

THE IMPACT OF INCARCERATION ON WOMEN

By

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ABSTRACT

This research explores the impact of incarceration on women, including Aboriginal women in Ontario and in Canada. Twelve years working and volunteering in the area of women in conflict with the law led to my professional observation that incarceration exacerbated the problems women faced after they left prison. Secondly, that any attempt to help rather than further harm them must be based on an intersecting analysis that takes into account their race, class, and gender-related oppressions, given that most of these women are racialized, live in poverty, are solo parents, live with addictions, are survivors of childhood, familial and partner abuse and are in many ways marginalized. Furthermore, this observation suggested the need for a interpretive anti-oppressive research approach to take into account women's first-hand accounts of the problems women faced, such as poverty, abuse and discrimination that led to their incarceration in the first place.

With regard to methodology, two focus groups of formerly incarcerated women were asked to share their experiences before, during and after incarceration. Participants were also asked what changes they thought were needed that might have been helpful to prevent their incarceration, while they were incarcerated and post-incarceration. It is important to state from the outset that focus group responses overwhelmingly came through the lens of Aboriginal women, hence, the need to consider both western and Aboriginal Restorative Justice alternatives.

The group findings corroborate decades of research on the systemic abuse of incarcerated women. Secondly, the findings reinforce the longstanding call for costly and

unaccountable 'superjails' to be largely replaced by cost-effective community-based alternatives to incarceration, namely western and Aboriginal Restorative Justice (RJ) preventative programs such as those currently provided by E. Fry Hamilton-Branch.

An analysis of western and Aboriginal RJ Justice alternatives to incarceration from an intersecting anti-oppressive perspective suggests that they have much greater potential to meet the needs of women in conflict with the law than the current punitive and retributive prison system. That said, their potential is severely limited by factors including a chronic lack of funding and the inappropriate use of RJ programs, particularly in cases of intimate gendered violence. In short, an intersecting perspective suggests that the current federal policy to 'embrace' RJ must be based on a framework that takes into account redistributive, woman-centred and culturally-sensitive RJ values. These would provide educational upgrading, employment training, substance abuse treatment, housing and counselling to pull these women out of poverty, addictions and abusive relationships when they leave prison.

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Table of Contents

Introduction

One: Incarcerated Women in Ontario and in Canada: A Historical Review.....3

Two: Community-Based Alternatives to Incarceration: Western and Aboriginal Restorative Justice.....14

Three: The Research Problem and Research Question.....23

Four: Toward an Interpretive Anti-Oppressive Research Approach27

Five: The Research Approach.....30

Six: Focus Group Methodology.....33

Seven: Interpreting Focus Group Responses.....41

Conclusion.....49

THE IMPACT OF INCARCERATION ON WOMEN

Introduction

This research explores the impact of incarceration on women, including Aboriginal women in Ontario and in Canada. My interest in this topic came out of twelve years working and volunteering in the area of women in conflict with the law who had experienced abuse. My professional observation was that incarceration exacerbated the problems women faced after they left prison, and that any attempt to help rather than further harm them must take into account their race, class, gender as well as other oppressions.

A brief overview of major 20th century research approaches suggested the need for an interpretive anti-oppressive research approach, given the exploratory nature of this research and its focus on women's first-hand perceptions of their problems. Using conventional focus group methodology, two focus groups of formerly incarcerated women were accordingly invited to share their problems before, during and after incarceration. They were also asked whether they thought incarceration had alleviated or exacerbated the problems they faced prior to incarceration. Finally, they were asked about what might have prevented their incarceration, made it more bearable, or helped them post-incarceration.

The focus groups responses overwhelmingly corroborated expert opinion on systemic prison abuse and the lack of recourse for abused incarcerated women. Their responses also point to the need for much more by way of community-based preventative and rehabilitative programs and services for incarcerated women. In

fact, what are known as western and Aboriginal Restorative Justice (RJ) alternatives to incarceration have been federally mandated since the mid-1990s.

An analysis of western and Aboriginal RJ Justice alternatives to incarceration from an intersecting anti-oppressive perspective suggests that they have much greater potential to meet the needs of women in conflict with the law than the current punitive and retributive prison system. That said, their potential is severely limited by factors including a chronic lack of funding and the inappropriate use of RJ programs, particularly in cases of intimate gendered violence. In short, an intersecting perspective suggests that the current federal policy to 'embrace' RJ must be based on a framework that takes into account redistributive, woman-centred and culturally-sensitive RJ values. Above all this research highlights the need for the reallocation and redistribution of resources from costly and inappropriate incarceration to long-term community-based programs and services. These would provide educational upgrading, training in non-traditional trades, substance abuse treatment, housing, individual and family therapy and appropriate health care to pull these women out of poverty, addictions and abusive relationships when they leave prison.

Chapter One: Incarcerated Women in Ontario and in Canada: A Historical Review

At least from the early 1980s Canadian research on women and crime has examined gender differences in crime patterns in Ontario and in Canada. Writing from a class perspective, Leonard (1982) for instance argued that women's crimes were predominantly poverty-based, and therefore required community-based alternatives rather than incarceration. Other early contributors, including Ross and Fabiano (1986), Banting and Le Coarer (1998) and Gartner, Webster and Doob (2009) have also researched the different needs of incarcerated women compared with men; namely, employment services, addictions counselling and housing services, to name a few.

More recent research highlights the fact that the vast majority, indeed 96% of federal prisoners and 94% of provincial and territorial prisoners are men (Kong and Aucoin in Gartner, Webster and Doob 2009). Although numerical data on prison populations is difficult to access, Gartner et al. (2009) note that by 1999 there were 400 federally incarcerated women in Canada. At that time women constituted seven per cent of the Ontario prison population in a system that was 'designed for men' (Robinson 1998) (APTN: Pate and Monture-Angus 2009).

According to Robinson (1998) and The Canadian Association of Elizabeth Fry Societies (CAEFS 2008) the two most common offences for provincially sentenced women are drug-related offences (13%) and theft (12%). Most other

crimes committed by women in Canada involve what are categorized as administration of justice offences. These include breach of probation, being unlawfully at large, failure to comply with court orders and failure to appear at court (CAEFS 2008). These are notably non-violent crimes. In fact women commit proportionately far fewer violent crimes than men. Put differently, violent offences are a small proportion of all female offences. Women's violent offences are also less serious than those of men. Accordingly, "most [increases] in violent offences are accounted for by minor assaults" (Gittens and Cole 2008).

Another major difference between imprisoned men and women is that almost all incarcerated women have histories of intimate gendered (i.e. male-perpetrated) violence, and most are sole parents (Shaw 2009). As a result many more incarcerated women than men have substance abuse problems arising from childhood and partner abuse. Women are also much more likely to have physical health problems, along with emotional and psychiatric conditions. "Coupled with a lack of financial or employment resources and single parenthood, these problems create a web from which it would be difficult to expect anyone to extricate herself without considerable support and assistance" (CAEFS 2008).

Women's needs are accordingly multifaceted but straightforward; educational upgrading and vocational training, employability and life skills, substance abuse treatment, housing, individual and family therapy, financial planning, and access to health care (Shaw and Hargreaves 2008).

Despite these considerations increasing punitiveness is "... seen as a defining feature of late-modern liberal democracies by scholars who cite the growth in prison populations in United States, England and Wales, the Netherlands and New Zealand as evidence of this expansion in state punishment" (Pate and Boritch, 2008). Pate and Boritch (2008) also argue that "Canada has seen a significant increase in the incarceration and punishment of women in the past two decades". Other researchers claim that Canada's increasing punitiveness is consistent with the growth of women's incarceration in other western jurisdictions (Gartner, Webster and Doob 2009). This perception is hard to change despite *declining* prison populations in many countries including Japan, Germany, Belgium, France, Finland and Canada since the 1980s (Gartner, Webster and Doob 2009).

In accounting for this misconception Gartner, Webster and Doob (2009) suggest that "...unnoticed by scholars[is that] a large and growing proportion of the imprisoned female population is made up of women who are not serving sentences" (Gartner, Webster and Doob 2009). In Ontario alone the proportion of remand (i.e. unsentenced) women prisoners escalated from fewer than 30% in the 1980s to almost two-thirds by 2007. This proportion was the highest of English-speaking democracies (Gartner et al. 2009).

What is not reported in the research is that this high remand rate may also reflect more recent mandatory charging legislation in cases of domestic violence. This legislation was intended to hold men more accountable (as they are the

majority of perpetrators) for their abusive behaviour. The outcome has been that women victims have been charged when in fact they were trying to defend themselves. This injustice is known as dual charging (End Violence Against Women 2006-2010).

According to UN Standard Minimum Rules for Non-Custodial Measures remand is only justified when the court can show that detention is required to ensure that the accused will appear in court or to protect the public. These criteria mean that remanded persons are usually held in maximum security settings, since they are seen as 'high risk'. More importantly, those on remand "lack access to work educational and recreational programs; face harsher living conditions than many sentenced prisoners; and ... feel pressure to plead guilty" (Gartner et al 2009). In short, women are disproportionately remanded despite the mounting evidence that they do not constitute a risk to society.

With regard to the rising punitiveness in women's prisons, a highly publicized investigation by Justice Louise Arbour on a 1994 incident at the Kingston Prison for Women (P4W) stated that:

[The] original event [was construed] as a violent planned attack on staff perpetrated by a group of violent women and an escape attempt. The report deleted any reference to their illegal strip search by men, [the fact that they were illegally] ...shackled by a male emergency response team, isolated for up to eight months, and were subject to further punishment on their release back to the penitentiary (Pate; Faith; and Arbour in Shaw: 1999).

The original internal report resulted in the \$500,000 construction of a seven-cell segregation area, the doubling of security accommodations in the new regional prison built to replace the planned closure of P4W, and a more restrictive enhanced security classification system. The outcome was that “[i]ncreasing numbers of women were classified as maximum security” (Shaw 1999) (APTN: Pate and Monture-Angus 2009).

In her landmark Report Justice Arbour concluded that:

[The] inmates [were] accurate in their accounts of the events, and their grievances ... [were] systematically ignored by the correctional system. the approach of the Correctional Service of Canada ... was ‘to deny error, to defend against criticism, and to react without proper investigation of the truth’ (Arbour 1996: 173).

Justice Arbour also concluded that no change in prison conditions would take place until an “investigation of [Correctional Services Canada] CSC’s ... power is put back on the research agenda...” (Arbour in Shaw 1999). Despite Justice Arbour’s recommendations, little has changed with regard to institutionalized woman abuse in Canadian prisons since the 1996 Report (See below Chapter Six). Indeed, more recent research suggests that when all conditions are controlled for, women are traumatized while incarcerated, either by witnessing violence or by being a victim of violence. The result of this exposure has been that these women adjust very poorly post-release (Boxer 2009).

