

PUNISHMENT THROUGH EXCLUSION:
RULING RELATIONS AND MAXIMUM SECURITY
IN THE *CREATING CHOICES* ERA

by

Allison Campbell
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Approval

Name: Allison Campbell

Degree: Master of Arts

Title of Thesis: **Punishment Through Exclusion: Ruling Relations and Maximum Security in the *Creating Choices* Era**

Examining Committee:

Chair: **Dr. Dara Culhane**

Dr. Arlene McLaren
Senior Supervisor
Associate Professor of Sociology
Simon Fraser University

Dr. Liz Elliott
Member
Assistant Professor of Criminology
Simon Fraser University

Dr. Dorothy Chunn
External Examiner
Professor of Criminology
Simon Fraser University

Date Approved: 25 August 2004

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ABSTRACT

In 1990, the Correctional Service of Canada (CSC) adopted *Creating Choices*, the Task Force report which called for a ‘women-centered’ approach to corrections for all federally sentenced women. While incarceration practices changed, women classified as maximum security – a disproportionate number of whom are Aboriginal – were soon excluded from the reforms. Drawing on the work of Dorothy Smith, I undertake an institutional ethnography of corrections for federally sentenced women to address disjunctures between the CSC’s use of *Creating Choices* and its actual practices.

Through an historical account of federal incarceration practices for women in Canada, I show how the practice of separating women classified as maximum security from the general population is historically rooted in relations of ruling which privilege gendered notions of ‘good’ versus ‘bad’ prisoners. Current segregating practices such as co-location new Secure Units, I argue, continue the historically precedented model of ‘punishment by exclusion.’ Despite this clear departure from the *Creating Choices* vision, the CSC maintains it addresses the needs of women with higher security classification.

To investigate this disjuncture, I examine how CSC policy-makers discuss *Creating Choices* and the treatment of women classified as maximum security. I argue that exclusionary practices make sense in the correctional consciousness through both a binary portrayal of *Creating Choices* as philosophical and corrections as practical, as well as, through an assertion of the CSC as the ‘knowers’ of maximum security women.

Finally, drawing from interviews with federally sentenced women’s advocates, I demonstrate how the institution of corrections itself remains invisible in the CSC’s

accounts. This invisibility, I argue, is due to an “institutional lens” through which the CSC operationalizes incarceration practice. By removing context, the institutional lens keeps hidden from view the fact that incarceration practices continue to maintain relations of ruling that over-incarcerate and segregate a disproportionate number of Aboriginal women.

DEDICATION

This work is dedicated to the women serving time in Canada's "women-centered" prisons, particularly those classified as maximum security.

It is written with recognition to Dr. Ellen Gee, who supported me through the crucial first half of this project, until her passing in the particularly gloomy fall of 2002.

QUOTATION

I can't think of another task force report that has had such a long life. ...
We still say, 'well no, that's not really consistent with *Creating Choices* principles.'
Or 'how would we demonstrate that this is consistent with it?' Because basically for us,
it's become the equivalent. If you're talking women offenders, and make sure it's
women offenders you're talking, not men offenders. And if you're talking
women offenders then by necessity you're talking *Creating Choices*.

- *Interviews*

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CHAPTER 1

Introduction

POINT(S) OF ENTRY

The Task Force on Federally Sentenced Women (TFFSW) issued a pivotal report in 1990 that sparked a period of significant reform to the practice of incarcerating women in Canada. While *Creating Choices* was just the latest in a long line of calls for the closure of the notorious Prison for Women (P4W), Canada's single, harsh and austere federal women's prison at that time, it was the first report in the history of the Correctional Service of Canada (CSC) to inform itself of the voices and experiences of federally sentenced women and their advocates. In doing so the report outlined an entirely new approach to correctional practice for women. It argued for a 'women-centred' approach to corrections, which as the word suggests, would centre women's needs as opposed to the needs and imperatives of conventional incarceration practice. The federal government fully endorsed *Creating Choices* in 1990, ushering in an era that had the thrilling potential of fundamentally reshaping the effects of incarceration on women's lives.

The reform agenda laid out in *Creating Choices* thus formulates the backbone to incarceration practices for women for the period of study (1990 to the present). As recommended, the CSC made the expensive and significant move of building smaller, community-style prisons across the country, including a Healing Lodge specifically designed for Aboriginal women. It overhauled prison-based programs to make them more gender- and culturally appropriate, and, somewhat belatedly, it closed P4W in 2000. *Creating Choices'* feminist language of empowerment, choice, responsibility and support

formed the conceptual basis of the new regional prisons, and throughout the 1990s, it seeped into the correctional consciousness for those dealing with federally sentenced women. As one informant stated, “If you’re talking women offenders, then by necessity you’re talking *Creating Choices*.” In 2004, the CSC portrays its incarceration practices for women as inextricably linked to the *Creating Choices* vision, and the provision of empowerment and choice in the prison setting as paramount.

Meanwhile, since the early stages of implementing the reforms, the CSC has continued to rely on conventional, exclusionary incarceration practices as an underlying tool for organizing punishment. In response to some violent disturbances at the newly opened Edmonton Institution for Women (EIFW) in 1996, the CSC denied all women classified as maximum security access to new, *Creating Choices* prisons (including the Healing Lodge). Instead, the CSC sent maximum-security women to ‘co-located’ units in men’s prisons,¹ and increased security at the new prisons significantly. This early departure from the *Creating Choices* vision reflects the CSC’s continued reliance on conventional incarceration practises which exclude some women from the treatment afforded the general population, by physically segregating them. It has become a central feature in critiques of the CSC’s claim that they are pursuing a women-centred approach to women’s incarceration.

In 2004, the CSC is finally closing the co-located units, building instead a Secure Unit at each of the regional prisons (except the Healing Lodge) in order, they argue, to allow maximum-security women access to the *Creating Choices* vision. Yet, this new

¹ Co-located units are segregated women’s units located within men’s maximum security prisons. The units are segregated from the male population, and the women’s movements within the prison are highly regulated. Four such units were set up across the country in 1996. For further discussion see Chapter Four, pages 84-92.

arrangement will continue to separate maximum-security women from other incarcerated women. Each Secure Unit will be completely separated by an additional fence. It will contain its own exercise yard, and the women will have only limited, highly regulated access to the rest of the prison and its programs.

The CSC argues that women who are classified as maximum security have higher needs, and require higher intervention than women with lower security classifications. They maintain the Secure Units will ‘meet the needs’ of maximum-security women, and that they are thereby pursuing women-centred corrections. Critics argue, however, that the Secure Units will not only alter the practice of incarceration in the regional prisons, it will continue the exclusion of maximum security women from the *Creating Choices* vision. Thus, it appears that conventional practices based on risk perception and exclusion, are again taking precedence over an approach to incarceration that centres women’s individual needs. Nonetheless, the notion of women-centred corrections remains alive and well in the correctional consciousness.

THE PROBLEM: EXCLUDING MAXIMUM-SECURITY FROM THE *CREATING CHOICES* REFORMS

This study takes as its central concern, the CSC’s ongoing exclusion of women classified as maximum security from the *Creating Choices* reforms. However as a materialist method of inquiry, institutional ethnography demands that we ground our research in the everyday/everynight worlds of the actual people who are affected by the practices we are exploring. I therefore begin this study with a critical eye not only to exclusionary practices themselves, but as importantly, to *whom* is affected by them. The

Reports indicate that there were 351 women incarcerated federally in 2002, compared with about 13,000 men (Sinclair and Boe 2002).² Although Aboriginal women³ make up less than 3% of the total female population in Canada, they are overrepresented among federal women prisoners (CSC 2000b, 2001b). Throughout the 1980's Aboriginal women consistently made up between 18% and 20% of the total female prison population, but both the proportion and the actual number of Aboriginal women serving time in federal prisons has significantly increased in recent years, from 18% (35 of 200) in 1980, to 22.5% (81 of 355) in 1999, to 27% (94 of 351) in 2002 (Sinclair and Boe 2002:9-10).⁴ Moreover, in 1999, Aboriginal women were the only reported group for whom more women (both numbers and proportion) were serving time in prison than in the community (CSC 2001b). That is, there were consistently (and in most cases significantly) more federally sentenced women who identified as White, Black, Asian and 'Other', serving time in the community than in prison, while there were more Aboriginal women in prison (22.5% or 81 of 355) than in the community (15.1% or 77 of 511).

Further, the CSC not only over-incarcerates Aboriginal women, the security rating system it uses to mark women minimum- medium- or maximum security consistently classifies them at higher security levels. As a result, in 2002, 36 % of federally sentenced Aboriginal women were classified as maximum security. Therefore, the exclusion of

² There were also an additional 511 federally sentenced women in the community in 2002. Federally sentenced women "in the community" include those who have received a sentence of two or more years but are not in prison because they are either on day parole, full parole or statutory release. This figure includes women who are temporarily detained, or who have been deported but remain under Canadian federal sentence (CSC 2000b, 2001b).

³ The term 'Aboriginal' includes women who self-identify as Inuit, Métis or First Nations.

⁴ The number of incarcerated women of colour, particularly Black women, is also increasing; however, they are not as over-represented as Aboriginal women. Sinclair and Boe (2002: 9-10) report that the number of incarcerated Black women increased from 1% (2 of 200) in 1981 to 6% in 2002 (21 of 351), and women of Asian descent went from 1.5% (3 of 200) in 1981 to 1% (3 of 351) in 2002, with an increase to 4% in 1996. Meanwhile, the proportion of White (Caucasian) women prisoners has decreased overall since 1980. In 2002 61% (213 of 351) of women prisoners were White, compared to 78% (158 of 200) in 1981 (CSC 2000b, 2001b; Sinclair and Boe 2002: 9-10).

maximum-security women from the *Creating Choices* reforms is particularly problematic because in practice it disproportionately targets Aboriginal women, compared to white women and other women of colour. Specifically, it has meant that federally sentenced Aboriginal women are more likely than other women to serve their sentence in a ‘co-located’ unit in a men’s prison, and it presently means they are more likely to be doubly incarcerated, in the Secure Units. Moreover, the continued exclusion of maximum security women from the Healing Lodge raises concern about the CSC’s commitment to providing culturally-appropriate programming for Aboriginal women prisoners.

The CSC’s exclusion of maximum-security women from the *Creating Choices* reforms disproportionately affects Aboriginal women. In an period when the CSC claims to be implementing women-centered corrections wholeheartedly, and when institutional attention is being paid to ‘meeting the needs’ of women offenders, including, specifically, Aboriginal women, it seems nonsensical that such exclusionary practices should be able to make sense. How such practices can be made to make sense, within such an era of reform, is the central query of this study.

THEORETICAL AND METHODOLOGICAL APPROACH AND BRIEF OVERVIEW

This study is an institutional ethnography of incarceration practices for women in the so-called *Creating Choices* era. By establishing both co-location and the Secure Units, the CSC excludes women classified as maximum security from the *Creating Choices* vision. Because a disproportionate number of Aboriginal women are classified as maximum security, such exclusionary practices target those women already most marginalized within society, and within the criminal justice system itself. Nonetheless,

the CSC continues to maintain that it is fulfilling that vision, even *by* implementing these practices. This study aims to grapple with this disjuncture by exploring how the CSC's discursive practices reflect and mask the relations of ruling that exist in corrections as a social institution.

To begin my inquiry into incarceration practices for women in Canada, I conducted twelve interviews: nine with upper-level CSC bureaucrats and three with community-based advocates in the spring of 2002. Informants all worked either directly or indirectly in relation to women offenders, and most were key policy-makers within the CSC. The interviews were semi-structured, and covered a wide range of topics. I began by asking broad questions about the *Creating Choices* document, the notion of women-centered corrections, and how relevant the reforms were to correctional practice for women at present. Interestingly, several informants initiated discussions about the CSC's decisions regarding maximum-security women throughout this period. I began to see that *Creating Choices* provided only the context and backdrop for incarceration practices for women for this period, and that the treatment of women with high security classification was actually the central issue of concern.

The data analysis portion of this study is divided into two significant parts. As a materialist mode of inquiry, institutional ethnography places importance on the material, social and historical locations people occupy in their daily lives. Institutional practices, therefore, can not be thoroughly investigated without an understanding of how they are located historically and contextually, i.e. how they came to take shape. I therefore first undertake a brief overview of the history of the incarceration of women in Canada, in order to locate current practices in their historical trajectory. Using historical studies, CSC

documents, as well as some descriptive interview data, I explore how the practice of physically excluding women classified as maximum security is historically predated. Institutional practices are rooted in relations of ruling, which in the case of incarcerated women, marginalize those who are considered ‘too bad’ or ‘unreformable’ for even the harsh treatment historically afforded ‘regular’ women prisoners. Locating current exclusionary practices in their historical precedents leads me to question and investigate how conventional incarceration practices based on exclusion make sense in the midst of implementing such dramatic incarceration reform for federally sentenced women.

The second part of the study begins an investigation into this institutionalized sense-making, through a look at the discursive practices revealed in the interviews. Drawing on the work of Dorothy Smith (e.g. 1987; 1990a; 1990b; 1999), I understand that the ways in which representatives of the institution of corrections (here encapsulated by the CSC) talk about correctional practice and the women they incarcerate, reflect what ‘makes sense’ within the correctional consciousness. Institutional ethnography encourages researchers to ask questions of ‘how.’ I therefore approached the interview transcripts focussing not on what informants actually said *per se*, but more on *how* they discussed certain issues. Rather than looking for *what* informants revealed about the incarceration practices and ruling relations, for example, I was more interested in investigating *how* ruling relations are organized through the discursive practices identified in the interviews. Descriptions of women whom the CSC classifies as maximum security, and discussions about the CSC’s decisions to move the women into co-located units, thus became central locations of inquiry to decode how the institution of corrections makes sense of exclusionary practices during this period.

An examination of the interview transcripts reveals several key discursive practices the CSC uses to make sense of the way it incarcerates women with higher security classification. I explore two of these in particular, and discuss the ways in which they organize ‘sense’ around the exclusion of maximum security women. Next, by introducing advocates’ (i.e. people who are located outside the institution of corrections) alternative portrayals of the women and the events at EIFW in 1996, I discuss what the CSC leaves out of view, in its own discussions of the same. Finally, returning to the CSC’s discursive practices, I discuss the existence of an ‘institutional lens,’ through which social institutions view their own ruling practices. Identifying and locating the institutional lens reveals how governing institutions hide themselves from view of those ‘watching’ events from outside of them. As such, the disjunctures evident in the CSC’s on-going reliance on exclusionary practices which discriminate against women with higher security classification are made invisible.

ORGANIZATION

I begin this study with an overview of the key literature that relates to women in conflict with the law, particularly in Canada. In Chapter Two I outline the major critical perspectives regarding criminalized women in general and the *Creating Choices* reforms in particular, both of which challenge the criminal justice system’s presumption of autonomous ‘choice.’ These works expand our understanding of the ‘choices’ people make when they enter into conflict with the law, as well as question the ability to provide actual ‘choice’ within the carceral setting. I end this chapter with an overview of current research on security classification and its applicability to women.

As institutional ethnography is inextricably linked up with and informed by Marxist theory, I discuss my theoretical orientation and methodological approach together in Chapter Three. This theory includes the Marxist conception of ideology as an institutional practice, of commodity fetishism that allows for an extrapolation of worth from the everyday/everynight worlds of people's lives, and of systems of governance that organize people's everyday experiences in such a way as to keep that organization invisible. I clarify my use of such concepts as: ideology, 'practice,' governance, and ruling relations. Because institutional ethnography emphasizes the importance of language use, I clarify the differences between it and Foucauldian discourse analysis, highlighting the ways in which this study employs the former method, not the latter. I also address the ethics and methods issues that arose in this research, and outline the interview process.

Chapter Four provides an historical overview of the incarceration of women federally in Canada, beginning from the emergence of incarceration as a punishing tool in the mid-1800s, and focussing on the use of security classification (or its historical equivalent) as a mechanism through which some women are segregated from the treatment afforded other women prisoners. I argue that the practice of physically segregating women classified as maximum security from the general population – performed in the period of study through co-location and the new Secure Units – is historically rooted in relations of ruling which privilege gendered constructions of 'good' versus 'bad' prisoners, and as such is incongruent with the *Creating Choices* vision. Chapter Four thus identifies a significant disjuncture in current incarceration practices for women classified as maximum security, and as such grounds the remainder of the study.

To investigate this disjuncture, I examine, in Chapter Five, the discursive practices of the CSC regarding both *Creating Choices* and the treatment of women classified as maximum security. First, I argue that exclusionary practices make sense in the correctional consciousness through the establishment of a binary code which characterizes *Creating Choices* as ‘feminist’ and therefore philosophical, naïve and non-operational on the one hand, and corrections as practical, rational, operational, and implicitly, “patriarchal,” on the other. This binary is particularly held in place with regards to women classified as maximum security. Building on this separation, the second discursive practice sets up the CSC as the true ‘knowers’ of the women, in opposition to *Creating Choices*. Here, interviewees reveal an homogenized characterization of what maximum-security women are like, and use this to establish that what the women ‘need’ is increased intervention and higher security.

In Chapter Six, I explore some alternative descriptions of maximum security women and the events leading to their initial segregation in 1996. These descriptions, from people located outside the correctional framework, bring the prison context into view, for the first time: the context within which women with ‘higher needs’ are living, making decisions and acting. As such, I am able to locate the CSC as actors in incarceration practice. This highlights that the CSC and the prison context in fact have remained invisible in the CSC’s accounts, up to this point. Armed with this insight, I return to the CSC’s discussions of implementing the *Creating Choices* reforms, as a way to identify the existence of an ‘institutional lens,’ through which the CSC conceives, formulates and implements its practices. By obscuring the context of incarceration, I argue, the institutional lens keeps hidden from view the fact that incarceration practices

continue to maintain relations of ruling that over-incarcerate and segregate a disproportionate number of Aboriginal women.

In conclusion, I discuss how the CSC's discursive practices, the institutional lens and the use of reform language, act together to mask the fact that the CSC is *not* addressing the needs of women classified as maximum security. These discussions reveal the ways in which the CSC's incarceration practices during this period, specifically the ongoing exclusion of women with high security classification, are far from being 'women-centered.' Instead they act to maintain ruling relations of capitalism: those based on sexism, classism and racism. I thus aim to demonstrate *how* institutional practices are self-perpetuating, and how reform agendas like *Creating Choices* become co-opted by social institutions in their current forms. This discussion raises important but necessary questions regarding the efficacy of reform strategies for prisons, and indeed for any social institution.

CHAPTER TWO

The Problem of “Choice”: Federally Sentenced Women and the Criminal Justice System

INTRODUCTION

My work on federal incarceration practices for women in Canada is informed by critical criminological discussions regarding women offenders, the crimes they tend to commit, and the historical and contemporary conditions of their incarceration. Critical criminology tends to focus on social, rather than psychological or biological implications of crime and criminality, and is thereby applicable to a study that seeks to understand how relations of ruling intersect with incarceration practices. Regarding women offenders, the field of critical criminology begins with an understanding of women’s marginalization within a patriarchal, racialized and classed society.

I will discuss two main themes that emerge from the critical criminology literature regarding incarceration practices for women: women’s relationships to the criminal justice system and the prisoning of women. Many critical criminologists both in and outside Canada have problematized the notion of choice for people in conflict with the law. This overriding theme is important for any study of incarceration practices for women in Canada for two reasons. First, the laws in Canada rest on assumptions of individualized (i.e. acontextual) notions of a person’s individual ‘freedom to choose’ their actions (MacGuigan 1977). This assumption demonstrates a systemic denial of the context within which many people come into conflict with the law. Many critical criminologists have discussed the social contexts within which women – particularly

women who are systemically marginalized – commit crimes or become criminalized. Second, the notion of choice has come under scrutiny particularly in the last decade because current incarceration practices for women are based on the institutionally driven premise of ‘creating choices’ for women in prison. Some literature, which has evaluated the extent to which the creation of choice has been accomplished, has centered on whether or not real choice in a carceral environment is possible.

Critical criminology that examines the criminal justice system with respect to women addresses the questions of who female offenders are, what crimes they commit, and why they enter into conflict with the law. I will first briefly address the literature regarding the social contexts within which women come into conflict with the law, which challenges the notion of individual and autonomous choice in women’s participation in criminal acts. I will review studies regarding female offenders which create a portrait of who they are and discuss the social conditions within which they are criminalized. I will then address the literature pertaining to the crimes women tend to be charged with, the explanations for why this is so and the implications for society of women’s crime.

The second major theme in this field is the incarceration of women. Most central to this research is the recent literature in Canada that critically examines the implementation of the reforms advocated by *Creating Choices* throughout the 1990s. This literature challenges the possibility of providing real ‘choices’ in a carceral framework, and ultimately questions the effectiveness of incarcerating women. I will examine these critiques generally and then turn to the *Creating Choices* reforms.

Finally, this chapter will end with an examination of the small amount of research that focuses on the treatment of maximum security women, which provides necessary

context for this study. I will briefly describe the security classification system, how classification is determined and trends identified as to why women generally have their classification increased and decreased. As Aboriginal women have disproportionately received higher security classification, I will end the chapter by addressing the implications identified in the literature for Aboriginal women in particular.

WOMEN AND THE CRIMINAL JUSTICE SYSTEM

A significant body of research is devoted to the treatment of women by the criminal justice system in Canada. The overriding theme in this literature until the 1990s has been that women in the criminal justice system have been "too few to count." Because of their few numbers relative to men, federally sentenced women have historically suffered lack of resources, insufficient services, inadequate programming and inappropriate prison conditions (see Adleburg and Currie 1987; Arbour 1996; DeKeseredy 2000; Elliott and Morris 1987; Faith 1993).¹ This discrimination is symbolized most acutely by the fact that until 1995, there was only one federal prison for women in the country, and the federal government had ignored numerous calls for its closure over a period of 60 years. The call for the Task Force on Federally Sentenced Women (TFFSW) in 1989 was to have changed this.

Three key themes emerge from the research that pertains broadly to women in conflict with the law. Many critical criminologists address the social character of criminal

¹ Significantly, Kelly Hannah-Moffat (2001:71-7) disagrees with this characterization, arguing that the numbers of women incarcerated at any given time in the history of Canadian prisons has not been "insignificant, even if it was still significantly smaller than the number of men." She maintains that although women were a "low priority" for male prison administrators, they were by no means ignored, and women prisoners were instead used as the objects of novel forms of penal governance.

behaviour, challenging the criminal justice system's fundamental notion that crime is an individualized act. Several studies additionally focus on the population of women in conflict with the law who are most often already marginalized by a patriarchal, racist and classed society. Linked to this theme is a third theme, which focuses on the types of crimes that women are convicted for. Not surprisingly, these crimes closely reflect women's social locations.

The Social Context of Crime

One of the criminal justice system's central tenets is that a person must be held individually responsible for her criminal acts.² Anyone in conflict with the law is deemed to have freedom of choice over their actions (unless diagnosed as being Not Criminally Responsible due to Mental Disorder). This presumption is fundamental to the argument that people should be held individually responsible for their crimes, which forms the basis for legitimizing the use of imprisonment in response to crime.

Critical criminologists have challenged the presumption of complete, autonomous 'choice,' arguing that it renders invisible the disjunctures embodied in people's lived experiences. This research highlights the effects of various forms of racism, classism, and sexism on women's lives, and on the 'choices' they are positioned to have to make, which sometimes put them in conflict with the law. Specifically, Angela Davis (1998, 1998-99), Linda Evans and Eva Goldberg (1998), Monique Morris (2002) and Julia Sudbury (1998, 2000) describe how social and economic inequalities, exacerbated by

² The *The MacGuigan Report* (MacGuigan 1977:31), which set out a reorganization of the Canadian Penitentiary Service into what is now the Correctional Service of Canada, and remains an influential document for the interpretation of criminal justice practice in Canada states, "Canadian criminal law presumes, that unless otherwise shown, persons are responsible for their behaviour and able to *exercise a free choice* in ordinary circumstance" (emphasis added).

recent, neo-liberal economic policies, further destabilize communities and people who are already lacking in both resources and legalized options for survival. These social conditions, they argue, often affect women most harshly – women of colour even more so. Ward Churchill and Jim Vander Wall (1992), Patricia Monture-Angus (1999), SkyBlue Morin (1999), Fran Sugar and Linda Fox (1989) provide many accounts of how racism and colonization determine Aboriginal people's relationships to a European-style criminal justice system. Meda Chesney-Lind (1997:96-101) and Karlene Faith (1993:72-94), meanwhile, together provide a detailed look at the individual *agency* of women in conflict with the law, particularly through prostitution, theft and drug offences.

