



**COUNCIL of  
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To: Tim Millard, Chair  
Task Force on the Reform of Correctional Services in Ontario  
c/o Ministry of Public Safety and Security  
25 Grosvenor St., 11<sup>th</sup> Floor  
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From: Council of Elizabeth Fry Societies of Ontario

Date: December 2, 2002

The Council of Elizabeth Fry Societies of Ontario is a not-for-profit organization first organized in 1952 and today comprised of nine autonomous Elizabeth Fry Societies (see Appendix A) and overseen by a voluntary board of directors (see Appendix B). We were pleased to have been given the opportunity to address the Task Force in person, on October 18<sup>th</sup>. This written submission augments the oral presentation and provides additional background information on women and girls in the Ontario correctional system.

As with men, the majority of women under supervision in the correctional system are serving their sentences in the community, on probation or on conditional release. In distinct contrast to men, however, women are rarely convicted of offences involving violence (see Appendix C for a statistical profile of adult women and Appendix D for a profile of Phase II young offenders). Their offence profile as a group reflects the issues that tend to bring them into conflict with the law: substance abuse problems, health and mental health challenges, and economic marginalization. The latter has its roots in low educational achievement, poor vocational skills, and substance abuse which are typically traced to physical and sexually abuse in childhood and adolescence. The majority of abused and neglected children will grow up to lead law-abiding lives. However, the vast majority of women in the correctional system have experienced childhood abuse and neglect that compromises their health and their ability to develop normally in a nurturing family, complete school, develop and maintain support networks, live at home until adulthood, and enter into non-abusive and non-exploitive relationships. In contrast, they can develop coping strategies associated with escape and survival that can take the form of or lead to criminal behaviour.

FAMILY OF ORIGIN	POTENTIAL CONSEQUENCES	IMPLICATIONS
<ul style="list-style-type: none"> <li>* sexual and/or physical abuse</li> <li>* emotional and/or physical neglect</li> <li>* exposure to family violence</li> <li>* parental alcohol and/or substance abuse</li> <li>* absence of parent(s) because of incarceration</li> <li>* exposure to anti-social values</li> </ul>	<ul style="list-style-type: none"> <li>* health and mental health problems</li> <li>* early home leaving</li> <li>* early child bearing</li> <li>* early school leaving</li> <li>* homelessness</li> <li>* involvement with abusive and/or exploitative partners</li> <li>* low employability and poor job record</li> <li>* alcohol and drug problems</li> </ul>	<ul style="list-style-type: none"> <li>* survival crime</li> <li>* exploitation by others in the form of sex trade involvement, drug sales and economic crime such as shop theft</li> <li>* serial incarceration destabilizing social supports, employment and housing</li> <li>* correctional interventions not designed to address women's needs</li> </ul>

The key issues we wish to bring to the attention of the Task Force are associated with the need for viable alternatives to incarceration, the conditions of confinement in Ontario facilities today, and the importance of release and reintegration.

### **The Need for Alternatives to Incarceration**

Imprisonment is expensive for tax payers and destructive for most people who live there. It should be used only when an individual is a danger to others or when the severity of the offence dictates that imprisonment is required. These points are salient here:

- women rarely constitute a risk to the community
- women are usually custodial parents of young children
- current “risk assessments” are not designed for women and over-classify and over-predict the “risk” they pose
- current “need assessments” are not designed for women and ignore need areas such as victimization history and homelessness
- incarceration is often used for enforcement of probation conditions, fine default, and other offences against the administration of justice

In consequence, institutional programs do not address the needs of women associated with their criminal behaviour; incarceration destabilizes their sometimes fragile connection to support networks,

employment and housing; and, incarceration unfairly impacts children, who are the invisible victims. These children, who are being raised in compromised family systems, are at elevated risk for the factors that brought their mothers into conflict with the law.

In a research study that CEFSSO member agencies are conducting in collaboration with the Centre for Children and Families in the Justice System, one third of incarcerated women told us they had spent a portion of their childhood separated from a mother or father because of parental incarceration. Among the children of these women who are 12 years of age or older, one third have already spent some time in youth custody.

Alternatives to incarceration should be funded at a similar level to the institutional programs side of corrections. The tragic death of Kimberly Rogers has highlighted the fact that conditional sentences as an alternative to incarceration can mean people receive less in the way of intervention than they would if imprisoned. If all the resources are concentrated in prisons, who can blame judges for sending people there to get help? But getting help is not the purpose of imprisonment. An effective community-based infrastructure of programs should be assembled, if prevention of recidivism is truly the goal of corrections.

