

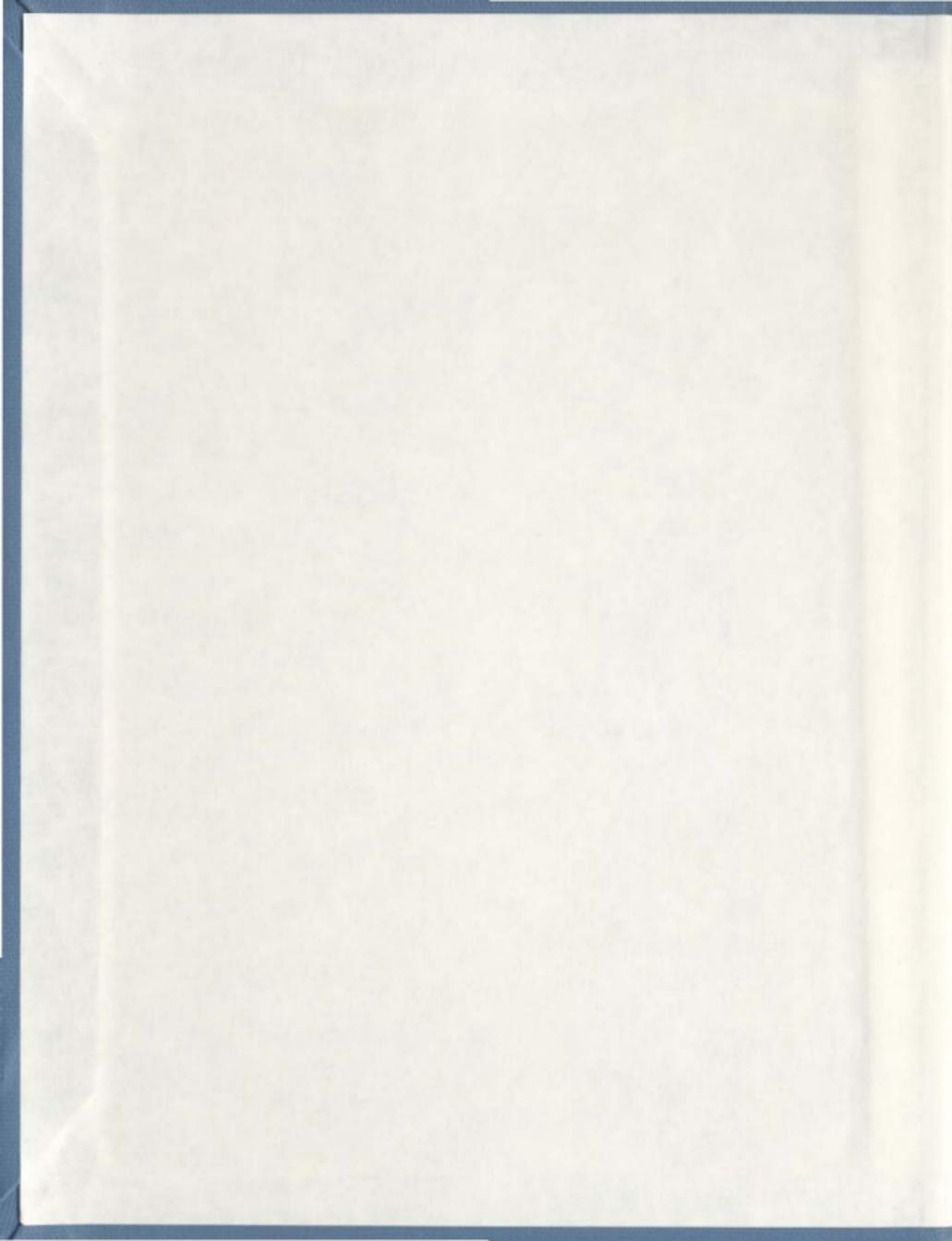
IN CONFLICT WITH WOMEN :
A GENDERED ANALYSIS OF OFFENDERS
ELECTRONICALLY MONITORED IN
ST. JOHN'S, NEWFOUNDLAND

CENTRE FOR NEWFOUNDLAND STUDIES

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**IN CONFLICT WITH WOMEN?:
A GENDERED ANALYSIS OF OFFENDERS
ELECTRONICALLY MONITORED IN
ST. JOHN'S, NEWFOUNDLAND**

by

**MaDonna R. Maidment
B.A. Memorial University of Newfoundland, 1995**

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ABSTRACT

This research provides a gendered analysis of women and men who have recently participated in an electronic monitoring (EM) program in Newfoundland, Canada. The existing literature focusses primarily on the experiences of males and tends to be void of any conceptual analysis regarding gender biases. Debates surrounding the implementation of EM programs have been primarily concerned with issues relating to increased surveillance within the private sphere, cost-effectiveness, net-widening, and legal and ethical challenges. This lack of a gendered analysis is unfortunate since a review of the criminological literature clearly demonstrates that women's experiences with the criminal justice system are significantly different from those of men.

Given women's structural location in society, their primary responsibility for child care and domestic labour, the nature and extent of their criminal convictions, and the level of state intrusion into women's lives, this study provides social scientific evidence that women's experiences with home confinement also differ dramatically from those of men. The unique situation of female offenders, as evidenced by the findings of this research, is at best a marginal consideration by local correctional officials in designing programs. The question of whether or not such programs can be 'modified' to better suit the needs of women is one important dimension of this research. A more critical issue, however, is whether this should even be considered a desirable goal.

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DEDICATION

This thesis is dedicated to my parents, Dianne and Eldon, who have steadfastly supported me in every way during my academic career and never once questioning what exactly it was I planned to do once I was finished with my degree. Their wisdom, guidance, and sincere interest in my work has always sustained my focus and remains the one constant in my life.

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CHAPTER 1: INTRODUCTION

1.1 Statement of Research Problem

This study argues that a particular electronic monitoring (EM) program for convicted offenders reproduces the unequal gender roles of women in a patriarchal society. On the surface, EM appears to provide a practical solution to convicted women's child care and household responsibilities while simultaneously permitting them to maintain family relationships within the home. However, given women's domestic roles as housekeepers and mothers, EM may actually exacerbate these structural inequalities by reinforcing several female gender roles, including the notion that women are expected to stay at home and maintain primary responsibility for child care and household tasks.

Despite the widespread expansion of EM programs in recent years, very little attention has been directed toward a discussion of program biases. For example, while women comprise an estimated 10-15% of the monitored population, the application of EM programs to females has been ignored. Evaluative research in Canada has simply failed to account for women's experiences in these programs (Bonta et al., 1999; Mainprize, 1995; Doherty, 1994; Ministry of Correctional Services, 1991). Given the nature of female crime, women's marginalized economic position in society relative to men's, and women's domestic responsibilities, it seems reasonable to assume that EM

programs hold the promise of providing a viable alternative¹ to women's incarceration. Based on the same factors, one could also expect that the experiences of females and males during their period of home confinement would be dramatically different. Specific topics related to this theme will form the basis of this research analysis.

Electronic monitoring is a type of community correctional sentence whereby individuals are permitted to remain in their homes wearing an electronic ankle bracelet that tracks their movements (McShane & Krause, 1993). Compliance with program rules and regulations is almost entirely dependent on the use of technology (alcohol and drug testing equipment, surveillance devices, telephone verification). Concerns surrounding the expansion of EM programs have focussed on the level of intrusiveness into the lives of offenders, legal and ethical considerations, and the future directions of surveillance to monitor offenders' actions (Von Hirsch, 1990; Whitehead, 1992; Swanson & Ward, 1993; Del Carmen & Vaughn, 1986).

Like other community based programs that have emerged since the 1960s, the expansion of EM is based largely on economies of scale. That is, EM

¹ The notion of community responses as 'alternatives' to incarceration should be approached with extreme trepidation. Establishing prisons as the standard by which all other release options are based translates into public attitudes and government policies that regard anything other than incarceration as a 'lesser of two evils.' This creates a situation whereby community release strategies are not judged on their own merits or demerits but rather on the ideology that 'anything is better than prison.'

is regarded as a less costly alternative to incarceration because offenders can remain in their own homes thereby avoiding the enormous capital costs associated with operating prison facilities. For example, the major impetus for developing the EM program in Newfoundland in November 1994 was this need to provide a cost-effective alternative to incarceration. During that time, provincial prisons in Newfoundland were overcrowded, local lock-up facilities were cramped, and there was an outcry from some women's advocacy groups and female prisoners to provide more humane conditions for inmates on remand or those awaiting transfer to the only correctional facility for women in the province which was located several hundred miles outside the capital city. EM was seen as an effective means to reduce crowding and costs and to better respond to the needs of some women inmates.

Since the introduction of electronic monitoring (EM) in Florida in 1984, these programs have grown steadily across North America (Goss, 1990; Harris, 1996; Schmidt, 1989; Bonta, 1999). Recent reports indicate that all states in the United States now operate EM programs with an estimated 70,000 offenders being monitored at local, state, and federal levels (Champion, 1998). In Canada, several provinces and territories have also introduced EM programs into their correctional agendas, including British Columbia (1987), Saskatchewan (1989),

Yukon (1992)², Newfoundland (1994), and Ontario (1996).

Evaluative research has examined various aspects of EM including cost-effectiveness and net-widening (Ministry of Correctional Services, 1990; Mainprize, 1994; Bonta et al., 1999) and the familial impacts of EM on male monitorees (Mainprize, 1995; Doherty, 1994). All evaluations of cost-effectiveness have clearly identified that EM programs are widening the correctional net and therefore are an ineffective means of reducing government expenditures within the criminal justice system. In fact, EM programs tend to become an additional expense to the already existing community and institutional corrections programs in Canada (e.g. probation, temporary absences, prison, etc.).

There is also little evidence supporting the claim that EM programs reduce the likelihood of reoffending. For example, Bonta et al., 1999, undertook a comparative analysis of EM in three Canadian provinces including British Columbia, Saskatchewan and Newfoundland. Issues studied included offender satisfaction, recidivism rates, and treatment and program services. The study concludes that being placed in an EM program has no appreciable impact on the future criminal behaviour. The authors explain the absence of women's experiences in this study by stating that their numbers are too small to provide

² The Yukon Territory has EM as an option but it has never been used (Bonta et al., 1999).

any basis for meaningful statistical analysis (Bonta et al., 1999).

Mainprize (1992) critically examines the issue of offender and systemic net widening and similarly raises concerns that EM programs are unsuccessful in meeting their cost reduction mandates. This is due to the larger number of offenders under correctional supervision as a result of EM who would otherwise have been eligible for less intrusive forms of control such as probation. Systemic net widening is closely connected to this debate and refers to the increased costs associated with having to employ additional correctional staff to operate EM programs. Similarly, an evaluation of an earlier EM program in Ontario (Ministry of Correctional Services, 1990) at the Mimico Correctional Centre found the program did not produce any cost-savings and thus the program was abandoned. Since that time, however, Ontario has reintroduced EM into their correctional agenda in 1996. The debates surrounding the net widening impacts of EM will be discussed in greater detail throughout this research. Suffice it to say that Canadian research on EM conducted to date has pointed to its inability to impact offender recidivism and therefore it fails to reduce correctional expenditures.

Curiously, despite the overwhelming evidence to the contrary, EM programs continue to be regarded as more cost-effective and humane than imprisonment. They are also regarded as an effective means of dealing with the problems associated with prison overcrowding. It is argued that such programs

also appear to satisfy the public's demand for tougher crime control strategies in dealing with low to moderate risk offenders within the community. For offenders who are believed to pose a less serious threat to public safety due to the nature of their crimes, EM places tighter restrictions on their freedom and movements through the use of extended surveillance technology. At the same time, EM offers the promise of effectively reducing correctional budgets while still maintaining surveillance and strict control over a particular group of sentenced offenders in a community setting (McCarthy & McCarthy, 1997).³ Such arguments put forth by proponents of EM will be critically examined throughout this study by drawing on a large body of literature that widely contradicts such claims and highlights the importance of looking at the wider implications associated with cost, public safety, familial impacts, and net widening. More specifically, in the context of women, this study introduces an aspect of EM that has been neglected in the literature and demonstrates the systemic gender biases inherent in this particular community release program.

1.2 Sociological Relevance and Practical Importance

A comparative study of female and male monitorees is important for

³ The term 'corrections' is employed throughout this research for purposes of consistency with the criminological literature. It is meant to distinguish that portion of the criminal justice system which deals with institutional programming and facilities. However, the 'corrective' nature of these efforts is questionable.

several reasons. As noted, little is known about the program experiences of female monitorees or about gender bias in service delivery (Bonta et al., 1999; Doherty, 1994; Baumer et al., 1993; Ministry of Correctional Services, 1991; Lilly et al., 1993). Second, the majority of EM literature is based mainly on research conducted in the United States while this topic is under-researched in Canada (Doherty, 1994; Bonta, 1999; Micucci et al., 1997; Ministry of Correctional Services, 1991; Mainprize, 1992, 1995). Third, the existing literature on EM programs is theoretically informed primarily from concepts and ideas derived from a very narrow field within criminology. It tends to ignore other relevant theoretical frameworks including those associated with areas of gender relations and the sociology of work. Traditionally, the study of women and the criminal justice system has been largely ignored. Since the 1980s, some criminologists have taken gender relations and work (political economy) into account (i.e. Boritch, 1998; Chesney-Lind, 1997; Hannah-Moffat, 1997; Berzins & Cooper, 1982; Smart, 1990; Faith, 1993; Hancock, 1986; Merlo & Pollock, 1995). While this has improved our understanding of social and structural issues surrounding women and their experiences with crime and the criminal justice system, research on female offenders still constitutes only a small percentage of the criminological literature.

The study at hand attempts to fill the research gap by making both substantive and theoretical contributions to the existing EM literature. On a

substantive level, it provides updated information on the social organization of EM in the Canadian context. Theoretically, it applies concepts and ideas derived from three distinct sociological perspectives (gender, sociology of work, and criminology) to electronically monitored offenders. Some of the major concepts integrated into this analysis include the feminization of poverty, gendered division of labour in the home, public versus private domains of work, levels of household and child care responsibilities, single parenting, and the nature of formal social controls.

In the area of gender relations, EM programs can be examined from a number of standpoints. First, I argue that EM programs and their rehabilitative components perpetuate traditional gender roles, including the notion that women are expected to maintain primary responsibility for child care and household tasks. By virtue of confinement to the home, women's domestic roles as mothers, wives, and housekeepers are reinforced. A review of the literature on domestic labour clearly reveals that the private sphere remains a workplace for women in a way that it most certainly is not for men (Armstrong & Armstrong, 1994; Duffy et al., 1989; Luxton, 1995; Williams, 1988; Wilson, 1991). In contrast, men are much more likely to experience this domain as a place of refuge and leisure (Micucci et al., 1997). Therefore, I argue that the day to day experiences of monitorees are quite different when it comes to serving a sentence in one's own home.

Second, EM can be seen as increasing state intrusion into the lives of women. A review of the criminological literature reveals that women offenders are typically young single mothers with low levels of job skills and education, occupying positions at the lower end of the socio-economic ladder (Boritch, 1997; Baunach, 1985; Chesney-Lind, 1997; Faith, 1993; Pollock-Byrne, 1993). Whether under the control of the criminal justice system or not, women are often already subjected to varying degrees of formal social controls by a number of state agencies in the form of welfare and other social service agencies, such as child protection services. Men do not experience the same degree of social control by government agencies precisely because they do not hold the same level of child care and domestic responsibilities as women in general and single mothers in particular.

Third, feminist criminologists have long argued that the needs of incarcerated women are quite different from men's. Some argue in favour of a 'differential needs model of corrections' that would seek to address the unique needs of the female offender population as it relates to policy development and implementation. This approach is contrary to the 'equal treatment model' of corrections which fails to account for the structural inequalities experienced by females in comparison to males. More recently, some feminist authors have advocated a 'social justice model' which places women at the centre of considerations for program designs as opposed to utilizing the two former

stances which take men as the standard by which women are evaluated and judged (Chesney-Lind & Pollock, 1995).

Concepts and ideas derived from the sociology of work perspective can also be useful in examining EM programs. First, it is important to explore the connections between women's increasing poverty and their involvement in crime. The majority of women's crime is attributed to the effects of structured social inequality which are often experienced harshest by women. An increasing number of scholars argue convincingly that the majority of crime committed by women has socio-economic causes and consists primarily of 'petty crime' (e.g. DeKeseredy, 1999; Chesney-Lind, 1998; Comack, 1998; Boritch, 1997; Pollock-Byrne, 1993; Faith, 1993; Smart, 1976). Women's involvement in property crime is inextricably linked to their roles as caregivers and their status as sole providers for their children who are entirely dependent on them for support and maintenance. Their offences typically include acts such as writing false cheques and shoplifting items such as food and children's clothing (Boritch, 1997; Adelberg & Currie, 1993). This is in contrast to 'male' crime which is not systemically tied to men's domestic roles and responsibilities. While there are gender differences in the reasons for the commission of property crimes, it has been documented that women are much more likely to be convicted of property-related offences that are directly connected to their roles as single mothers and the low socio-economic status associated with it since the majority of single

mothers live below poverty levels (Chesney-Lind, 1998).

Second, EM creates and perpetuates stereotypical roles of women as caregivers and reinforces gendered divisions of labour in the home. This research looks at the gendered experiences of participants in terms of household and child care responsibilities, time spent on domestic activities, employment and educational histories, and the reasons given by respondents for participating in the EM program as opposed to serving out their sentences in a correctional facility.

Finally, from a criminological perspective, EM can be viewed as a potentially more humane and cost-effective form of punishment because offenders are able to maintain employment and family ties and are not subjected to the harsh realities of prison life. On the other hand, EM can also be seen as an expansion of social control, so-called net widening, which refers to the potential of EM to become an add-on sentence to already existing community release strategies such as probation and temporary absences. If EM programs are being used disproportionately for female offenders based on their low to moderate risk classification and their responsibilities for child care, women then become the prime target population for this increased formal social control by the correctional system.

This research seeks to develop an understanding of women's unique position within the correctional system by focussing on a particular monitoring

program in Canada. Specific research objectives include: (i) to review relevant theoretical frameworks and literature in the areas of gender relations, single parenthood, gendered divisions of labour in the private sphere, and female crime patterns; (ii) to present comparative information on the socio-demographic characteristics of respondents and illustrate the similarities and/or differences in the structural conditions of those who are monitored; (iii) to analyse pre-entry considerations into the program, including initial screening procedures and respondents' reasons for participating; (iv) to explore the household and child care responsibilities of respondents prior to and during their EM stint, relate any problems they may have encountered during this period and describe the different strategies used to cope with any problems associated with having to perform household tasks while being electronically monitored; (v) to make suggestions for future research and; (vi) outline policy implications that could improve EM service delivery, particularly as it relates to women.

1.3 Overview of Chapters

This introductory chapter has described the parameters of the study and outlined the gender-based objectives and sociological frameworks to be employed.

Chapter Two provides an in-depth look at patterns of female involvement in crime. Here, I outline the issues facing women in the criminal justice system,

the nature and extent of female crime, historical responses to incarceration, rehabilitative programs, and some recent developments in the federal corrections system for women in Canada.

Chapter Three contextualizes the development of EM in the mid-1980s by briefly tracing the history of institutional and community corrections in Canada. Issues discussed include the emergence of penitentiaries, the unequal treatment of inmates according to their gender, and the longstanding history of government policies and legislation aimed at penal reform. Theoretical approaches to the history of corrections for women in Canada are discussed, followed by a critical examination of recent trends in correctional policy and practice regarding women. Discussions surrounding community corrections in this chapter focus on the social and economic factors that contributed to the emergence of community sanctions since the 1960s, the reasons for their implementation and continued expansion, and the controversies that continue to surround their use.

Chapter Four reviews the relevant literature on electronic monitoring programs and identifies the key debates surrounding their expansion. Issues related to gender and class are closely connected to these debates. This chapter also provides an overview of the structure of the Newfoundland EM program by outlining its mission and objectives, reviewing the process of accepting participants into the program, examining program rules and regulations, as well as the rehabilitation component offered through the John

Howard Society's Learning Resources Program.

Chapter Five introduces the research methodology and data collection strategies employed in this study. This includes descriptive statistics on the sample population, location of the research, interview procedures, interview schedule and respondent release forms, ethical concerns, and the process of gaining access to respondents. In addition, government documents describing the structure of the EM program, its origin, and mission statement are discussed.

Chapter Six presents the main socio-demographic findings of this study including background characteristics of respondents (age, education, marital status, etc.). Other areas include pre-entry considerations, screening procedures for eligibility, reasons for joining the program, household composition, employment and educational histories and the number and age(s) of respondent's children. This chapter provides the relevant background information upon which the comparative analysis is based.

Chapter Seven provides an in-depth discussion of the daily experiences of male and female monitorees and compares them. Topics include: participation in goal-oriented and non goal-oriented activities both inside and outside the home, problems encountered with EM and how respondents managed to cope with these problems, the role of housework and child care during their monitoring period, experiences with the service delivery of programs made available through the Learning Resources Program (LRP) and general levels of program

satisfaction and dissatisfaction.

Chapter Eight summarizes the study's main findings within the context of the literature reviewed in the areas of criminology, gender, and work and occupations and draws some conclusions about the (in)ability of electronic monitoring programs to meet the needs of females in the correctional system. It also puts forth recommendations for improving monitoring service based on study participant's comments, data findings, and the literature on female crime and community corrections more generally. Finally, the shortcomings of this study along with suggestions for future research are presented.

CHAPTER 2: FEMALE INVOLVEMENT IN CRIME

In the context of this study's objectives, it is important to provide some background information on the nature and type of offences engaged in by women and their socio-economic situation as it relates to their criminal involvement. Before doing that, it is useful to examine the terminology used to refer to women's involvement in crime.

2.1 Terminology Describing Women's Involvement with Crime

Throughout the criminological literature, the terminology describing women's involvement with the criminal (in)justice system⁴ needs to be examined critically. Several feminist authors have started to move beyond labels such as "female offender" by examining the usefulness of a variety of different concepts such as "women in conflict with the law" (Comack, 1996; Faith, 1993). Labels such as "female offender," and "women in trouble" have all been used to characterize women's criminal involvement. "Women in conflict with the law" is seen by some as an improvement over a label like "female offender" but Faith

⁴ It has been argued that any criminal justice system does not serve justice for all or in all circumstances. For example, Reiman (1995) points out that the criminal justice system discriminates against the poor. Others show that the same holds true for women, (e.g. Faith 1993), First Nations people (e.g. Nielsen & Silverman 1996) and minorities (e.g. Mann, 1993).

(1993) points out that this, too, "denies the fundamental inequality of the relationship... [O]ne cannot simply be in conflict with power to which one is subordinate." Further, the term "female offender" fails to account for the fact that only a small portion of those who offend get caught or whose offending behaviour has been criminalized (Faith, 1993).

Comack (1998) further expands this argument and postulates the term "women in trouble" as a phrase that sensitizes the reader to the personal and legal troubles women encounter. She refers to "troubles" as "those that emanate from their particular locations within a society that is capitalist, racist and patriarchal." I argue that the issue of the language used to describe women's involvement with the legal system is more than a matter of semantics. In fact, I suggest one could even maintain that women are far from being "trouble" and that a concentrated effort should be made to systematically examine the processes of labelling women as deviants and offenders (Schur 1984). That way, certain myths about women's criminal involvement can be dispelled and the legal and correctional system's discriminatory treatment of women and others can be exposed.

In my analysis of females and their involvement with the criminal (in)justice system, it becomes clear that women are often criminalized by agencies of the state in our society. That is, the law and the criminal justice system are actually in conflict with women. The majority of female crime is

directly related to women's economic marginalization and their roles as primary caregivers in society. In fact, the criminal (in)justice system creates additional barriers to women's economic and social advancement by criminalizing poverty. For example, the criminalization of women's systemic inequalities can be evidenced by the number of aboriginal women who are over-represented in prisons and therefore constitute one of the most marginalized groups of women in Canadian society.

Another discomfoting trend to be witnessed in Canada is the increasing criminalization of persons with problems of mental health. More and more people are being detained in custody under the Mental Health Act (MHA) because their mental health needs can no longer be adequately addressed due to a restructuring of social services and health care systems. Again, marginalized women and other disadvantaged populations suffer the most serious consequences. Women also comprise only a very small percentage of the total number of violent offenders in Canada. When women are involved in violent acts it is usually as a result of abuse suffered at the hands of their male partners (DeKeseredy et al., 1997).

The contention that the law is often times in conflict with women will hopefully become more apparent throughout this research by providing an overview of the nature and types of female crime and the circumstances precipitating their criminal activities. It should be noted that the discussion of this

important issue of rethinking the terminology used to describe women's experiences with the criminal justice system is still in its infancy and is in need of much further development and should be integral to any serious feminist investigation.

2.2 'Equal Versus Different' Debate

An increasing amount of research on women and crime has focussed on incarcerated females (Adler, 1975; Simon, 1975; Carlen, 1988; Faith, 1993; Boritch, 1997; Chesney-Lind, 1997). Recommendations on how to deal with women in the correctional system vary widely. On the one hand, some feminist scholars argue that women should be treated equally to men. That is, the range of programs and services available to incarcerated males should also be made available to incarcerated females. Proponents of this 'equal treatment model' oppose legislation that treats men and women differently by arguing that "while equal treatment may hurt in the short run, in the long run it is the only way to guarantee that women will ever be treated the same as equal playing partners in economic and social spheres" (Chesney-Lind & Pollock, 1995).

