

⁶³The Ottawa Citizen, op. cit., p. D3.

⁶⁴Ross, op. cit., p. 87.

⁶⁵Ibid., p. 89 citing American Bar Association (1975).

⁶⁶Ibid., p. 94.

⁶⁷CAEFS Newsletter, No. 16, op. cit., pp. 16-17.

has made forty-one recommendations regarding incarcerated women and their children. They recommend that community resources and services should be available, as well as support services and the necessary time to provide the necessary arrangements and accommodations for their children, before they are incarcerated. They also recommend that visiting and contact with children be encouraged and available, preferably outside prison and where permissible by offence, that alternatives to prison be granted.

McGowan and Blumenthal⁶⁸ also make several recommendations, which include counselling in the care of children, and child care laws; keeping the women informed about their children; more liberal visiting arrangements including longer visits, more telephone calls, private visits; providing special living arrangements so mothers and children can be together in apartments or nurseries on prison grounds; informing mothers of where and with whom the children can be placed and providing contact with the children and the substitute caretaker; educating the mother; offering post-release services and special services for the children in the community.

⁶⁸Ross, op. cit., p. 102 citing McGowan and Blumenthal (1976).

Health Education

There is a demonstrated need for improvement in health care programs for women. Even though all prisons have a system which permits medical attention for inmates, these are often outside of the premises and the women have to be referred, or must appear to be quite sick or legitimately in need of services. Often, the women do not have adequate access to a doctor or a nurse or to any medical care unless an emergency arises.⁶⁹ One survey conducted revealed that while men have daily access to medical treatment, women have it on an on-call or part-time basis only. Evidence of this recently surfaced with the much publicized death of a woman in a Canadian jail whose alleged requests to see a doctor were ignored by prison staff.

Many of the problems the women have are a result of ignorance of how to take care of themselves, and abuse of their bodies as a result of excessive use of alcohol and drugs. Very often the women have had no education in nutrition and proper health habits; and many have been negligent in taking proper care of themselves. Because of

⁶⁹Ibid., p. 84 citing Glick and Neto (1977); S.E. Sobel, "Women in prison - sexism behind bars" Professional Psychology (April, 1980); K. Williams, "Health Care for Women Inmates at the New Mexico State Penitentiary" from National Conference on Medical Care and Health Services in Correctional Institutions (Second Proceedings, 1978).

this, even when they need such services, they rarely seek medical attention.

An adequate health care and health education program is vital to the female offender's rehabilitation. Not only would it provide her with the understanding of the importance of taking proper care of herself but of alerting her to the nutritious and medical needs of her children, who also suffer as a result of their mother's lack of knowledge of their health needs and problems.

Much more consideration must be given to the medical concerns of women. It is not uncommon for these women to seek medical attention only when a problem has reached a crisis stage. Apathy, inadequate parental care, and limited access to such services are some of the reasons why female offenders do not take proper care of themselves.

It has been suggested that the medical care and treatment so necessary for these women, is often compromised for security or custody reasons by corrections officials. It has also been suggested that the women are given medications such as tranquilizers and other types of prescription drugs more for the sake of the institution rather than that of the women. The dispensing of drugs is reportedly done through untrained medical staff and is not relegated to any special pharmacological control.

Moreover it has also been purported that the use of tranquilizers has sometimes taken the place of programs.⁷⁰

Some prisons have had to provide services for pregnant inmates, from pre-natal care to the delivery of the child and post-natal care. Some institutions have provided special services in such instances, including permitting the mother to keep her newborn infant with her.

Life Skills

Some studies on programs for female offenders suggest that teaching them how to think is as important as teaching them how they should behave. It is proposed that programs should offer skills to maximize the likelihood that she will be a socially and economically self sufficient person. To accomplish this, training must be provided in several areas such as finance, including budgeting, banking, credit, household management, and use of community resources; health, such as nutrition, birth control, dental and medical access and care; maternal and spousal needs such as child care, child welfare, legal rights, legal procedures, separation and divorce. These courses would educate them; give them a greater awareness for independence; contribute to enabling them to control

⁷⁰Ibid., p. 84 citing Glick and Neto (1977); H.W. Ris, "The Integration of a Comprehensive Medical Program in Juvenile Correctional Institutions" J.A. MAWA (30); M.L. Velimesis, "Sex roles and mental health of women in prison" Professional Psychology (12 (6), 1981).

their own lives; and provide them with some knowledge to manage their lives and survive on their own with little help. And if assistance or guidance is required, to be aware of how to obtain it and the procedure for doing so.