A good deal of literature addresses the perception and treatment of women in the criminal justice system in Canada questioning, specifically, how that system (of which the CSC is one part) constructs and responds to women's crimes. Brian MacLean (1996:3-5) argues that criminalized actions themselves must be seen as social processes rather than isolated events, challenging the notion that an individual choice is a singular action taken without any history or context. Dawn Currie et al. (1992) discuss how the social inequalities that are embedded in every layer of society, including "law-making, law-finding, and law-enforcement," are reflected in the ways that laws are 'made, found and enforced' to privilege people in this society who have political and social power, and to discriminate against those who do not (i.e. peoples of colour, people living in poverty; people whose experiences intersect all of these). These authors argue that definitions of 'right' and 'wrong,' far from being universal and societally agreed upon, are social processes which are defined and perpetuated by the dominant social relations in any given society. Berzins and Cooper (1982) further point out:

the structure and fabric of Corrections Canada, the basic definitions, working tools, mechanisms, and philosophies, policies, methodologies, and procedures that form the backbone and flesh of our penological system have all without exception been born, raised, and sometimes died, male. (cited in Hannah-Moffat 1991:199)

Hannah-Moffat (ibid.) adds that the CSC, as well as being "male," is also, "culturally ignorant and intolerant." In order for correctional reforms to take proper effect, she argues, reforms must acknowledge "the existence of gender and cultural differences that are defined by the social, political, and economic structures of our society."

These works place importance on the social contexts within which people participate in criminalized acts, and are punished for them. Monture-Angus (2000a:57) illustrates this when she describes Aboriginal women's experiences with the law,

a criminal court is not interested in hearing about this long trail of individualized and systemic colonialism that originally led these women to conflict with the law. Courts are only interested in whether or not you committed a 'wrong act' with a 'guilty mind.' This is a clear example of how the individualized nature of law obscures systemic and structural factors. This is a problem that exists within the court process but also in other justice decision-making practices such as security classification, risk assessment, penitentiary placement, parole, and so on.

Chesney-Lind (1997:176-8) additionally discusses the lasting effects of violence, economic and social marginalization, and early criminalization on girls and women, arguing that the criminalization of young women "creates and sets the stage for" their continued involvement with the criminal justice system, into adulthood. She, along with Kim Pate (1999), asserts the media and conservative political agendas jointly construct the 'problem' of 'girl gangs,' resulting in an unfounded fear of increasing violence among girls and women. Like violence among adult women, they argue girls' violence must be understood in relation to the violence of their male peers, and located historically. Faith (1993) contributes important research on the role of both the media and

social regulation of women's bodies, sexuality and social roles, in the criminalization of women whose resistance to patriarchal domination leads them into conflict with the law.

Criminalized Women

Many studies that examine women's involvement with the criminal justice system identify a strong connection between the social and economic status of women and their involvement with the criminal justice system (Adelburg and Currie 1993; Boritch 1997; Carlen 1988; Chesney-Lind 1997; Comack 2000; DeKeseredy 2000; Faith 1993; Hannah-Moffat 1991; Johnson and Rodgers 1993; Sommers 1995). Profiles of women who get into trouble with the law reveal that such women are marginalized by capitalist, racist and patriarchal social relations. Johnson and Rodgers (1993), Boritch (1997), DeKeseredy (2000) and Faith (1993) demonstrate through statistical data, that the women who are sentenced for crimes in Canada are predominantly "young, poor, undereducated and unskilled" (Johnson and Rodgers *ibid*:98), and drug or alcohol-dependent (Hannah-Moffat 1991:185). Chesney-Lind (1997), Comack (2000), DeKeseredy (2000), Faith (1993) and Sommers (1995) add that a vast majority of incarcerated women have histories of physical, sexual, emotional or psychological abuse.

Importantly, these authors do not argue that women living in poverty, women of colour or women with histories of abuse are *likely* to commit crimes; indeed, they point out that the vast majority of women in these situations do *not* come into conflict with the law.³ These authors view social and economic marginalization as a mechanism through which the state intervenes in peoples lives, rather than being the 'cause' of crime *per se*.

³ Faith (1993:108) points out that although women in prison tend to have high rates of victimization, they still make up a very small proportion of the total number of women who have been victimized in Canada.

This research addresses the ways in which the criminal justice system itself constrains the definition of autonomous choice: that the racist, classist, and patriarchal underpinnings of laws, police forces, the judiciary, and society *place* variously located women in conflict with the law.

Thus, it is those who already experience increased state control over their lives (whether through the welfare system, the foster care system, reservations or immigration) who are more easily criminalized, policed and convicted. Pat Carlen (1988), for example, argues that during England's Thatcher years, the material conditions of both the class relations of a capitalist mode of production and the gender relations of patriarchy, led to an increase in both poverty and the criminalization of it, for women. Comack (1996), Faith (1993, 1995), Monture-Angus (2000b) and Sugar and Fox (1989) add that it is likewise the material conditions of on-going racist and colonial state practices, intersecting with sexism, that ensure the overincarceration of Aboriginal women and women of colour in Canada. Studies of this process are few, but a woman in Comack's (1996:153-4) study signals its importance in noting that, for many Aboriginal women, being behind bars is just another step in a lifetime of state intervention, beginning with foster care and continuing through group homes and youth detention centers.

Women's Crimes

The literature that examines the kinds of crimes women generally commit as compared to men, meanwhile, shows that contrary to popular belief, incarcerated women are not, by and large, a danger to society. Boritch (1997:49), Chesney-Lind (1997:95-119), DeKeseredy (2000:31) and Faith (1993) directly counter the allegation that women

are becoming increasingly more violent, reminding us that incarcerated women commit proportionately much fewer violent crimes than men. They demonstrate that although the number of women sentenced for violent offences has increased in recent years, a similar increase has occurred among men.⁴ Although many women are incarcerated for Schedule I offences (i.e. sexual offences and other violent crimes), most often this is for assault, the least serious of these offences.⁵ They argue that unlike men, women's violence usually occurs in reaction to a potentially violent situation, rather than as a purely aggressive act.

Moreover, violence committed by women is most often contained within the family. DeKeseredy (2000:11), along with Comack and others, emphasizes the contextual importance of violence in women's lives and how this influences the 'choices' they make with regards to criminal activity. More serious violent crimes such as first degree murder (which makes up the least percentage of violent crimes committed by women) are often what DeKeseredy refers to as "self-help homicide," i.e. committed in self-defence against an abuser, either while being assaulted herself, or in anticipation of an attack. Johnson and Rodgers (1993), meanwhile, surmise that violence perpetrated by women could be a sign of a sense of futility of a life that is oppressive at every turn.⁶

Sugar and Fox (1989:470-3) echo this understanding of the perpetuation of violence in the lives of Aboriginal women in particular. In their report to the TFFSW on

⁴ Faith (1993: 86-7) demonstrates the same to be true of theft and fraud: there has been an increase among women charged with these offenses, but when compared with the incidents among male offenders, there is little significant difference. Adelburg and Currie (1993) and DeKeseredy (2000) further warn us to be careful when reading crime statistics. Because there are so few crimes overall committed by women, the percentage increases can be misleading.

⁵ The CSC (2001b) reports that 43.9% of the incarcerated female population in March 2001 had been charged with a Schedule I offence. The second largest portion were Schedule II offences (23.9%), which are drug offences and conspiracy to commit major drug offenses. Meanwhile, 14.9% of incarcerated women had committed second degree murder, and only 4.2% had committed first degree murder.

⁶ Comack (1996:149-55) particularly argues that incarceration is an ineffective strategy for women with histories of abuse, as well as for the men who abuse them.

Aboriginal federally sentenced women (based on interviews with 39 Aboriginal women who had at some time been federally sentenced), they identify that Aboriginal women do commit more serious violent crimes (i.e. murder and manslaughter, versus assault) in relation to non-Aboriginal women. They link the likelihood of violent offence to the perpetuation of violence in Aboriginal women's lives, arguing that Aboriginal women experience a higher rate of violence, which is often long term and systemic. They further identify that being perceived as violent can become a "self-perpetuating cycle" for incarcerated Aboriginal women. Moreover, being considered 'violent' can lead to negative repercussions in the prison environment, as labelling women "manipulative, violent or dangerous... set up staff expectations, encouraged hostile interpretations of actions and induced resistance" (Mandaraka-Sheppard 1986, cited in Shaw and Dubois 1995:36). This labelling process has a disproportionately negative impact on Aboriginal women, and will be revisited in my analysis of the interviews in chapters five and six.

Overall, the literature dealing with women's relationships to the criminal justice system emphasizes that as a group, women do not pose a serious threat to society. Women's criminal activities must be understood within the context of their locations in a society that fundamentally marginalizes them from the outset, through various systems of oppression. Researchers argue that women who come into conflict with the law do so as a direct or indirect result of their experiences of poverty, racism and sexism in this society. These are most often women who, due to the material conditions of their lives on the margins of society, are over-policed in the first place, and more harshly judged in the second. Women's crimes, moreover, are most often poverty-related and when violent, seldom random. This research thus informs a discussion of current incarceration practices

for women, as it provides an understanding of the women who are being incarcerated in this country, as well as the contexts within which they ended up in prison.

CREATING CHOICES INSIDE PRISONS

Since the publication of *Creating Choices*, the building of the new facilities, and the Arbour Report – all of which, during the 1990s, raised the profile and amount of resources for incarcerated women considerably – the literature regarding federal women’s incarceration in Canada has shifted away from focusing on women being “too few to count.” Research has instead been concerned with three aspects of the new incarceration regime for women. First, a body of work examines the CSC’s use of ‘opportunities’ incarceration models, such as the ‘empowerment’ model, which forms the basis of the *Creating Choices* vision. Second, literature critically scrutinizes the CSC’s on-going implementation of that vision. Finally, some research points to the drawbacks and problematic assumptions of the Task Force and the *Creating Choices* vision itself.

‘Opportunities’ Models of Incarceration

The model of incarceration that the CSC implemented as a result of *Creating Choices* has been referred to as an ‘empowerment opportunities’ model, in which the CSC identifies its role as providing opportunities for women to ‘empower’ themselves within the prison environment, rather than as punishing or rehabilitating *per se* (Hannah-Moffat 2000). In theory, this is accomplished by creating a prison environment that encourages women to make decisions for themselves, rather than dictating what they should do at all

times. In this model, it remains each woman's individual responsibility to make the 'right' choices, and thus take advantage of the opportunities being provided for her.

The use of 'empowerment opportunities' as an incarceration strategy has its institutional precedent in the 'correctional opportunities' model that was adopted through the MacGuigan Report's recommendations for men's prisons in the late 1970s.⁷ Some have argued that the institutional shift towards the 'correctional opportunities' model became a mechanism for shifting responsibility onto the individual prisoner and *away* from the state or the criminal justice system. If the prisoner was deemed "individually responsible for his crime," he must also be "individually responsible for his correction." The role of the prison was constructed as simply the provider of 'opportunities,' which it then became up to the prisoner to choose to take advantage of, or suffer the consequences of making the 'wrong' choice.

Discursively shifting responsibility to the individual prisoner thus becomes a means for enforcing adherence to standards of behaviours as defined by the institution, i.e. the process of institutionalization that many argue is inevitable in a prison environment.⁸ Stephen Duguid (2000) describes that succeeding in an opportunities model is an almost impossible task, as the model is based on a fundamental dichotomy. On the one hand, the model expects prisoners to assume individual responsibility for their

⁷ *The MacGuigan Report* (1977), which marked a significant change in incarceration practices in Canada, exhibited by the shift in institutional language to using 'corrections' in place of incarceration, penitentiaries, imprisonment and punishment. Along with this discursive shift came a focus on "responsibilization" – the process by which individuals are made to be responsible (and accountable) for their own risk management and self-governance (Garland 1990; Hannah-Moffat 2000, 2001).

⁸ The MacGuigan Report's (1977:56) description of correctional 'opportunities' reveals how the provision of 'opportunities,' can function to enforce institutional norms, rather than simply offer 'choices':

The ultimate decision as to whether or not to participate in work, training, recreation, etc. should rest with the offender. The extent of the offender's participation can then provide some objective measure of the offender's acceptance of responsibility and suggest the appropriate timing for temporary absence or reduced measures of control. *An offender who does not participate fails to provide a record upon which early release decisions can be made* (emphasis added).

actions, to make choices based on what they as individuals would like to achieve while in prison and to demonstrate (appropriate) individual character to Case Managers.

Meanwhile, he argues, prisoners' subjecthood – their ability to be and act as a subject in their world – diminishes as they become objectified within such an institutional, bureaucratic system as the prison, where "[t]he individuality of the prisoner becomes completely subservient to the larger needs of the prison as institution, thereby preventing any unnecessary 'eruptions of humanness' which could only serve to disrupt an efficient and changeless system" (2000:82). The institutional character of prison necessarily objectifies prisoners, yet it expects them to act like subjects. Further, their favourable treatment and ultimate release are dependent upon their ability to maintain their own subjecthood, despite such objectification.⁹

Empowering Prison? The Co-optation of the Creating Choices Vision

Regarding the CSC's implementation of the *Creating Choices* vision and its insistence on the provision of "meaningful and responsible choices" for incarcerated women (TFFSW 1990), many have argued that no real choice can be possible in the prison setting, where the options women have to choose from are highly regulated by those in positions of power (Faith 1991; Hannah-Moffat 2000:32-4; Hayman (2000); Horii 2000; Snider 1994). Faith (1991) argues that the very structure and purpose of prisons, which are predicated on the removal of individual freedoms, make them antithetical to the provision of choice: "[t]he power to act is precisely what freedom is about, and that

⁹ I would add, moreover, that the disjuncture between objectification and subjecthood is rooted in holding the individual a-contextually and a-socially responsible for a crime. Through a (re)production of common sense around this notion, and through *operationalizing* it by means of 'correctional' or 'empowerment opportunities' models, which themselves are made to make sense within this framework, the institutionalizing and objectifying character of incarceration practices are kept hidden from view.

includes the act of refusal." Where there can be no refusal without negative repercussions, she argues, there can be no real choice. Hannah-Moffat (2000:34) echoes this when she argues that in a prison setting,

the accomplishment of real empowerment is particularly problematic. Prisons are organized to limit individual expressions of autonomy, control and choice. They are sites of repression, wherein there is an undeniable imbalance in the relations of power between the 'keepers' and the 'kept'. Rarely are the 'keepers' able or willing to relinquish their power to facilitate empowerment. Women prisoners have little influence, collective or otherwise, while incarcerated.

Horii, an ex-prisoner herself, describes, "Prisoners are automatically oppressed by the generic, absolute imbalance of power structured into prison systems. With no power, few uncoerced choices are available and that includes the choice to say, 'No,' which is the most terrifying consequence of being a prisoner" (2000:105).

While feminists involved with the Task Force utilized 'empowerment' to describe an approach through which incarcerated women could be supported to understand and engage with the structural power relations of racism, classism and sexism, Hannah-Moffat (2000:32-4) argues that the CSC, in adopting the reforms, instead links 'empowerment' to individual responsibility. In doing so, the CSC not only undermines the notion of empowerment that was intended in the *Creating Choices* vision, it *reinforces* existing power relations. She further argues that through its co-optation of empowerment into a responsabilizing strategy similar to opportunities models, the CSC's implementation of the *Creating Choices*' vision returned to a maternalist approach to incarcerating women – one similar to that which had driven the reformatory model of women's incarceration in the early nineteenth century (2001:190).¹⁰ In practice, the language of empowerment and choice masks the fact that women in prison are still expected to

¹⁰ For more discussion of maternalism at women's reformatories, see Chapter Four, pages 66-68.

conform to institutionally defined and regulated norms which actually limit the options available to them.¹¹

Critiquing the outcomes of the TFFSW (of which she was a key member), Monture-Angus problematizes the CSC’s use of ‘responsibility’ in their implementation of the reforms. Instead of the Aboriginally-informed understanding of viewing and holding communities as a whole responsible for the right- and wrong-doings of their members (as the Task Force intended), she argues “correctional structures embrace a sense of taking responsibility that is lopsided from the Aboriginal point of view because it is solely offender based (that is, what the wrong-doer must do to become ‘right’ again)” (2000a:55). She points to this as a major reason why the ‘empowerment’ strategy has failed to create real choices for federally sentenced women, and why women-centredness cannot take place within a carceral framework. She thus argues that individualization – holding people individually responsible for their actions, in a way that is a-contextual and a-historical – is incongruent with the *Creating Choices* reforms.

In addition, these authors maintain that offering opportunities for real empowerment in a prison setting continues to be impossible when women’s systemic marginalization resulting from racism, sexism, classism (and in most cases an intersection of all systems of oppression) continues to go unacknowledged *and* be reproduced within that setting. Hannah-Moffat for example, characterizes the empowerment strategy implemented by the CSC as “both a new mode of government-at-a-distance *and* a continued reliance on past modes of disciplinary government, which

¹¹ Hannah-Moffat (2000:33) provides the following example of how institutionally-driven notions of choice can actually limit the options available to women: “programming choices about treatment, such as whether to attend feminist therapy or Alcoholics Anonymous, are deemed meaningful and responsible choice. To choose whether to escape or riot is not meaningful or responsible, even though this choice may be truly empowering and liberating to the prisoner.”

persist alongside neoliberal forms of governing" (2001:166 emphasis in original). She argues the CSC's adoption of the potentially radical, feminist language of empowerment,

feminizes the discourse and practices of imprisonment without fundamentally challenging or restructuring the disciplinary relations of power in prisons. ...[E]mpowerment for the CSC is not about a fundamental restructuring of relations of disciplinary power in the prison, but rather about *adding* a new dimension to existing relations by using empowerment strategies to responsabilize, wherein women's crimes are decontextualized, and they are expected to assume sole responsibility for their reform and offending. This new strategy of *responsibilization* appears to be less intrusive and less regulatory, and as such it is not usually contested by reformers (Hannah-Moffat 2000:32).

Through her study of women prisoners' experiences, Elizabeth Comack (2000) illustrates how some incarcerated women perceive the 'empowerment opportunities' model. One woman, describing the programs offered in prison said, "All they really do here is teach you how to be in jail. They don't teach you how to survive on the outside once you get out" (Kelly, cited in Comack 2000:121). With no acknowledgement inside prison of the systemic barriers women face to "surviv[ing] on the outside once you get out," incarcerated women are simply offered institutionally defined choices about how to conduct themselves in the prison environment. Participation in making these choices becomes an exercise in avoiding or inviting negative sanctions. This is clearly not what the Task Force intended by 'empowerment.'

Critique of the Creating Choices Vision

In addition to critiques of the CSC's implementation of the *Creating Choices* vision, the Task Force and its recommendations have themselves come under some scrutiny. Hannah-Moffat problematizes the universalization of the category 'woman,' who are characterized in *Creating Choices* as "having more in common with other

women than with male prisoners" (2000:191), she argues this not only "denies the involuntary and unique aspects of incarceration," but also erases other forms of oppression: making patriarchal oppression the unifying factor and subsuming experiences of racism and classism. Monture-Angus (2000a) has similarly critiqued the universalization of Aboriginal women offenders, which she argues tended to occur at the level of the Task Force as well as throughout *Creating Choices*, and continued in the subsequent implementation and construction of the Okimaw Ohci Healing Lodge.

In addition to a general discomfort with a universalizing portrayal of federally sentenced women, some researchers critiqued the *Creating Choices* proposals themselves. Central to these was an early questioning of the strategy of building five new prisons (Faith 1995; Griffiths and Verdun-Jones 1994:592; Hannah-Moffat 1991:196-7, 1994; Horii 1994). In addition to questioning whether prison reform is an effective strategy, these researchers argue that the participation of advocacy groups such as CAEFS¹² and the Aboriginal Women's Caucus in the Task Force did little more than lend legitimacy to the practice of incarceration. One concern about building new prisons was the fear that sentencing practices may change as a result of the new prisons. Specifically, Hannah-Moffat (1991:197) argued that judges would be likely to give women longer sentences, so they could access the resources of the 'new and improved' prisons.

Hannah-Moffat (1991:196) additionally challenged the notion that the construction of the new prisons would solve the geographic dislocation faced by federally sentenced women. She identified that the location of the Aboriginal Healing Lodge in one

¹² CAEFS (the Canadian Association of Elizabeth Fry Societies) is the largest and best known federally sentenced women's advocacy group in Canada. Under the direction of a new Executive Director, in 1992, CAEFS left the Task Force in the midst of the implementation phase, arguing they could not participate in the building of more women's prisons.

province only would force women wanting Aboriginally informed programming to "choose between services and proximity to [their] community and family." She further documented that many incarcerated women were not happy with the move to regional prisons as they "fear they will lose their collective power and that they will be further discriminated against" (1991:198).

Some researchers maintain that the Task Force did not adequately deal with issues regarding security classification. While supporting the Task Force's approach to security classification, which advocated evaluating "the whole spectrum of women's needs from a holistic perspective," Hannah-Moffat (1991:196-7) argues that this approach does not adequately address the risks to society posed by some incarcerated women. She claims that the Task Force's recommendation to build multi-level prisons relied on a false assumption (also exhibited at P4W) that prisons would "be able to adapt to different levels of security needs." She questioned the ability of these prisons to respond to women who may pose a challenge to the security of the institutions, maintaining that *Creating Choices*, focused on "women prisoners with low- to medium- security classification and not the offender who poses a security risk." Moreover, she later pointed out (2000:36-8) that the CSC changed its method of evaluating women's security classification as a result of *Creating Choices*. Subsequently, all women at the 'multi-level' facilities (i.e. minimum- and medium-security) have continued to be over-incarcerated, as in fact the prisons have not been able to respond to women's varying needs.

Indeed, issues relating to security classification have become central throughout the last decade, as was crystallized by the events at Edmonton Institution for Women (EIFW) in 1996, and the CSC's response to those events. Specific to this research, the

above critiques of the Task Force's inadequate treatment of security classification have proved particularly poignant. In the next section I will briefly explore the literature regarding security classification for women, as this will help ground this study in an understanding of the critiques that already exist.

SECURITY CLASSIFICATION

An important theme specific to this research is that of security classification, and its applicability to women. Several researchers criticize the applicability of the male-based security classification system to women, arguing that a system that was conceived, formulated and tested on male offenders, and which evaluates women on the basis of their perceived risk alone, remains incongruous with the *Creating Choices* vision. In this section I will briefly outline the security classification system, discussing how women are generally evaluated by its custody rating scale (CRS). I will then discuss some of the ways in which critics view the CRS to be discriminatory against women in general, and identify some alternatives which critics argue, would be a more 'women-centered' way of classifying women prisoners. As Aboriginal women are disproportionately classified at higher security levels, I will end this section discussing the implications of an unfair classification system on federally sentenced Aboriginal women.

The CRS: Security Classification and its Critiques

As McDonagh (1999:4-6) describes, security classification is based on the premise that offenders can be grouped into security-rated categories based on three institutionally evaluated factors: their escape risk, their risk to public safety (if they were

to escape) and their "institutional adjustment," i.e. their ability to exhibit appropriate behaviours in prison.¹³ Since 1994, the CSC has assessed these factors using a computerized Custody Rating Scale (CRS), which evaluates two subscales, Security Risk and Institutional Adjustment, independently, then joins them to identify "the lowest security classification deemed suitable to meet their needs."¹⁴ In short, this system defines people as maximum security who are shown by the rating scale to have:

1. a high probability of escape; and
 2. a high risk to the safety of the public in the event of escape; or
 3. a requirement for a high degree of supervision and control of the inmate's activities within the institution
- (as per Commissioner's Directives 505; Security Classification of Inmates)

In the above citation, the first two points together make up an inmate's Security Assessment, while the third point refers to Institutional Adjustment.¹⁵ Research does not agree on the applicability of this method of security classification to women. Several recent CSC-based studies (Blanchette 2002; Blanchette et. al. 2002; Irving and Wichmann 2001; Verbrugge and Blanchette 2002) argue that the system is valid. These are primarily case-studies which evaluate the CRS's effectiveness and accuracy in determining a woman's likelihood to re-offend, her "service" needs, and her ability to function appropriately in prison. Kelly Blanchette (2002), for example, argues that the

¹³ Security classification is evaluated upon admission to prison, and can be re-evaluated at any point throughout one's sentence.

¹⁴ That same year a Women-Centered Assessment (WCA) tool was piloted at EIFW, which women themselves would complete, allowing them to identify both positive and negative experiences that had affected them in their lives. However, prior to the opening of the new prisons, the CSC decided to adopt the system being used in the men's institutions (Hannah-Moffat and Shaw 2001:24).