Critics of the 'equal treatment approach' argue that women's situations are acutely different from those of their male counterparts and therefore, women should be treated differently by the criminal justice system. Proponents of this model argue that "because equality is measured against a male standard,

women will always lose"(Chesney-Lind & Pollock, 1995). The result is the 'separate but equal argument' which does not necessarily suggest that females should be treated any better or worse, just different. Historically, however, this 'differential needs model' has translated into glaring deficiencies in rehabilitative services and programs provided to meet women's needs. Different for women in that sense has meant less.

Chesney-Lind & Pollock (1995) point to the weaknesses inherent in both models by suggesting that both accept the dominant male definitions. They argue:

Equality is defined as rights equal to those of males; and differential needs are defined as needs different from those of males. In these cases women are "other" under the law: the "human bottom line" is a male one (Smart, 1989).

To counter the equal and different stances used in the past, Chesney-Lind & Pollock (1995) posit a third model which takes a 'social justice approach' to women's inequality, thereby enabling them to avoid some of the pitfalls of the androcentric parity/difference debate. They point to the work of Carlen (1989) who argues in favour of a 'women-wise penology' which emphasises a number of structural factors contributing to women's involvement with the criminal justice system. These include women's roles as mothers, encouraging economic and emotional self-sufficiency, reducing the number of prison beds for women and increasing the use of non-carceral sentencing options. In short, this approach

begins from a 'woman-centered' framework rather than the one currently adopted by legislators which judges women against the male norm. As a starting point, this approach has merit in that it establishes a system for women seeking to accommodate their needs as individuals.

2.3 Nature and Extent of Women's Involvement in Crime

Women commit disproportionately fewer crimes than males (Chesney-Lind, 1998; Boritch, 1997). Therefore, female crime is relatively rare compared to crimes committed by males and a smaller proportion of females are incarcerated each year. For example, Canadian data for 1997-98 indicate a total of 335 women were sentenced to federal penitentiaries, representing five percent of all admissions for that year (Juristat, 1999). This number represents an increase from previous years when the incarceration rate for federal females was three percent (Statistics Canada, 1996). Women constitute a slightly higher proportion of those admitted to provincial/territorial institutions. In 1997-98, women represented nine percent of admissions to provincial prisons in Canada (Juristat, 1999). The majority of these provincial sentences for women are six months or less, and almost 40 per cent are 14 days or less (Shaw, 1994). The relatively small number of females serving sentences in Canadian institutions has also resulted in far fewer prisons being constructed for women in comparison to men. While only six facilities exist in Canada for federally sentenced women, 42 are available for federally sentenced men. In addition to

the six female federal prisons, women are now being held in some maximum security units in several men's prisons in Canada. This move is completely in contravention of the philosophy adopted by participants in the *Creating Choices Task Force* and has been a source of debate between women's advocacy groups and government. Furthermore, five of the female institutions are newly constructed (1994), meaning that up until that time women prisoners from all across the country had access to only one federal institution (Prison for Women at Kingston). Prior to *Creating Choices* in 1990, Prison for Women (P4W) was the only federal facility in Canada for women. However, under Exchange of Service Agreements (1975) between federal and provincial governments, some women have been able to serve all or part of their federal sentences in a provincial prison located in their home provinces.

As a result of *Creating Choices Task Force*, five regional prisons were opened: Truro, Nova Scotia; Joliette, Quebec; Edmonton, Alberta; Maple Creek, Saskatchewan, and Kitchener, Ontario. P4W was scheduled to close down immediately following the opening of these new prisons, however, it still remains in operation.

Women engage primarily in property-related crimes. In Canada, in 1996, 55% of adult women accused of crimes faced charges for three types of non-violent offenses including petty theft, fraud, and provincial statute violations (Canadian Centre for Justice Statistics, 1997). Overall, women accounted for

approximately 10% of all persons charged with violent crimes and 20% of those charged with property offenses in Canada in 1993 (Griffiths & Verdun-Jones, 1994; Chunn & Gavigan, 1995). Research has shown that women's participation in property crime is linked to their marginalized socio-economic position in society. Many more women than men in Canada continue to live below the poverty line, to be dependent on welfare, to be unemployed or underemployed in low-paying, semi-skilled jobs with few or no benefits, and to be the sole supporters of children (Boritch, 1997). A telling illustration of women's economic and social marginalization is revealed in the recent United Nations Human Development Index (1995) which ranked Canada as the best country in which to live for men, but only ninth for women (The Edmonton Journal, August 23, 1995).

Much of the economic disparity between women and men is directly connected to the fact that women constitute the overwhelming majority of single parents (Johnson & Rodgers, 1993). In Canada, 82 percent of single-parent families are headed by women and more than half (56.8%) of this number live below the poverty line (Lochhead & Shillington, 1996). The proportion of poor children living with single parent mothers has grown substantially in recent years. For example, in 1980, the figure was 33 percent. This number rose to over 40 percent in 1995 (CAEFS Annual Report, 1998; Canadian Council on Social Development, 1999). Due to the rapid increase in female-headed households and to the stresses associated with poverty, more and more women are being

charged with shoplifting, cheque forgery, and welfare fraud.

The recidivism rate for imprisoned women is approximately 20 per cent, only half of which represents the commission of new crimes while the remainder is related to technical violations (administrative breaches or conditions of community release). Most women who are imprisoned are not high risk and do not pose a threat to public safety. However, they present a high degree of need. For example, a majority of female offenders have been victims of physical and sexual abuse and many are emotionally and financially dependent on abusive male partners (Adelberg and Currie, 1993; LeBlanc, 1994). The issue of risk-need classification has become a major focus of discussion in recent years and will be commented on in more detail throughout the study. Suffice it to say, however, that the degree of support services required to assist women in dealing with these underlying issues relating to their needs presents a challenge to correctional agencies who are often deficient in responding to the needs of women offenders.

In Canada, a disproportionate number of female inmates are aboriginal persons. First Nations women constitute roughly two percent of the Canadian population, yet they represented 19 percent of federally sentenced women in 1997. Similarly, aboriginal women are over represented in the provincial system where their numbers, in 1997-98, accounted for as many as 33% of provincial admissions, compared to 17% for aboriginal men (Shaw, 1994). Furthermore,

the overwhelming majority of aboriginal women are located in western Canada (Saskatchewan and Alberta) (Canadian Human Rights Commission, 1998).

The quantity and quality of vocational programs at female institutions have been viewed as inadequate compared to those found in male institutions (Canadian Human Rights Commission, 1998). Research shows that most of the existing vocational programs offered in women's prisons reinforce traditional middle-class female roles that reflect and exacerbate the gender inequalities found in the wider society. As a result, cosmetology, clerical work, food services, laundry and sewing are typical of the programs found in female institutions (Faith, 1993). A 1981 Canadian Human Rights ruling found that female offenders were being discriminated against on the basis of sex because of restricted and limited access to programs within the prison setting. Since that time, programs and services offered to federally sentenced women have improved only marginally. Programs for female inmates continue to be defined by traditional stereotypes and fail to reach parity with the number and type of programs offered within male institutions (Boritch, 1997). This situation is even more bleak for provincially incarcerated females who have even less access to programs than do their federal counterparts.

Another reality for women inmates is that an overwhelming percentage of them have children and that female inmates tend to have legal custody of their children. This has resulted in feelings of intense pain and anxiety for women

over their incarceration and subsequent separation from their children. While all prisons for women permit visiting by children, not all these facilities make special efforts to encourage and enable visitation. Some women never see their children because of the distance between the prison and their home community.

On the federal scene, the regionalisation of prisons for women in Canada was intended to alleviate the problem of geographic separation between women and their children. However, the reality of this claim has not been determined. Arguably, the regionalisation of prisons will have little impact on most inmates and their families who continue to experience the difficulties involved in being located several hundred miles away from one another. For most inmate families, travelling to Kingston, Ontario or a neighbouring province is equally impossible due mainly to financial reasons which restrict or prohibit visitation. Long-distance telephone costs pose another problem to women when placing calls to their families. This problem has not been ameliorated by the regionalisation of federal facilities. In many instances, the establishment of regional prisons is arguably more problematic for women who can no longer seek support for the claim that being located several thousands of miles away from their home communities is a major problem for them during their period of incarceration. There has been little public sympathy for such claims even when women were centrally located in Kingston let alone at their present locations closer to their homes.

In terms of accessing programs and community services, the

regionalisation of prison facilities may in fact have made the situation worse for federally sentenced women. For example, the decision to locate the Atlantic regional facility in Truro, Nova Scotia was touted as a political move that did nothing to enhance the range of services available to women incarcerated there. It is argued that the prison would have better serviced the inmate population if it were located in a larger urban centre with greater access to programs and services.⁵ Provincially, in Canada, the problem created by the distance between home communities and prisons pose similar challenges for the families of women inmates. Given that most Canadian provinces have only one facility for women serving provincial terms, the opportunity to remain in close contact with family members and children is almost nonexistent (Shaw, 1994). While some federal and provincial prisons in Canada now operate mother and baby facilities, this has not been the case in Newfoundland where the only provincial prison for women does not make any provisions for the maintenance of mother-child relations.

Women who give birth in prison face yet another set of problems. Since most prisons for women do not have hospitals, women who go into labour must be transported to an outside hospital. Furthermore, most prisons are not equipped with postnatal nurseries. Consequently, women who give birth ordinarily must give up custody to the state or make special arrangements with

⁵ Personal conversation, June 1999, with Executive Director of Elizabeth Fry Nova Scotia.

relatives to care for the infant (Pollock-Byrne, 1993). This contributes to feelings of loss, guilt and betrayal on the part of these mothers who are unable to provide care and support for their children. It also places unnecessary strain on mothers, their children and even the social welfare system. It is argued that for low to moderate risk offenders, community sanctions would help alleviate some of these problems.

2.4 Human and Financial Costs of Women's Imprisonment

The human costs of women's incarceration far outweigh any monetary costs in terms of the impact it has on women and their children. These impacts are difficult to quantify and vary in degree from one woman to another. Suffice it to say that the consequences of imprisonment have detrimental effects on the well-being, mental health, and future life chances of ex-inmates and potentially even their immediate family (e.g. children). The personal costs associated with incarceration are also extended to society as a whole. For example, imprisonment of single mothers places an increased demand on the need for foster care services. Research shows that the majority of children of incarcerated women are placed in temporary foster care unless alternate arrangements can be made with other family members (Shaw, 1994; Boritch, 1997; Watson, 1995; MacLeod, 1986). A recent study conducted in England and Wales found that 90 percent of fathers in prison left their children in the care

of their spouse while only 23 per cent of mothers in prison could do the same (Shaw, 1994). This is undoubtedly a central issue affecting women in prison. Children also face problems including the stigma associated with their mothers serving time, the physical separation and loss of a parent and the transient nature of foster care services. Often times, children are shifted in and out of a number of foster care arrangements during the length of their mother's incarceration which leads to further isolation and loneliness. Because of the distance between prisons and inmate's home communities, most children do not get to see their mothers at all during her entire sentence. This is further complicated by the fact that many women inmates do not tell their children the truth about their incarceration because of the shame and guilt they associate with their situations.

Women also suffer untold hardships during their period of incarceration. Self-injurious behaviour, especially slashing, is very common amongst women in prison. Most women who injure themselves have histories of childhood sexual abuse (Adelberg & Currie, 1993). A common institutional response to this type of behaviour by correctional staff is the use of segregation (locked in their cells for 23 hours a day). Other forms of reprisal by correctional authorities have been the suspension or cancellation of visitation privileges.

Other recent examples of the human tragedy of women's incarceration include the prison riot (April, 1994) that resulted in the brutal strip searching by

an all-male emergency response squad against female inmates at P4W. Media coverage of this event highlighted the cruel treatment of inmates by correctional staff and led to the appointment of a commission of inquiry to investigate the situation (Arbour Report, 1996). This scathing report called for reform of the present system of segregating women for long periods of time, of employing male riot squads in prisons for women, and of strip searching women against their will. The Arbour Report also called for financial compensation for those women who were subjected to this inhumane treatment.

More recent media attention has focussed on the trial currently underway in Ontario in which a former inmate at P4W has brought forward allegations of LSD experimentation on women at that prison during the early 1960s.⁶ A public appeal has been issued requesting any other inmates who were at P4W during that time period to come forward and register their complaints (CAEFS Annual Report, 1997-98).

In addition to human costs, the financial price tag attached to women's incarceration is astonishing. In 1989, there were 203 women in federal institutions in Canada. By 1997, this figure had increased to 335 women which represents a 65% increase in the population of federally sentenced women

⁶ Dorothy Proctor, one of at least 23 known women who were experimented on while in segregation at the Prison for Women over 35-40 years ago, has recently launched a court challenge on CSC for their part in the LSD experiments. The outcome of this case is expected to be known in the fall of this year.

(CAEFS, 1998). Part of the reason for this dramatic increase may be the creation of five new federal facilities for women in Canada. It is arguable that court judges are now more likely to sentence a woman to a federal term knowing that there is a prison located within the region. This observation is based on the 'build it and they will come' principle which dictates that if additional prison space exists it will be filled to capacity.

In 1995-96, the average annual cost of incarcerating a federally sentenced woman at P4W was \$92,000, an amount that is more than eight times the annual income of a single mother on social assistance (CAEFS, 1998). It has been convincingly argued by many feminist scholars that if women's poverty issues were adequately addressed there would be little need for existing prison facilities or future prison construction. This would result in enormous cost savings to governments and taxpayers in the range of millions of dollars annually (Hannah-Moffat, 1997; Faith, 1993).

2.5 Women in Prison: Underlying Issues and Concerns

Four major and often inter-related areas that are characteristic of most women offenders include physical and sexual abuse issues, low levels of education and job skills, histories of substance abuse, and parenting problems. A review of the literature indicates that the majority of women offenders have been victims of abuse and trauma in their families of origin or with their intimate

partners. A 1990 study found that 82 percent of the women surveyed at P4W and 72 percent of those women surveyed in provincial prisons under Exchange of Service agreements (ESA) reported being survivors of physical and/or sexual abuse (Shaw, 1990). Prisons for women have been negligent in providing adequate programming or counselling for abuse victims (Comack, 1997). Furthermore, these issues are consistently more prevalent among aboriginal women who report histories of physical and/or sexual abuse in the 90 percent range (Shaw, 1990).

Second, women's low levels of education and job skills are inextricably linked to their involvement with the criminal justice system. Their offences are often tied to their strained socio-economic circumstances which include, at times, extreme poverty. Most women offenders are poor, lack marketable employment skills and are single parents, solely responsible for child care. Over 40 percent of incarcerated women are classified as functionally illiterate. In prison, there are severe limitations in gaining access to vocational programs that are designed to develop marketable job skills to assist women upon their release back into their communities (Canadian Human Rights Commission, Annual Report, 1998).

Substance abuse is also a common problem for women in the correctional system. Research indicates that women are more likely to have a different range and type of problems related to their substance abuse than do their male counterparts. There is accumulating evidence that eating disorders, major

affective mood disorders (depression) and a history of abuse are highly prevalent in women with substance abuse issues. Further, female offenders are more likely than males to have been diagnosed as mentally disordered, prescribed medication and have been hospitalized in the past (Motiuk and Blanchette, 1998).

Finally, parenting problems are a major issue for women inmates. Many mothers have tremendous concerns over lost custody of one or more of their children and report that contact with their children, regardless of age, is essential to their personal well-being. The majority of mothers indicate a need for programs that address issues around parenting skills and coping effectively while incarcerated with the realities of being separated from their children.

2.6 Newfoundland Situation

Newfoundland and Labrador has only one correctional facility for females. The Newfoundland & Labrador Correctional Centre for Women (NLCCW) is a medium-security facility located 175 km west of St. John's and is the only correctional centre which receives female prisoners, including those remanded in custody, females who have received provincial sentences (2 years less one day), as well as federal inmates held under the Exchange of Services Agreement (ESA) and classified as minimum security. The NLCCW opened in Clarenville in April 1996. From 1982 to 1996, the NLCCW had been situated in Stephenville,

on the province's west coast, an eight hour drive from St. John's. Prior to 1982, women were incarcerated in a wing of the men's penitentiary located in St. John's (Evening Telegram, May 6, 1995).

Prior to women being transferred to Clarenville, the correctional centre was formerly used as a prison for men who were being released into nearby communities on work passes. This facility can accommodate a maximum of 22 inmates, based on double cell occupancy. As of 1997, the staff at NLCCW included 12 permanent correctional officers, five temporary officers, a part-time teacher, a contractual physician and a psychologist. It is generally agreed by correctional administrators, staff and inmates that the range of services and programs at Clarenville are inadequate to meet the diversity of needs faced by the women residing there (Woodrow, 1998). Since relocating the prison, community support networks that had been built up over the years in Stephenville are no longer available at the new site. It will undoubtedly take time before a comparable level of community support is regained. This is seen as a major factor contributing to the current lack and inadequacy of services and programs available to female inmates at Clarenville.

Newfoundland and Labrador also has five regional lock-ups which continue to confine female offenders for temporary and remand purposes. In recent years, the St. John's city lock-up has come under close scrutiny, particularly by women's advocacy groups, who maintain that the conditions at

this facility are atrocious and unsuitable for short term stays, much less the longer periods for which women were being placed there (Express, November 16, 1994). Complaints by women about lock-up conditions include lack of privacy, lengthy stays and poor ventilation and lighting.⁷ Part of the impetus for establishing a local Elizabeth Fry Society was the direct result of political pressure by women's advocacy groups on the Department of Justice to assess the situation and make alternate provisions for women incarcerated there (Western Star, May 10, 1997).⁸ Relocating the prison closer to St. John's was regarded by senior government bureaucrats as a way of dealing with some of the problems at the lock-up. Similarly, the establishment of the EM program was touted as a remedial measure to effectively deal with this situation.

2.7 Summary

The situation of women in the correctional system has been fraught with a unique set of historical circumstances that is reflective of women's small

⁷ This situation led to a heightened awareness of the inadequate prison conditions for women in this province and a renewed interest in the establishment of a local chapter of Elizabeth Fry. Subsequently, in February 1993, an E-Fry Working Group was formed.

⁸ The Canadian Association of Elizabeth Fry Societies (CAEFS) is an "organization which works with, and on behalf of, women in conflict with the justice system" (CAEFS Mission Statement). Local societies are autonomous community-based agencies offering services and programs to marginalized women, advocating legislative and administrative reform and offering public forums on aspects of the justice system which affect women. In Canada, there are 23 E-Fry societies of which Newfoundland and Labrador is the most recent member (1998).

numbers and, consequently, their 'invisibility'. Women, both in prison and in the community, are often relegated to the position of second class offenders based on their small numbers and the nature of their offences. Furthermore, aboriginal women are increasingly marginalized in the correctional system with a disproportionate number ending up behind bars. The plethora of issues facing women prisoners has been a source of frustration due to the lack of consideration by policy makers during this past century. A review of women's correctional history reveals that efforts to accommodate women in prison have been based largely on a male model which fails to account for the lives of women. The following chapter will place this discussion within the larger context of women's penal history since the early 19th century. It will describe some recent developments that have occurred at the federal corrections level in an attempt to address the issue of women's incarceration and subsequent lack of community-based programs. The issue of community corrections for women and some of the inherent problems and controversies associated with adopting this model will also be examined.

**CHAPTER 3:
LOOKING BACK:
CORRECTIONS IN CANADA**

In 1998, Canada imprisoned its population at a rate of 143 per 100,000, a rate only second to the United States when compared internationally (Bonta et al., 1999). In recent years, pressure on governments to address the issue of over reliance on prisons has led to increased efforts toward adopting several decarceration strategies which focus on community release options. In order to move toward discussing EM as one particular community option available to governments, it is necessary to provide some of the historical and contemporary applications of imprisonment for convicted offenders and explore the ideological underpinnings of incarceration.

This chapter provides a brief account of Canada's penal system since the early 18th century with particular attention to the emergence of the penitentiary system in the mid 19th century. Given that the focus of this study is to determine whether a particular community program (EM) can successfully meet the needs of female offenders, it is also important to provide a gendered analysis of institutional corrections in Canada prior to the introduction of community corrections in the 1960s. The review presented in this chapter informs the discussions and analysis of the data gathered during the course of this study as well as the policy recommendations that follow.

3.1 Early Developments for Women

It has been convincingly argued by many scholars that patriarchal and paternalistic attitudes have historically prevailed in all areas of the correctional system (Pollock-Byrne, 1990; Hannah-Moffat, 1994b; Chesney-Lind, 1997; Belknap, 1996; Faith, 1993; Gavigan, 1993; Scraton, 1990). This still applies to the contemporary treatment and incarceration of female offenders. Women constitute only a small percentage of the total correctional population and are often only an afterthought when it comes to program policy and design. This mentality has culminated in decades of neglect and inadequate programs for women. Feminist contributions to criminology over the past two decades have illuminated the institutional sexism inherent within correctional theory, policy and practice (Gelsthorpe & Morris, 1990). Clearly, women have been, until recently, an adjunct to the already existing institutional practices designed for men.⁹

The historical development of female incarceration has been well-documented (Vachon, 1994; Shaw, 1994; Adelberg & Currie, 1993; Hannah-Moffat, 1994a). In tracing women's penal history, one feature that becomes abundantly clear is that women were incarcerated whenever and wherever best suited the needs of the larger male population of both inmates and staff. In the

⁹ Recent developments have highlighted the need for a differential approach model for incarcerated women. *Creating Choices* (1990) was intended to bring together all stakeholders to develop a 'woman-centered' approach to corrections. The success of this approach is largely subject to debate and will be examined in further detail toward the end of this chapter.

early years, women were placed in the same institutions as men. In 1835, when the first provincial facility for men was constructed in Kingston, women were placed in the infirmary there (Vachon, 1994). Women were not only locked up in prisons for men but were also expected to provide care to male prisoners and correctional staff. Female prisoners were abused during their period of incarceration and the 'services' described above often included the provision of sexual favours (Adelberg & Currie, 1993).

The correctional history of Canada closely parallels developments in the United States and England (Beattie, 1977). However, Canada is very distinctive when compared internationally with other countries on the basis of geography and jurisdictional responsibilities for corrections. In Canada, there exists a federal/provincial split in corrections based on the length of an offender's sentence. Sentences of less than two years fall under provincial jurisdiction while sentences greater than two years are the responsibility of the federal government. The major bulk of evaluative studies and government commissions have been based on the federal corrections situation while very little has been documented on the provincial scene, particularly as it applies to the programs for and incarceration of women.

The period between 1830 and Confederation in 1867 is one of the most important chapters in the history of Canadian corrections. In 1834, the Penitentiary Act was passed in Canada which allowed for the confinement of

offenders in a prison setting with the goals of reforming the individual offender and deterring others from the commission of crimes (Ekstedt and Griffiths, 1984). Following from this legislation in 1835, Canada's first penitentiary for men was opened in Kingston, Ontario.

Controversy among historians exists as to why a movement toward a penitentiary took place during this time. Some argue that an increase in crime rates, or at least the public perception of increasing crime, precipitated the construction of the penitentiary (Bellomo, 1972; Beattie, 1977). Others maintain that the origins of penal institutions can be directly linked to cost saving efforts by government bureaucrats (e.g. Scull, 1981; Smandych & Verdun-Jones, 1982). As Scull (1981) points out, "the penitentiary held out the promise of being an economically self-sustaining institution."

This new penitentiary differed considerably from the local jails at the time in terms of design and security. Provision was made for offenders on the basis of sex and type of offense committed. However, it wasn't until 1846 that cells were temporarily fashioned in another part of the prison to accommodate women. Shortly thereafter, it was revealed that women, and their children, were being treated with such brutality that charges were laid against the warden (Boritch, 1997).

Heightened public concern with the brutal treatment of prisoners and the extensive use of corporal punishment led to the appointment of the Brown

Commission in 1848 whose mandate was to investigate charges of corruption within the Kingston penitentiary. The Brown Commission made several recommendations calling for redefining the goals of incarceration and the establishment of separate institutions for juveniles, women, and the criminally insane. In 1851, a subsequent Penitentiary Act was passed which implemented many of the Brown Commission's recommendations (Ekstedt and Griffiths, 1984) and revealed a number of abuses relating specifically to the treatment of female inmates and to the lack of accountability by their keepers. Female prisoners were at the mercy of administrators and routinely carried out personal errands for administrators and male prisoners including cooking, cleaning, mending and haircutting (Cooper, 1993). The Brown Commission was the first of several subsequent reports to call for the construction of a new and separate unit for women.

In 1913, after 65 years of recommendations calling for adequate provision of facilities for women, a separate prison was finally erected in a new facility in Kingston, albeit inside the penitentiary walls of the men's prison. The following year, yet another royal commission recommended that women be situated closer to their home communities in provincial jurisdictions.