Inadequate Facilities

Across Canada the common complaint about facilities for female offenders is that they lack recreational and training spaces. Examples of this include: the remand centre in Calgary which is windowless and even when exercise periods do take place they do so on the roof; in Portage, the women's prison is in the old city hall and does not provide recreation space or programs for inmates; Sudbury's detention centre is a fairly new building but the women's section does not have any program space. The only program held is Lifeskills offered by the Elizabeth Fry Society and that is held outside the cells.⁷¹

Release Programs

There are a number of alternatives to being confined to prison. Release programs can be accommodated on a part-time or temporary basis or in lieu of incarceration. These may include day release which allows the inmate to leave the prison during the day to work or attend classes.

⁷¹CAEFS Newsletter, No. 19, op.cit., p. 8.

Day parole is a release program whereby those participating must return to the prison at specified times. Usually only those who are candidates for parole, up to four months away may take part. The type of day parole depends to a large extent on the inmate and return times may vary depending on the situation of the person involved; i.e. she may be released for daily classes, or released to a community residential facility where she can also seek employment. There has been expressed a need for more residential centres across the country, especially those areas which do not have any places to house women in conflict with the law. Of those that do exist however, there has been some negative feedback. Many do not have the facilities or the staff to deal with specialized needs such as substance abusers. Therefore, women requiring special attention are unable to be placed in existing houses. Because of these complaints and the lack of adequately supervised houses in rural and northern areas, women from these areas have little opportunity to remain and re-establish themselves in their own communities. Where houses do exist they are most often operated by advocate groups.

The Elizabeth Fry Society of Ottawa has two residential houses. The Macphail House, named after Agnes Campbell Macphail, a member of parliament who was responsible for initiating prison reforms, especially

regarding female offenders, is a temporary shelter which accommodates eight residents. It is available to women on parole, temporary absence, bail, or who are potential risks for criminal activity. Funds for the operation of the house come from several sources within the correctional field and donations from the private sector.

Fergusson House named after Muriel McQueen Fergusson, the first woman speaker of the Senate and an advocate of prison reform, is a residence for women who may wish to conclude serving sentences of three months or less, however, most are on a leave program. Women are encouraged and expected to take part in an educational or employment program while staying there.⁷²

The Elizabeth Fry Society of Ottawa also offers a follow-up and counselling program for women who have stayed at one of these houses, the intention of which is to promote social skills and self-assurance.

A study by Fine in 1978 of a small number of participants in "work/training release programs" showed that the program was a success. Only a small number of women returned to prison but the study could not validate the success of the program, i.e. whether the success of the program or choice of the participants was responsible for the results.⁷³

⁷²Elizabeth Fry Society of Ottawa, Volunteer Manual (unpublished, September, 1982).

⁷³Ross, op. cit., p. 103.

There have been two negative comments on the temporary release programs; one, that it is often used as a means of dealing with overcrowding; and second, that even though release programs were pioneered by women, they are much more readily available to men.⁷⁴

Probation is another means of evading prison. According to Cunningham (1963), however, female probationers are generally lonely, suffer pangs of guilt and are often dependent on their parole officer. They experience problems with housing and employment and require counselling to deal with marital and child care problems.⁷⁵

In the provinces of Saskatchewan and Ontario, counselling groups have been formed for women on probation to help them develop some self help skills such as assertiveness training, community resource awareness, and life skills.⁷⁶

Parole is another means of releasing prisoners before a sentence is complete. Generally only prisoners who have served at least one-third or seven years of the sentence, which ever is the shorter period, may qualify. Once paroled in the community, there are certain conditions

⁷⁴Ibid., pp. 103-104.