¹⁵ Several factors are evaluated within each subscale. Verbrugge and Blanchette (2002:10) summarize the factors, each of which is weighted differently:

The IA [Institutional Adjustment] subscale gauges five factors that have been associated with institutional misconduct: history of institutional incidents, escape history, street instability, alcohol/drug use, and age. The SR [Security Risk] subscale consists of seven factors shown to be related to future re-offending: number of prior convictions, most serious outstanding charge, severity of current offence, sentence length, street instability, prior parole or statutory release, and age.

classification system accurately assesses women on the basis of their 'risk' and 'need' principles. In utilising the concepts of risk and need, however, Blanchette relies on the scientific delineation of "criminogenic" versus "non-criminogenic" needs, as opposed to the women-centered understanding of federally sentenced women's "needs" as outlined in *Creating Choices*. The criteria of these needs are the same for both men and women. Blanchette acknowledges that the case-based principles for offender classification have been developed and are supported by the research on men, but argues they have been evaluated and have been shown to be valid for women.

Verbrugge and Blanchette (2002) produced a CSC-based study aimed at validating the CRS's applicability to Aboriginal women. They evaluated the CRS for how it initially classified women being admitted to prison from 1997-99. Perhaps not surprisingly, they found that although Aboriginal women were over-represented at higher security levels, the "objective classification system" was in fact doing its job appropriately. They argue,

Upon intake, Aboriginal inmates were more likely to have amassed more institutional incidents, displayed greater street instability, abused drugs and alcohol more often, recorded more prior convictions, be under sentence for more serious offences, and be of a younger age at admission. Throughout the criminological literature, the aforementioned characteristics are well-established predictors and correlates of institutional maladjustment and post-release re-offending. It is, therefore, not surprising that the CRS, an instrument designed specifically to reflect these concerns would necessarily yield a substantially greater number of higher initial security level placements for a group with such characteristics.

Herein lies the central concern among feminists, regarding current research aimed at validating the CRS. Hannah-Moffat and Shaw (2001:65), in the most recent major critique of security classification, argue, "Canadian correctional research does not question the underlying classification instruments and the extent to which they are based on subjective interpretation." These studies do not problematize the *criteria* by which

women are being classified, nor the way the system is employed. Rather they continue to re-evaluate the system on the basis of their own criteria (i.e. criteria that were developed in relation to white men), and ignore the subjective character of the assessment process.

Critics argue that the entire classification system needs to be re-thought. Many point out that because the system was designed for, and initially tested on the much larger, predominantly white, male prison population, it cannot adequately take into account gender- and culture-specific issues that arise in relation to various women offenders. Further, any system that remains gender-neutral will necessarily privilege men, and likewise, a system which does not explicitly address differences of race and culture, will necessarily privilege 'whiteness,' and thereby systemically discriminate against people of colour.

Hannah-Moffat and Shaw (2001:15-20) discuss that "women's offending is qualitatively different than men's, even if the charges are the same," arguing that a gender-neutral (i.e. gender-biased) classification system does not address these qualitative differences. To illustrate the CRS's inherent gender bias, these authors discuss the fact that women who are considered 'violent' are seldom a risk to anyone but the victim of their crime (as discussed above). However the CRS would determine them as having increased risk because they have committed a violent offence. The system does not allow for a contextualized analysis of women's conflicts with the law.

While men are more likely to be held at maximum security due to Security Assessment (i.e. because they are considered to be at a risk to re-offend), women are more likely to have their security classification increased once inside, on the basis of Institutional Adjustment. Indeed, McDonough (1999:12) identified that in 1999, the

majority of non-Aboriginal women classified as maximum security who she interviewed (14 of the 15 in Canada in February 1998) were so classified as a result of this category.¹⁶ One interviewee, describing Institutional Adjustment, summarized, "It doesn't mean, like I'm having a hard time because I'm incarcerated in a sense. It means that they assault other women, they muscle for drugs" (*Interviews*). However it is defined, this assessment category becomes a means to increase women's security classification as a punishment for acting out in the institution. Cathy Fillmore and Colleen Anne Dell (2001:5-6) cite that women are more likely than men to self-harm or attempt suicide in prison. Incidents or attempts of self-harm are considered "institutional incidents" and can thereby result in an increase in security classification. Here is another example critics give as to why the CRS systemically discriminates against women.

The TFFSW identified in *Creating Choices* (1990:89-94; see also Sugar and Fox 1989) that a more appropriate method of classifying women in prison would be based on a holistic approach to understanding their risks, but would also incorporate an understanding of their needs. Such a system, they maintain, would set the stage, from the outset of their sentence, for a more individualized approach to each woman. It would, in turn, significantly shape incarceration practices, stressing the meeting of women's needs, rather than intervention and security.¹⁷ Ironically, this proposal, although fundamental to a 'women-centered' approach to incarceration, was not the focus of *Creating Choices*, and was not taken up by the CSC.

¹⁶ Regardless of what was on their file, most of the women interviewed in this study cited Institutional Adjustment factors when asked why they were classified as maximum security. McDonagh (2001:15) cites that the "factors identified included assaults, drugs, and attitude (generally negative institutional behaviour)."

¹⁷ In 1994 the CSC designed a women-centered assessment (WCA) tool. Women could complete it themselves, and it would "allow them to think about issues that had affected their life, both positively and negatively." However this tool was never implemented (Hannah-Moffat and Shaw 2001:24).

Implications for Aboriginal Women

Monture-Angus (2000b:371) points out that although both Aboriginal women and men are overincarcerated in Canada, Aboriginal women are *more* disproportionately overrepresented than Aboriginal men, and that their numbers in prisons are increasing.¹⁸ Referring to systemic sexism and racism within the criminal justice system, Aboriginal women, she argues, are an "afterthought within an afterthought" (372). She outlines the many reasons why Aboriginal people may not respect the criminal justice system, as a result of systemic discrimination and ongoing practices of colonization. A lack of respect for the system could lead women into conflict with the law initially (along with over-policing, as well as systemic poverty and racism), as well as perhaps partially explain why Aboriginal people are overrepresented in maximum security.

Further, Monture-Angus (369), along with Margaret Jackson (1999:198), argue that statistics alone provide an incomplete understanding of Aboriginal people's overrepresentation in the criminal justice system. As discussed above, Aboriginal women's and men's involvement in the criminal justice system must be seen as an extension of the state's historic and ongoing colonization of Aboriginal peoples. That is, these authors argue that Aboriginal women are not more prone to breaking the law than non-Aboriginal women. Nor are they more prone to committing violent offences. Rather, their involvement with the law and with violence must be seen in relation to generations of colonial control over their lives, through residential schools, foster care and youth detention centres. Jackson calls this context of assimilation and colonization, the "context of difference," and argues this experience is unique to Aboriginal women among all

¹⁸ Her assertion here is based on 1995 statistics.

women who are marginalized in Canada. It also contributes to the higher rate of more serious violent crimes among Aboriginal women (see also Sugar and Fox 1989:470-3).

Sugar and Fox (1989:475), along with Morin (1999), problematize the fact that Aboriginal women are over-classified. Given that many women are classified as maximum security due to Institutional Adjustment, it is necessary to look further into women's acting-out behaviours in prison. This analysis must be informed by an understanding of the effects of on-going colonization on women who are institutionalized. Sugar and Fox describe,

The Indian Agent and the police are for us administrators of oppressive regimes, whose authority we resent and deny. Like other peoples around the world who live under illegitimate political structures, we learn that the rules imposed by this authority exist to be broken, that they are not our ways that they are only the outside and not the inside measure of the way a person should act. As children we were taught to fear white authority because of the punishments it could enforce. Faced with institutional neglect and overt racism, our feeling about white authority even before we encountered the criminal justice system mixed passive distrust and active hatred

As this quote illustrates, Aboriginal women and men come into conflict with the law already distrustful of a system that in many ways was put in place to continue to colonize and oppress them. They come to this system already well versed in how to subvert it, to resist it, to challenge its authority over their lives. Aboriginal women in the criminal justice system are more likely to be classified as maximum security because of the violence they experience outside the prison walls, and because of their resistance strategies inside them (i.e. Institutional Adjustment).

The simple fact that a disproportionate number of maximum-security women are Aboriginal calls into question the basis and assumptions on which the CSC's perception of 'risk' is evaluated. Monture-Angus (2000:57), along with Hannah-Moffat and Shaw

(2001) and Morin (1999), argues that Aboriginal women are systemically disadvantaged by the evaluation criteria used in the CRS. One criterion is a woman's support systems, including family, in the community. Monture-Angus identifies how centuries of colonization and the accompanying destruction of Aboriginal communities and families, leaves Aboriginal women with fewer social supports, in general, than non-Aboriginal women. Monture-Angus identifies the inappropriateness of assigning a rating system to individual aspects of a much larger, centuries old, picture:

These risk scales are all individualized instruments. This must be seen as a significant and central problem for applying these instruments to Aboriginal people (male or female). This individualizing of risk absolutely fails to take into account the impact of colonial oppression on the lives of Aboriginal men and women. Equally, colonial oppression has not only had a devastating impact on individuals but concurrently on our communities and nations. This impact cannot be artificially pulled apart as the impact on the individual and the impact on the community are interconnected.

The very structure of the security classification system causes Aboriginal women to receive a higher score on the CRS, although it likely has little to do with their risk to society. In addition, once inside (particularly if classified as maximum security), it becomes very difficult for an incarcerated woman to improve her 'links to community.' Therefore, her security evaluation will be skewed throughout her sentence.

In a CSC-sponsored report, SkyBlue Morin (1999) through interviews with seventeen federally sentenced Aboriginal women who were classified as maximum security, as well as the staff who work with them, highlights many problems regarding the CSC's policies and programs aimed at reducing the security levels of Aboriginal women. Among Morin's thirty recommendations, she identifies a significant lack of resources being devoted to Aboriginal women in maximum security, including access to Elders, Native Liaisons, ceremonies, and culturally-relevant programming. She argues

that the CSC is not adhering to its own policies, because the programs and services were “either not available or ... not readily accessible” for women forced to serve their time in the small, co-located units, or at P4W, away from the new, regional prisons.

Moreover, Morin identifies that Aboriginal women in maximum security were largely neglected by the CSC, and that the CSC does not deal with them in an “empowering” manner. She maintains that “recognizing Aboriginal culture and spiritual beliefs and implementing the recommendations [of her report] will address some of the discrimination and racism of that federally sentenced Aboriginal women face in the criminal justice system.” Interestingly, many of these recommendations were supported by the staff who work with the women. Morin further identifies that the security classification system systemically discriminates against Aboriginal women because of its tendency to homogenize Aboriginal women offenders.

Hannah-Moffat and Shaw (2001) echo the call for a classification system which integrates an understanding of women’s needs, along with a contextualized perception of the risks they pose to society. Summarizing the major concerns with the current, “risk-based” classification system, they list (65):

- their failure to recognize the difference of gender and race;
- their inability to view problems holistically/contextually;
- their restriction of information to objective facts;
- their underlying subjectivity;
- the dominance of one perspective on criminal behaviour; and
- the theoretical and methodological limitations of studies that seek to make claims about the validity and reliability of these tools for women.

They argue that a more gender- and culturally-specific classification system must be put into place, which should “take women as a starting point,” recommending also that a

separate assessment tool for Aboriginal women be developed, and that further research into the assessment needs of Asian and Black women be pursued.

Although the field of research devoted to security classification for women is small, there are some significant concerns about the effects of the CRS – a system that was created for and tested on male offenders many decades ago – on women. As well, critics are concerned that any system which prioritizes risk assessment over a contextualized understanding of individual needs, is incongruent with the *Creating Choices* vision, and wholly inappropriate for applying to women. As such, women most often have their security classification increased once inside the prison, where they are more likely than men to exhibit ‘acting-out’ behaviour. Because of the way the system is designed, most women are held at maximum-security as a result of Institutional Adjustment – a category which evaluates security level on the basis of the amount of institutional resources it takes to ‘manage’ a prisoner. That most women are not a risk to society at large goes unnoticed by the Institutional Adjustment category. Finally, the implications of security classification for Aboriginal women are magnified, as the CRS does not take into account the lasting effects of colonization on Aboriginal women, as well as their communities, resources and family structures. As a result, critics maintain that the CRS systemically discriminates against Aboriginal women, holding the system itself at least partially responsible for their over-classification.

CONCLUSION

The critical research regarding women’s relationships to the criminal justice system informs a discussion of current incarceration practices for women, because it provides an understanding of the women who are being incarcerated in this country, as

well as the contexts within which they ended up in prison. This research locates the social context of women's crimes, identifies which women tend to end up in conflict with the law, and surveys the types of crimes they tend to commit. Researchers discuss how women's criminal activities must be understood within the context of women's locations in a society that renders them marginalized through racialized, gendered and classed systems of power. As such this research is fundamentally critical of the criminal justice system's assumption of complete, individual of 'choice' to enter into conflict with the law, arguing that this assumption removes from view women's varying experiences of marginalization and the disjunctures this creates in women's lives. Criminalized women, they argue, are those who tend to be over-policed and more harshly judged by the criminal justice system; however they do not represent a threat to society in the same way that men do.

In recent years, the field of critical criminological research that is specifically concerned with women's incarceration in Canada has focused on the implementation of the *Creating Choices* reforms throughout the 1990s. This research centrally challenges the concept that real 'choice' can be offered in a carceral setting. Likewise, researchers challenge the CSC's use of 'empowerment' as a realistic strategy to offer people who are being forcibly detained. These researchers centrally problematize the notion that prisons are capable of 'empowering' anyone. Further, a good portion of research in this field critically scrutinizes the CSC's implementation of the *Creating Choices* reforms, arguing that the feminist, community-based, Aboriginally informed vision became quickly co-opted by the bureaucracy of government. "Women-centred corrections," they argue, is little more than window-dressing on a regime that remains informed by the same

conventional relations of power and control upon which incarceration itself is predicated. Still more research remains critical of the *Creating Choices* vision itself. Researchers maintain that the Task Force created a universalized portrayal of 'women,' negating the many differences among variously located women. Moreover, some researchers critique the Task Force's approach of building more prisons, while others maintain that the Task Force did not adequately deal with the issue of security classification.

Finally, the issue of security classification has been central to the literature regarding the CSC's approach to 'women-centered corrections' over the last decade, arguing that a classification that was developed for men can not be applicable to women, and second, that a system which focuses on risk can not be women-centered. Although the CSC has devoted a good deal of research to proving that the CRS is an appropriate tool for classifying women, critics of the system argue that these studies simply assume the very system they are studying, and therefore necessarily validate it. Researchers call for more than a simple revision of criteria, or the inclusion of gender-neutral language. Instead, they argue, the entire notion of classification needs to be revisited. Not only do the criteria systemically discriminate against women in general, and Aboriginal women in particular, but the whole approach of 'needs' and 'risk' assessment, they argue, needs to be dramatically altered to address women's unique experiences and reasons for coming into conflict with the law.

The first two themes discussed here: the interactions of women with the criminal justice system and the prisoning of women, form the background to this study. My understanding of and approach to the incarceration of women has been largely informed by this literature. As such this study is located in a understanding of the social contexts of

women's crimes, of the systemic power relations which determine who ends up in prison, and of a fundamental critique of the criminal justice system as a whole. Further, this research does not assume the existence of the prisons as a necessary (or necessarily good) approach to addressing harms perpetuated against society.

The critical research regarding security classification has been instrumental to my understanding of the issues surrounding the implementation of the *Creating Choices* reforms. As I found through my interviews, the treatment of women classified as maximum security has become a central theme in this process. Understanding the critiques of the security classification system, including how it affects women in general and Aboriginal women in particular, has formed the basis of my understanding of punishment as a mechanism of exclusion.

CHAPTER THREE

Institutional Ethnography and its Theoretical Underpinnings

INTRODUCTION

My methods and research questions are informed by institutional ethnography and the theories of governance and ruling relations that underpin it.¹ Grounded in Marxist materialism,² an institutional ethnography begins from the premise that people's everyday experiences are socially organized by the ruling apparatus, but in ways that remain hidden from view. Originally conceived by Dorothy Smith (1986, 1987, 1990a, 1990b, 1999) as a "sociology for women," this approach is a method of inquiry that takes as its problematic, the "everyday world" – the localized experiences of people and the material conditions of those experiences. Institutional ethnography aims to "shift the lens" of conventional forms of sociological inquiry from the center, i.e. the ruling apparatus, to the margins, i.e. people's experiences. Investigation from this 'women's standpoint' "turns conventional problematics on their heads" (Mueller 1995:98). In a study of women in prison for example, instead of making women its topic, the imprisonment regime itself is brought under investigation.³ The task of an institutional ethnography, however, is not to explicate what people's experiences are. Rather it aims to understand how the organization of the local takes place.

¹ For other institutional ethnographic studies, see Campbell and Manicom (1995), Grahame (1998), Kinsman (2000), Ng (1995, 1996), Ross (1998), Sharma (2000a, 2000b), Smith, G. (1990).

² See Marx and Engels (1977).

³ In taking up the 'standpoint of women,' institutional ethnography marks a methodological, rather than an epistemological shift as is often mistaken. It does not make women the *object* of study. Rather the experiences of women, and others who are marginal to the relations of ruling (whose knowledge is objectified by conventional forms of sociology) are made the subject and entry point of investigation (Mueller 1995; Smith 1987, 1990a, 2001a).

In discussing institutional ethnography as my method of inquiry, I will first explore the main theoretical understandings that inform an institutional ethnographic approach. Second, I will address the major issues arising from the use of this method, including the role of both texts and interviews as data sources, as well as ethical concerns specific to this research. I will conclude the chapter by outlining my research questions.

INSTITUTIONAL ETHNOGRAPHY - THEORETICAL UNDERPINNINGS

Key to an institutional ethnographic approach is the understanding that theory and practice are inseparable – our methods must be informed by theory, and our theory informed by the ways we perform our particular course of inquiry. While institutional ethnography is a method rather than an epistemology (Smith 1987, 1990a, 2001a), there are significant theoretical roots underpinning the method that require explanation. In this section I will explore some of the central theoretical underpinnings, including: ruling institutions, capitalist relations of ruling, the role of ideology, and tools of governance.

Ethnography of Ruling Institutions

The concepts of social relations and social organization are central to institutional ethnography. Relations between individuals, or between individuals and institutions, are not objectively studied; these relations are “what is used to do the looking” (G. Smith 1995:25). As Dorothy Smith (1999:7) describes,

‘social relations’ does not refer to relationships such as instructor-student, between lovers, parent-child, and so on. *Rather, it directs attention to, and takes up analytically, how what people are doing and experiencing in a given local site is hooked into sequences of action implicating and coordinating multiple local sites where others are active* (emphasis in original).

Institutional ethnography has been characterized as a method of ‘looking up’ into the workings of social institutions, from outside or below them – the goal being to understand how things came to be the way they are ‘down here’ (Smith 2001a, 2001b). In this context, ‘institution’ is used to describe a complex of relations that together form part of the ruling apparatus and are organized around a distinctive function (1987, 1990), e.g., education, health care, religion, or in this case, corrections. Unlike a term such as ‘bureaucracy,’ it does not describe a finite form of social organization. Rather, it refers to the intersection and coordination of more than one mode of the ruling apparatus (1987:160). In this study, ‘institution of corrections’ refers to the various parts of the ruling apparatus that together define, shape, organize and administer correctional practice. For simplicity and clarity, I will most often refer to the institution of corrections through its primary organizational site, the Correctional Service of Canada (CSC).⁴

The term ‘ethnography’ emphasizes “exploring [social] organization concretely by using the experience of some particular person or persons as the entry point into forms of social organization” (Smith 1987:157). Unlike conventional ethnography, however, this exploration does not end with observation and description of the local setting. As Smith continues, “[t]he question of ‘how things work’ is not confined to the conventional experience or problem of describing an alien culture or subculture. Instead, *the concrete experience of individuals is treated as the key to discovering how the local organization of everyday worlds is connected with relations of ruling*” (ibid:157-61, emphasis added).

⁴ Although the CSC is only one aspect of the institution of corrections, which also includes the police, judiciary, lawyers, law-makers and so on, this study recognizes the very central role that the CSC plays in organizing incarceration practices. Individual prisons, meanwhile, are at once part of the overall institution of corrections and individual institutions in themselves. I refer to prisons as institutions (e.g. ‘regional institutions’), to highlight their ruling functions both at the individual level, and as local sites of broader control.

Taken literally then, institutional ethnography is an examination of one aspect of the ruling apparatus, with the goal of discovering how it actually operates. It does so through an investigation of what is happening at the local level, in order to uncover how institutional practices organize and mediate localized spaces. This then is a study of how exclusionary incarceration practices – which shape the material conditions of the lives of women classified as maximum security – are informed by the relations of ruling.

Ruling Relations and How to ‘Spot’ Them

Smith (1987:2-3) defines the relations of ruling as “(t)he intersection of the institutions organizing and regulating society with their gender, race and class subtext and their basis in a gendered, racialized and classed division of labour.” This concept identifies a complex relationship between forms of organizing and ruling in contemporary capitalist society, and the patriarchal, racialized and classed forms of everyday experiences. It is an “extralocal” form of ruling – it does not occur in localized sites of experience, but it nonetheless organizes those experiences. It is the fact that everyday experiences are organized extralocally that renders them problematic, and makes them the subject of sociological inquiry (ibid.).

This understanding of ruling relations is rooted in Marx and Engels’ *The German Ideology* (1977), where, critiquing Feuerbach and his followers, they assert there can be no separation between people’s actions and their consciousness of those actions. Human consciousness, they argue, is intimately linked to human experience. Capitalism meanwhile relies on a Cartesian separation of consciousness and experience, as exhibited by what Marx and Engels (1977) describe as ‘commodity fetishism’ – a process by which

the actual labour of individuals that goes into making a product is erased when that product becomes a capitalist commodity. Through this process, people's labour becomes replaced by an assignment of 'worth' based on an abstract, non-material 'market value.' Marx and Engels argue that in non-capitalist societies, social relations were ones of interdependence between individuals, while in capitalist societies, social relations have become characterized by dependence on abstracted forms of ruling such as the market, accounting systems, knowledge, and so on. Smith (1999:77) argues that the "social relations of capitalism have the particular character of dissolving the particular and concrete in abstracted and generalized forms" by which individuals are controlled. They are objectified forms of ruling; they deny the subjecthood of individuals. It is therefore only within the context of these capitalist relations that a separation between consciousness and experience makes sense. Smith (1999:78) describes,

The concept of the ruling relations identifies an historical development of forms of social consciousness that can no longer be adequately conceived as arising in the life conditions of actual individuals. It directs investigation to a complex of objectified relations, coordinating the activities of many, many people whose consciousness as subjects is formed within those relations.

As a result of these abstracted, dependent relationships, disjunctures arise between personal experiences and capitalist forms of social organization.

Identifying Ruling Relations: Locating Bifurcations of Consciousness

Smith refers to such disjunctures as bifurcations of consciousness (1987:6-9). She commonly offers as an example, her own experience of being a single mother of two young children, on the one hand, and a sociology professor on the other (1987:7). She

describes that she often found these two locations of experience to be contradictory, the former being based in the particular, the latter being steeped in abstraction:

These were two modes of consciousness that could not coexist with one another. In practice of course they 'existed' in the same person, often in the same places, and certainly they often competed with one another for time. But moving from one to the other was a real shift, involving a different organization of memory, attention, relevances and objectives, and indeed different presences. The strains and anxieties involved in putting and holding together work sites, schedules, and modes of consciousness that were not coordinated marked the separations institutionalized in a gender division of labour. Movement between a consciousness organized within the relations of ruling and a consciousness implicated in the local particularities of home and family transgressed a gender boundary.

Smith thus identifies the consciousness, organized within the ruling relations (academia), as male "in its assumptions, its language, its patterns of relating" (ibid.). Meanwhile the consciousness of the local is much more embodied – it is more concerned with physical, material modes of operation. This, she argues, is the consciousness women are made to occupy in a patriarchal, capitalist society.

When disjunctures become apparent between people's consciousness of the local and the consciousness produced at an institutional level, this is a signal that what is being experienced is being organized from the extralocal. Thus, entry points for studying ruling relations can be found at disjunctures between the material world, and our understanding of it. Where bifurcation occurs becomes a site of inquiry. The task becomes to understand *how* this bifurcation occurs, and how it continues to be taken for granted.

In undertaking an institutional ethnography of the federal incarceration of women in Canada, I located a key disjuncture between the institutionally-organized assertion that sweeping reforms have fundamentally re-shaped the way women are incarcerated, on the one hand, and the actual conditions of women's imprisonment, particularly for women

classified as maximum security, on the other. While the CSC claims to be implementing a women-centered approach to corrections as outlined by the reform agenda of the TFFSW, at the same time they appear to be pursuing incarceration strategies (such as holding women in men's prisons) that clearly do not place women's needs as central. An institutional ethnography helps illustrate how such disjunctures make sense.

