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THE POLITICAL DISCOURSE ON WOMEN  
PRISONERS AND THE ISSUE OF  
CO-CORRECTIONS IN CANADA

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**THE POLITICAL DISCOURSE ON WOMEN PRISONERS  
AND THE ISSUE OF CO-CORRECTIONS  
IN CANADA**

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## ABSTRACT

This study explores the political discourse on women in prison and the issue of co-corrections in Canada. Using the grounded theory approach and the basic content analysis method, tentative propositions were generated regarding the nature of the official rhetoric, feminist position and female inmates' perspective on the treatment of Canadian female prisoners and the issue of shared services.

First, provisional generalizations were developed through a review of the American literature dealing with female imprisonment and co-corrections in the United States. Subsequently, through an analysis of the major Canadian penitentiary reports, official female offender reports, relevant parliamentary debates, and an interview with a group of women in P4W, the generalizations were tested against the Canadian context.

An effort has been made to develop a substantive theory of the political discourse on women in prison and the issue of co-corrections in Canada. Generally, the tentative framework generated through the analysis of the American literature and the debates on co-corrections in the United States was validated. Like American women in prison, Canadian women have been a forgotten and ignored nuisance component of corrections throughout the history of Canadian criminal justice. It was found that until the late 1980s, few constructive changes had been seriously considered, and the recommendations proposed (for example, integrated services) often used the male inmate population as the primary frame of reference and were based on administrative pragmatism. As well, in the history of women's corrections in Canada, few women's groups have spoken on their behalf.

Some peculiar Canadian features, however, did prompt a revision of the original 'model'. The unique dynamics of the women's movement in each country and different national legal traditions have led to differences between the Canadian and the American political discourse on women in prison and the issue of co-corrections.

The study concludes by examining some of the potential problems with the recent political discourse on women prisoners and warns that change may be illusory. Similar to the co-correctional model, the proposed vision of change for women in prison may be transformed to suit organizational interests dynamics and the economic climate.

## INTRODUCTION

In Canada, women in prison have long been the neglected component of the Correctional Service of Canada. The question of the discrimination against them within the prison system in Canada has been recurring throughout the recent history. The idea of co-corrections or the integration of services and programs for female and male inmates have been frequently suggested as an appropriate solution, based on a rhetorical argument that discrimination of women would be eradicated if such a model were to be adopted. It is important to the future of corrections to look analytically at the political discourse on women in prison and the issue of co-corrections in Canada.

The project begins by choosing an appropriate method. Three qualitative methods are scrutinized: direct test of hypotheses; analytic induction; and grounded theory. In the second chapter the grounded theory approach and the content analysis method are applied to review the American literature that focuses on the issue of women's imprisonment and co-corrections in the United States. The historical and contemporary situation of women prisoners in the United States is divided into four periods, followed by a reconstruction of the definition of and debate on co-corrections. Central to this review and reconstruction of the debate on co-corrections is the elaboration of provisional generalizations potentially relevant to the Canadian official rhetoric, feminist position and female inmates' perspective on the treatment of female prisoners and the issue of shared services.

The third chapter of this thesis presents a deductive qualitative and quantitative analysis of the official penitentiary reports and female offender reports, subsequent parliamentary debates, and the role that women's groups played in the evolution of the political rhetoric on the issue of female prisoners. Prior to the analysis, a brief profile and history of federally sentenced women in Canada is presented.

The fourth chapter focuses on the issue of integrated services for male and female inmates in Canada. The chapter begins by describing the history and current status of co-corrections and shared services in Canada. Official Canadian documents concerned specifically with co-corrections are analysed, and the relevant sections of the official penitentiary reports and the female offender reports are examined.

The fifth chapter presents an interview with a group of women in the Prison for

Women. The method used to capture the words of the women is outlined. The quotations in the chapter are unedited and represent expressed opinions about various aspects of shared services. The chapter concludes with some interpretation of the women's views.

The final chapter presents a discussion of the situation of women prisoners and the issue of integrated correctional services in Canada. By assessing the applicability of the provisional generalizations to the Canadian reality of women prisoners and their place in the political discourse, a substantive theory of the political discourse on women in prison and the issue of co-corrections in Canada is developed. The discussion concludes by examining some of the potential problems with the recent political discourse on women prisoners triggered by the release of the Task Force Report on Federally Sentenced Women.

## CHAPTER 1

### METHODOLOGY

This research project attempts to outline and explore the political discourse concerning the issues of Canadian female corrections and co-corrections in a qualitative way. The quantitative analysis is limited to several indicators of the amount of attention that has been given to women and men in prison in recent years.

Qualitative research is the approach preferred in this project. It permits the researcher to focus directly on realities, thereby allowing one to develop analytical, conceptual, and categorical components of explanation from data rather than from "preconceived, rigidly structured, and highly quantified techniques that pigeonhole the empirical social world into the operational definitions that the researcher has constructed" (Filstead, 1970:6). Yet, qualitative research lends itself to a high degree of subjectivity because of the interplay between the investigator's consciousness as observer and the consciousness of the people who are studied. Consequently the researcher, in conducting a qualitative study, must be aware of her/his own biases. In doing so the analysis should be, as much as possible, presented in an objective way.

The method used in this study is Grounded Theory. Grounded theory method was first proposed by Glaser and Strauss (1967) and later advanced by Glaser (1978). Unlike the direct test of hypotheses and analytic induction methods which allude either to a deductive or inductive approach, the grounded theory method includes both inductive and deductive processes (Strauss, 1987:12).

"The grounded theory method stresses discovery and theory development rather than logical deductive reasoning which relies on prior theoretical frameworks" (Charmaz, 1983:110). Several strategies are adopted when using the grounded theory method. First, data collection and analysis advance concurrently. Second, both the research processes and outcome of the research derive from the data and not preconceived logically deduced theoretical frameworks. Third, quantitative analysis is not considered necessary for verification. Instead, comparisons and other observations may be used. Finally, the researcher does not aim to provide a final theoretical explanation of the data, rather to "develop a fresh theoretical interpretation" (Charmaz, 1983:110).

Since Glaser and Strauss (1967) introduced the grounded theory method, many researchers have adopted the approach to either predict, explain, or interpret substantive areas of the social world. Moreover, ethnographic researchers in need of overcoming theoretical and methodological dilemmas, have begun to apply this method for generating substantial and systematic theory (Lester and Hadden, 1980). Since, it would be too exhaustive to list all types of sociological studies that have employed the grounded theory method, two projects will be briefly discussed followed by an interpretation of this approach.

Firstly, Glaser and Strauss (1971) alluded to the grounded theory approach in their qualitative effort to develop and ground formal theory concerning status passages. The technique they used to generate formal theory on status passages was the comparative method of qualitative analysis. The comparative method, the major feature of grounded theory methodology (Glaser and Strauss, 1967), allows the researcher to choose (a) comparison group(s) in accordance with the purpose to provide new data, new hypotheses, and/or verify initial hypotheses (Glaser and Strauss, 1965:292-293). The use of comparison group(s) serves to improve both substantive and formal theories, insofar as it exposes similarities and differences of the groups and permits the researcher to calculate where an event is most likely to occur or not to occur (Glaser and Strauss, 1965:293).

The "groups" they selected to generate formal theory on aspects of status passage were various substantive areas of movement of individuals and groups from one status to another, for example, from childhood to adolescence to adulthood, from being single to being married, from one income group, social class, or religion to another. Thus, Glaser and Strauss (1971:v) outlined a means for generating a formal theory through comparative analysis of multiple substantive areas.

Rosenbaum (1981) used the grounded theory approach to investigate the career of the woman addict. Grounded theory does not imply a specific method or research technique. Instead, it is a style of doing qualitative analysis that includes several features, for example, comparisons, and coding (Strauss, 1987:5). Rosenbaum (1981) adopted the philosophies of symbolic interactionism and phenomenology, but in order to allow for a more objective approach, she chose the grounded theory method to collect and analyze data.

The basic research tool employed in this study was the in-depth interview. After a dozen interviews, sampling began, and gave direction for new data to be collected. Thus theoretical analysis was performed simultaneously with data collection at which time data were coded into categories. Additionally, categories developed from this process continued to evolve until the saturation point (the point when further data would not alter the theory) was reached.

Unlike the former study that generated formal grounded theory, Rosenbaum's (1981) investigation was concerned with the discovery of substantive theory that focused specifically on women addicts. Briefly, substantive theory is developed for an empirical area of sociological inquiry, such as patient care, delinquency or race relations. On the other hand, formal theory is generated for a more general area of sociological examination, and generates concepts which may be applied in various contexts (Glaser and Strauss, 1967:32). However, Glaser and Strauss (1967:33) assert that while both types of "theories exist on distinguishable levels of generality, which differ only in terms of degree," both "must be grounded in data." Therefore it is not necessary to do research with "any preconceived theory that dictates, prior to research, 'relevancies' in concepts and hypotheses" (Glaser and Strauss, 1967:33). Instead, data ought to be collected and analyzed so that social and structural processes inherent in the subject of inquiry emerge from the data.

The grounded theory approach in qualitative research, appears to be the most useful method to study the political discourse on Canadian women prisoners and the phenomenon of co-corrections. However, unlike more orthodox grounded research, this project will not rigidly adhere to the rules for converting data into theory, such as explicit coding, but apply the approach as a guide to conduct the study. Strauss (1987:8) contends that while general guidelines of grounded theory ought to be followed, the various suggested operations that need to be used should be modified to best suit the requirements of the project. Furthermore, if the goal of the research is to develop substantive theory, Glaser and Strauss (1965:290-291) argue that data need not be explicitly coded, insofar as "the explicit coding operation can become perceived as a stultifying tedium of little worth." Therefore, while the notions of induction and deduction will be adopted for this study, the methods of analysis will be adjusted to the nature of data sources and evolving conceptual categories.

This project does not attempt to generate a formal grounded theory, but instead it aims at developing a basis for a substantive theory. Formal theory can not be induced if relevant substantive theories have not yet been formulated (Glaser and Strauss, 1965:300). Inasmuch as there has been little, if any, study in the area of public debates on Canadian female corrections, one can not proceed directly to develop grounded formal theory.

This qualitative, exploratory study will adopt methodological techniques that reflect the general style of the grounded theory approach to discover concepts potentially relevant to the official rhetoric, feminist position and inmates' perspective on the treatment of Canadian female prisoners and the issue of shared services. It is assumed that a tentative theoretical framework may be generated through a comparative inquiry into the respective processes in the United States. Specifically, secondary academic data and other library materials concerning politics of women's prisons in the United States and co-corrections will be analyzed.

Tentative generalizations will be formulated based on the extensive literature that deals with the relevant processes in the United States. Consistently with the grounded theory approach, the research will then adopt a deductive method of study to assess the degree of comparability of the United States' experience and the Canadian reality of women prisoners and their place in the political discourse. Eventually, this method may lead to a discovery of some peculiar Canadian features, which would prompt either a revision of the initial theoretical framework or a development of an alternative explanatory 'model'.

In order to analyze the Canadian political discourse on women prisoners and co-corrections and to test the tentative generalizations, official government reports on the penitentiary system in Canada and ensuing parliamentary debates will be scrutinized using a modified version of the coding technique outlined in the grounded theory method that is essentially a form of content analysis. Official Canadian documents and reports dealing specifically with co-corrections or shared services between male and female inmates, and separate reports on women prisoners will be examined in the same manner. In addition, to gain the perspective of women in prison, a group interview will be conducted in the Prison for Women (P4W). As the research evolves and questions arise, other data sources may be sought.

Glaser and Strauss (1965:294) found that documents and library materials lend themselves well to the comparative method of grounded theory. Yet, the majority of studies that have employed constant comparison have been concerned primarily with relatively structured case studies. Because content analysis is appropriate for the study of processes and historical data and it readily deals with unstructured material, such as government documents that are not prepared with scientific objectives in mind, it is the preferred approach for analysis.

A major disadvantage associated with the analysis of documents and academic literature is the fact that this type of data might be biased or otherwise distorted. The author has to be, therefore, particularly aware of possible sources of partiality or political interests involved. Official documents are, however, particularly suitable for studying political discourse.

In assessing where the findings are similar or disparate, the categories' generality and explanatory power can be tested (Glaser and Strauss, 1967:24). While deriving initial concepts and ideas from an inquiry into the relevant processes in the United States, this research project must be especially sensitive to differences between the American experience and the Canadian reality. Given the importance of the feminist discourse within the studied area, the discrepancy in the dynamics of the women's movement and different national legal traditions must be addressed. Specifically, the disparity in the chronology of the rise of the women's movement in each country, as well as the difference between the time of the proposed United States' Equal Rights Amendment and the Canadian Charter of Human Rights and Freedoms' equality clause must be acknowledged.

## CHAPTER 2

### THE HISTORICAL AND CONTEMPORARY DEBATES ON THE SITUATION OF WOMEN PRISONERS IN THE UNITED STATES: IMPLICATIONS FOR CANADA

The purpose of this chapter is threefold. Firstly, it presents a review of the literature which focuses on the issue of women's prisons. Secondly, the debates concerning the recent movement in the United States of re-integrating male and female inmates in correctional institutions are scrutinized. Thirdly, general conceptual categories necessary for systematically structuring the project are formulated based on the first two sections of the chapter.

The literature which has been reviewed is focused on the debates pertaining to the status of women's prisons and co-correctional institutions in the United States. Literature on Canadian incarcerated women, and specifically on the question of shared services or the re-integration of women and men in Canadian correctional facilities, is virtually non-existent. However, since there are some similarities between the United States and Canada and the former has witnessed many of its prisons revert to co-correctional institutions, its experience can be considered potentially pertinent to the future of corrections in Canada.<sup>1</sup>

Specifically, the purpose of the literature review is to give a broad sense of the manner in which women have been treated in correctional institutions in the United States and how this issue has been addressed within the political discourse. The first section of this chapter begins with a brief historical review of the treatment of incarcerated women in the United States. Secondly, a synthesis of the literature which focuses on the contemporary status of women's prisons and on relevant debates is presented. Due to time constraints for the project and the lack of access to official United States documents,

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<sup>1</sup> I am not suggesting that the situation, concerns and/or problems women prisoners in Canada face are necessarily similar to those of American female inmates. The female prison population in Canada differs from that in the United States, partly because of the small number of incarcerated women, the jurisdictional split (federal/provincial) and Canada's geographical size.

the review relies primarily on secondary sources. To reduce possible biases, however, statements and accounts by various authors have been cross-checked.

### A Historical Overview

The literature which focuses on the historical treatment of the female prisoner in the United States is meagre at best. The literature that does exist, vividly illustrates the low priority assigned to the treatment of women incarcerated in penal institutions (Fox, 1984:15). The literature suggests that continuity and change in the care of female inmates are based primarily on economic pragmatism and gender-typed ideology.

Researchers have divided the history of women's prisons in the United States into three distinct periods according to major changes in their development: 1790-1870; 1870-1935; post 1935. For the purpose of this project the third period is further divided into two separate time frames. Thus, in order to highlight the reforms that have occurred in women's prisons in the United States, a brief overview is presented in accordance with the following periods: 1790-1870; 1870-1935; 1935-1970; 1970-present.

#### 1790-1870

When prisons were first developed in the United States, men, women and children served their prison terms together in large rooms within the institution. The major change in the incarceration of women during this period was the gradual establishment of separate units for women in male prisons. In prisons of the late eighteenth century and of the early nineteenth century, male and female inmates were held separately in large rooms of correctional institutions (Rafter, 1983:133). Within the large quarters, prisoners were able to communicate with one another. In an attempt to attain a more rigid atmosphere and alleviate the overcrowded conditions of state prisons, their architectural form was replaced with a larger, more secure building that consisted of individual cells (Rafter, 1983:134). However, women continued to be held in large rooms, while one prisoner cells - as opposed to large rooms - were adopted for the larger male inmate population. Thus, by the mid 1820s, the disparities between treatment and care of male and female inmates emerged.

During the following decade, female inmates remained in cramped quarters, while men "enjoyed" the privacy of their own cell. In addition women received fewer meals and

less exercise than male inmates, and while male prisoners worked on the grounds of the penitentiary, women remained in their quarters, usually above the kitchen under the supervision of the cook, where they were occasionally assigned sewing work (Rafter, 1983:134). Women prisoners, often forgotten in their prison units, suffered exploitation from their male keepers and the male inmates, as they were often at the mercy of these men in order to secure food for their survival (Fox, 1984:15). It was not until 1828, when the Governor of New York state while visiting a prison, declared that female inmates were being kept under insufferable conditions and immediately requested that they be separated from the male penitentiary (Hunter, 1984b:79; Weisheit and Mahan, 1988:63). Yet, the legislature denied the request on the grounds that the expense of a separate facility for women was prohibitive (Hunter, 1984b:79) and that their release from the male penitentiary may lead to the moral contamination of young men who live near a women's prison (Feinman, 1979:89). Moreover, prison administrators were reluctant to separate prisons for women as they did not want to loose the domestic help, for example, sewing, which the women provided (Alpert, 1982:37). Finally, in the later part of the 1830s, women were put into single cells, and in some states separate buildings for female inmates were constructed inside the walls surrounding the main male institution. Thus women prisoners were still under the "care" of the male prison's administration.

Towards the end of the 1830s legislature approved the construction of the first separate state women's prison at Mount Pleasanton, mainly because of overcrowded conditions in women's units (Rafter, 1983:138-142). Farnham, a prison matron at the institution, introduced education, reduced harsh physical punishment and abolished the rule of silence (Rafter, 1983:141). Opponents of the notion of reformatories, publicly criticized her policies stating that providing instruction to the women prisoners would disrupt their sewing production and ultimately decrease prison profits. Unable to withstand the criticism of her opponents, Farnham resigned. Shortly thereafter the women's prison reverted back to patterns typical of the men's prison and eventually closed ostensibly because of severe overcrowding. The women it held were returned to even more overcrowded units within male penitentiaries.

This period was also marked with sexual stereotyping (Feinman, 1979:88; Feinman, 1983:12; Fox, 1984:15; Haft, 1980:325; Rafter, 1982:237; Sargent, 1984;) as sexist notions became integrated early into penal policy. There was general consensus in

society that women who offended were degenerates, morally deficient, fallen and therefore unredeemable. During the later part of the mid nineteenth century the ideal woman was defined as the wife and mother in the home (Welter, 1973 quoted in Feinman, 1979:88). Coinciding with this time frame, the United States underwent rapid social economic and political change. As the United States was in a state of flux, officials pointed to the role of women in society as the only constant. Any woman who denied her social role by offending was harshly punished.

### 1870-1930

In 1870 separate reformatories were established as a result of several developments: the Declaration of Principles which promoted the treatment model; the desire of male wardens to rid themselves of the burden of providing "care" for female prisoners; the development of social feminism that clung to gender stereotypes; the moral purity movement; and the emergence of a new stereotype of women who commit crime - women as victims (Rafter, 1983:152). In particular, following a crusade for separate prisons for women by female reformers in 1873, the first truly separate female correctional institution was established (Hunter, 1984:79). It is considered by researchers and prison historians to be the first women's prison, because it was not only administered by women, but also separate and independent of male penitentiaries. Eventually, more women's prisons were established. Female reformers who ran separate reformatories did not consider all convicted women deviant, but instead saw some of them as victims of male lust (Feinman, 1983:19).

While more funding was granted to female reformatories, most was channelled into the physical appearance of the building and not into programs and services for female inmates. The greater amount of funding notwithstanding, the legislature was reluctant to finance new prisons and allow women the administrative authority, and thus the establishment of separate female reformatories was gradual (Rafter, 1983:154).

Female reformers instilled sex roles in the women in the reformatories, which led to few opportunities for these inmates upon their release. Prisoners were taught cooking, cleaning, waiting on tables, and so forth. This training was considered appropriate for women, so that when released, they would be good wives and mothers. Thus, a domestic

atmosphere was standard policy in separate penal reformatories for selected convicted women (Sargent, 1984:40).

The separate, wholly female reformatory eliminated the physical and sexual abuse that was common to the women who continued to be imprisoned in custodial units within male penitentiaries. However, the treatment and care that the inmates received were not equitable with that offered to male prisoners (Hunter, 1984b:80). Unlike contemporary feminists, whose ideology is centred around the notion of equality and equity and who advocate the rejection of gender roles, the earlier feminist reformers based their program on "the principle of innate sexual difference, not sexual equality" (Rafter, 1983:154). Stereotypical attitudes and biased classification of inmates, inadequate resources, and inequitable treatment characterized women's correctional facilities of the second period of the development of prisons for women.

### 1935-1970

Partly because of the growing number of convicted women and due to an economic crisis in the early part of the twentieth century, the responsible government bodies decided to discontinue to fund the two distinct types of female correctional facilities - female reformatories and custodial institutions. In order to help alleviate the operating cost of institutions for incarcerated women, the two were merged. Therefore, while wholly separate reformatories for women ceased to exist (Moyer, 1984:48), the male-dominated prison system was adopted along with the hardline security measures. Furthermore, because of the emergence of a centralized Federal Bureau of Prisons, women's correctional institutions were pressured to conform to the standards and policies of the more numerous male prisons (Weisheit and Mahan, 1988:65). Women's prisons, therefore, remained a secondary component within an essentially male penal system (Fox, 1984).