⁷⁵Ibid., pp. 75-76.

⁷⁶Ellen Adelberg and Carol LaPrairie, A Canadian Directory of Programs and Services for Women in Conflict With the Law (Ottawa: Solicitor General, 1985), p. 194.

which must be adhered to under supervision. Violation of parole is a serious offence.

Summary

Women sentenced to a prison term, or who are remanded awaiting trial, are often given little in the way of programming or services. The lack of medical, training and employment programs, as well as a lack of vocational and self help skills programs is blatant throughout Canada, and this appears to be the case in other countries as well.

There is a false impression that women's needs are recognized in jails and prisons across the country, especially in the larger ones which are institutions for women only. Through informal conversations and discussions, Sandeman learned that across the country, programs and services are not significant. Even those places where services appear to be most plentiful, there is a lack of specific programs. Perhaps the greatest disappointment is the federal prison for women, especially since one of the main arguments in favor of its continuance is that it offers or has the capacity for a much more diversified range of programs and services for the women. However, reports indicate that the P4W, like many other jails, offers surface programs only. Sandeman in her research, found the staff as well as the inmates to

be apathetic and depressed as a result of lack of stimulation. Attempts to override this despair and to improve on their lot was seen by her as a joint initiative of some more motivated staff and inmates. "There is a pervading air of despair, somewhat relieved by small groups of inmates and a few staff members who muster up the strength to support and encourage one another to resist the effects of boredom and hostility," and that participation in programming is superficial.

"When visiting the Prison for Women, one may be told that there is a full range of day and evening programs and activities for the women, and one may even assume that there is a fair amount of inmate involvement in these programs. However, after spending some time with inmates and staff, one is sharply aware of the grave discrepancy between stated policies and practices."⁷⁷

The types, the availability, and the number of programs vary from prison to prison, and may be representative of the clientele at particular times. Many programs, services and facilities that are available to women are offered in conjunction with their male counterparts. Provincial and municipal jails, many of which cater only to the needs of the men housed there, allow the women to avail of some of the services and programs for the males. Some centres especially city jails, generally offer nothing in terms of programming or

⁷⁷Sandeman, op. cit., p. 387.

services for women, while others, especially those which are solely for women offer a wider variety. In certain geographic areas services and programs based on individual needs are identified such as counselling for sexual abuse and incest for Native women in Winnipeg; in Toronto services for women imprisoned because they are illegal aliens; in Kingston, a greater recognition for services for women serving long term sentences.⁷⁸

Many prison programs are sponsored by church groups, Elizabeth Fry Societies, ethnic groups and volunteers. Without their support, many incarcerated women would find a limited or nonexistent availability of programs. The services and programs provided by volunteer agencies are often the only means of outside contact or recreational or other services in which they can participate.

Many programs, services and facilities that are available to women are offered in conjunction with their male counterparts. Often, especially in those cases where women are housed in annexes of the men's prisons, they may be permitted to participate in services that are offered for the men, use facilities that belong to the men, avail of instructors hired for the men, or might even be included in the budget for the male's programs. There are also some services within the community in which female offenders may become involved, including local colleges

⁷⁸Adelberg and LaPrairie, op. cit., p. 204.

and training centres or work places which offer training and job skills.

In some institutions, the training which is provided offers little chance for successful employment upon release, as many of the jobs they are trained for are not in demand. Also, the equipment which is used to train for many jobs is obsolete but new equipment is not considered in the budget of the institution. Therefore such training while it does pass time for the women, is more of a negative than positive aspect as it may offer the women a false sense of security upon release. In reality however, it does not prepare them for employment.

Because of the tremendously diversified needs of the women incarcerated, their backgrounds and their interests, block programming, while cost efficient and easier to implement, does little for the female offender. Individual planning for the women, based on their numbers and unique differences in needs and backgrounds and desires, and their individual capabilities appears to be the most appropriate.

