

What Does the Elizabeth Fry Society Organization do to Address Poverty?

by

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A major research paper  
submitted in partial fulfilment  
of the requirements for the degree Master of Arts

MA Program in Sociology

University of Ottawa

Ottawa, Ontario

November 2013  
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**Introduction**

Women make up less than five percent of the Canadian prison population, and they receive little attention from the correctional system. Specifically, in 2004, federally sentenced women accounted for only three percent of all penitentiary inmates according to Correctional Services of Canada (Belfour, 2006:166). As a result of criminalized women's low percentage in Canadian prisons, they are placed into a Criminal Justice System ("CJS") chiefly concerned with males-- institutions and programs are designed for men. There is also a shortage of academic research on women's criminalization; thus, the reasons surrounding women's criminalization are not as widely addressed as their male counterparts.

Two of the primary determinants influencing female criminality are physical and sexual abuse by one's parents and poverty. (DeKeseredy, 2000:50). Mendoza and Wright make clear that poverty and abuse are present in the lives of criminalized women; they link abuse and poverty to female participation in criminal activities: "Factors such as economic marginalization, substance abuse, sexual and physical abuse, and parenting without adequate financial resources are what motivate women to commit crimes" (Sharp, 2003:108). Poor, female youths use drugs to cope with their low socioeconomic status; by doing so, they demonstrate how poverty influences drug use which in turn influences women's criminalization (DeKeseredy, 2000:50). A high percentage of incarcerated women lived in poverty prior to their criminalization, and girls and women are predominantly criminalized for economic crimes (Sharp, 2003:177). As Comack

maintains, “Over 80% of all incarcerated women in Canada are in prison for poverty related offences” (Comack, 2006:67).

Lack of economic stability and resources leave women more vulnerable to violence, both in their lives and their children’s; economically marginalized women are less likely to remove themselves or their children from violent relationships due to the risk of more severe financial insecurity (Sharp, 2003:177). As a result, their children’s lives are often similarly influenced by abuse that perpetuates a cycle of abuse amongst the children of such women.

The Canadian Association of Elizabeth Fry Societies (“CAEFS”) works with at-risk and criminalized women; they attempt to reduce and eliminate systemic barriers to poverty for criminalized women. CAEF offer programs, services and material goods to criminalized women affected by poverty and substance abuse; their programs aim to combat poverty and deter women’s participation in crime. Financial Literacy, Substance Abuse Assessment & Treatment and Grocery Assistance are a few of the programs CAEFS offers. The organization uses an intersectionalist approach to address women’s criminalization, and as a result their programs reflect said approach. CAEFS programs and services collectively address issues conducive to eliminating poverty in women’s lives; their assistance to criminalized women, however, is limited due to geography, scope, and financial constraints as it is a Non-profit organization.

The Criminal Justice System (CJS) is better positioned to assist criminalized women because of its resources and constant contact with women throughout the different stages of their involvement with the CJS. If the CJS adopts a methodology similarly to CAEFS, which heavily addresses the core issues of women’s offending,

criminalized women will be able to access more beneficial resources and programs.

Gaining access to more resources and programs is critical to ameliorating the experiences of criminalized women, because the women with histories of abuse and drug abuse who are afforded resources to deal with the consequences of such histories are able to lead healthier lives.

## **Review of Literature**

Elizabeth Fry was a nineteenth century Quaker who was concerned with providing comfortable and humane treatment for women in prison. She was born in England in 1780, and was the daughter of a merchant banker. In 1798, she married Joseph Fry, a London tea importer. She had 11 children, but balanced her charity work with that of her household. In 1812, Elizabeth Fry began volunteering at Newgate Gaol Prison in London; she provided bible lessons as well as food and clothing to women and children (Stewart, 1993:4). Although the Quakers were widely known for their work in liberalizing attitudes and institutions, Elizabeth Fry went further in her goal to improve the way women experienced imprisonment and criminalization. Fry advocated several improvements for imprisoned women: the supervision of women by women, education, separation of inmates based on offences, and religious instruction. She financed and carried out many of these improvements with assistance from her Ladies Committee. Female guards and wardens were also implemented in women's prisons to assist women: during the Victorian era prison administrators overwhelmingly believed that women benefited from close personal attention provided by other women (Mathews, 1999:16). The belief that women benefited from the supervision of other women is evidenced in the increased number of female superintendents at the Andrew Mercer Reformatory in Toronto during the Victorian era. Female guards, however, advocated and enforced disciplinary techniques that reinforced stereotypical ideas about women: the importance of cooking, cleaning, and mothering. Male and female guards were guided by identical knowledge about female criminality, and as a result of this, female superintendents ultimately reproduced sexist knowledge about criminalized women. Implementing

women superintendents and guards did not substantially improve the experiences or material conditions of female prisoners.

Fry drew her strength from divine principles, according to Stewart: “Her inspired resolution, gentle dignity, and personal charisma, allowed her opportunities that were not often presented to women lacking wealth, education or political connections” (Stewart, 1993:3). At the time, Fry’s efforts to improve women’s condition in prison were complicated by middle-class conventions that restricted women’s public and political interests. Religious faith and an economic analysis inspired Elizabeth Fry in the early nineteenth century. Elizabeth Fry drew a connection between women’s economic position and their criminalization: prostitution was the crime committed most commonly by women in prison at the time; consequently, the link between women’s economic position and criminalization became apparent to Elizabeth Fry. She believed women in prison, prior to imprisonment, had limited wage-earning opportunities and received low salaries that resulted in their marginal economic positions, and thus women’s economic position contributed to their crimes. Fry believed paid work for women in prison would assist with their rehabilitation, and provide women with beneficial skills upon their release. In addition to the economic support, Fry and her Ladies Committee provided criminalized women with other services: religious instruction, education, and basic medical and humanitarian care.

By 1830, Elizabeth Fry began losing her influence with prison authorities. Stewart attributes Fry’s loss of influence to two main events: a Parliamentary Committee’s critical review of her work at Newgate Gaol, where much of Fry’s work had been conducted and her ideas implemented; and Fry’s loss of influence to the retreat of the

popular tide of humanitarianism that was sympathetic to her efforts prior to an increase in crime (Stewart, 1993:8). People who at the beginning of Elizabeth's career supported the "humanitarianism tide" of assisting imprisoned women later shifted towards punishment; the shift occurred because of an increase in crime rates during that period. As a result, the public favoured 'tough on crime' policies as opposed to religious rehabilitation (Stewart, 1993:8).

In 1832, the "professional reformers"<sup>1</sup> were strongly influential, and Elizabeth Fry and her Ladies Committee were discredited as well meaning but ineffectual (Stewart, 1993:9). Elizabeth Fry's work at the time was not typical for women; thus, the views expressed about the effectiveness of Elizabeth Fry and her programs may have been held because of its members' sex. Elizabeth Fry died in 1848; her views about how to best assist criminalized women remained unchanged up to the time of her death.

Almost a century after Fry's death, as a testament to her work and vision, members of the Canadian Association of Elizabeth Fry Societies use her name as their namesake. Canadian Association of Elizabeth Fry ("CAEFS") had its Canadian beginnings in British Columbia in 1939; its objective was to assist women in conflict with the law (Stewart, 1993:2). In Canada, CAEFS is one of the oldest institutions working with women in contact with the criminal justice system. The early members of CAEFS, in British Columbia, initially started out by visiting prisons and over time moved into different areas: public education, supervision of community living, homes for adolescents, emergency receiving homes, counseling service for shoplifters, court work services and pre-release planning (Stewart, 1993:1). After 1969, the year the Canadian Association of

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<sup>1</sup> Kendall describes professional reformers as individuals belonging to psychology, psychiatry and other disciplines that designate themselves with the prefix of *psy*. (Kendall, 2000:84.)



Elizabeth Fry Societies (CAEFS) was conceived, more branches of the Elizabeth Fry Society emerged in Canada-- there are twenty-six member societies across Canada. The organization was incorporated as a voluntary non-profit organization in 1978 (CAEFS: 2010).

After the mid-twentieth century, CAEFS relied heavily on scientific knowledge provided by professional reformers to assist criminalized women. CAEFS considered the reformers experts in assessing criminalized women. Several factors attributed to CAEFS' addition of professional reformers and their development of scientific based treatment program: new scientific development, increased research on treatment programs, and changes in attitudes and ideas toward criminalized women. CAEFS lobbied heavily for paid professional reformers in women's prison: psychologists, psychiatrists, and social workers; in the 1960s, after urging the Ontario minister of health and enlisting public support through writing to legislative members, CAEFS successfully developed and carried out gender-sensitive addiction programs (Hannah-Moffat, 2000: 114). Prior to CAEFS initiatives, formally trained social workers had not been attached to the Mercer Reformatory or the women's section of the Don Jail-- two of the earliest reformatories that housed criminalized women (Hannah-Moffat, 2000:114).