With the exception of the 1996 Arbour Report, little research has been undertaken in Canada with regard to institutionalized woman abuse in prisons from the perspectives of incarcerated women themselves. This research attempts in part to fill this gap in the literature.

That said, a more recent submission to the Correctional Services Canada (CSC) has documented the systematic discrimination of federally sentenced women in Canada on the basis of gender, race and disabilities (Pate and Monture-Angus 2009). Gender discrimination is evidenced by the fact that women are much more often classified as high risk compared with men. Women's programs and treatment are also unequal to those of men's. Moreover the ways women are released back into the community violate Section 3(1) of the Canadian Human Rights Act, which states: "For all purposes of this Act, the prohibited grounds of discrimination are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and conviction for which a pardon has been granted" (Arbour Report 1996).

Race discrimination in Canadian prisons is evidenced by Aboriginal women's disproportionate overrepresentation in the Criminal Justice system. For instance the Commission on Systemic Racism in the Ontario Criminal Justice system found that Aboriginal women were admitted to provincial custody at a rate five times that of white women (Gittens and Cole 1995). This research also noted that although Aboriginal women were 3% of the national population, they constituted 30% of federally sentenced women and 50% of maximum security

prisoners. They were also 14% less likely to be released into the community on conditional release compared with non-Aboriginal women.

With regard to discrimination of women prisoners with disabilities, "...those with the most disabling challenges tend to be further isolated in segregation units" (CAEFS 2007). Moreover "Canadian prisons, like their US counterparts, are rapidly becoming "dumping grounds" for the mentally ill in lieu of community-based support and treatment programs" (Native Women's Association of Canada (NWAC) and DisAbled Women's Network of Canada (DAWN) in CAEFS 2007).

Correction Services Canada (CSC) policy clearly states that federal women prisoners have the right not to be discriminated against. They also have the right to correctional services as effective as those received by men. Nevertheless the CSC itself acknowledges "significant barriers to the safe reintegration of women offenders, [including] ... the overall lack of access to programming specifically designed to meet the needs of women (CSC 2008)."

Moreover, despite the fact that segregation was only to be used for specific safety and security reasons and was an 'exceptional measure', 265 of the 375 federally-sentenced women in 2002-2003 were segregated. Of these, Aboriginal women were segregated more often than other women, and for longer periods of time. According to one CAEFS report, one Aboriginal woman was segregated for 567 days. "That woman spent a significant part of last year unconscious and on life support as a result of her 'treatment' within a segregated

prison mental health unit” (CAEFS 2007). According to the same report, “Another young Aboriginal woman spent 1500 days in segregation and was sentenced to an additional six months for spitting in the presence of staff” (Arbour in CAEFS 2007).

Article 2 of the United Nations International Covenant of Civil and Political Rights states that human rights violations must be heard by a competent administrative, judicial or legislative authority. “This is a right that is denied to women in federal prisons” (CAEFS 2007). Moreover, the Office of the Correctional Investigator has argued that: “[The huge] power imbalance [between staff and inmates] is amplified for women from traditionally marginalized groups such as racialized women, Aboriginal women, women with disabilities, and women who are lesbian” (CAEFS 2007) (SACHA 2010). These findings confirm that systemic prison abuse and discrimination based on gender, race and ability are well documented and publicly acknowledged at the highest levels. Despite this fact the evidence also suggests that prison conditions have deteriorated since the Arbour Report was commissioned in 1996.

The United Nations Human Rights Committee has therefore called upon Canada to... “establish external redress and adjudication for prisoners” (UNHRC 2005). Justice Arbour has also more recently called for “... accessible and effective judicial review for illegalities and rights violations” and has urged the Government to “reduce the number of women who are incarcerated in federal prisons [because to do so would] ...free the resources necessary to ensure that

those who are incarcerated are treated in accordance with the law” (Arbour in CAEFS 2007).

With regard to recourse, incarcerated women are advised that if they grieve with regard to rights violations they will:

...experience an unpleasant outcome. It basically comes down to the women’s word against that of the staff. CAEFS has seen and is aware of numerous situations in every prison for women where prisoners have been pressured to either not file a complaint or grievance; or if they have already filed to withdraw it (CAEFS 2007).

In this regard Women’s Legal Action and Education Fund (LEAF) argues that the presumption of staff innocence skews the investigative process in these cases. “[What] is most disturbing is that the grievance process is being used to [deal] with allegations of sexual misconduct against staff Federally sentenced women in provincial facilities through the Exchange of Services Agreements (ESA’s) do not even have access to the grievance process” (LEAF 2007).

According to Statistics Canada the total cost of correctional services in Canada for 2005/6 was more than \$10 billion, not including policing or court costs (Statistics Canada 2006). Provincial governments typically spend about \$53,000 a year to imprison a woman provincially, despite the fact that these women are pressured to work for very little to help finance the cost of maintaining them. At the same time the federal government spends from \$150,000 to \$250,000 or more a year to imprison a woman federally (Statistics Canada 2006).

By contrast expenditures for probation, bail supervision and community supervision range from about \$2,000 to just under \$10,000 per person per year (Prisonjustice 2009), while Ontario Works provides a single woman from \$6,000 to \$7,000 a year to maintain herself in the community.

Since the mid-90s researchers such as Alisa Watkinson, former President of Canadian Association of Elizabeth Fry Societies (CAEFS) have argued that prisons cannot be reformed and need to be closed down, especially in the case of women's prisons.

It strikes me as completely unjust to watch our prison system grow while we are well aware of the incredible harm it inflicts.... despite the documentation provided ...for over 200 years illustrating the failure of the prison system, [it]... continues to fail and ... to grow Prisons do not diminish the crime rate, [they have] ... no effect on the public. [The prison system] is useless and even harmful to society ... it is costly ...difficult to supervise and there is a risk of exposing prisoners to the arbitrary will of their guards (Watkinson 2008).

An anti-oppressive intersecting research approach as elaborated in the next two chapters suggests that the reason that Canada's prison system cannot be reformed is because at a structural level the present Canadian Criminal Justice system is racist, sexist, classist, ableist and even transphobic (Tungatt 2004). Because women's needs are not met, they fare much worse than men post-incarceration. In fact, Canadian prisons are one more instance in which male prisoners could be said to experience male privilege. As noted above, along with

Aboriginal and other racially marginalized women, women with mental health issues are also inappropriately classified and put in segregation for lengthier periods and therefore constitute the most isolated of all inmates (Pate and Monture-Angus 2009).

This research accordingly argues that what are known as Restorative Justice (RJ) alternatives to incarceration, as outlined in the next chapter have much more *potential* to help marginalized and racialized women in particular than the present punitive and retributive prison system in Canada. However as the next chapter argues, when Aboriginal Restorative Justice has been implemented, this has often been done inappropriately, particularly in cases of intimate gendered violence. Moreover, both western and Aboriginal RJ alternatives to incarceration have been grossly under-funded, which has also severely limited their potential to function efficiently and effectively.

In the final analysis it is clear that the lack of response to repeated calls for change within the prison system suggests that solutions must lie outside of the formal prison system. The next chapter therefore considers the relevance of western and Aboriginal Restorative Justice alternatives for addressing the multiple needs of incarcerated women and women at risk of coming into conflict with the law.

Chapter Two: Community-based Alternatives to Incarceration: Western and Aboriginal Restorative Justice

In response to repeated calls for reform, the federal government introduced progressive sentencing law reforms in 1996 to promote what were known as community-based, 'Restorative Justice' (RJ) alternatives to incarceration in order to limit the use of incarceration in Canada. In effect:

the sentencing principles in [Canada's] *Criminal Code* were amended to encourage the use of community-based sentencing and focus on restorative elements such as the need to promote a sense of responsibility in offenders and for them to acknowledge and make reparation for the harm they have done to their victims and to the community(CSC 2007).

Paragraph 718.2(e) of the *Criminal Code* thus stated that: "...all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders".

The Restorative Justice (RJ) approach also advocated:

...problem solving, removing the stigma of crime, [creating] possibilities for repentance and forgiveness and includes direct involvement by participants. The action is directed from the state to the offender and the offender is encouraged to take responsibility. The aim is to restore the community, including the

victim and the offender, to be whole again (CRCVC 2007) (CSC 2007).

With the passing of this legislation, Aboriginal RJ alternatives to incarceration have tended to take the form of Justice Circles, which include but are not limited to Healing Circles and Healing Lodges.

Healing Circles, for instance, are "...ceremonies intended to bring conflict to a close, allow the participants to express their feelings, and indicate that the offender and victim have undergone personal healing"(CRVCV 2007). Healing Lodges, alternatively, are "...a new way of delivering corrections for Aboriginal offenders serving a federal sentence" (CRCVC 2007). In practice however these lodges have been under the control of non-Aboriginal guards, as the Government argued that it could not find Aboriginal people with the 'qualifications or education' to fulfil that role.

As a result the initial conception of Healing Lodges that they would be led by Aboriginals for Aboriginals was altered (Monture-Angus 2009). Healing Lodges could accordingly be seen as a continuing form of colonization under the guise of a legitimate, culturally appropriate alternative to incarceration.

A more serious problem with the original Lodge was that the local community had made an agreement with the Federal Government that only Elders from the community of origin would be utilized. This was highly problematic for the wide range of Aboriginal women who attended the Lodge, since beliefs and traditions tend to vary from community to community (Monture-Angus 2000).

Indeed there are more than 750 different Aboriginal communities in the provinces and territories, many with unique beliefs and traditions (Shawanda: 2000) (Monture 2001). It is particularly important to note as well that Criminal Justice System Judges, who are typically white, upper-class men have the ultimate authority over RJ alternatives.

A further limitation of Aboriginal Restorative Justice alternatives has been their failure to address serious mental health issues, including depression and the post-traumatic stress that often surface after a highly stressful encounter or event. It is well documented, for instance, that cases involving sexual abuse and gendered violence have been handled inappropriately in this regard (see below in this chapter). Moreover, partner abuse in lesbian, bisexual and transgender relationships tends to not even be mentioned or addressed at all.

At the community level Healing Circles have also tended to minimize or ignore other gender-related issues, notably the reality of community leaders as historical perpetrators not accountable for their actions. Although these Circles may have been helpful for Aboriginal women at a surface level, so far they cannot be said to have dealt with the intersecting oppressions of race, culture and gender as they affect Aboriginal women involved in the Criminal Justice system.

Restorative Justice approaches have also taken the form of Sentencing Circles, Family Group Conferencing, Victim-Offender Mediation and other alternative measures (Cameron 2006). The major critique of these approaches is that they do not "...ensure the immediate safety and dignity of women and

children who are the victims of violence” or provide a “...critical analysis of the dynamics of violence and abuse” in these communities (Aboriginal Women’s Action Network (AWAN); Cameron 2006). Aboriginal feminist activists have accordingly called for RJ approaches that take into account “both colonial and patriarchal oppression” (Cameron 2006).