The Nickel Commission (1921) marked the first time an inquiry was set up to look exclusively at the penal situation for women in Canada. Following the release of this report, several recommendations were made including that

women should be paid for the work they perform inside the prison; that the women be referred to by name instead of a number; and that conditions within the work areas be improved. More than a decade later, in 1934, the Prison for Women (P4W) in Kingston, Ontario, was officially opened. It was located across the road from the men's penitentiary, surrounded by a 16-foot wall. The female prisoners were confined to their cells and no longer had outside windows as was the case in the men's prison. Just four years after its opening, the Archambault Commission (1938) concluded that the prison be closed and women be returned to their home provinces to serve their federal sentences. Since that time, more than ten government commissions have called for the closure of this prison (Arbour Report, 1996). To date, P4W still remains in operation.

Throughout the 1970s, several other national committees have addressed the issue of female offenders. The National Advisory Committee on the Female Offender (1977) recommended that P4W be closed and further emphasized the need for more community-based residences, a program of temporary absences and better institutional programs linked to the community. The following year, a planning committee was established to assess the recommendations of this report and it further emphasized the need for the development of community-based facilities for women. This committee advocated the creation of regional federal facilities for women with at least one facility in eastern Canada and one in western Canada. In 1981, the Canadian Human Rights Commission stated "that

federal female inmates were being discriminated against on the basis of sex and that in virtually all programs and facility areas, the treatment of federal female inmates was inferior to that of men" (Cooper, in Adelberg & Currie, 1993).

Since 1975, under the Exchange of Services Agreement (ESA) struck between the federal and provincial governments, some federally sentenced women have been able to serve their sentences in provincial prisons. For example, almost one-half of federally sentenced women have been allowed to serve their time in provincial institutions in their own provinces. However, B.C., Manitoba and Newfoundland are now the only provinces with active ESA's to hold federally sentenced women in provincial jails (CAEFS, 1999). This move toward the use of ESA's has sparked much debate, mainly because incarcerating women with diverse security risks in one institution has presented a wide range of problems, including inadequate program services being available for federal female inmates. It is generally agreed by prison abolition groups and women prisoners that provincial institutions are not designed to meet the needs of inmates serving longer sentences. These institutions cannot adequately deal with the high rates of self-injurious behaviour among female federal inmates and the high incidence of sexual and physical abuse suffered by these women.¹⁰

It is clear that the history of institutional corrections for women has been

¹⁰ Research on this issue is very limited. However, a study currently under way in Manitoba, conducted by the Elizabeth Fry Society, should provide valuable insights.

ad hoc, inadequate and outright ignorant and neglectful. It has been argued, that community corrections may offer the promise of addressing some of the outstanding issues facing women in institutions. These issues include proximity to their families, issues of male dominance and abuse of women in prison, high incidence of self-injurious behaviour in women's prisons, and the growing numbers of women inmates with mental health issues.¹¹ However, simply placing women under varying forms of surveillance in the community should not be regarded as a stand alone solution to the plethora of problems faced by women offenders. In doing so, we inherently run the risk of touting community corrections as the "lesser of two evils" and therefore subjecting women to further injustices without a proper regard for the individual merits and shortcomings of each particular community-based program.

3.2 Recent Developments in Canada – Creating Choices

Contemporary women's corrections cannot be discussed without addressing the recent developments that took place in 1990 with the appointment of a federal task force to investigate the situation of women in

¹¹ In recent years it has been revealed that a higher number of women with mental health issues are being sentenced to prison terms. This is due largely to a decrease in community supports for mental health agencies. This has led to what is commonly referred to as a "criminalization of mental health." This trend in Canada was first identified by the high number of female inmates with severe mental health issues coming from Newfoundland (CAEFS Annual General Meeting, 1999).

prisons. Public awareness of the problems that women prisoners face in our criminal justice system led to increased pressure on government to change the current system of incarcerating female offenders in this country. One of the major consequences of this pressure was *Creating Choices: Task Force on Federally Sentenced Women* (1990). The Task Force was designed to help remedy the problems of inadequate research on women's prisons and to suggest alternatives to incarceration. The mandate of the Task Force was:

to examine the correctional management of federally sentenced women from the commencement of their sentence to the date of warrant expiry, and to develop a policy and a plan which would guide and direct this process in a manner that is responsive to the unique and special needs of this group (Creating Choices, 1990: 88).

The *Creating Choices Task Force* attempted to integrate the interests of a number of groups involved in the correctional process, including Correctional Services of Canada, the Canadian Association of Elizabeth Fry Societies (CAEFS), the Aboriginal Women's Caucus, and inmates at the Prison for Women. Unlike previous reports, *Creating Choices* was based on the firm belief that a holistic approach to the management of female prisoners was necessary to address concerns facing this population. It was driven by a 'woman-centred' approach and looked at issues such as poverty, racism, wife battering, and sexual abuse as central issues in examining female involvement in crime (Hannah-Moffat, 1994a).

The findings and recommendations of the Task Force were based on

insights gained from extensive consultations and the results of a number of research projects. Areas of concern included over-classification¹², geographic dislocation, separation from families, inadequate programming, cultural ignorance particularly with respect to aboriginal healing practices, and the high incidence of self-injurious behaviour among inmates at P4W. There was also concern over a lack of community-based responses for federally sentenced women and the need for educational and vocational programs that would foster marketable job skills. Finally, there was a recognition that the absence or shortage of services for women, especially aboriginal and immigrant women was problematic and needed to be addressed immediately (Hannah-Moffat, 1994a).

The Task Force put forth several recommendations to the federal government in April 1990 including the call for the wider use of community release strategies for women. A few months later the government announced that it would be implementing many of these changes to the penitentiary system. The major long term reform would be the closure of P4W in Kingston and the construction of four smaller regional facilities and an aboriginal healing lodge. Programming at each of these facilities would concentrate on individual and group counselling that would be sensitive to women's needs. On-site child care

¹² This term refers to inmates being classified as high risk, which may not accurately reflect their crimes or the 'threat' they pose to society at large. A much higher percentage of women tend to be classified as maximum security compared to their male counterparts (CAEFS Position Paper, 1997).

facilities were to be made available. The aboriginal healing lodge would address the needs of federally sentenced aboriginal women through native teachings, ceremonies, contact with elders and children, and interaction with nature (Creating Choices, 1990).

The Task Force also recommended that government develop a community release strategy that would expand and strengthen residential and non-residential programs and services for federally sentenced women on release. It was recognized that women need support services in their communities upon release from prisons. Unfortunately, as has been the case with so many recommendations originating from task forces and commissions, they have not been acted upon in a manner consistent with the philosophy and principles of *Creating Choices*.

3.3 Feminist Critiques of Correctional Policies and Trends

While the workings of the Task Force were regarded by many as progressive in its attempt to better service the needs of female inmates, some critics argue that it created more problems than it initially sought to address. Hannah-Moffat (1994b) argues that feminists have not gone far enough in questioning or challenging the meaning of punishment or the use of prisons as an adequate response to female offenders. She argues that improving and expanding prisons has resulted in a reinforcement of existing theories of

punishment and the expansion of formal social controls over women. Referring to women's needs and feminism, Hannah-Moffat (1994a) notes:

Feminists' failure to challenge the meaning of punishment has amounted to a mere tinkering with a complex institutional network that does not, and cannot, adequately meet women's requirements. Feminists need to devise a concrete understanding of punishment and not simply attempt to compensate existing methods of punishment, like incarceration, that encompasses a number of inherently contradictory goals.

Hannah-Moffat (1994b) outlines three theories that have influenced the penal reform movement for women in Canada. First, the 'social approach' argues that the primary aim of corrections should be rehabilitation and not punishment. Consequently, the focus is on improving prison conditions and developing new vocational, educational and treatment programs for women. This approach is evidenced in the early years of corrections in Canada. For example, prior to the building of P4W in Kingston, females were inadequately placed in men's prisons and were required to provide 'maternal' services such as cooking, sewing, and haircutting. Supporters of social feminism argue that women required different but equal treatment under the law and in public institutions. These women lobbied for change and succeeded in having new prisons built for women and in having them governed by matrons. The result was the creation in 1934 of the Prison for Women in Kingston.

Second, years later, reform efforts were influenced by liberal ideas that advocated sexual equality within existing social, economic and political

structures. In corrections, these ideas translated into attempts to attain equal rights and equal treatment for male and female offenders. The main complication with feminist's advocacy of equality in women's prisons was their failure to acknowledge that even though correctional administrators may have agreed with the proposed changes, they may not have had the resources to implement change. Also, those advocating equal rights failed to recognize that the standards by which equality is measured is based on a male norm. Thus, women's programs are brought up to par with men's instead of being designed at the outset to meet the needs of women. In many cases this worsened the situation for women who could no longer claim they were being discriminated against on the basis of sex. Thus, accomplishments in the name of equal rights meant that women were given the same programs as men, which were designed by men, for men.

Third, more radical feminists have focused their attention on the differences that exist between female and male inmates. They agree that women and men should be treated differently and thus programs and services should be designed to meet women's specific requirements. They advocate a more "woman centered" approach to corrections. They consider previous correction methods, which ignore women's realities, to be deficient and unable to rehabilitate women. They argue that correction policies and practices must be redesigned to accommodate the different experiences of men and women. One

consequence of this thinking was the *Task Force on Federally Sentenced Women* (1990).

Hannah-Moffat (1994b) raises some critical issues with respect to feminist thought on penal reform. She questions the degree to which feminists have supported the maintenance and construction of prisons and the reasons why there has not been a more concerted focus on shifting away from prisons and more toward community-based sanctions. The author states that feminists have had little to say about alternatives to incarceration and why prisons continue to exist in spite of the well documented claims that imprisonment has failed women in terms of adequate housing, programming, development of marketable skills and maintenance of family ties.

She further argues that incarceration has also failed the families of inmate women, namely their children, who have had to suffer in terms of separation from their mothers, often resulting in state care. It has placed a heavy burden on the public who are responsible for financing women's incarceration. Essentially, feminists have largely failed to challenge societal reliance on prisons. Hannah-Moffat (1994a) maintains that while the 1990 Task Force was seen as a progressive move because of its focus on the differential needs model of corrections, feminists must be very cautious of their actions when the 'solutions' they are supporting translate into additional facilities that seek to warehouse women.

Support for the advocacy of community corrections is based on the idea that female offenders generally pose little threat to public safety (low risk) yet they present a diversity of needs that cannot be adequately addressed in an institutional setting which has punishment and incapacitation as its primary goals. Community-based corrections, it is argued, hold the promise of meeting many of the goals of sentencing (deterrence, retribution, restitution).

Expanding upon Hannah-Moffat's (1994b) contention that feminists must go that extra step and question the (in)adequacy of incarceration as a response to women offenders, the same argument must be made for community options which are often advocated *carte blanche* as a more humane response to women's situations. However, community corrections are not without their shortcomings in the general sense and, specifically, in attempting to meet the diverse and individual needs of women. This argument must be first and foremost in examining the widespread expansion and growth of a diversity of community release strategies for female prisoners.

If we accept that the community holds the promise of more effectively addressing women's needs, we must be careful not to replicate the history of institutional corrections within the community. McCormick and Visano (1992) note that the term 'community' has now become a catch all phrase constructed by governments to satisfy their own organizational interests. They maintain:

The "community" is an elusive concept that has been too easily appropriated by the state to engineer support for limited initiatives that fail

to grapple with fundamental inequalities in corrections (McCormick & Visano: 287).

In direct comparison to incarceration, community options pose an attractive 'alternative' for government officials in dealing with prisoners, primarily because of economics. However, each community strategy must be examined in its own right to determine its applicability and suitability for women. The following section will examine the emergence of community corrections and raise some central issues related specifically to female prisoners.

3.4 Emergence of Community-based Corrections

In 1997-98, of the 157,766 offenders under the supervision of correctional agencies across Canada, more than three-quarters (124,796) were being supervised at the community level (Juristat, 1999). In 1997-98, combined federal and provincial/territorial operating expenditures on correctional supervision reached \$2.08 billion, up from \$1.8 billion in 1993-94 (Juristat, 1999). Given the enormous amount of spending on adult corrections in any given year, it is not surprising that governments are increasingly looking to community releases as a means of reducing correctional expenditures.

Considerable debate and controversy have accompanied the widespread development of community sanctions. Proponents of these strategies argue that they provide a more humane approach to punishment, are cost-effective, and

facilitate offender rehabilitation. On the other hand, critics argue that community corrections are widening the net of offender supervision and control and that they are merely supplements to incarceration (McMahon, 1990). Despite the ongoing debates, community corrections continue to develop as a major component of the correctional system with little empirical evidence to support their success in meeting desired goals. Furthermore, the research that does exist on community corrections generally is based on the experiences of male offenders in these programs. Again, the experiences of females are consistently ignored or considered the same as those of men.

Since the late 1960s, community corrections have become a major part of the correctional apparatus in Canada. Today, there are a wide range of community options available to criminal justice officials including everything from community service orders and probation to boot camps and electronic monitoring. While the number and range of community programs have increased considerably, so too, have the actual numbers of people incarcerated. Institutional facilities have been growing alongside the numbers of people under supervision in the community. For example, between 1981-82 and 1993-94, there has been an average annual increase of 1.5% in Canada's total incarceration rate (Canadian Centre for Justice Statistics, 1996). Between 1989 and 1995, the prison population in Canada grew by 22 per cent in federal and 12 per cent in provincial penitentiaries (Statistics Canada, 1996). The simultaneous

growth of institutional and community correctional programs, referred to as 'net widening', will be discussed in further detail throughout the research.

Community sanctions may be employed at various stages of the correctional system. At one end, they are intended as a diversionary mechanism whereby offenders are spared the prison experience entirely. At the other end, community corrections may be used as a form of early release from prison whereby offenders are granted a conditional stay in a community setting. While most forms of community corrections serve a clear purpose in terms of release strategy, some may be employed at either end of the correctional system. First, it fitting to explore the meaning of community-based.

3.5 Defining "Community-based"

One of the fundamental areas of concern surrounding community corrections is defining what is meant by the term 'community'. It has been argued that the interface between community and corrections was never clearly defined and, consequently, community corrections are in, but not 'of' the community. Therefore, the concept of 'community' put forth by proponents of community corrections is seen as naive and unrealistic. Irwin (1980) states:

The idea that community corrections promotes the reintegration of the offender into the community distorts or stretches conceptions of community. The notion of community is a holdover from rural or folk societies and it is not exactly clear what it refers to in modern society (cited in Ekstedt and Griffiths, 1984).

Doreon and Hageman (1982) also note that many definitions of 'community corrections' have failed to adequately consider what the term 'community' consists of. Consequently, many programs are erroneously labelled community-based when in fact they are not. These authors define community-based corrections as:

any correctional-related activities purposively aimed at directly assisting and supporting the efforts of offenders to establish meaningful ties and relationships with the community for the specific purpose of becoming re-established and functional in legitimate roles in the community (Doreon and Hageman, 1982).

While this definition is perhaps one of the more concise, it still fails to clearly define the boundaries and meaning of the community. Prisons are located in the 'community' in the geographic sense of the term and may well seek to provide a rehabilitative component in their efforts to assist offenders back into society. Defining the 'community' has been problematic in attempts to design community-based programs. This definitional problem contributes to widespread disagreement in outlining the intended goals and objectives of community corrections. While recognizing the inherent difficulties of definition, community-based corrections are generally seen to have three main objectives. First, they may be used as a means of diverting convicted offenders entirely from the criminal justice system and from incarceration through such programs as diversion and probation. Second, they may provide temporary or early release to those offenders already incarcerated through day parole and temporary

absences. Third, they may supervise the re-entry into society of offenders who have been incarcerated, through parole and statutory release (Griffiths & Verdun-Jones, 1994). In Canada, over 90% of incarcerated offenders will, at some point, be released from prison into the community through a wide range of community-based options (Canadian Centre for Justice Statistics, 1996).

3.6 Debates Surrounding Community Corrections

A review of the extensive literature on community-based corrections (Hylton, 1982; McShane & Krause, 1993; Griffiths & Verdun-Jones, 1994; McCarthy & McCarthy, 1997; Champion, 1996; Cromwell & Killinger, 1994) indicates that support for such programs has traditionally been centred around three main justifications. First, it is argued that community alternatives are more humane than incarcerating offenders in institutional facilities. Prisons contain subcultures that consist of violence and anti-social behaviour and attitudes. The pains of imprisonment have been well-documented in the criminological literature and include separation from family, loss of employment, isolation, and stigmatization. Many argue that community corrections allow offenders to avoid the dehumanizing and isolating effects of incarceration (Griffiths & Verdun-Jones, 1996).

Second, community-based corrections are considered less costly than incarceration. The maintenance and construction costs associated with building

new prisons are enormous. Community corrections offer the promise of effectively reducing the necessity of new prison construction and thereby reducing the annual maintenance costs of incarcerating offenders (Griffiths & Verdun-Jones, 1996).

Third, community corrections are seen as increasing the chances of successful reintegration of the offender back into the community. Presumably, the transition back into the community is made easier and better facilitated through shorter prison stays or diversionary measures employed so as to avoid incarcerating offenders in the first place.

Much debate surrounds the extent to which community-based corrections are successful in meeting their objectives. Scull (1977) has argued that the 'decarceration' movement is related primarily to economic considerations in an attempt to control the rapidly increasing costs of incarcerating offenders. Chan and Ericson (1981) maintain that community-based corrections have not been effective in meeting their economic goals but rather have contributed to a 'substantial growth of the criminal justice apparatus and therefore has resulted in increased correctional costs'. This issue, referred to as 'net widening', is central to discussing community corrections. Many authors (Mainprize, 1992; McMahon, 1990; Hylton, 1982; Chan and Ericson, 1981) have argued that community corrections have led to increased levels of state control by bringing more new people under the supervision of criminal justice agencies. They argue that rather

than acting as true alternatives to incarceration, community corrections are supplementing the existing penal apparatus.

Mainprize (1992) discusses this issue of net widening on two distinct levels. First, offender net widening refers to the potential of community corrections to become add-on sentences to incarceration thereby lengthening the time offenders are under correctional control. One might expect that the more community release strategies that are available, the more offenders will be placed into these programs. As a consequence, prison populations are not greatly impacted because community-based programs target low to moderate risk offenders who were likely never prison-bound in the first place. Also, as Berry and Matthews (1989) point out, cost savings accrued from removing a small number of offenders from the prison system are minimal at best. Marginal savings may be realized through the elimination of minor costs associated with meals, laundry, etc. However, the majority of prison costs are fixed, meaning costs remain roughly the same whether the prison is full or half empty.

Second, correctional or systemic net widening refers to expansion in the numbers of correctional personnel required to operate and supervise offenders under community control. For example, staffing must complement the increased numbers of offenders in the community. Programs must be developed to meet the reintegrative goals of community corrections and, in the case of electronic monitoring and other technology driven options, costs and expenses associated

with monitoring technology must also be considered (Mainprize, 1992). In the case of EM, technology is rapidly changing and devices must be continually updated to reflect the new advances.

Proponents of community corrections argue that such programs are more humane than incarceration while others argue that the behavioural restrictions imposed on offenders in the community make such 'alternatives' less humane than they were designed to be (Greenberg, 1975; Hylton, 1982; Cohen 1979). Cohen (1979) states that community-based programs tend to "reproduce in the community the very same coercive features of the system they were designed to replace."

Finally, the rehabilitative component of community-based corrections has also been questioned. There is no empirical evidence to suggest that these initiatives have been successful in meeting their rehabilitative goals by decreasing crime rates or the use of correctional institutions. There is a paucity of research and poorly designed evaluations of most community-based correctional initiatives.

3.7 Relevance to Research Findings

The history of incarceration in Canada and subsequent development of community release sanctions reveals a number of significant findings closely related to the study of electronic monitoring. First, it is clear that women in the

correctional system have been relegated to the position of second class offenders in relation to their male counterparts. Decisions surrounding the establishment of institutional facilities for women have been made largely on the basis of economics and the agendas of the larger male population.

Particular attention has been devoted to discussing the issue of net widening in this chapter because it seems reasonable to assume that given women's typical low risk classification, they are a primary target population for this intensified social control. The effects of net-widening, therefore, will contribute to even more women encountering state supervision.

Discussions of community are particularly relevant given their widespread utilization within corrections. However, their particular application to women is under researched. While there has been increased attention paid to documenting the characteristics of women in prison, there is still very limited data on females in community corrections (Bloom, 1998; Chesney-Lind, 1998). Given the move toward community release options for women, it is imperative to conduct timely evaluations which describe women's experiences. The next chapter provides an in-depth look at major topics associated with EM, including its emergence and growth, its application and potential program biases, and net widening. Each of these topics is examined within the context of women.

CHAPTER 4:
NEW DIRECTIONS?:
EM RHETORIC AND REALITY

4.1 Emergence and Definition

Electronic monitoring is a type of community-based sanction which confines offenders to their residence by imposing strict curfew control on their whereabouts. There are two main types of EM technologies: active and passive systems. Active systems, also known as continuous signal devices, are comprised of three hardware devices including a transmitter, field monitoring device (FMD) and a host computer. The transmitter is attached to an offender's ankle and sends out continuous signals to the host computer, usually located in a district probation office. Transmitters weigh less than four ounces, have a range of up to 150 feet, are shock resistant, tamper resistant¹³, and waterproof. The FMD is located in the offender's home and is attached to his/her telephone. This device detects the continuous signals from the transmitter and reports information to the central computing station. The host computer accepts reports from the FMD over modem lines, compares the information with curfew requirements and indicates any unauthorized absences to probation staff. The

¹³ Marketers of the EM technology claim the equipment is tamper resistant. However, it may only be a matter of time before it is discovered that individuals confined to their residences for long periods have figured a way to outsmart the technology.

computer is also equipped to store information about routine entries and exits authorized by probation personnel. The main goal is to ensure that offenders are at prescribed places such as school, work, or counselling sessions (Whitehead, 1992).

Passive systems, also called programmed contact systems, involve less sophisticated technological monitoring. Most systems rely on telephone verification whereby an offender must respond to randomized telephone calls within a prescribed time period or a failure reading is recorded (Schmidt, 1991).

EM programs can be used either at the front-end or at the back-end of the correctional system. Both strategies aim at reducing the size of prison populations. At the front-end, EM can be used as a condition of probation for low-risk offenders who have committed minor offenses but are nevertheless bound for prison. Second, EM has been used for some offenders being held on remand in municipal lock-ups. Employed at the back-end, the aim is to provide early release to a broader range of offenders than would normally meet the requirements of parole. Back-end EM seeks to reduce an offender's jail time by employing a 'resource management' technique which implies a more deliberate consideration of who occupies scarce prison space (Fox, 1987).

4.2 Eligibility Requirements

Potential participants must meet certain well-established requirements to

be included in an electronic monitoring program. First and foremost, offenders must occupy a permanent residence and be equipped with telephone service. Other major criteria include voluntary and informed offender consent, being classified as low to moderate risk, having no charges or convictions for violent crimes, consenting to alcohol and drug testing and routine house checks by probation staff, and agreeing to pay for any monitoring fees that may be required.

In the determination of an offender's risk level, corrections staff rely upon some well-established legal and dynamic factors. Legal factors include an offender's length of sentence, severity of their offense and any history of violence. Dynamic factors include the offender's willingness to comply, their attitude, criminal associations and any evidence of substance abuse (Newfoundland and Labrador Department of Justice, n.d.). Demographic factors such as age, education, employment history and child care responsibilities are also considered in determining level of risk and thus an offender's chances of success on EM. Individuals with a history of violence or sexual convictions are generally excluded from EM participation.

Most EM programs have involved primarily male offenders (see Bonta, 1999). A nation-wide profile of programs in the U.S. (Schmidt, 1986; Renzema and Skelton, 1990a and b) found a relatively small proportion of women were serviced (between 10-15%). The number of females who have been included in evaluative assessments of EM programs has been considered too small to draw

accurate conclusions about such matters as program success and possible gender bias in service delivery (Roy, 1994; Lilly et al., 1993). Past studies have either excluded female participation or the male-female distribution of the study group was not clearly differentiated (Baumer et al., 1993; Smith and Akers, 1993).

There has been some variation in the ages of offenders who are serviced by EM programs. Offenders have been relatively young (around 30 years) and essentially high school educated. One frequently mentioned study (Baumer et al., 1993) found that adults in a post-conviction EM program were slightly older (mean age=35) than those found in a program for pre-trial offenders (mean age=28). Furthermore, the average age of male respondents profiled in the EM pilot project carried out at Mimico Correctional Centre (MCC) in Ontario was 31. One suggestion has been that somewhat older persons are the most attractive candidates for EM programs because they are more likely than younger persons to possess certain traits that are believed to be linked to program success (e.g. having a job, being settled with family responsibilities) (Ball et al., 1988).

While EM programs have traditionally been used for those convicted of non-violent property crimes (break and enter, minor theft and fraud) the recent trend has involved a 'toughening of the clientele' (Schmidt, 1989). For example, Renzema and Skelton (1990a) found that a higher proportion of EM participants had been convicted of violent offences in 1989 (12%) compared to the situation

discovered in 1987 (6%). In one U.S. program in Oregon, offenders' crimes involved armed robbery, drug offences, manslaughter and sexual violations (Burns, 1992). A number of recent studies found that many pre-trial and post conviction participant groups were included because of drinking and driving offences (Baumer et al., 1993; Lilly et al., 1993).