During the 1960s, Prison for Women (P4W) hired full time psychiatrics and psychologists to aid with rehabilitative processes. Rehabilitation administered through professional reformers had a profound impact on Canadian corrections between 1940 and 1970; a move requiring medical professionals to administer rehabilitation formed the basis of the common understanding that rehabilitation is a form of expert intervention based on a scientific understanding of the criminal mind (Moffat, 2001: 94).

Consequently, women such as addicts, alcoholics, recidivists, and political prisoners, were thought to be unreformable because their offences were seen as unreformable; therefore, certain prison programs excluded some women.

By the mid 1970s and early 1980s, the idea of reformation for criminal women through paternalistic, gender training programs was insignificant; expert knowledge, however, remained key in understanding female criminality. Psy-sciences'<sup>2</sup> importance increased in the regulation of Canadian prisons: despite the constant threat of demise, the psy-sciences hold an ever-increasing role in the governance of Canadian populations (Shaw and Moffat, 2000:86). The use of 'Psy-experts' contributed to violations of women's rights as incarcerated citizens, as expert rehabilitation often tolerated an abusive environment for women. Imprisoned women at Prison for women (P4W) were unwilling participants in several medical studies advocated and executed by members of the psy-sciences:

In the early 1960s, experiments conducted at P4W involved administering mind altering drugs - primary lysergic acid and diethylamide in conjunction with other potent drugs - and administering electrical currents to the brain. (Moffat, 2001:103)

Moffat's statement demonstrates the kinds of rehabilitative drugs and scientific tests used on female offenders at P4W; her statement makes clear that the use of expert-based psychiatric and psychological rehabilitation was customary at P4W.

CAEFS advocated for professional reformers due to their belief that these professional assessments provided better diagnostic dissection of women's criminality (Sangster, 2004: 250). Expert knowledge about women's criminality determined the way women were labeled and the kinds of treatment women received once imprisoned.

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<sup>2</sup> Disciplines such as Psychology, Psychiatry and others that designate themselves with the prefix of *psy*. (Kendall, 2000:84.)

CAEFS' reliance, however, on such perspective proved problematic: they worked predominantly with non-White women from different cultures, using diagnostic tools that excluded or ignored cultural differences. Native women were treated unfavorably after refusing to participate in psy-science based treatment; the consequences on Native women were numerous: many were seen as uncooperative, kept at high security classification, denied passes and had parole applications turned down, because they refused treatment or were uncooperative (Montre- Angus, 2000:53). It is difficult for women to reject treatments while imprisoned, as rejecting such programs have undeserved and indirect consequences. For native women, refusing to participate in psy-science based programs resulted in a particularly negative prison experience.

Cultural differences often denote socio-economic status; socio-economic status is one of the primary influencing factors of women's criminalization. Therefore, CAEFS' embrace of a perspective that neglected cultural differences resulted in non-White, criminalized women's discrimination. As Sangster claims:

CAEFS' uncritical decision to embrace the reigning positivist criminology, with its emphasis on individual maladjustment, its call for women to reconstruct their damaged selves, its patriarchal, and heterosexist biases, was deeply confining to non-white women. (Sangster, 2004:250)

Consequently, the perspective CAEFS used to structure their programs benefited women unequally. While women reformers improved the material conditions of women in prison, their uncritical acceptance and advocacy of the Psy-Sciences, however, continued the exclusion and marginalization of some women in prison. Members of the Psy-Sciences used different techniques and knowledge to rehabilitate women; nonetheless, they, like others before them, produced limited improvements for imprisoned women by neglecting

to examine important social conditions and issues contributing to women's participation in crime.

Many of Elizabeth Fry's original ideas remain present within the Elizabeth Fry Societies of Canada; concurrently, new ideas have been implemented to guide treatment programs. CAEFS kept Elizabeth Fry's rehabilitative philosophy, rather than adopting a punitive one, for prisoners. Current practices guiding CAEFS' rehabilitation differ from Elizabeth Fry and the organization's early beginnings: CAEFS' practices (as discussed) are based largely on a formal scientific perspective. Elizabeth Fry and the early members of CAEFS' used an informal and religious approach: Fry provided medical advice and counseling to imprisoned women without formal training in these areas (Stewart, 1993:5).

At this time, the services the CAEFS provide range from pre-employment programs to drug and alcohol counseling groups. Services are provided to women in and out of prison; CAEFS counselors also locate other beneficial resources, independent of E Fry programs, on women's behalf. The CAEFS adheres to an intersectionalist approach in dealing with criminalized women: "An intersectionalist approach takes into account the interconnection of race, class and gender when examining social inequalities or privileges as interrelated and interacting" (Barak *et al.*, 2007:83). This approach is significant to CAEFS programming, as it represents a shift in practices from Elizabeth Fry and the organization's early members. Currently, when addressing women's poverty the CAEFS takes into account gender, ethnicity, and socioeconomic backgrounds (Sangster, 2004:23). The aforementioned factors are central to women's participation in criminal activities, and, as such, improving them is crucial to improving the lives and experiences of criminalized women.

The incarceration of women is a complex issue; moreover, incarceration often neglects broader social issues contributing to women's offending. CAEFS attempts to address issues contributing to women's offending through programming; the level of assistance CAEFS provides, however, is limited due to its resources and access to women. To deter women's participation in crime, CAEFS advocates improving women's social conditions in society and providing effective programming for imprisoned women. CAEFS considers prisons ineffective to improve women's lives and deter them from crimes because of prisons' reliance on lack of or little programming, or both. DeKeseredy supports CAEFS' view on prisons; he claims that penal institutions are ineffective because they ignore two important factors: family and community networks that offenders are a part of subsequent to incarceration (DeKeseredy, 2000:121). Women re-enter the high-risk environments they belonged to prior to incarceration putting themselves at risk for reoffending. These environments are crime ridden and social conditions such as joblessness, poverty, social inequalities and other unaddressed social issues are present (DeKeseredy, 2000:121). Consequently, solely incarcerating women without addressing pertinent social issues affecting their lives is conducive to women's recidivism. Recidivism rate among offenders who return to old communities and families are high; members of these environments have often initially influenced offenders' criminal behaviours.

Primarily, women who are criminalized often share similar environmental backgrounds even though their pathways to offending vary. Shaw et al. conducted a study on women offenders at the Kingston, Ontario prison for women (P4W), the study reported that 120 of the 170 women indicated that drugs or alcohol played a role in their

current offenses; in the survey, 52% of women reported being under the influence of a substance when they committed their current offenses (Shaw *et al.*, 1992:5). A high percentage of women are under the influence of alcohol or illicit drugs at the time of arrest (Sharp, 2003, p. 177); and approximately 80% of female offenders in federal prisons have substance abuse problems (Matheson *et al.*, 2008, p. 1). While drug abuse is prominent in women's lives, a large number of imprisoned women were convicted for crimes other than drug offences. Drug and alcohol abuse is often coupled with poverty in women's lives. Women's arrest and imprisonment, as outlined, illustrate the intertwining of poverty, abuse and crime participation.

Penal institutions are not a deterrent for a large number of women who commit economic crimes, because such women are often socially disenfranchised. (DeKeseredy, 2000:120). Economic inequality is a recognizable, disadvantageous social issue for women: even though more women are working for wages, obtaining university degrees and full-time employment, disparities between men and women in the labour market prevail (Comack, 2006:65). Much of the economic disparity between women and men is related to women constituting the overwhelming majority of single parents (Comack, 2006: 66). Expectedly, a high percentage of women who are criminalized for economic crimes head single-parent households; Comack makes evident the link between sex, economic inequality and women's participation in economic crimes with the follow facts:

- i. In 1998, 53 percent of all families headed by lone-parent mothers had incomes that fell below the low-income cut off.
- ii. Since the 1970s women have consistently accounted for about seven in 10 part time employees (whose job benefits are minimal and working conditions precarious).

- iii. Even when women were employed on a full time basis, their earnings remained below that of their male counterparts. In 1998, women working full-time had average earnings that were just 72 percent of those of men working full time (Comack, 2006: 66).
- iv. 64 percent of female inmates in provincial/ territorial institutions and 80 percent of those in federal institutions were unemployed at the time of admission (compared with 43 percent and 54 percent, respectively, for males) (Comack, 2006: 67).