In this regard a Métis anti-oppressive feminist perspective such as my own would tend to view rigid traditional Aboriginal conceptions of gender, for instance, as reflecting extremely rigid gender roles. Secondly, although traditional Aboriginal teachings refer to gay and lesbian people as ‘two-spirited’, the reality is that Aboriginal Circles tend not to condone same sex relationships. For instance, the traditional Aboriginal Life-cycle Circle assumes that all Aboriginal women are heterosexual and ‘pro-life’ (Thomas 2000). Traditional Aboriginal gender roles thus emphasize women as bearers and nurturers of children as well as promoting the traditional gender division of labour, in which men hunt and fish while women are gatherers and family caregivers. These traditions do nothing to promote the 21st century reality of lone mothers needing to support themselves and their children.

Despite these initiatives, Canada’s retributive system of justice has provided very little by way of community-based resources, especially for Aboriginal women to enable the federal government’s RJ policy to be appropriately implemented. Despite the *Criminal Code*’s ‘special attention’ to Aboriginal peoples in Section 718.2(e), in practice Federal and Provincial Justice

systems have also done ‘little or nothing’ to acknowledge intersecting oppressions of race, culture and gender (CAEFS: 2007). Specifically, the *Code* fails to address “historical colonization and the systemic discrimination inherent in Canada’s Criminal Justice system” (E. Fry Manitoba 2007).

At the same time as the Federal Government was trying to reduce the rate of incarceration in the provinces and territories, feminist-inspired law reforms were pushing compulsory criminalization in cases of gendered violence. Instead of applying the new laws against male perpetrators, they were applied disproportionately against Aboriginal female victims of violence, who were trying to defend themselves against abusive partners, while male perpetrators were diverted into community-based Aboriginal Restorative Justice programs (Balfour 2008).

Viewed from an anti-oppressive intersecting perspective, as elaborated in the next two chapters, this distortion illustrates the outcome when colonialist/patriarchal power structures are able to manipulate feminist reforms to further patriarchal ends. The outcome has been the escalation of intimate gendered violence in communities where Aboriginal and western Restorative Justice approaches have been followed. As Cameron (2006) notes:

While those who advocate for western RJ and Aboriginal justice claim that it empowers victims, critics fear that the survivors may be re-victimized either emotionally or physically and such fears have been supported by recorded cases of victim-blaming, threats of physical violence, physical violence and coercion Silencing

is a re-occurring theme taking intimate violence out of the courtroom decriminalizes and privatizes intimate violence, counteracting 20 years of feminist activism to bringing intimate violence into the open (Cameron 2006: 57).

As is the case with heterosexual male perpetuated relationship abuse, both western and Aboriginal Restorative Justice approaches also ignore or downplay abuse in lesbian, bisexual and transgender relationships.

Although Aboriginal approaches were originally intended to be helpful for Aboriginal women, in practice they are not. For instance, Healing Lodges were meant to be run for Aboriginal women by Aboriginal women. However they continue to be run by white guards, and are in effect just another form of federal prison for women. The outcome is that women's Lodges perpetuate the colonization of Aboriginal women. This clearly violates the objectives of Aboriginal Restorative Justice in Canada (Patricia Monture-Angus 2009).

Aboriginal RJ alternatives thus tend to reflect white male needs and often are not even helpful for Aboriginal men, given that Aboriginal programs have been 'westernized' or else are grossly under-funded. Moreover as noted, they have been used inappropriately, for example in cases of intimate gendered violence, sexual assault and sexual abuse. This illustrates the outcome when race oppression (i.e. colonization) is taken into account without considering gender (or class) oppression.

More recently the Aboriginal Women's Action Network (AWAN) has argued that the current Aboriginal Restorative Justice approach "... makes

Aboriginal justice potentially dangerous in cases of intimate partner violence” (MacDonald 2006).

What is needed is a focus on:

...the particular oppressions faced by Aboriginal women and [an] ...analysis of western RJ and Aboriginal justice ... informed by [intersecting] feminist and anti-racist perspectives to take into account both] ... the colonial and patriarchal oppression of the Canadian state and the oppression of powerful elites within their own communities (Aboriginal Women’s Action Network in Cameron 2006).

By contrast western Restorative Justice approaches such as E. Fry have made attempts to take into account intersecting gender, class and race-based oppressions. E. Fry Hamilton, for instance, has made efforts to work from an anti-racist and anti-oppressive framework. This sets them apart from Corrections Canada programs such as those offered by Probation and Parole which tend to be cognitive in approach and do not necessarily address issues of marginalization such as race, class and gender oppressions (Ministry of Safety and Security Training 2006).

By contrast E. Fry Hamilton provides a wide range of free programs and services, including diversionary programs as alternatives to incarceration. Prominent among these is the STARS (Sex Trade Alternatives) for women in the sex trade. STARS is largely funded by the John School Program for first-time male sex solicitors, for which there is a cost.

Other highly successful programs include SHARE (for shoplifters), Anger Management programs, Opportunities for Women Groups for incarcerated and community women, the Woman Abuse Program and the Court Support program. E Fry as well provides crisis counselling as well as short-term and long-term counselling for women in conflict with the law or for women at risk for coming into conflict with the law. Besides these programs, E. Fry also supervises post-secondary practicum students and trains volunteers in its Volunteer Program.

As part of its wider mandate, E. Fry also offers Violence Awareness (VAW) groups for incarcerated women, along with short and long term support and preventative programs, including Woman Abuse counselling, individual counselling, and release planning for incarcerated women. E. Fry Hamilton's Community Service Order (CSO) programs serve youth as well as adults.

E. Fry Hamilton has also worked with lesbian and transgender women in the court system, as well as during and post-incarceration. With regard to its approach toward Aboriginal women, I can say that other workers and myself have made significant efforts to liaise with local Aboriginal community resources. Although E. Fry, as a mainstream Agency funded primarily by Corrections Services Canada, faces major ideological and financial constraints, overall it could be seen as the cutting edge of western community-based RJ alternatives to incarceration.

Within the context of these developments in prison conditions and community-based alternatives, the next chapter explores the impact of

incarceration on two focus groups of formerly incarcerated women. I began my journey toward this topic from a place of interest that came out of twelve years working and volunteering in the area of women in conflict with the law. One incident that I witnessed stood out so forcefully in my mind that I decided to use it as a point of departure for this research.

Chapter Three: The Research Problem and the Research Question

Ten years ago I was facilitating a Violence Awareness Group (VAW) for Women at the Hamilton-Wentworth Detention Centre (these women were later transferred to the Vanier Centre for Women) when an incident took place that disturbed me profoundly. I just gathered with ten incarcerated women to discuss different types of abuse as outlined in the Violence Awareness Program for Women (VAW 1999). Suddenly one of the women made a ‘middle-finger’ hand gesture to the guard outside the group room window. The door swung open, and a female guard said to the inmate, who happened to be Aboriginal: “*Well, at least I don’t suck cock for a living*” (Harding 2006).

Regarding ‘offender conduct’, the Ministry of Correctional Services Act states in Section 305/01:c that “an inmate commits a misconduct if the inmate ... makes a gross insult, by gesture, use of abusive language, or another act, directed at any person”. The appropriate response would have been to make the woman aware that she had committed a misconduct and was therefore subject to an appropriate disciplinary measure. This did not happen. The guard was well aware that this was a violence awareness group. Not only did she interrupt the group process for a non-urgent reason. Her manner was disruptive, totally disrespectful and also put the success of the program at risk.

When the group participants talked about the 'event', they appeared to want to deal with what happened. However there was an unspoken rule about this kind of discourse. They knew that they could experience severe consequences from 'talking too much'. The unspoken rule was 'do not talk' and 'do not complain'.

Fortunately, the group response was one of thoughtful reflection. They spoke about the ways in which power could be abused, and the abuse of women as a systemic problem in and outside of jail. They must have known that generalizing the incident was a relatively 'safe' response.

Significantly, not one participant complained about the incident on the 'anonymous' feedback forms. In fact the forms were from the Ministry of Safety and Security and were not really anonymous. Guards had access to these post-group because the Ministry required them to be initialled.

As the group session ended and the women were on their way back to 'the range' (the common area), the inmate who was targeted asked to have a word with me. Although she had put on a brave front, in fact she felt extremely humiliated. I wondered what it said about the jail subculture that she could not talk about what happened openly within the group. She did share with me that the guard's remark left her feeling 'like a mouse'.

My intervention with her was to sit with her, listen to her and offer her the opportunity to privately discuss what happened, as well as how she might cope with her situation and the limited options available to her. Hudson (2006) points

out that law in modern society “reflects the subjectivity of the dominant white, affluent, adult male.” For me this incident symbolized the ongoing colonization of Aboriginal women by the Canadian Criminal Justice system (Hudson 2006). That incident reinforced my perception that the guards apparently had the right to target and abuse inmates with impunity.

As a middle-class Métis social worker, I was shocked and silenced by the guard’s remark. If, as Burr (1995) claims, language is “a pre-condition for thought,” and creates “the very categories and concepts that provide a framework of meaning,” her words sent out a powerful message to that woman and others present, including myself, about how she was viewed by the institutional power structure, how she should view herself, and how we should view her i.e. as a Sex Trade Worker (Burr 1995: 6-7).

In retrospect it is clear that visible and invisible state and prison power structures made this kind of routinized abuse of power possible, commonplace and even inevitable (Arbour Report 1996). For instance, the ‘formalized expectation’ that other workers and I would not criticize guards or challenge their authority in the presence of prisoners could be seen as part of the power structure that perpetuates this kind of abuse of power.

It was also clear that no viable procedures were in place that would have led to a guard reprimand for an abuse of power and violation of inmates’ rights to be treated with dignity and respect.

As noted, the guards were protected by the initialling of Ministry required attendance records and program evaluation, which in effect prevented inmate anonymity. Finally, the guards were and continue to be protected by the silence of other guards and community workers such as myself.

My observation of this as well as other incidents, working alongside women in conflict with the law, suggested that women tended to enter incarceration already struggling with intersecting oppressions grounded in their gender, race and class. Second, that incarceration appears to reinforce and exacerbate these oppressions, as well as undermining women's ability to deal with them when they leave jail or prison. The next chapter outlines the research approach that I used to document institutionalized woman abuse in Ontario and Canadian jails and prisons.

Chapter Four: Toward an Interpretive Anti-Oppressive Research Approach

Taking a wider view of mainstream 20th century research approaches, Neuman (1997) argues that unlike positivist research, which ignored "... the social context and the interpretations of those studied ...", interpretive research, based on the work of Max Weber (1864-1920), focused on the "...everyday lived experience of people in specific historical settings or 'Verstehen'" (Neuman 1997: 68, 74). An interpretive research approach thus utilized participant observation and field research instead of hypothesis testing.

According to Neuman 20th century positivist and critical approaches also assumed a 'shared meaning-system' and therefore "...imposed their way of experiencing the world on others". However, interpretive research "[considered]... multiple interpretations of human experience" (Neuman 1997: 70).