Little funding and a lack of resources remained a major problem in correctional facilities for women after their full re-integration to the male system. Staff in women's custodial institutions continued to "cultivate inmate self-respect through encouragement of lady like appearance; cosmetology courses and personal grooming programs played major roles in their curricula" (Rafter, 1983:168), since it was generally believed that upon release they would have to depend on men for their survival.

In the period after the mergence of the two types of women's prisons, few women or men spoke out against the unrealistic and biased notions behind women's corrections (Feinman, 1983:24). In the civil rights decade (the 1960s), however, women once again became visible and active in the penal reform movement (Feinman, 1983:24). Yet these penal reformers - both male and female - who looked to redress the wrongs suffered by prisoners, concentrated their lobbying on initiating prison-related lawsuits on behalf of the larger male inmate population (Alpert,1982; Feinman,1986:63). Consequently, women prisoners were virtually unaffected by any positive change which resulted from litigation (Haft,1973 quoted in Alpert,1982:38). Because of general societal views of gender roles, even if attempts for reform were to be made on behalf of women prisoners, it would be difficult to overcome entrenched values and practices in women's corrections (Feinman,1983). As well, female inmates, covertly oppressed and treated like children, were not politically active (Haft,1980:329). The political consciousness which was prevalent in men's institutions was lacking in women's prisons where submission and docility prevailed (Haft, 1980:333). When an active female prisoner verbally attacked traditional programs and/or policies, it simply resulted in disciplinary reports against her (Fox, 1983:23).

### The Post 1970 Period

The literature which focuses on the recent status of women's prisons speaks of marked paternalism and a correctional system that is based on economic pragmatism and geared to the needs of the larger male inmate population. Secondly, recent literature addresses multiple aspects of achieving change in the treatment and care of women in prison through litigation.

In the early 1970s individual women and women's groups began to concern themselves with the situation of incarcerated females. While some visited women in prison (Fox, 1984:26), others recognized that the "need for women to protect the rights of women in prison (was) a grave need in most states...and women's prisons (could) be rescued only through the intervention (since) male staff and administration (seemed) incapable of providing acceptable conditions in many women's prisons (Eyman, 1971:168). Thus, because 'free' women showed interest and concern for the treatment of convicted women, the latter gained a voice and a sense of control over their destiny. They began

asserting their minority position in the penal system and insisted that they be recognized as a unique offender population (Hunter, 1984a). In 1973, the National Advisory Commission on Criminal Justice Standards and Goals, recommended that policies, procedures, and programs for women offenders be reexamined and necessary adjustments be made in order that they be more relevant to the problems and needs of women.

With the growing concern over lack of parity of programming (Nesbit, 1985:35), the indifference to the attempts by female prisoners to attract attention to adverse conditions (Iacovetta, 1975:132), and the failures of legislature and corrections to allocate money to provide parity in treatment (Haft, 1980:326), female prisoners assisted by 'free' women turned to the courts. Women inmates anticipated that through litigation, correctional systems would be forced to provide the necessary funding that thus far women's prisons had been denied. In 1984, 27 states were involved in prison-related litigation over issues concerning incarcerated female offenders in general, and the parity of programs and resources in particular (Hunter, 1984b:82; Nesbitt, 1985:35). Women representing female inmates used the Fourteenth Amendment's Equal Protection Clause which in part states that no state shall "deny to any person within its jurisdiction the equal protection of the laws" (James, 1984:305). Correctional departments and state legislatures were therefore required to address the issue of female and male inmates and were being pressured into making changes to women's prisons. Under this clause, women in correctional institutions should be entitled to the same range of services as incarcerated men (Alpert, 1982:40). However, responsible government bodies, using the defence based on economic principle of "cost/benefit" argued in court that there was not a sufficient number of women to economically justify equal programming. Consequently, women prisoners were not provided equal care and received only minimal, token treatment and training.

When women's groups concluded that the Equal Protection Clause of the Fourteenth Amendment has no substantive value for remedying sex discrimination, they proposed a constitutional amendment, known as the Equal Rights Amendment. The first section of the proposed Equal Rights Amendment, which states that the "equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex" (Yale Law Journal, 1971:871), was expected to remedy sex discrimination in the law because of its specific focus on gender. Unfortunately, the effects of the

proposed Equal Rights Amendment can only be discussed hypothetically since it was never ratified. Attorneys representing incarcerated women and individuals who advocate on their behalf continue to insist, however, that "female and male prisoners must be treated with semblance of equality...The law requires that female inmates must have parity of treatment or opportunity, vis-a-vis male inmates; they must be given equal, but not necessarily identical treatment...To do otherwise constitutes a violation of the Fourteenth Amendment Equal Protection Clause" (Wright, 1983:53).

Faced with the possibility of litigation, correctional departments and legislation can no longer ignore women prisoners and their needs. This is fast becoming a "luxury" of the earlier periods of the penal system (Wright, 1983:56). Yet, SchWeber and Feinman (1985) caution women's groups and those acting on behalf of women in prison, that favourable court rulings may be nothing more than "paper victories". Legal decisions are not self-executing. Instead they need provision for monitoring and ensuring compliance. Frequently the enforcement of a court decision is delegated to a group that is not committed to the issue, or perhaps even indifferent or hostile. Such may be the case of correctional departments that have traditionally been guided by economic considerations and sexist notions, and focused on the larger male inmate population thus systematically neglecting the needs of female prisoners. Court orders concerning the disparity of treatment between incarcerated men and women may, therefore, not result in any significant change of women's prisons. On the other hand, one can argue that feeble attempts to carry out court orders by correctional departments may result in "cosmetic" or superficial changes that will, however, appear to be significant, thus masking women prisoner's secondary status.

A second argument against turning to litigation for achieving equality with men's prisons is that court ordered equality simply translates into the same treatment as that applied to male inmates (Alpert, 1982; Fox, 1984). There exists within the women's movement an ambivalence towards the dilemma of equality and unique needs, as well as equality versus humane treatment.

Firstly, the question of equality versus unique needs has always been debated within the women's movement. Egalitarianism in its strictest sense, emphasizes the need for formal equality and denies that there are significant differences between women and men. Many proponents of the women's movement argue, however, that strict equality is

not the solution needed to overcome centuries of women's oppression and subordination in a patriarchal society. They emphasize the need to adopt an approach for the care of female inmates that is aware of gender and the role that it has played in molding the present status of women prisoners and their neglect. A call for simple equality between men's prisons and women's prisons runs the risk of minimizing and possibly making invisible women's specific needs brought about by their oppression.

Secondly, some proponents of the women's movement question whether achieving equality with male correctional institutions is the solution that will benefit women in prison (Morris, 1987:127-128; Alpert, 1982:42). Arguably, in some aspects men's prisons are worse than women's prisons. Theoretically if women prisoners were to achieve true equality with male inmates, incarcerated women may be forced not only to adopt the superior services of men's prisons but also the inferior treatment.

In part because of pressure from the threat of litigation and with economic considerations being a key factor in decision making, correctional departments and prison administrators came up with ad hoc alternatives, one of which was the re-integration of women and men in prison.

### **The Reintegration of Men and Women in American Prisons**

This section of the chapter focuses on the debates concerning the recent movement of re-integrating male inmates and female inmates in prison. Inasmuch as these debates followed the re-integration of male and female prisoners, it is necessary that the history of the first practice of re-integration be reconstructed. Specifically, this section begins with the history of integrating men and women at the Federal Correctional Institution in Fort Worth, Texas. As well, a definition of co-corrections is scrutinized, followed by descriptions of the various models of this type of prison operating in the United States. Secondly, the debates on co-corrections found in the literature are examined. In order to properly assess the arguments, a summary of results reported in evaluation studies follows each argument.

The phase of segregating male and female inmates in the United States continued into the 1960s. However, with the rise of both the prisoners' rights groups and women's rights groups in the mid 1960s, the segregation concept of incarcerating men and women came under scrutiny (Feinman, 1986:64). Both male and female activists argued that a

separate prison system could not be an equal system. Women prison reformers argued, that incarcerated females received limited and inferior services compared to male prisoners, and women who worked in prisons were limited to employment in female correctional facilities. Thus, prison reformers of the 1960s advocated the integration of male and female inmates because they considered integrated prisons the solution to the inequalities detrimental to both female prisoners and female prison staff.

The attempt to end the practice of segregated prisons in the 1960s did not foster any change in adult correctional facilities during that decade. A key actor in the development of contemporary integrated prisons claims that the Federal Bureau of Prisons was not yet prepared to revert back to integrated prisons (Campbell, 1980a:16). Eventually in 1969, the Director of the Robert Kennedy Memorial Youth Center at Morgantown, West Virginia suggested bringing in young women to the male youth center (Campbell, 1980b:87). The move was largely uncontested by the community in part because there have been gender-neutral state training schools, juvenile homes and drug rehabilitation centres operating since the early 1960s in the United States (Clear and Cole, 1986).

Eventually, in 1971, four months following the opening of the "new" Kennedy Youth Center and two years after the rejection by the Federal Bureau of Prisons of the concept of men and women serving time together in prison, the Director of the Federal Bureau of Prisons, Norman Carlson, gave full support to the idea of opening an adult integrated prison in the former Clinical Research Center at Fort Worth, Texas.

Fort Worth institution was to serve four purposes: to include a drug program; to have a program for alcoholic offenders; to house older male inmates with chronic health problems; and to include space for women prisoners. The reason for including the women was not based on innovative concept but instead the urgency, since federal women's prisons at Alderson, West Virginia and Terminal Island, California were both dangerously overcrowded (Campbell, 1980a:15).

The introduction of women prisoners into Fort Worth Institution came suddenly in the wake of the Attica Prison riot in 1971, when a disturbance broke out in the federal prison for women at Alderson. Following a seven day stretch of vandalism in the institution, sixty women had to be removed from the prison and relocated. Fifteen of the women were either housed in different facilities or returned to Alderson. The remaining

forty five women, considered most involved in the disturbance, were sent to Fort Worth, Texas following a request from the Director of the Federal Bureau of Prisons to the warden.

Charles Campbell, the appointed warden of Fort Worth institution, had anticipated that when the time came to implement co-corrections the institution would receive "carefully selected, stable, tractable women chosen on the basis of their predictability to tolerate the stress of living with rigid restraints in close proximity with male offenders" (Campbell, 1980b:88). He was reluctant to accept the forty five women he described as "butch dikes." He was surprised to find that once placed in a mixed milieu, virtually overnight the women "instituted efforts to be alluring...by (putting) on false eyelashes in order to look fetching" (Campbell, 1980a:27).

Thus, the decision to revert back to sex-integrated prisons, now labelled co-corrections, appears to have been based on expediency and practical considerations (Campbell, 1980a:15), inasmuch as "its assigned mission at the outset focused on the pragmatic needs of the service" (Campbell, 1980b:83). No systematic theorizing about what might occur in an adult sex-integrated correctional prison was sought (Anderson, 1978).

Since the opening of Fort Worth co-correctional institution, the United States have witnessed over twenty sex-integrated institutions emerge throughout the nation (see Figure 1). The number of co-correctional prisons grew rapidly between the years 1971 and 1977. During 1974-75 alone, eleven correctional facilities integrated male and female prisoners (Smykla, 1979a:29), and in 1977 fifteen states were reported to be operating adult co-correctional facilities (Weisheit and Mahan, 1988:77). However, the swift move to integrated prisons created, in the 1980s a powerful counter pressure to revert back to single sex prisons, leaving eventually in operation fewer than ten co-correctional prisons located in not more than six states (Weisheit and Mahan, 1988:77).

In part, reasons for the failure of co-correctional programs appear to have been both administrative policies and the paucity of research. Firstly, the introduction of co-corrections brought unrealistic hopes for an all encompassing solution to many of the problems that have plagued the prison system since its development. In particular, it was anticipated that the program would decrease the recidivism rate of the participating

inmates. Secondly, according to Smykla (1979c) there were no specified concepts nor theory behind the notion of co-corrections.

Smykla (1979a:35) states that the "official reasons" for the move back to separate female and male correctional facilities include the temporary pragmatic push for co-corrections in the 1970s, brought about by the need for more efficient space utilization, and the need to allow maximum use of space until another prison opened. Therefore no systematic planning went into developing co-corrections.

The decrease in the number of co-correctional prisons notwithstanding, the percentage of federal female inmates being held in sex-integrated prisons has been increasing steadily. For example, the Federal Bureau of Prisons reported in 1979 that 58.1 percent of federal women prisoners were serving their sentence in a co-correctional facility (Smykla, 1979a:33). By 1984 the respective percentage rose to 61 percent (Clear and Cole, 1986). During the following year, 1985, as much as 75 percent of the women in the jurisdiction of the Federal Bureau of Prisons were held in co-correctional institutions (Weisheit and Mahan, 1988:78).

The term "co-corrections" was coined by Charles Campbell, the first warden at Fort Worth institution (Campbell, 1980b:86). A co-correctional prison is defined as "an adult institution, the major purpose of which is the custody of sentenced felons, under a single institutional administration, having one or more program areas in which male and female inmates are present and in interaction" (Ross and Heffeman, 1980:249). The degree to which different prisons focus on a co-correctional concept varies considerably. Some facilities fully integrate men and women in programs, services, and recreational activities, while other institutions limit the number of programs that inmates may participate in together. For example, in the federal prison system, "co-corrections" does not simply signify housing men and women under the same roof, instead there is a determined effort to ensure that programs are shared and social contacts are secured (Clear and Cole, 1986).

The objectives or models that a co-correctional prison may adopt vary. Ross, et al. (1977), after visiting ten co-correctional institutions in the United States found five diverse models of co-corrections, each having different anticipated results and underlying assumptions. The diversity of co-correctional philosophies and institutional policies results

in what Smykla (1982:101) refers to as an example of the "model muddle in co-corrections."

Specifically, Ross, et al. (1977) found that the five models fall into two categories. Firstly, there exists non-programmatic models which aim at fulfilling system needs (for example, relieve overcrowding, provide an alternative placement, reduce program duplication or capitalize on limited program availability) by minimizing the impact of co-corrections on prison operation (Ross et al., 1977:24). In other words, co-corrections emerge when system needs engender the conversion of existing or planned single sex institutions into sex integrated facilities.

Ross et al. (1977) distinguished between two non-programmatic models: (1) surveillance and sanction; and (2) alternate choice. These models do not use the male/female interaction to "normalize" the prison environment. Instead, staff and administration of these two types of co-correctional prisons try to minimize heterosexual relationships. The manners in which each attempts to achieve this aim are quite discrepant, however. For example, while the surveillance and sanction model enforces a limited contact policy thus requiring an increase in the number of staff to ensure that the policy is strictly adhered to, the alternate choice model allows more scope for contact, positing that alternative choices (for example, furlough, education, work, recreation) will decrease probability of emotional involvement, pregnancy, and sexual assaults and attacks (Smykla, 1982:111).

Secondly, Ross et al. (1977) contend that some co-correctional institutions operate as programmatic models. Programmatic models "are those in which the integration of the sexes and the nature of heterosexual interactions are perceived as performing a positive function in terms of inmates' needs" (Smykla, 1982:106). The three suggested programmatic models are: (1) reintegration; (2) institutional control; and (3) therapy. The three models share the assumption that male/female interaction "normalizes" the institutional atmosphere. Nevertheless, each model uses the heterosexual interactions to achieve different goals. For example, while the reintegration model aims to ease the transition of an inmate back into the community, the institutional control model is concerned with the reduction of prison violence, and the therapy model works with and "corrects" sexually abnormal attitudes and behaviours.

**FIGURE 1****Contemporary Coeducational Correctional Institutions**

<u>Institution</u>	<u>Location</u>	<u>Implementation Date</u>
* FYC-Morgantown	Wargantown, West Virginia	July, 1971
FCI-Fort Worth	Fort Worth, Texas	November, 1971
Muney State Correctional Institution	Muney, Pennsylvania	December, 1971
Massachusetts Correctional Institution	Framingham, Massachusetts	March, 1973
**FCI-Lexington	Lexington, Kentucky	February, 1974
*Dwight Correctional Center	Dwight, Illinois	May, 1974
*Vienna Correctional Center	Vienna, Illinois	May, 1974
*FCI-Pleasanton	Pleasanton, California	July, 1974
Correctional Institution for Women	Clinton, New Jersey	August, 1974
*Claymont Institution for Women	Claymont, Delaware	October, 1974
*Metropolitan Training Center	Circle Pines, Minnesota	March, 1975
*FCI-Terminal Island	Terminal Island, California	March, 1975
*Taycheedah Correctional Institution	Taycheedah, Wisconsin	July, 1975
*Connecticut Correctional Institution	Niantic, Connecticut	September, 1975
Renz Correctional Centre	Cedar City, Missouri	September, 1975
Chittendon Community Correctional Centre	South Burlington, Vermont	January, 1976
Maine Correctional Centre	South Windham, Maine	April, 1976

FIGURE 1(cont.)

North Idaho Correctional Cottenwood, Idaho May 1976  
Institution

\*Memphis Correctional Memphis, Tennessee April, 1977

\*Westville Correctional Westville, Indiana August, 1977  
Centre

\*Phased out

\*\*While under contract with the department of the Solicitor General of Canada conducting research to be used by the Task Force on Federally Sentenced Women, I had the opportunity to speak informally with some of the women in P4W. In September of 1989, I spoke with a woman who had recently spent time in Lexington co-correctional prison. She explained to me that around November 1988 the institution began transferring men back to male prisons, slowly converting Lexington back into a woman's facility. I asked her what she thought might have been the reasons for this move. She explained, that although she did not get involved in the politics of the prison, she thought that the primary reasons were the relationships being formed in the prison. For example many of the women were becoming pregnant. I asked her what happened if a woman should happen to become pregnant. She replied that women were punished and often abortions were encouraged.

In none of the co-correctional prisons visited by Ross et al. (1977) was there only one model present. Instead, often a curious blend of models was operative in an institution. Furthermore, the presence of a co-correctional program was found to be, at least partly, a function of system-level decision making, unrelated to the assumed value of sex-integrated correctional institutions for either prison control, or inmates' needs (Ross et al., 1977).

The various assumptions, and objectives concerning the effects of integrating men and women in prison, have resulted in a debate over the value of integrating men and women in correctional institutions.

### **Integrated or Segregated Prisons: A Debate**

Unlike other major reforms in the correctional system which prompt debate prior to change, the debate on co-corrections was sparked among correctional employees, superintendants, academics, and feminist writers/activists following the sudden move back in 1971 to integrating male and female inmates, a practice that had ended nearly one hundred years earlier. In many respects the debate on the integration of men and women in prison amounts to little more than a rhetorical replay of the nineteenth century arguments. However, while most supporters and non-supporters of co-corrections use familiar nineteenth century ideas the second wave of feminism has brought about some significant change in the debate.

Similar to the debate a century ago in the United States, the focus remains on the gains and losses of policies of integration and segregation for women prisoners. In addition modern day supporters of co-corrections consider the benefits for male inmates. A critical issue raised in the debate on co-corrections is the degree to which integrated prisons have a differential effect on men and women (Ross et al., 1977:63). Briefly, present day integrationists argue that in co-correctional institutions "women have access to programs, special projects, experts, and visitors commonly unavailable to them; and that participation in programs with men offers women realistic training opportunities" (SchWeber, 1984:4). At the same time men benefit from the calming effect of the women. Moreover, both men and women should benefit from a co-correctional setting inasmuch as it is more like the "real" world than a single-sex prison, thus facilitating their often difficult re-entry into society (SchWeber, 1984:4).

Generally, those who support co-corrections presume the program responds to many problems that are inherent in gender based prisons. Integrationists believe co-correctional institutions respond to the needs of the prison administration (method of control), inmates (therapy, normal atmosphere, services), and the prison system (economies) (Smykla, 1979b:47).

Contemporary separatists recognize that male prisoners receive more programs, special projects, experts, and attention, but challenge the notion that co-corrections necessarily provide female inmates a greater share of these services (SchWeber, 1984:4). While supporters of integrated prisons contend that the positive expectations of re-integrating men and women apply to inmates of either sex, others argue that certain outcomes link up with male prisoners' needs more than they do with those of female inmates (Ross and Hefferman, 1980:250).

Those who would maintain separate prisons for men and women view the notion of an integrated prison as a correctional policy that not only has direct negative implications for women, but also perpetuates the discrimination against, and the low priority of women prisoners in correctional planning.

The debate concerning co-corrections in the United States, is centred around supporters' assumptions. Thus, to reconstruct the rhetoric in the debate, each supposition made by those who advocate for the operation of sex integrated prisons is followed immediately by the rebuttals by opponents. Finally, in order to link the theoretical assumptions behind the debate to the practice of integrated prisons, the effects of integrated correctional institutions reported in evaluative studies will be discussed.