Rapid increases in female-headed households and stresses associated with poverty result in increasing numbers of women being charged with income producing crimes such as larceny, shoplifting, cheque forgery, and welfare fraud (Comack, 2006: 67) Conclusively, women's high representation in economic crimes can be explained in the contexts within which their lives are located.

Racial inequality women experience results in consequences similar to economic inequality in regard to its influence on women's participation in crime and incarceration rates. Aboriginal and non-White women, relative to their numbers in the general Canadian population, are over represented in crime statistics. Aboriginal women are also the fastest growing group of incarcerated women in Canada (Pollack, 2008: 6). Although Aboriginal peoples as a group experience disadvantages due to racism, the disadvantages Aboriginal women experience are most pronounced: between 1996 and 2004, Aboriginal women accounted for 32 percent of those incarcerated in federal institutions; Aboriginal men made up 23 percent. (Pollack 2008; Sapers 2011) Aboriginal women are at a greater disadvantage for marginalization because of the intersection of race, class and gender in their lives. Marginalization within Aboriginal women's lives as brought on by the aforementioned intersections fosters the neglect of social issues that influence women's

participation in criminal activities; as a result, incarcerating women with disregard for the broader, unequal structural makeup of society is unfairly punitive. The inequalities resulting in women's marginalization and crime also remain unchallenged. Social issues affecting women must be given proper attention to ameliorate women's social conditions and deter their offending.

Feminist reformers were largely responsible for improvements in the material conditions of many women's prisons across the United Kingdom and North America; these reformers influenced the women who created the Task Force For Federally Sentenced Women<sup>3</sup> that is in part responsible for improving material conditions of incarcerated women (Moffat, 2001, p. 20). Prior to changes brought on by TFFSW, CSC resorted to patriarchal and moral ideologies that were often guided by unintelligible knowledge produced by dated criminologist and subsequently lead to the medicalization of imprisoned women for rehabilitative purposes. Prison programming consisting of strict supervision and maternal care intended to address women prisoners' lack of proper socialization instilled 'proper virtues of domesticity and passivity' (Comack, 2006:156). Women's representation was dictated largely by criminology theory at the time.

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<sup>3</sup> The task Force on Federally Sentenced Women was established in March, 1989, by the Commissioner of the Correctional Service of Canada in collaboration with the Canadian Association of Elizabeth Fry Societies. The mandate of the Task Force on Federally Sentenced Women required members to examine the correctional management of federally sentenced women from the commencement of 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 ([csc-ccc.gc.ca](http://csc-ccc.gc.ca)).



## Representation of Criminalized Women: Theories

Changes in criminology theories make evident representational changes of criminal women over time. In 1893, for example, in *the Criminal Woman, the Prostitute and the Normal Woman*, Cesare Lombroso, an influential criminologist described female criminality:

The born female criminal is, so to speak, doubly exceptional, first as a woman and then as a criminal...criminals are exceptions among civilised people, and women are exceptions among criminals...as a double exception, then, the criminal woman is a true monster. (Lombroso, 1895:185)

To substantiate his belief that female offenders displayed certain physical characteristics--a "Stigma of Degeneration," Lombroso photographed and took cranial measurements of many female offenders. Female felons, according to Lombroso, were stronger, shorter, fatter, and more likely to have dark hair and a mannish jawline than a 'normal' woman (cited in Campbell, 2008: 5). Lombroso also believed that women as a group possessed limited intelligence, were less sensitive to pain, full of revenge and jealous, and naturally passive and conservative (cited in Comack, 2006:25).

Fifty years later, another notable criminologists, Otto Pollack, linked female criminality to sexuality; he suggested that a woman's devious nature was rooted in her physiology: according to him, women were inherently deceptive and vengeful; they engage in prostitution and blackmail their lovers. As domestics they stole from their employers, and as homemakers they carried out horrendous acts on their families (cited in Comack, 2006: 26). Pollack claimed secrecy surrounding women's menstruation conditions caused women to commit furtive crimes such as poisoning the sick and abusing children (cited in Campbell, 2008:5). Despite attributing women's crimes to their sexuality, Pollack believed women's crimes were as severe and equal in number to

men's. Pollack describes the female offender unfavourably: a deviant creature whose criminal behaviour was concealed because criminal justice officials were reluctant to arrest, convict and punish her for crimes committed (cited in Culliver, 1993: 4).

In the 1980s, analysis of female criminality was attributed to the impact of the women's movement that began in the 1960s (Culliver, 1993:5). Freda Alder, the author of the liberation thesis, linked the increase in women's crimes to the Women's Movement. She based her theory upon women's newly acquired rights affected by the Women's Movement. Alder suggested a new female criminal was emerging: women were becoming more violent and aggressive, in a manner that was similar to their male counterparts. According to the women's liberation thesis, women's involvement in crime would resemble men's more closely as differences between men and women were diminished by women's greater participation and equality in society (Comack, 2006:30). The premise of Alder's Women's Liberation Thesis was based on a "Statistical Illusion," according to Comack:

The supposed increase in women's crime was being reported in percentages; thus, given the small base number of women charged with criminal offences, it did not take much of a change to show a significant increase in percentages. (Comack, 2006: 30)

Criminological theories about women have continuously portrayed female offenders negatively. The misrepresentation of female criminality can be attributed largely to neglect of women's pathways to crime and the influence of commonly held stereotypical ideas about women.

Some current ideas about female criminality attribute criminality to poverty. Feminists and legal scholars, however, continue to disprove ideas that allude to poor people being predisposed to crime. Daly, a feminist criminologist, conducted a study that

sought to answer several questions pertaining to women's offending; she asked an important question: Is there something more than economic survival which propels or maintains women in a criminal status? From a study including 40 female convicts, she concluded there are three other significant causes leading women to crime:

- i. Abuse or neglect suffered as a child.
- ii. Being or having been in a relationship with a violent man.
- iii. Being around boyfriends, mates or family members who use or sell drugs, or wanting to more money for a more economically secure and conventional life (Daly, 1998: 148).

The connections Daly established between women's victimization experiences and their criminal activities located women's criminal behaviour within broader social contexts of class and gender. Daley's study confirms women's pathways to crime are influenced by poverty along with other disadvantages located in the contexts of class and gender.

Dekeseredy (2000) and Hannah-Moffat (2001) also believe gender, class, and racial inequalities to be three of the primary contributing factors to women's participation in crime. Theoretical and empirical contributions of feminist criminologists have advanced understanding of women's involvement in crime. Through research, feminists and legal scholars demonstrate that when poor women commit crimes, poverty is compounded by other factors: gender, class, and racial inequalities. The relationship established between poverty and the compounding factors results in women's criminal participation; therefore, poverty as solely responsible for women's criminal behaviour is limited. For the control, management and punishment of female offenders, feminists and prison reformers suggest new ideas; they seek to reform mainstream theories by moving away from traditional

criminologists' theories that offered ineffective ideas to understand women's criminality (Comack, 2006: 30).

Despite the available literature on women's pathways to crime produced by feminist criminologists and legal advocates, dated ideas of criminalized women dominate society, particularly in the media. Dated ideas influence the ways the CJS treats women in society. Karla Homolka's case<sup>4</sup> is representative of how dated ideologies in society are disseminated by the media. Karla Homolka is unrepresentative of the vast majority of women in prison, however, during her trial the media portrayed her as such. The media's portrayal of Homolka's case misrepresented the 'typical female offender', and by doing so, the media perpetuated the old, unproven idea that women are increasingly becoming dangerous: an idea present in the liberation thesis. Some persons in the media often used Karla Homolka's case as evidence to demonstrate the idea that women are committing

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<sup>4</sup> Karla Homolka, with her partner Paul Bernardo, was convicted of the abduction, rape and murder of two teenaged girls, and of the drugging and rape of her younger sister, in St Catherines, Ontario, Canada, in 1993. The couple first drugged Homolka's sister, 15-year-old Tammy, with an anaesthetic and sleeping pills, and raped her while she slept on 23 December 1990. Tammy then died accidentally due to the overdose. The couple continued drugging and raping young girls, with their activities culminating in two more murders. The first of these was 14-year-old Leslie Mahaffy who was abducted in the early hours of 15 June 1991. The pair sexually assaulted the teenager until Bernardo allegedly strangled her on the morning of 16 June 1991. Mahaffy's body was then dismembered, encased in concrete, and dumped into a lake. On 16 April 1992, Homolka and Bernardo kidnapped 15-year-old Kristen French and kept her as a "sex slave" in their house until 19 April 1992, when Bernardo allegedly strangled her. French's body was dumped in bush land and was not discovered until 30 April 1992. Most of the sexual assaults on all girls were videotaped. Homolka eventually left Bernardo on 5 January 1993, after a particularly savage beating at his hands. She negotiated an agreement with the police in exchange for her testimony, as at this time the videotapes of the assaults were missing. At her trial, Homolka pled guilty to all charges and, on 6 July 1993, was sentenced to two concurrent maximum sentences of 12 years for the man- slaughter of Mahaffy and French. She divorced Bernardo on 25 February 1994. The videotapes depicting both Bernardo and Homolka's sexual abuse of the victims were finally handed to police by one of Bernardo's lawyers in February 1995. Bernardo's trial commenced on 1 May 1995. He was convicted of both murders and rapes, and, on 1 September 1995, was given a life sentence with no parole for 25 years. He subsequently filed an unsuccessful appeal on 8 September 1995. Karla Homolka was due to have been released from prison on parole in 2001, but her release date has been postponed until 2005, when she will have served her full sentence, due to fears for her safety (Morrissey, 2006:170).