Applied to the present research, insofar as my own perceptions as a professional 'outsider' might well be different from that of 'insiders', it seemed that an interpretive approach would offer a good fit for this type of exploratory study. Like both feminist and Aboriginal research approaches, an interpretive approach also recognized the importance of solutions derived from the first-hand

experiences of women themselves in relation to what is needed for social change and social reform.

That said, class-based and critical feminist approaches have in turn critiqued interpretive research as “overly subjectivist, relativist, localized and micro-level [that] ... ignored wider social conditions and the larger context of social action” and were “...amoral and passive” (Neuman 1997: 74). By contrast a critical approach tried “...to help free people from domination by hitherto unacknowledged constraints, dogmas and falsehoods” (Neuman 1997: 74).

Given that the problem identified in this research, i.e. the institutionalized abuse of women in prisons was structural in nature, it therefore required both an interpretive approach and a transformative approach that took into account intersecting and multiple oppressions faced by women in conflict with the law.

In relation to this issue post-structural feminists have argued that a major problem with critical discourse is that its tendency to:

reinforce an opposition between the structural and local [The] structural is privileged as the place where the real work of emancipation and resistance takes place, [while] the practices of front line service delivery, typically undertaken by women, are devalued as sites for theorizing and transformation” (Healy 2000: 50).

This consideration is highly relevant in the context of this research in that it suggests that the front-line work of interviewing women about their first-hand

experiences in prison is an important part of the real work of resistance and social change.

Like earlier critical and feminist theorists, the Anti-oppressive feminist movement of the 1980's and 1990's argued that poverty and marginalization were due to wider political and structural inequalities rather than being the result of "the moral failings of the poor" (McLaughlin 2005). However Anti-oppressive feminists argued that a class-based analysis ignored or perpetuated other forms of oppression including racism and sexism. According to McLaughlin (2005) the 80's and 90's thus saw a move toward anti-racist and Anti-Oppressive Practice (AOP) within social work, in which the agenda was widened to include disability, sexual orientation, age-related and other oppressions.

These theoretical developments suggest that the present exploratory research on the impact of incarceration on women would require an anti-oppressive approach that takes into account gender, class and race-based and other oppressions as well as an interpretive approach that allows for multiple perspectives on social problems such as institutionalized woman abuse in prisons.

Using these themes as a point of departure, the next chapter considers the rationale for an integrated and anti-oppressive research approach to address the problem identified in this research, namely, the impact of incarceration on women in Ontario and in Canada.

Chapter Five: The Research Approach

Following the incident mentioned in Chapter Four, I consulted with co-workers, peers and my student advisor regarding the possibility of undertaking research that would examine the impact of incarceration on women in Ontario and Canada. Although intimate gendered violence had been identified as a feminist issue, there was moreover little academic research to date that examined the impact of institutionalized woman abuse in the Canadian penal system (Arbour Report 1996). At the same time a preliminary literature search suggested that enough information existed on incarcerated women and their needs to proceed with exploratory research on the first-hand experience of formerly incarcerated women (Shaw 1999; Watkinson 2007; Balfour 2008; Gartner et al. 2009; Boxer et al., 2009).

According to Weiss (1995) to the extent that my proposed research "...[proceeded] from the participants' view of the world rather than the bureaucratic perspective", and included an evaluation of an intervention (i.e. incarceration) it could also be understood as a form of qualitative evaluation research (Weiss in Swanson and Chapman 1995: 77). It would thus enable a researcher such as myself to gain insight into the "internal processes and problems, events, meanings, and situations that make up the interaction between a

program and its clients” in this case – the impact of incarceration on women (Broadhead in Swanson and Chapman 1995: 88). Put differently, such an approach would make it possible for me to gain insight into women’s personal experiences and thoughts regarding their incarceration and its’ impact.

An Anti-oppressive approach was also highly relevant for this research to the extent that it took into account intersecting and interlocking oppressions as described by women in their own words (Moosa-Mitha 2005). Secondly, an anti-oppressive approach could also be used to consider “... the transformation processes between the inputs and the outputs of a program” (Moosa-Mitha 2005: 67), in this case, the process and impact of incarceration.

Like other forms of interpretive research, Moosa-Mitha (2005) notes that “[Anti-Oppressive]... feminists emphasize inductive thinking that has its basis in the subjective and lived experiences of women”. In short, in this type of research women are seen as the experts about what they need, what changes are needed and what would be helpful regarding incarceration or alternatives to incarceration.

An anti-oppressive approach would also provide a voice for a deeply marginalized population of women and it would offer them the opportunity to tell their stories, suggest alternatives to incarceration, and consider what they needed to help them to live post-incarceration lives of dignity and independence. As well it would enable me to consider whether the problems that incarcerated women faced were worsened by their experience in jail. As one respondent noted from a

focus group, “We know what we need and what we want, but nobody is listening. They just tell us what they think is best for us” (Appendix 1, p. vii).

Finally, like other interpretive researchers, Anti-oppressive feminists “...accept the knowledge that is derived from everyday experience as it is reflected in...personal narratives” (Trinder 2005). Most importantly, “Anti-oppressive theories [are] grounded in the lived experiences, both collective and individual of intersecting and multiple oppressions” (Moosa-Mitha 2005: 62).

With this rationale for an interpretive and anti-oppressive research approach, the next chapter considers the ethical and methodological issues associated with interviewing formerly incarcerated women in focus groups about their problems before, during and after incarceration.

Chapter Six: Focus Group Methodology

Given that privacy, ethical and moral issues associated with observing women in jails precluded direct observation of these women in jail, the next option was to undertake post-incarceration interviews. Accordingly my research set out to interview a number of women individually after discharge, using semi-structured interviews. This approach began with telephone calls and flyers to E Fry, half-way houses, and other agencies that provided support services for these women.

Initially I looked for women volunteers who were incarcerated and who had experienced abuse. After a very limited response, I decided to take out the word 'abuse' from the flyers and my requests, since virtually all incarcerated women have experienced some type of abuse (Corrections Canada Ministry Training 2006). In retrospect, it is possible that keeping my request for volunteers to the wider population of women may also have attracted more women to the research. In any case, there was much more community support for a focus group approach, so my research was carried out through focus groups rather than through individual interviews.

Morgan (1997) argues that one strength of a focus group approach is its potential to "...produce concentrated amounts of data on a precise topic of interest.

They can give access where observation may not be possible. It is an efficient way to gather data that is directly related to the researcher's interest" (Morgan 1997: 13).

At the same time, like personal interviews, focus groups are limited in size and may not be seen as representative. Nor are results likely to be generalizable (Morgan 1997:13). In this case the size of the focus groups was limited due to academic, time, and other practical constraints. Perhaps a more serious limitation was that,

"Focus groups are less naturalistic The researcher may influence group interaction which is important as this may impact the quality of data. The presence of a group will affect how participants speak and what they say and they may withhold something that participants might have said in private" (Morgan 1997: 14-15). [The result is that] "...the level of involvement might be too high or too low" (Morgan: 1997: 15).

At the same time Morgan acknowledges that focus groups can also broaden the group discussion (Morgan 1997: 16).

Any social research with survivors of abuse creates the potential for harm and/or ethical dilemmas if it is not completed sensitively, thoughtfully and ethically. Kayser-Jones and Koenig (1994) argue, for instance, that the most important ethical issues in conducting this kind of research include: "...assessing the risk to informants, informed consent, decisional capacity, the right to privacy

or confidentiality, and when to intervene or act as an advocate on behalf of a research subject” (1994: 19). In turn assessing risk involves “...assessing the potential harm to informants and considering methods to minimize or eliminate that harm” (1994: 19). In short, “Benefits of the research such as increased knowledge must be balanced against the potential harm to subjects” (1994: 19). In this case because my research involved people, it required the completion and approval of a formal ethics proposal by the McMaster Research Ethics Board (MREB).

The most compelling ethical issue associated with this research was the need to protect the anonymity of these women who, after all, were sharing their personal experiences around highly abusive and indeed illegal prison conditions. In the event that they were identified by prison authorities, they would clearly be at risk for harsh recriminations, given the politically sensitive nature of their experiences.

Moreover I was advised by the McMaster Research Ethics Board not to ask personal or potentially identifying questions due to the highly sensitive nature of this research. For this reason the use of pseudonyms was precluded, especially since I did not even know the names of these women and might inadvertently have used their actual first names as pseudonyms, thus identifying them.

At this point it is important to state that the main focus of this thesis was not so much that the focus group participants would necessarily expose race, class and gender oppressions, even though this might come out in an implicit way.

There was no expectation for women to talk about these particular oppressions unless they came out as part of the 'impact'. Rather the focus of the research was to consider the impact of incarceration on their lives, and then to analyse this impact from the lens of an AOP perspective by myself as researcher

As an Anti-oppressive feminist researcher, I was concerned to equalize disparities by providing monetary compensation for childminding and transportation to reduce barriers for women's participation. As an anti-oppressive self-reflexive researcher, I also sought to make my own biases and values transparent in this research. In this context my personal location presented a unique standpoint from which to consider the intersecting oppressions of incarcerated women, in particular, Aboriginal women.

For instance, as a middle-class self-reflexive Métis social worker who appeared Caucasian but self-identified as Aboriginal, I experienced privilege because of my skin color, education, and class. Nevertheless, my self-identification as Métis put me somewhere between a marginalized space and a mainstream place in western society.

Métis Aboriginals tend not to identify with either Caucasian/European or other Aboriginal peoples, but are nevertheless recognized as Aboriginal. Those (including my own family) who are able to document their own mixed ancestry are issued a Certificate of Aboriginal Status that states: "The bearer of this card is an Aboriginal person within the meaning of the Canada Constitution Act, Section 35, 1982."

Although my personal location might accordingly offer certain insights, it also reflected (middle) class, cultural (Métis or 'mixed') and mainstream feminist biases. I had also worked for mainstream agencies that were funded primarily by patriarchal and racist, neo-liberal regimes.

Accordingly, as an Anti-oppressive Métis feminist I tried to see research participants as "subjects at the heart of the research project" which was "...emancipatory in nature" (Smith in Moosa-Mitha: 2005). I also tried to see myself-as-researcher and the focus group participants as "engaged in self-reflexive activities where [our] collaborative efforts at making meaning [revealed] to both the different possibilities of ways of understanding social realities" (Stanley and Weiss 2005). For instance, the social reality that I saw was an extremely abusive prison system. I wanted to know if these women shared this perception. This was part of my rationale for a focus group methodology.

Research procedures included the screening of potential participants to mutually agree if they were appropriate for research. Pre-screening by phone interviews allowed me to explain the research to potential participants, so that together we could decide if their participation was appropriate and safe for them (See Appendix 3). This was assessed by ensuring that they met the criteria for the study (See Appendix 3) and also had access to support.