Ideology and the Production of Common Sense

In order for localized experience to be subsumed by a consciousness that is organized extralocally, it is crucial that ruling relations make sense to people. The social organization of material experiences takes place through ideological practices or tools; as Smith says, “[t]he coordination of institutional processes is mediated ideologically” (1986:8). Drawing from Marx and Engels (1977:18), who define ideology as not simply thoughts, “phrases” or a set of beliefs (as in ‘feminist ideology’), but as a *method* of organizing the material world, an institutional ethnography emphasizes the social character of ideology. Ideology meanwhile, “names a kind of practice in thinking about society” whereby focus is placed on concepts and theories over the actual social relations that give rise to those concepts, and that are embedded in people's actual lived experiences (Smith 1987, 1990). In other words, ideology does not merely exist; it is something that ruling institutions ‘do.’ Through ideological practices, institutions socially organize the way people understand the societies they inhabit.⁵

Language, meanwhile, is “from the very beginning, a social product” (Marx and Engels 1977:32) – it is used in a way that continually reproduces a particular

⁵ In this study I emphasize the similarly social character of incarceration. Imprisonment is more than a state of being or something that occurs in a finite manner; rather I refer to incarceration as a set of *practices*, in order to remind us of its character as something that is done – it is an institutionally-organized practice.

consciousness. Marx and Engels emphasized that such consciousness is not “inherent” or “pure”; rather it is tied together with actions and social relationships (ibid.). It is important to examine the use of language in institutional settings, to explore what kind of consciousness it organizes, and how that organization takes place. The use of texts as a focal point in this study, and of interviews as a primary site of investigation, both result from this understanding of discursive practices.

By privileging a certain consciousness, ideological practices mask other relations. As Nandita Sharma (2000a:35) summarizes, “it is not only that people think a certain way about their lived experiences and those of others but that society is organized through ruling relations in such a way that brings forward only particular interpretations of those experiences while working to conceal others.” Ideological practices thereby become a mechanism through which ruling is accomplished. More simply, ideological language is that which is taken as ‘true’ despite clear disjunctures between that language and people’s actual experiences.⁶

Governance

Once identified, the ideological character of certain institutional practices must be acknowledged as practices that are produced for the purposes of governance, and our task as researchers becomes to challenge how such practices operate. Roxana Ng (1995: 36) employs this understanding of ideological practices to “draw attention to the accomplished character of ideological thinking and processes,” emphasising the ways in

⁶ Roxana Ng (1995) has demonstrated, for example, that the notion of Canada as a multicultural society acts as an ideological frame that overrides the existence of racism in this country. If Canada is multicultural, she argues, it must not be racist. People’s experiences of systemic and individual racism in Canada are denied.

which social practices perpetuate them. In her discussion of ‘multiculturalism,’ Ng (1995:36) describes ideological frames as social tools of governance, which are,

processes that are produced and constructed through human activities. They are ways in which capitalist societies are ruled and governed (see Marx and Engels [1977]; Gramsci 1971). Once an ideological frame is in place, it renders the very work processes that produced it invisible and the idea that it references ‘common sense’ (Gramsci 1971). That is, the idea(s) contained within the ideological frame become taken for granted as ‘that is how it is’ or ‘that is how it should be.’ (See also Smith 1986, 1990).

Ng’s description of the invisibility of work process in the production of common sense is clearly informed by materialism. Further, Ng’s use of ‘common sense’ is derived from the work of Antonio Gramsci (1971:322) who used the term to describe concepts that have become normalized: the “uncritical and largely unconscious way of perceiving and understanding the world that has become ‘common’ in any given epoch.” Gramsci argued that when something is common-sensical, it has become a hegemonic worldview in a particular place and time. Further, he understood hegemonic practices to be social activities that produced consent to the political and cultural dominance of the ruling classes (ibid.). Common sense is produced through various aspects of people’s lived experiences, including institutional practices. The application of state power through ruling relations, particularly in liberal democracies such as Canada, must make sense, to those who are governed by it. As Ng points out, this production of common sense allows us to make ‘good’ sense of the “incoherent and at times contradictory assumptions and beliefs held by the mass of the population” (1995:52).⁷

Ng (1996:86) further describes the character of the state as a ruling apparatus, and how ideological practices become part of ruling practices:

⁷ Sharma additionally notes that such a common sense “connects up with the complex work of others within Canadian state apparatuses, such as bureaucrats who contribute to the research, design and implementation of legislation” (2000a:30).

the notion of the state as a set of apparatus, standing above and apart from community groups, is inadequate in understanding how the state works ... it is much more appropriate to view the state as the embodiment of struggles between classes ... Thus, the state also fundamentally constitutes a set of social relations which (a) legitimizes certain courses of action, thereby rendering other (alternate) forms of action illegitimate; and (b) organizes how people relate to one another. What is important to grasp is that these social relations are relations of domination and subordination: they are relations of power.

Informed by these theories of governance, ideology and ruling relations, this study is an investigation into how exclusionary incarceration practices are discursively organized, and further, what is accomplished by that organization. I begin from the starting point that the CSC is engaging in exclusionary punishment strategies for maximum-security women, despite its use of the *Creating Choices* vision as an organizing tool. The social relations that give rise to such ruling activities (i.e. removing maximum-security women from the *Creating Choices* prisons or building Secure Units inside 'women-centered' prisons) are rendered invisible. At the same time, the ideological frame of the *Creating Choices* vision discourages serious investigation into such disjunctures, by privileging the notion that corrections for women in Canada places the needs of incarcerated women as central. Using institutional ethnography as the method of inquiry, this study begins that investigation.

METHODS ISSUES

This section will address the more practical issues of institutional ethnography as a method. I will discuss the importance of both texts and interviews as data sources to this type of inquiry, and how I use each in this study. Considering the focus on institutional discursive practices that results from these data, I will clarify the critical differences between institutional ethnography and discourse analysis. Considering also

the importance of everyday experiences to institutional ethnography, I will discuss my decision to interview bureaucrats and advocates, rather than prisoners. Finally, at the end of this section I will address some ethical concerns raised by this study.

Data Sources: Texts

Smith (1990b:11) argues that “[r]uling’ in [a capitalist] context is a complex of organized practices, including government, law, business and educational institutions as well as the discourses in texts that interpenetrate all these multiple sites of power.” Texts thus occupy an integral place in institutional ethnography; they are “constituents of ongoing social relations into which our own practices of reading enter us” (ibid.). As such, they mediate the relations of ruling to the local, material world. In her later work, Smith places significant emphasis on the text as an active constituent of social relations, arguing that because texts can be replicated, and therefore be in many locations at once, they become important mediators of social relations (see Smith 1990b, 1999, 2001a).

This analysis of texts as constituents of social relations has implications for *Creating Choices*, which can be viewed as a mediator of incarceration practices for women in many locations at once, across Canada. However, this is not the topic of my study. In this study, *Creating Choices* is the focal point for current incarceration practices for women, as it has come to both define and represent incarceration practices for women during this period.⁸ As a document that resulted from a fundamental critique of

⁸ Documents often come to represent institutions. In beginning my investigation into corrections for women in Canada, I quickly found I *had* to enter into it through texts, and particularly through *Creating Choices*. Almost everyone I spoke to initially referred me to *Creating Choices*. This signified to me the importance this text occupies in relation to incarceration practices, as well as demonstrating the extralocal character of these particular ruling practices (and the reproduction of them at the local level). The Arbour Report (Arbour 1996) plays a similar representative role, but as a document that builds on *Creating Choices* in many ways, will be used as a secondary document in this study.

incarceration practices for women, I understand *Creating Choices* to be primarily located *outside* the institution of corrections, rather than an element of it. *Creating Choices* thus occupies the position – the standpoint – of marginalized women. (This will be particularly critical in Chapter Six when I refer to *Creating Choices* alongside excerpts from interviews with federally sentenced women’s advocates, to bring into view the CSC *as an actor* in incarceration practices.) As such, I have used *Creating Choices* as an entry point and touchstone to a critique of ruling practices, rather than as indicative of them.

I will additionally refer to texts that have been produced by the CSC for public relations purposes. These were selected because each, in some way, either determines or describes current incarceration practices for women in Canada. Having been produced for the explicit purpose of informing the public about what the CSC is doing, I understand these texts to be linked up with, and therefore reflective of, the CSC’s discursive practices. I draw on all of these texts as sources of descriptive data in Chapter Four, and of explicative data in Chapters Five and Six, where necessary.

Data Sources: Interviews

As discussed above, Marx and Engels assert the importance of investigating institutional language that creates a particular consciousness. They discuss how such messages have been passed from the processes of ruling and are explicitly organized by the texts that are produced by ruling institutions. Smith (1987:55) describes how Marx and Engels portrayed this relationship,

[they] held that how people think about and express themselves to one another arises out of their actual everyday working relations....Their analysis shows how the ideas produced by a ruling class may dominate and penetrate the social consciousness of the society in general....[It] shows how a disjuncture can arise

between the world as it is known directly in experiences...and the ideas and images fabricated externally to that everyday world and provided as a means to think and image [*sic*] it.

Following from this, when investigating ruling practices, it is important to look not only at institutional discourses in texts, but also how that discourse is presented in the language of people's "actual everyday working relations." How people accomplish their work in a capitalist society is indicative of the social relations in that society. How people talk about their work, moreover, reveals how institutional discursive practices are employed as governing tools.

Individuals thus take part in ruling practices. They can be discerned through texts, discourse, and daily interactions – at work, at home, on the street, in the car, or in prison. Smith argues (1999:78), "social consciousness exists now as a complex of externalized or objectified social relations through which people's everyday/everynight activities organize and coordinate contemporary society." In other words, the social relations of ruling seep into people's consciousnesses, taking precedent over what may make sense to them in another context. This 'seeping into consciousness' takes place for people at every level of an institution, from the people who develop and implement policy, right 'down through' to the people who are directly affected by those policies. An exploration of ruling relations, thus, "can, in principle, begin anywhere," (Smith 1999:82).

As such, Smith maintains that although institutional ethnography is predicated on understanding how the material conditions of people's everyday/everynight worlds are organized, it is not always necessary to begin a study in people's descriptions of their localized experiences. However, institutional ethnography does place significant emphasis on investigating the everyday experiences of people who are located outside of

the ruling apparatus, as it is people who are most marginalized whose experiences best reflect the bifurcation of consciousness that reveals ruling relations. Indeed, many institutional ethnographies do begin here. Following these arguments, it would make sense to use as my primary data, the everyday experiences of women in prison. However, practical considerations such as access to women in prison precluded me from pursuing this course. Meanwhile, the importance of work processes, and the pervasive, hegemonic character of ruling relations (as emphasized above) made it unnecessary to do so.

Although I do not begin with the “everyday experiences” of federally sentenced women (i.e., I did not interview them directly), this study focuses on the effects current incarceration practices have on their lives, as understood through what is taking place in women’s federal prisons. In other words, I look at the material implications of current incarceration practices and, recognizing that those practices result from an extralocal form of ruling, take these as the problematic. The experiences of federally sentenced women do not directly form a data set; rather the material effects of incarceration practices form a reason and framework for my course of inquiry. Information about the material effects has been gained from the literature in this area and from interviews with three community-based advocates.

In order to understand how the relations of ruling operate in corrections for women in this period, I chose as my entry point, the disjunctures between the CSC’s use of reform language, and what I knew about the material conditions of the CSC’s treatment of women classified as maximum security. In order to *access* those ruling relations, I explored the discursive practices of nine upper-level CSC bureaucrats. These were people who organize and implement policy with regards to federally sentenced women. I

approached these interviews with the goal to explore the discursive practices of the institution of corrections, to uncover how such practices organize or shape the material conditions of life in prison for federally sentenced women.

Importantly, this is not to say that I took up the “standpoint” of CSC bureaucrats in this study. On the contrary, this study remains located in the standpoint of those who are marginalized by the relations of ruling. That is, by investigating ruling relations and the institutional practices that uphold them, I take up the position of the marginalized, looking up and through the institution of corrections, from a position external to it. Doing so, this study aims to ‘shift the lens’ through which social institutions are usually understood. Such a position allows us to view institutions, and the ruling relations that organize them, in a new light.

This study maintains the position of the marginalized throughout. I provide an explicit illustration of this standpoint in Chapter Six, where I aim to demonstrate the presence of an institutional lens. Drawing on Smith’s discussions of ‘shifting the lens’ through which ruling practices are conceived, formulated, implemented and conceptually organized (Smith 1990b, 2001b), I employ the concept of the ‘institutional lens’ to discuss the frame through which social institutions accomplish the work of ruling.

I utilize interviews with three federally sentenced women’s advocates, in conjunction with excerpts from *Creating Choices* itself, to discuss the institutional lens. As people whose work is formulated from the position of those who are most marginalized by the institution of corrections (i.e. federally sentenced women), I consider advocates, as well as *Creating Choices* to be in the position of being *outside* of it. As such it becomes useful to juxtapose the CSC’s descriptions of the EIFW events and of

women classified as maximum-security with descriptions from this marginalized position. Providing a view from the position external to the institution of corrections allows us to, first, identify where the institutional lens exists, and second, what that lens masks, as much as what it privileges. This will inform my discussion of the relations of ruling in the remainder of the thesis.

Institutional Ethnography Versus Discourse Analysis

Institutional ethnography's emphasis on discursive practices has led to some confusion as to the difference between institutional ethnography and Foucauldian discourse analysis (1981). Smith's view of 'discourse' is quite different from Foucault's, who saw texts as inert or static, thus discarding the writer and reader as subjects who are engaging with the written (or spoken) word (Smith 1999:133-35, 2001a). Institutional ethnography understands texts and discourse as an *active* part of social relations. That is, like ideology, they are *practices*, which are accomplished. Further, discourse analysis begins with the discourse itself, reinforcing the artificial separation between consciousness and actions that Marx and Engels warn against (1977; Smith 1999:134). "The alternative to beginning in discourse," Smith argues, "is to begin in the work and practical reasoning of actual individuals as the matrix of experience in the everyday world" (1986:8). In this study then, by examining interviews, my goal is to look at the "practical reasoning" of people whose work involves the planning and implementation of correctional practices for women. I understand the ways in which these people make sense of their work to be more than mere discourse; rather they reflect the discursive practices of the CSC, which are geared towards making sense of institutional processes of

governance. Understanding how people's discursive practices link up with or reflect institutional discourses becomes a key to uncovering how people's experiences are organized, and how they make sense beyond the institution as well.

Ethics: Interviews

In April 2002, I conducted twelve interviews: nine with employees at CSC National Headquarters in Ottawa, and three with advocates for federally sentenced women. Before speaking with government employees, I had to obtain institutional support for the research, which was accomplished through the Research Branch at National Headquarters by January 2002. The interviews lasted from thirty minutes to 2 ½ hours each. I used a tape recorder to ensure accurate transcription, and obtained written consent for use of the data prior to beginning each interview.⁹

Given the specialized area under investigation, the major ethical concern in this study was the anonymity of interviewees. The number of people in National Headquarters whose work directly involves federally sentenced women (and would therefore be potential interviewees) are few. Due to the small sample, a few interviewees requested I consult them before citing their interviews, to ensure that their anonymity would be maintained. It was agreed that the content of the quotes would not be altered, only any self-identifying remarks.

Due to these concerns, I cannot specify where at National Headquarters these nine participants are located, except to say that all have or have had something to do with women offenders in their work. Likewise, I have chosen not to assign pseudonyms,

⁹ Interviews took the form of guided conversations, rather than direct question-and-answer. However I did use of a list of questions as a reference to guide discussion. See Appendix B: *Interview Guide*.

initials, or any other identifying information. The advocates I interviewed were less concerned about anonymity, and are comfortable being identified as “advocates.” However for the sake of consistency, no identifying information will be given when I provide quotes from any of the interviews. I will use the feminine pronoun throughout, although not all interviewees were women. To reference them, I will use the simple citation “*Interviews*” unless otherwise noted.

RESEARCH QUESTIONS

This study is an examination of exclusionary incarceration practices for women in Canada during the 1990s, which I see as an extralocal form of ruling, accomplished by the institution of corrections. Located during an era of sweeping institutional reforms, this study takes as its starting point, the recognition that some women, namely women classified as maximum security, appear to remain excluded from those reforms. Nonetheless the CSC claims to have fully embraced the *Creating Choices* vision, and is in fact continuing to implement a women-centered approach to incarceration. The goal then is not to evaluate *to what degree* corrections is or is not achieving the *Creating Choices* vision; this work has been done well by others. Rather this study aims to begin to unravel the institutional sense making that has taken place within the CSC, with regards to this particular bifurcation of consciousness. As such, there are three main research questions, and five sub-questions, in this study. They are:

1. How are current, exclusionary incarceration practices for women classified as maximum security located historically?

2. How does the CSC make sense of the disjunctures between its exclusionary practices and the *Creating Choices* vision that they claim to embrace?
 - a) What are the discursive practices the CSC has put into place, which aim to organize sense around the exclusion of women classified as maximum security from the *Creating Choices* reforms?
 - b) What do these discursive practices reveal about institutional sense making regarding these practices?

3. How does this sense making take place?
 - a) How do advocates understand women classified as maximum security women and the events leading to their exclusion from the *Creating Choices* reforms?
 - b) What does this external understanding reveal about the character of ruling relations and the existence of an institutional lens?
 - c) How does the CSC's use of reform language contribute to the sense making regarding the treatment of women classified as maximum security in the current period?

First, as a materialist mode of inquiry, I found it important to ask: *how are current, exclusionary incarceration practices for women classified as maximum security located historically?* A brief historical investigation in the following chapter into the treatment of maximum-security women reveals that current exclusionary practices are historically precedented. This analysis identifies the disjuncture in the CSC's incarceration practices that becomes the central site of inquiry for the remainder of the study.

Second, turning in Chapter Five to the interviews I conducted with CSC representatives, I will examine two discursive practices that emerged in those discussions, which I will argue are aimed at making the exclusion of some women from the *Creating Choices* vision make (common) sense. After understanding what discursive

practices the CSC has put into place, I will then illustrate some ways in which these discursive practices contribute to the CSC's project of sense-making regarding its current strategies of incarcerating women classified as maximum security.

Third, having unravelled some of the CSC's key discursive practices, I ask the question, *How does this institutional sense making take place?* In Chapter Six, I will first identify the existence of an 'institutional lens,' and then discuss what that lens masks, as well as what it privileges. In doing so, I will demonstrate how the CSC's institutional lens contributes to the construction of what is 'known' about maximum security women, and therefore what are 'reasonable options' for their treatment. Having identified the existence of the institutional lens, I end the study looking at how the CSC's use of reform language contributes to this institutional sense-making, as a way to illustrate, further, the ways in which the institutional lens operates to maintain ruling relations that are gendered, racialized and classed. Based on these findings, I will end this research with many questions, and only a few answers, regarding the possibility and effectiveness of institutionalized reform.

CHAPTER FOUR

Punishment through Exclusion, Past and Present

INTRODUCTION

Incarceration practices, like all systems of governance, are historically and contextually informed. The prison system in Canada treats prisoners differently according to its perception of varying levels of security. For men, the prison system has imposed a hierarchy of minimum-, medium- and maximum-security that has historically rested on the risk it perceives each individual poses to society. Historically, men who pose a greater threat to society – those considered to be ‘maximum-security’ – have been subjected to egregious conditions at the country’s most notorious prisons.

The differentiation of treatment for women, meanwhile, has been less overtly defined. Unlike for men, incarceration practices for women in Canada have been rooted in gendered, racialized and classed assumptions about women’s essential character. This gives rise to a dichotomy that places some women as ‘essentially good, but gone astray,’ and others as ‘too bad’ to receive the same treatment as other incarcerated women, and therefore deserving of harsher punishment. Using related literature, CSC documents and descriptions from interviews with both CSC bureaucrats and advocates, I will discuss the ways in which this dichotomous characterization has led the practice of segregating some women and subjecting them to much more punitive conditions than those designed for the general female prison population, to make sense.

An historical account of early incarceration practices, as well as an overview of the reform strategies that led to and include the TFFSW and its *Creating Choices* report,

will contextualize a discussion, in the second part of this chapter, of contemporary practices which classify and treat women prisoners as maximum security. I will specifically address some critical incidents that occurred at one of the new regional prisons, shortly after it opened in 1996. These incidents are pivotal to our understanding of current incarceration practices for women, because they sparked a swift return to conventional, exclusionary practices for women classified as maximum security, in the form of first co-location and then Secure Units. In discussing co-location, I will use descriptions from interviews with federally sentenced women's advocates, who provide a chilling picture of what being a woman held in men's prisons must be like. These descriptions stand in stark contrast to key features of the *Creating Choices* vision, demonstrating how the co-located units exclude particular women from that vision. In discussing the Secure Units, which the CSC celebrates as "repatriating" maximum-security women to the regional prisons, I utilize CSC documents and interview data to demonstrate ways in which they, too, operate as a mechanism of exclusion. This exclusion, I will argue, is doubly discriminatory against Aboriginal women, who are disproportionately over-incarcerated and over-classified.

Locating current practices in their historical precedents will demonstrate that what is being accomplished now, i.e. the exclusion of women classified as maximum security from the *Creating Choices* vision, makes sense as a piece of that historical trajectory. At the same time, such an historical account helps identify the disjuncture evident in the CSC's claim to be pursuing women-centered corrections, and its use of exclusion as a mechanism of punishment.

HISTORICAL ROOTS: EXCLUSION AS A MECHANISM OF PUNISHMENT

The first half of this chapter will briefly outline the first hundred years of federal incarceration practices for women in Canada. Such an historical account reveals some common themes that have characterized women's punishment. Specifically, since the introduction of maternalist reform strategies which are based on white, upper-class assumptions of gender-appropriate behaviour, incarcerated women have been forced into either side of a dualistic code: one which labels them either essentially 'good,' or 'bad' and therefore, beyond help. The latter group, I will argue, have historically been segregated from the rest of the population, and treated more harshly as a result of their refusal to ascribe to the necessary roles. I will demonstrate how the practice of punishment by exclusion is evident throughout the history of incarceration practices for women, from the mid-1800s at the Kingston Penitentiary Female Unit, through to the 1980s at Kingston's notorious Prison for Women.

The 'Worst of the Worst': Early Punishment, up to 1934

In Canada, the first penitentiary was built in Kingston in 1835.¹ Most women served their sentences in lock-ups or their local county jail, but the Provincial Penitentiary (later Kingston Penitentiary) – a foreboding maximum-security prison for men – soon also became the destination for women who were repeat offenders, or who

¹ Incarceration emerged in Britain and North America in the late 18th and early 19th centuries as a more humane method of punishment than corporal punishment. Although the penitentiary's goal was to reform criminals through enforced seclusion and 'penitence' (Cooper 1993:35), in practice, "physical deprivations, torture, and brutality were pervasive features of prison life" (Bortich 1997:172).

had committed ‘serious crimes.’² Prison officials considered women who ended up there to be sexually and morally corrupt, and even more depraved than their male counterparts (Boritch 1997:172-3). The conditions of their confinement at the Provincial Penitentiary reflected this view: more than twenty women were relegated to ‘temporary’ cells in the attic that were 8’4” long, 7’6” high and only 30” wide (Boritch 1997; Cooper 1993:37; Faith 1993; Feinman 1983; Hannah-Moffat 2001). Karlene Faith (1993:129) describes:

Convicted primarily of drunkenness, theft and prostitution, they were literally hidden away, under cold, abominable conditions including infestations of insects and rodents, filth, inadequate nutrition, disease, total idleness or meaningless labour, harsh punishments for prison infractions, and sexual abuse by male guards...[They were] disdained as lazy and a disgrace to their sex.

Female matrons oversaw the women at the Provincial Penitentiary, but they were ultimately governed by the rules, regulations, and the warden of the men’s prison. The administration put the women to work making and mending clothes for the male prisoners, doing laundry for the institution and working in the kitchen (Cooper 1993:35). In order to keep the women separate from the men, the administration enforced tight restrictions on the women’s movements within the institution.

In the meantime a maternalist agenda of social reform, which was beginning to permeate many social institutions, was also influencing incarceration practices, shifting focus from harsh punishment to hard work and moral regulation (Boritch 1997; Cooper 1993; Faith 1993:173; Feinman 1983; Hannah-Moffat 2000). While prison administrators saw the women as morally bereft nuisances, public opinion was shifting to perceive them as “fallen women” who were “victims of a system designed for and appropriate only for

² It was not until 1889 that *The Penitentiary Act* legislated every prisoner be given a security classification. It is unclear how systematically women were classified, if at all. Women were not officially classified on record as minimum-, medium- or maximum-security until the 1970s (Hannah-Moffat and Shaw 2001:21).

men” (Cooper 1993:35), and who simply needed the right kind of moral and spiritual guidance (Faith 1993:129). Public outcry at the brutal treatment of women at the Provincial Penitentiary led to the establishment of a Royal Commission in 1848. Known as the Brown Commission, it became the first of many to call for an entirely separate women’s prison (Arbour 1996:239; Cooper 1993:37; Hannah-Moffat 2001:80).