*1. Co-corrections reduce the pain of imprisonment and decrease the dehumanizing and destructive aspects of incarceration that "contribute generously to the all-too-evident maladaptive behaviour of inmates in (single sex) institutions" (Flynn, 1980:12).*

Integrationists argue that a "humane" prison atmosphere can only be achieved by allowing the continuity of heterosexual interactions. They argue that inasmuch as co-corrections can achieve the goal of humane atmosphere, institutional control problems will decrease. In particular the disruptive homosexual subculture will be weakened, predatory homosexual activity will be reduced, and assaultive behaviour will be lessened.

Non-supporters espouse that women prisoners are exploited in sex-integrated institutions to please male egos, and to ensure the smooth operation of male prisons (Crawford, 1980:268), since it is common knowledge that the violence and rebellious behaviour which is evident in male prisons is virtually non-existent in women's correctional institutions. Thus, "the rough edges" that are in need of repair exist primarily in male prisons (Crawford, 1980).

A warden of a co-correctional prison inadvertently lent support to the claims that women are used instrumentally to please male egos, as he stated that putting a male offender in an all-male prison implicitly indicates that he cannot be trusted around women and consequently leaves scars on his self-image (Anderson, 1978:39).

Evaluative studies have found that predatory homosexuality of male inmates, violence among male prisoners and tension in male population (Contact, 1982) is significantly reduced in a facility that houses also women (Mahan, 1986:136; Lambiotte, 1980:246; Campbell, 1980a; Smykla, 1979a). Male prisoners feel that women bring a humanizing influence into an institution which reduces the need for exploitative homosexual relations (Ruback, 1980:43). Male inmates appear to generally believe that their chances of assault by another inmate are reduced in a 'coed' prison (Almy et al., 1975). Additionally, while predatory male homosexual practices have reportedly decreased in integrated prisons (Smykla, 1979a), one study stated that male homosexual activity increased because of sexual frustrations that developed as a result of the "look but don't touch rule" (Mahan, 1986:164).

Regardless of the overall decrease of homosexual activity among male inmates and the fact that homosexuality is barred in a co-correctional prison, more so than in a single sex institution (American Bar Association, 1979), no similar decrease in homosexual relationships among female inmates has been noted. Almy et al. (1980) discovered in Franingham co-correctional prison that women maintained their homosexual relationships. Female homosexuality in integrated prisons has also been reported in Fort Worth (Campbell, 1980a) and in Kansas state integrated institution (Halford, 1984:54).

Based on her study of lesbianism in an all-female and a 'coed' correctional institution, Propper (1978) concluded that her data failed to support the common belief that homosexuality is reduced in a sex-integrated prison. Women prisoners do form relationships with men in coed institutions. Insofar, however, as female homosexuality in

prison is an emotionally satisfying relationship rather than simply a physical attraction (Iacovetta, 1975:136), some women continue to secure emotional and physical support from another woman while supporting financial needs through a relationship with a male inmate (Ross and Heffeman, 1980:258; Smykla, 1979a:43).

*2. Co-corrections create a more normal and less institutionalized environment through the introduction of the opposite sex to a prison.*

It is a common belief among integrationists that the desegregation of male and female inmates will result in an environment more representative of the "real" world. They argue that inmates who are deprived of interacting with members of the opposite sex are more likely to adopt an inmate subculture (Flynn, 1980:13), which results in an us (prisoners)/them (guards) environment.

Even though a co-correctional prison may achieve this goal, separatists argue that "the real world is not such an enviable model for women, many of whom are in prison because of male related difficulties and abuse" (SchWeber, 1984:4). Separatists also contend that inasmuch as men and women who enter the criminal justice system bring with them traditional sex-typed attitudes (Feinman, 1986:67), an integrated prison will perpetuate the exploitation that many women in conflict with the law have had to endure from the men in their lives (Crawford, 1980:263). They assert that much like society beyond the prison walls, women will resume subordinate and dependent roles, while male prisoners will maintain dominant and independent positions. Thus, for many of the female inmates their only opportunity for being in a women-centred environment, and away from male abuse and exploitation, may be lost when they enter a co-correctional program (Anderson, 1978:33-41; Arditi et al., 1973).

As well, supporters promote the notion that sex-integrated prisons help in treating and working with inmates who have sexual problems. In particular, some supporters argue a 'coed' prison is the most suitable correctional setting to rehabilitate sex offenders (Koba, 1977 quoted in Smykla, 1979a:47). In 1973 the National Advisory Commission on Criminal Justice Standards and Goals (United States, 1973:379) stated that "the coeducational program can be an invaluable tool for exploring and dealing with social and emotional problems related to identity conflicts that many offenders experience" (National Advisory Committee on Criminal Justice Standards and Goals, 1973:379).

Integrationists consider segregated correctional facilities lacking in the opportunity for inmates to develop healthy heterosexual relationships. For example, the first warden of a coed institution stated that:

I have come to feel strongly that men need women and women need men quite apart from the sexual needs and desires...Deprivation of this kind of relationship may be one of the more destructive things about confinement. Inability to have this kind of relationship may be a contributing factor to behavior which leads to confinement (Campbell, 1980a).

In addition to the arguments above, the question of "normalcy" is of concern to both integrationists and separatists. While integrationists often concede that to a certain extent the notion of normalcy in any prison is a fallacy, separatists contend that a sex-integrated correctional facility is a "microcosm of the real world" (SchWeber, 1984) and its unfair gender hierarchy. For example, while many superintendents of integrated prisons believe that sexual contact is inevitable when men and women are integrated together, strict contact policies theoretically prevent inmates from developing sexual relationships. Supporters of fuller integration argue that the "look but don't touch" rule creates anxieties among inmates (Anderson, 1978:40-41). Separatists argue that stress and strain caused by sexual frustration may well be detrimental to the programmatic planning designed for inmates (Crawford, 1980:267). Yet, they argue that in a fully integrated prison the onus of sexual codes and sexual responsibilities will be placed on female inmates (SchWeber, 1984).

Evaluative studies reveal that co-corrections create an environment that conforms to society more than single sex prisons. A positive result of a "normal" atmosphere is the increased informal communication between inmates and staff. This decreases, however, the need for inmate pressure groups (Smykla, 1979; Halford, 1984:54; Almy et al., 1980), possibly leaving inmates more vulnerable to staff and administration. Other aspects of co-corrections programs which aid in the institutions' normalization include enhanced inmate/family relations, release plans, activity schedules, street clothing, hair styles, etc. (Smykla, 1979b:45). Furthermore, male prisoners, who are normally transferred to an integrated prison near the end of their sentence, take advantage of pre-release programs. This does not apply, however, to female inmates who are most often in the institution for a long-term and do not usually participate in pre-release programs because of their sentence status (Almy et al., 1980; Brandon et al., 1977).

Many evaluations of co-correctional programs support separatists' arguments in regard to the question of "normalization". Most studies found that co-correctional prisons are indeed a microcosm of society. Almy et al. (1975), Smykla (1979a), Lambiotte (1976), Hefferman and Krippel (1975), and Pollock (1986) found that traditional sex role attitudes are prevalent in sex-integrated prisons. In particular, Lambiotte's (1976) study illustrated the continuation of patterns of sexual discrimination in co-correctional prisons. She described "typical" roles of men and women in relationships, whereby women are

focusing their energies on men and their coed relationships and being responsible for the maintenance and personal or expressive dynamics of these relationships...(while men) control the way in which female residents relate to them through labelling, verbal harassment, violations of women's space, initiation of relationships and leadership (in Smykla, 1981:118).

Thus Lambiotte (1976) reported that while female inmates primarily identified with a caring/nurturing role, male inmates identified with domination and control.

Hefferman and Krippel (1975) found in the Fort Worth co-correctional prison that not only was the institution an extension of society, but in certain aspects intensified women's traditional role. For example, because of the smaller number of women than men in the facility, women were often pressured into 'walk-partners' - a term used for heterosexual relationships in coed prisons. Those women who refused to enter into a 'walkpartnership' often retreated to their units. Furthermore, women's participation in programs was found to be reflective of the interests of their "boyfriends" and not of their choice (Hefferman and Krippel, 1975). Thus, the type of programs male and female inmates took part in were influenced by sex stereotyped roles (Pollock, 1986).

Halford (1984), a warden at a former female prison turned co-correctional, reported that in the Kansas state correctional institution, sex stereotypes broke down: women became assertive and male inmates became sensitive, perhaps because the men were fewer in number. Yet, the majority of studies concerning sex role stereotypes report otherwise. Moreover, even while men continued to degrade and take advantage of women in many areas of co-correctional prisons (Contact, 1982), there was no documentation that sex-integrated prisons provided women assistance they required to overcome their dependency on men (Smykla, 1979a:43), and women had no programs of their own in which they could develop leadership roles and cohesive structures that

would provide them with alternative life-styles (Hefferman and Krippel, 1975 in Smykla, 1980:119).

Being a co-ed place, women tend to act more like ladies here because they have their male friend on the other side of the fence who says, 'I don't want to hear you talk like that.' You see, they like to be bossed around by men, most women do, even though they talk about ERA (Equal Rights Amendment) and everything, they still have that. Well, you know, this has been the way society has been for many centuries and, uh, as much as they holler about equal rights, they like a man to say, 'Look, you're my women and I don't want to hear any crap out of your mouth. When I tell you to come, you come, if I don't want you by the fence, don't you come near the fence.' And they won't. It's amazing how they obey...They like feeling that they belonged to somebody and this man was going to take care of them, and of course, they made all their big fantasy plans too. It was amazing to watch how they liked to be dominated, even though there was a fence separating them. I used to kid them and tell them to tell him to 'sit on it-you don't have to take that' and they'd say, 'Oh, he'll kill me' and they really believed that somehow he'd get after them for not obeying. The other funny thing was that they talk constantly about 'nobody bosses me around,' and then five minutes later they've got a man on the other side of the fence bossing them around and they love it. It keeps them in line. If this was all female you would have more grief and aggravation, you know, the screaming and the fights. And there would probably be more homosexuality here. You find very little, because even though maybe every girl in the building doesn't go to that fence, but the majority of them do and they stand there and they talk and they make plans for getting out and then probably never see each other again. But it's something to do every day. And they write little love notes, which they're not supposed to. It gives them something to do every day. They can't wait till yard opens (Guard in a coed prison, in Pollock, 1986:108).

In regard to contact policies that are enforced in all sex-integrated prisons in an effort to eradicate or limit the possibility of sexual contact between male and female inmates, evaluative studies have revealed that regardless of the strict surveillance of prisoners, pregnancies did occur. For example, in Pleasanton coed prison over a period of two and one half years sixteen pregnancies were reported of which ten resulted in abortion (Fox, 1983). In Fort Worth correctional institution nine pregnancies were reported within an eighteen months time frame (Crawford, 1980:89-90). Additionally, studies have found that female inmates alone are concerned about birth control, decisions in relation to abortions, and necessary arrangements if they choose to carry through the pregnancy (Lambiotte, 1980). In part this is due to the reluctance of many women prisoners to name the father (SchWeber, 1984:7). Furthermore, pregnancy in a 'coed' prison is considered taboo by the general public and some politicians. Because of public indignation towards

sex-integrated institutions (Smykla, 1982:113), prison administrators and staff have concealed pregnancy by granting the woman an abortion and placing her on "furlough status as a reward for keeping her mouth shut" (Smykla, 1979b:52).

Contact policy results in strict surveillance of inmates. However, it is women who by virtue of being usually fewer in number within an integrated prison are the primary focus of excessive custodial controls (Ross and Hefferman, 1980; Smykla, 1979a:34; Almy et al., 1980; Pollock, 1986:109). Inasmuch as women are subject to excessive control and are responsible for upholding sexual codes in an integrated correctional institution, they are subject to a greater number of disciplinary charges than are men prisoners. For example, in one co-correctional prison it was found that women received two times more disciplinary tickets than men (Wilson, 1980), another institution reported women had received twenty nine written reports for breaking sexual contact rules, and men had only seven reports for the same type of misbehaviour (Anderson, 1978:38). Thus, much like the outside world, double standards exist within the walls of sex-integrated prisons.

Although, female prisoners receive a greater number of charges for sexual misbehaviour, they remain in the 'coed' prison, since there are few women's prisons (Ruback, 1980). Male prisoners, however, are subject to disciplinary transfers back to single sex institutions (Almy et al., 1980).

Finally, in regard to supporters' argument that partial co-corrections foster sexual frustration, interviews with male inmates have found that many feel such a policy creates artificial and strained interaction between male and female inmates (Mahan, 1986:164; Anderson, 1978:40-41).

*3. Co-corrections allow to take advantage of the economies of scale in terms of more efficient utilization of available space, staff and programs by not duplicating services and to provide relief of immediate overcrowding of single sex prisons, as well as to fill up space that is underutilized.*

Supporters of integrating male and female inmates in prison argue that the per capita costs of operating single-sex prisons, especially women's prisons because of their small size compared to the larger male inmate population, are excessive (Smykla, 1979b:45; Ross et al., 1977). Generally, supporters contend that 'coed' facilities are the cheapest and easiest way of incarcerating men and women (Sacks, 1978:259; Wright,

1983). With the increased cost of new prisons, a sex-integrated prison system particularly appealed to correctional budget analysts (Smykla, 1979b:45). Furthermore, integrationists, in particular correctional administrators, considered the need to relieve overcrowding the most significant argument to integrate men and women in correctional facilities.

Opponents of co-corrections consider that economic benefits take precedence at the expense of female inmates. They argue that injecting male inmates into a women's prison results in an increase in rules, thus destroying the more relaxed informality that often exists in female correctional facilities (Crawford, 1980:265). They state that the displacement of a few women to a men's prison, is a reversion to the earlier periods of penal history (Weisheit and Mahan, 1988:78). In order to avoid the practice of housing women prisoners in male institutions, the Women's Correctional Association in the United States, recommended that when a small number of female inmates did not justify a great amount of expenditure, neighbouring states should join together in their efforts to incarcerate women (Eyman, 1971). Moreover, the movement of women into a male institution may result in the loss of the only existing women's prison in that jurisdiction (Feinman, 1986:68). Opponents of co-corrections argue that such programs decrease women's access to single-sex prisons, while men's options are increased.

Finally, separatists contend that women prisoners are not granted the same classification, screening, and selection processes in order to ensure a homogeneous group, as are male inmates (Feinman, 1986:68; SchWeber, 1984:6). They give heed to the possibility that a small disparate female population will become the victim of neglect since it is not considered "cost-effective" to design programs to meet women prisoners' concerns and needs.

Evaluative studies have revealed that female inmates experience negative consequences for the economic benefits of co-corrections and for the relief of overcrowded prisons. For example, correctional officials in Massachusetts considered co-corrections a realistic possibility when Massachusetts Correctional Institution for women was operating at half of its capacity, while a nearby male prison was over-crowded (Anderson, 1978:34). Thus, in order to relieve the overpopulation in the men's facility, a number of the men were transferred to the women's prison. In another case, rules were altered to accommodate and ensure the smooth operation of the program when a multi level security female Kansas Correctional Institution became co-correctional. Prior to the

adoption of the co-correctional model, the women inmates enjoyed a more relaxed atmosphere and were permitted room visitation. Upon entrance of minimum security level male prisoners, however, visitation was eliminated for both medium and maximum security inmates; only minimum security inmates continued to be permitted to visit one another in their rooms (Halford, 1984).

In 1977 the Federal Bureau of Prisons reported that not all inmates could function well in a 'coed' prison and recommended that single sex prisons ought to be retained in order to maximize flexibility of the system (Foster, 1977) and increase options for inmates. Yet, when male inmates have been transported into a female facility, which was often the only women's prison in the area, co-corrections became standard for women and an option for men (Almy et al., 1980:142). It seems that while female inmates present a scarce resource to the prison system (four percent of the total inmate population), the benefits of co-corrections result in losses for women prisoners.

In the past, however, there have been women's prisons which were relieved of overcrowding, for example, Alderson (Campbell, 1980a) and a state women's institution in Tennessee (American Journal of Corrections, 1977). Studies have shown that as a result of this direction of movement - women inmates transported into male prisons - female inmates' mobility within the prison was restricted, thus their program participation decreased (Smykla, 1979a:34; Ross et al., 1980:71). Specifically, at times when there was no extra staff to escort the women or to supervise the area where male and female inmates were working together, women were pressured out of programs (Ross et al., 1980b:72).

In relation to staffing, co-correctional prisons have not been consistently cost effective. Ross et al. (1977:27) found that in fact some integrated facilities increased costs per capita. Insofar as a prison enforced a strict contact policy, a greater number of supervisory staff was required. For example, a state co-correctional prison in Maryland reported that the main problem of operating an integrated facility was the cost of hiring extra staff needed to escort women prisoners (Contact, 1982; Corrections Digest, 1979). Furthermore, some male inmates at Fort Worth Federal Correctional institution found that staff focused their efforts on limiting sexual contact between inmates, therefore leaving few staff members available for handling the serious living problems prisoners experienced (Mahan, 1986:164).

4. *Co-corrections relieve immediate or anticipated legal pressure to provide equal access to programs and services to both sexes, and to increase diversity and flexibility of programs and treatment options.*

Supporters of co-corrections recognize that a century of segregating male and female prisons, has led to much disparity and discrimination in the treatment and care of female inmates. Since the early 1970s female lawyers have become interested in seeking legal solutions to the inequalities endured by incarcerated women (Fox, 1984:28). Court decisions concerning the differential treatment of male and female prisoners have pushed correctional departments to make decisions and changes regarding the management of women prisoners. Not unlike the previous argument concerning "cost benefit", integrationists state that since it is not economical to duplicate services, co-corrections is the only viable solution. They argue that sex-integrated prisons are economically sound and would withstand litigation inasmuch as this approach secured equal access of services and programs (Wright, 1983).

Supporters generally acknowledge that while women prisoners have been powerless to create change in the prison system (Sacks, 1978) in part because of their small numbers, the larger male inmate population has practically monopolized the available funds. Consequently, supporters argue that women would be best served in male correctional institutions (Sacks, 1978:259). Additionally, women would have access to non-traditional programs, like welding, carpentry, or auto mechanics, that are unavailable to them in female prisons (National Advisory Commission on Criminal Justice Standards and Goals).

Opponents of co-corrections argue that even though integrated prisons theoretically provide more programs and opportunities for women than are available in women's correctional facilities (SchWeber, 1984:4), programs are typically male-oriented and have been simply modified to meet some of the needs of women. Crawford (1980) believes that in fact co-corrections destroy separate programming for women and attempt to force the small number of incarcerated women into programs designed originally for the larger male inmate population.

Assessments concerning the ability of sex-integrated prisons to withstand court litigation in regards to equal access to programs and services by male and female prisoners, have found that co-correctional prison complies with the Fourteenth Amendment

(Ruback, 1975), because "treatment differentials from economies of scale would be eliminated automatically by the integration of (male and female) institutions" (Arditi et al., 1973:23).

Other evaluative studies and reports on sex-integrated prisons, conclude that in practice women remain secondary and unequal to male inmates. For example, while supporters argue that coed prisons offer women non-traditional programs and therefore a greater number and variety of training opportunities, evaluation studies have found that not only are women not participating in non-traditional programs but their participation in traditional programs is also curtailed. In particular, studies revealed that the number of programs women take part in decrease as male inmates seize the opportunity to participate in non-traditional programs (for example, hairdressing) while maintaining dominance in male oriented programs (Lambiotte, 1980; Ross and Hefferman, 1980).

Furthermore it was found in a female prison that became 'coed', that the men prisoners expelled women from all "male" jobs, leaving them few opportunities for non-traditional training (Ross and Hefferman, 1980:258-260). Also, at Kansas Correctional Institution - a former women's prison - female inmates expressed fear that men prisoners would receive better opportunities (Halford, 1984). A 'coed' prison converted from a female prison reported that more male than female inmates participated in work-release programs, education-release programs, and furlough programs (Brandon et al., 1977). Indeed an opinion survey of co-corrections revealed that based on their experience female inmates were generally less favourable towards integrated prisons than male inmates (Cavior and Cohen, 1977).

A reason that has been cited for women's non-participation in non-traditional female job training - in addition to the male's tendency to monopolize it - is that women in a sex-integrated prison do not wish to appear unfeminine to male inmates and do not want to compete with men in the prison for available jobs or spaces in programs (Feinman, 1986:67). When a woman enrolls in a non-traditional program, it is often because her "walk-partner" has instructed her to do so (Ross and Hefferman, 1980:254). Generally, women who are passive do not benefit from co-corrections programs (Campbell, 1980a, 1980b).

The arguments which follow have been presented in the literature by supporters of co-corrections and have not been countered by non-supporters. It is important to include

these arguments to achieve a full reconstruction of the debate concerning the integration of men and women in prison.

1. *Co-corrections increase the career opportunities for female staff who previously have often been "boxed into" a single state women's institution.* Supporters contend that co-corrections will provide women who work in the prison system with additional correctional positions. In 1973, the National Advisory Commission on Criminal Justice Standards and Goals stated that:

One major problem in corrections is the relatively small proportion of women employed in the field. It will be difficult to change staffing pattern as long as institutions are planned and operated for only one sex. Developing coeducational programs not only will serve to improve programs, but also will require more women in correctional positions. (National Advisory Committee on Criminal Justice Standards and Goals, 1973:380)

The warden of Kansas Correctional Institution found that the female staff's enthusiasm increased when the co-correctional program was introduced (Halford, 1984). Prior to becoming a co-correctional prison, the female correctional officers received scant attention. However, following the integration of twenty seven male inmates from Kansas State Prison, the female workers gained much recognition.