The research methodology consisted of interviewing nine formerly-incarcerated women in two focus groups in order to document their first-hand

accounts of what they thought led up to their incarceration, what incarceration was like for them, and what post-incarceration was like for them.

Regarding specific procedures, I brought together two focus groups in order to gather primary data from nine women 18 and older who had experienced incarceration. As noted above, I was advised by the McMaster Research Ethics Board (MREB) to avoid asking specific demographic information, as I would be requesting discussion around highly sensitive information. That said, if women wanted to share such information as part of the focus group process, they could do so voluntarily.

Four of six women in the first group self-identified as Aboriginal and one as Aboriginal-Black. One did not self disclose her ancestry. The three women in the second group self-identified as Aboriginal. In the first group one woman identified as being in her 20's. Two others were in their 30's and 40's. In the second group women identified as being in their 30's and 40's. One woman did not show, and another called to cancel, leaving three in the second group. Although I received enough calls after the second group to hold many more focus groups, time and practical constraints precluded this possibility.

The focus groups took place in a private room booked at Dundas Public Library in Dundas, Ontario. Participants received a cash honorarium upon entering the research study room. When the women gathered in the room, I reviewed the purpose of my research as well as consent forms, and discussed

mutually agreed-upon group guidelines to increase participants' comfort and safety.

Specifically, I told them that I sought to find out from women themselves what issues or problems, if any, they experienced prior to incarceration; what happened during incarceration; and whether the problems they experienced prior to incarceration worsened or not upon release. Finally I asked them what they would propose regarding alternatives to incarceration.

I shared my hope that this research might offer them the opportunity to voice their experiences and offer any first-hand suggestions, ideas or opinions regarding needed changes and alternatives to the current Criminal Justice system for women. Finally, I explained the voluntary nature of this research and reminded them that they could leave at any time without explanation. Twenty-four hour crisis and support lines, community support contact and support information were also provided. (Outline of the Interview Questions please see Appendix 2).

The data for the first focus group was recorded using audiotape and written responses on flip-chart paper. The data for the second group was only recorded on flip-charts, since that group did not want the session taped. The data was organized chronologically in terms of focus group responses about their experiences and problems before, during and after their incarceration i.e. addictions, poverty as well as their strengths; and also in terms of intersecting

themes including race, class, gender, ability, sexual orientation and other oppressions.

It is important to note at this point that because eight of the nine women self-identified as Aboriginal or Black-Aboriginal, their responses must be interpreted as largely reflecting the lens of Aboriginal women in particular. For some of these women traditional story telling and the power of their voices were therefore highly significant. Keeping these considerations in mind, the next chapter interprets the focus group responses using an anti-oppressive and intersecting lens or framework.

Chapter Seven: Interpreting Focus Group Responses

In interpreting the responses of the two focus groups concerning their problems and experiences before, during and after incarceration, it cannot be overemphasized that these participants were speaking from primarily an Aboriginal women's perspective. As such, implicit in what they were reporting was that they experienced race-based discrimination as is well documented in the literature (Moosa-Mitha 2005; Pate and Monture Angus 2008; Balfour 2008).

For instance, one participant noted that "Other [i.e. Caucasian] women had very unique experiences" (Appendix 1, p. x). Another stated: "I was not able to get into a Healing Lodge and spent ten years in prison (Appendix p. x)." Most of the women shared that "We felt invisible" (Appendix 1, p. x).

In interpreting the focus group findings from an intersecting Anti-oppressive perspective, it is also important to note that most participants shared that they did not have secondary or post-secondary education, were often in survival mode, or just trying to get their basic needs met, and did not have the energy to think beyond their own immediate needs. In short, they faced multiple intersecting oppressions.

An intersecting anti-oppressive perspective also suggests that the very fact that these were women were female, poor and racially marginalized suggested that these interlocking factors would have put them at heightened risk for

childhood and partner abuse, addictions and incarceration. The odds were against them from the start. For instance, the fact that they were born female meant that they were often forced into traditional female caring roles.

As one focus group participant shared: "I was left to care for younger brothers and sisters while my parents left for days or weeks. I didn't know where they were. They just left" (See Appendix 1, p. i). Another participant "... dropped out of school to look after school to look after my brothers and sisters and parents and grandparents." (See Appendix 1, p.i).

Women also indirectly reported class as an issue. For instance, they spoke about "...never having enough money for groceries, clothes or housing". Poverty was also a major theme upon release, as is well documented in the literature (Shaw 2009; Pate et al. 2009). For instance, when asked about difficulties or challenges upon discharge, most of the women stated that they were worse off after prison than before. They also reported that they were not provided with adequate employment skills inside the prison system to enable them to find a meaningful or adequately paid employment. They were, however, well aware that men were provided with training in trades. As one participant stated, "Lack of employment skills led me back to the path that led me to become incarcerated in the first place." (Appendix 1, vii). This comment illustrates the intersecting nature of race, class and gender given that this woman was also Aboriginal.

Because they were born female they were also more vulnerable to sexual abuse and sexual assault. This made it much more likely that they would have low

self esteem and that they would see themselves in terms of meeting the sexual needs of men.

These women moreover shared that foster care perpetuated their abusive histories, leaving them with even lower self-esteem and vulnerable to addictions. Significantly, they equated CAS involvement with the experience of prison. In both cases they had little or no control and reported many instances of abuse. "The CAS took me out of my own abusive home and put me in another abusive home." "I was sexually abused [in her foster home]" (Appendix 1, p. ii).

Other responses described their experiences as foster children: "My foster parents fed me different food while they ate 'real' food." "My foster parents told me I had to do chores for my keep." "I was abused by another teenager in the foster home over a couple of years." "I was physically abused by my family, in foster care and by partners." (Appendix 1, p. ii).

One woman in foster care: "... couldn't cope with the abuse. And so I would take crack, cocaine, pain killers, methamphetamine. I ran away to get away from abuse and I met people on the street who got me into prostitution. I couldn't deal with the prostitution so I would end up getting more stoned" (Appendix 1 p. ii, iii). (Appendix 1, p. ii).

Because most of them were born into extreme poverty and deprivation, their most basic needs were neglected. Their poverty often continued into adulthood. As one woman reported: "There was never enough money – for groceries, clothes, housing" (Appendix 1, p. ii). "I was on welfare and it wasn't

enough. It forced me to go into a life of crime to make ends meet (Appendix 1, p. ii). Without the employment skills or social and financial support to complete an education, most ended up on the street, addicted.

With regard to physical abuse, one participant reported that she was, "... beaten up badly when I was pregnant." Another participant shared that, "I was physically abused by my family, in foster care and by partners". Another shared that, "He beat me so badly I had to go to the hospital". Another shared that, "My husband threatened to kill me" (Appendix 1, p. iii).

In response to questions about their incarceration experiences, one woman described her prison experience as "...hell, trauma and torture." (Appendix 1, p. iv). Women were pressured to work for very low wages and penalized when they did not. "We did slave labour in the 'cook chill.'" "Super-jails were 'run like a dictatorship'" (Appendix 1, p. vi).

One participant noted that prison conditions have deteriorated over the past three decades. "In the 1970's jail was more helpful than now. Jails were not as inhumane." (Appendix 1, p. iv). Another reported that: "We were given a book of rules – rules say you get a certain amount of clothing, but we never got it" (Appendix 1, p. v).

With regard to prison conditions, these women reported that they lived two to four in a tiny cell the size of a small bathroom. "We had to use the toilet and shower in front of guards and other women. Video cameras were everywhere. Everything was videotaped.". "We hand-washed our underwear and socks as a

result of not getting what we were supposed to.” “Toilets would overflow. We had to live with the stench.” “When I spoke up and asked for a blanket I was not given one.” “We had to wash our dishes in the shower.” (See Appendix 1, pp. iv – v).

Aboriginal women also appeared to be more vulnerable to targeting by guards, as illustrated by the precipitating event for this research (see Chapter 2). Women likewise reported bullying by guards and other inmates. For instance, they were called names, yelled at and at times were beaten and sexually abused by guards. As one woman put it, “We were treated like shit. Guards called us ‘fuckin’ cunt, stupid’.” Another shared that guards would say things such as: ‘You fuckin’ crackheads think you are better than us’, and, “What do you criminals know about accounting”? (Appendix 1, p. vi).

Women also shared that, “other women living with AIDS had rumours spread about them by guards, were segregated and not treated fairly”. One stated that, “There was a lot of discrimination against lesbian, bisexual and transgender women.” (See Appendix 1, p.p. vi).

With regard to addiction programs and services, the women reported that only one Alcoholics Anonymous (AA) meeting was held per week even though they were run by volunteers. There were no other supports to deal with their feelings associated with being incarcerated. “Only 30 women could attend (AA) out of about 400 women. If you did not get in line fast enough, you did not get to go.” Of particular relevance for these mostly Aboriginal women was the fact that

“Access to Elders was cut” (Appendix 1, p. vii). As a result women reported that they would, “...‘cut’, burn, ‘bang’, starve” (Appendix 1, p. vii).

These women wanted to emphasize that different women had very unique experiences of incarceration. Despite the punitive nature of the prison system some were forced to overcome drug addictions, as it was much more difficult to get their drugs of choice on the inside. It was not that prison life was tolerable, but that it was less intolerable than street or home life. As one woman stated, “Jail saved my life twice. I was suicidal, homeless, addicted and desperate. It was death or jail.” Another stated that she “... did not have to rob or stand on the street to get drugs.” A third noted that she, “...got clean without having to deal with outside hassles”(Appendix 1, p. viii). Moreover, these women reported that “It was safer inside prison than on the outside” and that “I felt I had no choice to manage addictions in jail” (Appendix 1, p. viii).

Despite the extreme abuse experienced by women incarcerated in the former Kingston Prison for Women, one woman emphasized the importance of access to training in non-traditional trades and therefore better employment opportunities upon release. As well, “We got clean clothes, three square meals a day. We knew we had a place to stay. Jail was better than home.” “I didn’t like being there but it gave me my life back and opened my eyes” (Appendix 1, p. viii-ix).

Again, it is important here to interpret this response in the context that these were mostly Aboriginal women, some of whom had lived on the street and

for whom prison was a definite improvement, insofar as their most basic survival needs were met, i.e. food, clothing, shelter, that were not met on the street. This did not mean that jail experiences were not 'hell, torture and trauma'; but rather was a reflection of how terrible their lives were on the street before incarceration. As one woman stated, "...the worst of the worst is on the street. (Appendix 1, p. x).

With regard to the woman incarcerated at the former Kingston Prison for Women (P4W) who did receive training, significantly, when she was moved to another federal prison for women, she received no such training (See Appendix I p. viii). Of the nine women interviewed, no other woman received employment training or services.

These women also reported insurmountable obstacles in getting their children back from CAS. "I did everything they wanted and they still wouldn't give me my kids back" (Appendix 1, p. vii). Their responses corroborate the literature that most women continue to live in poverty and go back to their addictions, the sex trade and other survival life strategies when they are released from prison. One woman very strongly suggested [that in order to really help these women] that a streets needs assessment be conducted (Appendix 1, P. ix).