crimes in a manner that is similar to men, and therefore they require identical treatment. Conversely, Statistics Canada data make clear when females commit violations against a person, it is most frequently a common assault. The data demonstrate that, compared to males, a greater proportion of females are in contact with police for property crimes than for other types of crimes: 47% of females accused of Criminal Code offences are accused of a property crime and 28% are accused of violations against a person. An additional 17% of females were in conflict with the police because of offences against the administration of justice and 7% for 'other Criminal Code offences' (e.g. weapons offences, prostitution, etc.) (Statistics Canada, 2008: 3). Data from Statistic Canada prove women are rarely charged with violent sexual crimes.

Consequently, due to the media's sensationalization and misrepresentation of female offenders, "typical female offenders" are misrepresented as dangerous women requiring harsher sanctions from the CJS. Public opinion is important in influencing governmental policies, and as a result, the media's misrepresentation of women offenders affects women's programming (within the CJS, for example). Conclusively, the media's misrepresentation of female crime, like older criminological theories, restricts women's opportunities to benefit from proper programming by the CJS.

### **The influence of Drugs, Abuse and Social Factors on Women's Offending**

A large percentage of criminalized women engage in sex work, particularly street level prostitution, to support their addictions. Statistics Canada data show the prevalence of gender stratification in prostitution; women were more likely to receive a prison sentence for prostitution: in 2003/2004, just under one third (32%) of female adult offenders found guilty of prostitution were sentenced to custody, compared to 9% of male adults (Statistics Canada, 2008:11). The gender stratification present in prostitution charges signifies the differences between men and women's pathways to crime, and how sex influences men and women's experiences of the CJS.

Early childhood experiences are critical in girls' and women's journeys towards lives involving substance abuse and crime: childhood trauma that occurs within the home resonates as the first important part of women's journey to crime and drugs (Caputo, 2008:27). Childhood trauma sets the stage for how girls and women view themselves and how they experience the world (Caputo, 2008:58). Women who experienced trauma and subsequently engage in criminal behaviours are most likely to abuse drugs and alcohol; such women rely largely on unsafe, street level prostitution to fund their drug and alcohol habit. This kind of prostitution allows women access to 'quick' money, hence women's heavy concentration in it. Women manage their addiction through money or illegal drugs obtained through prostitution, or both; consequently, women's high numbers in prostitution result in their high arrest rates. The high percentage of women engaged in unsafe, street-level prostitution, comparatively to men, often reflects their substance addiction stemming from their need to cope with childhood abuse; women may use drugs

as a coping mechanism for their childhood abuse and a present unstable environment:

Girls would embrace their caretakers' addictions, relying on early drinking and early drug use habits as a means to escape troubles, employing other destructive coping mechanism and engage in crime to survive. (Caputo, 2008:28)

Caputo affirms the significant presence of early childhood trauma among sex workers.

Women and girls who experience abuse share similar familial backgrounds; they are often members of families who lead turbulent lives:

While the type of abuse they suffered as girls may have differed among women (Strangulation by their mothers or rape by their fathers, for example) the essential nature of the abuse was the same: continued infliction of power, dominance, degradation, and dehumanization. This triggered a wave of negative reactions, a misdirected coming of age during the women's adolescence that would carry through life. (Caputo, 2008:28)

A large number of women in contact with the CJS have experienced childhoods marked by abuse. Subsequent to her interviews with women in prison, Comack became aware of abuse in women's lives, mainly as girls, but also as adults:

One aspect of the women's childhoods that were impressed upon me as I listened to their recollections was the hardship that so many had endured from a very young age... In the midst of their memories of childhood, stories of abuse figured prominently. All but three of the women recalled being abused as children (although these three women encountered abuse as adults). Like many women, their early years were a far cry from some idealized, storybook version of a safe and secure childhood. (Comack, 1996: 44)

Comack's revelation attests to the distressful early living situations of women; she claims that women's precarious living situations are compounded with other hardships, all of which women endure at a young age. Sarah's<sup>5</sup> story demonstrates, in part, the hardship women experience: "My mom was, she drank a lot. No one was there to look after the young ones. My sisters were always out. She always depended on me. My mom

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<sup>5</sup> Sarah is one of the fourteen women Comack interviewed while in prison.

depended on me instead of me always depending on her” (Comack, 1996: 44). Sarah also discussed the physical abuse she endured. Abuse is prevalent in female offenders’ lives: abuse and poverty precede prostitution in women’s lives. In a sample survey of about 50 of the Women Offenders Substance Abuse Program (“WOSAP”)<sup>6</sup> participants, Grant, director of the Addictions Research Centre for CSC, in Montague, Prince Edward Island, reports that all of the surveyed women had suffered in some way: trauma, physical or sexual abuse, or severe family dysfunction are in their past (camh.ca). The Department of Justice discusses the consequences of children’s sexual abuse and neglect:

Children who are sexually abused may experience disruptions in their developing view of themselves and the world. These disruptions can result in significant emotional and behavioural changes as they find ways to cope with these events...Opportunities to play, learn and have healthy social interactions with others may be lost. They may try to cope with the abuse by acting in a secretive manner and behaving in a helpless way. (Department of Justice Canada, 2005: 6)

Chesney-Lind and Pasko confirm that an abused woman is faced with the necessity of rebuilding her life over and around the abuse: abuse results in experiences with victimization, a lack of sense of control over one’s life, behavioural inclination for crime and violence (Chesney-Lind and Pasko, 2013:108). Consequently, women view delinquency as an escape from their unstable environments. Therefore, given women’s disadvantaged backgrounds and the consequences from abuse they endure, their participation in crime is an escape strategy. Conversely, it is possible for women with histories of abuse and childhood trauma to lead quality lives with adequate and effective resources, as many women with similar experiences lead successful, productive lives.

Women’s ability to escape lives of crime, drugs, and prostitution subsequently to

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<sup>6</sup> The Women Offenders Substance Abuse Program (WOSAP), introduced in 1999 by Correctional Service Canada (CSC), was designed with a mission: to specifically help women offenders in federal penitentiaries with substance use problems (camh.ca).



childhood abuse is contingent on the assistance and resources they receive, as according to Chesney-Lind and Pasko, victimized girls become women with few social or psychological resources for successful adult development (Chesney-Lind and Pasko, 2013:108). The assistance and resources women receive to deal with childhood abuse and trauma is proportionate to the quality of their lives. As mentioned, women who participate in sex work are predominantly from poor, urban communities; they are generally drug infested, violent, and disordered (Caputo, 2008: 29). Caputo claims women from such neighbourhoods who engage in sex work have recalled some of the most violent and disordered childhood surroundings. Thus, the women who resort to drug abuse and crime are often women who are denied assistance and resources to deal with their abuse and trauma.

Criminalization without adequate treatment leads to a trend that raises additional concerns: criminalized women's children and crime. According to Caputo, early life trauma creates emotional and psychological pain expressed in substance abuse; often, substance abuse leads to child abuse. Consequently, such girls are at greater risk of being unable to attend school, acquire work, and valuable social skills that may result in a life of delinquency similar to their parents. The Canadian Justice Department estimates the personal and social costs of sexual abuse and exploitation of children and youth to be \$15,705,910,947 annually; its estimation is based on the Day Model. This model measures the judicial and social services, education, health, employment and personal costs of violence as the total cost of child abuse (including child sexual abuse) (Department of Justice Canada, 2005: 7). Consequently, lack of adequate treatment for women with childhood trauma who participate in crime put their children at a greater

advantage for offending, as women's children may experience tumultuous lives involving childhood abuse and neglect. Girls with parents who abuse alcohol and other drugs are at an elevated risk for alcohol and substance abuse; they tend to be using alcohol and drugs earlier in adolescence than others (Caputo, 2008: 59). Incarceration alone is unlikely to ameliorate women's behaviours. Reoffending is inevitable as long as factors influencing women's participation in criminal activities are unaddressed.

