



Operations Manual

MODULE 3





The Federal Justice System and the Women In It

The Canadian criminal justice system is comprised of separate federal and provincial systems and institutions. This module will briefly explain the difference between the two and then provide a detailed explanation of the journey a woman takes through this system – from the prison back to the community. Finally, we will take a look at the women who are brought through this system.

Women in the federal justice system have complex needs. Not only have they caused harm, but largely they are a population of women who have been harmed. When we trained Stride volunteers to participate in Stride Night and Stride Circles, we address both of these harms and ask our volunteers to keep both of these truths in mind. Of course, these women are much more than people who have caused harm and been harmed. They are women with a diversity of strengths and talents. We will address all of these qualities in this module.

What are the Crimes that Result in a Federal Sentence?

A woman's sentence determines whether she will serve her incarceration in a federal or a provincial prison. In Canada, women serve their sentences in federal prisons when they are sentenced to terms of more than two years. If the term is less than two years, they are sent to a provincial or territorial facility. If they are in remand (custody before and during trial,) they are held in a provincial custody facility.

Some of the more common charges women are given federal sentences are for: Homicide, Attempted murder, Sexual Assault, Robbery, Theft Over \$5000, Fraud Over \$5000, Impaired Driving Causing Death, Importing and Exporting Drugs and Trafficking a Controlled Substance. Participating in a Terrorist Activity, Assault Causing Bodily Harm, Weapons Trafficking, Sexual Exploitation, Aggravated Sexual Assault and Failing to Provide the Necessities of Life. This list is not exhaustive. If you would like to see a complete list of Indictable Offences, visit www.justice.gc.ca

Federal Prisons in Canada

At one time, in Canada, there existed only one Federal Prison in Canada for women. This meant that if a woman were convicted in the Yukon, Surrey, BC, or Newfoundland, she served her time in Kingston Ontario. After an inquiry that highlighted the deplorable living conditions of Prison For

Women (P4W) the prison was closed in 2000 and 5 new federal facilities as well as a healing lodge were opened.

Federal correctional facilities are operated by Correctional Service Canada (CSC). At present they include: Fraser Valley Institution for Women, (BC), Edmonton Institution for Women, (AB), Okimaw Ohci Healing Lodge, (SK), Grand Valley Institution for Women, (ON), Joliette Institution for Women, (QC), Nova Institution for Women, (NS).

As of 2014, In Canada, there are approximately 1,098 women serving time at the federal level.

Who are the Women Serving a Federal Sentence?

According to data from the Adult Correctional Services (ACS) Survey, approximately 9,425 adult women were admitted to sentenced custody in 2008/2009, representing 11% of all provincial/territorial admissions and 6% of federal admissions. Women account for approximately 5% of all federal offenders. One-third of the women offender population is Indigenous (First Nation, Métis, or Inuit), while Indigenous peoples comprise 20% of Canada's population. This is the fastest federal offender category (www.oci-bec.gc.ca/cnt/priorities-priorites/women-femmes-eng.aspx)

In 2008, one in three women incarcerated in a federal facility was serving a sentence of three years or less, while one in six was serving life or indeterminate sentences.

A 2008/2009 snapshot of women in provincial and federal custody suggest that incarcerated women are on average younger, more likely to be single, less likely to have a high school diploma, and more likely to be unemployed than women in the Canadian population. More than half of women in the reporting provincial institutions (56%) and in federal custody (53%) were between the ages of 18 and 35 compared to 28% in the general population in 2009. Similarly, more than half of females in custody were single and never married at the time of admission compared to 32% in the population. Many of the women are trapped in a cycle of poverty and dependence on welfare. Approximately 2/3 of incarcerated women are mothers.

Aboriginal women are also largely overrepresented in federal prisons making up 1/3 of all women incarcerated. Systemic racism, be it fallout from generations forced into Canada's residential school system, or the creation ghettoized communities forced upon aboriginal people by settlers, has created the conditions for trauma, addictions and crime, while community relationships between the police



and aboriginal citizens has been highly problematic. (Native Women's Association of Canada, www.laa.gov.nl.ca/laa/naws/pdf/nwac-legal.pdf). For more information on native women's intersection with Canada's Criminal Justice System, see Appendix 1, provided by Elizabeth Fry Canada.

Women involved in the justice system in Canada frequently face multiple challenges that influence their pathways to crime. A number have been living in a cycle of chronic poverty and marginalization prior to incarceration. Often, these women have experienced significant abuse and trauma in their lives. The Task Force on Federally Sentenced Women (1990), for example, found that more than two-thirds of women interviewed had been physically abused as children or adults and more than half of them (53%) had been sexually abused at some point in their lives. Addiction is also a significant issue that impacts criminal activity. More than half of women in prison report substance abuse. In Canada, 69% of federally sentenced women indicated that drugs and/or alcohol played a major role in their criminalization. Crime was either a way to obtain drugs, drug money, or alcohol and/or crimes were committed under the influence of substances. (See MAIDMENT, 2006 p 67, 72-73)

A large proportion of federally sentenced women (FSW) demonstrate mental health needs, which are often compounded by other issues such as trauma and substance abuse. As of 2008, approximately one-third of women were serving time for drug offences (CSC, 2010), while nearly 80% of women in Canadian federal institutions have substance abuse problems (Matheson, Doherty & Grant, 2008).