At Fort Worth co-correctional prison, forty-four of one hundred and forty-three correctional officers were women (Smykla, 1979a:17). Yet, regardless of the number of women workers in a coed prison, the positions women held were frequently of low status. For example, Ross and Hefferman (1980) reported that administrative positions previously held by women were replaced by men when a women's prison became coed, thus no female administrator remained to speak on behalf of women prisoners.

2. *Co-corrections protect inmates likely to be victimized were they to remain in a same-sex prison.* Integrationists contend that a heterosexual environment (which supporters believe creates a calm atmosphere) provides a valuable service to the Federal Bureau of Prisons since single sex prisons have encountered problems in protecting inmates labelled undesirable by the general inmate population (Ross et al., 1978 in Smykla, 1980:113).

Evaluative studies have found male protective custody inmates were held safely in a sex-integrated prison. Specifically, the Fort Worth co-correctional facility was able to

house many protective custody, homosexual, and transsexual inmates with greater safety than in men's prisons (Malbli et al., 1978:322).

*3. Co-corrections reduce problems of adjusting to the outside world upon release.*

Generally those who advocate co-corrections promote the notion that a sex-integrated system would decrease recidivism rates. Specifically, they consider that the reduction of the deprivation of heterosexual interaction, would ease inmates re-entry into mainstream society, as having to re-learn how to cope with members of the opposite sex would be eliminated. Thus, co-corrections reduces the number and intensity of adjustments to be made upon release (Ross et al. quoted in Smykla, 1980:113).

Recidivism studies have generally shown that recidivism rates are lower with inmates who have participated in a co-correctional program, especially male inmates. For example, Brandon et al. (1977) found that the recidivism rate for male inmates was 14.9 percent while for women it was 16.5 percent. Hefferman and Krippel (in Smykla, 1981:121) reported that recidivism rates for women were higher than for male inmates - 12.8 percent and 8.6 percent respectively. Overall, studies have shown recidivism rates to be relatively low (Almy et al. in Smykla, 1981:120; Corrections Digest, 1979). Regardless of these positive results one must question whether or not it is the presence of members of the opposite sex that have affected recidivism or is it the multifaceted approach which some coed institutions offer (for example, community based programs, furlough, work release, education release). In fact, Brandon et al. (1977) found that recidivism rates of those inmates who participated in community programs were lower than those inmates who remained in institutional programs. It is, however, important to be aware of the special selection process of male inmates for a co-correctional program. Unlike the selection of female inmates, male participants are often near the end of their sentence, older, and have poorer health records.

### **Provisional Generalizations**

Several provisional generalizations have been formulated based upon the inquiry into the processes in the United States and the debate on the re-integration of men and women in prison presented in this chapter. Due to the paucity of research in the area of the treatment of women prisoners and the integration of male and female inmates in

services and programs in Canadian prisons, the tentative conceptual categories to be tested are broad in scope. They are also more descriptive than theoretical in nature. An attempt will be made improve these generalizations. Eventually, if Canadian data negate this tentative framework, new hypotheses may be formulated.

The following provisional generalizations will guide the analysis of the Canadian documents which include the official reports on the penitentiary system and the ensuing parliamentary debates, Federally commissioned government reports on women prisoners in Canada and the subsequent parliamentary debates, and finally documents dealing specifically with co-corrections.

The provisional generalizations are:

- 1 - Women prisoners in North America have been systematically neglected.
- 2 - Change and continuity in the treatment and care of women prisoners are a result of economic pragmatism and stereotypical ideas.
- 3 - The issue of female prisoners has been repeatedly successfully neutralised as a political issue.
- 4 - Few visible interest groups have spoken on behalf of women prisoners.

Both American and British literature shows that the relative neglect of women prisoners in terms of treatment, programs, services and facilities, and the tradition of stereotyped notions that affect them, have been the topic of study since the second wave of feminism in the 1970s (Feinman, 1979; Smart, 1976; Bowker, 1978; Haft, 1980; Taylor, 1982; Carlen, 1983; Elliot and Morris, 1987; Morris, 1987; Hancock, 1986). It has been argued that both theoretical criminology and practical criminal justice has been constructed by and for men (Leonard, 1982; Taylor, 1982). Consequently the mainstream academic literature and the penal system have given heed to the male inmate population, with little, if any attention directed towards women in conflict with the law (Baker, 1982).

The absence of research on women in the criminal justice system and enduring sex-typed theories (see Lombroso, 1895; Thomas, 1923; Pollak, 1961) have led to the development of explicitly and implicitly sexist programs and policies (Chapman, 1980; Hancock, 1986; Sargent, 1984). Feminists have argued that the type of programs and

policies that have been based on economies of scale and unfounded assumptions concerning women in general, and female prisoners specifically, do not take into account women's special needs and the specificity of their experience. Marked paternalism, false benevolence, and cost effectiveness have forced women inmates to try to conform to the traditional female role, thereby leaving them with little opportunity to break away from a life of helplessness and dependence (Klein and Kress, 1976).

Indeed women in prison, as are men, are socially and economically disadvantaged. They tend to be poor, unemployed, and have little formal education. Contemporary feminist researchers have argued that women in correctional institutions suffer not only from their poor background and prisoner status, but also from their socially devalued gender status and small numbers. Thus, females incarcerated in correctional institutions are viewed by some feminists as a double minority (Haft, 1980).

## CHAPTER 3

### THE ISSUE OF WOMEN PRISONERS IN CANADA

This chapter focuses on the conceptualization of women prisoners in Canada. Specifically this section of the project examines five major penitentiary reports, parliamentary debates following them, and six government reports concerned with women in prison and subsequent parliamentary debates. This chapter begins by setting out the methodology employed in the collection and analysis of official reports and debates and proceeds to the presentation of the findings.

#### Methodology

Five major reports concerning the penitentiary system in Canada were identified: the Brown Commission of 1849; the Archambault Commission of 1936; the Fauteux Commission of 1956; the Ouimet Commission of 1969; and the Parliamentary Subcommittee Investigation in 1977. The aforementioned reports are considered major penitentiary documents in Canadian history, are often cited in the academic literature, and were debated at length in the House of Commons.

Once the major reports were identified, the debates in the House of Commons found in the Hansard reports were collected by reviewing the index of the year of the tabling of a report and the year following it. Relevant House of Commons' debates from 1936 to 1986 were examined. In order to analyze the debates following the Brown report of 1849 (preconfederation), however, the volumes of the Debates of the Legislative Assembly of United Canada for the year 1849 were searched.

Six major reports dealing specifically with female offenders in Canada were identified: Report on the State Management of the Female Prison, 1921; Brief on the Women Offender by the Canadian Corrections Association, 1968; Report of the National Advisory Committee on the Female Offender, 1976; National Planning Committee on the Female Offender, 1978; Report of the Joint Committee to Study Alternatives for the Housing of the Federal Female Offender, 1978; and Progress Report on the Federal

Female Offender Program, 1978. The above listed reports were included in this study because the academic literature tends to regard them as major contributions relating to the incarceration of federal female offenders.<sup>2</sup>

In addition to the above six female offender reports, I will examine the recent Task Force on Federally Sentenced Women's report, Creating Choices, 1990. This report is treated separately since it was released during this study.

After the major reports concerned with women offenders in Canada were identified, the debates in the House of Commons were sought.<sup>3</sup> The index of each year including and following the release of the reports was reviewed in order to identify debates pertaining to the issue at hand. Relevant House of Commons' debates from 1921 to 1988 were examined. Upon examination of the aforementioned years of debates, I was curious to seek out earlier information and discussion regarding women who are imprisoned in Canada. Therefore, House of Commons' debates dating back as far as 1882 were also scrutinized. (A list of topics discussed concerning female offenders can be found in Appendix 2).

The final type of data that was sought for this project were minutes of testimonies of women's groups and individual women who appeared before the MacGuigan Committee.<sup>4</sup> This Committee was chosen for two reasons. First, to examine the minutes of all of the other commissions would be too time consuming. Second, the minutes of this Committee were accessible, and the report was the only major penitentiary

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<sup>2</sup> I acknowledge the existence of no less than seven additional private sector reports and studies on federally sentenced women in Canada, many of which are listed in Too Few to Count: Canadian Women in Conflict with the Law: Report of the Canadian Committee on Correction (Ottawa: Queen's Printer, 1969); Report of the Royal Commission on the Status of Women (Ottawa: Information Canada, 1970); Brief on the Female Offender (Ottawa: Canadian Association of Elizabeth Fry Societies, 1978); Brief to the Solicitor General (Ottawa: Civil Liberties Association of Canada, 1978); Brief on the Woman Offender (Montréal: Canadian Federation of University Women, 1978); Ten Years Later (Ottawa: Canadian Advisory Council on the Status of Women, 1979); and Brief to the Canadian Human Rights Commission (Ottawa: Women for Justice, 1980).

<sup>3</sup> The grounded research method permits the continuous search for data, if the researcher feels that either the data collected are insufficient or additional information would saturate the theory.

<sup>4</sup> At the onset of the project I had hoped to secure access to the briefs submitted by women's groups or individual women to the MacGuigan Commission. However, I was unable to attain a large number of the briefs. The absence of briefs was not considered detrimental to the study insofar as the minutes generally highlight what was in the brief.

document released during the second wave of feminism in the 1970s. One would, therefore, assume that various interest groups and concerned individuals would have spoken on behalf of women in prison.

In examining only those statements made by women and women's organizations, I was not assuming that male groups or individuals would not represent the interests of women prisoners. Not all of the minutes could be reviewed in the available period of time (there was more than one hundred presentations made before the MacGuigan Committee). Therefore, it was assumed that women were more likely than men to speak on behalf of female inmates.

In order to systematically analyze the data and to gain a full account of the sections of the reports concerning female prisoners in Canada, the focused coding characteristic of grounded theory was employed. Focused coding allows the researcher to create order in the data that at first may appear to be overwhelming and unmanageable. The use of this technique aids the researcher in sorting the data to an analytical level. Therefore categories that were developed in the initial phase of coding - through reviewing of the literature concerning the treatment of women prisoners in the United States and the debates on co-corrections in the United States - were searched for in the Canadian data. When, however, explicit coding became perceived as of little worth because additional coding would not change or alter the categories, the coding technique became rather flexible and implicit, whereby the overview approach was used. Generally the overview approach of grounded theory was used to analyze the reports on women and corrections. Insofar as the reports were lengthy and often with little substance, this was considered to be the preferred method.

The volumes of parliamentary debates following the five major penitentiary reports and the six reports on women offenders, and the minutes of the testimonies by witnesses who appeared before the MacGuigan Committee were measured and percentage breakdowns calculated. As well, some of the analysis of the major penitentiary reports adopted the same type of quantitative description. This quantitative inquiry provided an objective measure of the degree of neglect and low priority of women prisoners in Canada.

### A Brief Profile and History of Federally Sentenced Women in Canada

Until March 1990, Prison for Women (P4W), located in central Canada, has been the only federal prison for women. During this study, however, the Solicitor General of Canada opened a minimum security facility across the street from P4W for no more than eleven women (there are approximately 20 other minimum security women in P4W).

Since its inception, P4W has been subject to the criticism of many individuals concerned with the plight of women prisoners in Canada. Generally, there has been concern that women in P4W suffer more hardship than men by being uprooted from their community and transferred to Kingston, Ontario; women, unlike men, by being placed in a multi-level security prison are kept under maximum security conditions, regardless of their classification; and because of the architectural structure and size of P4W, women are not provided the programs/services and facilities to meet their needs and in no way match the number of programs available to men.

Federally sentenced women may theoretically chose to serve their sentence in a provincial institution under the Exchange of Service Agreement.<sup>5</sup> Practically, however, this may not be the case, insofar as the province has the option to refuse a woman. If a woman is successful in her plea to remain near her community, her days may seem long because provincial prisons are not equipped to house long term inmates and therefore do not offer a range of programming. Federally sentenced women are often forced, therefore, to chose between their family or an opportunity, albeit limited, to advance their skills through job training and/or education.

At any given time, federal female inmates make up approximately 2% of the Canadian federal prison population.<sup>6</sup> In real numbers this translates into some 250

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<sup>5</sup> Exchange of Service Agreements have been criticized by practitioners in the field, for example various Elizabeth Fry Societies. While women have the option to remain in their province, the province holds the right to refuse to take a woman. Additionally, provincial institutions are set up to hold short term inmates only. Therefore a woman who is sentenced to five or ten years may have some 2000 roommates; this can be very disturbing for an individual. Programs are also geared to the short term inmate and therefore run for approximately thirty days or so and are frequently repeated. A woman serving a long sentence has little choice and variety in programming.

<sup>6</sup> Statistics in this section have been taken form the most recent survey of the Federal female population. The study, titled "Task Force on Federally Sentenced Women: Survey of Federally Sentenced Women, Interim Report", was completed (1989)

women compared with roughly 12,000 men. About 125 of these women are held in the P4W, while the remaining number are kept in the provinces under Exchange of Service Agreements.

The women are of all ages. Their ages range from 19 to 75 years, whereby women in the provincial institutions are generally younger than those in P4W. A 1989 study reveals that around 48% of federally sentenced women are serving sentences of less than five years, 22% - between five and nine years, while 29% - more than ten years (Shaw et al. 1989). Forty of these women are serving life sentences. Additionally 41% of women under federal sentence are first time offenders, and 50% are in prison for the first time.

A recent look (1989) at the federal female population revealed that 39% were incarcerated for murder or manslaughter, 27% for robbery and other less violent crimes, and 33% for property offences (see endnote 6).

Women who have committed crime generally admit to substance abuse. For example, 118 women of 170 interviewed stated that they offended under the influence, committed the crime to support their addiction, or were convicted of a drug offence.

A high number of women who commit crime have been victims/survivors of either physical or sexual abuse. It was found that 82% of the women in Prison For Women were abused, while 72% of those in the provinces were.

Approximately two thirds of federally sentenced women have never held a steady job for various reasons. For example, they were either supported by husbands or common law partners, lived off welfare and/or child allowance. Some of the women had worked "illegitimately." Unsurprisingly, therefore, many of the women wanted marketable training skills, advanced skills (for example, computers), skilled trades, social work training, and/or school/university courses to acquire education that would be of use once released from prison.

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under contract for the Corrections Research and Policy Development Branch of the Ministry of the Solicitor General of Canada. The author of this thesis conducted the individual interviews with all non-Aboriginal, Anglophone women in P4W.

It is recommended that the resultant report, Shaw et al.'s (1989), be read in conjunction with this section to understand and appreciate the circumstances surrounding women's crime, especially, abusive personal relationships.

One hundred and eight women (63.5%) out of 170 interviewed had children, totalling 250 children. In all, 69 women (40.5%) were single parents for at least part of their child's life.

Insofar as the above profile presents a fairly bleak picture of women behind the walls of Canadian prisons, many consider the female offender a status of women issue (Jefferson, 1983). The gap, many argue, between women in prison and women in society is lesser than between men in prison and men in society, and men in prison and women in prison:

The key to understanding women in conflict with the law, both in terms of factors leading to an offence and the development of effective services and programs, lies in understanding the world of women in Canada (Jefferson, 1983:1).

#### Major Penitentiary Reports

In order to determine whether or not the Committees that prepared the six major reports on prisons in Canada went beyond their established mandates when discussing the situation of women prisoners in Canada, the Committees' mandates were investigated. Generally, it was found that the Committees stayed within their mandates when examining the situation of women prisoners in Canada. However, after careful scrutiny of each report it was found that either the inquiries did not exhaust the mandate when investigating the issue of women prisoners, or stated at the beginning of the section concerning female inmates that discussion throughout the report applied equally to both sexes. Specifically, in the Brown Report the discussion of female inmates who were held in the unit within the Provincial Penitentiary was sporadic at best and usually arose when the staff's conduct was being investigated. Only twice was the specific treatment of women inmates solely an issue, in the case of the unnecessary flogging of female prisoners and the bug infested unit in which they were imprisoned.

The Archambault Committee stated at the onset of the chapter on women prisoners that "the fundamental principles of reformation apply equally to both sexes, and, therefore, the principles of classification, training and education for men prisoners recommended in other chapters should be applied as far as possible to women" (Archambault, 1936:145).

Members of the Fauteux committee stated at the beginning of their report that in order to properly examine the entire field of remission and parole, it was necessary for them to use the broadest application of the terms of reference. Therefore, the report covers a great deal more than this specific matter of clemency. In fact in the single paragraph that discussed women inmates, buried within the chapter on "Prisons", there is no mention of remission or parole.

Since the Ouimet Commission's mandate included all possible aspects of the correctional system in Canada, it would have been very difficult, if not impossible, to go beyond the stated mandate. The chapter on women prisoners deals, however, only with selected issues.

Finally, the Sub-Committee on the Penitentiary System in Canada (the MacGuigan Committee) was not assigned a specific mandate. Instead the Committee was to simply study the Canadian penitentiary system from coast to coast and report the findings. Therefore, as with the Ouimet Committee, it would have been difficult to proceed beyond such a general mandate, but again, it only discussed selected issues.

In the five aforementioned penitentiary reports, women prisoners are discussed, but the degree to which they are addressed in each document varies slightly. The total number of pages range from one quarter of a page to eighteen pages or one quarter of a percent to four percent. The number of recommendations devoted to women is just as meagre, ranging from one to four recommendations.

Generally, the recommendations focusing on the female inmate population - a total of eight throughout the history of women's imprisonment in Canada - are vague in nature. For example, the Archambault Report (1938) concluded that P4W be closed and that women prisoners be returned to their home province. However, the Commission failed to provide any type of plan to act upon such a recommendation. Consequently, no change occurred in the placement of federally sentenced women at that time. Furthermore, the major Penitentiary reports which succeeded the 1938 Commission reiterated the call for the closure of P4W, but again without any plan or documentation for change.

In keeping with the similarity between the reports with respect to the space allotted to incarcerated women in Canada, there appears to be consensus regarding the question of what should be done about the plight of women prisoners.

The question of housing alternatives for women prisoners in Canada can be said to be the major issue in all of the Canadian penitentiary reports, but still it is very marginal within the whole context. Yet no constructive change has occurred as a result of the recommendations. Additionally the finding of inadequate treatment and care has been either explicitly stated or implicitly implied in the documents. For example, the MacGuigan report makes the strongest statement against the inferior services received by women in prison compared to those available to male inmates.

One area in which women have equality in Canada - without trying - is in the national system of punishment. The nominal equality translates itself into injustice. But, lest the injustice fail to be absolute, the equality ends and reverts to outright discrimination when it comes time to provide constructive positives - recreation, programs, basic facilities and space - for women (Sub-Committee on the Penitentiary System in Canada, 1977:134).

Even though all of the major penitentiary reports concluded that women incarcerated in Canadian prisons received inappropriate and inadequate treatment, specifically those in P4W, only two of the documents made specific reference to the necessity to address the specific needs of women. For example, the 1969 Commission indirectly made mention of the requirement that women in prison, because of the difference in the circumstances often surrounding their offences, the types of offences they commit and so forth, need not be institutionalized in the same type of maximum security prison as men, and require a different kind of treatment than do men. Additionally, the MacGuigan Commission, citing the Director of the P4W, overtly advocated that rules and directives of women's prisons must reflect the needs of women in custody, and concluded, again quoting the Director, that "there is nothing so unequal as the equal treatment of unequals" (Sub-Committee on the Penitentiary System in Canada, 1977:138).

Another major issue which appeared in all documents, except the 1956 Commission, was the concept of cost effectiveness.<sup>7</sup> Commissions continuously made reference to the small number of incarcerated women in Canada, particularly at the federal level, and

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<sup>7</sup> This is hardly surprising since the Fauteux Commission made the least reference to women.

the consequent high cost per capita to provide services and programs to such a small prison population.

A final theme that continues to emerge in the major penitentiary reports, either explicitly or implicitly, is stereotypical notions regarding women who commit crime. Examples of sexist statements made by the various government commissions are as follows:

Brown Report (1849)

Female labour can scarcely be expected to prove a source of pecuniary profit to a Penitentiary; but we believe that occupation might easily be found which would conduce to the maintenance of order in the prison...

Unlike the Brown Commission, the Archambault Commission speaks of women in psychological terms. They imply that women who commit crime are not a problem, therefore correction officials need not occupy themselves with women in prison. This type of attitude invokes neglect.

...when the sick have been deducted, the number of trainable women is very small, and the women prisoners...who are capable of deriving benefit from continued education would constitute a small class (p. 145).

...women are not a crime problem but are of the occasional or accidental offender class, who have been carried away by the overmastering impulse of the moment, often the outbreak of long pent up emotion (p.147).

The Ouimet Report (1969) speaks directly of women's alleged inherent nature and suggests that psychological differences between women and men who commit crime should be reflected in correctional planning. By no means does this Commission address the needs of women derived from their experiences and unique situations. Its recommendations are highly paternalistic.