Street-level female sex workers ("SFSW") are easy targets for police officers due to the visibility of their crime; women from urban, poor areas are most likely to engage in street-level sex work, and they are also most likely to be apprehended by police officers. Police apprehension of SFSW during prostitution sweeps is common in urban communities. Christine Bruckert, a Criminology Professor at the University of Ottawa and an organizer with Prostitutes of Ottawa/Gatineau Work, Educate, Resist (POWER) declares that, "It's (prostitution sweeps) an ongoing problem," and "police in Ottawa are particularly confrontational with street hooking" (Xtra Ottawa, Dec. 2008). Women confined during prostitution sweeps are doubly disadvantaged: first, women are disadvantaged by the childhood experiences that influenced prostitution participation; second, the overcrowding from prostitution sweeps in local jails results in lack of programming. Women (SFSW) are often released without substantive treatment or imprisoned even though programs assisting prostitutes with addictions and other social conditions are critical to prevent recidivism.

The increased chances of police apprehension for Street level prostitutes exemplify an important tenet of the conflict theory: the importance of socio-economic status as an influencing factor in criminalization. Conflict theory posits that when less dominant group members come into conflict with the law, they are more likely to be prosecuted and incarcerated (Akers and Sellers, 2009: 219). As illustrated above, a large number of women confined for street level prostitution are poor and suffer from addictions. The low socio- economic status of women who engage in street level prostitution dictates the representation and treatment the CJS affords such women. The over-crowding of prostitutes in the Ottawa Carleton Detention Center (“OCDC”) is an excellent example of the treatment women receive based on their representation: OCDC is equipped to house 42 women, but it's at roughly double capacity, leaving women to sleep on the floor and in the interview and special needs rooms (Xtra Ottawa, Dec. 2008). McCann reports that local Ottawa community members call in to police stations reporting street level prostitutions, and police officers respond by doing prostitution sweeps that result in over-crowding.

While a high percentage of women are arrested for prostitution, many are also arrested in large numbers for economic crimes:

Two-thirds (66%) of theft incidents involving a female accused were incidents of shoplifting compared to half (51%) of incidents involving males. Fraud is another property crime that is characteristic of female offending (84 per 100,000 female). For both theft and fraud, rates were about half the rates for males. (Statistics Canada, 2008: 1)

As indicated by Statistics Canada, a large number of women’s crimes are economic in nature; more than 25% of women admitted to a provincial prison are sentenced for

property offences, such as shoplifting or fraud. Women from severely disadvantaged neighbourhoods with more severe childhood trauma are heavily concentrated in sex work. A large number of women from middle class families ‘specialize’ in shoplifting:

In the middle class area, residents, including children, have more sustained interactions with the broader conventional society while others differentially situated in the lower-or working –class environments experience a separate world, one more isolated from conventional society and its behavioral norms. (Caputo, 2008: 29)

Caputo claims that women are more likely to remain anonymous through shoplifting (unless they are apprehended), and this allows them to remain within middle class conventions and norms. Women participating in sex work instead of in shoplifting or vice versa may be attributed to environmental differences; but whatever women ‘choose’, their participation in crime is almost always influenced by issues stemming in part from their abuse and poverty. For this reason, women’s high participation in economic crimes affirms the link between poverty and women’s crime; economic crimes indicate continuing poverty or financial need, or both, in women’s adult lives.

Women’s poverty is related to forcibly leaving their unstable environments and attempting to survive without support networks. Women and girls initially participate in crime to facilitate daily life responsibilities, once in the criminal world, however, women become entwined with other criminals and criminal lifestyles. The typical female offender is a member of society’s least dominant groups due to her poverty and lifestyle choices. The tenets of Conflict Theory suggest that the law and the criminal justice system primarily embody the interests and values of the most powerful groups in society rather than society as a whole. Society’s dominant groups are able to define normality and deviance, and ensure their beliefs are protected by the criminal justice system; thus

the law is enforced in a way that unfairly labels and punishes the less powerful groups in society (Akers and Sellers, 2009: 219). Consequently, when less dominant group members come into conflict with the law, they are more likely to be prosecuted and incarcerated. Society's dominant groups are able to define normality and deviance, and ensure their beliefs are protected by the criminal justice system (Akers and Sellers, 2009: 219). Women are immediately labeled a societal threat upon participation in crime and are treated by the CJS accordingly. Criminalizing women with addictions for participating in street level prostitution, for example, exemplifies how the CJS embodies the interests and values of the more powerful groups in society as opposed to all of society. Women's extenuating circumstances are often neglected when examining their participation in crime; and furthermore, the treatment women receive subsequently to contact with the CJS make evident the injustices (lack of programs, neglect of childhood trauma, abuse etc.) women experience, as espoused by the conflict theory.

In the 2010 annual report in *The Office of the Correctional Investigator Report*, Sapers discusses the way women are treated when imprisoned:

One facility has resorted to placing women in an interview room within the facility's secure unit. This room does not have any running water, toilet facilities or built-in cell call alarm system, nor does it offer the amount of living space, privacy and dignity that is available in a purpose-built cell. The women sleep on mattresses on the floor. Of further concern to this Office is that some of the women housed in this space have mental health needs. (Sapers, 2011: 51)

Consequently, by inefficiently dealing with women the CJS establishes a cycle of re-offending.

Conflict theorists are concerned with social inequalities and advocate support for fair representation and non-discrimination in the Criminal Justice System.

Criminologists such as Austin Turk maintain that criminological theory's central task is

to explain criminality, not to untangle the causes of criminal behaviour. Turk defines criminality as, “The process by which certain behaviours and individuals are formally designated as criminal” (Turk, 1969: 50). Although Turk valorizes examining the criminalization process over untangling the causes of crime, scholars such as Comack (1996), Dekeseredy (2001) and Caputo (2008) argue, however, that both the criminality and the causes of crime are important. In regard to women in conflict with the law, criminality and causes of crimes are often interrelated and equally important; for example, both poverty and abuse, sometimes separately, but mainly collectively, influence the causes of women’s crime and their criminality. The way women experience the CJS is largely proportional to social and material conditions influencing their criminality and criminal participation: in 2000, 33 percent of Aboriginal women lived below the poverty line and 23 percent of Aboriginal women were incarcerated federally (Pollack, 2008: 6). Therefore, examining both women’s criminality and causes of crime are beneficial to improving the experience of women in contact with the CJS. While all women are criminalized for participating in crime, the factors influencing women’s criminalization varies: the social conditions influencing an Aboriginal woman’s participation crime may differ for her non-Aboriginal, urban counterpart.

Turk discusses an important tenet of Conflict Theory: economically and socially disadvantaged groups have different cultural norms that often result in different behaviour (Turk, 1969: 54). According to Turk, behavioural differences need to be resolved in order for improved interaction between members of the CJS and socially disadvantaged groups, as these groups must interact with each other. Different behaviours brought about by cultural norms are apparent in the way criminalized Aboriginal women

experience the CJS, as discussed by Sapers:

Although staff appeared generally aware and empathetic to the situation of Aboriginal offenders – including knowledge of ‘*Gladue* principles<sup>7</sup>’ and the negative effects of over- representation of Aboriginal people in the criminal justice system – they were unable to fully operationalize the practical intent of these principles. (Sapers, 2011: 47)

Sapers’ findings make clear the importance of improved interaction among CJS and disadvantaged groups in society, for the quality of interaction between the CJS and such groups influences the latter’s experience of the CJS. Turk does not believe that cultural differences are a definite indicator of conflict. He believes, however, conflict is more probable in society when groups and authority disagree on the importance of cultural and social norms. Aboriginal women’s experience of the CJS will continue to be discriminatory until their cultural practices are fairly taken into account during their experiences and programming in the CJS. As David Langtry, Acting Chief Commissioner of the Canadian Human Rights Commission states:

Not only are Aboriginal women over-represented in our prisons, a disproportionate number are held in solitary confinement. This creates barriers to access to rehabilitation programs. As a result, Aboriginal women in corrections do not get paroled early, if at all. They end up serving more time. Some end up serving additional sentences for crimes committed in detention. (Langtry, 2013: 3)

Although Langtry’s example discusses the experiences of Aboriginal women, the same holds true for a high number of female offenders. Consequently, women are given longer sentences that result in more expensive prisons and lack improved programming: “On average, every dollar spent on correctional programming returns four dollars in saved incarceration costs” (Sapers, 2010: 43).