With regard to smaller changes that would have made prison life less intolerable, the nine women in the two focus groups called for an end to bullying among women and on the part of guards as well as better education for guards, so that they might show some compassion towards them. Above all they wanted to

children back when they came out. Most important, they knew that they needed much more by way of accessible long-term post-incarceration supports (Appendix 1, P. ix).

Although this was exploratory research, so their responses cannot be interpreted as generalizable, nevertheless what they said clearly validated and corroborated expert opinion on abusive prison conditions and lack of programs and services, especially training in non-traditional trades and addiction services that when available, do enable these survivors to overcome unimaginable obstacles. Finally, their perceptions around prison abuse fully vindicated my own perceptions of routinized abuse in jails and prisons in Ontario and in Canada.

Conclusion

This research set out to explore the impact of incarceration on women in Ontario and in Canada. The research problem was operationalized in terms of the following questions: what problems did women face before, during and after incarceration? Second, what changes or alternatives did they think were needed that might have prevented their incarceration, made it more bearable or might have helped them post-incarceration?

The responses of the two focus groups overwhelmingly corroborated expert opinion on horrific prison conditions and the need for community-based alternatives to incarceration as has been legislated at the federal level since 1996. An analysis of western and Aboriginal RJ approaches, in light of an anti-oppressive intersecting perspective suggests that both western and Aboriginal Restorative alternatives have much more potential to help rather than further harm women compared with the current punitive and retributive prison system in this country. That said, this potential has been severely constrained by factors such as the chronic lack of funding and the inappropriate use of Aboriginal Restorative Justice most notably in cases of intimate gendered violence, despite genuine attempts to redress racism and colonization.

By contrast, western Restorative Justice approaches such as E Fry have made significant efforts to address marginalized women's multiple and intersecting oppressions. Moreover the needs identified by the two focus groups

suggest that E. Fry is on the right track as a cost-effective, practical and humane alternative to incarceration. For instance, they are highly accessible (i.e. free), and they make attempts to address the impoverishment of women in conflict with the law. This contrasts with John Howard programs that can cost more than \$350 per program. Secondly, as noted above, E. Fry attempts to work from an anti-oppressive framework.

This research leaves several outstanding questions that remain unresolved. The first concerns the lack of transparency and accountability of the Corrections Services Canada. For instance how can CSC justify allocating a mere \$2,000 to \$10,000 per woman per year for community Restorative Justice alternatives at the same time as it allocates upwards of \$50,000 or more provincially, and up to \$250,000 or more to house federally incarcerated women.

Second, what is preventing our federal government and Corrections Services Canada from implementing well proven and cost-effective community-based approaches to deal with criminal justice issues? For instance Sweden and other European countries make much greater use of community-based alternatives to incarceration (Lindstrom 2007).

With regard to the implications of this research for practice or action: as noted above, it is hoped that E. Fry and other agencies will make use of this research to help them to obtain long-term funding to secure and expand both their preventative and rehabilitative programs.

Secondly, I hope that this research will also help to expose intolerable prison conditions, especially for racialized, Aboriginal and Black women, as well as for women living with disabilities and others discriminated against and abused on the basis of their sexual orientation or gender.

Third, I hope that this research establishes the need for prisons and Restorative Justice approaches to take into account the intersecting multiple oppressions that most marginalized women face.

This research also adds ten more women's voices to longstanding calls for long-term supports and programs to develop literacy skills, non-traditional training and addiction programs for incarcerated women and for women at risk of coming into conflict with the law.

Finally, it points to the need for in-depth research on the impact of incarceration on Black as well as Aboriginal women, impoverished women, women living with disabilities as well as lesbian, bi-sexual and transgender women, who are the most oppressed and victimized women in our society and in our prisons.

What stands out most from this research is that incarcerated women know what they need. Many of the changes they called for, including long-term community supports, respectful and lawful treatment by guards, and training in non-traditional trades, may well have helped them break the cycle of poverty, abuse, addiction and incarceration.

Appendix 1

Responses of the Two Focus Groups

Before Incarceration:

Question: Could you please tell me about any problems you experienced prior to incarceration? (Prompts) This may refer to financial stressors, housing challenges, finding placement for children, addictions, mental health issues, issues related to being a survivor of abuse or any other problems.

Their statements included comments such as:

“My parents were addicted to drugs.”

“Everybody was stoned, drunk.”

“My parents would tell me not to do drugs, then they would do it.”

“My stepfather was drunk all the time.”

“Lots of people would come over and they would drink a lot.”

“I was left to care for younger brothers and sisters while my parents left for days or weeks. I didn’t know where they were. They just left.”

“My parents were in and out of jail. Aunts, uncles and cousins looked after me.”

“I saw my father beat my mom.”

“There was never enough money -- for groceries, clothes, housing.”

“I didn’t know anything was wrong. That’s just the way I grew up.”

“I dropped out of school to look after my brothers and sisters and parents and grandparents.”

“I found out my father was my uncle and my uncle was my father and was told this by a neighbour. It was devastating.”

Foster Care Experience:

"The CAS took me out of my own abusive home and put me in another abusive home."

"I was sexually abused."

"I was a crown ward and lived in numerous foster homes."

"There was no opportunity to say good-bye to my brothers and sisters."

"I spent two years in foster care and my foster parents abandoned kids because they just did it to collect money."

"My foster parents fed me different food while they ate 'real' food."

"My foster parents told me I had to do chores for my keep."

"Two of my kids were adopted out and the other two were crown wards with access."

"I was abused by another teenager in the foster home over a couple of years."

"Three of my abusers lived in same foster home."

"The one foster home they put me in was two houses away from where I lived. I used to ride the horse over to see my Mom. I would sneak away before my Dad got home (it was out in the country)."

"I was physically abused by my family, in foster care and by partners."

"I was forced to go to church and the foster home forced me to go too."

"I couldn't cope with the abuse. And so I would take crack, cocaine, pain killers, methamphetamine. I ran away to get away from abuse and I met people on the street who got me into prostitution. I couldn't deal with the prostitution so I would end up getting more stoned."

Relationship Abuse:

"My husband threatened to kill me."

"He spent the rent money and the food money on drugs. There was nothing left for the kids."

“I was beaten up badly when I was pregnant.”

“He beat me so badly I had to go to the hospital.”

“I was on welfare and it wasn’t enough. It forced me to go into a life of crime to make ends meet.”

“I was depressed. I was anxious. I was diagnosed as borderline.”

“I burned, cut, slashed, starved and hit myself. It made me feel better.”

B: What incarceration was like?

Question: Can you tell me about your experience when you were first incarcerated? Were there particular difficulties that you faced? What was your first day in jail like? How was the admitting process?

Admitting Process

“The admitting process was degrading. There were body cavity searches, illegal cavity searches, intimidation.”

“When you are processed, you become a number. You are told to cough, lift your arms. It is all mechanical. It is formal. It is traumatizing.”

Slave labour, living conditions:

“Jail experience was hell, trauma and torture.”

“We did slave labour in the ‘cook chill’.”

“When I found out how little we were paid, I said “Forget it. I’d rather play cards”. The guard said “No. You made your decision. You have to do it.” When I refused I was put in solitary confinement for 10 days.”

“In the 1970’s jail was more helpful than now. Jails were not as inhumane.”

“We were given a book of rules – rules say you get a certain amount of clothing, but we never got it.”

“We had to use the toilet and shower in front of guards and other women. Video cameras were everywhere. Everything was videotaped.”

“We hand-washed our underwear and socks as a result of not getting what we were supposed to.”

“Toilets would overflow. We had to live with the stench. “

“When I spoke up and asked for a blanket I was not given one.”

“We had to wash our dishes in the shower.”

Treatment by Guards

“Eight guards beat on a woman while removing her from the range.”

“We were treated like shit. Guards called us ‘fuckin’ cunts, stupid’.”

“We were told ‘You fuckin’ crackheads think you are better than us’.”

“Guards would say things like ‘What do you criminals know about accounting’?”

“If a woman had a request she had to wait in a line about 10 feet away in our area until a guard acknowledged her. Then we had to ask permission to speak and we had to be polite or we got nothing.”

“Guards would say, ‘See you here again’.”

“I was deliberately put in the same cell as other women who were pregnant, when guards knew my children were in CAS care.”

“Guards did not believe that one participant received an A. Accused her of cheating and made derogatory remarks to keep her down.”

“There was a lot of discrimination against lesbian, bisexual and transgender women.”

“Guards told the women on the ‘range’ (where they went during the day) what one woman’s crime was which put her at huge risk.”

Lack of Training for Jobs or Education

“There used to be more eligibility to get TAP’s (Temporary Absence Passes) and programs.”

“Men’s prisons provide more employment opportunities.”

“Education was held back. Books were withheld.”

“I would go to Protective Custody because it was safer and quieter, but the problem was that all the “rats” go to segregation.”

“Because one woman was identified in the press, she was sent to segregation.”

Lack of Services and Supports:

“Only 30 women could attend (AA) out of about 400 women. If you did not get in line fast enough, you did not get to go.”

“Access to Elders was cut.”

“Women would ‘cut’, burn, ‘bang’, starve.”

“I felt fear of the unknown and had no one to talk to.”

C. Exiting Incarceration

Question: If you faced any difficulties or challenges upon discharge, for example, housing, financial, addictions? Can you share what the impact of discharge was like for you?

“No one knew what to do. Community agencies would pass the buck.”

“Lack of employment skills led me back to the path that led me to become incarcerated in the first place.”

“I felt isolated.”

“I experienced culture shock.”

“I had guilty feelings about jail and all the issues that go along with it.”

D. Question: What was helpful about Incarceration?

“Jail saved my life twice. I was suicidal, homeless, addicted and desperate. It was death or jail.”

“I did not have to rob or stand on the street to get drugs. Jail was like a business.”

“I got clean without having to deal with outside hassles.”

“It was safer inside prison than on the outside.”

“I felt I had no choice to manage addictions in jail.”

“One staff member wished me good luck and went out of her way offering supportive words and made kind gestures when I was preparing to leave prison. I felt supported. It made a huge difference.”

“One guard took the time to offer to help me with my personal goals.”

“I had the opportunity to complete school.”

“I got a lot of support from the Chaplain and from Elders.”

“There was some solidarity among the women.”

“We learned to take the initiative.”

“Jail was a safe place. We got clean clothes, three square meals a day. We knew we had a place to stay. We learned how to manipulate the system for survival.”

“We functioned better on the inside than out because there were no expectations. We could play cards, read, rest and work.”

“Jail was better than home.”

“People would accept collect calls.”

“I had a social life.”

“One senior guard, despite his abusiveness made serious attempts to help me and on more than one occasion. He made attempts to get me to my grandmother’s funeral out of province.”