There are certain differences in the criminality of women, as compared with that of men, which have implications for correctional planning (p. 389)...particular importance for the woman offender of personal appearance, clothing, and physical surroundings....they seem to be of somewhat more central importance to the woman, who tends more typically to use clothing and personal surroundings as a significant expression of her personality....(There is) an apparent tendency of women offenders to need and use specialized medical, psychiatric and social treatment resources in higher proportion than is true of the same number from an

undifferentiated group of men offenders...since fewer women out of the total population are sentenced by the courts than is true of men, the sentenced group may represent overall a more socially aberrant and emotionally disturbed group than do sentenced men... in women's institutions there is a stronger "emotional contagion", through the more readily expressed emotionality of the women, that with a comparable group of men...This suggests special problems in institutional management (p. 398).

Unlike the earlier commissions, The MacGuigan Commission (1977) does not speak of women who come into conflict with the law in a stereotypical or paternalistic fashion. Instead, the report is the first major penitentiary document that condemns the discrimination that women behind bars have endured throughout Canadian penal history.

#### Subsequent Parliamentary Debates

This section will analyze the parliamentary debates concerning the five major reports. It is quite evident that the aforementioned Commissions raised problems concerning the plight of incarcerated women in Canada and consequently recommended change in the treatment of women prisoners. The recommendations, however, must be debated in the House of Commons in order that they be translated from theory to practice. Therefore, it is necessary to determine what debate, if any, took place in the House regarding the issue of women prisoners in Canada.

Upon examination of the minutes of the debates that the penitentiary reports generated in the House, it soon became evident that the issue of women prisoners in Canada was not a pressing concern. After searching all volumes of the House of Commons debates found in the Hansard Reports between 1936 and 1986 - fifty years of prison history - only twice when the Reports were being argued was the topic of female inmates brought to the floor of the House. On both occasions it can hardly be said that any debate took place.

For example on November 3, 1966 a minister rose and addressed the Solicitor General of Canada regarding the administration of P4W. In the address, both the Archambault (1936) and the Fauteux (1956) reports were referred to. The minister clearly

recognized the need for different directives in men's and women's prisons, while at the same time indicating the necessity of equity in both types of prisons. Interested Members of Parliament made mention of the identical treatment for male and female inmates: "The acting warden apparently believes in the same kind of discipline in women's institutions as in men's institutions...he believes women inmates should be disciplined in the same manner as men." The key word in this statement was "identical".

On February 5, 1971 an inquiry was made in the House regarding the Ouimet Commission's recommendation that called for the closing of P4W and the transfer of the women to provincial institutions. The Solicitor General was unable to respond. He stated that he was waiting for a report - the report was not specified. A careful examination of subsequent Parliamentary debates involving the Ouimet Report, however, have demonstrated that at no time was a report debated.

In brief, while on November 3, 1966, there was expressed concern regarding the well being of women in prison, this was of no practical consequence to their plight. Inasmuch as there was no true debate in fifty years of the government commissioned penitentiary reports, it can be said that the issue of incarcerated women in Canada in relation to these reports, never was a topic of debate among parliamentarians.<sup>8</sup>

#### Interest Groups, Women and the MacGuigan Committee

In order to determine how well female inmates were represented by either the community or interest groups, and to what extent the various groups and individuals who spoke on behalf of women prisoners were represented in the report, the minutes of the MacGuigan Committee, contained in a collection of four volumes, were obtained and subsequently analyzed.

Women's groups and individual women consisted of fourteen (14) percent of the total number of witnesses who appeared before the Committee. The former included

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<sup>8</sup> I am not claiming that the problem of female inmates in Canada has only been twice a subject of concern in the history of the Canadian penal system. In order to systematically collect the information regarding the Penitentiary Commissions, the indexes of the year the report was released and the year of Parliamentary debates following its release were reviewed. In search of debates I looked for the word female prisoners, women in prison, women and other simial terms. Therefore it is quite plausible that on other dates the issue of women prisoners was discussed in the House.

twenty two (22) individual women and four (4) women's groups. However, not all of the women's groups or individual women represented the interests of female inmates. Only two (2) women's groups and one (1) woman specifically addressed the issue of women in prison.

The two women's groups which did not represent women in prison - Indian Homemakers Association of British Columbia and Women's Group John Howard Society of Ottawa - generally spoke on male inmates. For example, the John Howard group discussed the concerns of men in prison from the point of view of their mothers, wives and girlfriends. The Indian Homemakers Association addressed primarily the subject of discrimination against native male inmates. When the latter group was questioned by a woman on the Committee why they as a women's group did not advocate on behalf of women in prison, the response was based on economic reasons. Insofar as there was no funding available for women's organizations, they were unable to allocate any resources to represent women prisoners. However, they acknowledged the need and urgency to respond to the problems incurred by women in Canadian prisons:

There is nothing here in Vancouver for native women even those in the Provincial jails...Their chances of being paroled are nonexistent because of the fact (that) there is nothing here (services)...It is a tragic situation, as far as women are concerned.

The two women's groups that spoke on behalf of women in Canadian prisons included the P4W Female Inmate Committee and Organized Working Women. The concerns raised by both groups were relatively similar and focused primarily on the overall discrimination against incarcerated women. However, while the Inmate Committee's brief was quoted in the final report, Organized Working Women's was not.

Perhaps the most significant role that Organized Working Women played by speaking before the Committee was their expressed disappointment over the lack of representation from organized women's groups. As a newly formed group, Organized Working Women were not yet well enough established to apply for government grants to actively help female inmates. Additionally, because the group was primarily organized to address the problem of women in labour unions, women prisoners were not high on the organization's agenda.

Thus, there was a paucity of voices who spoke on behalf of women in prison. However, the demands and concerns of the P4W Inmate Committee were well reflected in the report.

### Female Offender Reports

The first report that dealt specifically with women prisoners in Canada was produced in 1921 and was entitled Report on the State and Management of the Female Prison at the Kingston Penitentiary.<sup>9</sup> It has been the only official government report commissioned because of pressure to investigate the mistreatment of federally sentenced women in prison.

The tone of the report was established within the first few pages of the document and was in keeping with the fallacies centred around women's offending (for example, the popular belief that women who committed crime were sexually maladapted). While Mr. Nickle was commissioned to investigate the "misconduct" of the acting Deputy Warden, clearly the onus of inappropriate behaviour was placed on the women incarcerated in the said penitentiary:

As would be expected, the natural happens, and certain classes of the convicts carry on, when chance permits, active or subdued flirtations with responsive officials or sympathetic male convicts...Without doubt some of the women, more particularly at certain periods, are thrown into a violent state of sexual excitement by the mere sight of the men, more often by their being or working contiguously to the female quarters...(in) one instance of this group of cases...a sedative had to be given to soothe desire (Nickle, 1921:3).

Regardless of the stereotypical views held by the Commission, the report did speak of the necessity to improve the plight of women in prison: "it is necessary that there should be certain changes and betterments in that space now occupied by the women, if their

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<sup>9</sup> During the time of this report, federally sentenced women were held in a building separate from the men's prison, but within the walls of Kingston Penitentiary.

comfort and convenience is to be secured" (Nickle, 1921:22). For example, to list a few of the problems mentioned in the report, the document points out: poor lighting in the cells; cold concrete floors; and poor working conditions.

The allegations against the Deputy Warden were judged unfounded. Yet, the inadequacies of the female prison and the problems incurred by housing men prisoners and women prisoners in close proximity to one another (for example, male staff and inmates making advances on the women, the necessity of taking precautions when moving male and female inmates from one location of the institution to another) prompted the Nickle Report to recommend that the female prison be moved away from the male institution.

Therefore, regardless of the tone of the Report, it did prompt the government for the first time to seriously look at the situation of women in prison (approximately four years following the report, in 1925, construction of P4W began across the street from the Kingston Penitentiary). One could argue, however, that the underlying reason for the recommendation to move the women outside the walls of the men's prison, was to prevent any further allegations of misconduct by male staff and male inmates:

The guard feelingly told me he feared duty on the North West tower, with its risk and possible temptation...(M)any decent officers are fearful, knowing that a few designing and crafty women might ruin a well-earned reputation (Nickle, 1921:4-5).

It was not until approximately forty seven years following the Nickle Report (1921) that another document concerned specifically with the female offender was released - Brief on the Woman Offender (1968).<sup>10</sup> Even though this was not an official government

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<sup>10</sup> This document concerns three areas of women in the criminal justice system: Offenses Usually Committed by women; Special Problems of Women Offenders in Relation to Law Enforcement, Court Proceedings and Correctional Treatment; and Detention Facilities for Women. Because the thesis is primarily concerned with the political

report (it was not commissioned by the government, but was a document produced by the Canadian Corrections Association), it was important to include in the thesis inasmuch as it came at a critical time in history with the onset of the women's movement. Additionally, it was the first of some twelve studies concerning the state of women's imprisonment and/or reports completed in the 1960s, and 1970s by the government and the private sector.

The purpose of the brief was to arrive at factually based recommendations for the treatment of women in the criminal justice system. Perhaps the most striking aspect of the brief was the period in which it was released. It came at a time when the second wave of feminism was beginning in North America -specifically in the United States. This period of social transition was apparent in the discourse of the report. For example, the Association believed that "prisons for women should not be patterned on male institutions but rather be planned on the basis of the special needs of women" (Canadian Corrections Association, 1968:42). However, what the Association regarded as the special needs of women coincided closely with the fallacies surrounding the notion of women who come into conflict with the law that were evident in the earlier 1921 report.

For a woman to have her clothes, her cosmetics and her privacy taken away is possibly the most traumatizing of all...(Women) seem to be a more disturbed inmate population...than in a male institution (Canadian Corrections Association, 1968:41-42).

Again, closely related to stereotypical notions of women who commit crime, the brief attributed the small numbers of women in prison to their deception and manipulation. The argument, therefore, that women commit little crime was ignored. Furthermore, the Association stressed that despite women's changing roles in society, it was still expected that women's primary concern ought to be that of motherhood; thereby upholding the female tradition.

While ignoring the realities of women who come into conflict with the law (for example, dependency, poverty, low education, and lack of work skills), and assuming that most women accept traditional values, the brief suggested that women in prison should

not be separated from the conventional female role. Consequently, any programming or services developed based on the Canadian Corrections Association's brief would be stereotypical in nature.

The brief, however, did recognize their geographical dislocation, stating that the situation was "unjust and damaging". On the grounds of women prisoners' isolation at Kingston, the Association recommended that the provinces assume responsibility for all federal female inmates and included part of an Elizabeth Fry brief that outlined a Female Correctional Plan that would be implemented as a pilot project.<sup>11</sup> The Association felt that Provincial responsibility for federally sentenced women was the best solution, especially for women far removed from family and community support. In addition, the Association argued that returning women to their home provinces was an economically practical solution, whereby the provinces would pool their resources to incarcerate women sentenced to two years or more.

While the Brief on the Woman Offender was the first document that recognized that the female offender had needs that were different from the larger male inmate population and were "unique" to her, it was hardly liberating and/or progressive. Contrary to the terms of reference the recommendations were not based on fact, but instead on untested assumptions about women who come into conflict with the law.

Concurrently with the birth of the women's movement in Canada, in the early to mid 1970s, came a surge of government commissioned reports dealing specifically with women who commit crime and more specifically women in Canadian prisons: Report of the National Advisory Committee on the Female Offender (Clark), Spring 1977; Report of the National Planning Committee on the Female Offender (Needham), 1978; Report of the Joint Committee Studying the Alternatives for the Housing of Federal Female Offenders (Chinnery), 1978; and Federal Female Offender Program Progress Report (Berzins and Dunn), December 31, 1978. It is important to note that prior to the release of these documents, the Federal Government struck, in 1974, an agreement with the provinces, except Prince Edward Island and Ontario, to provide money to keep some federally sentenced offenders in provincial institutions.<sup>12</sup> This scheme, known as Exchange of Service Agreements, was thought to be of particular benefit to federally sentenced women, enabling them to remain nearer to their community (see endnote 5).

## **Report of the National Advisory Committee on the Female Offender**

Although the National Advisory Committee's report on the Female Offender (NACFO) was released in 1977, the Committee itself had been set up in 1974. The report was submitted on January 27, 1976 to the Solicitor General of Canada, but underwent one year of consultations with Canadian Corrections Service Regional Staff before its publication. Following its release, the document was submitted to a Continuing Committee of Deputy Ministers of Corrections.

The National Advisory Committee was made up of six members, of whom two represented women's groups - specifically, the British Columbia Elizabeth Fry Society and the Toronto Elizabeth Fry Society. The remaining four members had various government affiliations.

Upon examination of the document it was evident that it lacked substance. For example, the long list of recommendations was vague in nature and they were primarily supported by assumptions regarding women who commit crime. Thus, assertions were made by the Committee regarding women's 'special needs', for example, poor self image, weak family ties and tendency to self mutilation.

This was somewhat curious given the mandate that intentionally called for specific recommendations.

However, much in keeping with the onset of the women's movement in Canada, the report broke away from the traditional role of women in society and urged the availability of assorted "non- sexist" trades (for example, auto body work and welding) and educational upgrading. Furthermore, the Committee refuted any notion that as women were becoming liberated they were becoming equal with men in committing crime, by highlighting the general increase in crime, both by men and women.

Central to the report was the recommendation that P4W be closed. The Committee suggested two possible alternative measures for housing federally sentenced women. Briefly, the first plan included small regional secure facilities in combination with Exchange of Service Agreements for those women not requiring a secure environment. Under the second plan, the provinces would attain full responsibility for federally sentenced women and would enter into exchange agreements with other provinces in order that a woman be held where her needs would be best met.

Peculiar to this document was a minority report submitted by one member of the Committee who argued that P4W, as a maximum security institution, should continue to exist. Unlike other Committee members, this member strongly believed that the emancipation of women would increase rates of violent crime committed by women. Her forecast based on large percentage increases, but a very small number variance, was clearly unjustified.

At first glance, the National Advisory Committee seemed to be devoted to promoting a system designed to meet the needs of female offenders - "(t)he committee...is asking the federal government to commit itself to a planning process within which more attention can be given to the needs of female offenders" (National Advisory Committee on the Female Offender, 1977:57). Yet closer examination of the document reveals a lack of determination on the part of the Committee to force the government not only to act, but also to recognize its role in the continued discrimination of women in Canadian prisons:

The committee is well aware of the complexity of the current situation and acknowledges that lengthy political negotiations will be required before broad policies can be formulated to satisfy the great diversity of needs. It is for this reason that its recommendations have remained general, emphasizing flexibility for individuals.

Such a caution offered the government legitimization for continued discrimination of women in prison. In fact, the Advisory Council on the Status of Women, a national women's organization, criticized the report on the grounds that it took a "soft-line approach" in seeking change for incarcerated women in Canada: "the report (failed to) draw attention to the laggard attitude of the government in effecting improvements" (Rosen, 1977:31).

Insofar as the members of the Committee felt that change would be a long time in coming, they expressed the necessity to meet the immediate needs of women in prison. At the same time they advised that change to P4W be made in order that it "be easily convertible for use by male inmates should the Prison for Women eventually close" (National Advisory Committee on the Female Offender, 1977:67). Therefore, the Committee clearly demonstrated its difficulty in discussing women prisoners without considering male inmates' needs.

### **National Planning Committee on the Female Offender**

Even though the National Advisory Committee's report fell short of its mandate to make specific recommendations based on the unique needs of female offenders, thereby failing to be the force behind positive change in female corrections, it did set the mandate for future government commissioned reports. For example, the National Planning Committee on the Female Offender (Needham report 1978) was established based on the recommendation of the Continuing Committee of Deputy Ministers to establish a Joint Federal-Provincial Committee to address the major recommendations of the National Advisory Committee's report, particularly those relating to the future of P4W and the two alternative plans. The National Planning Committee was made up of eleven delegates: two federal representatives and nine provincial members. Three groups submitted briefs to the Committee, two of which were women's organizations: the Canadian Association of Elizabeth Fry Societies; and the Advisory Council on the Status of Women. The Committee extended invitations to agencies whose submissions had been tabled to make verbal presentations to the Committee.

Two agencies, the Canadian Association of Elizabeth Fry Societies and the Civil Liberties Association made formal responses - both in favour of the closure of P4W. The Advisory Council on the Status of Women was unable to respond before the Committee completed deliberations because of other pressing issues on its agenda. Its views, therefore, were not taken into consideration, but its evaluation of the National Advisory Committee's report was given full consideration as an argument against closure. Additionally, the National Planning Committee requested a formal response to the National Advisory Committee's report from the Ministry of the Solicitor General. Based on what it considered "best for the female offender, within the constraints of security and feasibility," the Ministry recommended the provincial takeover. One could argue, however, that the government did not have the women prisoners' greatest interest in mind upon making the recommendation. For example, the Ministry defined feasibility as "primarily...economic feasibility" and explained that the small numbers of women serving a federal sentence did not "warrant" regional facilities.

Significant to the National Planning Committee's report was the discussion centred around the issues of standards and the development of a National Advisory Council

(recommendations 9 and 11 of the National Advisory Committee's Report). Firstly, there seemed to have been considerable debate regarding the establishment of national standards specifically for incarcerated female offenders. Some delegates of the Committee thought it made little sense to develop a set of standards specific to women and argued that a study dealing with national minimum standards ought to include all offenders (women and men). Other members of the Committee agreed in principle with the above position. But they felt that such an undertaking would have been too exhaustive and, therefore as a matter of convenience, they recommended that it would be best to begin with setting standards for the women and later proceed to the question of standards for men. Thus this Committee did not recognize the differences between men and women in prison that previous reports had addressed.

While the Needham report was the first to "study the financial implications of any recommended plan of action", it was also the first report that failed to stress the "unique needs" of women. Arguably in order to remain within its financial budget, the government was unwilling to meet the special needs of the small group of incarcerated women.

Secondly, there was considerable debate among Committee members regarding the need for a National Advisory Council (to include private sector agencies/organizations) and the role, if any, the council would have in making decisions regarding women in corrections. Concern centred around the issue of whether or not a National Advisory Council would oversee and/or advise on policies affecting women in correctional facilities. One half of the members rejected the idea. Others felt that while it would be wise to tap the private sector for its knowledge, they did not foresee such a group having any formal authority. Therefore the government effectively precluded any formal external pressure.

### **Report of the Joint Committee Studying the Alternatives for the Housing of Federal Female Offenders**

Shortly following the recommendation of the National Planning Committee that the feasibility of the proposed regional centres be assessed, the Joint Committee (Chinnery Committee) was formed and given three months to "explore in detail the various options for the housing of federal female offenders" (Chinnery, 1978:3). The Committee consisted of both a Steering group and a Working group. While the Working group consisted of

three government affiliates, the Steering group included a chairperson, the Director of the Prison for Women, and three members: the Executive Director of Toronto Elizabeth Fry Society; the Chairperson of the Prison for Women Citizen Advisory Committee; and the Regional Coordinator of Education and Training for the Ontario Region of Canadian Corrections Service. The group prided itself on the fact that it was the first group established by Correctional Service of Canada to include equal representation from the private sector. The Working group, on the other hand, consisted of three members of whom all were government affiliates who sought the advice from three academic consultants.

In the opening paragraph of the document it was clearly stated that economic considerations played a key role in the Joint Committee's recommendations. Consequently, the primary focus, was not to provide levels of security and programmes appropriate to the needs of women in prison, but to control the subsequent cost to taxpayers. This was the first report to detail the cost of various alternatives to house women prisoners.

Predominately based on its cost analysis of the various options to house female inmates, the Joint Committee recommended that Vanier Institution in Ontario be bought by the federal government to serve as the central institution in Eastern Canada, and that Mission Correctional facility in British Columbia be converted into a co-correctional prison to serve Western Canada. In the event the Ontario government was unwilling to sell Vanier, the Committee recommended that P4W be remodelled, and Mission be converted into a coeducational prison.

Similar to the preceding reports this document lacked any assertion to compel the government to take action. For example, the Joint Committee declared that it was "unable to identify any option that would totally meet all of the objectives (it) would wish to achieve in the treatment of female offenders." Thereby, the Committee offered the government licence not to act in the best interest of women in prison since it was considered virtually impossible. Additionally, the government would be justified to postpone any change and continue to discriminate against women in prison, insofar as the most appropriate alternative was not found.

### **Federal Female Offender Program Progress Report**

Much of the material in the report of the Joint Committee Studying Alternatives Re: the Housing of Federal Female Offenders stemmed from an unpublished report entitled Progress Report on the Federal Female Offender Program produced by the Federal Female Offender Program Office of Correctional Service Canada on December 31, 1978. This report pointed to the blatant discrimination of women in Canadian prisons and highlighted their low priority in Correctional Service Canada by revealing reluctance of the Commissioner of Corrections to release the report that had accurately detailed the situation of women living within the walls of P4W. Prior to discussing the content of the document, it is necessary to describe the political climate at the time in regard to government action in the area of female corrections.