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<sup>7</sup> CSC policy offers a fairly expansive interpretation of Gladue factors, including: effects of the residential school system; impacts of community fragmentation, dislocation and dispossession; family histories of suicide, alcohol abuse and victimization; and loss of cultural/spiritual identity (Sapers, 2011: 46)

Lastly, Turk asserts that conflict arises when some individuals refuse to accept the existing order and challenge the “authorities” (Turk, 1969: 56). The opposite is true, however, for the typical female offender. She defies laws, not especially out of a desire to challenge authority, but largely for basic survival given her history: poverty, abuse, and the lack of resources to deal with the consequences of both poverty and abuse. CAEFS programs and results, as will be discussed in the methodology section of this paper, confirm that using an intersectionalist approach is beneficial for helping women withdraw from criminal activities and to improve their social conditions. CJS may benefit from mirroring CAEFS’ treatment programs for women offender, as it is well suited to address the needs of criminalized women: it has great resources and authority to develop and maintain beneficial programs for criminalized women. Simultaneously, it has direct and continuous contact with women. By ignoring stereotypical ideologies about female criminality and causes of crime and addressing behaviours that result from childhood trauma and poverty, the CJS can be improve women’s lives.



**Methodology:**

This paper uses content analysis. The research examines some of CAEFS Ottawa and Toronto programs available to criminalized women between the ages of 18- 65 and uses these programs as a baseline for analysis. Both CAEFS' programs are examined in detail to demonstrate their adequacy and limitations, and thereby prove why the CJS needs to use a similar model to improve programming for criminalized women. The research variables came from programs provided through CAEFS Ottawa and Toronto; the details of these programs are entirely from the aforementioned CAEFS websites. The chart below lists and describes the programs examined.<sup>8</sup>

| <b>CAEF Toronto</b>   |
|---|
| <p><b><u>Community Programs:</u></b></p> <p><b>Goal</b> ▶ To provide counselling and psycho-educational services for women (16 years old and up) who are, have been or are at risk of conflict with the law both in the community and in prison. All programs are free and do not have catchment areas. The programs provide first stage of healing. We offer one-on-one or group counselling in series of 8-12 sessions, combination of maximum 24 sessions and one day workshops.</p> <p><b>Programs Offered</b> ▶ • <b>Partner Abuse Response Program • Healing from Abuse • Parenting • Theft &amp; Fraud • Anger Management • Drug &amp; Alcohol Counselling • General Counselling</b></p> <p><b>Results</b> ▶ • 1167 new women served • 161 groups were run • 73 staff visits to prison</p> <p><b><u>Homelessness &amp; Outreach Programs:</u></b></p> <p><b>Goal</b> ▶ To provide a range of education and support programs to homeless women and at-risk women in the community and in prison. All programs are free and serve women who are or intend to live in Toronto.</p> <p><b>Programs Offered</b> ▶ • <b>BEST Pre- Employment Program • Post Incarceration Housing Program Project OWN-outreach &amp; education • Newcomer Program • Work Safe Program-</b></p> |

<sup>8</sup> In their annual report, CAEF Ottawa lists the goals of their programs individually, while CAEF Toronto placed their programs in groups, as a result CAEF Ottawa required more space in the chart.

**sex worker HIV/ STI prevention**

**Results** ▶ • 648 new women served • 6149 client contacts • 59 presentations/1429 attendees

**Prison & Court Services:**

**Goal** To provide a range of services intended to divert women from the criminal justice system and at prison to aid with reintegration upon release.

**Results** ▶ • 2492 new clients served • 5827 client contacts • 1093 people diverted

**FINANCIAL SUPPORT:** City of Toronto, Correctional Service Canada, Ministry of Community Safety and Correctional Services, Ministry of Attorney General, Government of Canada's National Crime Prevention Strategy, Public Health Agency of Canada, Victim Services Division, Status of Women Canada.

**Total Number of Staff:** 52

**Total Number of Volunteers:** 236

### CAEFS Ottawa

**Counselling and Public Education:**

**Goal** ▶ Community Counselling Program provides assistance to women and young women in the form of casework counselling, support groups, crisis counselling, legal and justice service information, advocacy, life skills, and referrals. There are three structured programs offered to women in conflict with the law: Anger Program (10 weeks), Theft Prevention Program (10 weeks), and Relapse Prevention Program (10 weeks). In addition, we provide one-on-one support as needed, including trauma and abuse counselling and relationship counselling. Referrals to our services are made by the criminal justice system, social workers, social assistance workers, lawyers, medical professionals, and self and community referrals. We continue to use an integrated case-management approach in all of our services.

**Results** ▶ Between April 1, 2010 and March 31, 2011, 577 individuals participated in this program. This number breaks down as follows: 88 participated in Community Counselling/Theft Prevention programming; 303 participated in Relapse Prevention programming; and, 186 participated in Anger programming.

**Aboriginal /Peer Support Program:**

**Goal** ▶ This Program began January 1, 2011, and offers individual and group peer support to criminalized women who are struggling to reintegrate back into society. There are two groups being offered: the Peer Support group and the Aboriginal Support group. The Peer Support group takes place once a week and is open to all criminalized women. The Aboriginal Support group also meets weekly and assists Aboriginal clients to get back to their cultural roots. Individual counselling is also provided giving the women an opportunity to talk about various issues and to gain practical one-on-one assistance from the Aboriginal Liaison/Peer Support Worker. The Aboriginal Liaison/Peer Support Worker also works at the Elizabeth Fry Society of Ottawa office

at the Ontario Provincial courthouse weekly to assist with court release and cell block visits.

**Results:** Between January 1, 2011 until March 31, 2011, 19 individuals participated in this program.

### **Health Promotion Program:**

**Goal**▶ The Health Promotion program is a multifaceted program, offering women and young women access to support and education around nutrition, physical recreation, self-esteem building, and addiction and relapse prevention. The program offers both individual counselling, as well as several groups for both adult and young women. The groups, which last 10 weeks, offer women a non-judgmental environment where open discussions are facilitated. Groups also provide an opportunity for women to make connections with others to reduce isolation. The group allows for hands-on cooking experience and weekly visits to the gym for all participants.

**Results**▶ Between October 1, 2011, which is when the Program began, until March 31, 2011, 29 women and young women took part

### **SEX Trade Support Services – Hooked- up and Gateway**

**Goal**▶ Hooked Up is a support program delivered by the Elizabeth Fry Society that offers non-judgmental support to adult women and transgendered individuals who are, or who have been, involved in the sex trade. Hooked Up services include one-on-one counselling and support, weekly educational groups (Gateway), court support and advocacy, and life skills coaching.

Gateway is a follow-up program to the Salvation Army's three-day Sex-Trade Education Program (STEP) and is also open to women who have not participated in the STEP program. Gateway is both a community support group and court diversion option. The program is delivered in a safe, supportive environment, and includes light meals, guest speakers, and resource sharing. Participants have access to groceries, bus tickets, hygiene products, and harm-reduction supplies, including safer inhalation and safer injection supplies. Group topics include street safety, healthy relationships, sexual health, addictions, self-esteem and self-care, anger, and communication.

**Results**▶ Between April 1, 2010 and March 31, 2011, 96 individuals participated in this program.

### **The Direct Accountability Program:**

**Goal**▶ The Direct Accountability Program, formerly referred to as the Community Justice Program, is an alternative to prosecution for eligible individuals 18 years of age or older, with no prior (or limited prior) involvement in the adult court system, and who have been charged with minor criminal offences. Eligible individuals are referred to the Community Justice Worker who will complete an assessment of the individual and discuss with the participant the sanction(s) to be imposed and the time limit for completion of the agreed-upon sanction(s). Sanctions may include: attending a program or seminar, restitution, an apology letter, community service or a charitable donation. Using community-based sanctions is an effective way of holding individuals accountable for minor offences. By successfully completing their sanction(s), individuals can have their charge(s) withdrawn by the Court.

**Results** ► Between April 1, 2010 and March 31, 2011, 668 individuals participated in this program

#### **Community Justice Initiatives Programs:**

**Goal** ► In an effort to offer community-based programming to the participants in the Direct Accountability Program, the Elizabeth Fry Society received funding from the Ministry of the Attorney General to deliver Community Justice Initiative Programs in the areas of Anger Management for Women, Alcohol and Drug Awareness for Women, and Stop Shop Theft for Women and Men.

**Results** ► Between April 1, 2010 and March 31, 2011, 245 individuals participated in these programs. The breakdown is as follows: 10 participated in the Anger Programming; 17 participated in Alcohol and Drug Awareness; 105 participated in Stop Shop Theft for Women and 113 in Stop Shop Theft for Men.