Almost all female offenders in provincial custody had multiple needs identified, particularly in the areas of substance abuse (94%), employment (81%) and community functioning (79%). The needs most commonly identified among female federal inmates include: personal/emotional problems (82%), employment, substance use, and social interactions (74%).

Security clearance

The federal institutions are “multi-level,” housing offenders who have minimum, medium and maximum classifications. CJI's Stride offers two Stride Nights at GVI – one in the minimum-security unit (MSU), located outside the fence line, and another inside the main compound for the medium-security women. CJI occasionally offers specialized programming for women with maximum security classifications in their own unit, but typically these women do not attend Stride Night as they would require the accompaniment of two Correctional Officers who would have to remain present throughout the activity. Your Stride Night may be best suited to run in the MSU as it houses the women who are closest to release. Ideally, the women incarcerated in the federal system will move through the different security levels by completing programs and achieving goals established in their correctional plan, leaving the institution with a “minimum security” classification.

A woman's security level is assessed by a parole officer. The assessment considers factors that are considered to contribute to the woman's level of risk, as well as her needs. For more information, see www.csc-scc.gc.ca/publications/lt-en/2006/31-2/4-eng.shtml.



Institutions

A federal women's institution has a number of buildings and facilities surrounded by an 8-foot high chain link fence. They generally have an administration area, a chapel, workshop, program rooms, and health care centre as well as the residential units.

These institutions have an enhanced security unit for maximum security inmates, enclosed by a 12-foot high chain link fence. They have housing units with communal living areas for medium- and minimum-security women, where the residents are responsible for their daily needs. Women in this unit live in apartment-style units with eight to ten women per unit. The women share a kitchen, living room and bathroom with their housemates and may have to share a bedroom because of the increase in the prison population.

For a virtual tour of a federal correctional facility go to www.csc-scc.gc.ca/csc-virtual-tour/index-eng.shtml.

For more on the federal prisons for women, go to the Correctional Service Canada website.

ETAs and UTAs

In working with women inside a federal institution, you may hear her say she is applying for an escorted (ETA) or unescorted (UTA) temporary absence. At certain security levels and with the warden's approval, ETAs and UTAs are used to allow women to access the community while still in prison in order to access programs, attend work, visit family or attend important events. Circle volunteers can become ETA trained by the institution in order to help facilitate these trips. ETAs and UTAs allow the woman to participate in important reintegration-related activities prior to her release.

Parole

Many of the women you work with talk about applying for or being on parole. The Parole Board of Canada is separate from Correctional Services Canada and is the body that determines whether or not a woman will be granted parole. The parole process can be particularly stressful because the women experience the anxiety associated with applying for parole, and sometimes the disappointment of being denied. There are different types of parole:

- **Day parole:** Women are allowed to apply for day parole after six months of their sentence has been served OR six months prior to full parole eligibility – whichever is greater. If a woman is released on day parole, she typically would be living in a

halfway house in the community. These women report to a parole officer on a regular basis.

- **Full parole:** Women are eligible for full parole after serving either one-third of their sentence, or seven years, whichever is less. Under full parole, women are living in the community – but they may still be required to live in a halfway house. They also may be living independently. They are also required to report to a parole officer on a regular basis.
- **Statutory release:** Women are eligible for statutory release occurs after serving two-thirds of their sentence in custody. Under statutory release the woman is returned to the community. A woman only serves more than two-thirds of her sentence in custody if the Parole Board believes she poses a significant safety risk to the community. Then she is required to serve the remaining one-third of her sentence in prison.

Parole hearing

When the woman is eligible for parole, she works with her parole officer (PO) and primary worker (PW) to develop her correctional plan. She then goes before the Parole Board, a process that can be very intimidating, to present her case. Her lawyer, PW and PO will be with her, as may other supportive parties. There is a real possibility she may be unsuccessful in gaining parole. For example, if she maintains her innocence, she will not be granted parole. A woman's correctional plan is particularly important in this process as the parole board needs to be satisfied that she has an achievable and realistic plan for returning to the community.

If parole is denied, the woman may be angry, disappointed or perhaps relieved. Being able to support her through this myriad of emotions is crucial. She needs to build back up the confidence to try again in the future. Self-advocacy and self-awareness are two areas in which a volunteer can support a woman in her quest for parole. Stride can assist her through this time by being present at her parole hearing (as a silent support), normalizing her feelings about parole, whatever they may be, and acknowledging the work that she has done while incarcerated.