Canada’s first women’s prison opened in Toronto in 1874.³ Epitomizing the maternalist reform approach, the Andrew Mercer Ontario Reformatory claimed to “reform fallen women through a strict gender-specific regime of hard labour [including the men’s laundry], moral and religious training, and after-care” (Hannah-Moffat, 2001:57). The fortress-like Mercer, organized around the twin ideals of domesticity and obedience, turned the prison into a ‘home’ environment, where infantilized women were taught the skills and attitudes necessary to become a ‘successful woman’ (ibid:56-60).⁴

Importantly, the maternalist philosophy of penal governance relied on the assumption that women would naturally accept the ideal being upheld, which were undeniably white, upper-class notions of appropriate social etiquette and gender roles. Lauren Snider (2003:361) summarizes how patriarchal social norms influenced expectations of female behaviour in the reformatories:

Because the ideal woman of the time was docile, modest, pious, religious, maternal and above all obedient to the patriarchal authority of the father, husband, minister or priest, the female offender was conceptualized as her dichotomous

³ The Mercer was a provincial prison, housing only women serving sentences of two months to two years. Women serving less than two months went to their local county jail, while those with longer sentences (including some ‘lifers’) continued to go to the former Provincial Penitentiary – now Kingston Penitentiary – where the women’s cells became the Female Unit (KPFU) in 1853 (Hannah-Moffat 2001:80).

⁴ Carolyn Strange (1985-86:14) describes an example of the combination of infantilization and gendered behaviour regulation that prevailed at the Mercer. At one time, women who gave up swearing were given a “clean speech” badge, and the most obedient prisoners were given the dubious privilege of becoming the matron’s personal maids. Meanwhile one woman was considered “defiant” for chewing gum.

opposite. Given prevailing lower societal expectations for males, the female criminal had fallen further, departed more radically, from her social role.

Enforcing this ideal ignores the fact that this particular construction of femininity may have little relationship to incarcerated women's actual lived experiences, and they may therefore have no context for upholding them. Inevitably, prison officials viewed women who resisted these gendered strategies as "incompatible with the goals of the reformatory," and as a negative influence on the other women (Strange 1985-86:15). Margaret Shaw (1994:13) additionally describes that women were either "regarded as either too sunk in criminality to be reformed or as childlike creatures who needed to be taught their maternal and domestic duties." The prison system thus began its dichotomous delineation of women prisoners: those who were 'essentially good, but gone astray' versus those who were 'too bad' and thereby 'incompatible.'

Despite growing public unease with co-location,⁵ prison administrators denied access to the Reformatory to those women it considered the 'worst of the worst.' Women on the 'wrong end' of the good-versus-bad hierarchy continued instead to go to the Female Unit at Kingston Penitentiary (KPFU) and to other men's institutions.⁶ Nicole Rafter (1985) argues that in fact only a select few women were sent to reformatories, and these were typically young, white and working (as opposed to lower) class.⁷ This process is an early example of a prison system that first, labels some women as 'too bad' for not

⁵ Although it was not called co-location at the time, I have borrowed this term from contemporary corrections discourse to refer to the practice of incarcerating women in men's prisons.

⁶ KP's Warden's Report of 1867 indicated there were about 60 women in the KPFU at that time (Arbour 1996:239; Hannah-Moffat 2001:64-5). Meanwhile, enough women were being held in the Maritimes to justify opening, in 1880, a female ward in the new Dorchester Penitentiary (Hannah-Moffat 2001:75).

⁷ Snider (2003), speaking about reformatories in the US during the same period, summarizes, Most women served time as they always had, in dank, traditional institutions run by and for men, emphasizing punishment, not rescue. Older women, black and native women, and all those convicted of felonies were never deemed eligible for admission. They got the same overcrowding and physical punishment as men, with sexual as well as physical abuse.

ascribing to prescribed reform strategies, and second, uses that delineation to justify excluding them from less directly punitive incarceration practices, and instead, subjecting them to much harsher punishment.

However, prison reformers were significantly critiquing the KPFU by the late 19th century, when the Inspector of Penitentiaries called it “unfit for the use that is made of it.” In addition to the appalling living conditions, Inspector Moylan strongly objected to women being housed so close to men, expressing concern about relations between women and male staff (Hannah-Moffat 2001:80).⁸ Despite this early critique of co-location, the practice will be returned to almost a century later – again, making apparent sense for those women who the CSC will consider ‘incompatible’ with the reform strategies being established at the time.

Due to an intensifying demand for an end to co-location, prison officials opened the Kingston Penitentiary Female Department (KPFU) in 1910: a separate cellblock located in a corner of the KP grounds and surrounded by its own 7-foot limestone wall. This prison-within-a-prison, with the capacity for 34 women, became quickly overcrowded. KP’s rules, regulations and the whims of its warden still governed and restricted the women’s movements and interactions (Cooper 1993:39; Hannah-Moffat 2001:80-1). The KPFU, which doubly incarcerated women ‘for their own good,’ was significantly critiqued almost immediately, with the Macdonnell Commission (1914) advocating its closure just four years after it opened. The Macdonnell Commission was the first report to recognize that women should be able to serve time in their home

⁸ Blueprints for an entirely separate women’s prison were drawn up after a similar report in 1893. Although it was never built, the drawing of blueprints signifies that the call for the complete separation of women from male prisoners was intensifying. An additional significance is that these blueprints closely resemble the final plans for the Prison for Women, which was not built until 40 years later (Hannah-Moffat 2001:80).

provinces so they could remain closer to their families, and again argued for the complete separation of women from a male carceral environment.

In 1921, the Nickle Commission became the first CSC-driven report to focus on women. It too recommended a complete separation of female and male prisoners and staff (Arbour 1996:239-40; Cooper 1993:41; Hannah-Moffat 2001:81-6), although Nickle advocated a centralized model rather than a regional one. Like many before him, Nickle cited one of the major reasons for the separation was the “natural” and “innate” sexual behaviour exhibited by women at “the mere sight of men” (Nickle 1921, cited in Cooper 1993:41). This attitude was in part informed by, and in part reinforced, the gendered assumptions that mark the KPF’s women prisoners as ‘too bad’ because they resisted ‘proper’ female behaviour. As such, the dichotomy makes ‘bad’ women responsible for the sexual abuse and other egregious treatment they endured at the hands of male guards and prisoners (Hannah-Moffat 2001:82-4).

The KPF existed until 1921, when the by then frequent calls for its closure began to take hold.⁹ Like co-location, however, the practice of double incarceration will re-surface again eighty years later, in the form of Secure Units. In the case of the KPF, prison administrators considered double incarceration of women to be for their own good, because it separated them completely from KP’s larger general male population. With the contemporary Secure Units, the CSC considers double incarceration to be necessary because women classified as maximum security – the previously labeled ‘incompatibles’ – are “unwilling or unable” to deal with the less structured environment of the regional

⁹ The Briggar, Nickle and Draper Committee on the Penitentiary Act and Regulations (1920-21) also recommended an entirely separate, although centralized, women’s prison (Arbour 1996:240).

women's prisons (*Interviews*). The harsher treatment of women through co-location or in the Secure Units is constructed as the only common sense response to the women's behaviour. The contemporary exclusion of 'bad' women from the *Creating Choices* reforms is thus rooted historically in the notion that it is at least in part, their own doing.

P4W: The 'End' of Co-location

Nickle's recommendations would only be partially realized by the building of the Kingston Prison for Women (P4W), and not for an additional 13 years. Forty women moved into P4W in 1934, which had a matron at its head and a capacity of one hundred.¹⁰ Modeled after men's maximum-security prisons, it was T-shaped, with two ranges of cells, a Segregation Unit and the 'Wing' where some women had a bit more mobility. Sixty years later, Madame Justice Louise Arbour (1996:9) would describe P4W as a

dysfunctional labyrinth of claustrophobic and inadequate spaces. ...It is inadequate for living, working, eating, programming, recreation and administration. Spaces are insufficient, poorly ventilated and noisy. They are not well connected, and frequently can only be reached through narrow corridors, steep stairwells (there are no elevators), and innumerable locked barriers.

By all accounts P4W was excessively punitive. Due to both the architectural and administrative organization of the prison, all women were subjected to the same, high security, staff levels, regulations and restrictions of movement. This, even though prison officials at that time considered only about 15% of federal women prisoners (i.e. 15-20

¹⁰ Although construction for the Prison for Women had begun in the spring of 1925, women remained at KPFD until 1934. Located across the street from KP, P4W was built by the men incarcerated there. P4W was not *administratively* separated from KP and Collins Bay institutions until 1960, when Isabel MacNeill was appointed its first superintendent, with the powers of a warden. Even at that time, some financial ties remained (Hannah-Moffat 2001:99), and as became apparent in 1994, security ties as well.

individuals) a threat to public safety (Elliott and Morris 1987:150).¹¹ Arbour (ibid)

describes that some changes were later made to

allow lower security women greater privileges and more freedoms of movement. However, the prison grounds are surrounded by an enormous wall,¹² which in the male system is used by maximum-security institutions only, and in many other aspects the building has the characteristics of a maximum-security institution.

Four years after it opened, the Archambault Commission demanded the closure of P4W, arguing women should be held in reformatories “closer to their homes” (Archambault 1938, cited in Arbour 1996:242; Hannah-Moffat 2001:90). It would be many years before any women would be transferred to the provinces, and over sixty before P4W would finally be shut down.¹³ In the meantime, exhibiting a shift away from a directly punitive model of imprisonment, the Nickle Commission had advocated using rehabilitative education, such as the everyday influence of female matrons to “build character” and “cure the souls” of women convicts. Describing the combination of rehabilitation and maternalism that characterized penal practices at P4W until the 1970s, Hannah-Moffat (2001:92) describes that both rehabilitation and maternalism are approaches that can incorporate many kinds of activities:

¹¹ To this day there is only one un-walled minimum-security women’s prison in Canada. Isabel MacNeill House, opened just outside P4W’s walls in 1990, has the capacity for eleven women classified as minimum security. From there they have access to limited vocational training and other programs designed to aid in the transition to the community. Meanwhile, all federally sentenced, minimum-security men have access to community-style, un-walled prisons and various programs (Arbour 1996:9; *Interviews*).

¹² The limestone wall around P4W was 16 feet high, topped with ten feet of wire fabric and six lines of barbed wire.

¹³ In 1969, Exchange of Services Agreements (ESA) between the federal government and some provinces enabled some women to serve time in provincial jails. The agreements also enabled the provinces to send ‘high risk’ provincially sentenced women to the federal prison. By the 1990s, approximately half of all federally sentenced women were serving their sentences in their home provinces under this arrangement. However this option forced women to choose between location (being closer to their families) and programs, since the programs in the provincial systems are designed for people with short-term sentences. Moreover, many women were not eligible for the ESA because of the type of offence, length of sentence or other reasons. In 1990, about 150 women still lived at P4W (see Boritch 1997:191; Elliott and Morris 1987:149-50; Hannah-Moffat 1991:186).

[Rehabilitation] is a flexible and enabling logic that can be used to describe and legitimate a wide range of expert and nonexpert interventions and reforms, from hiring psychologists to providing lessons in domestic science and social etiquette. Like other current terms such as 'maternalism' and 'empowerment,' rehabilitation is vague enough to be perceived as compatible with and facilitated by a diverse range of programs and interventions. And, like 'maternalism,' rehabilitation has always been gendered, with existing gender ideologies being deployed to give specific content to vocational and leisure programs for women prisoners.

Prison practices thus still treated incarcerated women as 'fallen women' who needed only to be re-educated in the ways of appropriately gendered behaviour, in order "to reintegrate women into proper roles in the community" (ibid:99-101; see also Elliott and Morris 1987:156-58). At P4W, this approach emphasized instruction in social etiquette, volunteerism and 'domestic science.'

Although the focus on rehabilitation was an important discursive shift, in practice the ideals it upheld were still based on the perpetuation of white, upper-class ideals of appropriate gender roles. An approach based on racialized and classed ideals of 'proper' gender behaviour is not geared towards addressing women's actual needs. As such it is inevitable that some women will continue to fall to the negative side of the dichotomous relationship, which remains implicit in this rehabilitative strategy. The prison system continued to distinguish between those women who ascribed to the ideals, and those who did not. Within the framework of rehabilitation, however, the prison considered the latter, non-compliant group to be 'unreformable.'¹⁴ Hannah-Moffat (2000:88) documents,

alcoholics, drug addicts, recidivists, and political prisoners (Doukhobors)¹⁵ ... were segregated in the 'basement' because of their non-compliance and disruptive behaviour. These same women were also excluded from certain programs because

¹⁴ The prison system did not systematically classify women until the 1970s, and this hardly mattered at P4W which, although officially designated to be a multi-level institution, held everyone at maximum-security conditions.

¹⁵ Many Doukhobor protestors from British Columbia were incarcerated during the 1950s, causing the population at P4W to increase dramatically.

of their past offending behaviours. For example, prison records from the early 1950s indicate that women with substance abuse problems were not accepted into home grooming courses because they were deemed ‘unsuitable candidates’.

Prison administrators considered some women ‘too bad’ to be reformed if they resisted the prison’s prescribed rehabilitative strategies. Moreover, like at KPFU and the Mercer Reformatory, incarceration practices at this time segregated women considered to be unsuitable candidates for the rehabilitation-based practices from the rest of the population and subjected them to even harsher treatment. Like its predecessors, P4W relied on exclusion as a mechanism for punishment for ‘unreformable’ women, whom it defined according to white, upper-class expectations of women’s behaviour.

The Precursors to Change: ‘Equality’ Rights & Security Classification, 1970 – 1990

By the 1970s, a focus on women’s equality was driving liberal reform in many social institutions in Canada, and the CSC was no exception. Prison reformers shifted focus from reforming the individual through gender-based rehabilitative programming to gender-equitable institutional reform (Hannah-Moffat 1994, 2001:132-40). Critics began to highlight the ways in which the system treated women *compared to* male prisoners, particularly regarding living conditions, programs and resource allocation.

In 1977, the MacGuigan Report, citing Archambault from 1938, reasserted that P4W was “unfit for bears, much less women” (MacGuigan 1977:135), and echoed the many calls for its closure. This was followed by three separate reports, in 1977 and 1978, each of which critiqued security classification for women.¹⁶ Although they made few concrete recommendations, each identified the lack of differential classification at P4W

¹⁶ These were: the Clark Report (1977), the Needham Report (1978) and the Chinnery Report (1978).

as a problem, and several “male-based classification systems were applied to the population, all assessing a very small proportion as maximum-security, and indicating that offence seriousness or length of sentence was not a good indication of security or program needs” (Hannah-Moffat and Shaw 2001:20-1).¹⁷ However, they did recommend separating “criminally experienced women” from the rest of the population.

In 1981, Women for Justice¹⁸ launched a Human Rights complaint against the CSC, arguing: that incarcerated women were discriminated against on the basis of sex; that their treatment in prison was inferior to men in almost every area (including programs, living conditions, training and work opportunities and health services); and significantly, that the security classification system was discriminatory because it was male-based.¹⁹ The Canadian Human Rights Commission upheld the complaint, and the CSC responded by making minor changes to the classification system. Little changed at P4W, however, which remained a maximum-security prison. Conditions at the prison worsened throughout the early 1980s.

By 1985, despite the CSC’s creation of the Division of Native and Female Offenders, the CSC was under increased scrutiny about the still horrendous conditions at P4W, and the inequity of subjecting women to a correctional regime designed for men. As Arbour describes (1996:247) “it was argued that women prisoners were equal to, but different from, male prisoners. Attention to these differences was seen as critical to

¹⁷ For more discussion on critiques of security classification, refer to Chapter Two, pages 30-39.

¹⁸ Women for Justice, founded in the early 1970s, marked an important shift in popular thinking about women prisoners. They were the first to advocate women’s groups should fight for incarcerated women’s rights, rather than aim to ‘help’ or ‘change’ them.

¹⁹ Typical of liberal feminists’ “women’s liberation” struggles which organized only around gender, such litigation strategies were flawed in that they ignored the differences *among* women. They did not acknowledge the ways in which variously located women, such as Aboriginal women, women of colour, women with histories of abuse, or queer women, experience incarceration differently from each other.

effective and meaningful correctional planning for women.” Hannah-Moffat (2001:142) describes a convergence of events at this time, which placed pressure on the CSC to do *something* for federally sentenced women:

CAEFS²⁰ was calling for a royal commission on women in federal prisons. Aboriginal organizations such as the Native Women’s Association of Canada, and government and non-government reports, raised public awareness about discrimination against aboriginal people...in the criminal justice system. Simultaneously, the Canadian government was struggling to address aboriginal peoples’ demands for self-government and cultural autonomy. All of this advocacy was reinforced by a series of prisoners’ deaths at P4W. For many, these deaths underscored how our mental health system and penal institutions had failed to respond to the needs of incarcerated women.

In its 66-year lifespan, no less than sixteen government reports would point out Prison for Women’s many limitations; eight of these reports recommended its closure.²¹ Over six and a half decades, the concerns about P4W were consistent: distance from families (resulting from the centralized location); lack of gender- and culturally-appropriate programs; over-incarceration (keeping all women at the level of maximum security); lack of community resources and later, outdatedness of the structure itself, and alienation of staff from each other and from prisoners (Clarke Report (1977), cited in Arbour 1996:244; Boritch 1997:190-6; Cooper 1993:43-5; Elliott and Morris 1987; Faith 1993:138-40; Hannah-Moffat 1991:191, 2001). The many reports, bolstered by support from advocacy groups, argued that “women prisoners, by virtue of their offences, experiences and needs, present different security and classification concerns from male

²⁰ Canadian Association of Elizabeth Fry Societies, Canada’s most prominent advocacy group for federally sentenced women.

²¹ These are (reports calling for closure in italics): *Archambault Commission (1938)*, *Gibson Report (1947)*, *Fauteux Report (1956)*, *Ouimet Report (1969)*, Royal Commission on the Status of Women (1970), Clarke Report (1977), *MacGuigan Report (1977)*, Needham Report (1978), Chinnery Report (1978), Progress Report on the Federal Female Offender Program (1978), Canadian Advisory Committee on the Status of Women (1979), *Canadian Human Rights Commission (1981)*, Canadian Bar Association (1988), Daubney Report (1988), *Creating Choices (1990)* and *Arbour Report (1996)*. Cited in Arbour (1996:240-1) and Hannah-Moffat (2001). See also www.csc-scc.gc.ca.

offenders,” but that their needs continued to be neglected because of their small numbers, relative to the male population (Arbour 1996:241).

By 1987, Women’s Legal Education and Action Fund (LEAF) was preparing to file a Charter challenge against the CSC regarding the violation of incarcerated women’s rights,²² focussing again on the lack of programs and services available to women as compared with male offenders, and P4W’s centralized structure. The LEAF case was put on hold when the Solicitor General announced the creation of the Task Force on Federally Sentenced Women (TFFSW), with the mandate of designing a long-term strategy for federally sentenced women, to begin its work in April 1989. Federally sentenced women’s advocates hoped the CSC’s announcement of the Task Force would signal a new era for correctional practice, and its systemic delineation of women along gender, racialized and classed expectations of proper gendered behaviour.

CONTEMPORARY EXCLUSION PRACTICES

Having discussed the ways in which incarceration practices have historically been organized, the second part of this chapter will begin by describing the *Creating Choices* vision and how the CSC initially implemented it. Early in the implementation phase, two key events occurred: one at P4W and one at the newly opened EIFW. The EIFW events of 1996 sparked a swift move away from the reforms, towards more punitive practices for women classified as maximum security that echo exclusionary practices from eighty years before. Using interview data and CSC documents, I will describe two key

²² LEAF was established in 1984 by a group of women concerned about the definitions of ‘equality’ exhibited in the proposed Canadian Charter of Rights and Freedoms, and the application of Charter definitions to women’s lives.

contemporary strategies for women classified as maximum security: co-location and Secure Units. I will explore how through these practices, the CSC continues to use exclusion as a mechanism of punishment, and how Aboriginal women are doubly affected by such strategies. In doing so, this second part of the chapter will identify some significant disjunctures between the *Creating Choices* vision and correctional ‘reality.’

The *Creating Choices* Era: 1990 – 1996

The TFFSW was unique in many ways. It was the first thoroughly ‘partnered’ task force in CSC history, having strong community involvement from the outset.²³ Aboriginal women played a more central role than they had on any previous task force. One CSC employee spoke of this partnership, comparing it to how the CSC usually operates:

I thought, at the end of the day, the working committee did have a lot of balance on it, and the steering committee had an even broader balance on it. And I think it was extremely tough for some senior people in the organization...because we were charting new ground to have a Task Force of this diversity, have a Task Force that had so many partners, have a Task Force that had more than token representation of Aboriginal people. Not that people were being racist, but that it had never been done before, to have that much influence. And people didn’t know where it was going to go, to have that much influence being given over to the private sector.

As a group the TFFSW operated with a self-described “women-centered approach” (TFFSW 1990:1), focusing on the experiences of federally sentenced women (incarcerated and in the community), and going to great lengths to listen to their concerns and opinions. As is described in *Creating Choices* (ibid:1-2),

[the Task Force] encouraged the empowerment of women throughout its work, and gained much insight because it valued the experiences of women.

²³ The major partners were Canadian Association of Elizabeth Fry Societies (CAEFS), Aboriginal Women’s Caucus, women prisoners from P4W and the federal government, most from the CSC.

Accordingly, most Task Force members were women. All of the researchers were women. And, interviews and consultations held with most federally sentenced women in prison and with a large number on community release were an essential part of our work. ...Throughout the Task Force, we struggled hard to work with a consensus model. This process taught us that only if people are treated with respect, only when they are empowered can they take responsibility for their actions and make meaningful choices.

The Task Force ultimately based its recommendations on this women-centered approach.²⁴ *Creating Choices* further asserted that the CSC commit to five feminist principles: empowerment, meaningful and responsible choices, respect and dignity, supportive environment and shared responsibility.²⁵ Commitment to these principles, they argued, would “create the choices needed to help move corrections in Canada closer to a community-based ideal” (ibid:111).

Significantly, *Creating Choices* criticized security classification (89-94). In a discussion of the needs and risks of federally sentenced women, the Task Force asserted that rather than focussing on security, the CSC should individually assess each woman’s experiences that brought her to prison, and what she needs to successfully reintegrate into society. The reasons for this are described in *Creating Choices* (92):

Initially, Task Force members supported the concept of woman-based criteria for classification as suggested by previous studies but ultimately came to the conclusion that assessment to gain better understanding of a woman’s needs and experiences is more appropriate than [security] classification. This conclusion is based on the Task Force perception that classification maintains the focus on security and on assigning a security rating for the women. Assessment, on the other hand, looks at the whole spectrum of women’s needs from a holistic perspective, including needs relating to programming, spirituality, mental and physical health, family, culture and release plans. Through the assessment, staff can then respond to the constellation of needs by appropriate support and

²⁴ For a list of the Task Force’s recommendations, see Appendix C: *Creating Choices’ Recommendations*. For more detail, refer to TFFSW 1990:114-33.

²⁵ For a synopsis of the principles, see Appendix D: *Creating Choices’ Principles*. For more detail, refer to TFFSW 1990:104-12.

intervention strategies which also consider the protection of society and the reduction of risk.

Experience has shown that sound assessment facilitates early release by identifying at the earliest possible point in the sentence what the program, service and personal needs are for each individual woman.

Although there was no recommendation to abolish security classification per se, the Task Force made it a central tenet of the *Creating Choices* vision that the regional facilities be organized so women of all classifications would live amongst each other. The Task Force argued this would help create an environment that is supportive rather than security oriented. As seen in the following excerpt, the *Creating Choices* vision clearly demands a shift away from conventional incarceration practices that manage risk through static security measures (91).

After extensive discussion, the Task Force concluded that the assumption underlying the current management of federally sentenced women should not be risk/security but risk/support. The Task Force finds the four current security classification categories inappropriate for the small group of federally sentenced women. Current 'security' would best be replaced by the provision of a healthy environment, supportive staff, and a good planning process. This dynamic form of security-support will allow federally sentenced women to utilize the legislated period of incarceration to confront and resolve the trauma underlying their inner-directed anger.

The Task Force also concluded that prisons for women should not be security driven. Every woman regardless of offense should be given the opportunity to respond to supportive and dynamic intervention. On the rare occasion where a woman poses a threat to the safety of others, her free movement amongst others may have to be curtailed temporarily. Even in this instance, static security measures must be used to the least extent possible. Every effort should be made to avoid creating a barrier through static security measures to human support systems (including friends). In addition, intensive human intervention must be maintained until the woman can abandon violence and develop safer coping skills.