Other studies (see Renzema and Skelton, 1990a and b; Lilly et al., 1993; Charles, 1989; Vaughn, 1991; EM Pilot Project Mimico Correctional Centre, 1991) have reported considerable variation in terms of the period of electronic home confinement (between 3 and 106 days). In most cases, however, the service delivery was rather short. Renzema and Skelton's 1990 study, based on a random sample carried out in 1989 of 40 areas using EM for various kinds of offenders, found that the mean period of monitoring was 79 days. The average sentence of home confinement for the participants in the Mimico EM Pilot Project in Ontario was considerably shorter at 44 days (Ministry of Correctional Services, 1994).

4.3 Economies of Scale

Electronic monitoring programs are believed to be far less costly than incarceration. On average, EM costs about \$5,000 annually per offender but this figure does not include any costs assessed to the offender. Many U.S. states rely on a user-pay system whereby offenders are required to pay a fee for their

monitoring service.¹⁴ These costs are often calculated according to a sliding scale based on the offender's ability to pay. The main reason for the lower costs associated with EM is that the programs are less labour and capital intensive than prison. Among other things, EM eliminates the need for large numbers of custodial staff essential for the operation of prisons (Gomme, 1992).

Some argue that EM is less costly than incarceration. However, this idea is challenged based on the contention that per diem comparisons between EM and prison are misleading and inaccurate for several reasons. Cost savings associated with the reduction of prison populations may be twofold. First, dollars are saved when an institution is closed or substantially reduced in its use. Second, costs may be averted because of the lack of necessity to build new prison facilities. However, while EM programs appear to be more cost effective based on daily calculations, other factors must be figured into the equation. Purchasing the initial monitoring equipment is currently quite expensive, but these initial start-up costs are not factored into the cost calculations. It must also be considered that 85% of prison costs are fixed (staffing, heating, etc) and can only be saved if the institution, or some part of it, is closed. Also, in the US, evidence suggests that EM offenders are generally trading an average of 3-5 days at home for one day in jail (Lilly et al., 1993). This is likely the case in

¹⁴ This user pay system does not currently operate in Canada. However, with the possibility of program expansions to include a wider range of offenders, this situation may change.

situations where EM is a sentencing option of the courts. The tendency has been for judges to view EM as a more lenient sanction than incarceration which has translated into longer at-home stays for offenders. Therefore, any cost savings are substantially reduced when the amount of time served on EM may be triple that of prison.¹⁵

At the centre of the cost-effectiveness debate over electronic monitoring programs is the issue of net widening. Critics argue that EM does not reduce prison populations. Research in the United States, for example, estimates that 25% of those currently being monitored were not prison bound and that EM was being used to supplement existing probation or supervision orders (Berry and Matthews, 1989). Because of the targeted populations and low risk classifications of offenders, it is likely that these same offenders were candidates for less intrusive forms of community sanctions such as probation or parole (Mainprize, 1992). Correctional or systemic net widening also leads to increased budgetary expenditures by virtue of the necessity to create new correctional positions in order to supervise and monitor EM participants. Several evaluations of EM programs in Canada and the United States have documented increases in the number of probation staff as a direct result of introducing an EM program (Mainprize, 1992; Bonta et al., 1999).

¹⁵ This trend has not been witnessed in Canada mainly because the EM option is corrections-based meaning court judges have no say in how an imposed sentence is executed.

4.4 Punishment Value and Public Safety

EM is regarded as meeting the punishment, incapacitation, and deterrence goals of corrections since offenders are portrayed as being tightly supervised and abiding by strict curfew regulations. Offenders are not permitted to be anywhere except in their home or other prescribed places unless authorized by corrections staff. The offender's whereabouts are typically monitored on a 24-hour basis. Stringent compliance with program rules is also enforced through drug and alcohol testing and routine house checks (Shulz, 1995).

While EM may be viewed as an effective means of ensuring public safety, some argue that EM compromises the public's right to protection from offenders. At present, EM targets low risk offenders who may pose little threat to public safety. However, it is reported that EM is currently being considered as a means of monitoring more serious offenders such as federal parolees (Harris, 1996). If the trend toward placing more high risk offenders back into the community continues, the contention that EM ensures public safety would be subject to criticism.

Another compelling argument put forth by some critics is that offenders on EM may continue their involvement in illegal activity by using their homes as a base for further criminal dealings. There is also the concern that EM will contribute to domestic and personal conflicts. For an offender and his/her

spouse, home confinement for extended periods of time often results in increased levels of frustration and agitation which may lead to violence in the home.

4.5 Suggested Program Biases

Charges of discrimination on the basis of race, class, and gender have been raised concerning EM (Lilly et al., 1986; Micucci et al., 1997). Socio-economic status becomes an issue where offenders are required to have a home, a phone, as well as a supportive family network. Mandatory fee requirements as a prerequisite for monitoring service establishes an economic bias as it is well documented in the criminological literature that the majority of offenders come from low socio-economic backgrounds (Boritch, 1997; Chesney-Lind, 1997; Shaw, 1994).

EM can also be criticized on the grounds of gender biases. Related closely to the issue of net widening is the contention that women will become the primary targets for this increased surveillance in the community based on their low to moderate risk classifications. Some argue that EM programs may also favour women because of their child care and family responsibilities. For example, women may be treated more favourably by court judges and by corrections staff because of their family obligations. Sentencing females to a period of incarceration is not only costly to the criminal justice system but it also

places additional burdens on other government departments such as child protection services that are forced to provide suitable care for the children of incarcerated mothers.

The notion of 'voluntary participation' on EM is questioned by those who view the 'choice' between EM and prison as coercive and unrealistic. It can be argued that 'choice' is limited for single parents who are placed in the position of having to consider not only themselves but also the well-being of their children. Single mothers, who are persuaded to opt for EM based solely on their family obligations, can be seen to have little real choice in the decision making process.

Ethical concerns have been raised regarding the intrusiveness of EM on the privacy rights of third parties. EM turns the home into a quasi-prison structure. Ongoing intrusion around the clock by corrections officials can be stressful not only for the offender but for their families who, after all, have not themselves committed an offense. (Doherty, 1994; Gomme, 1992). Research has also shown that EM can have a negative impact on children present within the home (Doherty, 1994).

Civil liberties and victim's interest groups have also raised questions about EM fearing that the technology will be abused and that the private sector will begin marketing the equipment as a way to maintain within a community setting those inmates considered too 'difficult' to care for in a prison environment. For

example, a recent trend in Canada has been the criminalization of mental health issues for women. Mentally ill offenders within the prison system create problems for staff who are not trained to deal with this 'special needs' population. Similarly, an aging prison population creates problems in a prison atmosphere that may be more easily dealt with by having an offender serve their sentence in their own home. The responsibility then for caring for that individual is shifted away from the correctional system.

It is also understood by correctional administrators that pregnant women within prisons create unique circumstances that pose serious problems for correctional staff and other inmate mothers. Given that the majority of Canadian prisons do not have adequate child care services available to incarcerated mothers it would be reasonable to assume that EM would serve as a practical solution to the 'problem' of having to care for pregnant women within the prison system.

4.6 Offender Attitudes Towards EM

A number of studies have examined the degree of support expressed by male offenders who are actually placed under electronic house arrest (Blomberg et al., 1993; Lilly et al., 1993; Baumer and Mendelsohn, 1990; Doherty, 1995). The findings have suggested fairly positive reactions by men to this service. For example, Baumer and Mendelsohn (1990) found that most offenders interpreted

their EM stints as 'better than jail.' Just less than half of the respondents in this study (46%) said staying at home was very easy or easy. The position adopted by the monitorees was that home confinement was less punitive than jail.

Still, there have been sources of displeasure expressed by user groups toward electronic home confinement. In one study (Doherty, 1994), male monitorees expressed their concerns over having to conceal the bracelet while at work and worrying about their employers discovering their situation.

Another area of research has looked into how certain participants occupied their time during their period of electronic home confinement. For example, Baumer and Mendelsohn (1990) found that offenders occupied their time by watching television. They also searched for and developed new activities, such as doing a much-delayed kitchen remodelling project, primarily to relieve boredom. The same study found evidence showing that strict home confinement curfews forced participants to plan their days more carefully which in turn brought some order to their previously disordered lives. Unfortunately, this study did not differentiate between male and female monitorees.

A number of studies have explored the nature and extent of intrusion faced by the monitored offender's families (Doherty, 1994; Blomberg et al., 1993; Quinn and Holman, 1992; Baumer and Mendelsohn, 1990). For example, Baumer and Mendelsohn (1990) found that the vast majority of offenders (78%) reported their home confinement upset other family members. The major

complaints by other family members were focussed around the restrictive nature of EM which forced them to do chores that they would not ordinarily be involved with. These included going to the laundromat, getting the car repaired, and buying groceries. In another study (Blomberg et al., 1993), it was found that the offenders' families were poorly informed about their specific roles and responsibilities before and during EM service delivery. However, a Canadian study (Doherty, 1994) found overall positive reactions by male monitorees and their spouses toward the period of confinement.

Research findings generated from this study will explore in detail many of the issues raised in this chapter including the nature and type of offenders monitored in Newfoundland, eligibility criteria, selection and screening processes, type of technology used, reasons cited by offenders for participating in the EM program, and suggested program biases based on gender.

**CHAPTER 5:
RESEARCH DESIGN AND METHODOLOGY**

The electronic monitoring program in Newfoundland is a correctional-based back-end option administered through the Adult Corrections and Community Services Branch of the Department of Justice. Presently, only those offenders serving a sentence of six months or less or nearing the completion of a longer sentence are eligible for participation in the program. Further eligibility criteria are determined through assessments conducted by EM personnel. Initially, the program was available only to those offenders residing in and around the province's capital city. In January 1997, the EM program expanded its monitoring base to include offenders living in rural areas of the province.¹⁶

The current research builds, in part, upon a previous study I conducted which focussed exclusively on the experiences of female offenders who had participated in the EM program in Newfoundland (Maidment, 1996). Between November 1995 and March 1996, data were collected from 10 of the 14 women who had completed their monitoring stints up to that time. The previous study was largely exploratory in nature and reported on the background characteristics of respondents such as age, education, marital status, length of EM stint, and most recent conviction. Other areas of concentration included child care and

¹⁶ Personal conversation with EM Co-ordinator, June 1998.

household responsibilities, experiences with EM service delivery, problems encountered during the program and coping strategies used to deal with these problems. In May 1996, a report was generated from the findings and submitted to the Chief Adult Probation Officer at the Department of Justice. One main recommendation of the report called for a follow-up study to be conducted that would compare the experiences of male and female monitorees. Subsequently, this current research expands on issues and concerns raised by women in the earlier study and forms the basis for comparison with men.

5.1 Gaining Access and Research Approval

Prior to conducting any interviews, several steps were taken to gain approval for this study. First, a research proposal (see Appendix II) was designed and approved by my thesis committee before any requests were made to the Department of Justice to do research. Following this, a copy of the proposed research along with a letter requesting support for the project (see Appendix III) was sent to the Chief Adult Probation Officer at the Adult Correctional and Community Services branch of the Department of Justice. Following submission of these documents, I met with this administrator to discuss my research design and methodology. Issues of confidentiality were stressed by the administrator and a decision was made to have the initial phone calls carried out by staff at the probation office. This satisfied any concerns about ensuring

the privacy of those individuals who did not wish to participate in the study. I also met on several occasions with the co-ordinator of the EM program who provided updated statistical information, including numbers of offenders monitored to date, their ages, levels of education, types of offenses, and length of time monitored.

I met on two occasions with the Director of the Learning Resources Program (LRP) at the John Howard Society. I informed him about the nature and scope of my research study and provided him with a copy of my proposed research plan. He informed me of the programs offered through JHS to EM participants and regular probationers. Relevant secondary documents related to program content were given to me during these meetings.

Ethical approval was granted from the Faculty of Arts Ethics Committee at Memorial University before any interviews were conducted (see Appendix IV). Issues relating to anonymity and confidentiality were stressed due to the small number of respondents to be interviewed and the possibility that individuals may be identified by key information contained in verbatim quotes. Actual names have been replaced with pseudonyms in this report and every effort has been made to conceal the true identity of respondents who may otherwise be identified by third parties based on their specific characteristics. Consequently, I eliminated certain quotes entirely or altered information that may have led to the identification of participants (Babbie, 1992; Maxfield and Babbie, 1979).

An Agreement to Participate Form (see Appendix V) was developed and

administered to all respondents prior to conducting interviews. This form contained an outline of my research intentions and stated that the study was being conducted independently of the Department of Justice and was being supervised by the Sociology Department at Memorial University. It also contained a written assurance of confidentiality and privacy which was intended to make respondents feel more at ease in answering certain questions without fear of reprisal from any government or community agencies. Respondents were informed that they could refuse to answer any of the questions or stop the interview at any time. Before conducting any interviews, I met with respondents for a brief period and provided them with my personal background information and specific research aims. Finally, handwritten notes were made of conversations that took place after the tape-recorded section of the interviews was completed.

An Interview Schedule (see Appendix V) served as a guide to conducting the interviews and was employed to keep the discussions focussed. It was designed as a semi-structured questionnaire which allowed respondents to describe their own experiences with monitoring and allowed for the use of key probing questions (Babbie, 1979). The interview schedule focussed on several key themes including background characteristics of respondents (age, education, marital status, source of income, length of incarceration, length of EM stint, etc.), pre-entry considerations including reasons why offenders decided to participate

in the EM program, the nature of assessments by EM staff, and experiences with incarceration (prison or lock-up). The next section on employment and work histories was intended to provide an overview of past and present work histories and discern what arrangements, if any, were made by EM personnel to allow for the continuation of work or school commitments. A focus on the nature and types of programming offered through the John Howard Society and/or other community agencies was important in determining an offender's level of satisfaction with these programs. The sections on household responsibilities and child care were major focus areas. The goal here was to learn how respondents dealt with their time both inside and outside the home while being monitored, how they coped with boredom, what their living arrangements were and how this affected their ability to perform certain key tasks outside the home. Finally, general levels of satisfaction and dissatisfaction during the monitoring period were reviewed. This allowed respondents to make comments about the program that may not have been covered during the interviews

5.2 Data Collection Methods

Multiple research methodologies were used to collect the case study findings for this research. These included: (i) semi-structured interviews with 32 individuals who had recently completed their EM stints in St. John's, Newfoundland; (ii) structured and unstructured interviews were conducted with

key correctional administrators who are responsible for the design and implementation of this program; (iii) a review of secondary documents about the EM program generated through official correctional reports (federal and provincial governments), local and national media accounts, internal justice memoranda, and internal/public documents supplied by various community organizations (i.e. Canadian Association of Elizabeth Fry Societies (CAEFS) and the local John Howard Society).

5.2.1 Semi-Structured Interviews

Between September 1997 and December 1997, data were collected from an additional six women who had completed their sentences on EM since the time of my original study.¹⁷ The total number of women interviewed (n=16) for this study accounts for almost 64% of the women who have completed the EM program to date in and around the St. John's area (n=25). Attempts were made to contact and interview all the women who had participated in the EM program in this particular region. However, a number of potential respondents had either changed residence or simply could not be reached (n=6) and a number of those who were contacted refused participation in the study (n=3). Based on the convenience sample of female respondents interviewed, I attempted to select a

¹⁷ I did not re-interview any of the ten respondents from my earlier study. The decision to incorporate this initial set of interviews was based mainly on the fact that there were so few women who had completed the EM program to date.

random and equal number of male respondents from the population who had completed their EM stints since April 1996.¹⁸

I deliberately restricted my sample to males monitored since April 1996 for two main reasons. First, computerized data bases had only been implemented by the Department of Justice since that time. Therefore, accessing information on offenders monitored beforehand would have been a time-consuming and onerous task for personnel at the Department of Justice. Second, it was felt that offenders monitored before April of 1996 would have significantly more difficulty recounting specific details about their experience of being monitored than those who had been monitored more recently. Some offenders would have undergone their period of monitoring up to three years prior to this study. Therefore, attempting to locate individuals dating back this far would have proven difficult and time consuming.

In January 1997, the MCR program expanded its monitoring range to those offenders residing in rural areas of the province. However, my research study is restricted to those monitored in the St. John's area for a number of reasons. First, there are significant differences in service delivery between urban and rural monitorees. Offenders monitored in St. John's are required to attend a

¹⁸ I did not request nor was I given access to offender's case files and therefore was limited, in that sense, to support services provided by EM staff. Because of time restraints of correctional personnel, it was suggested by the EM co-ordinator that I restrict my sample to this time frame.

range of programming delivered by the Learning Resources Program (LRP) at the John Howard Society. This programming component constitutes an integral part of the monitoring experience for urban residents with participants spending four mornings a week in programs at the LRP. Weekly individual counselling sessions are also arranged through JHS. Consequently, the program component of EM for urban monitorees accounts for a significant portion of their time.

Offenders in rural areas of the province do not have access to the LRP or any programming similar in nature to the type of services offered by this organization. This is due, in large part, to the costs associated with administering programs to the small number of monitored offenders scattered throughout rural areas of the province. This bias in service delivery between urban and rural monitorees has been the subject of recent debate by key officials at various levels of the Department of Justice (Evening Telegram, January 3, 1998).

Second, offenders in rural areas of the province are not subject to the same level of supervision by EM staff. Rural offenders are monitored long-distance from a central computing station located in St. John's. All five EM officers are situated in the St. John's area and do not travel across the province to make unannounced house checks on rural monitorees. Local probation staff across the province are expected to deal with EM participants as part of their caseloads. Finally, the geographic distance of the province, combined with the small number of rural monitorees, would have proven too costly for this study.

5.2.2 Secondary Documents

Secondary documents comprised a main source of information on the nature and development of the Monitored Conditional Release program. Such documents were used to check the responses contributed by EM participants to various questions. Also, some key information contained in these documents (e.g., cost estimates of EM) was not known to the main study population. Written documents and internal memoranda prepared by correctional personnel within the Community Corrections Branch of the Department of Justice were reviewed. These included a description of the MCR program and its mission statement, cost-effectiveness analysis, minutes taken from community consultation sessions prior to the implementation of the program, statistical overview of the numbers of offenders monitored along with a description of certain socio-demographic characteristics (age, education, marital status, etc.).

Selected reports made available through Correctional Services Canada and the Solicitor General of Canada were gathered. These included items relating to the operation of EM in other provinces, specifically a national comparison of EM programs (Bonta et al., 1999).

Reports generated through the John Howard Society describing the nature of programs offered at the Learning Resources Program (LRP) were also obtained. Local media reports contributed information on several topics including the number of people serviced by the program, the number of technical violations

by user groups, and attitudes expressed toward the program by key officials within the Department of Justice (judges, elected officials, union members). Finally, reports and position statements provided by the national Elizabeth Fry Society (CAEFS) as well as the local women's advisory council contributed to this research.

5.3 Locating Respondents

Names and telephone numbers of offenders who had participated in the EM program were accessed through assistance from correctional staff at the Newfoundland and Labrador Department of Justice. The process of gaining access to certain justice officials was facilitated by the completion of my earlier research project. Also, an informal meeting with a senior administrator at Community Corrections was held to further define and answer any questions that were of particular consideration to this department.

One such consideration was the process of locating potential respondents for this study. Due to confidentiality requirements and privacy concerns, it was agreed that I would not have access to the names of those offenders who did not wish to participate in the study. Therefore, an administrator at the Department of Justice (EM Co-ordinator) made the initial request to offenders to elicit their participation in the study. Through this administrator, it was communicated to potential respondents that participation in this study was completely voluntary

and that the research was being carried out independently of the Department of Justice. This administrator was provided with a copy of the *Research Proposal* (see Appendix II) as well as the *Agreement to Participate Form* (see Appendix IV) which outlined the main objectives of the study. I had several meetings with this administrator prior to any calls being placed to potential respondents. This was done to ensure that the study goals were understood by corrections staff and relayed as such to EM participants. Follow-up conversations with program administrators revealed that the assurances of privacy and confidentiality were communicated to participants although I have no real knowledge of the extent of these initial phone conversations or the nature of the relationship between the EM administrator and EM participants.

5.4 Interview Procedures

The interviews ranged in duration from 30 minutes to two and a half hours. Most interviews were conducted at the offender's home (94%). In two instances, arrangements were made to conduct the interview at an alternate location.¹⁹ Of note, interviews with male respondents were often considerably shorter in length than those with female respondents. This was due mostly to the fact that many male respondents had little or no information to share relating to certain key

¹⁹ This was due to the presence of children in the offender's home who had not been made aware that the person was being monitored.

sections of the interview schedule. For example, if there weren't any children living in the home during an offender's period of monitoring, they would have little to contribute about the role of child care in their lives.

Finally, all 32 interviews were recorded by means of hand-written notes and, in the majority of cases, a tape-recorder was also employed.²⁰ All respondents read the *Agreement to Participate Form* prior to the start of interviewing and all but one woman agreed to sign the form.²¹

In a few cases (19%) offender's spouses/partners, children, and/or parents were present during the interviews. While this research does not attempt to discuss the impact of EM on third parties in the home, there were some valuable comments and insights provided by other individuals present in the home. Some of these comments and/or discussions are incorporated into the findings if they provide further insight into understanding how respondents spent their time during EM.

²⁰ The original 10 interviews did not employ a tape-recorder as it was decided at that time that a recording device may inhibit the rapport between respondents and myself. However, for the remaining interviews a tape-recorder was used due to the fact that most respondents expressed comfort in having the interviews recorded to ensure accuracy.

²¹ One woman gave verbal consent to participate but did not want to have her name recorded by way of signing the form. Therefore, she was interviewed based on her verbal consent.

**CHAPTER 6:
GETTING INTO THE PROGRAM:
REASONS FOR EM PARTICIPATION**

This chapter reports on the socio-demographic characteristics of the male (n=16) and female (n=16) respondents including their age, levels of education, employment histories, marital status, number and age of children, prior convictions and length of EM stint. This provides the necessary background information to establish a framework upon which the comparative assessment of the daily experiences of male and female monotorees is based. Household composition, source of income and number and age of children, in particular, are key factors which contribute to the diversity of opinions and experiences between respondents in terms of their structural locations within the home, levels of family support and overall satisfaction with the EM program.

6.1 Socio-Demographic Profile of Respondents

As Table 1 below shows, males on EM were slightly younger than females. The mean age of males was 28.3 years and that of females was 33.5 years. Both genders showed low levels of educational attainment. While a few women had completed high school (37.5%), the majority had less than a high school education (62.5%). The situation was similar for men, with 68.75% having less than high school education and only 31.25% having completed high school.

Table 1: Selected Socio-Demographic Profile of Respondents

| | Females | | Males | |
|---|----------------|----------|----------------|----------|
| Average Age | 33.5 | | 28.3 | |
| | Percent | N | Percent | N |
| Education | | | | |
| High School Completion | 37.5 | 6 | 31.25 | 5 |
| Some High School | 18.75 | 3 | 37.5 | 6 |
| Less than Grade 9 | 43.75 | 7 | 31.25 | 5 |
| Major Source of Income on EM* | | | | |
| Paid Employment (F/T or P/T) | 0 | 0 | 18.75 | 3 |
| Employment Insurance Benefits | 0 | 0 | 12.5 | 2 |
| Social Assistance | 87.5 | 14 | 56.25 | 9 |
| History of Short-term Employment | | | | |
| Prior to EM | 18.75 | 3 | 43.75 | 7 |
| Marital Status | | | | |
| Single | 75 | 12 | 37.5 | 6 |
| Married or Common Law | 25 | 4 | 62.5 | 10 |

* Two women reported no personal source of income citing their male partners were employed on a full-time basis. Similarly, two young males who were living at home with their parents reported no personal source of income during their EM stint.

Not surprisingly, then, the majority of male and female respondents also reported low levels of job skills and training and very few had steady histories of full-time employment. However, more males than females reported consistency

of employment patterns²² (43.75% vs. 18.75%). The occupations men had worked in included electrical maintenance, sheet metal worker, carpentry, mechanics, roofing, construction, and factory worker. Of the number of men interviewed, only a few had been employed either full-time or part-time during their period of monitoring (18.75%) and one was attending a technical school on a full-time basis. For women, employment histories in the paid labour force tended to be much more sporadic and job experiences were often concentrated in traditional female occupations such as babysitting, bartending, waitressing, housekeeping, nursing aide, office clerk, "burger flipping", and cashier. None of the women interviewed were employed on a full-time basis during their period of monitoring while one was a full-time student.

The most noticeable difference between the socio-demographic characteristics of men and women was marital status.²³ The majority of males were either married or living in a common law relationship (62.5%) while the remainder were single (37.5%). Most of the women, however, were single (75%) and a small number were married or living in a common law relationship (25%).

²² For the purposes of this study, consistency in employment patterns refers to having been employed either full-time or part-time for a period of three consecutive months in any given year which constitutes short-term employment.

²³ For the purpose of this study, the only distinction made for marital status was whether respondents were in a marriage or common law relationship or whether they were not. "Single" refers to those who were separated, divorced or in a dating relationship. It should also be noted that because some respondents were receiving social assistance payments they may not have wanted to reveal their actual living arrangements (i.e. cohabiting).

As Table 2 below shows, the majority of women on EM had children (75%). Of this number, ten women had their children living with them during their period of monitoring. Despite the fact that the ages of the children varied considerably (between newborn to 31 years) most were under the age of 14 years. Fewer male respondents had children (43.75%). Of this number, 6 fathers had their children living in the home with them during their period of monitoring. Children of male participants ranged in age from 1 to 22 years, however, most were under the age of 10 years. The most striking difference between male and female parents was the high percentage of women who were the sole-support providers for their children both before and during their period of monitoring. Of the ten women who had children living at home with them during their monitoring stint, eight were single mothers. However, none of the males were single fathers. Of further significance was that all six men with children living in their home reported having the full support of a female partner in providing child care.