As revealed through the analysis of official penitentiary and female offender reports, the issue of women in prison, specifically P4W, "ha(s) been a controversial thorn in (the government's) side" (Berzins and Hayes, 1987:167) as the prison has been criticized for its inappropriateness to house female offenders ever since its inception in 1934. Interestingly, it was not until 1976, with the surge of reports concerned with female inmates, however, that any one was hired by the government to work solely on the needs of Canadian women behind bars (Berzins and Hayes, 1987:167). The person employed to fill this position was one of the women who produced the unreleased document entitled, Federal Female Offender Program Progress Report. Lorraine Berzins was part of the correctional system for a number of years and witnessed the pain of women at P4W who were far removed from their families and any type of community contact. She shamed herself for having become part of the system that gave her the authority to demand that women vomit in order to determine whether contraband was present (Berzins and Hayes, 1987:166). Nevertheless, with the sudden interest in female corrections and the apparent intent on the part of the government to improve the situation for female offenders, Lorraine Berzins "vigourously set out to improve services for women" (Berzins and Hayes, 1987:167).

In 1978 Lorraine Berzins and Sheelagh (Dunn) Cooper, both as federal government employees and as part of the working group of the Joint Committee to Study the Alternatives for the Housing of Federal Female Offenders, set out to:

- A) Outline the various steps that have been taken to date with respect to some of the more important issues relating to Federal Female Offenders.
- B) Provide an overview of the kinds of data collected, and the sources of information available about the Female Offender.
- C) Identify areas that require further research and/or action in relation to the needs of Federal Female Offenders in particular and Female Offenders in general (Berzins and Dunn, 1978:introduction).

Specifically, they were concerned with three major issues: expected inmate population growth and trends in offence profile; the security needs of the federal female population; and the program needs of women in prison. In doing so, the authors clearly and critically denounced past assumptions concerning women in prison. For example, they argued and demonstrated through research, that the vast majority of women, including those who have committed violent crime, did not need a lot of security:

Neither their "crime", nor their general social and psychological structure warrant double bars, security towers, armed guards, etc.... Indeed, one wonders if these features of Kingston are not a lazy reproduction of what "was thought" to be necessary for male inmates (pages not numbered).

Furthermore, the report criticized not only the inappropriateness of a male security system in a woman's institution, but it also spoke of the government's lack of initiative in developing a security system for women:

(C)lassification systems currently applied to inmates...have been developed for men and nothing has been done to date to validate their relevance to women's behavior and needs.

Also, the authors disclosed through their findings that the emancipation of women did not lead to more women committing crime. Instead, in part, the possible effects of women's liberation may be: women's crime will become more known/publicized; "feminism may irritate law enforcers and stimulate repression"; and "less and less "obvious" discrimination will be possible" - indeed a warning to responsible government bodies that the discrimination against women in prison will no longer be tolerated.

For the first time the issue of incarcerated mothers and their children was addressed in an official government document. The Progress Report on the Federal Female Offender Program pleaded to "members of the community, individuals and groups with an interest in women's concerns, in children's welfare, in family life education, and in human development" to force officials whose mandate it was to represent public interest, to study, examine, and debate publicly issues and concerns affecting both imprisoned mothers and their children. Moreover, the authors shamed the government by pointing out that Canada was one of the few "remaining jurisdictions in the Western world that did not make provision for newborn babies to remain with their incarcerated mothers for at least six (6) months".

Perhaps most significant to the document was the disapproval of using small numbers and "economies-of-scale" as excuses by the government not to guarantee women in prison equity in regards to facilities, services, and programs:

At what point do we want our representatives to put more importance on dollars and cents than on human lives?...(!)t would seem that the advantages of concentrating a larger population in one area cannot be quoted with much credibility as sufficient justification for denying the benefits of remaining closer to home.

The report clearly stated that the male correctional system was not only inappropriate for female offenders, but it did not meet the rehabilitative needs of women in prison (including drug and/or alcohol abuse, educational needs and vocational needs).

The criminal justice system has been developed by men, for men. On planning policy for the federal female offender at this turning point in her correctional history, we have consistently run into the problem of defining her needs in this male context. In what way are they "special", in what way is she "unique"? The only tools we have with which to approach this question have been developed on the basis of male definitions of male realities.

As previously stated, the Federal Female Offender Program Progress Report was never made public, but is now available upon request. Reasons for not releasing the report were never made clear. One could surmise, however, that it was because of the authors' blatant criticism of the government for its inaction, and its continued discrimination

of women in prison. Shortly after the commissioner reviewed the report, the authors' participation in decision making was reduced to the level of advisors (Berzins and Hayes, 1987:168), and the two women were eventually dismissed (see appendix 1).

### **Creating Choices: The Report of the Task Force on Federally Sentenced Women**

The political discourse of women and corrections has changed significantly since the flurry of reports in the 1970s. Prior to discussing the most recent report, Creating Choices: The Report of the Task Force on Federally Sentenced Women (1990), it is necessary to reveal the most important occurrences during the 1980s in the area of women in prison.

In 1980, the Canadian Advisory Council on the Status of Women presented a Brief to the Correctional Service of Canada in which they proposed "a preventive approach to corrections which would emphasise diversion and alternatives to imprisonment, recommended the closure of P4W, and federal assistance to the provinces to provide a range of facilities and programs which would focus on the reasons why women came into conflict with the law" (Shaw, 1989:20). The following year, the Canadian Association of Elizabeth Fry Societies (CAEFS)<sup>11</sup> proposed to the Solicitor General of Canada a plan to equalize programming for women in prison to that of their male counterparts. To ensure parity of programming for women, CAEFS argued that the per capita cost level for federal female inmates should be higher than that of male inmates because of their small numbers. As well, for the first time the Solicitor General was presented with the idea of establishing a Sixth Region that would be headed by a woman and mandated to oversee women's corrections. CAEFS argued that such a Region would guarantee that the special and unique issues of federal women would be recognized.

In 1980 a Human Rights complaint was laid against the federal Solicitor General by Women for Justice, a lobbying/advocacy group. The complaint incorporated several grounds of discrimination against federal female prisoners, including: lack of programming,

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<sup>11</sup> The Elizabeth Fry Association is the only organization in Canada that solely devotes its efforts to lobbying and advocating on behalf of women in conflict with the law. It consists of a national office that has nineteen member societies across Canada.

inequitable employment opportunities, lack of security classifications, poor facilities, and inadequate medical and psychiatric services. Approximately one year later, in 1981, the Canadian Human Rights Commission upheld nine of the eleven charges. Unfortunately the case was conciliated and closed in 1984. Much to the disappointment of the group Women for Justice, the Commission stated that "the Correctional Service has, if not fully, at least substantially, addressed the issues." Members of the lobby group did not agree that the issues were seriously dealt with and refused to sign the agreement (Berzins and Hayes, 1987).

More recently, in 1988, the Standing Committee on Justice and Solicitor General in its Review of Sentencing, Conditional Release and Related Aspects of Corrections, devoted one chapter (23 pages) to women in conflict with the law in the report Taking Responsibility. The Committee, composed of ten members of Parliament, relied heavily on evidence presented by the various Elizabeth Fry Societies from across Canada, including Saskatchewan, Montreal, Kingston, Halifax, Sudbury, Edmonton, and the National Association of Elizabeth Fry Societies. The Committee presented seventeen recommendations concerning women in prison. Unlike other major reports, this document established a five year time frame to close P4W. During the five years it recommended that a Task Force be established to develop an alternative plan.

One month prior to the Committee releasing its report, a new Commissioner of Corrections was appointed. At the onset of his tenure, the Commissioner publicly announced his commitment to the issue of women's corrections. Shortly after the new Commissioner of Corrections began his duties he commissioned the Task Force on Federally Sentenced Women with a mandate to examine

the correctional management of federally sentenced women from the commencement of sentence to the date of warrant expiry and to develop a plan which will guide and direct this process in a manner that is responsive to the unique and special needs of this group (Correctional Service of Canada, 1990:1).

The Task Force on Federally Sentenced Women was unique in both structure and process. Unlike any other government commissioned report, it was based on a tripartite partnership between the Correctional Service of Canada (CSC), Aboriginal women's groups and the Canadian Association of Elizabeth Fry Societies (CAEFS) (Let's Talk, June

1990:6). The partnership, however, was not easily established. The CSC was unwilling at first to allow community organizations to have equal decision making power. Following months of negotiation and lobbying by the executive director of CAEFS, the government agreed to allow the executive director of CAEFS to co-chair the steering committee and the past president of CAEFS to co-chair the working group. Giving a women's organization, mandated to advocate and lobby on behalf of women in conflict with the law, equal power to the government in developing an alternative plan for women in prison, was a significant achievement in the history of women's corrections.

Creating Choices, unlike any other report on women's corrections, is women-centred and, in the case of the facilities and programs for Aboriginal people, Aboriginal-centred. "It is not simply an adjunct supplementing the larger justice system but a plan designed for and by women of all races and cultures" (Canadian Association of Elizabeth Fry Societies, 1990:2). Specifically the Task Force

encouraged the empowerment of women throughout its work, and gained much insight because it valued the experience of women. Accordingly, most Task Force members were women (two were Aboriginal prisoners). All of the researchers were women. And, interviews and consultation held with most federally sentenced women in prison and with a large number of community release were an essential part of our work (Correctional Service of Canada, 1990:2).

A women-centred perspective allowed the Task Force to place the problems of women in prison in the wider context of Canadian women's experience with special attention paid to Aboriginal women (Let's Talk, 1990:6).

Creating Choices, is based on five principles, including, empowerment; meaningful and responsible choices; respect and dignity; supportive environment; and shared responsibility. It represents a holistic plan and therefore should be considered as one recommendation, whose parts will not function unless all parts are implemented. The three major components of the plan are: five Regional Women's Facilities; one Aboriginal Healing Lodge (both of the preceding components are to replace P4W); and a Community Release Strategy.

Briefly, each of the five Regional Facilities would reflect a cottage style environment, with space for six to ten women per cottage. Administration would be located in the

central core where program space for recreational, social, spiritual and counselling activities would be available. Program activity, that could include sexual, physical and substance abuse recovery, education, vocational training, and spiritual service, would be developed by the woman with a staff person and a community worker. Individuals recruited to staff each Regional Facility would undergo mandatory awareness training in a number of areas, including, sexism, racism, power, class, sexual orientation, and Aboriginal Spirituality and traditions. The function of the staff would be not to guard, but to support and encourage the women to develop self-esteem and self-reliance. The Aboriginal Healing Lodge, would be staffed by Aboriginals and would rely heavily on Elders. Finally, the Community Release Strategy would expand and strengthen residential and non-residential programs and services for women on release. They would be expected to work with a Community Support Team that will ensure the availability of the services required in their personal release plans.

In addition to Creating Choices, the Task Force, on February 26, 1990, presented the Commissioner of Corrections of Canada eight short term recommendations to immediately improve the living conditions of the women in P4W. These recommendations were: eliminate transfers from provincial institutions to P4W; hire more feminist and aboriginal counsellors to assist women prisoners in healing from sexual/physical abuse; admit women who injure themselves to the hospital and provide them with medical and counselling support; establish a daily Aboriginal Elder visits and guarantee payment for travel for elders to visit the Aboriginal women in prison; fund family visits, enhance telephone contacts and permit attendance at funerals; establish two liaison workers at P4W; establish a system to monitor and investigate waivers on an individual basis; and provide enhanced opportunities for fresh air and exercise.

In February 1990 Creating Choices was presented to the Commissioner of Correctional Service Canada. Two months following, April 1990, the Commissioner held a press conference to release the report. In an unprecedented period of time in the history of the Correctional Service of Canada the plan went before Treasury Board and on September 26, 1990 the Solicitor General of Canada announced that the plan would be implemented over four years at a cost of \$50 million. The recommendations of the Task Force, therefore, have now been accepted and major changes in the management of the federal female population are taking place.

### Parliamentary Debates

This section will quantitatively analyze the parliamentary debates concerning the six female offender reports (note: parliamentary debates were not sought for the recent Task Force Report as this report was released during this study). It is evident from the preceding discussion of the official female offender reports, that much concern was generated around the issue of housing women sentenced to two years or more. Geographical dislocation and the lack of appropriate services and programs were highlighted as major problems facing women incarcerated federally. Consequently, central to the reports was the recommendation to close P4W in order to alleviate the discrimination of women in prison in Canada.

Minutes of the House of Commons debates, found in the Hansard Reports between 1921 and 1988, were studied. It was found that not one of the official documents regarding female offenders was specifically referred to in the House. Therefore, to give an accurate account of debates pertaining to women in prison, volumes of the Hansard Reports from 1882 to 1988 were searched for any discussion around the issue of incarcerated women in Canada.

In 106 years of penal history, between 1882 and 1988, the issue of female offenders was raised in the House on 75 different occasions (or on 63 separate days). Of these, 74 debates specifically related to women in Canadian prisons - provincial or federal prisoners. The other debate concerned the arrest of women (see Appendix 2 for dates and topic of the various debates).

Even though specific reference was never made to the official reports, it was difficult to conclude that the government was not interested in the issue of women in prison, since in fact, women's prisons were discussed on various occasions. Often, however, debates - both brief and more elaborate - were limited to the cost of an alternative plan for the housing of federally sentenced women.

## CHAPTER 4

### THE ISSUE OF CO-CORRECTIONS IN CANADA

This chapter focuses on the issue of integrated services for male and female inmates in Canada. Specifically this part of the study will describe the history and current status of co-corrections and shared services in Canada, and examine the sections concerned with integrated services/programs in the official penitentiary reports and women prison reports (listed in chapter 3), as well as in official Canadian documents pertaining to co-corrections.

Only one official document concerning co-corrections in Canada was identified: "A Review of CoCorrections in Alberta and Other Jurisdictions (1982)". In order for a document to be included in the study, the word "co-corrections" or a synonym of co-corrections had to appear in its title. Central to the reason for the absence of official documents on co-corrections in Canada is the fact that Alberta remains to be the only province that employs the program. Other discussion on co-corrections in Canada are found in several of the reports on female corrections and are discussed in this chapter. Additionally, to appreciate the political discourse on women in prison and the issue of co-corrections in Canada, the major penitentiary reports' treatment of shared correctional services is also analyzed.

Prior to discussing the recent developments in the area of co-corrections in Canada, it is necessary to provide a brief history of the integration and segregation of men and women in Canadian prisons. Specifically, the following section provides a historical description of the housing of federally sentenced women in Canada.

In 1835 women were imprisoned in the Kingston Penitentiary where they shared the same prison with male inmates, but were held in separate quarters. Women were separated from the men in 1913 when a women's prison was built in the North-west corner of the general enclosure of the Kingston Penitentiary. In 1925 construction of the new Prison for Women in Kingston began and was completed in 1934. Upon its opening, forty women serving federal sentences were transferred into the new Prison for Women.

The Prison for Women was originally built to hold 100 women, but because of overcrowding, in 1960, fifty beds were added. In addition, one wing of Matspui Prison B.C. (a male institution) was opened for the treatment of female drug offenders. Ten years following the opening of the drug offender treatment wing, it was closed to federal offenders. Subsequently, the women who were imprisoned there were transferred back to P4W in Kingston. Finally, in 1975, the federal government and the provincial governments, except for Ontario and Prince Edward Island, developed the Exchange of Service Agreements, in an attempt to overcome geographical dislocation (see endnote 5).

Currently in Canada, Alberta is at the forefront of co-corrections. In 1977 Edmonton's Belmont Correctional Centre became coed. Subsequently, Fort Saskatchewan Correctional Centre, Calgary's Bow River Correctional Centre (1982), Lethbridge Correctional Centre (1983), and the new Fort Saskatchewan Correctional Centre (1985) also adopted the co-correctional program. In fact, the new Fort Saskatchewan institution was designed on a campus-style model specifically for the coeducational program. For reasons unknown to the researcher, Bow River Correctional Centre was converted to a Young Offender Centre in 1984 and as of spring 1988 was re-opened as an adult co-correctional facility.

The Northwest Territories has operated, since 1985, a co-correctional adult provincial institution (telephone interview with the Superintendent of the young offenders' secure facility in the Yellowknife). Prior to it becoming co-correctional it housed only male inmates. As an integrated facility, the men always far out-number the women (on any given day there would be about 130 male inmates and only six or eight female inmates). The Superintendent stated that many problems arose because of co-corrections, one of which was that the women did not have the opportunity to participate in programs (he would not reveal what any of the other problems were). Because of this and other problems incurred from the operation of an integrated prison, an inquiry was held into the situation at the Northwest Territories Co-correctional Centre. As a result, from April 1, 1991 provincially sentenced women in the Northwest Territories will serve their sentences in a new female correctional facility.

In addition to Alberta's co-correctional programs, women at P4W in Kingston are integrated with male inmates for certain programs and services. For example, within the last two decades, a small number of women have been permitted to: take university

courses at Collins Bay Institution; learn telidon, a computer program, at Frontenac Institution; and partake in microfilming at Bath Institution. When the women are at these institutions they work side by side with the men. The women are given the opportunity not only to learn a new skill, but also the opportunity to leave P4W and experience different surroundings. However, each day upon her departure from P4W the woman is either frisked or strip searched to ensure that she is not hiding contraband. Upon return to P4W the process is repeated. Therefore a woman pays a high price to learn a new skill or advance her education. Additionally, there are only limited number of places for women in the programs in male insitutions. If the waiting list is long, the men have first opportunity to enrol.

Psychiatric care is also integrated. Women who experience "behavioural problems" are sent to the Regional Treatment Centre which is located within the walls of the Kingston Penitentiary. It has the capacity to hold seven women amongst approximately 140 men. The Centre treats some of Ontario's most serious sex offenders. Given the history of sexual abuse experienced by many of these women - often the reason why they need the treatment - this arrangement shows an extreme lack of concern for the women's well being. Men and women share the Behavioural Unit, with a nursing station separating their living units. Currently treatment itself is segregated, but there is a possibility that it may be integrated in the future. Presently women and men are integrated for occupational and recreational time in the Treatment Centre.

Whereas Alberta is currently the only province in Canada to run 'coed' correctional facilities, in 1974 British Columbia was the first province to attempt to introduce co-corrections. Prince George, B.C., a facility with a male population of about 140, converted one of its living units (26 cells) into a female unit (Proudfoot, 1978:81). Integration of men and women was limited to the tailor shop, laundry and the school. In addition, men and women socialized together for a two hour period in the gymnasium each day and regularly attended church and movies together.

In 1978, the Proudfoot Commission, that studied the incarceration of female offenders in British Columbia, demanded that: "the co-correctional program at Prince George be discontinued immediately," and "no further co-correctional facilities be established elsewhere in British Columbia" (1978:81). To justify their move, the Commission pointed to the lack of sound reasoning behind the implementation of the

program. For example, the facility opened because there had been public pressure in 1972-73 to build a northern institution for women to ease the reported overcrowding at Oakalla correctional facility; and no study had been conducted to determine whether or not the co-correctional model was feasible.

The Commission's conclusions on the effects of integrating men and women in a prison were based on a survey of those exposed to the program. Positive effects included "improvement in personal hygiene, improvement in dress, less use of abusive language...and (a) boost (in) morale" (1978:83). The negative impact included "conflicts and jealousies, sexual frustration, intensified emotional depression, detrimental effects of jail romances on outside life, and inmate-guard romances" (1978:83).

From this brief discussion on the integration of male and female inmates, and more specifically on co-corrections, in Canada, it is evident that the general idea of 'coed' programs/services has been applied in various degrees in Canadian corrections. However, Canadian documentation and official reports concerning the issue are virtually non-existent. In fact, only one relevant official government document entitled A Review of CoCorrections in Alberta and Other Jurisdictions (1982), was found. Analysis of the document revealed that the move to reintegrating men and women in prison was based primarily on pragmatic considerations. While an Alberta government official, claims (telephone interview, 1989) that integrated services were instigated by an Alberta government official's visit to a U.S. 'coed' correctional institution, upon examination of the document it was apparent that Alberta had a specific and pressing reason behind the move.

A key reason for establishing cocorrectional institutions was the better use of prison resources: the high costs of running under-capacity single-sex prisons (usually female) is reduced while overcrowding in other single-sex institutions is alleviated (Alberta Solicitor General Department, 1982:2).

Generally, the document illustrates the apparent need to continue operating 'coed' prisons in Alberta because of the threat of court litigation against the Alberta Correctional Services Division. Insofar as the Alberta government could not provide to the small female inmate population services and programs equal to those offered to male inmates, because of the great per capita cost, the integration of services and programs for men and women in prison was thought to be the only viable alternative. A combination of events prompted the Alberta Solicitor General's department to continue and further develop co-

correctional programs. For example, the precedent set by the 1981 Canadian Human Rights ruling that the federal penitentiary system discriminated against female prisoners by offering women fewer training and "rehabilitative" programs than it offered men; and the Canadian Constitution's clause on equality for women that states

- 15.(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.