### **Protecting Whom at What Cost?**

Equally cogent an argument is the tremendous costs of institutionalizing women when there is no empirical evidence that they are being helped or the public is being protected. Cost-benefit analysis is an increasingly common means of assessing the relative ability of correctional programs to reduce crime (see for example Washington State Institute for Public Policy, 2001).

Some interesting data come from a recent study of high-risk young offenders in four Ontario communities (Cunningham, 2002). Over 400 youths (26% of whom were female) and their families participated in the study. Half received an intensive intervention called multisystemic therapy (MST) and half received the usual services available in their communities, mostly probation. After three years, about 80% had been convicted of a new offence suggesting that none of the interventions was effective in reducing crime.

During the follow-up, however, there have been clear differences between the processing of males and females where administrative offences were concerned. “Administrative offences” is a category mostly made up of breach of probation but it can also include failure to appear in court and being unlawfully at large. The distinction is important because no victim is harmed in these offences and this charge can be laid for non-criminal behaviours such as breaching curfew and failing to attend school.

Eleven percent of the females have so far been convicted only of an administrative offence only (i.e., no

criminal charge), compared with 4.7% of the males. Looking at the sample as a whole, 13% of girls and 12% of boys have been sentenced to custody solely for an administrative offence. However, girls received longer sentences on average, for both open (96 vs 70 days) and secure custody (78 vs 41 days) for a total of 96 versus 63days. In other words, females spent on average 50% longer in custody for administrative offences than males. This supports anecdotal observation that girls tend to be in custody for technical violations rather than criminal offences.

Put another way, one in ten of the females have been convicted only of an administrative offence in the follow-up. While they were sentenced to custody for administrative offences at an equal rate, the females spent 50% longer in sentenced custody compared with the males solely for administrative offences. Even though they had lower number of convictions overall, girls had higher mean convictions for administrative offences. They also tended to be convicted earlier and sentenced to custody sooner.

Why is this happening? While no definitive answer is available, two reasons are plausible. The first is that females are treated in a more punitive way compared with males even though they are less likely to engage in behaviours that place the public at risk. A more likely explanation is that custody sentences are being used as a residential placement when girls have no safe home or other place to live. Indeed, the MST intervention, in which the youth has an effective advocate in the form of an MST therapist, was followed by lower rates of custody sentences for girls compared with the usual services. This is true despite the fact the MST women had higher numbers of conviction. The therapists were able to advocate for and find alternative placements for the girls so they did not “need” the custody sentence.

One of the ten recommendations that followed from the study findings was this. The provincial government should audit the use of custody placements for adolescent women to ensure custody is not being used in place of more appropriate residential placements such as group homes, shelters, extended families or residential treatment facilities.

In the MST study, 14 young women have so far spent 867 days in open custody and 389 days in secure custody solely for administration of justice offences. In other words, they committed no crime. Assuming a per diem of \$255 for open and \$345 for secure, the cost (so far) has been \$355,000. More appropriate placements would likely cost less for the tax payer as well as provide more help for the young women themselves.

## **Conditions of Confinement**

The average person on the street cares little if at all about the conditions experienced by prison inmates. However, they should care. Virtually every person now incarcerated in Ontario will be released to live among us. While it may be expecting too much to hope that prison *per se* can deter or help people to

stay crime free, it is in all our interests that imprisonment creates as little damage as possible to people who are already behind society's eight ball.

When female correctional clients are concerned, we have these concerns about the conditions they experience in the provincial system:

1. Need for gender-specificity in program design and delivery
2. Incarceration of the mentally ill (and lack of appropriate treatment in custody settings)
3. Overcrowding, especially in detention environments
4. Disproportionate confinement of minorities
5. Centralization of women at Maplehurst facility which compromises their abilities to stay in touch with families and other supports

Ombudsman Saskatchewan (2002) recently released a comprehensive report on the conditions of confinement in provincial facilities. This would be a good model for a review of similar issues in Ontario.

### **Co-ed Housing of Young Offenders**

A final point pertains to the co-educational housing of males and females in youth custody and detention facilities. As you are aware, the Phase I and II young offender systems were scheduled to merge some time in 2003 (now delayed until 2004). As such, responsibility for Phase I young offenders will become that of the Ministry of Public Safety and Security. During this period of transition, many issues are being reviewed with an eye to harmonizing these two rather different systems.