Typical parole conditions might include abstaining from drugs and alcohol, abiding by a curfew and living at a specific address. If a woman violates her parole conditions, she may have her parole suspended or revoked. If her parole is suspended, she would be incarcerated at a provincial remand facility until she is able to meet with her parole officer to discuss the violation and make a plan for the future. At this point she may be returned to



the community. If her parole is revoked, she would be returned to a federal prison to serve 2/3 of her remaining sentence.

If a woman does not achieve parole, she will be held in the prison until Warrant Expiry (or the end of her sentence). For some women, for example, those serving a life sentence, there is no warrant expiry date. They may always be under some form of parole supervision in the community.

Provincial/territorial prisons

Canadian provinces and territories have their own correctional institutions for women. Women in provincial custody facilities are being held on remand (custody while awaiting trial) or have been sentenced to two years less a day in prison. While CJI's Stride program has always operated inside a federal prison, the model can be adapted to suit the needs of a provincial custody facility. Initiatives for Just Communities, CJI's first replication partner, holds their Stride Night inside their local provincial prison in Winnipeg, Manitoba. Working within a provincial prison presents an entirely new set of challenges, including that the facilities are often drastically over-crowded and that the sentences are much shorter (providing less time for the volunteers to get to know the women before they are released into the community).

In the Community

Once in the community, the women you are working with may live in a halfway house or drug treatment centre, in transitional housing such as a shelter, or independently or with family. If you run your Stride Night in the halfway house, addiction treatment centre, or shelter, you should still be able to operate the shared activities aspect in the same way as is done in correctional facilities. However you will have to adapt to the institutions' security arrangements and requirements and the space you have for programming.

Halfway houses

There are many halfway houses across Canada for women reintegrating back into the community after serving a federal sentence (formally, CSC refers to them as community-based residential facility (CBRF)). Typically a woman will serve a period of time in a halfway house as a "transition" back into the community. This is based on the recommendations of her parole officer. Provincially sentenced women may also spend time in a halfway house as they transition to the community.

Halfway houses are typically run by a community agency – for example, Elizabeth Fry or Salvation Army – with a contract with CSC to deliver this service. Women are usually allowed to leave the halfway house during the day – unless they are under house arrest – but they must return to the halfway house at night. Women in halfway houses are also required to regularly report to their community parole officer.

Some communities with federal prisons have no halfway house for the women leaving prison. This means she must serve her day parole in another community and then reintegrate into her home community. This has been a particular challenge for CJI's Stride program. Women leaving GVI must often relocate to another halfway house, prior to returning to her home community. The woman must then acclimatize to her new community, and after day parole is completed, return to her home community. For the Circle to survive, the relationships between the volunteers and the woman must be strong enough to weather this challenge.

Alcohol and drug treatment centres

Stride Night could also be offered in an alcohol or drug treatment centre. Some centres have "federal beds", which are funded in private treatment centres by CSC for people leaving a federal prison. For example, while a centre may have the capacity to serve 100 people with addictions at their facility, only 10 of their beds might be federally funded, meaning they would only fill those beds with people leaving a federal prison. You may wish to open your program to all people at the treatment centre, instead of only offering it to those who are federally-sentenced, if your program has the capacity to support the participants.

Shelters

Many incarcerated women end up transitioning to a women's shelter after serving a period of incarceration if they are unable to find appropriate housing. If your community does not have a prison, you could consider hosting your Stride Night inside a woman's shelter as they often serve women who are at risk of becoming in conflict with the law. These women could also greatly benefit from increased community support and positive connections.



Seeing Strength in Women in the Justice System

At Stride Night, when Stride volunteers meet women living in prison, they are meeting someone who is different than she was at the time of the crime(s). She has been held in detention, often for months, she has been through court, and brought to a federal prison where she has had to learn to live with many other women and to take programming to address her offence(s). It is impossible to imagine going through all of this without it having a profound impact on oneself. At Stride we accept women as they are when we first meet them instead of holding them to an identity that may no longer be accurately capturing all of who they are.

By bringing in a diversity of activities that are often new experiences for both the volunteers and the women residing in the prison, we get to witness undiscovered talents blossom. Women, guided by an art instructor, realize that they can paint a tree that looks like a tree. Through our philosophical café, that they can contribute ideas that others value enough to build on. Through games night, that they can be teacher's, helping their table learn a new game.

Of course women's strengths shine even without the presence of the Stride Program. Incarcerated women provide strong, supportive friendships, share their musical talents, fundraise to support causes that they collectively care about, they resist "institutionalization", the concept that living in a strict, rule laden environment can transform people from independence to losing their drive for autonomy, becoming apathetic. Many of these women work extremely hard toward employment goals that will not be easy for them to achieve.



Appendix

Appendix 1 – Fact Sheet on Native Women and the Canada's Criminal Justice System (by Native Women's Association of Canada) www.caefs.ca/wp-content/uploads/2013/05/FINAL-2015-Fact-Sheet-Indigenous-Women.pdf

Appendix 2 – Fact Sheet on Women in the Justice System (by Elizabeth Fry Association) vimeo.com/199365334



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