An overwhelming majority of female respondents reported social assistance as their primary source of income prior to and during their monitoring stint. Fully 87.5% of women were reliant on social assistance benefits (welfare) as their sole source of income while the remainder did not report any steady income. A smaller, yet substantial, number of men also reported social assistance as their major source of income (56.25%). The remaining number of

males reported either employment insurance benefits (12.5%), paid employment, either part-time or full-time (12.5%), or no personal source of income (12.5%).

Table 2: Social and Economic Conditions of Respondents During EM Stint

| | <u>Females</u> | | <u>Males</u> | |
|--|----------------|----|--------------|---|
| Average Length of EM Stint (Days) | 60 | | 72 | |
| | Percent | N | Percent | N |
| Respondents with Children | 75 | 12 | 43.75 | 7 |
| Respondents with Children Living in EM Home | 62.5 | 10 | 37.5 | 6 |
| Lone Parents | 50 | 8 | 0 | 0 |
| Receiving Social Assistance During Monitoring | 87.5 | 14 | 56.25 | 9 |
| Employed During Monitoring | 0 | 0 | 18.75 | 3 |
| Attending School During Monitoring | 6.25 | 1 | 6.25 | 1 |

Most female respondents had been convicted of property-related offenses (87.5%). As discussed previously, this is consistent with the criminological literature which describes women's involvement in crime as overwhelmingly property-related. Some women on EM had more than one charge which may

have included, for example, theft and breaches of probation. Other charges included theft, fraud, drinking in public and fine default. As was the case with women, some men were charged with more than one criminal offense prior to their monitoring stint. For males, their criminal convictions were as varied but of a significantly different nature. They included, according to frequency, impaired driving (31.25%), drug trafficking (18.75%), break and enter (18.75%), fraud (12.5%), armed robbery (6.25%), possession of stolen goods (6.25%), possession of contraband (6.25%) and theft (6.25%). A majority of females reported prior criminal histories which were predominantly property-related (81.25%). Males also reported prior criminal records which corresponded in nature to their most recent convictions (i.e. impaired driving, drug-related crimes) (81.25%).

The average length of incarceration of men prior to EM was over twice as long as that for women. For example, the average for females was 12.75 days with a range from 1 day to 75 days. Most women were incarcerated either at the municipal lock-up in St. John's or at the Newfoundland and Labrador Correctional Centre for Women (NLCCW) in Clarenville or Stephenville.²⁴ The average length of incarceration for males was 30.75 days with a range from 2 days to 90 days. Males were incarcerated either at Her Majesty's Penitentiary

²⁴ The provincial prison for women was situated in Stephenville until April 1996 at which time it was relocated to Clarenville.

(medium security facility) in St. John's or at the Salmonier Correctional Centre (minimum security work camp) just outside the city limits.

The length of EM stints for females ranged from 7 to 150 days with an average stay of 60 days. For males, the average EM stint was slightly longer at 72 days with a range from 15 to 120 days. Length of time served on EM is an important factor to be considered in determining program 'success'. The relevance of this will be discussed in more detail later.

6.2 Household Composition

As will be seen later, household composition was a major contributing factor to the wide range of experiences between participants on EM. Living arrangements often determined the level of emotional and social support provided to monitorees by their family members. The most influential family members were those living in the home with the monitoree during their EM stint. In that regard, a significant difference that emerged between women and men was the degree to which emotional support was provided to them by members of their household. Of the males monitored, the overwhelming majority (93.75%;n=15) resided either with a female partner (girlfriend, wife) or with other immediate family members (parents, grandparents, siblings). The situation for women was significantly different. Half of the monitored women were single mothers who lived on their own with their young children. Other household arrangements amongst women included living with children and a male partner

(18.75%;n=3), residing in a boarding house or a roommate setting without children (12.5%;n=2), or living with a male partner or immediate family member without children (18.75%;n=3). Given that offenders are confined to their residence for a significant amount of time each day, the structure of their home life including those residing in the home, accounted largely for the differences between the experiences of offenders being monitored. For example, those residing in a home with young school-aged children experienced EM quite differently than a person who lived alone. Likewise, the level of emotional support available to an offender in the home contributed to their overall experiences of being monitored.

Conversely, the presence of some individuals, such as spouses, in the home sometimes proved to be a negative factor for some individuals. There were reported incidents of conflict occurring between some respondents and their partners during their period of home confinement. As Brenda, a 29-year old living in a common law relationship said:

He [common law husband] hated it. There was so much stress on both of us actually. To be stuck in someone's face 24-hours a day. It was like, "Get out, will you!" It caused a lot of problems because he basically had to leave his own home.

The impact of household composition will be discussed in the section on parental responsibilities and the extent to which they contribute to the positive and/or negative experiences reported by women and men.

6.3 Organization of EM Program in Newfoundland

In November 1994, the Department of Justice established an EM program in St. John's as a community alternative for sentenced low to moderate risk prisoners. The Wisconsin Instrument (Appendix I) is employed by provincial correctional staff as a means of determining the security risk posed by offenders combined with their rehabilitative needs. Moderate risk is defined as an offender who is classified as a low risk to public safety but who requires a high level of rehabilitative programming.

The mission statement of the Monitored Conditional Release (MCR) program, as cited in official government documents, was:

to safely release medium risk offenders from custody at an earlier point in their sentences so that they may participate in community-based programs which target their criminogenic needs and thus reduce the risk of re-offending (Government of NF & Lab., n.d.)

The major reason for developing the EM program in Newfoundland was the need to provide a cost-effective alternative to incarceration. At that time, prisons in the province were operating at near or overcapacity. Given that the cost of maintaining an inmate in a provincial institution in Newfoundland averages \$135.00 per day, as opposed to the Canadian average of \$108.00 per day, it was considered a fiscal priority to establish cheaper alternatives. During the early 1990s, several remedial strategies were employed to deal with the issue of prison overcrowding such as double-bunking of inmates at local lock-ups

and prisons. RCMP lock-ups were also being used to house inmates for extended periods of time. Temporary absences were increasingly employed to provide early release to those offenders classified as low risk (Newfoundland & Labrador, Department of Justice, n.d.). While TA's were viewed as a cost-effective alternative to incarceration, targeting only the lowest risk inmates had a limited impact on prison populations.

In direct response to prison overcrowding, an EM program was implemented with the specific intent of reducing custodial populations. Since March 1998, approximately 450 male and female offenders have been processed through the EM program. Of this number, approximately 10% (n=47) of offenders have been women (Department of Justice, Adult Corrections). These percentages correspond with the proportion of female inmates incarcerated in Newfoundland (Newfoundland & Labrador Dept. of Justice, Adult Corrections Division, May 1998).

In addition to cost related objectives, the electronic monitoring program has three interrelated individual, political, and organizational goals. First, the monitoring program was designed to facilitate offender rehabilitation thereby paving the way for community integration in the longer term. Second, the program was structured in such a way as to satisfy the current public sentiment for a more punitive community-based response to offenders. Third, the MCR program was aimed at promoting and instituting the 'mission' expressed by

program administrators working within this particular criminal justice organization. The mission statement calls for the adoption of a policy of early release of certain prisoners to permit their participation in community-based treatment programs. These treatment programs offered to EM participants are an integral component of the MCR program and are believed to assist with the rehabilitation and reintegration of offenders back into society.

The Newfoundland and Labrador EM program operates under temporary absence legislation in the province. Historically, the TA decision-making process has been highly centralized with relatively stringent release criteria. At any given time, approximately 40 inmates are released from prison on TA's in this province. However, these conditional release periods are usually quite short (less than 5 days) and are normally a reward for favourable conduct within the institution. A very small percentage of TA's are granted for rehabilitative and/or reintegrative purposes. The EM program operates under an *Accelerated Temporary Absence Program* whereby the decision-making process is streamlined within the institution. Offenders are provided early release from the prison on a 15-day TA which can be easily renewed after the expiration date through the Assistant Superintendent at the prison. Following initial risk-needs assessment at the prison, inmates deemed eligible for participation in the EM program are referred to probation staff at the Adult Corrections Division of the Department of Justice.

A review of official documents identified four basic requirements that need to be satisfied by candidates for this monitoring program. First, they had to be classified as low to moderate risk provincial offenders by criminal justice personnel. EM candidates were subject to a risk-needs assessment by an EM officer. The instrument used was based on a modified version of the Wisconsin instrument (see Appendix I). This assessment tool contains a number of questions which serve as indicators of security risk such as the number of address changes in the last 12 months, the amount of employment during the past 12 months, and the number of prior convictions. Some examples of the needs-based items used in this instrument include academic or vocational skills, the degree of substance abuse, and health issues. This instrument does not account for gender differences and is employed as a standard assessment tool for both male and female offenders. Those candidates who are deemed low to moderate risk and who fall within the criteria set forth by the Department of Justice mission statement are eligible for participation in the MCR program. The issue of gender sensitivity of the Wisconsin Instrument is of paramount importance to the overall numbers of women deemed moderate to high risk and will be revisited in more detail in the concluding chapter.

Second, candidates must not have any prior violent or sexual assault histories as indicated by two key variables—past criminal convictions or other sources of information in which a pattern of violence has been determined. For

example, a person may not have been convicted of a criminal offence but through the community assessment it is determined that the individual has been known to display assaultive behaviour in the past.

Third, voluntary and informed consent by the offender must be secured. This also may include consent of family members with whom the offender had lived prior to their incarceration or with whom they intend to live upon their release to the monitoring program. The notion of voluntary and informed consent called for offenders to accept and abide by the rules set forth in the monitoring program. These rules have to do with their confinement at home and their participation in community treatment programs.

Fourth, offenders interested in joining the program have to meet two basic technical requirements. They had to either own or rent a home that was classified as 'acceptable' by EM staff. The other technical criteria called for candidates to have a phone installed in their homes because this was central to the operation of the monitoring program. Offenders must have the financial means to secure these requirements (home, phone).

Candidates for the program are initially granted an interview by an EM officer to inform them about key program rules and to determine an offender's willingness to conform to these conditions. The initial interview procedure is also used as a tool to collect background information from candidates. This information is then used as part of a more detailed follow-up investigation to be

done later (risk/needs assessment and community assessment). Initial interviews would normally take place at the lock-up for offenders awaiting transfer to another institution or at the prison itself in the case of offenders who have already received transfer to the appropriate institution. According to respondents, key concerns raised during the initial interviews with EM staff included discussions of their proposed living arrangements, support services provided by family members or significant others, child care arrangements, the voluntary nature of the EM program, and rules and regulations established by the monitoring program.²⁵

Offenders who expressed an interest in participating in the monitoring program were subsequently subject to a 'community assessment' carried out by EM staff. This includes an interview with family members (spouse, parents, etc.) who had either lived with the offender prior to their incarceration or who would be sharing accommodations with an individual under consideration for the EM program. The major purpose of the community assessment was to determine the level of support provided by family members to the offender upon their release to EM. It also provided EM staff an opportunity to assess the suitability

²⁵ These include curfews, alcohol testing, unannounced house checks, etc.

of an offender's home situation.²⁶

The home assessment also provided an opportunity to inform all candidates' families about the rules and restrictions of the program and to ensure compliance by all residing in the home. For example, a common restriction placed on monitorees was abstaining from the use of alcohol. This also precluded the presence of any alcohol in the home. Therefore, all household residents were expected to be in compliance with this restriction. Failure to comply would jeopardize the successful completion of EM by the program participants.

The Newfoundland program is unique from other Canadian EM programs in its commitment to rehabilitation as a major component. The Department of Justice entered into negotiations with the John Howard Society (JHS) at the outset of the program to develop intensive treatment services for EM participants. The result was a major contract with the JHS to create the Learning Resources Program (LRP) designed specifically to deal with EM participants. The treatment program operates four mornings per week, for a total of 12 hours per week. These programs last over the duration of an individual's EM

²⁶ One woman, who was deemed eligible for EM participation according to program criteria (i.e. nature of conviction, sentence length, etc.), was denied because of her home situation which included living in a common-law relationship with a partner who had a prior criminal conviction for spousal assault. To remedy this situation, the candidate was permitted EM participation on the grounds that she arrange alternate living accommodations.

participation. The LRP is based on a cognitive-behavioural approach to offender rehabilitation with a focus on substance abuse and anger management as the main targets of programming. The services are provided in both individual and group counselling sessions. In a recent independent evaluation (Gendreau, 1996), the LRP services scored in the top 10% of more than 200 offender treatment programs that have been evaluated using a similar measurement standard. In other words, in comparison with other programs, Gendreau (1996) speculates that LRP participation might reduce recidivism rates. EM participants must comply with the treatment component of the program. Failure to attend these sessions would result in a return to prison.

6.4 Reasons for Joining the Program

Official Monitored Conditional Release (MCR) documentation states that program participation is voluntary. Offenders may refuse acceptance and instead continue to serve their sentences behind bars. The reality of their 'choice', however, is more narrow when weighed against the limited options available to potential participants who are to remain in prison or return home to finish out their sentences. As indicated by the wide range of responses, choices were highly structured, gender specific and often based on factors beyond the offender's control.

Respondents were asked to cite their reasons for participating in the EM program. Overwhelmingly, the general response was to avoid having to serve the remainder of their sentences in jail or prison. Further to this explanation, however, a number of specific reasons were given including parental considerations, financial obligations, ability to maintain family ties and prevent a potential burden for family members, to escape from the criminogenic lock-up or prison setting, personal autonomy, availability of rehabilitative programs, to maintain educational commitments and to satisfy expectations of family members. These reasons are discussed in greater detail below.

6.4.1 Parental Considerations

Research indicates that approximately two-thirds of incarcerated women are mothers, the majority of whom are sole-supporting parents (Adelberg & Currie, 1993 ; Boritch,1997; Belknap, 1996; Pollock-Byrne, 1990). The children of incarcerated mothers often find themselves being cared for by extended family members or living in foster homes as their fathers are typically unavailable to provide child care. In the National Prison Survey (1991), 81% of incarcerated men with dependent children stated that their spouses, ex-spouses, or partners cared for their children during their period of imprisonment, compared to only 19% of women (National Policy Committee on Resettlement, 1993). The findings from my research in St. John's reveal a similar situation for males and females

during their period of incarceration. While the children of male respondents were being cared for by a female partner, child care responsibilities played a much more significant role in the lives of women who were monitored.

It is important to note that none of the male respondents in this sample were providing primary care for their young children during their monitoring stint. Even in the case of males with young children living at home (37.5%), all reported having the support of a wife or girlfriend who assumed primary responsibility for child care. This finding constitutes one of the most significant differences between the experiences of men and women in this study. The major contributing factor is based on the large percentage of monitored females who were single parents. A review of some literature on single parenting is needed to outline many of the financial, emotional and social hardships often endured by single mothers. This, in turn, will be linked to the findings of single mothers being electronically monitored.

An increasing number of families in Canada are headed by single parents. Whereas single parent families made up 12.7% of all families in Canada in 1986 (McKie, 1993), this percentage rose to 13% in 1991 and 14.5% in 1996 (Statistics Canada, 1996). Regardless of the size of this population, it is important to note that four-fifths of single parent families are headed by women

(Statistics Canada, 1996)²⁷. In general, single mothers tend to be younger than single fathers, are less educated, and more likely to live in poverty (Mandell & Duffy, 1995; McKie, 1993).

Many single parent families were completely dependent on social assistance payments as their primary source of income. The trend toward an increasing number of women being poor is referred to as the "feminization of poverty" (Andersen, 1993). This places women in a very vulnerable situation as single mothers with the highest incidence of family poverty in Canada.²⁸ Not only do single mothers enter poverty at a higher rate but they exit more slowly and less frequently. Relative to other families with children living at home, single mothers are more likely to live in poverty, to rent their accommodations, and the majority pay over 25% of their family income in rent (Lero & Brockman, 1993).

While labour force participation rates have increased dramatically for all groups of mothers in the past 15 years, single mothers with pre-school children have increased their labour force participation only marginally (Krahn & Lowe 1998). There are a number of obstacles that may account for the stagnant

²⁷ Statistics Canada's Census 1996 reveals a slight increase in the proportion of single parent families headed by women over the past five years. In Canada, women head 83.1% of all single parent families, up from 82.7% in 1991. In Newfoundland, women accounted for 84.2% of single parents in 1996, up from 82.1% in 1991 (Statistics Canada, 1996).

²⁸ Ross et al. (1994) note that while 60% of female lone parents were poor in 1991, 86% of female lone parents under the age of 25 were in this situation. For a discussion of the concept of poverty in Canada, see Ross et al. (1997).

labour force participation rates of single mothers. First, young single mothers often lack the marketable skills and/or education to compete in the labour market. Second, some mothers may choose to stay at home and nurture their young children. Third, single mothers often find it extremely difficult to balance the demands of paid employment with domestic responsibilities. Fourth, many mothers lack the means to secure affordable child care. The financial costs associated with securing paid employment (clothing, transportation, child care) may mean that employment at low wage salaries may not be financially rewarding in the long run compared to social assistance. Fifth, and last, social assistance policies often foster a culture of dependency, lowering self-esteem and generally discouraging mothers from seeking meaningful employment (Lero & Brockman, 1993). These systemic barriers are exacerbated in the case of single mothers with a past criminal record who are further stigmatized and discriminated against in the workforce.

In addition to financial difficulties, single mothers also endure psychological and social hardships. The literature on work-family conflict and role strain supports the contention that single mothers face a number of challenges in trying to balance work and family life. Single mothers with limited financial resources, few child care resources and limited social support would be classified as high on the family stress dimension (Rothman, 1987). Add to this

the fact that these women, and their children, are confined to the home for a majority of their day and stress levels increase dramatically.

All single mothers interviewed in this study relied on social assistance payments as their primary source of income both before their period of incarceration and during their monitoring stints. It is important to note that social assistance payments provide families with incomes below the low income cut-off (LICO), which is considered Canada's unofficial poverty-line.²⁹ For a family of two (i.e., one parent with a child) living in St. John's and reliant on social assistance payments, the average annual income would be approximately \$12,000 (Department of Human Resources, Newfoundland & Labrador, 1999). As the most recent LICOs displayed in Table 3 show, this is significantly less than the low income cut-off of \$18,664 for people living in a city the size of St. John's with a population of 120,000.

²⁹ Since LICOs vary according to city size and are updated every other year, this is a relative measure of poverty. See Ross et al. (1997) for a discussion of how Statistics Canada calculates LICOs.

Table 3: Canadian Low Income Cut-Offs: 1997 LICOs (1992 base)

| Family Size | 500,000 + | 100,000- 499,999 | 30,000- 99,999 | Less than 30,000 | Rural |
|-------------|-----------|---------------------|-------------------|---------------------|-----------|
| 1 | \$ 17,409 | \$ 14,931 | \$ 14,827 | \$ 13,796 | \$ 12,030 |
| 2 | \$ 21,760 | \$ 18,664 | \$ 18,534 | \$ 17,245 | \$ 15,038 |
| 3 | \$ 27,063 | \$ 23,213 | \$ 23,050 | \$ 21,448 | \$ 18,703 |
| 4 | \$ 32,759 | \$ 28,098 | \$ 27,903 | \$ 25,964 | \$ 22,639 |
| 5 | \$ 36,618 | \$ 31,409 | \$ 31,191 | \$ 29,023 | \$ 25,307 |
| 6 | \$ 40,479 | \$ 34,720 | \$ 34,478 | \$ 32,081 | \$ 27,975 |
| 7 + | \$ 43,339 | \$ 38,032 | \$ 37,766 | \$ 35,140 | \$ 30,643 |

Notes: This table uses the 1992 base. Income refers to total pre-tax, post-transfer household income.

Source: Prepared by the Centre for International Statistics at the CCSD using Statistics Canada's *Low Income Cut-Offs*. Cat. No. 13-551-XPB, January 1998.

The relationship between women's crimes and the feminization of poverty has been well documented (Carlen, 1988; Chesney-Lind, 1997). This literature demonstrates that a large percentage of women's crime is linked to poverty and women's relative economic deprivation in society. Many of the women on EM commented on the economic nature of their crimes and their reasons for committing the offenses as an attempt to provide for themselves and their families. The main categories of crime included cheque forgery, welfare fraud and shoplifting. The reasons given by women included writing false cheques in order to buy Christmas presents, shoplifting children's clothing, cheating on welfare claims to provide basic household necessities, or simply not having

enough money to make ends meet. Julie³⁰, a middle aged single mother living on social assistance, had this to say about her criminal involvement:

It was somebody's cheque I stole. I just took it out of their mailbox one day because [my child] was getting an operation and I said I needed clothes for the hospital. I asked welfare and they said no so I said, "Fuck you. I'll get it one way or another." So I was coming along one day and I see the cheque. It ran through my mind. So that is why I did it. I paid it back too.

An important finding related to parental considerations was that many mothers did not tell their children they were incarcerated. Women often conjured up excuses to account for their absence, citing such things as having to leave the province for school or work purposes. Many felt shameful about their incarceration and did not want their children to find out about their situation. Others felt their children were too young to understand. As a result, most women did not receive visits by their children at the lock-up or prison. Patsy, a middle-aged single mother convicted on several counts of shoplifting, explains her reason for not wanting her children to visit her at the lock-up.

Jail is no place to bring kids anyway. You don't know who is coming or going down there [lock-up]. The kids could be there having a visit and on the way out bump into someone loaded drunk and fall on them or someone being saucy to them. You got to pass through the main area to get to the visiting room. It's not the place for them.

During their period of imprisonment, single mothers were often forced to make arrangements with family members, usually their own mothers, to care for

³⁰ To protect the identity of respondents, all names are fictional.

their children. This was rarely the preferred choice because many felt they were burdening their mothers or felt guilty because they could not contribute financially to their child's well-being. In one case, Rosie, a young single mother of two children (aged 8 and 12) was ordered by child protection services to place her children in the care of their paternal grandparents. Rosie stated that it was her preference to have her children stay with their maternal grandmother but child protection services deemed this an unsuitable environment.³¹

EM was also seen to have a significant impact on the daily activities and freedom of children. This was further intensified for the children of single mothers who were often confined to their homes for extended periods because their mothers could not accompany them outdoors. The following comments were typical of this situation:

Florence: It was hard because he wasn't even 3 (years old) then. Having him out in the backyard and that was as far as I was allowed to go is the back yard. So if he wanted to go over to [name of store], that's the store, I would say, "No. I can't go over there right now. No you'll have to wait until your daddy comes by." That was hard on a little baby. You know, he don't know.

Patricia: You don't want to trap two small kids in the house. Look, when you got two small kids, the kids are three and four, they don't want to be trapped in the house, especially a small apartment.

³¹ This was due to the past history of child sexual abuse in the family home. Child protection services had been involved with this family for quite some time.

Sandra: EM made a big impact on the kids. My children were always asking me why I couldn't come out with them. The other kids were always asking my kids where I was and why I couldn't come out of the house. It was really hard on the nerves especially with youngsters around all day. Even if I could have taken them to the store would have been good.

The situation for males was markedly different with regard to the impact EM had on their children. Again, because none of the men interviewed were single fathers, child care responsibilities did not figure as prominently into their experiences of being monitored. As mentioned below, of those men with children living at home, all said they had a supportive female partner who assumed primary responsibility for the children which included being available to escort children to various outdoor functions. Even during their period of incarceration, all the men agreed that their children would have been cared for by their partners or ex-partners, had they been forced to continue serving their sentences in prison.

Child care considerations were a major reason for the majority of mothers in their decision to opt for EM participation. All of the women with young children talked about their desire to be released from prison and return to their homes to care for their children. The following comments were typical of these mothers when asked why they opted for EM:

Rhona: Because I had a newborn baby and I certainly wasn't leaving him behind. And the fact that I was breastfeeding too.

Peggy: To get out [of prison]. It was Christmas and I had two kids at home. I would have been sent back to Stephenville. For the sake of the children. What would happen to them?

Rhona, a 26-year old single mother of three, described her participation in EM as directly related to having recently given birth to her daughter. Rhona was being held at the local lock-up in St. John's at which time she was eight months pregnant. She went into labour during her period of confinement at the lock-up and was subsequently transported to a nearby hospital. Although she had a prior conviction for an exclusionary offense of violence, she was accepted into the EM program based solely on her child care responsibilities. She noted that she was scheduled for transfer to another prison within a few days. In her particular situation an EM officer visited her at the hospital to conduct the initial assessment interview. She remained in the natal unit of the local hospital for several weeks before being released home to EM. Rhona had no hesitation in saying that her acceptance to EM was based solely on her child care roles and the cost savings to government of not having to employ a correctional officer on a full-time basis to guard over her in the hospital. As she says:

They mentioned to me the night I was incarcerated or the day that I would be interviewed for the bracelet either that evening or the following morning. But I was never interviewed. I was just out right denied. I said how can I be denied when I wasn't even interviewed? They said well you have been denied because of your record [...] So, the only reason I got the bracelet was because I just had a baby.