It is currently the case that Phase I custody and detention facilities (all privately operated) are required to house young men and women together on the same unit or in the same house. In other words, boys and girls will have bedrooms (often unlocked) next to each other and they will be together for all activities including meals, programs, and school. It was not ever thus. This policy dates to the mid-1990s and was met with opposition from service providers who only reluctantly began to accept female residents into all-male facilities. It is our opinion that this arrangement exists to the detriment of girls, who are exposed to the risk of sexual assault and harassment and must adhere to rules and programming designed for males.

This situation exists contrary to the United Nations rules for the treatment of prisoners as well as other standards of correctional practice, such as those of the American Correctional Association. We respectfully suggest that this issue be given due attention in your deliberation and recommendations.

### **Release and Reintegration**

For anyone who has been incarcerated, **planning** for release should be the most important component of the sentence. The period **after** release is the most challenging to navigate, even for those who have

good family support and employability skills. Yet, these two components of the system – release planning and post-release programming – are given short shrift in a system where the bulk of money and attention is focused on the institutional side. Contextual factors which compromise the current system of reintegration include:

- declining grant rates for parole meaning that most inmates are released on temporary absences or at the discharge possible date (with no support unless there is probation to follow)
- the paucity of half-way house beds for people released from provincial sentences (after their closure in 1995)
- rising use of urinalysis as static surveillance and the decline of dynamic supervision
- high case loads for probation/parole officers, compromising their abilities to be effective supports
- complete absence of research on the challenges faced by reintegrating inmates
- the paucity of available vocational programs suitable for this population
- underfunding of programs that offer post-release support

The irony of “reintegration” should not be lost. A sentence of imprisonment triggers a process whereby individuals are extracted from society and forced to adjust to a closed, structured and artificial environment where an anti-social value system predominates and every decision is made for them. Then, they are expected to resume life in the community holding pro-social values, decision-making autonomy and life skills such as finding and maintaining a residence and employment. This transition would challenge most of us. But imagine someone with a grade eight education, poor or no job record, tenuous or negative family support, and a substance abuse problem.

Asked their opinions on the greatest problems facing released offenders, 150 experienced federal and provincial correctional personnel answered: lack of education, lack of job skills, lack of family support/poverty, drug and alcohol problems, and low self-esteem (LaPrairie, 1996). All these features are more prevalent among women than men.

While the principal focus of institutions is on security, a correctional system should be judged – we believe – by how it releases its charges back into the community. A successful system will release people in ways that maximize their likelihood for success. There are three stages to this process: assessment/programming, release planning, and post-release support. In other words, **reintegration** is a process not an event, but the correctional system chops it into stages that are not typically connected in a coherent way. For example, generally more attention and resources are devoted to institutional programs than post-release programs.

### **Assessment/Programming**

The key to correctional assessment and programming for women is to use techniques that were

designed specifically for women and delivered in an environment consistent with woman-centred program delivery. Of concern at this point is that assessment techniques miss key areas of risk/need and generally over-classify women so they are housed at security levels above that necessary given the risk they pose. Correctional programming should address the spectrum of needs which bring women into conflict with the law including that for health care, assistance with housing, English as a second language, educational upgrading, trauma counselling for past victimizations, employability training, job skills, and parent training.

### **Release Planning**

A release plan should outline accommodation, job or school, and any continuing treatment that may be required, perhaps to address a substance addiction. The goal of reintegration is to avoid recidivism in the short-term (until warrant expiry) and ideally in the long-term as well. Most of those who re-offend will do so within the first two years after release.

With the focus on institutional programming and in-facility behaviour, the important stage of release planning is often placed at the bottom of the priority list. Overcrowding and frequent facility changes also compromise the ability of institutional staff to assist women with release planning. We are pleased to say that many member agencies of CEFSO offer assistance with release planning and wish that a greater amount of resources were devoted to this important phase of the reintegration process.

### **Post-release Support**

Compared with men, women in conflict with the law have lower average educational attainment and fewer job skills. They are less likely to have good support from partners and family and many face challenges associated with finding appropriate housing for their children and affordable and safe daycare. These factors compromise their abilities to secure gainful employment which, in turn, places considerable stress on their efforts to remain crime-free. In our experience, women typically require educational up-grading, employability training, and vocational skills. However, opportunities to access these services are insufficient or non-existent.