#### **Court Release Program:**

**Goal** ► The Court Release Program began in July 2009, operating out of the Ottawa Elizabeth Fry Society office located in the Ottawa Provincial Courthouse. This is a non-funded program, carried out by volunteers of the Elizabeth Fry Society of Ottawa, and is designed to help women and men upon their release from the Provincial Courthouse Cellblock. Every day, people are released from the Courthouse Cellblock without money, identification, wallet, keys, winter coats, or outdoor footwear. Many are in a state of shock and emotional crisis. The Court Release Program gives them the help they need, ranging from bus tickets and directions to the Ottawa-Carleton Detention Centre (OCDC), so they can collect their belongings, use of the phone, a cup of coffee, and warm clothing, to crisis intervention and referrals to Elizabeth Fry Society programming, Salvation Army programming, John Howard Society programming and other community resources.

**Results** ► Between April 1, 2010 and March 31, 2011, 747 individuals participated in this program.

#### **Counselling Support to Adult and Youth Mental Health Court:**

**Goal** ► Staff members participate in Adult and Youth Mental Health Court counsel pre-trial, whereby they advocate for clients, and provide resources to both crown and defense attorneys in order to assist clients. Referrals are made to Elizabeth Fry Society of Ottawa programs and services, as well as to external agencies. During pre-trial staff members routinely assist in creating treatment and community reintegration plans for clients and they also participate in the court proceedings for Youth Mental Health Court. This includes court accompaniment, providing updates on client progress, advocacy, and promoting and facilitating access to our programs and services. Crisis intervention and practical assistance such as bus tickets and assistance with emergency housing, is also provided to clients at the Courthouse following court appearance

**Results** ► Between April 1, 2010 and March 31, 2011, 70 individuals were referred to Elizabeth Fry Society of Ottawa programs through adult and youth mental health court and pre-trial, and many more were assisted in the Courthouse by way of triage, case management, and advocacy.

### **In-Reach to GVI, Joliette:**

**Goal** ▶ The In-Reach Program has now been running for 2 years. The Elizabeth Fry Society of Ottawa received funding from Correctional Service Canada to provide in-reach services to women in custody at Grand Valley Institution for Women and Joliette Institution, both of which are multi-level Federal Institutions. The Manager of Residential Services provides services to the women at Grand Valley Institution and the Community Liaison Worker provides services to women at Joliette Institution. The services that are being provided to the women include, but are not limited to; information regarding counselling services available in Ottawa and at Elizabeth Fry, housing support, J.F. Norwood House information and applications, and, other information about the Elizabeth Fry Society of Ottawa and other community services reintegration supports available in Ottawa.

**Results** ▶ Between April 1, 2010 and March 31, 2011, 55 individuals participated in this program.

### **Housing Retention and Eviction Prevention:**

**Goal** ▶ Housing support is offered by the Elizabeth Fry Society to assist clients who are living on the street, in the shelter system, in temporary accommodations, and those who are already housed. In-reach services are also provided to women who are incarcerated at Grand Valley Institution for Women, Vanier Institution for Women, and Joliette Institution for Women in preparation for their release into the community. Some of the services offered include: public education on landlord-tenant rights and responsibilities, providing information and resources to clients searching for affordable housing, assistance with landlord/tenant disputes, support and advocacy, and assistance with housing retention.

**Results** ▶ Between April 1, 2010 and March 31, 2011, 130 individuals were supported by this program.

### **In-Reach Services at the Ottawa-Carleton Detention Centre**

**Goal** ▶ This in-reach program offers advocacy, support, crises counselling, and housing support to women incarcerated at the Ottawa-Carleton Detention Centre (O.C.D.C.). Clients can meet one-on-one with a worker while they are incarcerated, to create a release plan that addresses their individual needs, while liaising with appropriate community supports to facilitate successful community re-integration. The agency's Addictions/Relapse Prevention Counsellor attends O.C.D.C. weekly to provide substance use assessment for clients wishing to attend a residential treatment program. Counsellors then refer the client to appropriate treatment facilities throughout Ontario and Quebec. Counsellors also offer a weekly Relapse Prevention group. Our agency is able to provide some women with the funds necessary to complete high school credits while they are incarcerated at the detention centre, as well as provide them with reading glasses. Counsellors at O.C.D.C aid in release planning by accompanying some out-of-town women to the bus station and others to community appointments, J.F. Norwood House and other agencies in Ottawa and the surrounding areas

**Results** ▶ Between April 1, 2009 and March 31, 2010, 210 individuals participated in this program. The decrease in the number of clients participating in this program this past year was

mainly due to the fact that OCDC underwent major renovations during the year, which regrettably limited the amount of client contact.

**J.F. Norwood House:**

**Goal** ▶ J.F. Norwood House is a transitional housing program offering a supportive living environment for women. The purpose of the program is to help facilitate successful reintegration into the community by offering a safe and encouraging environment where women can focus on education and employment, and have access to other Elizabeth Fry services and wider community supports. Our beds are available to women who have been released from an institution on parole or probation, clients of the Drug Treatment Court, a program offered by Rideauwood Addiction and Family Services, and clients from the Ottawa Hospital, who are referred by the Mobile Crisis Team.

**Results** ▶ Between April 1, 2009 and March 31, 2010, 179 individuals participated in this program.

**FINANCIAL SUPPORT:** Correction Services Canada, Ministry of Community Safety, Ottawa Hospital - Mobile Crisis Team, Rideauwood Addiction and Family Services - Adult Drug Treatment Court Program, the United Way/Centraide Ottawa, the Ottawa Youth Diversion Program, the Children's Aid Society of Ottawa, the Ministry of Children and Youth Services, the Ministry of Community Safety, the Law Foundation of Ontario, City of Ottawa- the Homelessness Partnership Initiative, the Elizabeth Fry Society of Ottawa, the Canada Post Foundation for Mental Health-until June 2010, the City of Ottawa, Ministry of Health, Ministry of the Attorney General, Service Canada, Trillium Foundation

**Staff:** 32

**Volunteers:** about 300

Subsequent to examining CAEFS Ottawa and Toronto programs, it was evident that their programs are comprehensive and far-reaching: programming covers many issues prevalent among female offenders. Subsequent to participating in CAEFS Ottawa's programming, as outlined in in CAEFS Ottawa's 2011 outcomes measurement, participants rated their programs in the following important areas:

- A) Less likely to engage in risky behaviours- 4.16/5
- B) Felt that CAEF services lowered chances of future trouble with the law-4.29/5
- C) Better understood the underlying issues related to their behaviour-4.33/5
- D) Recommendation of CAEF Ottawa services to others-4.89/5

The outcome measurements did not provide the total number of survey participants, but according to analysis of the programs examined in the chart, as outlined by CAEFS Ottawa's annual report, CAEFS Ottawa assisted 2745<sup>9</sup> women. CAEFS' approach to assisting criminalized women is viewed favourably by women who have participated, as indicated by their 2011 outcomes measurement results. Many of CAEFS Ottawa programs, like CAEFS Toronto's, are capable of accommodating only a limited number of women, and their classes are closed off to women once the programs has reached maximum capacity. This applies to J.F. Norwood House (Ottawa) and Healing from Abuse program (Ottawa). In addition, CAEFS Toronto experienced a large amount of new clients who used their services: Community Programs served 1167, Homelessness & Outreach Programs served 648, Prison and Courts Services served 2492 and diversion served 1093. CAEFS Toronto also expresses the need for adequate and increased programming: their community programs continue to be at or over capacity due to great demand. On their website, CAEFS Toronto states:

As the only dedicated provider of women-centred groups for criminalized women our programs continue to be in great demand. Many women in the criminal justice system have a history of trauma and our Healing from Abuse program is too small to meet demand resulting in waiting lists for this important service. (2011/2012 Annual Report, 2011:7)

Improvements can be made to some of CAEFS' program, their programs operate within specific time frames that restricted some women's attendance: many of the programs are

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<sup>9</sup> It is very likely this number is representative of new members.

carried out for periods of several weeks at a time; consequently, women who miss the beginning of a session are required to join programs at the next start date. This delays women's access to programming. When women are required to wait for programs they may need desperately, they face restrictions to programming. Overall, CAEFS Toronto and Ottawa provide comprehensive and far-reaching programming with an inclusive approach for female offenders based on the assistance such women prove is critical to address their histories and present situations.

Many of CAEFS' limitations stem from their reliance on volunteers, fund raising, and government funding. There is often a lack of funding for important programs. CAEFS' Counselling Support to Adult and Youth Mental health Court program, which was funded by Canada Post for Mental Health, lost funding in June 2010 and the program remains unfunded: in 2009, 31% of women were identified, at intake, as having a past mental health diagnosis, representing a 63% increase over the past decade (Sapers, 2011:50). Therefore, a lack of funding for programs may affect the quality of care women receive. CAEFS Toronto is also concerned about raising funds for the increasing number of clientele.