This excerpt is significant for two reasons. First, as I will discuss below, although the initial implementation of *Creating Choices* appeared to take this shift to heart, the CSC will quickly alter its approach. Second, as I will show in Chapter Five, current discursive

practices in the CSC portray this emphasis on needs assessment versus security as a sign of the Task Force's naïveté with regards to women classified as maximum security. Moreover, this approach is held at least partly responsible for the incidents that will occur at EIFW in 1996, which are seen as 'proof' of the Task Force's naïveté. As such, alternative approaches to security classification are central to the current disjunctures in incarceration practices.

Nonetheless in April 1990, the federal government accepted the Task Force's recommendations in full, adopting the phrase the "*Creating Choices* era" to refer to this new period for federally sentenced women in Canada (CSC 2000a). The Federally Sentenced Women's Program was established at National Headquarters in 1992, with three staff.²⁶ But slow bureaucracy meant four years into the 'new era' – despite full institutional acceptance of the recommendations – nothing had materially changed for women serving federal time.

Then, in April 1994, several disturbing incidents took place at P4W. In what was becoming an increasingly tense environment,²⁷ a short but violent altercation took place between six prisoners and some staff, on the evening of April 22nd (see Arbour 1996:25-6). The six women were placed in Segregation.²⁸ On April 24th three other women also in

²⁶ This move separated, for the first time, Aboriginal Issues and Female Offenders, and advocates saw this as a positive step. It is the precursor to the current Women Offender Sector, which had expanded to about 12 staff in 2002 (*Interviews*).

²⁷ Tensions had been increasing at P4W over a period of several months, in anticipation of the move to the new facilities. For incarcerated women, although the new facilities may have been welcomed, the pending move signaled dramatic change over which they had no control. Many women did not want to move, as P4W had been their home for many years. In addition, in anticipation of the closure, many staff had transferred out of P4W. As a result there was a high number of inexperienced staff at the prison at the time (Arbour 1996:24).

²⁸ Various criminal charges were laid against the six women, including attempted prison breach, assault causing bodily harm, assault with a weapon, assaulting a correctional officer, possession of a weapon and uttering threats to cause serious bodily harm. All but one pleaded guilty to the charges.

Segregation slashed themselves, took a hostage and attempted suicide. On April 26th staff demonstrated outside P4W, demanding that the women involved in the April 22nd incident be transferred. That night, Kingston Penitentiary's Institutional Emergency Response Team (IERT) – consisting of all male guards – was enlisted to conduct a cell extraction and strip search of eight women in Segregation. This resulted in an exceedingly violent, unprovoked attack on the women, who had been asleep when the IERT arrived. Arbour (ibid.) describes that the women were left “in empty cells in the Segregation Unit wearing paper gowns, and in restraints and leg irons.” On the evening of the 27th the eight women were offered cigarettes, showers and the removal of restraints in exchange for agreeing to submit to body cavity searches. Seven of the eight agreed. These events led to a Royal Commission of Inquiry, led by Madame Justice Louise Arbour. While the Inquiry was in progress the CSC spent \$500,000 on the construction of a new Segregation Unit at P4W, consisting of seven new Segregation cells, located in the basement of the prison (ibid:10). These changes were made despite P4W being slated for imminent closure as part of the *Creating Choices* agenda.

The events of April 1994 made painfully clear just how deep reforms needed to be. In her report, Arbour (24), identifies the disjuncture between the *Creating Choices* vision and current practices:

In broader terms, the response of the Correctional Service to the incidents which took place at the Prison for Women on April 22, 1994, and the many months that followed, is difficult to reconcile with the spirit of *Creating Choices* which was concurrently animating its entire strategy for dealing with women offenders. Nearly every step that was taken in response to this incident was at odds with the intent of the new initiatives.

Once the events became publicly known, the CSC came under increased pressure to demonstrate its commitment to change. The events simultaneously demonstrated how bad

things were at P4W, how little had changed since *Creating Choices*, and how entrenched corrections still was in punitive practices.

In late 1995, with the Arbour Commission in its final stages, three of the new regional prisons finally opened: Edmonton Institution for Women (EIFW) in Edmonton, Alberta; Nova Institution in Truro, Nova Scotia and the Okimaw Ohci Healing Lodge for Aboriginal women on the Neekaneet Reserve near Maple Creek, Saskatchewan.²⁹

Modeled very closely on what was recommended in *Creating Choices*, the CSC organized the new facilities on the basis of communal living, with eight to ten women living in one house. A 'unit' became a house; 'guards' became Primary Workers; a 'cell' became a room.³⁰ Unarmed staff were to make periodic 'rounds' to each house; otherwise the women would be left to self-supervise. These were radical changes from the 24-hour, armed surveillance at P4W. Prisoners, meanwhile, would have more responsibility for their own care than at P4W, as there was no centralized system for meals or laundry.³¹

With the new facilities opening and the Arbour Report on the table, P4W's closure seemed imminent in the mid-1990s. Despite the tragic events a year earlier, it seemed that perhaps real change was finally happening for federally sentenced women in Canada. However, a significant shift was about to take place that would once again challenge the CSC's commitment to 'women-centered corrections,' and would become a pivotal point of departure from the *Creating Choices* vision.

²⁹ The Okimaw Ohci Healing Lodge has a similar communal living organization as the other facilities, but is additionally organized to incorporate Aboriginal spirituality and healing practices into its design and operations. For more on this facility, see CSC 1993.

³⁰ Nonetheless, the bedrooms had locks on the outside, and women could still be confined to their rooms.

³¹ Women would plan meals and cook together, ordering food collectively on a budget of \$3 each per day.

Creating Choices? The Return to Co-location

From January to March 1996, a series of violent incidents took place at the newly opened EIFW, involving mostly women classified as maximum security. The events included several incidents of self-harm (i.e. slashings), cell-smashings, two attempted suicides, two assaults on staff, and an alleged suicide.³² Then in April, seven women escaped from EIFW. Opinions differ on the causes of these incidents. Advocacy groups argued that the CSC had rushed to open the institutions in anticipation of a scathing critique from the Arbour Commission. The CSC meanwhile maintained the incidents reflected the naïveté of the TFFSW; that such events “showed that the problem was not solely the Prison for Women, but rather the women themselves” (CSC 2001a). This depiction demonstrates a significant early departure from the *Creating Choices* language of empowerment, choice and opportunity. As will become apparent in the next two chapters, these incidents and the CSC’s response to them would galvanize incarceration practices for women after this point.

The *Report on the Commission of Inquiry into Certain Events at The Prison for Women in Kingston* (Arbour Report) was meanwhile published on April 1, 1996. Madame Justice Louise Arbour found widespread violations of law and institutional regulations at every step of the April 1994, P4W events. Moreover, she found that such practices, although egregious, were not entirely surprising given the climate of control, tension and violence existing at P4W. The CSC was found inextricably culpable in the horrendous events, and its practices of incarcerating women were once again condemned. Significant among the many detailed recommendations was the inclusion of maximum-

³² What was deemed a suicide at the time was later classified as a homicide. Two prisoners at EIFW were subsequently convicted of accessory after the fact and manslaughter respectively (CSC 2001a).

security women at the Healing Lodge.³³ In addition, Arbour asserted that the low numbers of federally sentenced women should be seen as an advantage rather than a hindrance. With such a stable and relatively non-violent population she argued, the CSC could experiment with more progressive approaches to imprisonment that might be applied to others at a later time. Like *Creating Choices*, what is most significant about the Arbour Report is the philosophy driving it. Coming six years after the TFFSW, it reinforced the need to place as central, the needs and concerns of incarcerated women, while identifying that this had yet to occur.

The early months at EIFW were pivotal for incarceration practices for women in Canada, and for the entire *Creating Choices* vision. In direct contradiction to the findings of the Arbour Commission, all medium- and maximum-security women from EIFW were transferred to Alberta provincial jails on May 1, 1996. The CSC maintains that this move was necessary, “until enhancements could be made to the physical security of the institution and a review of [the incidents at EIFW] could take place” (CSC 2001a). Only minimum-security women remained while the chain-link fence surrounding EIFW was replaced with “a ‘real’ fence with barbed wire attached” (*Interviews*), and the “enhanced security cells” (i.e. Segregation Units) at each of the facilities were expanded in capacity (Hannah-Moffat 2001:182). Still, in August only women classified as medium security were transferred back to the ‘enhanced’ EIFW. In a step that would take incarceration practices back ninety years, all women classified as maximum security were

³³ For a brief synopsis of the many recommendations, see Appendix E: *Recommendations from the Arbour Report*. For more detail, refer to Arbour 1996:251-59.

“temporarily” transferred to segregated units in men’s maximum-security penitentiaries.³⁴ This move, in the midst of a much-celebrated era of reform, marked the return to a practice that had been criticized since the mid-19th century. It soon became policy that *no* maximum-security women would have access to the regional facilities, including the Healing Lodge.³⁵

The co-located units were by most accounts quite horrible. As in the 19th century KPFU (the last time federally sentenced women were co-located), being held in a men’s facility meant the women’s movements are greatly restricted. One CSC employee described them as “distinct, separate units in the men’s institutions, so that there was no contact with the male inmates. When we moved the women to the gym or the library, all the men had to be locked up, or in other areas, that sort of thing.” This interviewee neglected to discuss the ‘operational reality’ that locking down several hundred men so a handful of women could be moved from one part of the prison to another, is not often an institutional priority.

One interviewee, an advocate for federally sentenced women, described the women’s unit at Saskatchewan Penitentiary:

It’s a little tiny unit that’s very old, very depressing. [There are six ranges] on three different floors, and two sides. ... And they’ve been at capacity or over capacity for the longest time, but for a while there they weren’t. Say there’s only nine women. And you’ve got six ranges. So a woman is in a cell, on a range that

³⁴ By most accounts the re-location of maximum-security women to men’s prisons was intended to be temporary, although estimates of the intended timeframe range from six to 18 months, to unspecified. Regardless, alternative arrangements were not announced until three years later. In June 2004, two of the four units remain open (*Interviews*; OCI 2000:4-5; Hannah-Moffat 2001; *personal communication*).

³⁵ In April 2002 (at the time of my interviews) there were about 30 women classified as maximum security in Canada, being held in the following men’s institutions: Saskatchewan Penitentiary, Prince Albert, Saskatchewan; Regional Psychiatric Center, Saskatoon, Saskatchewan; Sainte Anne des Plaines Regional Reception Centre, Quebec; Springhill Institution, Nova Scotia. An additional 5 were being held at Burnaby Correctional Centre for Women, Burnaby, BC, through an Exchange of Services Agreement (*Interviews*).

holds three cells. She may be the only one there. So even though they don't consider it Segregation – because she's allowed out of the cell, into that little range area, that's as big as [my office], during the day, she actually has no contact with other women.

AC: But wouldn't they just move them, so they would all be right next to each other?

- No, not necessarily. Because sometimes you might have incompatibles, people have already been there, and they're one of three or four on a range, and a new person comes in who's incompatible with one of them. So you're not going to move that woman in there. There may be other reasons why they'd separate them. And now, that's not so much a concern anymore because their numbers are like 19 to 21 at Sask Pen [in April 2002]. And how they're coping is beyond my comprehension.

This participant went on to argue that fulfilling the *Creating Choices* vision is impossible in such a context. Referring to the Task Force's emphasis on empowering women to come to grips with abuse they may have experienced as a step towards staying out of conflict with the law, she questions how it is possible for women to heal from abuse they have suffered, while serving time in a men's maximum-security prison.

So those living conditions are appalling. And for many of the women who have suffered – it's generally more than 75% and sometimes as much as 90% of these women have histories of sexual abuse, and/or physical abuse, and/or emotional abuse. And 99% of them at the hands of men. So to put them in an environment where you're saying 'ok we expect you to heal, and go back and look at your past, and it's time to get over this now, and we're supposed to take positive steps,' while you're surrounded by men. And you go out the yard, they can yell at you from the other windows – not very conducive. And not a very healing environment.

She further identifies her concern that the co-located units “exacerbate pre-existing psychological conditions, or cause them. It's sort of hard to tell.” She highlights how this in turn affects relations between the staff and the women:

And [it's] a hard environment for the staff. Because women that go in there without a history of self-harm, without – I mean there might be mental health concerns in the background, but they're not aware of them – within a very short

period of time, start exhibiting behaviors that are just as destructive as some of the women we've known for years who have high, high needs. And need intensive psychiatric or psychological intervention. ... And when you're sort of – you've gotten used to working from crisis to crisis, then crisis becomes the norm. And when things are normal, nobody's comfortable. There's that sort of feeling sometimes. Neither the women nor the staff are comfortable – everybody's on edge and waiting for something to happen, or something to blow.

Another advocate echoed concern about the mental health of co-located women.

She also points out ways in which this move detracts from the *Creating Choices* vision, by taking some of them further from their home provinces.

Ok, so they're located in very, very small units, some of them exceptionally dysfunctional. The physical layout is so bad that it almost invites, like it becomes a real chicken and egg thing. Like, were the women really high mental health needs when they went there? Or do the physical and emotional constructs of that plant make them that way? So you get a lot of acting out incidents, and young women that come into the system that shouldn't be at maximum security end up being at maximum security, and there have been some federal government policies that have contributed to that. So in effect, you still have women *not* in their home communities, if they're classified as maximum security, and then you have women in Ontario that again, are doubly penalized. Because there is no – once they closed Prison for Women there was no facility in Ontario that was refitted or capable of taking maximum-security women.³⁶

This informant discussed how the existence of the co-located units and the exclusion of women classified as maximum security from the regional facilities, plays out in the lives of incarcerated women. In doing so she further highlights some of the important ways the co-located units are incongruous with the *Creating Choices* vision. She described,

Creating Choices had envisioned that *all* of the women would be sent to the regional facilities. Well, we know what happened in Edmonton in 1995. They opened the facility – in our opinion they opened them prematurely, and that's

³⁶ In 1997 the CSC had attempted to transfer the maximum-security women remaining at P4W to the Regional Treatment Center, a prison-within-a-prison at Kingston Penitentiary. Several of the women took the CSC to court and stopped the transfer, forcing P4W to remain open. No other option for a co-located unit in Ontario was pursued.

what caused a lot of the problems. And then as a result of the incidents there, they ended up putting women in [co-located units in] men's prisons. ...

So anybody that comes into the system classified as maximum or as a result of concerns by their Case Management Team or some incidents, gets re-classified to maximum, must be shipped either out west or down to Nova Scotia. And that's an appalling thing. Because the fact that most of these women have children, hasn't changed. And most of them were the primary caregivers prior to their incarceration. So that was not what was envisioned by *Creating Choices*. And yet by the Service saying 'we're trying to implement *Creating Choices*,' the women seem to get penalized all the time. Like it always feels like one step forward and two back.

Barring maximum security women access to the Healing Lodge is significant because Aboriginal women are consistently classified at higher security levels than non-Aboriginal women.³⁷ By barring maximum-security women from the Healing Lodge, the CSC denied a disproportionate number of Aboriginal women access to the very structure, programs and services that *Creating Choices* had put in place for their benefit. This then, became an additional, significant form of exclusion that the CSC implemented at this time.

Importantly, Patricia Monture-Angus, a federally sentenced women's advocate who is herself Aboriginal and who advocated building the Healing Lodge when she participated on the Task Force, now argues that "no matter how much Aboriginal culture and tradition inspires their contour, shape, and form," the women's Healing Lodge, as well as similarly modeled facilities for Aboriginal men, remain mechanisms of conventional incarceration practice: "As time passes, the philosophical foundation of the Lodge has shifted toward the Canadian correctional mentality" (Monture-Angus 1999:26). Central to her critique of the facilities is their reliance on the "borrowed notion

³⁷ Although 1996 data are not available, at the end of 1997 there were between 40 and 50 women classified as maximum security across the country, about 40-47% of whom were Aboriginal. In the summer of 1999 there were only 25 maximum-security women, of whom 24% were Aboriginal (Morin 1999:1). On January 1, 2002, 27% of all incarcerated women were Aboriginal; 36% of women at maximum security were Aboriginal (Blanchette et. al. 2002:1).

of security classification,” which, she argues, is profoundly contrary to how she “was raised as an Aboriginal person to think about relationships” (ibid.). Monture-Angus additionally identifies a discrepancy between the security level of the Healing Lodge and the number of Aboriginal women who are classified as maximum-security:

The women’s facility is designated as a medium-security facility. ... This is despite the fact that it is has been known for some time that Aboriginal men and women are overrepresented within the maximum-security classification. This is very frustrating.

Given that Aboriginal women are disproportionately held at higher security levels, their separation from the Healing Lodge amounts to their systemic exclusion from the *Creating Choices* reform strategies on two levels. First, they were segregated from the general population through the move to co-location. In addition, because of the small numbers of women at the units, and because of the way the units were structurally set up, maximum-security Aboriginal women did not receive the same access to culturally-informed practices as women with lower classification.³⁸ The combination of over-classification, co-location in men’s prisons, and the limited access to Aboriginal programming is one example of how the prison system continues processes of colonization over incarcerated Aboriginal women.

During interviews with CSC officials, it became clear that there is some apprehension within the CSC about the co-located units. Most did not comment directly about the discomfort, although one participant said:

³⁸ After the creation of the Healing Lodge, the CSC focused the funding, development and delivery of Aboriginally-informed programs and services at that institution. The CSC did make some efforts to run some Aboriginally-informed programs at the co-located units, including employing elders to work with the women. However, operationally it was not possible to fully integrate them in the same way as at the Healing Lodge.

So since that time, we've been trying to figure out what we were going to do with these maximum-security women, because we weren't comfortable with them being in the men's institutions, and the units themselves are not – they're not the best. They're kind of small and cramped and crowded, and they tend to be in sort of older institutions too, so it's just all round not a good idea.

Importantly, however, the discomfort expressed here is with the conditions of the units, being in men's prisons, being “small and cramped and crowded” and in “older institutions.” Missing from this description is any reference to the lack of women-centeredness that this move signified, nor the ways in which the conditions of their confinement are antithetical to the *Creating Choices* vision. Moreover, at no time in the interviews did any CSC employee mention the fact that Aboriginal women make up such a large percentage of the maximum-security population, nor the added implications of co-location for them. Indeed, the discursive practices of the CSC maintain that they continued to use a “women-centered approach” in the co-located units through programming and staff interactions with the women (*Interviews*). The possibility of placing variously located women's needs as central, while holding them in conventional prisons built for and operating around men, is left unquestioned.

Clearly the relocation of maximum-security women to men's prisons was a significant departure from the recommendations of both *Creating Choices* and the Arbour Report in every respect. Moreover, it placed women classified as maximum security – the ‘unreformable,’ ‘too bad’ or ‘too disruptive’ women who were “unwilling or unable” to deal with a less structured environment – in conditions that were arguably worse than they had experienced at P4W. Security was increased at the regional facilities for women with lower security classifications, and P4W remained open “to house maximum-security women, some women with mental health needs and some women who preferred to stay at

P4W because it had been their home for many years” (OCI 2000:8). Six years after its full endorsement of the *Creating Choices* vision, only four months after the first of the new prisons opened, the CSC returned to practices which excluded a significant portion (i.e. 36%) of the population from the reform agenda.

Nonetheless, the CSC would continue to advocate that it was practicing women-centered corrections, and would continue fulfilling other *Creating Choices* recommendations. In June 1996, the CSC established the Deputy Commissioner for Women, and the final two regional facilities, Grand Valley Institution for Women (GVIW) in Kitchener, Ontario and Joliette Institution in Joliette, Quebec, opened in January 1997.³⁹ But at the end of the decade, federally sentenced women were being held in no less than *eleven* prisons,⁴⁰ and P4W remained open. Critics were by this time significantly questioning the CSC’s commitment to the *Creating Choices* vision.

Secure Units: Continuing the Exclusion

The CSC’s punitive responses to the incidents at EIFW provide the starting point for current developments in women’s incarceration. The CSC’s discomfort with co-location, compounded by public pressure to close the units, led to the announcement, in 1999, of plans for the \$17 million Intensive Intervention Strategy (IIS): a strategy that would further entrench the practice of ‘punishment through exclusion,’ begun anew in 1996.

³⁹ *Creating Choices* had not recommended building a sixth regional facility in British Columbia, in favour of continuing the Exchange of Services Agreement with the Burnaby Correctional Centre for Women (BCCW) (TFFSW 1990:114). This agreement remained in effect until the provincial government closed BCCW in April 2004. Fraser Valley Institution (FVI), the sixth federal women’s prison, opened April 1, 2004.

⁴⁰ This is significant given the *Creating Choices*’ underlying focus on decarceration (TFFSW 1990:104-105).

Through the IIS, the CSC will expand security and staff capacity at the regional institutions to accommodate “[a]bout 65 women [in total] requiring a secure environment, supervision, intensive intervention and treatment” (CSC 1999a; Watson 2000); namely women with mental health concerns and those classified as maximum security. The two parts of the IIS, to be built at each regional facility *except* the Healing Lodge, are Structured Living Environments (SLEs) and Secure Units. The SLEs were built first, for women diagnosed as having “special needs and/or mental health problems” *but only those classified as minimum and medium security*. Staff are present in the SLEs 24 hours a day.⁴¹ The Secure Units, meanwhile, also have a higher number of staff than in the rest of the prison, who are “specialized to provide the high level of intervention and supervision required by these women” (CSC 1999a). The CSC anticipates the cost of the Secure Units alone to be \$12 million (CSC 1999b).⁴²

One CSC employee described that the Secure Units will be built out of the existing segregation cells in the administration buildings of each facility. Rather than the communal-style houses, the Secure Units, she said, would be made up of “secure cells, more traditional cell accommodation, you know big heavy doors, and non-combustible [concrete] construction,” along with added program and staff space (*Interviews*).

⁴¹ A SLE is a duplex-like ‘house’ that holds up to eight women. Women classified as minimum and medium security can request to go to the unit, which is organized around a Dialectical Behaviour Therapy (DBT) model. SLE staff are given “about three weeks of specialized mental health training” (*Interviews*). The eight-bed units were opened by spring, 2002. There are a number of concerns with the SLEs. Some question whether or not rehabilitation can occur in a carceral environment (Faith 2000; *Interviews*). Some are concerned about the DBT model itself, including the need for women to write journals as part of Behaviour Chain Analysis (*Interviews*). Moreover, due to constant staff presence, it appears that the SLEs increase security for women who, by the CSC’s own criteria, do not require higher security measures.

⁴² The original opening date announced for the IIS was September 2001 (CSC 1999a), but was subsequently changed. The Secure Units at Nova, EIFW and Joliette opened throughout 2003. GVIW is slated for opening in summer 2004 and FVI in June 2005. The planned capacity for the units are: Nova: 10, Joliette: 10, GVIW: 15, EIFW: 15, and FVI (added in 2002): 10 (*personal communication*). This allows for a total of 60 women to be held at maximum security. As of May 1, 2004, there were 43 women with this classification across the country (*personal communication*).

Complete with their own exercise yard and fence, these units are reminiscent of the KPFD's prison-within-a-prison: although the women are allowed limited access to the rest of the institution (under staff escort), the Secure Unit ensures complete separation from the rest of the prison. A description of the Secure Units in the CSC's magazine, *Let's Talk*, read primarily by CSC employees, describes:

The women in the Secure Unit will be integrated where possible and kept separate from the rest of the population, where necessary. Space in the institution, such as the gymnasium, the library and the visiting room, will be shared, but the maximum security women will go on a different time schedule and will be accompanied by staff. It is also conceivable that some women, at certain times, will be unable to leave the Secure Unit. During those times, services and programs will be offered in the unit. By making the unit part of the institutions, staff will have the flexibility to develop "halfway out" plans with the women (Watson 2000).

Ensuring that some women are kept separate from the rest of the population will necessarily impact the rest of the prison environment. One advocate expressed concern about how the Secure Units will affect other women at the prisons who have until now had few restrictions on their movements throughout the grounds. She expressed concern over the tension this could produce among prisoners, and between prisoners and staff:

What we're afraid of is that – one is, we don't agree with that philosophy of separating the women anyway. And the second thing is, once they repatriate those women, you can be sure the dynamic and static security is going to be increased again, and is going to be felt by the women who are medium and minimum. And if they separate the maximum-security women in terms of movement, and so on, it's just a set up I think, for bad things to happen. Because as it is now, the women who live in the houses have quite a lot of freedom of movement.

Just as with co-location, in order for the women in the Secure Units to remain totally separate from the rest of the population, when they move to the gymnasium or other parts of the prison grounds, the rest of the population may have to 'lock down' (CSC 2003), something that has not been part of the normal routine at the prisons to date. Even

if they do not get locked down on a regular basis, their own access to the gymnasium or other areas of the prison will be curtailed when the maximum-security women are using it. Moreover, this informant also pointed out that keeping maximum-security women totally separate from the rest of the population will likely increase anxiety among some of the younger or less experienced women. For women with lower classification, seeing the maximum-security women only occasionally, and only under staff supervision could exacerbate their media-informed perception of maximum-security women as “extremely bad and scary” (*Interviews*).