Rhona's particular situation elicited media attention due to the fact that the baby's father held a demonstration outside the local lock-up in an effort to have

his pregnant partner and their unborn child released to a nearby hospital and therefore have them receive proper medical care. She says:

They were ready to transfer me to Clarendville and the specialist wanted to see me before I left and see what kind of medical attention I would need and receive... My doctor was ready to send me off there and then she checked me and found out that I was three centimetres dilated and having contractions and I said I ain't going nowhere. So what they had to do was set me up in a private room with a guard 24 hours a day and after I think about a week, there was basically I guess the penitentiary didn't want to pay for the extra staff and that was time and a half and so they arranged for a TA... It was basically for their convenience. I said you're not doing me any favours here you are doing yourself a favour.

Rhona was subsequently released onto EM where she spent almost six months on the program with her three young children.

Besides feelings of guilt over having to rely on family members to assume child care responsibilities while they were incarcerated, other concerns voiced by women included the potential hardships for family members if they were to undergo a period of incarceration. For most women, these concerns were directed towards the inconveniences and added burdens that would be placed upon their own mothers while looking after their daughter's children. Samantha, a single mother, explains her particular situation as follows:

I had two youngsters home. My mother is 65 and she can't do all the things that I can do.

For those women who were married or living in a common-law relationship, many expressed concerns about leaving their children in the care of male partners during their period of incarceration. For example, Kathy stated

that she made arrangements for her children to stay with their maternal grandparents rather than have them remain in the family home with their father. Kathy's partner, who was present in the home during our interview, supported this decision saying that he did not feel he was able to provide the same level of care for their two young children as his partner.

6.4.2 Housing, Employment, and Education

Financial commitments were a consideration for some respondents in choosing EM. Given that the majority of women relied on social assistance as their primary source of income, many stated that they opted for EM because incarceration would have resulted in the termination of their bi-monthly welfare benefits and a subsequent loss of their government subsidized housing units. Patsy, a 39-year old single mother who had previously been incarcerated in the provincial women's prison for a fraud conviction, describes her situation:

I would have lost the apartment because after 30 days the welfare told me if I stay away for 30 days or I was hospitalized for a month, then your cheque would be cut down to \$55 every two weeks. I would just freak if I lost it again.

EM allowed many of these women to maintain their rental units without interruption thereby avoiding the necessity to find alternate accommodation upon their release from prison. Most women stated that their family members were not in the position to store household furnishings or provide financial support to them during their period of incarceration.

For males who were the breadwinners of the household, incarceration ultimately meant loss of the family income. Of the males who were employed full-time prior to their incarceration (18.75%) all said they had been eager to return to their jobs immediately upon their release from prison into EM. A stated objective of EM by correctional administrators is to allow those offenders who have secure employment to continue in their jobs. Offenders are able to contribute financially to the maintenance of their families thereby avoiding the possibility of having to rely on government assistance. A comment by Frank, a 33-year old married male, illustrates this point:

I have a mortgage on this place and I have to be out working. Either that or I had to go on social assistance.

Dean, who had also been employed full-time prior to his incarceration, commented that his family (wife and two pre-school children) were forced to rely on social assistance benefits for the two month period of his incarceration. Following his release from prison to EM, he was able to return to his job on a full-time basis and provide financially for his family. His wife commented on this situation during our interview and said that she found it extremely difficult financially to subsist on welfare benefits while her husband was incarcerated. She remarked that this was the only time she ever had to resort to welfare for an income and found it personally humiliating and degrading.

A small number of all respondents (6.25%) had also been enrolled at private educational institutions prior to their sentencing and subsequent imprisonment. Geraldine, aged 26, who had been enrolled in a computer training program prior to her incarceration, cited the opportunity to continue her studies as a main reason for choosing EM. She stated that it would have been extremely difficult for her to gain access back into the program following a three-month absence.

6.4.3 Family Support Networks

Concerns raised over the maintenance of family ties and relationships communicated by some male respondents focussed around issues connected to their desire to maintain relationships with their wives, partners, or girlfriends. Keith, a 20-year old single male convicted of his first offense, had just recently begun to date a woman and described his situation:

I didn't want to be doing time [in prison]. So why I wanted EM was like, I know that if I had to do time, like relationships and time, they just don't work out. That would ruin it.

Several younger males talked about the impact of their incarceration on their own parents. In such cases, these men were all living in their parent's home and expressed concerns about not wanting to cause any further hardship and inconvenience for their families. Bill, a 19-year old first time offender living at his parent's home, states the following:

It was kind of 50/50 for me. I didn't want to go [on EM] and did. I didn't want to come home and put the extra pressure on my parents...but they wanted me to come home.

Several male respondents also noted that their decision to join EM was based on the need to satisfy the expectations of certain family members. Almost all said that a partner or a parent had actively encouraged them to accept EM. Discussions with correctional staff supported this conclusion by adding that several family members had placed calls to the Adult Corrections office in an attempt to expedite the process of getting their male partners or sons released to EM.

As pointed out above, some of the reasons for participating in the EM program were common amongst both men and women. However, there were clear distinctions based on gender. Undoubtedly, women expressed greater concern over their child care obligations and the well-being of their children and cited this as a major reason for choosing EM. For men, there was no need to base their EM participation on child care obligations. All of the fathers interviewed acknowledged the support of a female partner in caring for their children during their period of incarceration.

6.4.4 Prison Subculture and Personal Autonomy

The existence of a prison subculture that includes violence, anti-social behaviours and drugs has been documented extensively (Pollock, 1997; Bowker,

1977; Fleisher, 1989). Both male and female respondents talked at length about their negative experiences of incarceration. Discussion focussed around the prison setting and specific conditions associated with incarceration. Most men, particularly first-time offenders, spoke about the harsh realities of a prison environment. Paul, a 24-year old single male describes his situation in prison:

Jail, it's dead in there right. What do you do? It's not rehabilitation in jail. All you do is you are fighting each other over tobacco, Pepsi, bars, cigarettes...It's just dog eat dog in there. I was only there 8 days and already I had a fight lined up.

Discussions with women concerning their period of incarceration revealed a somewhat different set of issues related to their negative experiences of incarceration. Such comments focussed around the absence of a suitable visitation program in the prison or lock-up. The location of the women's prison was also a concern as it often meant that the women did not receive visits from their children or relatives. While some women did report the availability of a visitation program, they commented that they could not rely on family members or others to escort their young children to the prison. Several women also made mention of the lack of physical space available at the prison in Clarendville. The visiting room, which serves as a multi-purpose room, is situated near the correctional officer's main surveillance area and does not allow for any privacy. The room is also extremely small and was described by female respondents as poorly equipped to receiving visitors, especially children.

Several mothers stated that they did not want their children to visit them in prison because they considered it to be an unsuitable environment. Others were forced to forfeit their visitation privileges because they either did not tell their children where they were or lied to them by saying they were out of town, away at school, or visiting relatives on the mainland.

Discussion surrounding the negative conditions in prison also included comments about the loss of personal autonomy associated with incarceration. Most of the remarks in this regard were made by male respondents who cited the routinization of prison life as a major source of frustration. Examples included having to wake at a certain hour, having to return to your cell at a certain hour, eating at prescribed times of the day, receiving visitors at set times and the use of the telephone only as scheduled. For many of these reasons, EM was considered an attractive alternative. As Abram, age 31, living in a common law relationship said:

...at the time I figured at least I would be out, be able to lie at home and watch my own T.V. whenever I wanted. I didn't have to be fucking locked down at 11:00, you know--more freedom.

Issues of personal autonomy were equally as important for women in choosing EM but again for different reasons. Women tended to frame the issue of personal freedom in direct relation to their children and partners. That is, autonomy meant the opportunity to return to their homes to be with their children or significant other. The routinization aspect of prison life appeared to be less

significant for females and, in fact, was communicated by some as being a positive factor in the sense that they had friends to communicate and interact with at the prison which was sometimes not the case in their own homes.

6.4.5 Rehabilitative Components

A small number of all respondents (18.75 %;n=3) had been aware of the rehabilitative component of EM prior to joining the program and cited this as an important reason for their participation. Many commented that rehabilitative programs within the prison were largely nonexistent. This was particularly the situation in the women's prison. As Jodi, a 44-year old single woman, who has been involved in the criminal justice system for many years, stated, "[I joined] because I would have been home and I would have been in programs attending John Howard."

Some males commented that while certain programs were available in the prison at the time of their incarceration, there were long wait lists for many of those they were interested in joining. Given the relatively short sentences of this particular offender population, it would likely be the case that inmates would be nearing their release date before they could start many of these programs.

6.5 Summary

As this chapter has shown, the respondent's reasons for joining EM were often gender-specific. For women, the major reasons were related to the maintenance of the home and family. Single women, all of whom were reliant on social assistance, would have lost their only source of income, had they stayed in prison. Since this would have made it impossible for them to maintain their dwellings, EM presented a viable alternative. This applied to all single women in the sample, with or without children. For single mothers without family support, EM meant also that they could stay with their children. Moreover, women generally lacked the support of their families and/or partners to encourage their participation in EM and to successfully complete their EM stint. Based on these factors, the 'choice' to join EM was much more constrained for women than it was for men.

For men, their decisions were closely tied to the support received from their female partners and/or parents who actively encouraged their participation in the EM program. The males who were employed, appreciated the opportunity to keep their jobs during their EM stints and continue to provide for their families and/or themselves. Male first-time offenders favoured EM over a generally negative prison experience.

An unsurprising commonality between women and men was to opt for any alternative to incarceration. Additionally, the few who were aware of the

rehabilitative components of EM, perceived this as a positive aspect of the program. This is of particular relevance since inmates serving short sentences are unlikely to participate and/or complete prison programming before their release.

The next chapter will discuss how respondents constructed their time both inside and outside the home during EM, the types of activities they engaged in, the problems reported, and the different coping strategies employed to deal with those problems.

**CHAPTER 7:
DOING THE TIME:
A GENDERED ANALYSIS OF EM CONFINEMENT**

7.1 Social Construction of Time

The social construction of time is an important theme to consider in evaluating how respondents spent their days and weeks during their period of home confinement. The nature of the activities engaged in and the strategies used to cope with an abundance of unstructured time will be explored in this chapter. Comparisons are drawn between the experiences of females and males based on several topics such as the types of activities engaged in at home, the frequency with which these activities were performed, participation in goal-oriented and non goal-oriented activities, the extent of respondents' participation in household tasks, child care activities and the construction of their time spent away from the home. A review of some relevant literature on gendered divisions of labour, gender stereotypes, social organization of work and the consequences of unemployment will form the basis of these discussions.

In his book, Killing Time, Losing Ground: Experiences of Unemployment, Patrick Burman (1988) describes the social construction of time and daily activities for a sample of unemployed men and women. While he does not attempt to systematically explore gender differences in discussing how his

respondents made use of their time, there are clear patterns emerging in my study that can be attributed to the gender stereotypes of work roles, the domestic divisions of labour, household composition, and child care obligations. Aspects of Burman's (1988) concepts and analysis will be used to shed light on the social construction of time reported by my respondents.

Burman (1988) discusses time construction in two distinct categories: (1) engaging in goal-oriented activities and; (2) engaging in non-goal oriented activities. To better suit the analytical purposes of my research, Burman's (1988) conceptualization of goal-oriented and non goal-oriented activities was slightly modified. Hence, goal-oriented activities for my study population include those which: (a) secure the functions of the household and family life and; (b) secure or contribute to the successful completion of EM thereby ending offender supervision by the criminal justice system.

Goal-oriented activities include doing housework, cooking, shopping, laundry, running errands, home repairs and maintenance, attendance at school, part-time or full-time employment, caring for children, doing crafts, carrying out hobbies, and attendance at the Learning Resources Program or other counselling programs. Non-goal oriented, or leisure activities, include watching T.V., chatting on the telephone, sleeping or napping, reading magazines, listening to music, walking, and visiting friends or family. Some of these activities are performed either inside or outside the home. However, as will become

obvious in this chapter, there are clear distinctions as to the nature and frequency of participation in each category by women and men.

Before discussing respondent's use of time while electronically monitored, it is important to comment briefly on the structure and routinization of prison life as all respondents had served a portion of their sentences in prison before being released to EM. In prison, inmates must abide by certain rules and regulations that are preordained by correctional staff who tell prisoners when they are to wake, go to bed, eat, sleep, talk on the telephone, watch T.V., receive visitors, participate in schooling or counselling sessions, and so on. Several respondents commented that they found time spent on EM to be very boring in comparison to prison life because of the loss of structured activities and interaction with other inmates and staff. Comments made to this effect came from both women and men and revealed that prison life is highly structured. Therefore, it removed the necessity for inmates to make individual decisions associated with the use of their time. In this regard, prison was seen by some to be less onerous than time spent on EM because there were other inmates to talk to and engage in leisure activities with (e.g. card playing, craft making, etc.). There were also staff to interact with. While not presuming that prison was the preferred choice for most offenders, their comments illustrate the everyday challenges associated with having to cope with an abundance of unstructured time while being electronically

monitored. For many, the result of their home confinement was often one of extreme boredom.

7.2 Time Spent Inside the Home

On average, offenders spent between 16 and 20 hours a day confined to their homes. With the exception of attending treatment programs provided by the Learning Resources Program (LRP) at the John Howard Society, offenders were restricted within the monitoring range established by the EM program, usually within 75-150 feet of the field monitoring device attached to their telephone. For most respondents, a typical day or week prior to their conviction would have involved a blend of activities both inside and outside the home. Spending large amounts of time inside one's home for extended periods was not common and most respondents expressed difficulty in coping with this confinement.

7.2.1 Goal-Oriented Activities

A review of the domestic labour literature indicates that women, much more than men, assume primary responsibility for household chores such as cooking, cleaning, laundry, and shopping (Luxton & Rosenberg, 1986; Luxton, 1990; Armstrong & Armstrong, 1994; Duffy et al., 1989). This topic has been given considerable attention in the literature with most studies focussing on reasons why domestic labour is overwhelmingly the responsibility of women

(Sinclair, 1999). Few would dispute the fact that the primary responsibility for household labour and child care has fallen onto women (Wilson, 1991). The literature on gendered divisions of labour in the home point to the differences in how men and women experience this private domain. Domestic labour can include a wide variety of tasks. Some tasks are tangible ones like cooking, cleaning, shopping and doing laundry while others are less tangible such as providing emotional support to children and spouses and providing a stable home environment. Throughout the domestic labour literature, there is a wide variance on what constitutes household labour. Some studies include household repair and maintenance tasks or tasks performed outside the home such as paying bills and transporting children to school, as domestic labour. How domestic labour is to be defined and quantified is an important factor to be considered when interpreting studies on housework (Luxton, 1990; Armstrong & Armstrong, 1994).

In addition to gender, housework varies widely across class lines, employment status, marital status and age (Sinclair, 1999). For example, the physical size and layout of one's home accounts for variance in how much time is spent executing household tasks. That is to say, a single male living in a small bedsitting apartment would experience domestic tasks quite differently than a couple living in a two-story house with children.

Discussions of household labour must also take into consideration what is meant by the term 'household' as this is a major factor contributing to the

gendered nature and frequency of housework. An equally important consideration is whether or not there are children in the home. Furthermore, the number and age of children in the home determine the nature and frequency of household labour (Armstrong & Armstrong, 1994).

Based on findings arising from the domestic labour literature, it is not surprising that the daily experiences of male and female offenders confined to their homes for substantial lengths of time would differ dramatically. The majority of women interviewed reported an increase in the amount and type of household chores engaged in during their monitoring stint. This was typically done as a response to their boredom and was seen as a default option. The range of domestic activities performed by women included experimenting with various cooking recipes, scrubbing floors and walls, vacuuming, doing laundry, washing dishes and sewing. While most women reported having had primary responsibility for such tasks prior to their monitoring stint, the majority agreed that they did significantly more of these tasks during their period of house arrest. Typical responses from women depicted an increase in tasks performed in the home based on their prescribed gender roles in society. Patricia, a 19-year old single woman living in a boarding house, had this to say:

Basically I did everything really. Washing dishes, cooking, and I did a lot more eating too stuck in the house...vacuuming, just everything from top to bottom. Before I'd clean my room or the house or something probably once a week and this time I was doing a little something everyday. Just something to take up an hour or whatever like wash clothes, dust my room. The house was spotless.

Gloria, a 22 year-old living in a common law relationship, explained her experience as follows:

I definitely did more cleaning like washing down walls. I must have vacuumed every morning, noon, and night just for something to do. I was constantly washing dishes and clothes that were already clean...I did a lot of sewing and washing windows.

Kirsten, a 32 year old single mother of two says:

All day I was mopping and vacuuming the halls. When I would get bored I would clean up.

Only two women (12.5%) reported little or no change in the amount or type of household chores they engaged in during their period of monitoring. Both were full-time homemakers prior to their EM stint and single mothers. As

Geraldine, a 33-year old single mother of three remarked:

[It was] no different really. Like I am cleaning all the time anyways so I don't know if I did more or...I done a lot of non sleeping because he [newborn] was colicky for the first three months. And for the time I was on the bracelet I did a lot more laundry [because I had a new baby].

Others (12.5%) reported doing less household chores during their monitoring stint. This was due mostly to the requirement that they attend treatment programs at the JHS which accounted for a significant portion of their time spent away from the home. EM was regarded as a source of frustration for those women who were accustomed to being 'in control' of affairs within their home. An absence from the home for a substantial portion of the day sometimes meant additional workloads for their partners or children which was considered a

source of frustration for many families. Reasons for their frustration stemmed from not wanting to rely on assistance from others, particularly male partners, to assume responsibility for household chores. Many felt that responsibility for household tasks was "a woman's job" and they did not want to burden their male partners or male children. Wendy, a 26-year old woman living in a common law relationship makes this point:

He [partner] had to stay home all day long and cook and clean all day because I was too tired to do it when I came home. I would never do it again [EM]. I think he would probably leave me the next time I do it. He told me, "Look, just tell them to shove it--go back [to prison]."

The majority of male respondents reported limited involvement in household chores both prior to and during their EM stint. Most men lived either with a female partner (spouse, girlfriend) (56.25%) or with their own parents (25%). They indicated that primary responsibility for household chores was assumed by the female(s) in the home. The following comments were typical of males who relied on their partners to take care of domestic tasks:

- Clar: Well the wife does that [housework] and I just does a bit of stuff around the house. The only thing I don't do is laundry. I got no patience for that.
- Paul: The wife does all that stuff anyways and she still does.
- Albert: The girlfriend looks after that. She usually gives her mother stuff like that to do [shopping, laundry, banking] because her back is shot.

Jamie, a single male living alone during his monitoring stint, reported that he received assistance from his mother for household chores. She lived in close proximity and would visit his home several times a week to do laundry, get groceries, cook meals and clean the house. As he commented, "I never do any housework. My mother does all that stuff."

In a few cases (25%), males did report an increased involvement in household chores which they had not participated in before their monitoring stint. This was seen as a coping strategy to deal with the boredom they experienced. As Steve said, "I was doing a lot more like the dishes and the floors and whatever, just to keep me going." Timothy, a 40-year old male living in a same sex relationship, reported an equal sharing in household chores prior to EM. He stated that his tendency to do more housework while electronically monitored was mainly a result of his boredom.

Of those males who reported an increase in their level of participation in household chores, there was a clear distinction between the types of tasks they engaged in as opposed to those undertaken by women. Men were much more likely to report an increased participation in minor home repairs, painting, laying floor tiles and cutting wood. Given that the majority of household labour contributed to by men involves those tasks which take place outside the home (Sinclair, 1999), EM often meant that women now assumed the added responsibility for their partner's share of the workload because their partners

were not allowed outside the home. Depending on the boundaries set by EM, some males were able to continue their participation in certain household activities outside the home. The following responses were typical of males when asked to describe how they spent their time in and around the home during EM.

Kevin, a 39-year old married father of two, says:

I would be out in the shed most of the time, picking at chainsaws or lawnmowers or find something [to do]. I called [EM officer] and they told me to go far enough so I could get out in the shed. [EM officer] ranged me that far, so I could get out in the shed. I used to stay out there all day just about.

Steve, a 44-year old married father of two who was employed full-time during EM said this about his experience of EM and housework:

The same as it is now (after EM) because I would come home in the evening and I'd be here just the same as I am now. Like once I comes home from work in the evening I never goes anywhere anyway. So that's why I didn't mind it then. If I was working I would still come home and do the same things. It was basically the same thing more or less.

Francis, a 19-year old single male living at home with his parents and sister, comments on his EM experience and time spent at home:

I helped out with the wood. I got time off the bracelet to go help my father with the wood. I helped out around the house because we were doing renovations. I helped out with that... I spent time with my girlfriend here so it wasn't so bad.

Mark, 33 years old and unemployed, commented that, during his stint on EM, his common law partner was employed full-time which led him to participate more in the household chores, albeit as he admits, his involvement was minimal:

I did a bit more when I got on the bracelet. Like I never used to do any of this. Like I would get one of the boys and pay them, give one of the boys a joint to do my vacuuming for me or do a bit of painting...I didn't do anything before I went on the bracelet.

Ben, a 24-year old married male with a young daughter, describes his situation:

When I wasn't at group I would just be around the house painting, fixing up this and whatever I could do I would do. Anything really. And I would be playing with my daughter a little bit inside the house. I was putting down tiles and doing it all.

Findings from this study reveal a pattern consistent with the literature outlining the gender divisions of labour within the private sphere. Tasks performed by females generally fell within the category of chores relating to the maintenance of the family (cooking, cleaning) while goal-oriented tasks performed by males more generally comprised activities related to home repair and maintenance (Armstrong & Armstrong, 1994; Sinclair, 1999). However, it has to be emphasized that men's involvement was generally on a much lower scale.

7.2.2 Non Goal-Oriented Activities

Increased participation in a wide range of non-goal oriented activities was a typical response for both women and men during their period of monitoring. The major activities included watching T.V., listening to music, snacking, talking on the telephone and napping. There were clear gender distinctions in this

category as well. For some women, participation in recreational or non goal-oriented activities included doing cross stitch, making crafts and doing one's hair and make-up. Tracey, a 19-year old single woman living in a boarding house, said:

I spent my days watching T.V., reading, cross stitch and cleaning the house. I did a lot more [housework]. Quite boring I must say...It's quite depressing. You think about a lot of things that you never thought about before. It's pretty awful when you're trapped in your own home.

Kathleen, a 22-year old single mother of two, stated that her boredom at home led to her trying out new cooking recipes and therefore eating more of what she cooked. As she said, "I gained about 40 pounds, an easy 40 pounds. I whacked the weight right on."

Comments by males revealed some notable differences in patterns of time construction and participation in non goal-oriented activities which, for males, tended to be more leisure-based. Ben, a 32 year old married male with two school-aged children, said:

Sometimes I would be sitting in my room until 4 or 5 o'clock in the morning making a plaque, rebuilding my guitars and stuff like that—bored out of my head. I just slept most of the time.

Peter, who was single and living at home with his parents during his EM stint, commented:

Well I don't really do much anyways. I don't go anywhere. I only go out picking at cars and stuff like that.

As Augustus, a 24 year old living in a common law relationship, reported:

Most times just listening to tunes, music, watching T.V. and that's it. Watch movies and...a lot of shovelling. She [girlfriend] couldn't get out to shovel [because of medical problems] so they let me out. The mailman needed to get in and also [I needed] to put the garbage out.

Keith, 24-year old single male said:

Just lying down watching T.V. That was it. Not much to do. Eat and sleep and that was it.

Child care activities also appeared to be optional for males. Andy, a 26 year old father of two, commented on how he spent most of his time:

Watch T.V., mope around, have a coffee, go outside by the front door or back door, play with the youngsters...

The main idea being communicated by these males suggested that they were simply 'doing their time' inside their own homes as opposed to prison. They sought to find ways to fill their days without jeopardizing their standing on EM.

Some males reported little change in the nature of their non goal-oriented activities but noted that the frequency with which they performed these activities had increased significantly. Tony, a 34-year old single male, said:

I did more weightlifting. I did the stuff I usually do around the house, I just did more. Slept more, read more, talked to friends on the phone a bit more...

The general sentiment communicated by both males and females was the need to occupy their time on EM. Otherwise time passed by slowly which made for extremely long days. There was a general consensus amongst respondents

that in order to survive the EM program you had to discover innovative ways to fill up your time. This idea was captured by Paul, a 40-year old married male, who said:

I read and sketched. Like you got to read and stuff. You got to do something. You just can't sit around...otherwise you'll go crazy.

7.3 Time Spent Outside the Home

The electronic monitoring program operates on a graduated system of 'time out'. After each successive week on the program, participant's 'time out' increases to a maximum of four hours per week. Those serving a sentence of less than 14 days would not be entitled to any time outside the home. EM participants described the process of applying for 'time-out' as a fairly straightforward and uncomplicated procedure in which they were required to provide 24 hours notice to EM staff prior to taking their time. They would also inform EM staff of how they planned to spend this time, where they planned to go, and with whom. In the event of an emergency, offenders could contact an EM officer by pager system and leave a message describing their situation. An EM officer would be on 24-hour call and would respond immediately to the offender to determine his/her needs.

Time spent away from the home was highly structured because it had to be pre-planned and authorized in advance by correctional staff. If electronically monitored offenders were not actively participating in programs at the LRP,

attending school or employed then they were expected to remain in their homes. The only exceptions were the weekly earned leaves which were usually for a maximum of two consecutive hours.