CHAPTER SIX

Summary and Conclusion

Summary

No one factor is solely responsible for young people becoming involved in criminal activity or for determining such behavior. Most female offenders are poor, unskilled, uneducated, young, and single with dependent children. They generally commit petty offenses and unlike males, women who commit murder, usually know the victim. Exceptions to the rule and relatively new to the scene are women involved in white collar crime and political terrorism.

The women's movement has been blamed by some as a cause for the increase in criminal activity by females, however, most female offenders do not identify with the women's movement and are not part of the liberation which the movement supports. In fact, most of the female criminals are dependent on men as opposed to the independence purported by feminists.

The arrest rate for women is much lower than for men, not only in Canada, but universally. The attitude of police and the courts, although changing, is still different from male counterparts. Few women in Canada are sentenced to serve time in prison, but those who do serve time have been historically, and are still at present considered by many to be the dregs of society.

The only federal prison for women in Canada is the P4W at Kingston, Ontario. This maximum security institution has been the source of much criticism by advocates for prison reform. Much of the criticism is based on the fact that the prison removes women geographically from family, friends and home; houses women serving all types of sentences; and while a maximum security prison, usually only has a small number of women who are maximum security risks; and does not provide for prisoners educational or training programs or prepare them for coping upon their release. In Canadian prisons, there is generally very little violence, when there is, it may be caused by drunkenness or depression. Homosexuality is much different in the women's prisons than the men's -- it is not used as a means of controlling other prisoners or showing power, but instead serves to fill the void left by having been separated from loved ones. In Canada, a large percentage of female offenders are of Native origin and recent innovations to maintain cultural identity have allowed ethnic women the right to take part in ceremonies of their culture and have influenced the women into forming a sisterhood within the prison.

In Newfoundland, female offenders serve their sentence at the Newfoundland and Labrador Correctional Institute for Women. Although a provincial jail, women serving federal terms, who are not considered a security

risk are also permitted to serve their sentence at this facility. Due to the low numbers and the nomadic style of the women there, it is difficult to implement long-term programs what would serve to assist women acquire new skills or upgrade themselves.

Because of the low numbers of women in prison, they receive less funding than male prisoners for training and educational programs. Women who complete their sentences very often leave prison still unprepared to face the challenges within society, and are unable to effectively manage their lives so that the reasons they originally find themselves in trouble with the law are still very evident. Assessing individual needs and abilities is one of the focal points of restructuring prison programming. While most programs offered in women's prisons are generally stereotypical, low-paying jobs, there is some diversified programming offered in non-traditional jobs as well as programs such as day care to contribute to rehabilitation.

The needs of female offenders is gaining more attention and recently, media coverage has included programs about the P4W and individual women there. Some of these programs give an insight into the personalities of the women they interview, the crimes they commit, their life in prison and achievements they make.

However, there is much room for improvement with respect to the entire process of incarceration. Women's needs must be recognized. Rehabilitation programs must be established and implemented if institutions are to be more than just places for punishment.

Conclusion

Because of the comparatively low numbers of women serving time in prisons, and the various lengths of their sentences, especially in provincial prisons, and diversified backgrounds, it would be very difficult to implement standardized programming for all institutions. This would also be impractical in many places as the necessary funding and facilities to carry out programming may not always be available. It would however, provide a guide for ensuring that the most important and practical requirements are given the consideration they deserve. Every prison should provide quality care and service for its inmates and it should be mandatory that recreational, social, medical and personal needs of all the women be reflected in such programming.

Where provincial prisons are antiquated or inferior with regard to adequate space, program and recreational facilities should be available in the men's section or nearby male prisons if location permits.

More comprehensive programs are needed to reflect the problems of female offenders. Many of the women who serve time have alcohol and/or drug related problems; many have been the victims of child abuse or are battered wives; and many have emotional problems. Those who have drug or alcohol problems, for instance, should automatically be enrolled in addiction programs. Where the numbers are too few to warrant this, support and assistance should be provided for individuals through a one-to-one volunteer basis.

For those women who have not acquired or learned the necessary life skills to help them develop the abilities to manage their lives successfully, assistance must be provided. Such a program would encompass successfully managing a home including parenting skills and budgeting, self-assertiveness training, personal awareness, communicative skills and self-assurance. These would provide those women who need it, with the necessary training to deal with everyday and practical matters, to learn how to effectively run a household and provide them with the skills and incentive to see their positive qualities and talents and learn how to best use them. These programs must be provided on a regular basis to ensure effectiveness.