Risk assessment, in the institution, is easier than risk management in the community (Correctional Service of Canada, 1998). But the demarcation between institutional programming and community-based services should be an artificial one. As the Auditor General of Canada (1996) assumed, the reasons for re-offending can be traced to decisions made in the institution and the timing of the release.

Key priorities and challenges for correctional agencies in the reintegration process include:

- \* maintaining a meaningful continuity between institutional and community-based programs
- \* balancing more evenly the resources available in institutions versus the community
- \* providing consistent access to community-based programs in all areas of the country, north and

south, urban and rural

\* maintaining high levels of training of probation/parole officers and keeping their workload within reasonable levels that permit the human service function

\* encouraging Aboriginal communities to play a role in the reintegration process

\* remembering to use individuals' strengths as levers for change instead of focusing solely on problems

The most crucial issue is how assessed "risk" and "need" factors are translated into effective assistance rather than simply "risk management" strategies such as urinalysis and revocation/breach of parole/probation. Most correctional research in Canada suffers from small samples, reliance on pre/post testing, short (or usually no) post-release follow-up, all factors which can lead to the wrong conclusion about intervention effectiveness (Cunningham, 2002). There is little (if indeed any) empirical data on the challenges people (of either sex) face at re-entry to society after a term of incarceration, a topic which would yield useful information on how to improve community safety.

## **Conclusions**

Empirical work examining criminal etiology among women almost invariably focuses on family of origin issues, victimization, and abusive or exploitative relationships in early life. More specifically, criminal behaviour in women is typically seen as part of an overall coping strategy that frequently has its roots in childhood abuse or neglect, followed by leaving home young, school failure, and substance abuse as a coping mechanism. In other words, women's pathways to crime are different than those for men. So efforts to interrupt criminal patterns must be different as well.

Priorities for women include:

- increased availability of intensive programs which can operate as alternatives to sentences of imprisonment
- decreased use of detention as detox and placements for the homeless or the mentally ill
- assessment and classification tools that measure the factors that bring women into conflict the law and which need to be addressed to help them remain crime-free
- correctional programs which are designed for women
- conditions of confinement which provide for the mentally ill, are not overcrowded and in which women feel safe

- increased attention on release planning to ensure that all women leaving prison have a place to live and a source of income

In addition, given their crucial role as custodial mothers, parenting programs and efforts to support these challenged family systems are appropriate activities of a system designed to maintain public safety in the long run as well as the immediate term.

## **Suggested Further Reading**

Arbour, L (1996). *Commission of Inquiry into Certain Events at the Prison for Women in Kingston*. Ottawa: Communications Group.

Comack, E. (1996). *Women in Trouble: Connecting Women's Law Violations to their Histories of Abuse*. Halifax NS: Fernwood Publishing.

Cunningham, A.J. (2002). *One Step Forward: Lessons Learned from a Randomized Study of Multisystemic Therapy in Canada*. London ON: Centre for Children and Families in the Justice System, London Family Court Clinic (available on-line at [www.lfcc.on.ca/onestep.html](http://www.lfcc.on.ca/onestep.html)).

Faith, K. (1993). *Unruly Women: The Politics of Confinement and Resistance*. Vancouver: Press Gang.

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

Gittens, M. and D. Cole (1995). *Report of the Commission on Systemic Racism in the Ontario Criminal Justice System*. Toronto: Queen's Printer for Ontario.

Koons, Barbara A., John D. Burrow, Merry Morash and Tim Bynum (1997) Expert and Offender Perceptions of Program Elements Linked to Successful Outcomes for Incarcerated Women. *Crime & Delinquency*, (43) 4 October: 512-532.

Office for Juvenile Justice and Delinquency Prevention (1998). *Guiding Principles for Promising Female Programming: An Inventory of Best Practices*. Washington DC: OJJDP.

Shaw, M. (1994). *Ontario Women in Conflict with the Law: A Survey of Women in Institutions and Under Community Supervision in Ontario*. Toronto: Ministry of the Solicitor General and Correctional Services. (The Executive Summary is available at [http://www.web.net/~efryont/Ont\\_Women\\_in\\_Conflict.htm](http://www.web.net/~efryont/Ont_Women_in_Conflict.htm)).