Since only one official Canadian document concerning the issue of integrated services/programs was found, two Alberta government officials were contacted by telephone (1989). According to the two Alberta government officials (telephone interviews Fall 1989), prior to implementing cocorrectional programs, Alberta looked for inspiration to the U.S.A. This is hardly surprising since Alberta was experiencing many of the situations that the U.S.A. encountered prior to their implementation of integrated services. For example, the document, "A Review of Cocorrections in Alberta and Other Jurisdictions" revealed that similar to the U.S.A., Alberta (and likely other provinces) feared anticipated court litigation. As well, like the U.S.A.'s proposed Equal Rights Amendment, Canada's Charter of Human Rights and Freedoms further pressured the Alberta government to develop cocorrectional facilities.

It was revealed through the telephone interviews that little systematic planning went into integrating men and women in Alberta prisons. When asked whether or not there was lobbying around the move to imprisoning men and women together, one official stated that there has been no debate.

Indeed public concern and awareness around the practice of putting men and women in the same correctional facility was scant. However, in both official government penitentiary reports and female offender documents the notion of integrated services and/or programs is discussed. Peculiar to this phenomenon is that cocorrections model is often promoted on the basis that it creates a "normal" environment for both men and women, yet it is advocated and/or discussed only in reference to women in prison. The final section of this chapter presents views on integrated services/programs for male and female inmates derived from each of the reports.

Brown, 1848

Although the Brown Commission did not overtly address the notion of women and men participating in prison programs/services together, the Report also did not advocate that the female inmates be moved outside Kingston Penitentiary walls. Instead the Commission recommended that "a suitable building" be erected for the women in order that "reform (could) be attempted with success". Therefore at no point in the document was there a recommendation that men and women prisoners be completely segregated, despite its findings of "disorderly conduct" toward the women by male staff and male prisoners.

Nickle, 1921

This report clearly stated that it did not support the integration of male and female inmates. On the contrary, the document entertained many means to segregate men and women in prison:

- "to cut the women off from the view of the men and likewise the men from the women" in the prison chapel (1921:17);
- "there should be a woman's library distinct and separate from that of the men. Some of the books that arose from the central library are marked in most suggestive ways...Good magazines, such as Needle Craft, Good Housekeeping, Modern Priscilia, Fleishers Knitting and Crocheting Manual, etc. should be provided" (1921:28-29).

The central recommendation of the Nickle report was to move the women's prison away from the male institution. However, the report not only spoke of the necessity to segregate the women from the men, but also the inappropriateness of treating women prisoners in the same manner as men in prison:

By the arrangement at present in force the count...applies to the Female Prison as well as to the Male Prison. The provision has no justification in the wise administration of the Female Prison, none of whose inmates, by the most lofty flight of a vivid imagination,...be considered as likely to take advantage, by way of attempt to escape, of greater liberty privileges, particularly when the smallness of their number establishes easily their identity and presence (1921:27).

### Archambault, 1936

The Archambault Commission clearly indicated in the report that it was against integrating men and women in prison:

There is no justification for the erection and maintenance of a costly penitentiary for women alone, nor is it desirable that they should be confined, either in the same institution as men, or in one central institution far from their place of residence and their friends and relations (1936:148).

### Fauteux, 1956

Concurrent to the appointment of the Fauteux commission, there was discussion of a new "Women's Prison", therefore the report did not comment on the integration of male and female prisoners because of its perceived lack of necessity. Instead, the report urged the federal government to plan for "a more intensified treatment program" in the women's prison.

### Canadian Corrections Association, 1968

Although this Brief did not specifically address the question of shared services/programs, one could assume that the Association was against the notion insofar as the members felt that "prisons for women should not be patterned on male institutions, but rather be planned on the basis of the special needs of women". Thus, the Association stated that women could not be placed in a system that was designed for men, but instead they should be offered a system based on their needs.

### Quimet, 1969

This report neither spoke of integrated prisons nor shared services/programs. It did however, emphasize the differences between men and women who commit crime. The general tone of the chapter on "The Woman Offender", therefore, indicated implicit non-support for integrated services. Yet, while the Commission suggested that the differences between men and women in the criminal justice system, in terms of their numbers, have implications for correctional planning, it supported the notion that the same correctional principles should apply to all offenders.

Report on the National Advisory Committee on the Female Offender, 1977

The issue of co-corrections was addressed in the report under the heading "Combined Facilities for Women and Men" (p. 28). While the Committee illustrated three advantages: increased programs for small populations; normality; and reduced building and administrative costs; it only considered one disadvantage: strong emotional dependencies that could harm existing marriages and promote "lasting criminal associations". The Committee suggested that perhaps such institutional arrangements may be suitable for certain populations, for example, "mentally ill", and some people serving long sentences. However, members of the Committee were hesitant in endorsing the notion of integrated programs/services, before an adequate research evaluation was conducted.

MacGuigan, 1977

Whereas the Sub-Committee did not speak directly of integrated services, it did stress the inappropriateness of operating a women's prison under the same directives as male institutions. The statement, "there is nothing so unequal as the equal treatment of unequals", clearly suggests that the Sub-Committee viewed equality as equity and not sameness, implying that women could not be "fitted" into men's programs/services.

Report of the National Planning Committee on the Female Offender, 1978

The Needham Committee did not discuss the issue of co-corrections. Attached to the report, however, was the "Response of the Ministry of the Solicitor General to the Questions Posed by the Provincial Delegates of the National Planning Committee on the Female Offender". In this appendix, the Ministry addressed the idea of a co-correctional facility:

With regard to the Western facility this would be a small facility, if it were used exclusively for women. There is, however, the possibility that it could be part of, say, a co-correctional facility...(It is also possible, of course, that if any such co-correctional facility proved successful, we would have to readdress this entire question of regionalization, to assess whether we could extend the co-correctional principle to other locations) (1978:Appendix D).

Report of the Joint Committee Studying the Alternatives: The Housing of Federal Female Offenders, 1978

This was the first report to recommend co-correctional institutions as an option to house some federally sentenced women. Two of the five proposed options included co-correctional facilities: Vanier and Co-Correctional Mission; and Prison for Women and Co-Correctional Mission. Foremost, the Committee viewed the Co-Correctional Mission institution as a "provision for Western inmates that would be practical from a cost-benefit point of view" (Report of the Joint Committee, 1978:from memo attached to report).

Upon some of the Committee members visiting facilities in the U.S.A. and gathering information on the American experience, the Committee concluded that a Western co-correctional option would be a pilot project that would meet the geographical needs of some women. Generally the Committee viewed the move as a step towards "normalization" - a move that could be expanded if successful.

Federal Female Offender Program Progress Report, 1978

This document provided the most extensive discussion on co-corrections. However, the discussion was primarily limited to description, rather than analysis. For example, the report stated the various advantages and disadvantages found in the literature as well as the assorted models of the program (discussed more systematically in chapter 2 of the thesis). Unique to the discussion, was the authors' belief that contemporary debate of integrating women and men in prison is "a carry-over of a Victorian attempt to save the women..."

Creating Choices: Report of the Task Force on Federally Sentenced Women, 1990

In this report, co-corrections was discussed as a possible accommodation option for federally sentenced women in Canada. The Task Force members asked the question, "should women prisoners be housed with male prisoners" (Correctional Service Canada, 1990:94)? While considering this issue, among a number of others (for example, how big should the facility be; what type of accommodation would provide a supportive environment; and how can small numbers of women be housed close to home and still have a full range of programs), several design features and critical factors were specified (Appendix 4) and then assessed against six possible accommodation options.

- maintain the Prison for Women and current Exchange of Service Arrangements (i.e., maintain the status quo);
- renovate the Prison for Women and enhance the Exchange of Service Agreements;
- build a new federally operated central facility;
- negotiate new Exchange of Service Agreements with all provinces;
- make existing and new facilities co-correctional;
- create regionally dispersed federally-operated women's facilities.

Much in keeping with the principles of Creating Choices, namely meaningful and responsible choices, empowerment, and shared responsibility, the Task Force members thought it very important to be informed by the women on whether or not they would chose to serve their sentence in an institution with men.

About half the women would like the choice to serve their time in a co-correctional environment so that they would be in a more normal atmosphere and with access to more programs. These individuals usually qualified their interest by expressing a desire for separate living areas. However, others felt equally strongly that a co-correctional facility would not be appropriate particularly for women who had suffered abuse by men (Correctional Service Canada, 1990:57).

The women's views on co-corrections combined with existing research on integrated services and facilities (for example the "Survey of Institutional Programs Available to Federally Sentenced Women" prepared for the Task Force on Federally Sentenced Women" reported that women in women-only prisons appear to have greater access to programs than do women in co-correctional institutions), led the Task Force members to conclude that this type of accommodation was not a viable option for federally sentenced women.

(T)he overwhelming view was that a co-correctional model was not desirable at this time. This decision was based on a number of factors, including the belief that a co-correctional setting would not be as sensitive to the situation of federally sentenced women in terms of their physical and sexual abuse histories. In addition there was serious concern about the likely disparity in the ratio of women to men in co-correctional facilities and the strong probability that the assessment and programming needs of

women would not be met in a relevant manner (Correctional Service Canada, 1990:98).

Unlike other reports on female offenders or the major penitentiary reports that often state that the way to achieve equality of programming/services is through integrating women into existing men's programs, Creating Choices proposes a total separation model (see chapter 3 of the thesis). The following are some examples that demonstrate, both implicitly and explicitly, a call for a different, and separate system for federally sentenced women:

(I)t is immediately apparent that almost all the attention is directed towards men....Understandably, most of the resources and attention of Correctional Service of Canada are directed towards men....(C)urrent correctional strategies are developed within a male orientation with subsequent adjustments or exceptions for federally sentenced women (Correctional Service Canada, 1990:113).

(S)ome members of the Task Force believe that a new plan for federal woman must be managed by a woman Deputy Commissioner in order to ensure the effective integration of the women-centred approach (Correctional Service Canada, 1990:115).

The mandate of this Task Force was to review federal policies about sentenced women as women...Previously, women were mere add-ons to the male system of federal incarceration. In the 1980's, this has been recognized as both unrealistic and paternalistic. Control over women's future, over women's choices, must rest within women's own experience (Correctional Service Canada, 1990:16-17).

## CHAPTER 5

### VIEWS FROM THE INSIDE

Often researchers distance themselves from those who are the subject of the study and who may be affected by the outcome of the work. Fleming (1985:9) poignantly asserts that while including the active participation of those studied may be fraught with ideological and political concerns, it nonetheless allows for a rich process of exchange between the researcher and those affected by policies that may stem from the research. The purpose of this chapter is to include the voice of women prisoners in Canada, a voice that is often silenced or not heard when it does speak.

The method chosen to hear the views and opinions of a sample of women prisoners regarding the issues of co-corrections and shared services between male and female inmates was the group interview. It was requested that no more than ten (10) and no fewer than eight (8) women participate in the exercise. Since the discussion was scheduled to last two (2) hours, a group of more than ten participants would not have allowed each woman to give a good account of her views and opinions. An interview with fewer than eight respondents perhaps would not have given a sufficient range of views. The number of participants who volunteered to take part in the group interview was nine (9).

The method of group interview has some obvious limitations. One interview with a small, non-random sample can not be generalized to the entire population. In addition, one must consider how accurately a group interview can represent the participants' feelings, given a possibility of peer pressure or influence. It seems sufficient, however, as a method of obtaining some spontaneous input from concerned women in prison.<sup>12</sup>

Clearance to conduct the interview with the women was obtained from the Correctional Services of Canada and the warden of P4W. As part of the clearance process letters indicating the purpose and method of the study were given to officials of the Ministry (Appendix 5). Additionally, agreement was made between the researcher and the Ministry of Correctional

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<sup>12</sup> It was not possible to conduct individual interviews since the work of the Task Force on Federally Sentenced Women was proceeding simultaneously with this project. My work with the Task Force did, however, allow me to conduct individual interviews with all anglophone, non-Aboriginal women in P4W and I have included the results of the questions dealing specifically with co-corrections in this chapter.

Service Canada to ensure anonymity of the participants. Standard consent forms designed by the prison, were also used for each respondent. Consent forms emphasized the voluntary nature of the participation and the confidentiality of all personal information disclosed in the interview.

### Interview Process

Data were tape-recorded during a two (2) hour group interview on June 2, 1989. The researcher conducted the interview in P4W. No staff members were present. The nature and purpose of the project was initially described to the group. Respondents were encouraged to ask questions before, during or after the interview about the project or the researcher. This was done to achieve a feeling of sharing of information.

To stimulate spontaneous discussion among the women and to present a neutral position on the issue of integrated services and programs, the terms co-corrections and shared services were defined. The following are the definitions that were read to the women:

A co-correctional institution is one where men and women are housed under a single institutional administration, having one or more program areas in which male and female prisoners are present and in interaction.

Shared services and programs are when female and male prisoners participate together in a training program and/or a treatment service, but remain under separate prison administrations.

The initial discussion of these two models allowed the women to express their views and concerns. Guiding questions were limited to probing the leads provided by women, thereby the imposition of the researcher's views on the participants of the discussion was prevented.

Following the initial discussion, approximately one and one half hours (1.5), among the women and regardless of their position on the notions of co-corrections and shared services, some of the negative and positive aspects of these institutional arrangements found in the literature were highlighted. Providing arguments for and against the aforementioned programs made possible a more focused and structured group interview.

### The Women's Words from the Inside

The women were asked first to address co-corrections. To focus the interview, participants were requested to express any opinions or concerns they had in regards to co-corrections, and what positive or negative aspects they felt might characterize such an institutional arrangement.

The quotations in the remainder of this chapter are unedited and represent all expressed opinions concerning a particular aspect of the problem.

"They (CSC) could no longer use the term cost effective when it comes to bringing in programs into P4W if we had an integrated institution. Certainly they would fill it with enough males to make it cost effective."

"There is absolutely nothing non-traditional in P4W that women can become involved in. If you want to push a broom for the rest of your life that is fine. If we had the programs and services here that are available to men, maybe the recidivist rate would not be as high as it is."

"I've been in a coed institution back home. Many women can not be around men. Why can't they (CSC) get programs in here? Too much conflict between men and women, especially with lesbian women. Coed caused more tension, caused fights between the women against each other. Why can't they get mechanics in this institution?"

"One of the positive things I can see that a co-correctional institution is, that ideally what CSC is trying to revive is as normal a lifestyle as possible while keeping offenders away from society. Now it is not very normal to take 120 women and lock them up in an institution for years without any other interaction. People lose the ability in here to interact with men, especially someone doing a long period of time."

"Opposed to having absolutely nothing in here, I can see the positive side to co-corrections."

"I have a 25 year/life sentence and I have no intention of turning gay. I would like to see some men. I don't think I should be forced to marry someone to see a man."

"What co-corrections would do is turn women against their friends - against other women. I've seen this happen with women that go out of the institution. This would be widespread if you had co-corrections."

"Co-corrections at...started off with men and women going to church together. Just that couple of times about five girls got pregnant and a whole bunch got shanked."

"I think co-corrections should be there for people who want it and when I consider responsible management of that type of program, I think it has to have an open minded attitude toward establishing sexual relationships in a responsible manner. Otherwise, you are denying human nature and you end up with terrible situations."

"For some women it is the first time they have felt safe - in here. They have been beaten and battered and taken all kinds of shit from men. But it is a coed world and eventually women will leave and have to deal with these issues. She's going to have to make choices because eventually she'll have to be in the world and deal with men at some level."

"We have never had in the 54 years of P4W's history any type of medium or minimum security institution that women can have as an incentive to work towards. Definitely if there was a coed institution built, there would be that option that is available to men. This would open a lot of doors for women in Canada."

"I can see both sides of co-corrections. I agree that there can be problems with co-corrections. I also agree that you need exposure to both sexes. I do feel that it should be a choice. I also feel that it should be an almost automatic thing, like the time a person reaches a low medium or minimum security level that they are integrated in a work program with men or into a co-correctional facility with men. By the time they reach parole dates they are integrated back into a normal society."

"When we are living here (P4W) it is a society onto itself. It is separate and unique because we are a mixture of women brought from all over Canada and thrown into one place, so we develop a society that is far different from anything you would see in normal environment. We need to be integrated as much as possible into the male/female normal society before we are returned to public population so that we can live a normal life when we get out."

"A lot of our problems here stem from men. How can you deal with your problems if you don't try again. I don't want to be emotionally raped again."

"I don't want to be with men. The next thing you know, they'll (CSC) be sending us a bunch of rapists in here."

"I had the option to go to the Fort Saskatchewan, but I don't want to be in a coed joint. There is a lot of bull shit that goes on - beefs and that sort of thing."

Following the participants discussion of co-corrections, they were asked to express any opinions or concerns they had regarding shared services.

"We go through a great deal of manipulation by the institution. If you don't accept any amount of control that they chose to put on you to go to your work, you don't go. No man has to be strip searched to go to his job. Here, this is quite common, they can demand this and women live under these threats. You are under a lot of pressure if you want to go."

"People doing 25/life can't leave the building for five years. What do you want me to do for five years? I don't think that it is fair that I have to wait five years to get into a vocational program to learn something. Men at Millhaven sure as hell don't wait five years."

"Shared services are O.K., because they (CSC) don't offer the programs here."

"I worked for fourteen months at Bath Institution in the microfilm department. When I first went there I was very intimidated. I had been locked up for ten years in this institution. I was very intimidated by the male population. Men as a general rule are very

chauvinistic and I was not equipped at the onset of going there to deal with the chauvinistic remarks and comments. I learned to adapt."

"Because they are the only men available, the women are going to fall for those men. Probably out on the street they would not have been attracted to that type of man. All your (correctional officials) doing, I think, is forming liaisons which could be very dangerous."

"If you just go for X-rays, there are guys there who say lift your shirt, because they haven't seen it (a breast) for so long. What is it going to be like if men come here to work?"

"I was at Bath Institution for two weeks and some guy invited me into the dark room."

"All the guys over there (in male institutions) think that all we want is sex."

"You are turning women against women and it has already happened with those that have gone out when there has been great jealousies developed."

"I wouldn't want to be transferred to a coed prison. My family comes here to visit. I can see a lot of advantages to some integration. You learn to adapt and you learn to deal with these people (men). You learn to set down specific perimeters."

"Even drag queens (female impersonator) have problems in joints, imagine a woman in a man's joint. Rapes happen."

"As far as the programming goes, I'm in favour of more programming. Who isn't in favour of more programming? However at Collins Bay right now there are 80 men who are unemployed. Now if you add women to that! If the program was in P4W, I'd stay here."

"I'm gay and I have a woman that is bisexual. Now if you bring guys over here, we'd have marriage problems. Imagine what kind of guys they'd bring over here - P.C.s. We'd be used as guinea pigs."

"Women are subject to a lot of regulations that make it a very difficult choice. How much are you going to impose on yourself in the way of being strip searched. It is really degrading. It is an ordeal to go to work having that threat."

In the succeeding segment of the interview, the arguments in support of and against the two models of corrections found in the literature were presented. Participants were asked to comment on each of the arguments. The following represent typical arguments in favour of co-corrections and shared services.

- 1) Women have more access to both programs and services.
  - All participants agreed.

- 2) Women have access to non-traditional training programs such as mechanics and welding.
  - All participants agreed.
- 3) Men benefit from both types of programs because women have a calming effect on men.
  - Views concerning this claim were mixed. Some of the women agreed stating, "men and women conform to society's male and female stereotypical roles". Others believed that the men would behave around the women, but away from the women, their violence would possibly escalate because of jealousies.
- 4) It would be cheaper for the government to have such institutional arrangements because services and programs would not be duplicated.
  - While the women recognized that both co-corrections and shared services were less costly, they considered this argument to be more of an excuse for the government not to develop programs in women's prisons. One woman stated, "saving can only be viewed as marginal because women still need some services that are not required by men and men need services that aren't required by women."

Subsequently, specific arguments in support of co-corrections were presented. Again the participants were requested to comment on each argument.

- 1) Co-corrections helps a prisoner re-integrate more easily into society because it creates a more normal atmosphere.
  - "Men in prison are not normal and in fact the arrangement may be detrimental."
  - "Prison is abnormal and could never be normal."
  - "It would help women interact with men on a day to day basis."
  - One woman felt that a tier system (minimum, medium, and maximum security) would offer a more normal atmosphere stating, "if we had a tier system I'd opt for minimum security where the atmosphere is far more normal."
- 2) Co-corrections decreases homosexual and lesbian relationships.
  - "If a woman is gay she will be gay. If a man is gay he will be gay. But you won't get jailhouse gays."
  - "I doubt if it would decrease homosexual and lesbian relationships, but instead increase relationships in a general way."
- 3) A co-correctional prison is the best place to rehabilitate sex offenders because they could learn to interact with women.

- All participants shouted NO!
- "We're here to be punished but not that severely."

Finally, several arguments against both co-corrections and shared services were debated.