Respondents were asked to describe how they spent any time away from their home. General categories described by respondents included participation in rehabilitative programs, participation in domestic related tasks (shopping, banking, transporting children to and from school), employment or educational commitments, and earned leave. Each of these activities is discussed below.

7.3.1 Counselling Sessions

In his discussions of unemployment, Burman (1988) describes three concepts which relate to the use of one's time. "Structured time" refers to social activities such as preparing for work, travelling to work as well as doing paid work itself. "Interaction time" is described as "the making of time with other people," such as work relations. "Societal time" refers to how we live as members of organizations, generations, classes, and societies. I will refer to the use of interaction time in this section because of its relevance. The only interaction time for EM participants outside the home was during their attendance at counselling groups. The other exception to this was the few men who were either working full or part time or for the one woman who was attending school.

Attendance at JHS is an integral part of the EM program in Newfoundland. As mentioned earlier, offenders are mandated to attend sessions four mornings a week. Participation in these sessions is compulsory and attendance is pre-empted only if an offender has work commitments. This portion of the day was highly organized around a very strict schedule. Offenders are given a specified amount of time to get from their homes to the Learning Resources Centre which varies according to the distance travelled and the mode of transportation used (walking, bus, own vehicle). Generally, it ranged from 15 minutes to half an hour with an equal amount of time allowed for the return trip.

Most male and female respondents reported that they found the groups useful in terms of their content but also noted that they valued these sessions primarily because of the opportunity for interaction and communication with others. An interesting point can be made regarding a major EM regulation which stipulates that offenders are prohibited from associating with anyone who possessed a criminal record. The only exception to this rule was attending the sessions at LRP where obviously all those in attendance had a criminal record. Several respondents commented on this regulation noting that they found it difficult to adhere to because they had family members or close friends who had been previously convicted of a crime. Margaret, a 33-year old woman living common law and who had several prior convictions for fraud, said:

[I] met up with this girl at John Howard and whenever we got our two hours we switched it. Like whenever I got my two hours I would go over to

her and sit down and have a coffee and chat and whatever and the same way with her. She got off the bracelet anyways. She would come over and keep me company then because she could stay then and didn't have to be home. [EM officer] walked in for an appointment. You are not allowed to be here, he said. You are not allowed to have any dealings with her. Excuse me, why? Because she has a record. Well they didn't seem to care about that when I was at John Howard. We walked home, we bused together, we taxied home or whatever. She is a person I talk to. She knows what I am going through. If they are going to start doing that well they can shove it.

For a small number of males who were employed on a full-time basis (12.5%) week days were described as being fairly similar to the time before their criminal conviction. EM participants were authorized leave for the period of their work day as well as time on either end of the day for transportation to and from the work site. Those involved in a training course were afforded similar provisions. Carole, a married woman with two children, was enrolled in a computer training course and expressed how difficult she found it trying to balance her time between attending JHS and her program of study:

I'd never try and do that again. It was crazy, trying to get from one meeting to another. I was nearly off my head.

This situation caused major frustration for Carole and her husband and was noted throughout our interview as perhaps the most difficult aspect of EM. She stated that it was a source of contention in her marriage and often led to arguments and fights.

7.3.2 Participation in Home-Related Tasks

Clearly, women expressed many more problems in the area of completing home-related tasks during their period of monitoring than their male counterparts. In the case of a single mother, two hours a week outside the home often meant not having enough time to execute the necessary tasks such as grocery shopping, doing laundry, paying bills, etc. All the women interviewed said they assumed responsibility for these tasks outside the home before their period of monitoring and reported a continued responsibility for these tasks during their period of monitoring. This resulted in one of two problems for women: (1) simply not having enough time to do certain tasks and therefore some tasks remained incomplete or left undone; (2) having to rely on assistance from others such as family members or friends.

Some women reported not having enough time to execute all these household tasks which resulted in having to do without certain things or rushing around trying to complete their tasks. As Rhona's partner Mark said during our interview:

It was only two weeks after the baby was born and she used to have to go to the supermarket and fly through the aisles just to get back on time...After just having a baby you shouldn't be out running around.

Rhona also commented on this situation:

It takes me, well like Dominion doesn't have all babies' needs and then I'd have to go to Shoppers or...he was on a special formula once I stopped breastfeeding and I had to pick up formula and diapers and you would get

them cheaper at one place and you'd have to shop around to save a couple of dollars when you are only with the system [welfare] and you only have so much money to deal with. So basically I would do all my shopping at one store because I didn't have time to go and bring the kids with me to another store. That was impossible.

Emily, a 38-year old single mother, describes a similar situation:

They'd only give me an hour and then the second time I said well that wasn't enough and they said well we'd discuss it and they gave me an hour and a half which still wasn't enough. You figure the time it takes to get there and on a welfare day basically the places are packed and then what do you do in that hour? Get there and get back and 15 minutes of running through the aisles basically.

For many women, having to rely on assistance from others was very frustrating. This was the case for a variety of reasons including feelings of guilt over having to burden family members, feeling indebted to someone for their assistance or a loss of independence. Comments relating to this situation included:

- Cathy: A lot of things are not getting brought back what I need. Laundry doesn't get done right. Never do. A lot of things are not getting done. Bills are not being paid on time. I am getting cut-off notices because I have to wait until they [EM staff] decide they are going to give me some time to go and pay it.
- Lisa: Everybody had to do everything for me. I sent my niece a lot of times to the grocery store because I would get my groceries a lot of times and figure well I forgot this or I forgot that. I would have to send her. They got sick of running around for me. **I should have stayed in jail. They does all the running around in there. Better off, you got no worries. The only worry you got is at home.** (emphasis added)

The comment that a period of incarceration would have been better than EM was mentioned in a few cases by men and women. Respondent's remarks highlighted the difficulties and strains that home life posed for respondents such as lack of family support, feelings of isolation and depression and, ironically, a loss of personal freedom. Ann, a middle-aged married woman with three children, said:

In prison I am there and I have to do it. I have more freedom in jail than I do at home. Out there I don't have a guard chasing me around, calling me. I don't have to ask her can I do this or can I do that or can I go here or can I go there? I don't have to do that out there. Your time is your time. If I want to go in and sit on the computer for a couple of hours, well fine. If I want to attend a program I can attend it. They are not forcing me. It's left to me. My meals are provided. I don't have any washing to do. I don't have to worry about anything. I think it's more worry when you're on the bracelet than it is when you are off it.

7.3.3 Earned Leave

The range of activities performed outside the home were differentiated along gender lines. While some activities, such as attendance at the LRP or other counselling sessions, were participated in equally by both men and women, the majority of activities carried out were gender specific. Women generally used their time for home-related activities such as grocery shopping, paying bills and running errands. Kristen expressed resentment at having to use her earned time to perform home-related tasks.

I don't want to use my time when everybody else doesn't have to. Why should I use my leisure time doing things that have to be done?

Fourteen of the sixteen male respondents reported using their weekly earned leave for leisure-related activities (87.5%). The most common activities included going for a walk or visiting with friends or family. Some men reported not having enough time to carry out these activities. Alex, a 28-year old male in a common law relationship, said:

You had to wait, Jesus, two or three weeks for one hour out. Then I had 6-8 weeks for two hours out. I mean Jesus Christ an hour gives you enough time to run up the road. By the time I got there to the old man's, the old man lives up there on [name of road]. I'd be up there and have two cups of tea and I'd have to be back. Jesus, they should at least start you off with two hours and then give you four hours and stuff like that...

Males did not have the major responsibility for such tasks and therefore did not participate in these activities to the same extent as women. For those that did report contributing to household maintenance, it was for tasks such as automobile repair, cutting firewood or home repairs. While this does not imply that such activities do not contribute to the maintenance of the home, per se, it does indicate the marked differences between men and women, as noted in the literature on gendered divisions of labour (Sinclair, 1999; Luxton, 1990).

7.4 Times of the Day and Week

Burman (1988) discusses the extent to which his respondents constructed their time according to certain periods of the day or week. For his unemployed study population, it was often most difficult to cope with an abundance of time

during the regular work week, Monday to Friday, 9 a.m.-5 p.m. Feelings of guilt and disassociation from working people were common reactions. I discovered for my study population that certain times of the day were considered more difficult for some monitorees than other times. For example, attendance at the LRP was seen as a welcomed part of the day as it provided for a break away from the home, a chance to interact with other monitorees or simply a walk to the JHS. After group sessions had ended, monitorees would return to their homes until the following morning. Not surprisingly, therefore, afternoons were considered the most uneventful and boring time of the day. For respondents with young children at school, this meant time spent by themselves away from their children. Most females and males reported that they would watch T.V. during this time or take a nap. Late evening (8-11p.m.) was also considered a boring time for most with activities such as watching T.V. and talking on the telephone as the most common pastimes.

In Burman's study (1988), many respondents noted that weekends offered a change of pace from the rigours and resentments of the weekdays. It allowed individuals a chance to socialize, relax and go out with friends. For the respondents in my study, weekends had the opposite meaning and were considered the most stressful time of the week. Reasons for feeling this way included the absence of any sessions at JHS, work or school commitments. On weekends, monitorees were forced to remain inside the home for almost the

entire 48 hours. Many felt immense pressure to go outside and socialize with friends and family. Charlie, a 29-year old single male, commented that he found weekends most difficult because his 'buddies' would go partying while he had to stay at home.

Finally, certain times of the year appeared to be more difficult to be monitored than others. For the most part, respondents monitored during the warm summer months found EM most difficult. This was due to the increased social activities taking place, the desire to go for walks, to accompany children to parks and other activities. Winter months, in contrast, did not appear to present as much anxiety for monitorees who stated that there was not too much happening at that time and not as many activities in which they would feel pressured to participate. Those electronically monitored during the Christmas season found this to be extremely difficult.

7.5 Program Satisfaction and Dissatisfaction

While most male and female respondents expressed their satisfaction with programming at the LRP there were some who thought it was of little use. Several respondents also noted that they found the groups too intense, that they did not like to open up within a group setting or felt that the group sessions were too long. Overall, most individuals felt appreciative of the fact that they had the opportunity to participate in such groups as there was little opportunity within the

prisons. It is noteworthy, though, that there were marked differences in the degrees of satisfaction and dissatisfaction expressed by both men and women.

It has been well-documented that men and women have different programming needs. For the most part, the groups at the JHS were co-ed and not designed to be gender specific. Both men and women participated in all groups despite the nature of their offenses or their personal backgrounds. Some women expressed a concern about this saying they felt uncomfortable being the only woman in a group or that they felt uncomfortable talking about their past histories of sexual or physical abuse in a group of men. Kathy, a young single woman who has been involved with the criminal justice system for most of her adult life, describes her thoughts:

I think there should be groups for men alone too and women alone too because some people feel uncomfortable. A man could be in a group that is being abusive to his wife and a woman could be taking abuse from her husband so they are not going to talk. Especially if they know someone was in for drinking and beating up his wife. Trust is a big thing. For me to trust someone, it's hard.

A small number of men and women expressed their dissatisfaction with attendance at the LRP citing the groups as a waste of their time. As Patsy said:

Substance abuse...all the men, that's all they were in for was impaired and that's all you heard of was people drinking. And I was sitting there like...it was mostly men talking about their impaired charges.

Kathleen, a 22 year old woman who incurred additional charges while being electronically monitored, had this to say about the programming at LRP:

They helped me a lot. I still have a long ways to go but they helped me to get there. From what I have been through, I am going to have to be in counselling for the rest of my life and I have got a court case coming up and a lot of shit from my childhood [will come up].

About her experience in prison regarding programming, she had this to say:

I didn't have any way of dealing with my problems in the past. This is where Elizabeth Fry should come in. There was no programs there [at Clarendville]. Prison makes you worse when there is no programs like that. What is the good to put someone in prison, lock the door, sit to a table and play cards and no counselling. And everything on your head. Nobody cares. Like there is no one on the outside coming in and trying to help us.

Positive comments from several women centered around issues of being able to assist other males in the group with their issues. Paula, a 20-year old single mother, said:

I was the only female there. I didn't care as long as there was programming. The first couple of days bothered me but after that I spoke up. I gave them [guys] advice. I done—they loved me so that didn't bother me.

The issue of gender specific treatment for women within institutions and in the community is the subject of a vast literature and cannot be addressed in much detail in this paper. Suffice it to say, it is generally agreed upon amongst feminist scholars that we need to look toward woman-centered treatment that can seek to address the plethora of therapeutic treatment needs required by women to deal with issues such as self-mutilation, child sexual abuse, and

physical abuse by male partners, to name just a few. (Boritch, 1997; Chesney-Lind, 1998).

There were also some women who expressed their desire to participate in co-ed groups. Melinda, a 29-year old woman living in a common law relationship with a criminal history dating back to her youth, had this to say:

It just wasn't comfortable for me. I am used to getting men and women into a group instead of dealing with just all women. I got no time for this women's shit. [Husband] doesn't like it either. I just don't like this women's stuff. Women, women, women. He [husband] never liked it.

When asked about the type of groups women would like to see offered, the suggestions included surviving sexual abuse, woman battering, shoplifting, 'self awareness' programs, substance abuse with an emphasis on prescription medication and other drugs.

The majority of male and female respondents reported that they benefited from the programs at the LRP. Specifically, the anger management class was touted as a practical group which led to the re-thinking of how to deal with conflict situations in their lives, which all were familiar with. Individual counselling sessions were also noted to be very helpful in trying to deal with a number of life issues that offenders may not have had an opportunity to discuss before EM.

While most respondents reported a high degree of satisfaction with the programs offered at JHS, many also considered it an inconvenience in terms of transportation or lack of child care services. Again, single mothers were often left

in a position whereby they had to rely on family members to care for their children while they attended JHS, which provided an additional problem for many of them.

Lack of transportation was also cited as another challenge for some respondents who were given time before and after their group sessions to get to the meetings. Many walked, some relied on public transportation, while others relied again on family members to assist them in getting to the meetings, only a few of them had their own vehicles.

Isolation and loneliness were further concerns expressed by many respondents, particularly by those who either lived alone or spent large amounts of time home alone when they were not attending treatment groups. Denise, a young single woman living in a bedsitting room, said:

Sometimes I think I would have rathered stay in [women's prison]. Because it was hard. Friday nights everybody is leaving me and I had to stay home by myself. That was the worse. Definitely the worse...Like I said, I was left home a lot and I mean there were always people up there [women's prison] and they were bored too. Like we would sit down for hours talking, playing cards, doing our cross stitch together or whatever. Watching movies, like there was always something to do.

Finally, some respondents spoke about the temptations involved in being at home and not being able to socialize with friends or family members due to program restrictions. Kevin commented that he found it especially difficult on the weekends when his 'buddies' would be getting ready to go downtown and he had to stay at home. Brian also noted that he found it most difficult on warm summer

days when his friends would be outside barbequing and socializing and he would have to watch them from his living room window. He commented that EM was more difficult than being in prison where you are not tempted by such social situations.

7.6 Summary

Research findings reveal a number of gender specific experiences with regard to respondent's use of their time to engage in goal-oriented and non goal-oriented activities. Women were much more likely to devote a larger share of their time to goal-oriented activities such as house cleaning, cooking, laundry, and child care. While some men reported an increased participation in these activities as compared to their time before EM, it was nowhere near the levels of female participation. Men were more likely to report that the primary responsibility for these tasks had been assumed by their female partners or by their mothers. Therefore, the lion's share of men's time spent both inside and outside the family home was devoted to a range of non goal-oriented activities. Not surprisingly, women tended to engage less in leisure-based activities due to their levels of domestic responsibilities.

Given the gendered experiences of EM described above, specific policy recommendations will be developed and elaborated upon in the concluding chapter based on specific findings presented in this section.

**CHAPTER 8:
EVEN THE SCORE:
SUMMARY AND CONCLUSIONS**

The specific goals of this research were twofold. First, it was designed to contribute to the existing literature on electronic monitoring, particularly in the context of female offenders. The majority of EM studies have focussed only on the experiences of male monitorees while little is known about how females experience this type of punishment. Furthermore, most of the available literature is based on the U.S. experience of EM which is problematic given that such programs are often quite different in design and scope than Canadian programs. Given that EM programs are still in their infancy and evaluative assessments are limited, it is important to critically examine how these programs operate and the extent to which they meet their objectives.

Second, a more important contribution of this research was to shed some light on the situation of women involved in a particular community corrections program. Topics include how women are experiencing this punishment, their reasons for choosing the program, levels of social support networks (family, friends, counsellors), the impact of home confinement on children, the ability to maintain regular household functions in the face of strict curfew regulations, their stress levels and coping strategies. One crucial issue that has come to light in

this context was that the needs of female electronically monitored offenders are not being taken into consideration by the EM program.

This study illuminates a number of the structural barriers encountered by women on the EM program including their primary domestic responsibilities. It also provides an analysis of the many challenges facing women in one type of community correctional program. It reveals that, like incarceration, EM fails to account for women's unique situations because programs, policies, and regulations were designed with the needs of the larger male population in mind. This is evidenced by a number of factors including a lack of adequate child care services available to single parents during their compulsory attendance at LRP counselling sessions, an androcentric 'time out' system which fails to account for the varying degrees of household responsibilities held by monitorees, and a classification/assessment tool (Wisconsin Model) which is insensitive to gender, to say the least.

While this study attempts to systematically explore a wide range of issues directly related to women's involvement in crime, it is not possible to cover all topics in any sufficient detail. Further research is needed in a number of areas directly related to women's incarceration, trends in the correctional system for women, the programming requirements of women, and evaluations of other community release programs.

8.1 Overview of Major Research Findings

The major findings of this study focus on the specific challenges women present to the correctional system. Important findings include the fact that the majority of women on EM are single mothers and that the EM program in its mission and practice fails to account for this distinction. The criminological literature reveals that over two-thirds of incarcerated women are single mothers. Imprisonment for single mothers is accompanied by a number of significant problems including isolation and separation from their families, lack of visitation privileges due to geographic dislocation and unsuitable prison facilities, etc. EM also brings with it a wide range of issues which impact on mother/child relations and cause increased strain for single mothers. Primarily, this is due to the fact that all single mothers interviewed for this study were living in poverty which contributed to the stress associated with being confined to the home for a majority of the day with young children.

There were also feelings of guilt and shame associated with single mothers not being able to actively participate in outdoor activities with their children. Many mothers did not tell their children they were being monitored in the first place. This served to exacerbate the tensions in trying to continuously make excuses for the mothers not being able to accompany their children outside the house.

The role of single mothering was also a major contributing factor to the acceptance of the EM program in the first instance. Many women remarked both before and after their EM stint that if it had not been for the presence of children in the home that the women would have opted for serving the remainder of their sentence in prison as opposed to home confinement.

A second major finding was the fact that family support networks were much greater for males than for females while being monitored. This included initial support and encouragement by female partners or parents for male monitorees to accept EM in the first place. Many of the wives, girlfriends, and mothers of male offenders were actively involved in the initial process of placing calls to Adult Corrections in an attempt to expedite and lend support to getting their male partners/sons released from prison onto EM. This was clearly not the case for many women who recounted that they had few supports available to them to support their decision to choose EM. In fact, in several cases, the presence of male partners or other family members may have acted against them in the screening process for EM. There were often poor relations and animosity between female offenders and their own families of origin which resulted in a reduced level of emotional and social support during their EM stint.

Third, EM reinforced certain female gender roles, including the notion that women are expected to maintain primary responsibility for child care and household tasks. A substantial portion of their time on EM was consumed with

goal-oriented tasks which contributed to the maintenance of family and home. These activities included domestic tasks such as cooking, cleaning, looking after children, sewing, etc. For many males, EM also created role conflict because of their home confinement. For men who were accustomed to being breadwinners, EM had the potential to create a situation whereby they felt unworthy since they could no longer contribute to the household income. The loss of self-esteem in this regard caused tension not only for the males but also for their families as well. Additionally, males who were accustomed to contributing to the maintenance of the family home by actively participating in tasks outside the home (lawn care, car repair, home renovations, etc.) were no longer able to contribute in this way. Accounts of excessive idleness were more common for male monitorees who were uncomfortable in their new role within the home.

Fourth, children of monitored women often suffered because of the restrictions placed upon their mothers, such as not being able to go on walks and outings. In the case of male monitorees with children there was some evidence to suggest that EM provided an opportunity to spend more leisure time with their children. Again, all males with children in the home had the support of a female partner who assumed primary responsibility for child care. Therefore, this removed the strains for male monitorees who were not faced with the difficult situation of having to deny their children access to the outdoors as was the case with many female monitorees.

Fifth, programming available to EM participants is, at best, gender insensitive if not completely male-centered. For example, most women in this study were convicted of theft-related charges. However, there were no programs available to address the issues related to such crimes (e.g. STOPLifters³²).

Counselling groups more suitable to women would address the challenges of parenting and how to develop effective coping strategies for dealing with these challenges. Such programs were notably absent. Similarly, there were no programs offered to assist family members in coping with the experiences of EM which would have helped to reduce the tension associated with serving a lengthy sentence on EM.

Finally, given the generally low risk nature of the EM clientele, it appeared excessive that monitorees are required to attend counselling four half days a week. This point is closely tied to the net-widening arguments elaborated on earlier. Given the shortage of prison programming and treatment services for non-EM clients, who are higher risk and arguably in greater need of such programs, EM dollars would have been better spent to service the needs of this higher risk group.

³² STOPLifters is a national program made available through various Elizabeth Fry Societies in Canada.

8.2 Suggestions for Future Research

This study, by and large, characterizes the daily lives of monitorees and the challenges they experience. While a comparative design is useful in highlighting similarities and differences, there are limitations to this research. For example, the classification of offenders to determine initial eligibility and risk requires further assessment to discern its applicability to women.³³ The gender biases inherent within the Wisconsin instrument (see Appendix I) as with other classification tools, need to be critically analyzed to determine how they affect the assessment outcomes of women that often place them in a higher risk category than would otherwise be the case.

Other suggestions for future research include an examination of incarceration trends for female offenders in Canada. Despite the increase in community options in Canada, the construction of five new federal prisons for women in this country is alarming. Given that the number of women convicted of federal offenses has not increased over the past decade, the building of these new facilities is not founded on a crime-control perspective. Not surprisingly, however, each of these new prisons are quickly filling to capacity. As Hannah-Moffat (1994a and b) rightly points out, feminists need to rethink their stance on

³³ Shaw and Hannah-Moffat are currently undertaking a study examining the issue of gender application of risk-needs assessment. This research is much needed and will contribute to the debate surrounding the over classification of federally sentenced women. Hopefully, it will also be used to formulate more adequate programs for women.

women's incarceration and develop a strategy and position that calls for the abolition of penal options for women who pose little threat to public safety. Underlying issues such as structured social inequality, especially the feminization of poverty, state child care policies, gender inequality in the workplace and in the home, and employment equity continue to pervade women's criminal involvement. Until we can achieve gender parity in these spheres, the only equality achieved for women will be in the number of women incarcerated in comparison to men. As long as poverty and other inequalities that women face continue to be criminalized, there is little hope of abandoning new prison construction and decreasing the number of women incarcerated in Canadian prisons.

Second, research is needed which looks at various forms of community based corrections or early release options for women in Newfoundland and Labrador and how women are experiencing these options. For example, what percentage of women are receiving conditional sentences, probation, parole, and temporary absences in this province compared to males? Given that the prison for women in Newfoundland is located a considerable distance away from most inmates' home communities, many women who may be eligible for a temporary absence permit do not have the financial or personal resources available to take advantage of such a release option.

Third, more social scientific knowledge is needed on the consequences of women's incarceration for their families. For example, what happens to the children of incarcerated mothers in this province? Since many of them end up in foster care, the human and financial costs of this arrangement to the mothers, their children, and to society as a whole need to be examined. How do children experience the incarceration of their mothers socially and emotionally? What are the visitation policies at NLCCW and at the local lock-ups? Are these visitation policies sufficient to facilitate mother and child relationships? What sorts of policies exist with respect to Human Resources and Employment?³⁴ For example, when a woman is sentenced to a period of incarceration, what happens to her house, furniture, personal belongings? What happens to the personal belongings of children? These are all important issues which need to be addressed in the context of women's incarceration.

Fourth, the issue of net widening must be further explored in light of the research findings. Given women's generally low risk classifications, the potential of net widening may be more of a reality for this population, thereby making women the primary targets of increased state supervision. Women who may otherwise have been eligible for less intrusive release options are now experiencing more intense supervision. Also, increased community surveillance

³⁴ Provincial Department of Human Resources & Employment, (formerly Department of Social Services) is the lead ministry responsible for developing and administering policies relating to social assistance benefits.

within the criminal justice system for those who are already subjected to varying degrees of state intrusion (e.g. welfare officers and child custody officials) has widespread implications for the privacy rights of women. Such increased surveillance may be subject to future human rights challenges.

Finally, while this study does not explore mental health issues, there is a growing body of literature which suggests that the criminalization of mental health amongst women inmates is becoming more prevalent in Canada. This trend needs to be examined in the community setting as well to determine whether or not women are being refused access to EM programs because of mental health conditions that preclude their participation because of a lack of community resources to meet their needs.