Sommers, E.K. (1995). *Voices from Within: Women who Have Broken the Law*. Toronto: University of Toronto Press.

Task Force on Federally Sentenced Women (1990). *Creating Choices: The Report of the Task Force on Federally Sentenced Women*. Ottawa: Correctional Service of Canada (available at [http://www.csc-scc.gc.ca/text/prgrm/fsw/choices/toce\\_e.shtml](http://www.csc-scc.gc.ca/text/prgrm/fsw/choices/toce_e.shtml)).

Women's Issues Task Force (1995). *Women's Voices, Women's Choices: Report of the Women's Issues Task Force*. Toronto: Ministry of Solicitor General and Correctional Services.

Links to a variety of web sites and documents can be found at [www.lfcc.on.ca/womenlinks.html](http://www.lfcc.on.ca/womenlinks.html)

## **Appendix A**

### **Member Agencies of the Ontario Council of Elizabeth Fry Societies**

**ELIZABETH FRY SOCIETY OF HAMILTON**

627 Main St. East  
HAMILTON ON L8M 1J5

**ELIZABETH FRY SOCIETY OF KINGSTON**

127 Charles St.  
KINGSTON ON K7K 1V8

**ELIZABETH FRY SOCIETY OF KITCHENER WATERLOO**

67 King St. East  
KITCHENER ON N2G 2K4

**ELIZABETH FRY SOCIETY OF OTTAWA**

Room 311 - 211 Bronson Ave.  
OTTAWA ON K1R 4P8  
[www.efryottawa.com](http://www.efryottawa.com)

**ELIZABETH FRY SOCIETY OF PEEL HALTON**

134 Queen St. East, 4th Floor  
BRAMPTON ON L6V 1B2  
[www.efrypeelhalton.ca](http://www.efrypeelhalton.ca)

**ELIZABETH FRY SOCIETY OF PETERBOROUGH**

483 George St. South  
PETERBOROUGH ON K9J 3E6

**ELIZABETH FRY SOCIETY OF SIMCOE COUNTY**

102 Maple Ave.  
BARRIE ON L4N 1S4  
[www.elizabethfrysociety.com/](http://www.elizabethfrysociety.com/)

**ELIZABETH FRY SOCIETY OF SUDBURY**

204 Elm St. West  
SUDBURY ON P3C 1V3

**ELIZABETH FRY SOCIETY OF TORONTO**

215 Wellesley St. East  
TORONTO ON M4X 1G1

There is also an emerging Elizabeth Fry Society in Thunder Bay. CEFSSO is a member of the Canadian Association of Elizabeth Fry Societies (see [www.elizabethfry.ca](http://www.elizabethfry.ca))

## **Appendix B**

### **Council of Elizabeth Fry Societies of Ontario**

The Council of Elizabeth Fry Societies of Ontario is a not-for-profit organization first organized in 1952 and today comprised of nine autonomous Elizabeth Fry Societies, a voluntary board, and compassionate donors. These three components of Council are united by core beliefs and committed to raising awareness among the public, working with governments to recommend law and policy reforms reflecting the needs of women, and promoting gender-sensitive and effective services on behalf of adult women and adolescent girls involved with the justice system. Council facilitates effective communication among Ontario societies to identify issues for concerted action. Together, our voice is louder, our credibility greater, our representativeness more diverse, and our efforts more effective.

We believe...

... women are criminalized by poverty, racism, social inequality, and abuse

... there must be fair, equitable and compassionate treatment of women who are, who have been, or who may be at risk of coming into conflict with the law

... preventative and corrective interventions are most effective when delivered in the community and permit women to retain ties with family and social networks

... women have needs different from men that demand a holistic response to address addictions, health, safe and affordable housing, access to education and vocational training, healing from abuse and trauma, and their roles as parents

... each woman is unique and has the right to dignity, respect, confidentiality, and high-quality service delivered with compassion

... the non-profit and voluntary sectors have the responsibility and expertise to assist governments with responding to women in conflict with the law

... women found guilty of criminal offences should be subject to the least restrictive penalty that is appropriate given the severity of the offence and the need for accountability

... the community has a responsibility to be active in the criminal justice system and the work of volunteers is vital

Funding for Council comes from charitable foundations, individual donors, the sale of break-open-tickets, and an annual grant from the federal Ministry of the Solicitor General in Ottawa.