The Secure Units are predicated on the concept of “intensive intervention.” As one CSC employee described,

We’re introducing a whole new approach that we call Intensive Intervention, where there’s lots of staff on the floor of the units, and they’re not just security staff. We have what are called Behavioral Councilors, we’re going to have nurses, a full time psychologist assigned to the unit, the Team Leader who’ll be managing the unit – their office will be on the unit so there’ll be management presence on the unit as well.

Although the increased staff presence may not be entirely security-driven, one advocate expressed concern about the constant staff presence, surmising that the women will be “programmed to death” (*Interviews*), and that their full participation in numerous programs will determine their eligibility for a decrease in security classification. Moreover, the increased management presence on the unit will likely result in increased surveillance of not only prisoners but also staff. This has the possibility of increasing both staff and prisoner tension on the unit.

By 2001 the security classification system itself was again being publicly criticized for its application to the female population (Hannah-Moffat and Shaw 2001).

This report challenged the underlying assumptions leading to security classification, and repeated *Creating Choices*' argument that women should be assessed for needs, rather than security. By going ahead with the construction of the Secure Units (and continuing to deny Aboriginal women access to the Healing Lodge), the CSC reasserted its reliance on security measures, which signifies a further departure from the *Creating Choices* vision. Meanwhile, discursive practices within the CSC maintain the Secure Units are the way to *ensure* that women classified as maximum security are fully integrated into the *Creating Choices* vision being practiced at the regional facilities. CSC documents argue that the idea of the Secure Units "enabled" the closure of P4W finally on June 6, 2000, and will allow them to close the co-located units once and for all, thus fulfilling its commitment to women-centered corrections (CSC 1999a, 2001a; Watson 2000).

CONCLUSION

The history of incarceration practices for federally sentenced women in Canada is characterized by: over-incarceration, neglect, high security and the perpetuation of a dichotomy between women who are essentially good, but gone astray and thereby 'reformable,' and those who are 'too bad' and thereby 'unreformable.' For the latter group, those now classified as maximum-security, their incarceration has further been characterized by exclusion from the practices that were pursued for other women, on the basis that they were 'deserving' of harsher punishment; that it was indeed 'for their own good.' Whether at the bug-infested KPFU, the KPFU'S 'prison-within-a-prison,' or segregated in the basement of the already over-secure P4W, this has meant even stricter

measures, higher security and complete marginalization within a system that has already placed incarcerated women at the bottom of the priority list.

All this was supposed to have changed in 1990. The *Creating Choices* vision recognized the histories of women who come into conflict with the law, advocated that security classification be re-thought, and focussed instead on needs rather than security. After full endorsement of the document and the construction of new regional prisons for women, using a 'women-centered' approach in their operations, it seemed that the exclusionary and exceedingly punitive practices for women classified as maximum security were to be a thing of the past. Unfortunately, only four months after the first of the regional prisons was opened, the CSC reacted to the first sign of disruption by returning to exclusionary practices: by placing the maximum-security women in men's prisons, and by increasing security at the regional prisons.

The events that took place at EIFW in 1996 had a crucial impact on this era of reform. In response to those incidents, the CSC made significant, early changes to its practice of "women-centered corrections." Through a reliance on increased security measures and the separation of women with higher security classification (including co-location, the Secure Units and the SLE's), many current practices directly contradict the initial *Creating Choices* vision. Maximum-security Aboriginal women, who are disproportionately over-classified, are still refused access to the Healing Lodge, and are thereby doubly excluded from the *Creating Choices* reforms. All women classified as maximum security remain excluded from the women-centered philosophy. The construction of new Secure Units – which enable them to be physically relocated to the regional facilities – are too reminiscent of the KPF's 'prison-within-a-prison,' and

prohibit meaningful integration with the operations of the rest of the facility. Inside the ever-more prevalent walls at the *Creating Choices* prisons, the CSC is returning to conventional, more punitive, security-based incarceration strategies.

Meanwhile, ‘women-centered corrections’ and *Creating Choices* remain alive and well in the correctional consciousness, as reflected in its discursive practices. In 2004, the CSC continues to argue that it is working towards, if not achieving, women-centered corrections (CSC 1999a, 1999b, 2000a, 2001a; *Interviews*; Watson 2000). The pursuit of the *Creating Choices* vision in theory, and the return to conventional, punitive measures in practice, form a significant disjuncture in federal incarceration practices for women in Canada, and the starting point for the rest of this study.

CHAPTER FIVE

Organizing Separation and Constructing ‘Knowledge’: Unraveling the Discursive Practices of the CSC

INTRODUCTION

In the next two chapters, I will explore the discursive practices of the CSC which are aimed at making sense of continuing exclusionary incarceration practices, in the midst of what it calls the ‘*Creating Choices* era.’ In this chapter I will examine key discursive practices that were revealed in the interviews I conducted with upper-level CSC bureaucrats. Since these employees are all involved in policy formation and implementation regarding federally sentenced women, I consider the ways in which they talk about corrections for women to be representative of the institutional consciousness regarding those practices. Because the return to exclusionary practices was sparked by the 1996 incidents at EIFW, those incidents remain central in the correctional consciousness. In discussions about the effectiveness of *Creating Choices* and women-centered corrections, CSC representatives continually referred to both the women classified as maximum security, and to the EIFW events. As such, these references become central locations of inquiry for examining how the disjunctures identified in the previous chapter make sense within the CSC.

I have identified two key discursive practices that CSC employees revealed in the interviews. First, in discussions about the *Creating Choices* reforms, participants revealed a conceptual separation between *Creating Choices* and the CSC, through a portrayal of the document as ‘not operational,’ and as based on ‘assumptions,’ particularly regarding

women classified as maximum security. Importantly, an anti-feminist sentiment underpins this separation, and results in an implicit negation of the Task Force's work and vision. This conceptual separation becomes crucial in discussions about the 1996 incidents at EIFW, which marked the CSC's pivotal, early detraction from the *Creating Choices* reforms. By distancing itself from the *Creating Choices* feminist assumptions, the CSC holds those 'assumptions' responsible for the incidents, rather than itself.

By portraying *Creating Choices* as an impractical, philosophical document based on feminist 'assumptions,' the CSC reflexively constructs itself to be 'practical' and further, in possession of the knowledge of what women classified as maximum security are like, and what they need. This construction of the CSC as the actual 'knowers' of maximum-security women (as opposed to the Task Force) is the second discursive practice that was revealed in the interviews. By asserting their practical knowledge of both the women and of 'what is needed' in corrections, the CSC creates a certain amount of sense around returning to conventional, more punitive practices. However their essentialized portrayal of the women, and the speed with which they reacted punitively to the EIFW incidents, continue to belie the notion that the CSC is attempting to fulfill the *Creating Choices* vision.

***CREATING CHOICES* PHILOSOPHY VS. CORRECTIONAL 'PRACTICALITY'**

The first of two discursive practices reflected in my interviews with upper-level CSC bureaucrats was the organization of a conceptual separation between *Creating Choices* and correctional practicality. Interviewees accomplished this separation by emphasizing the philosophical character of *Creating Choices*. In making these claims,

participants reveal a dichotomous separation between *Creating Choices* – the philosophy, the concept, the vision – and ‘the way things have to be done’ in order to maintain correctional order. Significantly, the dichotomy is predicated on a reaction to the feminist approach and language that underpins the core of the reform agenda.

Several interviewees explicitly described *Creating Choices* in opposition to the correctional framework. For example, when asked if she felt that the CSC had successfully implemented women-centered corrections, one CSC representative responded,

Oh yes, very much so. Not operationally as much, but more conceptually. Because I think we’ve found that – and you’ll probably ask me for examples and I won’t be able to give you any – but we’ve found that in some ways it was a conceptual document, but when it comes to the day to day running of things, sometimes, things have to be done differently than what was envisioned by *Creating Choices*. It just, otherwise it just won’t, the institution won’t function.

This statement clearly reflects a commonly-stated perception that *Creating Choices*, while important “conceptually,” was not applicable to the “day-to-day running of things.” Explaining why some “things have to be done differently than what was envisioned in *Creating Choices*,” this participant states matter-of-factly that “otherwise ... the institution [i.e. the prison] won’t function.” In stating this as fact, this interviewee first identifies that the central concern of correctional practice is the functioning of the prison. Moreover, she places the *Creating Choices* philosophy *at odds* with that institutional imperative, revealing an underlying assumption that it is not practical in the “day to day running of things,” to meet women’s individual needs in the prison environment. This, however, is the basis of the *Creating Choices* recommendations.

Another informant, while describing the positive effect *Creating Choices* has had on incarceration practices, highlighted that its impact was more philosophical than operational. In the next statement, the participant not only separates *Creating Choices*

from correctional practicality, she aligns *Creating Choices* with the “stakeholders” who are often critical of the ways the CSC has implemented the reforms:

I think that was the problem at some point we got into with the stakeholders, because they saw it as much more of an operational document, and it wasn't, it was a philosophy and an approach. But it was a very necessary – I think in many ways it was very necessary, and as I said it allowed us to move forward, much farther and much faster than probably we could have ever done if we hadn't had it. So, it gave us a reason to do it.

Although this statement reveals more sympathy to the *Creating Choices* document and stakeholders than some others, it still reveals a distinct separation between both the stakeholders and the document on the one hand, and the CSC and correctional practicality on the other. By stating that “stakeholders” mistakenly perceived *Creating Choices* as an operational document, the participant counts both as being in opposition to correctional practicality. The dismissal of stakeholders is critical given that the stakeholders in question are mainly feminist and Aboriginal organizations who advocate for federally sentenced women, several of whom were represented on the Task Force, and most of whom have continued to be critical of the CSC throughout the implementation of the reforms. By dismissing their concerns as philosophical, non-operational, and impractical, the CSC marginalizes the involvement of those who claim to represent federally sentenced women. This effectively negates both the community-inclusive process that the Task Force was predicated on (and celebrated for), as well as its centralizing of federally sentenced women's concerns.

The CSC's marginalization of stakeholders' concerns is key to our understanding of how the CSC conceptualizes its relationship to the *Creating Choices* reforms. Further statements by CSC employees regarding *Creating Choices* reflect resistance to *Creating Choices*' feminist underpinnings. For example one interviewee, even while describing the

ways corrections has improved due to *Creating Choices*, maintains significant reservations about its approach.

[T]he Correctional Service of Canada is a correctional service, it's a very structured, male mentality, sort of, you know. And in some ways, the beginning part of testimonials, which were very important – I understood them. But in some ways, my feeling is that almost took away from the rest of the report, 'cause it was too – it was too touchy-feely. You know, even if you want to implement feminist principles, you don't call them that [laughing] because they won't get sold. You sort of say 'feminist' and people's eyes glaze over. So I think it was a good – I think it was a really good philosophical document. It wasn't an operational document. And I think in many ways our stakeholders took it as an operational document – this is how it will be operated. And it really wasn't, it was a philosophical approach that we had to implement. There were some erroneous assumptions, the biggest one was the maximum-security women.

This statement reveals an unavoidable anti-feminist sentiment, overtly dismissing its use of the label “feminist.” In doing so, the interviewee clearly juxtaposes *Creating Choices* as the ‘philosophical’ with corrections as the ‘practical.’ Further, in this statement the conceptual separation is implicitly gendered. The participant aligns *Creating Choices* with the ‘female,’ characterizing it as emotional, unstructured and impractical. By inference, then, the CSC is characterized as the ‘male’: practical, logical and structured.

Moreover, the participant's criticism of *Creating Choices*' inclusion of testimonials at the beginning of the document further reveals CSC's discomfort with a feminist-based approach to correctional reform. Testimonials of federally sentenced women and their advocates formed a major portion of the Task Force's research, and many were presented at the beginning of the *Creating Choices* document. The Task Force's work was based in a standpoint approach, a feminist research method which bases critiques and recommendations in concerns and suggestions of the people who are to be affected by that research – in this case, federally sentenced women and their

advocates. By dismissing the testimonials as being “too touchy-feely,” this statement reveals a criticism of the Task Force’s feminist approach to both data collection and the inclusion of that data in the final report. Such claims negate this work and the community- and prisoner-informed structure that forms the foundation of the Task Force’s recommendations. Through both this dismissal of *Creating Choices* as feminist, and the gendered separation from corrections that underpins it, the assertion that *Creating Choices* made “some erroneous assumptions,” particularly with regards to the maximum-security women, appears to make a certain amount of sense.

Another interviewee echoed this criticism of the Task Force’s approach, referring to its research as “just anecdotal,” and identifying the Task Force as making “a whole lot of assumptions.” Like several participants, she identified the EIFW incidents as a turning point in the CSC’s relationship with the *Creating Choices* reforms:

So in that sense, we had to say, ‘ok well, what else did *Creating Choices* say?’ *Creating Choices* also said that you have to start from knowing the women. Who they are, what they need, and then build on that. Well clearly, we started to realize, certainly through the Arbour phase and then subsequently the incidents that happened at Edmonton Institution for Women, that we didn’t really *know* what we called the maximum-security population. We also didn’t *know* the population that required mental health interventions very well, *because* we were working on a whole lot of assumptions. On very little research.

Now I’m not sure how much research you’ve done on women offenders, but there’s very little, for lack of a better word I’ll call it ‘empirically based’ but by that I don’t mean statistical. I mean, something other than just anecdotal. Something other than self-report information. Something that brings in community from a related field – be it the mental health field, and does very detailed work with the population that we think has mental health needs, to confirm ‘yes they do.’ And then the second step, ‘what are those needs?’ and then the third step, ‘if those are the needs, what’s the best way to respond to them?’ And that’s the loop that we went through. But we did not lose sight of *Creating Choices*, because in the end, *Creating Choices* is, ‘if you must have a correctional system - and by law we have to have one - have one that is designed for women.’ Which means, to my mind, designed knowing who your women are, and keeping track of them and continuing to do research on them, because populations shift over time.

This respondent argued that the CSC “didn’t know” the women classified as maximum security, pointing to the EIFW incidents as the evidence for that. Because the CSC was implementing the *Creating Choices* vision, however, she actually argues that it was the Task Force who did not have a proper understanding of the women, because it had based its recommendations on “self-report information.” She further implies that this misunderstanding is the reason why the incidents occurred, thus placing the blame for those incidents on the ‘misinformed’ *Creating Choices* vision.

Discursive practices which argue that *Creating Choices* made “assumptions” about women classified as maximum security contribute to the separation between the feminist, philosophical, *Creating Choices* vision and the CSC as representative of correctional practicality. Through such statements, it begins to become evident that the CSC portrays the feminist philosophy of *Creating Choices* as *separate from* correctional practice, rather than as the harbinger of change *to* correctional practice itself. Discussions about the incidents at EIFW in 1996, and the subsequent treatment of women classified as maximum security, crystallize this conceptual separation.

The following statement, referring to the decision to move the women into men’s prisons, demonstrates how the discursive practices organizing *Creating Choices* lack of ‘correctional practicality’ and its naïveté are interrelated, and together contribute to making sense of the increasing use of punitive incarceration practices. Moreover, by relying on the notion that *Creating Choices* was naïve, this statement reflexively sets up the CSC as having a better understanding of the women.

When the co-located units were set up, they were set up because operational reality clashed with the planning assumptions in *Creating Choices* for maximum-security women. The work that was done after ... suggests that there was a level

of naïveté in our understanding of how much corrections could do in the initial, and in short, sharp interventions, and in 'just caring' with women who come to us with such long histories of abuse and just, *problems*.

This informant equates the *Creating Choices* vision to "just caring" for the women, and dismisses it as not practical with regards to maximum-security women. Reflexively, she takes for granted the notion that the CSC knows the women, understands their needs, and has already been in possession of the methods needed to address those needs.

With the conceptual separation between the two already in place, statements such as these, which relegate *Creating Choices* to being "naïve" and based on "assumptions," reflect an institutional reaction to the Task Force's feminist underpinnings, and dismiss the reform vision on that basis. In doing so, these discursive practices reflexively situate the CSC (the practical, the operational) as being in possession of the expertise and knowledge about what federally sentenced women "need." By situating themselves as the knowers of 'correctional practicality,' the CSC not only further distances itself from *Creating Choices* (and the stakeholders who supported it), it also grants itself the wisdom of knowing 'what is needed' in the prison context. Constructing themselves as 'knowing what is best' becomes the second discursive practice that contributes to how the CSC makes sense of practices that are contradictory to the *Creating Choices* vision.

CSC AS 'KNOWERS'

The second discursive practice revealed in the interviews is the construction of the CSC as the true 'knowers' of maximum-security women, *in contrast* to *Creating Choices*. In describing the events that led to the women being excluded from the regional prisons, CSC representatives continue to refer to *Creating Choices*' naïveté through their matter-

of-fact statements about how women classified as maximum security 'actually' are.

These statements reveal a homogenous portrayal of the women, which is reminiscent of historical characterizations of some federally sentenced women as 'too bad,' 'unreformable,' and thereby deserving of harsher treatment than the general population.

Further, discussing the move to co-location and the subsequent implementation of the Secure Units, CSC employees established the CSC as the 'knower' of what maximum-security women 'actually' need, i.e. "more intensive intervention." This assertion of the CSC's position of being the true 'knowers' of correctional practicality with regards to maximum-security becomes an important step in legitimating the CSC's rapid return to more punitive, exclusionary incarceration practices.

Who Maximum-Security Women Are

In portraying the *Creating Choices* vision as impractical for maximum-security women, several CSC representatives established the CSC as the true "knowers" of women classified as maximum security. One way this was accomplished was by criticizing the Task Force's emphasis on the link between women's victimization and their involvement in criminal activity.¹ Several participants expressed that by focusing on the women's experiences as victims (of abuse; of institutionalization; of systemic racism and sexism) *Creating Choices* ignored their criminality. One participant argued that the *Creating*

¹ *Creating Choices*' recommendations are predicated on an understanding that being the victim of systemic oppression(s) can lead to involvement in criminal activities. For example, it states (TFFSW 1990: 106):

The attitudes, barriers and suffering which are the consequences of sexism and racism erode the self-esteem of women in general. In addition, many women who are federally sentenced are among those women in our society who have suffered most from sexism and racism. Federally sentenced women typically are poorly educated, unemployed and have survived physical and/or sexual abuse. Their life circumstances, along with their feelings of guilt, fear, anxiety, alienation and confusion which are often elicited when they are apprehended and sentenced by the justice system, combine to produce a group of women with extraordinarily low self-esteem.

Choices vision in fact disempowers women *because* it portrays them as victims. That is, *Creating Choices* allowed women to 'blame' their criminal behaviour on their victimization, and thereby not take responsibility for it.

I think one of the things that we have had to fight all along in the Service is the issue of victimization. That the women are all victims, and all their behaviors are based on the fact that they're victims, and it's not their fault – and we've had to fight that a lot, saying, ok, she may have been molested as a child, but when I'm the Primary Worker, or the Correctional Officer standing there with a knife up my throat, being taken hostage, you know ... that's not what you're thinking of. Her victimization as a child is not the issue when I have a knife up my throat. And we've had to fight that a lot. ... And I think we had to really fight that these women have survived their victimization, so coping skills maybe were inappropriate, but they coped and they dealt with it, but there they still have to be accountable for their criminal behaviour and their institutional behaviour. And it's been really hard to fight that fight, you know. And to make that balance between, 'yes they are victims, and we will deal with their victimization, we will help them as much as we can to get over that so that they're not re-victimized in the future, but they still have to be held accountable for the crimes they've committed, because they have hurt people.' And most of our women are doing time for violent crimes. A good chunk of them are. ... And as I said, I think in many ways the women were disempowered by that. Because it gave them the excuse. 'I'm a victim. I don't have to – you know, and I'm not sure that that was helpful to them.'

The informant's focus on a woman's violent behaviour is significant in her critique of the 'victim' approach. Her description of a prisoner holding a knife to the throat of a staff member – a description that echoes one of the EIFW incidents – implies that there it is counterproductive and more importantly, *unsafe* to deal with some women through an understanding of their victimization, and that such an approach allows them to not take responsibility for their "criminal" or "institutional behaviour." Moreover, it implies that the only 'safe' (and therefore logical or sensible) response is to increase security as a way to remove the safety risk. Certainly it is difficult to argue against this logic – in effect, it makes a certain amount of sense.

It should be noted that women who do exhibit violent behaviours in prison are most often re-classified to maximum-security.² Therefore, the above participant's description implies that *maximum-security women* take advantage of the so-called 'victim approach', either by not taking responsibility for their criminal behaviours or by acting out violently in a less punitive environment. As a consequence, the possibility of dealing with violent behaviour (which has been equated with women classified as maximum security) through the *Creating Choices* model of 'taking responsibility' and 'meaningful and responsible choices' is deemed to be not only impossible, but placing staff at risk.³

However, the discursive link between women classified as maximum security and violent behaviour begins to essentialize women with higher security classification. The assumption is that maximum-security women 'just are' this way, as if their security classification somehow was a part of them. It masks the fact that the CSC determines women's security levels according to an external classification system which evaluates prisoners' risk level upon entry in to the prison system, and periodically throughout their sentence. A woman's violent behaviour is only one part of this system, which also takes into account her support systems in the community, and participation in prison programming, for example. Nonetheless, such discursive practices reinforce the notion that the CSC "knows" maximum-security women.

² This is accomplished through the "institutional adjustment" category in the CSC's security classification system. This category is the most common reason for women to have their security classification increased.

³ Importantly, not every person interviewed equated maximum-security women with violent behaviour. This statement, from a former prison employee, provides a very different picture of the maximum-security women who were removed as a result of the incidents at EIFW.

The max [*sic*] women in [my] Region tended to be women who had mental health problems and sometimes, as a consequence, behaviour problems, but they weren't by and large extremely violent individuals. [Aside from one woman] at that point, I didn't feel that we had any women that could not be managed in the institution. So it was kind of a sad day, you know, to see them all go. Well, I mean we didn't have very many, number-wise. But it was still – there had been serious problems without any question at EIFW. But it was a policy that had implications for all of the institutions in the country.

Another participant, more directly referring to the EIFW incidents, described what the CSC 'found' to be true about women with higher security classification:

So over, from sort of 1996 when everything, when the shit hit the fan in Prison for Women and Edmonton, we started to see these things come out. So it was a very small group – it wasn't a lot of them, and it has remained a small group. The proportions remain the same even though our population's growing, so we're getting more numbers, but it's still sort of 10 – 12 per cent. So the group's very heterogeneous. There's kind of the anti-social group, there's the real mental health group, then there's the anti-social mental health group.

The participant's description of women classified as maximum security as a "very heterogeneous" group is consistent with *Creating Choices*' assertion that women have different needs particular to their individual situations, and that incarceration practices should respond to those varying needs. Ironically, the practices which have actually been put into place to allegedly respond to those needs do little more than homogenize these women into a group of people who are characterized as violent, and in need of more structure and more 'intervention.' This characterization lays the groundwork for their exclusion from the *Creating Choices* model.

The following description further fleshes out this depiction of who maximum-security women are. It also implicates the Task Force for misunderstanding the women, and identifies the vision of less structured prisons as being unrealistic and impractical.

It had become quite clear that the maximum-security women couldn't function in the community living style. They either were unwilling or not ready to do so. They needed much more structure. It was clear also that in the community living style – the women get staff support, but the staff aren't in the house all day long. So it was clear they needed much more structure, much more intervention. It was also quite clear to us that they weren't a homogeneous group. If you read *Creating Choices* and the Regional Operational Plan, you sort get out of it, 'well there's this 10% of our population that kind of are a bit wonky, but we'll put them in our little Enhanced Unit for three weeks, and we'll work with them and they'll be fine.' And it was like, no (laughing). They tend to be incredibly damaged and that just won't work.

This description of the maximum-security women as “unwilling or not ready” to function in the new prisons reveals a portrayal of the women as not being prepared for the relatively unstructured model of the new facilities. As discussed in Chapter Four, this portrayal is eerily reminiscent of the early characterization of women at the KPF, who were considered ‘too bad’ or ‘too disruptive’ to be able to access the reformatories. By criticizing *Creating Choices*’ portrayal of the women, this informant implicitly argues that *the reform agenda* was responsible for the incidents at EIFW in 1996, by placing maximum-security women in with the general population. In asserting that it was the CSC, rather than the Task Force who knew what was best for the women, this participant reinforces the separation between the two, and thereby makes the exclusion of maximum-security women from those reforms, make sense.