- 1) Under these schemes, there are no programs nor services that are specifically designed for women, but instead programs are tailored for the larger male inmate population.
  - "What does a woman need when she's going to work that's any different from the men? Why are we so special? A job is a job, whether you are a male or a female. Here (P4W) all we get are the traditional trades - dressmaking, hairdressing."
- 2) Any separate programs for women, such as, separate institutions would be destroyed.
  - "We don't have anything! They can't destroy anything we don't have."
  - "Because of social realities that ninety percent of the women in here have been battered, raped and victims of incest, women have to have an option of going to a sanctuary. It has to be looked at if women are integrated at some point or have the opportunity to integrate, that they are in an incredible minority situation and they have to be protected as a minority group with a clear chain of grievances."
- 3) Women do not get more programs or services because the men take over all of the programs.
  - "There are 80 people waiting for jobs in Collins Bay and are all men. They won't be too keen if a woman from here is sent over to take what they feel is their job."
  - "We should be guaranteed X number of seats for women."
  - "There has to be a great deal of sensitivity that these women have to receive a certain amount of protection. I think that each institution has to be very responsible, not in a coercive fashion, but in a supportive fashion, of helping women to access programs on a responsible basis - or the women will suffer."
  - "No, the women that are determined to take advantage of a certain kind of training because they really want it, go for it. What may dissuade them may be peer pressure from other women as well as men."
- 4) Women are harassed and sexually exploited.
  - All participants agreed, some speaking from personal experience.
- 5) Women are subject to more control because of their typically small numbers and may be denied access to programs if there is insufficient staff to monitor male/female interaction.

- Generally all of the participants agreed that they would be subject to more control than the men because of their small numbers, but added the following comments:
  - "We are denied programs anyway. Our programs are so few and far between I don't think too many of us would be crying if we were told we couldn't go if there was no matron."
  - "This happens now with the program at Bath Institution. If the matron can't go, the driver won't even take us. We lose our pay too."
- 6) Double standards exist in a co-correctional prison. Women are disciplined more for sexual relations than are men.
- In relation to the no touch policies that co-correctional institutions adopt in the United States that lead to strict control, one woman added, "how to deal with male/female relationships responsibly should be a priority. Not to pretend that they are not going to exist or try to legislate against them. Co-corrections would just blow up and it would be another experiment due to failure without acknowledging that and leaving scope for development."
  - "This has happened in the Bath program. A woman was told that she could no longer attend the program because she was supposedly having relations with one of the men."

After all the participants had the opportunity to discuss their opinions and concerns about both co-corrections and shared services, as well as to debate the institutional arrangements, they were asked if they supported or opposed integrated services and programs and what was/were their main reason(s) for their decision. Three of the nine women clearly supported co-corrections stating that women would have more access to programming and the opportunity to integrate with men. Two of the participants would not chose to be involved in integrated services, but felt that it should be an option for those who do want it. Finally four of the women in the group were opposed to co-corrections, stating mainly that they did not see such an institutional arrangement as healthy, because a great deal of conflict between men and women would exist. In addition, those opposed felt that because of the abuse many women in conflict with the law have endured from the men in their lives, integrated services would not help a woman heal.

In addition to the group interview, opinions from all incarcerated federally sentenced women in Canada were sought through the work of the Task Force on Federally Sentenced Women for which I was a researcher. During the first phase of the research, conducted between July and November 1989, eighty four percent of the federal female prison population was interviewed to determine their views on the experience of imprisonment, their need for programs and services,

and their opinion on where and under what conditions they might prefer to serve their sentences.

It was during this final phase of the interview that each woman was asked:

What about being in an institution with men, have you ever spent time in a co-correctional prison?

Where was this.....

Forty two women (approximately 25 percent) of the 170 women interviewed had lived in a co-correctional prison, either in Canada or the United States.

How much involvement was there with the men?

Responses to this question varied somewhat, from very little integration to full integration with the exception of living units.

Would you like to be in a co-correctional prison if you had the choice?

If yes, under what conditions

If no, why.....

Forty eight percent of the population interviewed said that they would choose to be in a co-correctional prison. Generally the women all agreed that there would have to be separate living quarters for the women and the men. All other activities would be integrated, for example, canteen, recreation, and work programs. Reasons in favour of co-corrections varied. The following are some examples that the women gave:

- More normal atmosphere.
- Get along better with men.
- Access to the wider range of programs available in men's prisons.

Seventy one (or 42 percent) of the women would choose not to stay in a co-correctional prison and were generally adamant about their position. The following are some of the reasons that the women gave:

- Women get charged for contact with the men.
- Rapists in male population.
- There would be more security.
- Men are crude and have bad attitudes towards women.
- Programs are designed for men.

Seventeen (or 10 percent) of the women who participated in the study had no opinion regarding the issue or did not respond to the question.

While there were nearly as many women who would choose to enter a co-correctional program as those who would not, the results of the study may have been somewhat different if the order of the questions were altered. For example, co-corrections were the first alternative form of imprisonment mentioned to the women and therefore may have influenced the results. Later in the interview each woman was presented a list of eight options which included co-corrections. When the women considered the other alternatives, 82 (or 48 percent) of the 170 women choose a "small community residence for women close to home." Only 43 women, or approximately 25 percent, opted for a co-correctional arrangement - far less than the nearly fifty percent that chose integrated prisons in response to the earlier question regarding co-corrections.

Overall, views of women prisoners themselves regarding both co-corrections and shared services are mixed, but common for supporters and non-supporters is the degree of firmness with which they hold their opinions. While supporters feel strongly that co-corrections would provide a more normal atmosphere and want the interaction with men, non-supporters are quite firm in their stand arguing that it would add to tension and jealousies, stating that prison is an abnormal environment and in no way could ever be considered normal.

Asking the women who participated in each study to voice their opinions about co-corrections and shared services helped in gaining an indication of what is important to them. Most of the women generally feel that the type of institution a woman serves her time in should be her choice. The interviews with the women divulge how desperate they are to be treated justly and not to suffer discrimination, and a majority of them are in despair over the lack of programs and services. It is not surprising that many women, conscious of the economies of scale formula used by the government in deciding whether or not a program is justified, chose co-corrections or shared services simply to acquire access to the programming that may lead them to gainful employment once released.

## CHAPTER 6

### DISCUSSION

This study attempted to outline and explore the political discourse on women in Canadian prisons and the issue of co-corrections. Through an initial inquiry into the United States' experience, a tentative framework was developed from which a substantive theory could be derived. It was assumed that these rather descriptive generalizations may be eventually altered and a new framework formulated based on the study of the Canadian reality. Essentially, this final chapter will develop a substantive theory on the political discourse of women in prison and co-corrections in Canada.

In light of the analysis of the Canadian documents, debates, and the interview with women in prison, the provisional generalizations remain largely unaltered. What follows is a discussion of the generalizations, taking into account the differences between the United States' experience and the Canadian reality. Specifically, the disparity in the dynamics of the women's movement and the different national legal traditions will be addressed.

#### *Provisional Generalizations*

- (1) Women prisoners in North America have been systematically neglected.
- (2) Change and continuity in the treatment and care of women prisoners are a result of economic pragmatism and stereotypical ideas.
- (3) The issue of female prisoners has been repeatedly neutralised as a political issue.
- (4) Few visible interest groups have spoken on behalf of women prisoners.

It was clearly evident that until the mid to late 1980s, incarcerated women in Canada have been ignored. It was found that major penitentiary reports hardly paid heed to the issue of women's incarceration, some dismissing it as a correctional issue. The government, however, by addressing the issue through some of the official reports and special committees on female prisoners, has projected the image that the concerns of

women in prison have been addressed and presumably rectified. Proposed solutions have often remained discriminatory. Economies-of-scale, as well as gender-typed ideas have been used to justify change or continuity in their treatment. For example, the report on co-corrections revealed that when government bodies have been pressured or threatened by court litigation to ensure that women behind Canadian prison bars are guaranteed equity with their male counterparts, the response has been a co-correctional or an integrated program. Upon careful analysis, it has become abundantly clear that such programs and changes in corrections work for the benefit of the government or the larger male inmate population. The interview with the nine women in P4W clearly revealed that they perceive co-correctional programs as an inexpensive way for the government to provide them with programs.

The above findings beg the questions of, why women prisoners have been neglected and rarely considered a political issue; why were co-corrections introduced on a large scale in the United States and why did Canada not follow; and why was it possible to finally put the issue of women prisoners on the Canadian political agenda? In order to respond to and discuss these questions, and particularly the questions dealing with co-corrections, I will rely primarily, but not exclusively, on Cohen's ideology and organization models (Cohen, 1985:92-101).

Many feminists assert that the government's inaction and its discrimination against female inmates is a function of patriarchal capitalism (Mayhew, 1988; and Berzins and Cooper, 1982). "The gross inequities facing women incarcerated by the Correctional System of Canada are too extreme to be explained by mere bureaucratic oversight" (Mayhew, 1988:15). As stated in Chapter 3, the issue of women in prison is a woman's issue. Women in general society are not afforded the same political, economic, or social opportunities as are men in society. Women in prison are even more so disadvantaged by the added burden of imprisonment and their marginalization within the correctional system.

One explanation of female offenders' neglect is that they are not seen as a threatening population because of their small number and generally non-violent behaviour. Cost benefit analysis is based on the larger male inmate population. To provide a small number of female prisoners with programs and services, therefore, is not considered economical. Indeed, Canadian women - just like American women - have payed a high

price for committing crime in small numbers. They have been perceived as a non-threatening, easily confined and controlled appendage to the primary clients of the system - men.

Focusing more on a broader sociological explanation, women in prison have not been perceived as potential workers. Instead, female inmates have been conceptualized more as mothers than providers. This has been quite apparent by the type of programs women have received in correctional institutions, compared to those received by men. Furthermore, women's future employment has not traditionally been perceived as an issue of concern. Their financial well-being often has been controlled by the state, for example, through welfare and family services.

One can further argue that women prisoners' neglect is mostly the consequence of a male system that has been designed and managed by men with the male inmate population in mind. Not surprisingly, therefore, official concern is with the larger body of male institutions.

While the neglectful situation of women in Canadian prisons is similar to that of American women prisoners, Canada never adopted the co-correctional model to the extent that the United States did. I turn now to explain why co-corrections were introduced in the United States and why Canada did not follow.

As discussed in Chapter 2, co-corrections in the United States began in the early 1970s, and by the mid 1970s over twenty co-correctional prisons were operating. Just prior to the development of co-correctional institutions, the second wave of feminism began in the United States. Within the "new" women's movement, the central focus was on equality. During the early stage of the women's movement, in the late 1960s and early 1970s, the notion of equality implied sameness. Identical programs for women and men in prison were, therefore, seen to be a measure of women's success in achieving equality with their male counterparts.

The co-correctional model also coincided with the ideology of the "experts" in the field of corrections. Their idea of creating a 'normal' prison atmosphere justified and rationalized the move to integrated correctional institutions for male and female prisoners. But as Cohen warns, it is wise to assume that

(s)tated intentions...conceal the real interests and motives behind the system. They constitute a facade to make acceptable power, domination

or class interests which, in turn, are the product of particular politico-economic imperatives (Cohen, 1985:22).

This was the case of co-corrections in the United States as officials meant for co-corrections to provide both female and male inmates the opportunity to benefit from more programs and services and to interact in a heterosexual environment. Co-corrections, however, did not alter the underlying structural patterns - women continued to be a minority whose interests were secondary to the concerns with the management of male inmates. For example, on the one hand women were expected to have a beneficial, calming, effect upon violence-prone men, while on the other hand they were subject to greater surveillance and held responsible for the heterosexual relationships which inevitably developed. One could argue that from its early inception, the co-correctional model was subordinated to managerial, administrative and system imperatives (see Cohen, 1985:92). In an attempt to avoid litigation, create a cheaper correctional system; and overcome the threat of disorder and unmanageability inherent in prisons, the co-correctional program was implemented in a way which Cohen might describe as "clumsy, thoughtless, and over-eager" (Cohen, 1985:93). What may have begun, therefore, as a well intended idea, ended in organizational failure.

Canada did not follow the United States in implementing co-correctional programs; Alberta being the only Canadian province to operate integrated correctional institutions. As stated in Chapter 4, co-corrections began in Alberta in the late 1970s. Similar to the United States, the notion of integrated services came after Canada's second wave of feminism. Unlike the United States, however, Canada's second wave of feminism only began in the early to mid 1970s and coincided with a new stage in the international women's movement. Unlike earlier feminists who spoke of simple equality, the 1970s brought a new philosophy that advocated equity. Feminists called for a more autonomous system whereby women's specificity and long-standing structural disadvantage - brought about by the sex/gender system - would be recognized and addressed. Many women argued that women should not be simply integrated into a man's world on men's terms. Consequently, they relinquished any notion of a co-correctional model.

The notion of "normalcy", became problematic. What exactly was the experts' hidden agenda in trying to create a 'normal' prison environment? If correctional experts were indeed trying to create an atmosphere reflective of the 'real world', co-correctional

institutions would be patriarchal, exploitative of women, and geared to reinforce traditional gender roles. The idea of a 'normal' prison environment, therefore, did not fit a feminist program.

Furthermore, with the birth of Canada's new women's movement came the revelation of the prevalence of the abuse and victimization of women. A secret well kept for centuries was now a priority for many experts in the field of victimology and women's studies. Shelters for battered women and rape/incest crisis centres began to spring up across the country. With the knowledge of the pervasiveness of male violence against women, therefore, the notion of creating a normal prison atmosphere that relied on the integration of male and female inmates was perceived by many as ludicrous.

Another possible reason why Canada did not implement co-corrections as did the United States, was the timing of the enactment of Canada's Charter of Human Rights and Freedoms. While the proposed Equal Rights Amendment in the United States came about in the early to mid 1970s, the Canadian Charter of Human Rights and Freedoms was only passed in 1984. Responsible Canadian government bodies, therefore, were not under the same pressure as government officials in the United States to ensure formal equality of treatment, services and programs for female inmates.

Canada, having heard the rhetoric used to implement co-corrections on a large-scale in the United States and having witnessed the American movement away from integrated prisons back to segregated correctional facilities, did not follow its American neighbours. Perhaps the most decisive factor was that lessons learned from the United States experience, allowed Canadian officials to see that, in fact, co-corrections were not better correctional facilities. For example, integrated institutions were not less expensive to run because of the increased number of staff needed to supervise inmates. Problems of manageability were not only not rectified but often magnified because of added tension and many sexual scandals. Finally, co-corrections did not prevent litigation. Because of Canada's geographical spread, the small female population is dispersed across the country. In Canada, women in a co-correctional prison would always be a minority and as such they would be discriminated against, overcontrolled, and subjected to harassment by male inmates.

In the late 1980s and 1990 the issue of incarcerated women finally become part of the Canadian political agenda. After a history of neglect, and a multitude of misguided or

ignored reports, the 1990 report by the Task Force on Federally Sentenced Women, that attempted to arrive at informed policy choices, received an instant and resolute political recognition. How could this shift from a "non-issue" to a "hot issue" be explained? Not one, but many factors have influenced the move towards action in the area of women and corrections. These factors include individual initiatives and broad socio-political change.

Growing numbers of individuals have become personally committed to ensuring the well-being of women behind bars. First of all, the new Commissioner of Corrections, appointed in 1988, personally pledged his commitment to address the needs of women in prison. Secondly, the Executive Director of the Canadian Association of Elizabeth Fry Societies fought hard to ensure that as representatives of women in conflict with the law, they would have equal decision making power to that of the government in deciding the plight of incarcerated women. Additionally, "(r)epresentatives of women's groups and others who share their beliefs, (recognized) that such issues as poverty, wife battering, and sexual abuse are centrally linked to women's crime" (Task force Report, 1990:81), and began to advocate on behalf of women in prison. Unlike the earlier history in which few women's groups spoke on behalf of female inmates, fearing that this would undercut their legitimacy, during the 1980s an increasing number of women's groups became involved in the political discourse concerning women in prison as a feminist issue. Common problems shared by women on both sides of prison walls, but magnified by penal intervention, were emphasized. Consequently, the growing voice of women's groups speaking on behalf of, or jointly with women in conflict with the law; increased knowledge of the links between women's victimization and social marginalization to women's crime; and growing public credibility of women's issues in general, created a climate in which feminist analysis of women's corrections became acceptable.

The 1980s also was a time when major changes in the general discourse on the criminal justice system took place. Both the Marshall Inquiry and the Manitoba Native Justice Inquiry revealed the injustices suffered by Aboriginal people in Canada. Aboriginal people have now demanded more control over the justice system's treatment of their people. In response to Aboriginal demands, the Task Force on Federally Sentenced Women incorporated Aboriginal members and was strongly influenced and informed by concerns of Aboriginal women.

Several Charter challenges have been laid by both individual women prisoners and organizations representing women in prison against the Solicitor General of Canada. These Charter challenges have emphasized the injustice and discrimination suffered by women behind Canadian bars and have called for immediate action by the responsible government bodies. A declining Canadian economy could not cushion the blow of several Charter challenges. As fiscal pressures on the state have intensified with the downturn of the economy in 1990, alternative correctional models for dealing with federally sentenced women have attracted an increased attention from criminal justice planners and policy makers hoping for money-saving formulas (see Scull, 1977:135).

Moreover, as a result of various pressures, the Correctional Service of Canada adopted, in the late 1980s, a Mission Statement that promised to ensure that the needs of women in federal Canadian prisons were met. Under the current conditions of imprisonment of federally sentenced women (for example one centrally located federal prison) such an objective would be impossible. Immediate change, therefore, appears politically necessary.

It has become apparent with the changing socio-political climate that the current male system does not reflect the values and realities of today. One could, therefore, argue that "strong counter-ideology of feminism, the right combination of pressure group politics with self-interest, the relative absence of bureaucratic counter-interests" (Cohen, 1985:255-256), and the willingness of top bureaucrats to listen have not only moved the issue of women's imprisonment onto the political agenda, but have also guaranteed action.

Despite the proposed and politically endorsed changes in women's corrections in Canada, many problems may still lie ahead. As previously stated in Chapter 3, the rhetoric in the recent Task Force on Federally Sentenced Women's report is quite different from any other government commissioned report on female offenders in the history of women's imprisonment in Canada. The rhetoric used to call for "fundamental change" to the correctional system of Canada may, in fact, be used to justify the creation of new oppressive structures, and in several ways contradicts - actually or potentially - feminist ideology. For example, is it consistent with feminist ideology to isolate and incarcerate certain individual women, especially those women who have been the most victimized in male society? Indeed, the notion of a separate correctional system for women would

guarantee their administrative autonomy, but it could also legitimize inequality. To pursue a separate correctional system for women may be detrimental to female prisoners. If the need for a correctional system can be legitimately defended, the goal should be a system that has the ability to encompass within its framework an understanding of both men and women in prison and to respond equally to their needs and interests. Perhaps the philosophy of the newly proposed system that is based on empowerment, meaningful and responsible choices, respect and dignity, supportive environment, and shared responsibility will be capable of ensuring more equitable conditions for women. But it is a philosophy which openly conflicts with the underlying, fundamental principles of the prison system itself. Can this conflict be resolved in favour of the former?

The report of the Task Force on Federally Sentenced Women makes strong recommendations for increased and enhanced healing processes for women in prison. These may be easily translated in the course of implementation into therapy/treatment programs. The idea of therapy stands in contradiction to feminist ideology. While the idea of supporting and empowering women is ideologically consistent, the experience of therapy is based on oppression and authoritarian role division.

In relation to the government, an obvious paradox exists, whereby the central correctional system appears to support a move to delegate some of its power to newly created semi-autonomous bodies. Similar to the creation of diversion programs in juvenile justice (Cohen, 1985:93), new structures for women in prison could be equally oppressive as the current system. And since their oppressive features would be better disguised, they might be even more difficult to challenge. Within months of its release, the government has begun the implementation of the Task Force Report. Speeches from the Commissioner of Corrections and the Solicitor General of Canada have revealed strong commitment on the part of the government to ensure that the proposed plan is implemented within the recommended four year's period. Concern lies, however, with the integrity of the plan in the course of implementation.

The well intentioned plans of reformers are systematically transformed by the obdurate nature of social reality. The real block lies at the organizational level. When reforms reach the existing system, they confront a series of powerful managerial, administrative and organizational imperatives. The reform impulse is resisted and blocked or it is welcomed, only to be absorbed and co-opted and in the process completely transformed, even in directions diametrically opposed to the original vision.

Organizational dynamics, both internal and external to the system, can distort the vision. For example, the Task Force Report calls for a radically different type of prison guard. Unlike traditional correctional officers, the new guards will be more reflective of support workers. Currently there are many unionized guards employed at P4W who belong to the old school of prison duty and may be resistant to change. Externally, the failing economy or political will may dictate what parts of the plan the government can afford or choose to implement and which ones will be transplanted from the old model or substituted with cheaper alternatives.

Similar to the co-correctional program, the newly proposed vision of change for women in prison may be altered to suit the various currents of the organizational dynamics inherent in the criminal justice system, or else, unresolved ideological contradictions may only create illusory change - a dangerous facade. Women's groups and others who are concerned with the plight of women in prison in Canada must now carefully monitor the government's action, question its "internal messages and speculate on how they are used" (Cohen, 1985:101).

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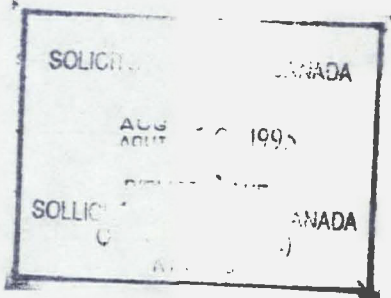
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