The role of Council at a committee and policy level in provincial corrections compliments that of individual agencies which have both professional staff and volunteers and are governed by volunteer Boards of Directors. They assist women, from arrest to discharge from prison and return to the community. Services are provided for women (and some men) before the courts, serving sentences in the community, or reintegrating into the community after a period of incarceration. Programs provided by individual agencies include those pertaining to court processing (e.g., court workers, mediation), diversion programs, probation/parole counselling, counselling in local jails, temporary absence supervision and/or escorts for temporary absences, life skills and drug/alcohol programs in institutions, release planning, in-reach programs for lifers, parole supervision, supervision of community service orders, counselling, employment training, and a variety of residential services that include community-residential centres, satellite housing, and supportive housing.

## **Appendix C**

### **Adult Women in Conflict with the Law in Ontario**

*Many of the difficulties experienced by women in conflict with the law are concomitant. Women with substance abuse problems often have histories of physical and sexual abuse in childhood and, as adults, are also likely to have physical health problems and to have developed a variety of emotional and psychiatric conditions. Coupled with a lack of financial or employment resources and single parenthood, these problems create a web from which it would be difficult to expect anyone to extricate herself without considerable support and assistance. The implications of high levels of abuse among offender populations and their links with other problems such as substance abuse, ill-health, and low socio-economic status all point to the need for specific programming for women. (Shaw, 1994a: 17)*

Understanding the profile and needs of incarcerated women helps identify implications for policy and programming. Much useful information can be found in material produced by Statistics Canada and a survey conducted by Margaret Shaw (1994a). While almost a decade old, the Shaw studies remain the best evidence we have of the overall profile of women under both community and institutional supervision.

#### **\* women are a small proportion of adults under correctional supervision in Ontario**

According to the web site of the Ministry of Public Safety and Security, 15% of adults under correctional supervision are women. This figure mirrors the proportion of women who are charged by police (15%) and convicted (13%) in court (Bélanger, 2001). Most women on register in a given day are on probation (90%) or some form of conditional release (6%).

#### **\* women comprise a small group of adults in Ontario correctional facilities**

In correctional facilities, women are a minority in a system that was designed for men. On any given day in Canada, only 7% of on-register inmates in provincial facilities are female (Robinson *et al.*, 1998). In Ontario, in 1997/98, 9% of the 33,971 sentenced admissions to provincial custody were women (Reed and Roberts, 1999). On any given day, only 4% of the institutional correctional population is female.

#### **\* women in provincial custody are under sentence, on remand, or awaiting transfer**

In 1992, Shaw (1994a) found that half of the women she surveyed were serving a provincial sentence in the facility where they were located, about one third were on remand and the remainder were awaiting transfer to another facility, most the Vanier Centre for Women (due to close soon) or federal custody.

**\* provincial sentences are short**

The median provincial sentence in Canada in 1997/98 was 44 days (45 in Ontario). Because of remission and temporary absence programs, the median time actually served is 24 days (Reed and Roberts, 1999).

**\* women are primarily incarcerated for property offences or offences against the administration of justice**

In the provincial system, Shaw (1994a) found that about one third of women were in prison for property offences, primarily theft and fraud. More recent data show that the two most common offences of conviction for provincially sentenced women are drug offences (13%) and theft (12%) (Finn *et al.*, 1999). According to a Statistics Canada survey, incarcerated women are less likely to be incarcerated for an interpersonal offence (64% of federal and 28% in provincial custody) than male inmates, 74% and 34% respectively (Robinson *et al.*, 1998). According to information on the MPSS web site, property offences accounted for the majority of offences by adult female offenders sentenced to incarceration (32%), followed by administration of justices offences (e.g., breach of probation, unlawfully at large, fail to comply, fail to appear) at 22%; and offences against the person (16%).

**\* most incarcerated women are socially and economically marginalized**

These women are typically young (average age is about 30), lone parents, and poor. The average woman in prison has less than a grade nine education and was unemployed at arrest (Finn *et al.*, 1999). What little employment experience they have is usually in unskilled and minimum wage jobs.

**\* women are less likely to recidivate and constitute a lower risk to the community than men**

Compared with their male counterparts, provincially sentenced women have lower levels of the risk factors known to be correlated with recidivism (Finn *et al.*, 1999). Little research in Canada follows women (or men) after release to determine their rate of recidivism, but we believe based on research in other countries that women constitute a lesser risk to re-offend than men. Ontario data are being collected on this point but have not been released in a form that provides a sex breakdown.