8.3 Policy Recommendations

Several policy suggestions are presented in this section which arose either directly or indirectly from the research findings. First, proactive measures to prevent women's involvement in crime and subsequent incarceration need to be an inter-departmental priority for government ministries. Social welfare policies need to offer incentives for women who wish to upgrade their education levels as opposed to serving as a deterrent to their advancement. Current social assistance policies discourage women who try and break free of the system,

thereby perpetuating their lives in poverty and dependency on government assistance. In other words, strong social policy is good criminal justice policy.

Second, given most women's low risk classifications, it would prove more cost-effective for government and humane for women to allow women to serve their sentences in the community without the aid of electronic surveillance to track their whereabouts. House arrest with monitoring should be reserved only for those offenders who pose a more serious threat to public safety. Specifically, conditional sentences³⁵ imposed by the courts have been used in only a limited number of cases for women: this should increase.

Third, an evaluation of the Wisconsin classification instrument needs to be undertaken to determine whether or not this instrument is accurately representing the risk/need factors of female offenders or if it is applicable only to the risk/needs of the male offender. Preliminary, and so far not systematic research on the topic undertaken in the course of this study, supports the latter. For example, a number of items contained within the Wisconsin instrument (Appendix I) need to be evaluated. The following questions are raised in this regard:

³⁵Conditional sentences were added to the Criminal Code in 1996 and are court imposed allowing sentencing judges the discretion to impose a community-based sentence as opposed to jail time. It is used only for provincial sentences. Specific conditions are attached to that sentence and may include a community service order or requirement to attend a treatment program.

- ❑ Are the risk/need indicators gender-biased? (e.g. percentage of time employed in the last 12 months). According to the literature, there is a relationship between criminal activity and unemployment generally. However, given women's overwhelming responsibility for child care and the high number of single mothers in the criminal justice system, this scoring would be discriminatory to females.
- ❑ Is age a reliable assessment indicator? For those offenders 39 and under, a score of one is given while 40 and over receives a score of 0. Given that most women in the criminal justice system are young, this assessment criteria may again be considered discriminatory.
- ❑ Is financial situation a suitable indicator? Given women's typically high rates of poverty, financial situation may not be a fair way to assess the risk factor of an individual.

The Wisconsin assessment tool fails to consider levels of child care responsibilities, household circumstances, and family support networks. If this instrument was gender-based, women might produce lower scores on the risk assessment tool therefore making them eligible for less severe sanctions than EM such as house arrest without monitoring, probation or temporary absences.

Finally, we cannot ignore the realities of children of incarcerated women who suffer untold hardships as a result of their mothers' confinement. Similarly, we cannot neglect the situation of children described earlier which highlights the deprivations associated with home confinement on them.

Throughout the research, respondents offered several suggestions for improving electronic monitoring service delivery. These included the suggestion that program administrators take into consideration an offender's individual circumstances (i.e. offense type, household and child care responsibilities, living arrangements, etc.); to encourage participation in programs already established

in the community as opposed to compulsory attendance at John Howard. Programs in operation by the Elizabeth Fry Society or Iris Kirby House³⁶ would be better suited to meeting the specific needs of the female offender population such as physical and sexual abuse counselling, parenting skills and empowerment groups.

Employment counselling should be a main priority of the EM program. For many respondents who lacked employment experience, job counselling, resume writing and interviewing skills would prove valuable. Also, for individuals with jobs awaiting them upon their release from prison, it should be a priority that employment opportunities take precedence over compulsory attendance at treatment programs. While employment is stated as a main goal of EM, a small number of respondents gave statements contradicting this goal by noting that attendance at the JHS and curfew regulations precluded any job search efforts.

Finally, the provincial Department of Justice would be well served to fund the work of the local Elizabeth Fry Society including paying fees for service arrangements addressing women's programming needs. There needs to be a clear commitment to the specific programming needs of women and the development of groups that do not exist in the community. The establishment of a local chapter of the Elizabeth Fry Society in Newfoundland and Labrador in

³⁶ Iris Kirby House runs a shelter for battered women in St. John's. They also offer a range of programs and services available to residents based on their abuse histories.

1998 was one step in the right direction to providing many of the services needed for women. However, without the recognition and financial support by policy makers and senior government bureaucrats, this organization can do little to effectively assist women by providing direct services, programs and support. It is strongly suggested that the provincial justice department recognize the need for such an organization and contribute to the baseline operations of this society. This financial investment would go a long way in acknowledging women's unique position in the correctional system and in providing a voice for those women most silenced in our society. It should be kept in mind, however, that organizations like Elizabeth Fry need to obtain additional funding from sources other than governments to ensure their independence and potential to contribute to progressive social change.

On a broader policy level, feminists need to continue lobbying governments to develop policies that can more effectively address the issues facing women in our society. The female offender population represents some of the most marginalized and vulnerable of all women in Canadian society. Feminists must continue to address issues around structured social inequality such as employment equity, equal access to educational and job opportunities, violence against women, custody and child support issues for single mothers, and better access to, and availability of, child care services. Until these broader issues are taken seriously and suitable policies are developed to eradicate the

systemic barriers to women's equality, the situation of women in general and women in the criminal justice system, in particular, will remain unaffected. Without such policies, corrections, whether institutional or community, will not be equipped to deal effectively with the myriad of structural issues which bring women into contact with the criminal justice system in the first place. The increasing incarceration of women in Canada, along with the absence of specific community programming which adopts a 'social justice framework', will only serve to further exacerbate their marginalized positions in society.

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**APPENDIX I:
PRIMARY RISK ASSESSMENT FOR ADULT OFFENDERS
(WISCONSIN INSTRUMENT)**

PRIMARY RISK ASSESSMENT FOR ADULT OFFENDERS

| | | |
|------------------|------------|-----------------|
| OFFENDER'S NAME: | BIRTHDATE: | FILE #: |
| STAFF'S NAME: | OFFICE: | DATE COMPLETED: |

ENTER THE APPROPRIATE WEIGHT IN THE SCORE COLUMN.

ADD WEIGHTS FOR PRA SCORE

| | |
|---|--|
| NUMBER OF ADDRESS CHANGES IN LAST 12 MONTHS | None - 0 |
| ..... | One - 1 |
| ..... | Two or more - 2 |
| PERCENTAGE OF TIME EMPLOYED IN LAST 12 MONTHS | Not applicable or 40% or more - 0 |
| ..... | Under 40% - 1 |
| DRUG OR ALCOHOL USE | No interference with functioning - 0 |
| ..... | Occasional or frequent abuse - 1 |
| ..... | Frequent abuse; serious disruption; currently requires treatment - 2 |
| IF 1 OR 2 SPECIFY PRIMARY TYPE OF ABUSE _____ | |
| ATTITUDE | Motivated to change; receptive to assistance - 0 |
| ..... | Some motivation to change; some receptiveness to assistance - 1 |
| ..... | Not motivated to change; not receptive to assistance - 2 |
| AGE | 40 or over - 0 |
| ..... | 39 or under - 1 |
| SEX | Female - 0 |
| ..... | Male - 1 |
| NUMBER OF PRIOR CONVICTIONS FOR CRIMINAL CODE OFFENCES | None - 0 |
| (include NCA, FDA but exclude Status & Other Status Offenses) | One - 1 |
| ..... | Two or more - 2 |
| CONVICTIONS FOR | Non applicable - 0 |
| (Select applicable & add for Score | Worthless cheques or forgery - 1 |
| ..... | Break & enter; theft; auto theft, robbery - 2 |
| FAMILY/MARITAL RELATIONSHIPS | Relatively stable relationships - 0 |
| ..... | Some or major disorganization or stress - 1 |
| FINANCIAL SITUATION | No current difficulties - 0 |
| ..... | Situational, minor or major difficulties - 1 |

EMOTIONAL STABILITY OF OFFENDER No symptoms of emotional instability, appropriate emotional responses - 0
 Symptoms limit or preclude adequate functioning - 1

MENTAL ABILITY OF OFFENDER Able to function independently - 0
 Mild or moderate retardation or learning disability - 1

PEERS/COMPANIONS No adverse relationships - 0
 Association with occasional negative results - 1
 Association almost completely negative - 2

EMPLOYMENT Attending school, secure employment, no difficulties reported, or employment not an issue - 0
 Unemployed - 1

ACADEMIC/VOCATIONAL SKILLS
 Adequate skills, handling everyday requirements or attending school (completed at least grade 8) - 0
 Low or minimal skill level causing minor or serious adjustment problems (grade 7 or less) - 1

Assigned levels: low = 0-5 medium = 6-11 high = 12+ Sum of weights: _____

APPENDIX II:
RESEARCH PROPOSAL

May 26, 1997

Title: A Comparative Analysis of Male and Female Offenders Electronically Monitored in Newfoundland.

Statement of the Problem: The proposed master's thesis research will be a descriptive analysis of male and female offenders who have recently been involved in the Monitored Conditional Release (MCR) program in Newfoundland. My research would describe and explain how the social organization of a new and rapidly expanding correctional initiative creates and perpetuates a gender division of labour in the household. This research will build, in part, upon my earlier honour's thesis which involved exploratory interviews with a small group of female offenders (n=10) who had completed their sentences on the MCR program in Newfoundland.

Importance of Study: It is useful to conduct a comparative case study of male and female offenders who are electronically monitored for several reasons. First, the existing data on the impacts of EM are derived primarily from an examination of male monitorees only (see Mainprize, 1992; Baumer, Maxfield and Mendelsohn, 1993). The experiences of women in EM programs remain under-examined. This is particularly the situation for the Canadian context but also holds true for research in the United States. Presumably, because the number of women being electronically monitored is small, representing 10-15% of offenders at most (Schmidt, 1986; Renzema and Skelton, 1990), researchers either do not include them in their investigations or do not distinguish in their analyses between men's and women's experiences. Consequently, little is known about program experiences for women or about gender bias in service delivery (Micucci, Maidment and Gomme, 1997).

Second, the existing literature on the impacts of EM programs is theoretically informed primarily from concepts and ideas derived from the field of criminology (net widening, formal social controls). It however ignores other relevant theoretical frameworks including those associated with the areas of gender relations and work and occupations. This research seeks to make both substantive and theoretical contributions to the existing EM literature. On a substantive level, it will provide some much needed and updated information on the social organization of EM, most notably in the Canadian context. Data will be gathered on the background characteristics of offenders, their reasons for

participating, household and child care responsibilities, experiences with the program, and any problems they may have encountered during their EM stint. Theoretically, the research will apply concepts and ideas derived from three distinct sociological areas of study: criminology, gender relations, and work and occupations. Some of the major concepts to be integrated in the thesis will include gender division of labour, gender stereotypes, feminization of poverty, household and child care responsibilities, single-parent families, and role conflict. This research will fill an important gap in the literature by providing a comparative framework of male and female offenders who have participated in the MCR program.

Specific Project Aims: This research seeks to obtain information about the following:

- (i) the background characteristics of those who are studied (age, education, marital status, number of dependents, living arrangements, type of criminal conviction, number of prior convictions, if any, length of time incarcerated, length of EM stint).
- (ii) pre-entry items including how the subjects were initially screened for participation in the program and their reasons for choosing this option over incarceration.
- (iii) employment and educational background of subjects prior to and during their EM stint.
- (iv) levels and experiences of household and child care responsibilities of monitrees prior to and during their EM stint and any problems encountered during this period.
- (v) the different strategies used by respondents to cope with any problems associated with having to perform household tasks while being electronically monitored.

Review of the Literature: Electronic monitoring (EM) is a type of community-based correctional sanction which confines offenders to their residence as opposed to prison. It imposes strict curfew control on an offender's whereabouts (Cromwell and Killinger, 1993). Compared to incarceration, EM is less costly and more humane. It permits the maintenance of ties to family and community while simultaneously facilitating involvement in rehabilitation programs incorporating counselling, education, job training, and work. EM also makes it possible for offenders to provide financial support for their dependents and to pay taxes. In terms of public safety, EM provides greater security for the community and more intense punishment for the offender compared to regular probation (Tonry, 1990; Gomme, 1992; Nellis, 1991). In recent years, EM programs have increased in popularity both in Canada and the United States. Recent reports indicate that such programs exist in every state and that the number monitored continues to

rise (Petersilia and Turner, 1993). In Canada, several provinces and territories (British Columbia, Saskatchewan, Ontario, Newfoundland and the Yukon) currently utilize this form of intermediate sanction. Despite the rapid expansion, little is known about the experiences of offenders involved in these programs. What little information that does exist is based mainly on the American experience of male offenders only.

Concurrent with the expansion of EM programs has been an apparent increase in female crime in Canada. The proportion of all criminal offenses accounted for by women has increased from 14% in 1987 to 18% in 1994. While female crime appears to be increasing slightly, the fact remains that the vast majority of female offenders commit comparatively minor crimes including shoplifting, cheque forgery and welfare fraud. Overall, women account for some 22% of all adults charged with property crimes in Canada. Women's participation in property-related crime is believed to be consistent with their traditional roles as consumers and with the increasing feminization of poverty. Most of these women are low-income, semi-skilled, single parents who serve as the sole support providers for their families. Because of their small numbers, very little attention is devoted to the needs and circumstances of the female offender. Incarceration policies and community-based initiatives are reflective of this bias and operate with the needs of the male offender in mind. As a consequence, housing and treatment practices of women prisoners in Canada, as elsewhere, fail to adequately provide for the specific needs of the female offender population. For example, it has been well documented that vocational programs for women tend to be gender stereotyped involving programs such as cooking, cleaning, child care, cosmetology, sewing, and typing (Shaw, 1994; Diamond and Phelps, 1990). Coupled with women's typically low risk offender characteristics, these systemic resource and program deficiencies make community-based alternatives such as EM attractive programs for the female offender (Micucci, Maidment and Gomme, 1997).

Research on incarcerated women suggests that the deprivations traditionally associated with imprisonment (loss of liberty, autonomy, security, homosexual relations) are in some ways more acute for women than they are for men. The principal aggravating factor that intensifies the pains of women's incarceration involves their relations with their families and with their children in particular. About 75% of women in prison have at least one child and between one half and two thirds were the sole caregivers for these children prior to their incarceration (Diamond and Phelps, 1990; Shaw, 1994; Moffat, 1994). Parenthood presents unique challenges for incarcerated women especially given that gender role expectations place primary responsibility for the rearing of young children squarely on mother's shoulders. Incarcerated mothers face concerns about the

impact of their absences on their children, the potential loss of child custody as unfit mothers, and the deleterious impacts of foster care (Diamond and Phelps, 1990). Serving sentences in the community holds the promise of significantly reducing these realities.

Methodology: The research will be based on a case study of male and female offenders (n=40) who have recently participated in the Monitored Conditional Release (MCR) program in Newfoundland. As of November 1996, a total of 331 male and female offenders have been processed through the MCR program (25 females; 306 males). Of this number, the majority have been situated in the St. John's and surrounding areas. For this reason, all interviews will be conducted with respondents living in this geographic location. Because of the smaller number of female offenders in the MCR program, composition of this population will be based on a convenience non-probability technique. I will attempt to contact all the women who have participated in the MCR program to date. I estimate this number to be in the vicinity of 15-20 women. Based on the number of women who are contacted and agree to participate in the study, an equal number of men will be randomly selected and requested to participate.

My research will be descriptive in nature and require a flexible methodology. Therefore, a semi-structured interview schedule will be employed. Interviews will range in duration from 1 ½- 2 hours and will be conducted at a time and place that is convenient for respondents. All information will be tape-recorded if amenable to respondents. Otherwise, information will be recorded by means of hand-written notes. Relevant secondary documents such as Department of Justice memoranda will also be used to provide further information on the MCR program. I will also conduct myself in a highly ethical manner. For example, individual participation in this project will be completely voluntary. An *Agreement to Participate Form* will be administered to each respondent outlining the purpose and scope of the study. Further, the information gathered will be held in strict confidence. The names of the research subjects will not be identifiable in the written report. Ethical approval has been secured from the *Faculty of Arts Ethics Committee* at Memorial.

APPENDIX III:
LETTER REQUESTING SUPPORT FOR A RESEARCH PROJECT

July 29, 1997

_____,
Chief Adult Probation Officer
Adult Correctional and Community Services Division
Department of Justice
P.O. Box 6084, 345 Duckworth Street
St. John's, Newfoundland, A1C 1H6

Dear _____,

I am requesting assistance from the Department of Justice (Adult Correctional and Community Services Division) to conduct a study of male and female offenders who have recently participated in the Monitored Conditional Release Program in the St. John's area. This study is a partial requirement for the degree of *Master of Arts*. I have enclosed a copy of my *research proposal* which has been approved by my thesis committee as well as the Faculty of Arts Ethics Committee at Memorial. I have also attached an *updated copy of my curriculum vitae (cv)* outlining my most recent course work in the MA program.

This study is largely descriptive in nature and will build, in part, on findings gathered from my honour's thesis research on female offenders electronically monitored in Newfoundland. It will explore the background characteristics of respondents, their reasons for participating in the MCR program, living arrangements, employment histories, child care responsibilities, how the program affected their daily routines, and how respondents coped with any problems associated with this service.

All information collected throughout this research will be held in strict confidence. Respondent's names will not be released to any organization or appear in the written thesis report. This research is being conducted independent of the Department of Justice and is being supervised by the Sociology Department at Memorial. The information collected from this study is intended for academic talks, reports, and publications. An *Agreement to Participate Form* will be administered to all respondents providing these assurances of confidentiality and anonymity. Finally, all opinions expressed throughout this research are

entirely my own. It is understood that the Department of Justice is not responsible for any opinions or conclusions contained in the written thesis report.

If you have any questions about the proposed research plan, I can be reached at home (576-4153). Also you may contact my thesis supervisors, Dr. Robert Hill (737-7453) and Dr. James Overton (737-4466). I look forward to hearing from you soon and thank you in advance for your consideration of my research proposal.

Sincerely,

Donna Maidment

**APPENDIX IV:
CERTIFICATION OF ETHICAL ACCEPTABILITY FOR RESEARCH
INVOLVING HUMAN SUBJECTS**

Date: February 28, 1997

Name of Applicant: Maidment, Donna

Department: Sociology

Agency: Internal (ISER)

Title of Project: A Comparative Case Study of Male and Female Offenders
Electronically Monitored in Newfoundland.

We the undersigned members of the Memorial University of Newfoundland Arts Research Committee, having examined the application for a grant to support the above-named project, consider the experimental procedures, as outlined by the applicant, to be acceptable on ethical grounds for research involving human subjects.

MEMBERSHIP OF THE REVIEW COMMITTEE

| NAME: | DEPARTMENT: | POSITION: |
|--------------|--------------------|------------------|
| V. Bubenik | Linguistics | Professor |
| G. Pocius | Folklore | Professor |
| J. Hare | French and Spanish | Assoc. Professor |

**APPENDIX V:
AGREEMENT TO PARTICIPATE FORM**

I am carrying out a study about men and women who have participated in the electronic monitoring program in Newfoundland. The study is part of my requirement for the degree of Master of Arts. It is independent of the Department of Justice and is being supervised by the Department of Sociology at Memorial University. This study attempts to find out what your background characteristics are, your reasons for participating in the EM program, how this program affected your daily routines, and how you coped with any problems associated with this service.

Your participation in this study is voluntary and you may end the interview at any time. You may refuse to answer any question. All information will be held in strict confidence and your name will not be released to any organization or appear in the written thesis report. The information you provide will be tape recorded and will not be accessible to third parties. The information collected from this study will be used for academic talks, reports, and publications. These assurances of privacy are intended to allow you to provide honest answers that are as complete as possible. If you have any questions that cannot be answered by me, you may contact my thesis supervisor, Dr. Robert Hill, Department of Sociology (737-7453 or 737-7443).

Thank you in advance for your assistance in this project.

Sincerely,

Donna Maidment

Having read the above, I agree to take part in the study:

Signature: _____ Date: _____

**APPENDIX VI:
INTERVIEW SCHEDULE**

Background Characteristics:

What is your age?

What is your present marital status?

What was your marital status while electronically monitored?

How much schooling have you completed?

Do you have any children? (Male/female)

How old are they? How old is (s)he?

Did they live with you while you were electronically monitored?

Prior to EM? Currently?

Were they attending school while you were electronically monitored?

Who looked after your children while you were incarcerated?

Where were you living at the time of monitoring?

Were there any other people living with you while you were electronically monitored?

Did you receive social assistance while you were on the EM program?

Were you receiving social assistance before EM?

Are you presently receiving social assistance?

What was your most recent conviction in order to be on EM?

What was your sentence? How long?

Do you have any other criminal convictions? If so, what for?

Have you ever served time in prison before? If so, where? How long?

Provincial or federal sentence?

How much time did you serve in prison before being released on EM?

Where did you serve that time?

What sorts of problems did prison present for you and your family?

How long were you electronically monitored? (Date monitored and duration)

Pre-entry Items (Prior to Admission to EM):

How did you hear about the EM program?

Did anyone from corrections (EM) interview you before you entered the program?

If so, who? Where?

What kinds of questions did they ask?

Did they ask who was looking after your children?

Did you apply for the EM program or did someone from corrections approach you?

Why did you agree to participate in the EM program? (Explain)
 Was anyone else in your family contacted by corrections staff? (Family members, partner, children, social services, etc.).

If so, what kinds of questions were they asked?

How did they feel about your participation in the EM program? (Explain)

Employment and Education History:

Did you work/attend school while being electronically monitored?

Was this on a part-time or full-time basis?

What type of work/schooling were you involved with?

What were your work/school hours?

Did this interfere in any way with your being on the EM program? If so, in what ways? What accommodations were made for this situation by corrections staff?

Did you enjoy this work/school?

Did you attend work/school prior to the EM program?

Was this on a part-time or full-time basis?

What type of work/schooling were you involved with?

What were your work/school hours?

What arrangements were made (if any) with corrections staff for you to continue with work/school? (Explain)

Did your partner work outside the home while you were electronically monitored?

What type of work did he/she do?

Was this part-time or full-time?

Did this interfere in any way with your being monitored? (Explain)

What about others present in the home? (i.e. parents, siblings, older children, roommates)?

What were the work/school schedules of others in the home?

Are you presently working/attending school?

What type of work/school are you involved with?

Is this part-time or full-time?

Do you enjoy this type of work/schooling? (Explain)

What other types of training/work have you been involved with? (Explain) (i.e. job skills, work experience, etc.).

Nature and Types of Programming:

Were you involved in any programming while being electronically monitored?

If so, where? How often? (Explain)

What types of programs were offered by the John Howard Society?

Were these group sessions or individual sessions?

Were men and women in group together? If so, how did you feel about this?

Were there any problems as a result of this?

Were you satisfied with these programs?

Did you find them to be useful to you?

Were there any other programs that you would have liked to see offered? (Explain)

Were there any programs that you felt were not of benefit to you? (Explain)

Did the programming end when the period of monitoring ended?

Did you finish the programs that you had started?

Did you attend any groups/programs now? (Explain)

Were there other programs offered outside the John Howard Society? If so, what were they?

Household Responsibilities:

Who was responsible for household chores inside the home while you were being electronically monitored?

(Specific tasks including cooking, cleaning, laundry, etc.)

Was this any different than before EM? If so, how? (Explain)

Is this any different now that the monitoring is finished? If so, how? (Explain)

Who was responsible for tasks outside the home while you were electronically monitored?

(Specific tasks including grocery shopping, paying bills, Laundromat, home repairs, etc.)

Was this any different than before EM? If so, how? (Explain)

Is this any different now that the monitoring is finished? If so, how? (Explain)

Did you spend more or less time on household chores inside the home while electronically monitored than you had before entering the program?

If so, how much more/less time?

What specific tasks were you most involved with?

Did you do more or less work inside the home as a result of boredom?

Did you do more/less work outside the home while electronically monitored or was there any change?

Did you have any problems with carrying out chores outside the home while monitored?

(Explain). (Not enough time, no one to help out, curfew violation, etc.)

How did you cope with any of these sorts of problems? (Dependence on family members to help out)

Did you have anyone to help with carrying out chores outside the home?

If so, how did you feel about that?

How did you spend your time outside the home while electronically monitored?

What types of activities were you involved with?

What was the process of applying for 'time out'?

Did you have any problems with this?

Were there any other activities that you were involved with while being monitored?

Child Care Responsibilities:

Who is primarily responsible for looking after your children?

Did your children attend school while you were being monitored?

How did they get back and forth to school? (Bus, family member, friend, walk)?

Did you have any problems with transporting kids back and forth to school? To other events? (Explain).

Did your children know that you were being monitored?

If not, how did you explain the bracelet to them? How did you explain not being able to leave the house?

What impact did the monitoring experience have on your children? (Explain)

What would have happened to your children if you had not become involved in the EM program and were required to serve your time in prison?

Who would have looked after them?

What sorts of problems might this have caused?

Did your children visit you at the lock-up/prison?

If no, why?

What are the visitation policies at the lock-up/prison?

Would you have wanted your children to visit you there? Why or why not?

If you had served your time in prison, what would have happened to your apartment/house?

Would you have to give up your house while you served your time in jail?

What about your furniture and personal belongings? What arrangements would have to be made for storing your belongings until you returned home?

Satisfaction and Recommendations:

Overall, were you satisfied with the EM program?

Why or why not?

Are there any things that you would like to see changed? Explain.

Would you recommend EM to others in your situation?

If you had the option to choose EM over prison again, which would you choose and why?

How has the fact that you have children affected your decision to choose EM?

Is there anything else you would like to add?