Because the women have individual needs and abilities, personalized assessments should be provided to

ensure adequate and necessary programming. Individual planning should replace block planning where applicable and where numbers warrant, qualified instructors hired to teach specific courses. The programs provided must be flexible so that they reflect the changing needs of the women involved.

Opportunity for basic literacy and upgrading must be provided to everyone who needs it as well as incentives to enroll in classes and complete them as a priority. Those women who indicate a keen interest and have the potential to acquire specific employment must especially be encouraged to upgrade themselves whether it be completion of high school or a specialized skill.

The motivation to progress and learn must be instilled in those women who are complacent with their inadequacies and programs have to be interesting and at a level of comprehension suited to individuals. The women must then be given every opportunity to complete such an undertaking. This would not only ensure success of the program at the training level but would give the successful student a sense of accomplishment and achievement. For many women at this level, these would be the first and most imperative steps in their stairway to rehabilitation.

The federal penitentiary, because of its larger numbers and facilities is able to provide and offer much

better services to its prisoners. However, prisons must provide for the women housed there some recreational, medical, social and educational services. Some of the provincial prisons have very inadequate space and facilities and as a result they are unable to initiate programming which reflect the needs of the inmates. This is indicative of the discrimination to which female offenders have been subjected, and it is therefore vital that these considerations be implemented in the construction or renovations of correctional facilities and into programming. Where space does not permit, the women should be afforded the opportunity to use men's facilities or facilities in the community. Some of the women's centres are annexed or in close proximity to the men's prisons and they should be given the opportunity to use whatever facilities are available or provided to male prisoners.

Many female inmates have very few if any employment skills. In order to adequately care for themselves, they must be able to be self-sufficient and to be employable. Diverse programs, especially in non-traditional female occupations must be expanded and women encouraged to participate in them. Where only one or two women might enroll in a program, community resources could serve an integral role in accommodating the conditions for training and job placement. Job readiness, job placement, and

follow-up would be included in this program. This provides the women with before hand knowledge of the job, of the requirements for performing the job and ensures that any needs or problems she may encounter are not ignored once she is on her own.

Special or temporary leave should be granted to those who qualify to participate in programs outside the institution to meet the particular individual's needs and prospects for rehabilitation. Women who actively take part in such programs and who endeavour to help themselves should be given every incentive to continue and where applicable, certificates and diplomas awarded.

Every effort has to be made to encourage involvement from the community. Ways to do this could be through hired personnel such as public relations persons or volunteers who could co-ordinate services either on an individual basis or through a community network. Such a network would encourage community based support; tap available resources within the community; encourage social clubs and organizations to support special projects for the female inmates; encourage voluntary participation from members of the community who have special talents and specific abilities; financially support projects and provide special incentives to the women as well as assist in pre-release planning.

Females who appear in court and are ultimately fined or probationed should be instructed by the courts of the programs available to them, and if necessary, ordered to participate in workshops that would benefit them in functioning as responsible members of society. Women sent to prison must be given the same opportunities so that upon release they have an awareness of what is expected of them and a means of accomplishing it. These women, as their backgrounds indicate, come from homes where the importance of education was not acknowledged; where the only role model may have been another criminal; or where family ties were so weak that stealing or other illegal acts were not only a way of life but a means of survival.

Other services that would be essential to the success of such a program include counselling sessions for both the offender and her family. An important feature in the success of such an undertaking would be training and educational workshops for people such as warders, instructors and other people in the judicial system who are directly involved with the women serving time.

In prison, women are subjected to a life style that practices dehumanization, defeminization, dependency and degradation. These traits of prison must be abolished before the success of any program can become a reality. If they are not treated like human beings and given the basic respect all people require, they in turn will lose

respect for themselves and lose any initiative for a better life that they might have. A positive view of themselves and a belief that they have the ability to reform will determine the success of such an undertaking.

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