**\* women in prison have higher needs compared with male offenders**

On traditional measures of risk/need assessment, provincially sentenced women evidenced higher

needs than their male counterparts (Finn *et al.*, 1999). Federally sentenced women evidenced significantly higher levels of difficulty with behavioural and emotional instability, poor family relations, and lower academic and vocational skills compared with male offenders (Blanchette and Dowden, 1998).

**\* many women in prison have multiple needs**

The needs of women can include educational upgrading, vocational training, employability skills, life skills, substance abuse treatment, housing, individual therapy, family therapy, financial planning and health care. Women, especially Aboriginal women and other women of colour, may suffer systemic disadvantages that compound the situation by acting as barriers to full participation in the labour force. Legal issues can include disputes over custody of their children and child-welfare proceedings in family court.

**\* most incarcerated women are parents**

The majority (71%) of institutionalized women surveyed by Shaw (1994b) had children and most of them (80%) were parenting on the own for some or all of the time. Half had been teenagers when their first child was born. One in ten women surveyed by Shaw (1994b) was pregnant at the time.

**\* Aboriginal women are over represented**

The Commission on Systemic Racism in the Ontario Criminal Justice System found that Aboriginal women were admitted to provincial custody at a rate five times that of white women (Gittens and Cole, 1995). The disparity was greater for women than for men. In 1992/93, 9.2% of provincial admissions of women were Aboriginal compared with only 5.6% of male admissions.

**\* the profile of incarcerated women reflects the diversity of Canadian society but with a bias**

Asians, East Indians and Arabs are under-represented in penal populations relative to their proportion in the Ontario population. However, Black women are admitted to provincial custody at a rate almost seven times that of white women. As with Aboriginals, this rate is higher than is the case for Black men. At Vanier Centre for Women, admissions of Black women increased 630% over the six years between 1986/87 and 1992/93. The comparable figure for Caucasian women was 59%.

**\* the profile of women in prison may be changing but more research is needed**

Concern is commonly expressed that the rates of crime among women, particularly violent crime, are rising. Shaw and Dubois (1995) reminds us of these important facts:

, women commit proportionately far less violent crime than men  
, violent offences constitute a small proportion of all female offending  
, the violent offences with which women are charged tend to be less serious than is true for  
men  
, most increases in women's offending are accounted for by property offences  
, any increases in violent offending are accounted for mostly by minor assaults  
, race and social class must also be considered with gender in understanding women's  
violence

## **Appendix D**

### **Young Women in Conflict with the Law in Ontario**

The following data pertain to female young offenders in what is known as the Phase II system in Ontario. The government has announced that the two components – Phase I (12 to 15 year olds) and Phase II (16 and 17 years olds) – will merge at some point over the next few years.

**\* as with boys, girls are convicted mostly of property offences**

Female offenders, both youth and adult, are most likely to be convicted of property offences (Shaw, 1994a; Dell & Boe, 1997). Of the young offenders she studied, Shaw (1994c) indicates that only 8% had been convicted or charged with crimes involving serious violence.

**\* young women are incarcerated for administration of justice offences at an alarming rate**

In Shaw's study (1994c), 14% of the female young offenders were convicted or charged with administrative crimes (i.e. breach of probation conditions). A more recent study on young offenders in Ontario explicates the ways in which girls are incarcerated for reasons that have little to do with public safety, at an enormous costs to tax payers (Cunningham, 2002). This study also highlights the enormous costs associated with custody, an intervention with no track record of success in ameliorating the circumstances that cause criminal behaviour in youth.

**\* adolescent women constitute a small portion of custody residents**

Young women comprise a small proportion of the correctional population (Rettinger, 1998). In 1998/99, adolescent women represented 8% of those in Phase II secure facilities and 10% of residents in open facilities. Looking back to 1990/91, the average number of females in secure custody on any given day was 26 compared with 630 males and 28 in open custody compared with 436 males (Shaw, 1994c). Custody sentences were associated with minor assaults, serious violence and administrative offences (Shaw, 1994c).