For the 2010/ 2011 year, CAEFS Ottawa had 32 staff members, while CAEFS Toronto had 52; both have over 200 volunteers in each region. CAEFS Ottawa has about 300 volunteers and CAEFS Toronto has 236 volunteers. Volunteers remain crucial in carrying out programs at CAEFS, as they lack funding for paid labour.

Correctional Service of Canada ("CSC") also provides programs, which are similar to CAEFS' programs, to women. Since endorsing the Task Force for Federally Sentence Women (TFFSW) report in 1990, CSC has been working to implement the



recommendations it contained. While we can debate how well the CSC has realized the vision of TFFSW, it has adopted a fundamentally different concept of effective corrections for women offenders.

Since the TFFSW, CSC has made several important changes:

- A. Acknowledges the relevance of women's victimization
- B. Adopted a holistic, women-centered framework designed to provide programming consistency in the regional facilities
- C. Implemented and improved programs to assist women
- D. CSC has opened four new prisons and two healing lodges with new programs and practices for women reflecting their new framework;
- E. CSC has implemented a mother-child program to foster positive relationships between mothers and their children - this program enables children to stay with their mothers while incarcerated
- F. WOSAP has been implemented in federal penitentiaries - every woman entering these facilities participate in "the initial engaged in education" phase of the program, which focuses on substance abuse education-it follows up with women reintegration (Allenby *et. al.*, 2010)

In regard to Native women, Monture- Angus lists CSC's objectives for implementing changes to assist native women:

To develop culturally appropriate interventions that address the specific criminogenic needs of First Nations, Métis and Inuit offenders; to enhance collaboration; and to address systemic barriers internally and increase CSC cultural competence. (Monture-Angus, 2002:12)

Monture- Angus also declares that CSC has made progress in dealing with federally incarcerated Aboriginal women; she believes, however, that improvements are needed specifically in the implementation of culturally appropriate interventions and addressing systemic barriers -- Native women continue to be disproportionately represented in prison.

While CSC has made improvements, they face challenges; despite implementations made subsequently to the Task Force for Federally Sentenced Women report (TFFSW), women continue to experience prisons negatively. In 2010, a report done by Barrett *et al.* for Correction Canada, which surveyed 178 women in prison, discussed areas needing improvement; the survey for the report was conducted in five women prisons and a Native women healing lodge: Nova Institution for women, Joilette Institution, Grand Valley Institution for Women, Okima Ohci Healing Lodge, Edmonton Institution for Women, Fraser Valley Institution. According to Barrett *et al.* (2010), many programs and changes implemented subsequently to TFFSW need improvement: First, women reported having programs, including WOSAP and Sexual and Physical Abuse Survivor program, on their Correctional Plan that ran infrequently or were often disrupted due to staffing problems. This negatively impacted the women's correctional progress, affected their chances at parole and for some, ultimately lengthened their sentences. Women who were serving long or life sentences were concerned that they were never seen as a priority with regard to programming, while others lost their spots in programs to women on accelerated parole release (Barrett *et al.*, 2010:83). Sapers' annual report of CSC to the minister of public safety confirms the aforementioned:

The number of offenders granted temporary absences (escorted and unescorted temporary absences and work releases) are at their lowest levels in a decade. The number of offenders receiving work releases has decreased by almost 70% since 2000-01. (Sapers, 2010: 47)

Second, only 10 women from the Barrett *et al.* (2010) survey had any experience with the Mother-Child program, and most of these women had their child live with them on a part time basis. Two women commented on problems with the program, e.g., arguing and fighting between inmates and the issue that children should be allowed to stay past the

age of four. In 2010, over half of imprisoned women indicated experiencing issues with children aid, and 77% of women offenders have children (Sapers, 2010: 50). It is important to provide women with the resources necessary to continue healthy relationships with their children while imprisoned, as a large number of imprisoned women are mothers.

Third, a large proportion of women surveyed indicated their need for better access to dentists, doctors, health specialists (e.g., gynecologists, optometrists, chiropractors, eating disorder specialists and nutritionists) and the opportunity to practice alternative medicine:

Women experience difficulties getting medical appointments, long waiting lists and insensitivity to the women's health and psychiatric issues; women were dissatisfied with health services that were not available during health related emergencies, hastily made psychiatric diagnoses, inattention to health complaints and an attitude from health professionals that the women were 'liars'. (Barrett et al, 2010: 23)

The need for proper medical services is critical to imprisoned women; among the 388 deaths that occurred over the 2009-2010 period, 62.1% of individuals had known medical problems (Saper, 2010: 29). Although 2 healing lodges were built for native women after TFFSW, women face difficulties accessing these lodges: Aboriginal inmates have been routinely denied access to sweat lodges and sweat ceremonies for the past two years on a variety of poorly substantiated security and operational grounds (Saper, 2010: 47). The aforementioned programs and changes are critical to women's rehabilitation; yet, by not providing these services the institution continues to hinder women's rehabilitation out of imprisonment. Women's inability to obtain necessary assistance while in prison interferes with potential growth to welcome their reintegration into society. Women's reintegration processes are further complicated with difficulties accessing programs from independent

organizations such as CAEFS, which are sometimes unable to assist women, because of funding and space limitations.

All in all, CSC has made noticeable improvements; however, further improvements are needed: WOSAP should be made available to women in provincial jails -- WOSAP is only available in federal penitentiaries; improvements to the Mother-Child program is crucial: a large number of women in prison are mothers to children under 17, and in 2010, issues surrounding children on the outside was one of the biggest concerns for women (Barrette et. *al.*, 2010:40). Lastly, given women's histories, appropriate drug and health programs are invaluable. Moreover, improved material conditions in prisons need to benefit imprisoned women equally: in 2010, the federal parole grant rate for Aboriginal offenders in 2009-10 was 23.7%, compared with 43.4% for non- Aboriginal offenders (Sapers, 2011: 43). Certain women continue to be disadvantaged while imprisoned, therefore, more importance should be placed on addressing issues located in the unequal social conditions of women's lives that contribute to women's participation in criminal activities.

## Conclusion

Prison programming inadequately support women's transition to crime-free lives; many women re-enter society unequipped to deal with their marginal social positions, histories of childhood trauma, and addiction. The overwhelming majority of women 'reoffenders' have their parole revoked as a result of administrative breaches of conditions of their community release, although these women are often not committing new crimes (Statistics Canada, 2008: 5). Prison programming has not proven adequate in improving women's social conditions that result in crime participation. Women experience imprisonment without the adequate programming needed to ameliorate their social and physical conditions. A critical examination by CSC of the inequalities women experience in society is needed to improve the ways women experience prisons. The absence of CSC's attention to social inequalities such as sexism, classism, and racism contributes to the inequalities women experience in society that produce their societal marginalization and lead to their participation in crime. After conducting an investigative report on CSC, Sapers confirms CSC needs to critically examine women's inequalities:

It is my experience that prison populations disproportionately include the more impoverished, poorly-educated, addicted and the mentally ill among us. A walk through a federal penitentiary in this country reveals that current criminal justice policy captures a high number of the most marginalized and distressed within our communities, including the socially disadvantaged, Aboriginal peoples, the aged and the infirmed. (Sapers, 2011:50)

CSC can improve the experiences of criminalized women using a comprehensive approach similar to CAEFS. By doing so, CSC will better assist women with access to resources and programs beneficial to their development. For women, attaining access to proper resources and programs will ameliorate their experiences in and out of prison, and women's chances of re-entering prison may be significantly lowered.

The cost of imprisoning a woman in a federal prison is estimated by Corrections Canada to average \$175,000 per year and can be higher than \$250,000 per year for women kept in the most isolated and segregated conditions of confinement, such as the segregated maximum security units in the prisons for women. Conversely, the cost of alternatives to prison, such as probation, bail supervision, and community supervision work orders range from \$5-25\$ per day (CAEFS: 2010). Providing programs for criminalized women as opposed to imprisonment alone proves to be cheaper. Moreover, money saved from providing alternatives to imprisonment can be invested in girls in at-risked communities. As research indicates (Dekeseredy 2000; Comack 1996; Caputo 2008), women offenders have similar childhood histories and pathways to offending (childhood trauma, poverty and abuse), and incarceration alone is not an effective solution. CSC must continue to examine alternatives to imprisonment and options to improve programming in ways that are beneficial for women equally. Lastly, women will benefit from a closer partnership between CSC and CAEFS, as collectively they will have increased resources to assist criminalized women.

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