"I didn't like being there but it gave me my life back and opened my eyes."

E. What is needed? What is would have been most helpful after discharge. Are there any changes you would like to see regarding the penal system as you reflect upon your experience? Is there anything else i.e. an alternatives to incarceration that could have served you or other women more effectively?

"'Street-needs' assessments are most important because the worst of the worst is on the street."

"Ask the women what they need. Don't tell them."

"We should not have to have a mental illness to get help."

"We should not have had to go to jail to get help."

"Adequate supports may have prevented my incarceration."

"I was not able to get into a healing lodge and spent ten years in prison."

"We were monitored 100% of the time and had zero privacy and needed to have some."

"We felt caged even though we lived in cottages, which created an illusion."

"If I were to go back to jail, I would fight to get federally instead of provincially sentenced because you can smoke, live in cottages rather than behind bars. You have rooms. You make your own food."

"Jails are needed because some people need to be incarcerated."

"More education is needed for the guards about our problems."

"Guards need more compassion and empathy."

[Aboriginal women in particular] "We felt 'invisible'."

"We needed aftercare for post parole."

Interview Guide

- 1) Could you please tell me about any problems you experienced prior to incarceration? Prompts: For example, this may refer to: financial stressors, housing challenges, finding placement for your children, addictions, mental health issues, issues related to being a survivor of abuse or any other problems.
- 2) Can you tell me about your experience when you were first incarcerated? Prompts: What was it like for you? Were there particular difficulties that you faced? How was the admitting process?
- 3) Can you share your experience from the time served?
- 4) Can you share what the impact of discharge, if any, was like for you?
- 5) If you faced any difficulties or challenges upon discharge, for example, housing, financial, employment, addictions etc. can you share what these were?
- 6) Looking back, "What, if anything, was helpful about incarceration"?
- 7) Looking back, "What, if anything, was difficult or problematic about incarceration"?
- 8) Can you tell me what would have been most helpful after discharge? Prompts: Made jail more bearable/tolerable; alternatives to jail?
- 10) Are there any changes you would like to see happen re: jail, the penal system as you reflect upon your experience? Prompts: Can you share your thoughts on any programs that might have served you better and how? What about the living space? The daily routine?
- 11) Is there anything else i.e. an alternative to incarceration that you think may have served you or could serve other women more effectively?

Appendix 3
Crisis and Support Contacts

24/7 Crisis and Support Resources

The Distress Centre.....	905-525-8611
Gay, Lesbian, Bisexual, Transgender Support Line...	1-800-268-9688
The Sexual Assault Centre of Hamilton and Area.....	905-525-4162
The Woman Abuse Support Line.....	905-387-8881
Tele-care.....	905-681-1488
Francais-aide.....	1-877-336-2433

Community Counseling Resources

Native Women's Centre.....	905-522-0127
Disabled Women's Network.....	dawnontario@sympatico.ca
Interval House.....	905-387-9959
Martha House.....	905-523-6277
Inasmuch House.....	905-529-8600
The Indian Friendship Centre.....	905-548-9593
The Aboriginal Health Centre.....	905-544-4320
Gay, Lesbian, Bisexual, Transgender Support Line...	905-525-9140 X 27397
Catholic Family Services.....	905-527-3823
Jewish Family Services.....	905-627-9922
Francophone Women's Centre.....	1-877-336-2433
The Elizabeth Fry Society-Hamilton Branch.....	905-527-3097

Appendix IV

Phone Screen and Scripts

Phone Screening/Script:

My name is Christine Harding and I am Master's student at McMaster University. I am returning your call regarding participation in this research study that is examining "The Impact of Incarceration on Women". Because of the nature of this study I need to ask you some questions prior to conducting an interview. Do you have a few minutes now for me to ask you some questions? (If Yes, then proceed. If no, then either thank person for their interest and let go or find another suitable time.)

Questions:

- 1) Are you 18 years or older?
- 2) Do you define yourself as female?
- 3) Have you ever been incarcerated?
- 4) Are you agreeable to meeting within a group setting for 1-2 hours to conduct a focus group on "The Impact of Incarceration on Women"?
- 5) Do you have transportation? If no, offer bus tickets, taxi etc. and arrange to send. Do you have children in your care who require a childminder? I will also consider providing monetary compensation to pay for a childminder to reduce barriers for attending the interview. Is there anything else I might be able to help you with that might reduce barriers to you attending?
- 6) Discuss the limits of confidentiality according to the law: If you share that there is a child at risk, share a plan to harm yourself or someone else I may be bound by law to report to appropriate authority. I cannot guarantee confidentiality because it is a group setting but I will review these limits to confidentiality and request the group to be mindful and respectful "What is said in the group, stays in the group"
- 7) I will share a list of community resources/crisis lines to the participant prior to the focus group start.
- 8) I will share my thesis supervisor's contact information as well as the McMaster Research Ethics Board contact information if they have any concerns at any point. This will also be distributed before the group begins.
- 9) You will receive your honorarium before the group begins. You have the right to leave at anytime and without explanation.
- 10) Do you have any questions or concerns that you would like to ask?
- 11) If all of the above criteria are met and the participant is a mutually agreeable candidate, then I will provide focus group information: directions and meeting place (Dundas Public Library).

BIBLIOGRAPHY

Aboriginal People's Television Network [Producer] (APTN) *Contact* program Hosted by Cheryl MacKenzie "Are Aboriginal Women More Likely to be Designated as Super-maximum Security Inmates". Guest Panelists included Kim Pate and Patricia Monture-Angus. Viewed on April 18, 2009.

Aboriginal Women's Action Network (AWAN) and MacDonald in Cameron (2006) *Stopping the Violence: Canadian Feminist Debates on Restorative Justice and Intimate Violence. Theoretical Criminology*, 10(1), 49-66: A SAGE Full-Text Collection Database.

Aboriginal Women's Action Network (AWAN). www.Aboriginalwomen'sactionnetwork. Retrieved January 15, 2009.

Arbour Report (1996) by Louise Arbour: *Commission of Inquiry into Certain Events at the Prison for Women* in Kingston, Ottawa: Communications Group.
<http://www.csc-scc.gc.ca/text/prgrm/fsw/wos24/introduction-eng.shtml> Retrieved July 10, 2009.

Balfour (2008) *Falling Between the Cracks of Retributive and Restorative Justice: The Victimization and Punishment of Aboriginal Women* *Feminist Criminology* 2008 3: 101-120.

Balfour, Gillian and Elizabeth Comack (2006) (Eds). *Criminalizing Women: Gender and (IN)Justice in Neo-liberal Times* Fernwood Publishing Company, Halifax.

Banting, Bobbie and Audrey Le Coarer (1998) *The Counseling Needs of Women in*

Conflict with the Law The Elizabeth Fry Society-Hamilton Branch Current

Contact: The Elizabeth Fry Society-Hamilton Branch, 85 Holton Ave.

South, Hamilton, ON L8M 2L4 Phone: 905-527-3097.

Boxer, Paul and Keesha Middlemass and Tahlia Delorenzo (2009) Exposure to Violence

During Incarceration: Effects on Psychological Adjustment Following Release

Criminal Justice and Behaviour 2009, Volume 36 No. 8, August 2009 793-807

Thousand Oaks, California, SAGE Publications.

Broadhead in Swanson and Chapman (1995) Stopping the Violence: Canadian Feminist

Debates on Restorative Justice and Intimate Violence. *Theoretical Criminology*,

10(1), 49-66: A SAGE Full-Text Collection Database.

Burr (1995) What Does it Mean to Have Power? *An Introduction to Social Constructivis.*

Mississauga, ON: Routledge.

CAEFS *The Canadian Association of Elizabeth Fry Societies* (1989).

<http://www.elizabethfry.ca/literacy> Retrieved January 15, 2009.

CAEFS *The Canadian Association of Elizabeth Fry Societies* (2008).

<http://www.elizabethfry.ca> Retrieved May 10, 2009.

Cameron, A. (2006) Stopping the Violence: Canadian Feminist Debates on Restorative

Justice and Intimate Violence. *Theoretical Criminology*, 10(1), 49-66: A SAGE

Full-Text Collection Database.

Canada's Criminal Code. <http://www.efc.ca/pages/law/cc/cc.html> Retrieved January 15, 2009.

Canadian Constitution Act 1982.

http://www.solon.org/Constitutions/Canada/English/ca_1982.html Retrieved January 15, 2009.

Corrections Canada Ministry Training: 3-day Anger Management Training facilitated by Corrections Canada, Ministry of Safety and Security, Toronto, ON. December 15-18, 2006.

Corrections Services Canada (CSC). <http://www.csc-scc.gc.ca> Retrieved January 10, 2008.

CRCVC (2007) *Canadian Resource Centre for Victims of Crime.* <http://crcvc.ca/en> Retrieved January 15, 2009

DAWN The DisAbled Women's Network. <http://dawn.thot.net/> Retrieved January 15, 2009.

Department of Justice Canada. www.justice.gc.ca Retrieved January 15, 2009.

Elizabeth Fry Society-Hamilton Branch Anti-Racism/Anti-Oppression Training February 23, 2001 Current Contact: The Elizabeth Fry Society-Hamilton Branch, 85 Holton Ave. South, Hamilton, ON L8M 2L4 Phone: 905-527-3097.

Elizabeth Fry Society-Manitoba.

http://www.efsmanitoba.org/docs/Fact_Sheet_Aboriginal_Women_2007.pdf

Retrieved July 10, 2007.

End Violence Against Women www.stepitupontario/stop-criminalizing-and-psychiatrizing-women.html Retrieved March 28, 2010.

Finn, A., S. Trevethan, G. Carrière & M. Kowlaski (1999). Female Inmates, Aboriginal Inmates and Inmates Serving Life Sentences: A One Day Snapshot. Canadian Centre for Justice Statistics: Juristat, 19(5).

Gartner, Rosemary, Cheryl Marie Webster, and Anthony N. Doob (2009). Trends in the Imprisonment of Women in Canada. *Canadian Journal of Criminology and Criminal Justice*, 51(2), 169-198.

Gittens, M. & D. Cole (1995). Report of the Commission on Systemic Racism in the Ontario Criminal Justice System. Toronto: Queen's Printer for Ontario.
<http://www.cefso.ca/facts&figures.html> Retrieved April 20, 2009.

Harding, Christine (2006) Final Term Paper Class 721, Instructor Kristin Smith, September to December 2006. The School of Social Work, 319 Kenneth Taylor Hall, McMaster University 1280 Main Street West, HAM. ON L8S 4L8 Phone: 905-525-9140.

Harding, Christine (2007) Final Paper January-April 2007 "The Implications of Alternative Models of Social Justice for Aboriginal Women Involved With the

Legal System” For: Instructor Sheila Sammon Social Work 736 The School of Social Work 319 Kenneth Taylor Hall, McMaster University, 1280 Main Street West, Hamilton, ON L8S 4L8 Phone: 905-525-9140.