**\* most girls in the Phase II correctional system are on probation**

In 1998/99, females represented 17% of Phase II young offenders under supervision in the community. As with boys, probation is the most frequently used disposition, true for well over half of the cases involving girls. In order of decreasing frequency, the most serious dispositions handed down to girls (of all ages) in Ontario are: probation, open custody, fine/CSO, secure custody and absolute discharge (CSC, 1998). Shaw (1994b) notes that Phase II women commit less serious offences and receive shorter sentences than males. Also, a significant proportion of cases involving

young women are disposed of by way of alternative measures.

**\* offending girls are younger than males and their criminal behaviour peaks in adolescence**

The average age of young women who are charged by the police is 15, true of statistics at both the national and provincial (Ontario) levels (Correctional Service Canada, 1998). This has been a stable pattern in Ontario throughout the 1990s. Girls charged with violent offences tend to be 14 or 15 (Statistics Canada, 1999; Savoie, 1999). The charging rate drops off for 16 year olds and again for 17 year olds. In other words, if charging rates are a valid indicator, their patterns of criminal behaviour vary from boys in that they peak earlier and desist from crime sooner.

**\* Aboriginal adolescent girls are over-represented in custody populations**

The Commission on Systemic Racism in the Ontario Justice System (Gittens and Cole, 1995) reported that, in 1992 and 1993, Aboriginal females comprised 22% of the Phase II young offender population in Ontario secure custody facilities.

**\* girls are less likely to be classified as persistent offenders**

Of the female offenders under Phase II jurisdiction, only 6% were considered to be *persistent* offenders (i.e., with at least three prior convictions) whereas 13% of male offenders met this same criteria.

## Appendix E

### References Cited

- Auditor General of Canada (1996). "Correctional Service Canada – Reintegration of Offenders." In *Report of the Auditor General of Canada to the Ouse of Commons, Chapter 30*. Ottawa: Minister of Public Works and Government Services.
- Bélange, B. (2001). Sentencing in Adult Criminal Courts, 1999/00. *Juristat: Canadian Centre for Justice Statistics*, 21(10).
- Blanchette, K. and C. Dowden (1998). A Profile of Federally Sentenced Women in the Community: Addressing Needs for Successful Reintegration. *Forum on Corrections Research*, 10(1): 40-43.
- Correctional Service of Canada (1998). *Corporate Objectives, 1998/99 to 2000/01*. Ottawa: Correctional Service of Canada.
- Cunningham, A.J. (2002). One Step Forward: Lessons Learned from a Randomized Study of Multisystemic Therapy in Canada. London ON: Centre for Children and Families in the Justice System (available on-line at [www.lfcc.on.ca](http://www.lfcc.on.ca)).
- Dell, C.A. and R. Boe (1997). *Female Young Offenders in Canada: Recent Trends*. Correctional Services Canada.
- Finn, A., S. Trevethan, G. Carrière and M. Kowlaski (1999). Female Inmates, Aboriginal Inmates and Inmates Serving Life Sentences: A One Day Snapshot. *Canadian Centre for Justice Statistics: Juristat*, 19(5).
- Gittens, M. and D. Cole (1995). *Report of the Commission on Systemic Racism in the Ontario Criminal Justice System*. Toronto: Queen's Printer for Ontario.
- LaPrairie, C. 1996. *Examining Aboriginal Corrections in Canada*. Ottawa: Solicitor General Canada.
- Ombudsman Saskatchewan (2002). *Locked Out: Inmate Services and Conditions of Custody in Saskatchewan Correctional Centres*. Regina: Ombudsman Saskatchewan.
- Reed, M. and J. Roberts (1999). Adult Correctional Services in Canada, 1997-98. *Canadian Centre for Justice Statistics: Juristat*, 19(4).
- Rettinger, J.L. (1998) A Recidivism Follow-Up Study Investigating Risk and Need Within a Sample of

Provincially Sentenced Women. Unpublished Masters Thesis.

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

Shaw, M. (1994a). *Ontario Women in Conflict with the Law: A Survey of Women in Institutions and Under Community Supervision in Ontario*. Toronto: Ministry of the Solicitor General and Correctional Services.

Shaw, M. (1994b). *Ontario Women in Conflict with the Law Subsidiary Report: Children and Parenting*. Toronto: Ministry of the Solicitor General and Correctional Services.

Shaw, M. and S. Dubois (1995). *Understanding Violence by Women: A Review of the Literature*. Ottawa: Correctional Service of Canada.

Washington State Institute for Public Policy (2001). *The Comparative Costs and Benefits of Programs to Reduce Crime*. Olympia WA: WSIPP, Evergreen State College.