Hayman, Stephanie (2006) Creating Choices: The Report on the Task Force for Federally Sentenced in *Imprisoning Our Sisters: The New Federal Women's Prison in Canada*. McGill-Queen's University Press, Canada.

Healy, K. (2000). Foucault, Feminism and the Politics of Emancipation. *Social Work Practices: Contemporary Perspectives on Change*. Thousand Oaks, CA: Sage Publications, 37-55.

Hudson, Barbara. (2006). Beyond White Man's Justice: Race, Gender and Justice in Late Modernity. *Theoretical Criminology*, 10(1): 29-47; 1362-4806. Criminology: A SAGE Full-Text Collection database.

Kayser-Jones , J. & Koenig, B.A (1994) Ethical Issues. In J.F. Gubrium & A. Sanker (EDS.) *Qualitative Methods in Aging Research*. Thousand Oaks, CA: pp.15-32.

Kong and Aucoin in Gartner, Rosemary, Cheryl Marie Webster, and Anthony N. Doob (2009). Trends in the Imprisonment of Women in Canada. *Canadian Journal of Criminology and Criminal Justice*, 51(2), 169-198.

Kovach in Neuman L. (1997) 'Reading Other People's Research' pp. 88-105 in *Social Research Methods: Qualitative and Quantitative Approaches*. Boston: Allyn & Bacon.

LEAF (2007) *Women's Legal Education and Action Fund*. from <http://www.leaf.ca>.

Retrieved January 15, 2009.

Leonard, Peter (1982) *Women, Crime and Society: A Critique of Theoretical Criminology*, New York, Longman.

Lindstrom, Peter and Eric Leijonram *The Swedish Prison System* (2007)

<http://fondationinternationalepenaleetpenitentiaire.org/Site/documents/ReportSweden.pdf> Retrieved March 28, 2010.

Lorde A. (1990) Age, Race, Class and Sex: Women Redefining Difference. In R. Ferguson (Ed.) *Out There: Marginalization and Contemporary Cultures* (pp. 291-287). Cambridge, Mass: MIT Press.

MacDonald in Cameron (2006) Stopping the Violence: Canadian Feminist Debates on Restorative Justice and Intimate Violence. *Theoretical Criminology*, 10(1), 49-66: A SAGE Full-Text Collection Database.

McLaughlin, Kenneth (2005) From Ridicule to Institutionalization: Anti-oppression, the State and Social Work *Critical Social Policy*, Vol. 25, No. 3, 283-305.

Ministry of Correctional Services Act Section 305/01:c. *Service Ontario e-laws*.

Retrieved January 15, 2010, from http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90m22_e.htm.

- Monture, Rick (2001) Indigenous Studies Instructor in An Introduction to Indigenous Studies 1A03 and 1AA3 with The School of Indigenous Studies. McMaster University, 1280 Main Street West, Hamilton, ON L8S 4L8. Phone: 905-525-9140.
- Monture-Angus, Patricia (2000) 'Women and Risk: Aboriginal Women, Colonialism and Correctional Practice' *Canadian Woman Studies* 19 (1&2):24-36.
- Moosa-Mitha, Mehmoona (2005) Situating Capital-Anti-Oppressive Theory within Critical Difference Centered Perspectives in Brown L. and Straga S. Eds. *Research as Resistance: Critical, Indigenous, and Anti-Oppressive Approaches*. Canadian Women's Press, Toronto.
- Morgan, David L. (1997) *Focus Groups as Qualitative Research* Thousand Oaks, California SAGE.
- Neuman, L. (1997) 'Reading Other People's Research' pp. 88-105 in *Social Research Methods: Qualitative and Quantitative Approaches*. Boston: Allyn & Bacon.
- Neysmith S. in Neuman L. (1997) 'Reading Other People's Research' pp. 88-105 in *Social Research Methods: Qualitative and Quantitative Approaches*. Boston: Allyn & Bacon.
- Neysmith, S.M. (1995). Feminist Methodologies: A Consideration of Principles and Practice for Research in Gerontology. *Canadian Journal on Aging* 14(1): 100-118.

OPSEU (Ontario Public Service Employees Union) Herstory: Bridging Communities

Provincial Women's Conference, Barrie ON November 7-9, 2003.

OPSEU (Ontario Public Service Employees Union) and Elizabeth Fry Society-Hamilton

Branch 2004 Joint Training on The Ontario *Human Rights Code* May 2004. The

Elizabeth Fry Society Hamilton Branch 293 Wellington Street North Suite 111,

Hamilton ON L8S 3E1 905-527-3097. Current Contact: The Elizabeth Fry

Society-Hamilton Branch, 85 Holton Ave. South, Hamilton, ON L8M 2L4 Phone:

905-527-3097

Pate, Kim (1994) 'This Woman's Perspective on Justice. Restorative? Retributive? How

About Redistributive?', *Journal of Prisoners on Prisons* 5(2):60-71.

Pate, Kim (2008) and Boritch (2008) *CAEFS The Canadian Association of Elizabeth Fry*

Societies <http://www.elizabethfry.ca> Retrieved May 10, 2009.

Pate, Kim and Patricia Monture-Angus The Aboriginal People's Television Network

(APTN) Discussion on conditions, experiences and what is needed for aboriginal

incarcerated women Viewed on April 18, 2009.

Prisonjustice.ca (2009). *Prisonjustice.ca*. Retrieved January 15, 2009, from

<http://prisonjustice.ca/>

R. v. Laliberte, 2000 SKCA 27; also at [2000] 4 W.W.R. 491, 143 C.C.C. (3d) 503, 31

C.R. (5th) 1 and 189 Sask. R. 190. Definition of Restorative Justice in Canada.

Robinson, D., F.J. Porporino, W.A. Millson, S. Trevethan & B. Killop (1998). A One-Day Snapshot of Inmates in Canada's Adult Correctional Facilities. Canadian Centre for Justice Statistics: Juristat, 18(8).

Ross, Robert and Fabiano E. (1986) *Female Offenders: Correctional Afterthoughts* NC, Jefferson and MacFarlane.

SACHA The Sexual Assault Centre of Hamilton and Area (2010) SACHA –Sexual Assault Centre Hamilton Area, 75 MacNab St. South, 3rd Floor, Hamilton, Ontario. L8P 3C1. Business Phone: 905-525-4573 Fax #: 905-525-7085 T.T.Y.: 905-525-459 <http://www.sacha.ca/home> Retrieved January 10, 2010.

Shaw, M. (1994). Ontario Women in Conflict with the Law Subsidiary Report: Children and Parenting. Toronto: Ministry of the Solicitor General and Correctional Services. <http://www.cefso.ca/facts&figures.html> Last retrieved March 12, 2009.

Shaw, M. and S. Hargreaves (1994). Ontario Women in Conflict with the Law: A Survey of Women in Institutions and Under Community Supervision in Ontario. Toronto: Ministry of the Solicitor General and Correctional Services. We have a copy of the Executive Summary on our web site and as well a summary of what was found about women under community supervision. <http://www.cefso.ca/facts&figures.html> Retrieved March 12, 2009.

Shawanda, Violet (2000) Shawanda, Violet An Ojibwe elder who taught Ojibwe 1Z06 and Indigenous language/culture classes with The School of Indigenous Studies.

McMaster University, 1280 Main Street West, Hamilton, ON L8S 4L8. Phone:
905-525-9140.

Smith in Moosa-Mitha, Mehmoona (2005) *Situating Capital-Anti-Oppressive Theory within Critical Difference Centered Perspectives* in Brown L. and Straga S. Eds. *Research as Resistance: Critical, Indigenous, and Anti-Oppressive Approaches*. Canadian Women's Press, Toronto.

Stanley and Weiss in Moosa-Mitha (2005) *Situating Capital-Anti-Oppressive Theory within Critical Difference Centered Perspectives* in Brown L. and Straga S. Eds. *Research as Resistance: Critical, Indigenous, and Anti-Oppressive Approaches*. Canadian Women's Press, Toronto.

Statistics Canada (2006). <http://www12.statcan.ca/census-recensement/2006/dp-pd/prof/92-591/index.cfm> Retrieved January 15, 2009.

Swanson J. and Chapman L. (1995) *Stopping the Violence: Canadian Feminist Debates on Restorative Justice and Intimate Violence*. *Theoretical Criminology*, 10(1), 49-66: A SAGE Full-Text Collection Database.

Thomas, Yvonne Wife of Jake Thomas, Guest Speaker class 3H03 Indigenous Studies
Instructor Jan Longboat, shared the traditional beliefs of Jake Thomas [Re: traditional male/female gender roles and their respective life cycles; "that a human is a human from conception and termination of pregnancy is unacceptable (pro-life stance) according to traditional beliefs] of husband Jake Thomas from

Six Nations Reserve, at McMaster University, 1280 Main Street West, Hamilton,
ON L8S 4L8 Phone: 905-525-9140 February 2001.

Trindor in Moosa-Mitha, Mehmoona (2005) *Situating Capital-Anti-Oppressive Theory within Critical Difference Centered Perspectives* in Brown L. and Straga S. Eds. *Research as Resistance: Critical, Indigenous, and Anti-Oppressive Approaches*. Canadian Women's Press, Toronto.

Tungatt, Debbie (2004) *Providing Inclusive Services to Our Transgender and Transsexual Communities: Issues and Language*. Debbie Tungatt, Corrections Program Coordinator, Phone: 905-527-3097 ext 226, The Elizabeth Fry Society-Hamilton Branch, 85 Holton Ave. South, Hamilton, ON L8M 2L4
dtungatt@efryhamilton.org.

UNHRC *The United Nations Human Rights Council*. Retrieved January 15, 2009, from <http://www2.ohchr.org/english/bodies/hrcouncil>

Violence Awareness Group for Women (VAW) Program for incarcerated women facilitated by The Elizabeth Fry Society-Hamilton Branch. *Violence Awareness Program for Women A Program Manual for Use in provincial Custodial Facilities* (October 1999). Ministry of the Solicitor General and (former) Ministry of Correctional Services (Currently The Ministry of Safety and Security): Victim Services Unit Developed and Produced by The Elizabeth Fry Society-Hamilton Branch, the London Family Court Clinic, Victim services Unit with the Ministry of the Solicitor General and (formerly) Ministry of Correctional Services.

Vir Tyagi, Smita (2005) Making the Links: Issues and Challenges Facing Provincially
Sentenced Women and Implications for Correctional Practice copyright by Smita
V Tyagi, Ph.D 2005

Watkinson (2008) in *CAEFS The Canadian Association of Elizabeth Fry
Societies*.<http://www.elizabethfry.ca> Retrieved January 15, 2009.

Weiss (1995) in Swanson J. and Chapman L. (1995) Stopping the Violence: Canadian
Feminist Debates on Restorative Justice and Intimate Violence. *Theoretical
Criminology*, 10(1), 49-66: A SAGE Full-Text Collection Database.