Missing from all the discussion about women classified as maximum security in the interviews, was any mention of the fact that Aboriginal women are disproportionately over-represented at higher security levels. In claiming to “know” the population classified as maximum security, but then not mentioning the over-representation of Aboriginal women, the CSC continues to leave out of view the ways in which the exclusion of maximum-security from the *Creating Choices* reforms disproportionately affects them. By not addressing this in their discussion, CSC representatives allow the exclusion of Aboriginal women to go unacknowledged, and therefore remain unquestioned. That Aboriginal women are over-represented at higher security classifications (both medium and maximum) is the result of a combination of racialization and criminalization that pervades the criminal justice system. That Aboriginal women are doubly excluded from the reforms is a ‘logical’ outcome of this dynamic. However, the exclusion does not by

itself make sense. The Task Force advocated the building of the Healing Lodge for the specific purpose of addressing this dynamic. By not addressing Aboriginal identity in their discussions of who maximum security women are, CSC representatives contribute to normalizing both the racialization of security classification, and the exclusion of women from the reforms on the basis of that racialization.

Moreover, since the Task Force was heavily informed by community-based Aboriginal women's groups, one could argue that the Task Force, rather than the CSC, in fact had stronger grounds for 'knowing' maximum-security women. The CSC's dismissal of the Task Force's 'knowledge' can thus be seen as a mechanism through which the institution of corrections perpetuates racialized ruling relations, leaving them unquestioned because they are out of view.

What Maximum-Security Women Need

In reference to the EIFW incidents and the subsequent exclusion of women classified as maximum security from the regional prisons, the CSC reports, "it became evident that a small portion of the women offenders required a greater degree of structure and control than the regional facilities could provide within their existing facilities, due to their disruptive behaviour, high escape risk and risk to the public" (CSC 1999). This statement reflects how the CSC presents itself to be in possession of the knowledge of what women classified as maximum security need, as opposed to *Creating Choices*.

Several respondents echoed this assertion, further implicating the Task Force for misunderstanding maximum-security women's needs. Revealing the conceptual separation discussed above, respondents argued it was the CSC who actually knew how

best to 'meet the needs' of women classified as maximum security. One employee, when asked what she thought of *Creating Choices*, responded,

Creating Choices made a lot of very good assumptions, but the one erroneous assumption was that the maximum-security women would be fine in the philosophy of community living. They need much more structure than is provided in the regional institutions. And much more intensive intervention.

This participant reflects what the CSC claims to "know" what women classified as maximum security actually needed, i.e. "much more structure, much more intervention." In correctional practice, as we have seen from the co-located units to the Secure Units, "increased intervention" equates to increased security. Indeed, the CSC very quickly responded to disruption at the new prisons through exceedingly punitive measures, immediately increasing security for all women.

This link between structure and security is itself based on conventional incarceration practices which operate on a risk-based model. The structure-security link leaves out of view any non-security based, alternative approaches to dealing with women in crisis, which focus on their individual needs, rather than a perception of the risk they pose to institutional order. This statement and others like it, therefore portray the *Creating Choices* vision as naïve primarily because it did not rely on, nor allow for, conventional, security-based incarceration practices. The move to co-location can thus be seen as a reaction, not only to the incidents themselves, but to the 'unstructured' *Creating Choices* vision as a whole. In a context where the reforms are held to be naïve and impractical, it seems logical that the only option would be to return to what was being done before the reforms were put into place. Moreover, the CSC's claim to 'know' what women classified as maximum security need, detracts from the community-based work of the Task Force.

Further, adopting the language of 'addressing women's needs' – language which underpins the entire *Creating Choices* vision – is a discursive twist through which the CSC aligns its practices with that vision, and effectively erases the fact that those practices actually exclude women classified as maximum security from it. The CSC's assertion that what women classified as maximum security need is 'intensive intervention,' implicitly claiming that punitive measures are 'for their own good,' masks the notion that a return to more punitive, exclusionary practices is *antithetical* to *Creating Choices*' feminist vision. Such practices privilege instead the notion that the CSC works in the interest of the women it incarcerates, i.e. that it operates in a manner that places their needs as central. Meanwhile, that exclusionary incarceration practices actually continue to centre the prison, rather than women's individual needs, remains out of view.

CONCLUSION

CSC representatives revealed two main discursive practices through discussions about *Creating Choices*. First, they created a separation between *Creating Choices* and the CSC, on the grounds that the former was not operational, was naïve, and made 'assumptions' about women classified as maximum security. In opposition, the CSC maintains its position as practical, logical and experience-based. In addition, while *Creating Choices* places as central the needs of the individual, the CSC evidently continues to centre the needs of the prison. This conceptual dichotomy between *Creating Choices* and the CSC becomes a central organizing tool for the sense making of the CSC's quick return to conventional, more punitive measures after the EIFW incidents in 1996.

The second discursive practice reflected in the interviews established the CSC as the true 'knowers' of correctional practicality. The Task Force's naïveté was re-emphasized on the grounds that it did not actually "know" or understand women classified as maximum security. This aided in the reflexive assertion that the CSC actually knew the women, understood their needs, and was working to implement them, through more "intensive intervention." As such interviewees held *Creating Choices* culpable for the EIFW events, and essentialized women classified as maximum security as violent and manipulative. They portrayed the CSC, meanwhile, as having *restored* correctional order through their exclusion of some women and increasing security for the others. Informants portrayed these practices, and the CSC in general, as 'meeting the needs' of incarcerated women in ways that *Creating Choices* did not allow for, because of their mistaken understanding of the women they were dealing with.

In this way we can begin to understand how the exclusion of maximum security women from the regional prisons makes sense within corrections as a governing institution: the CSC held the women in question to be in conflict with meeting institutional needs. In the context of 'correctional practicality' where the needs of the institution are paramount, the only option in view would be to remove maximum-security women from the institution. This sense making itself relies on the notion that the CSC was *already* in possession of the knowledge of 'what is best' for federally sentenced women. In this case, as in most, 'what is best' followed the form of conventional, more punitive practices.

Through an examination of these two discursive practices, we can begin to see how the return to conventional, more punitive practices is made to make sense within the

framework of corrections, even in an era of sweeping reforms. In the next chapter, however, I will discuss the ways in which these discursive practices actually do not make sense. Indeed, they only make sense because they are seen through the same institutional lens through which the practices themselves were created. In the next chapter I will explore, through federally sentenced women's advocates' descriptions of the EIFW events, how it is only by 'shifting the lens,' that we can begin to identify ways in which the CSC's logic, and their practices that follow from that logic, do *not* make sense. As such I will argue that the adoption of reform language is an institutional practice aimed at legitimizing the on-going use of exclusionary incarceration practices.

CHAPTER SIX

Through the Institutional Lens

INTRODUCTION

Through discursive practices designed to make sense of excluding maximum-security women from the *Creating Choices* vision, the CSC puts two notions into place: that *Creating Choices* is inconsistent with correctional practicality, and that the CSC, rather than the Task Force, best knows what women classified as maximum security need. In establishing these ‘truths’ CSC representatives portrayed these women as needing more structure and intervention than *Creating Choices* allowed for, using the 1996 incidents at EIFW as ‘proof.’

In this chapter I will discuss the concept of an ‘institutional lens,’ through which, I argue, social institutions such as corrections formulate and implement their practices. First, I will problematize the CSC’s position as ‘knowers’ of maximum-security women. Drawing from interviews with federally sentenced women’s advocates (i.e. participants located outside the institution of corrections), as well as from *Creating Choices* itself, I will put forward some alternative descriptions of the EIFW events and maximum-security women.¹ Because advocates are located *outside* the correctional framework, their understanding of the issues provides insight into corrections by illuminating what remains missing, or hidden, from the CSC’s accounts. Specifically, I will demonstrate that through advocates’ descriptions of the same events, we can begin to identify that the CSC

¹ *Creating Choices*, although a CSC report, was heavily informed by federally sentenced women’s advocates who worked in partnership with the CSC on the Task Force. As discussed in Chapter Three, the document therefore occupies a space which is at least partially outside the correctional framework.

leaves itself (i.e. the correctional context, the prison) out of its discussions. Unlike the CSC, advocates do not take the correctional framework for granted.

Returning to my interviews with CSC representatives, I will then illustrate how the CSC has implemented the reform agenda through its own “institutional lens.” That is, I will demonstrate that the CSC formulates, implements and discursively organizes its practices through the lens of its own conventional institutional imperatives. Through their discussions of the notion of ‘women-centered corrections,’ CSC representatives demonstrate that conventional incarceration practices remained taken for granted throughout the implementation of reform, and despite the use of reform language. In this way, the notion of a women-centered approach to corrections, in practice, takes on different meaning than intended by the Task Force. The institutional lens masks the ways in which institutional practices actually remain the same. It keeps the gendered, racialized and classed ruling relations, which underpin conventional practices, hidden from view, and thereby allows the CSC’s use of conventional incarceration practices, such as the exclusion of women classified as maximum security, to make sense.

LOCATING CONTEXT: THE CSC AS ACTORS

The CSC’s position as the true ‘knowers’ of what women classified as maximum security need can be challenged in several ways. Looking at how people located outside the correctional framework discuss and understand both key concepts from the *Creating Choices* vision, and maximum security women themselves, reveals that there is more to the story than is illustrated by the CSC’s accounts. In this section, I will first examine an advocate’s description of *Creating Choices*’ so-called ‘victim’ approach, that CSC representatives were so critical of in the previous chapter. This description brings the

prison context into view for the first time. Informed by advocates, the provision of context was a central feature of the *Creating Choices* document, and its understanding of federally sentenced women in general, and Aboriginal women in particular. Finally, an advocate's description of the EIFW incidents highlights several factors which could have contributed to those events. These descriptions provide vital contextual information that is left entirely out of view in the discursive practices of the CSC. By contextualizing women and these events, we can for the first time locate the prison setting, and by extension the institution of corrections, as an *actor* in incarceration practices.

As seen in the previous chapter, CSC officials were critical of *Creating Choices'* emphasis on the relationship between women's social victimization and their involvement in criminal activities. They argued it allowed women to take advantage of and manipulate the reformed prison environment. The CSC's dismissal of *Creating Choices'* 'victim' approach focused on a non-contextualized description of individual women's behaviour, and led to an essentialized portrayal of maximum-security women as violent and manipulative. However CSC employees were not the only critics of this so-called 'victim' approach. One federally sentenced women's advocate was critical, not of the understanding of victimization per se; rather she questioned the ways *the CSC implemented* an understanding of victimization in the prison setting:

And there's a fine line between holding people accountable and responsible and calling them victims. And I *hate* the victim – just personally and philosophically, I hate the victim stance. I think women can't always be victims, right? But there's somewhere in between holding them completely responsible for what they've done and allowing them to be just total passive victims... Because people don't look at the context and don't understand the context of what goes on. So I think somewhere in between – like you need to be able to understand the context, that that person *was* a victim, either in their childhood, or teenage years, or in their marriage, but you – what you strive to do is get them past the victim mode, and

get them into accountability and responsibility. By providing them with the tools, to take control of their own lives.

... I think [Corrections] tends to take things out of *Creating Choices*, like 'responsibility and accountability' and use that to *not* see the context of their laws. To *not* understand that maybe you have to be a victim for a while before you can become a survivor. And some people can do it on their own, and some people need help to be a survivor. And then, people need to get past that stage, and just go on to be a regular person, that can take control of their own lives, and can take care of their families, whatever, whatever. I think that they sometimes can forget the context and say, 'but this is *Creating Choices* we're holding her accountable for her own behavior. And her behavior was bad. She tried to take a staff hostage, or she tried to take a woman's stuff' without the – with separating it out from the context of that particularly horrible environment.

Locating incarcerated women in the prison context, this informant brings the CSC into view *as an actor* in incarceration practices, for the first time in these discussions. This description reminds us that by focusing on women's individual behaviour, the CSC removed the women from the context of being in an institution, and being subject to the governing practices of that institution.

The CSC's decontextualized account of incarcerated women's experiences and decision-making underlies the exclusion of maximum-security women from the *Creating Choices* reforms; it naturalizes the women's behaviour rather than take into account the context within which they are acting out. In the absence of this context, it begins to become 'logical' that women classified as maximum security 'just are' this way. When this is assumed to be true, a return to more punitive practices does make a certain amount of sense. Alternatively, when CSC representatives discuss incarceration practices, the institution itself remains hidden. The prison itself is not discussed; rather, it remains in the background as an assumed entity. We must therefore challenge the CSC's assertion that maximum-security women will take advantage of an understanding of their social victimization, either by not taking responsibility for their criminal behaviours or by being

unavoidably violent in a less punitive environment, since that assertion does not recognize the effect a punitive setting may have on these women. Only when presented with a more contextualized description of women's acting out behaviour, or of the women themselves, can we begin to problematize the *context* (i.e. the prison environment), rather than the women.

Not surprisingly, the Task Force predicated its vision on providing context for the lives and actions of federally sentenced women. As such, the Task Force paints a significantly different picture of the women than the CSC (90):

Experience, now validated by the Task Force research and consultations, confirms that all federally sentenced women are high need regardless of sentence length or nature of offence. Regarding risk, women generally are not a danger to others. There are a very small number of women who have come to rely on violence in order to survive overwhelming abuse throughout their lives. It is believed that these women will respond well to a more supportive environment.

As discussed in the previous chapter, CSC representatives rejected the Task Force's understanding of the women, saying it was 'naïve,' born of 'assumptions,' and therefore implicitly responsible for the EIFW incidents. Recognizing that such provision of context allows the context itself to be critiqued, we can begin to understand why the CSC rejects such descriptions. Moreover, the dichotomy created through the CSC's discursive practices, between the feminist, impractical *Creating Choices* vision (which was predicated on bringing the context of federally sentenced women's lives into view) and correctional practicality (which reinforces the way things 'have' to be done), becomes a further way of masking such context.

Similarly, *Creating Choices* paid much closer attention to its portrayal of federally sentenced Aboriginal women than CSC representatives allowed for. For

example, *Creating Choices* takes care to address the issue of violence, in relation to Aboriginal women being overrepresented in federal prisons (77):

The relatively high rate of violent crime by Aboriginal women and the related over-representation of Aboriginal women under federal sentence is related to the racism and cycle of violence so many Aboriginal women experience. Their history of institutionalization, the violence they have experienced at the hands of authority figures and in their communities, the high levels of drug and alcohol abuse, the high levels of self-abuse, and institutional incarceration and societal racism, all contribute to the over-representation of Aboriginal women among federally sentenced women.

Creating Choices brings into view an understanding of the social context within which Aboriginal women come into conflict with the law, and within which they are incarcerated. It addresses the complexity of the situation regarding Aboriginal women prisoners, and the interconnectedness of the systemic oppressions that they face. This description stands in contrast to the CSC's descriptions of maximum-security women, where representatives created an a-contextual characterization of maximum-security women as violent and manipulative, and failed to acknowledge that Aboriginal women are more likely to be classified at higher security levels, let alone exhibit an understanding of why this might be so.

The CSC's discursive practices regarding the *Creating Choices* reforms and federally sentenced women leave many things out of view. The following advocate's description of the EIFW incidents highlights this, again contrasting the CSC's version of events as seen in the previous chapter.

They weren't physically or program-wise prepared for the reaction of the women. Change is hard for *anybody*. There were women who had been at Prison for Women for *20 years*. And who didn't want to leave because it was home. They didn't want the nicer environment, because they didn't feel safe. They wanted to be able to go in and lock a cell at night. So you know, that's an emotionally charged environment, and women, just like *anybody* in a group, one can influence the other when they're not feeling well, or you know, very concerned and

anxious, and it sort of grows. Right? If you put them in an environment where they'd never been before, and then be able to sort of congregate ten people together, and eat their suppers, right? They're used to eating in the dining hall with guards standing over them, or in their cells. And not expect for there to be some growing pains. And I think there were growing pains, and I'm not trying to trivialize what happened in Edmonton – it was a very, very serious incident. But then I think they tend to over-react. And then it becomes more punitive, more back to 'punish everybody for the actions of a few' and just complete withdrawal.

In this description the advocate identifies several factors that may have contributed to the incidents, which were unaddressed in the CSC's portrayal of the events. First, she draws attention to the degree of change that the women were facing when the incidents occurred, recognizing that "change is hard for anybody," but particularly within an environment where women have already so little control. Second, she recognizes the challenges some women may have faced, transferring from P4W – a total institution where every move was highly regulated and monitored – to a very different, community-living style environment. Third, she identifies the ways in which the community-style living may have played a role in some women being influenced by others.

Most importantly, the advocate takes all this context into account, without excusing what happened at EIFW as insignificant. Instead, this depiction suggests that the CSC had a role to play in the incidents by perhaps opening the new facilities too early, and perhaps not preparing the women adequately for the transfer. It allows for at least the *possibility* that the transfer and its accompanying changes may have unsettled some of the women. Like the critique of *Creating Choices*' 'victim' approach this, too, locates the CSC as an *active participant* in the EIFW events. In doing so, it again highlights the fact that the way the CSC depicts the events leaves *itself*, i.e. the correctional framework and the social context it works within, entirely out of the picture.

THROUGH THE INSTITUTIONAL LENS

These alternative portrayals of both the EIFW incidents and the women themselves, locate for the first time, the CSC as an actor in incarceration practices. This is useful information when considering the CSC's discursive practices discussed in the previous chapter. Given that the CSC appears to have created a conceptual separation between itself and *Creating Choices*, and given that it claims now to better 'know' women classified as maximum security, I will now look at how CSC representatives discuss the process of both initially implementing the reforms, and then the decisions to return to practices which exclude women from those reforms, in an effort to decode how that exclusion makes sense. I will argue that the exclusion of women classified as maximum security is not an aberration; rather it is a logical outcome of an 'institutional lens' through which social institutions like corrections, formulate, implement and discursively organize their practices. This lens, I will argue, keeps conventional institutional imperatives as central, and hides the ruling relations that underpin them, from view. As such, it is as a result of this institutional lens that conventional incarceration practices such as using exclusion as a mechanism of punishment, continue to make sense, even in the implementation of 'women-centered corrections.'

Reform Versus Institution

In discussing how the implementation of the *Creating Choices* reforms took place, CSC representatives expressed frustration at the Task Force for its lack of specific detail regarding how the feminist principles should translate into the daily operations of the prisons. In the absence of clear direction from the document, CSC officials needed to

devise ways of implementing the *Creating Choices* vision. One informant described how this process took place:

- You know, from my perspective ... it was all about trying to get those things from a rather loosely written document into something operational. Because they're really – *Creating Choices* didn't tell [us] how [we were going to] establish the facility.

AC: So how did you do that?

- Well ... we worked with the vague operational plans that they had developed at Headquarters, and then we just ran with what we had to run with, in terms of the law, and the policy documents that existed at the time.

Key to this description is the fact that the CSC implemented *Creating Choices*, “in terms of the law and policy documents that we had at the time.” In other words, the reforms were implemented using law and policy that were created *from within the conventional correctional system*, i.e. the one that had existed prior to the creation of the TFFSW. Thus we can see that the *Creating Choices* reforms were not harbingers of change to correctional practice itself. If this were the case, the policies and procedures themselves would have had to be completely overhauled. That they were not exemplifies how the implementation of the reform agenda was accomplished through corrections' conventional institutional lens. Arguably, the CSC used *Creating Choices* to make conventional incarceration practices more publicly acceptable, rather than as a *fundamentally new way* to practice corrections.

In the following statement, a CSC employee reveals the underlying institutional imperative that informs incarceration practice, through her explanation of the CSC's decision to exclude maximum-security women from the regional prisons. It is reflective of many from the interviews, and reveals how the CSC's portrayal of maximum-security

women influences employees' dismissal of *Creating Choices*' applicability to maximum-security women (based on what the CSC claims to 'know' about that population).

And there can be debate over *why* [maximum-security women act out violently]. Well, while we're busy debating the why and trying to find an effective intervention strategy for the why, we have to make sure that they can be managed in a way that is A) safe and B) humane.

Here again, relying on the conceptual separation outlined in Chapter Five, the interviewee categorizes theorizing, researching and 'philosophizing' as luxuries that are extraneous to the actual day-to-day running of incarceration. She reveals that the CSC's practical imperatives revolve around 'managing' people in a "safe" and "humane" manner. Such 'management' language reflects ruling relations which rely on hierarchical structures and conceptualize relationships through an assumption of power *over*, i.e. relations which are fundamentally patriarchal, racialized and classed. Discursive practices like these illustrate how conventional institutional imperatives (i.e. managing people, rather than meeting their needs) actually remained paramount in the CSC's implementation of these reforms. They did *not* necessarily shift to focus on addressing the individual needs of the person in question, as advocated by *Creating Choices*.

Another interviewee pointed out that the CSC in fact *is not able to* fundamentally alter the way it operates, as it is only one piece of a larger social institution:

And I think that the difficulty is accepting the reality of corrections, is accepting that the Correctional Service of Canada is only one component of the criminal justice system, and our mandate is, within fairly clear parameters which are laid out in the legislation, is 'administer the sentences imposed by the court.' And you know, the authorities within that are pretty clearly laid out. Authorities of when people are eligible for ETAs [*sic*: Escorted Temporary Absences], for day parole and so on and so forth.

This statement speaks to the institutional character of the correctional service, in that it is necessarily linked up with, and hooked into a whole system of structures, which

together make up institutions of governance. The CSC is just one piece of the larger institution of the criminal justice system, and therefore must work within its parameters. As another informant said, the CSC views its primary role to be “the execution of the punishment imposed by the courts.” Likewise the Task Force, as an initiative of the CSC, also had to work within those parameters, as is illustrated by the Task Force’s mandate of developing a plan that would “guide and direct” the “correctional management of federally sentenced women.”² This mandate assumed ‘correctional’ management from the outset, thereby privileging the conventional system, even while acknowledging that the details of how that system was implemented needed to change. That the Task Force had to work within these parameters left many options, i.e. the option of complete decarceration, or that of removing the security classification system altogether, out of view from the beginning. The absence of alternative options was then compounded once the reforms were subsumed into the institutional framework of the CSC.

The Use(s) of Reform Language

Nonetheless, the CSC does continue to utilize the language of the *Creating Choices* vision to describe its practices. Despite its use of discursive practices which place distance between itself and *Creating Choices* on the one hand, and reinforce its own position as the ‘knower’ of incarcerated women on the other, the CSC advocates that it has embraced *Creating Choices* whole-heartedly. In its press releases and public relations material, wherever the CSC discusses federally sentenced women, they

² The full mandate reads, “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 the process in a manner that is responsive to the unique and special needs of this group” (TFFSW 1990:1).

consistently cite *Creating Choices* as a “living document” (CSC 2000); as the driving force of incarceration practices for women in this country (see CSC 1999a, 1999b, 2000a, 2001a; Watson 2000). In making this claim, the CSC refers to the construction of the regional facilities, the closure of P4W, specialized programming, and the implementation of a ‘women-centered’ approach to incarcerating women as examples of having embraced the *Creating Choices* vision. Moreover, in specific reference to current developments, the CSC claims that the Secure Units are “the next consistent step in the *Creating Choices* approach” as they will “allow for the repatriation of all women to the regional facilities” and the closure of P4W (Watson 2000).

In the interviews, CSC representatives echoed the claim that the CSC was actively pursuing the *Creating Choices* vision, referring often to the notion of ‘women-centered’ corrections. Describing the CSC’s women-centered approach to corrections, most participants inadvertently emphasized corrections as it has been conventionally practiced. In this way we can see that conventional ruling relations which are predicated on gendered, racialized and classed divisions of power, are securely in place in the CSC’s implementation of reform, although they remain hidden from view. For example, in her description of the ways in which women-centered corrections has been achieved, one employee said,

So, how, within that kind of construct – a legal construct – you can’t say, ‘yes, we have women-centered *corrections* according to a strong feminist definition of women-centered’ – that would be very difficult to say. Do we have, within the Correctional Service of Canada, a locus of functional expertise that is acknowledged and respected for women’s corrections? Yes we do. Do we have a focus on research that says, “No we’re not just going to take methodology that we apply to men and apply it to women”? Yes we do. Do we have some programs that are unique and were uniquely developed for women offenders? Yes we do. Do our women’s facilities *look* different than men’s facilities in their day-to-day operation; feel different? Yes they do. But you know, you could add it all up and

still say, ‘well yah, but it’s still not women-*centered* corrections’ (emphasis in original).

This informant describes that the CSC has made adjustments to learn about and address the needs of federally sentenced women more specifically, however, those adjustments have been made *within* the framework of conventional correctional practice. For example, the “programs that are unique and were uniquely developed for women offenders” are prison-based programs that women must participate in as part of their correctional plans. These specialized programs fulfilled one of the Task Force’s recommendations. Nonetheless, in the conventional model of corrections, a prisoner’s compliance with her (or his) correctional plan is a central tool for evaluating her ‘progress’ in the institution, including security classification and eligibility for parole. Although *Creating Choices* did not explicitly recommend a different role for prison-based programs, forced participation and evaluation of institutionalized ‘progress’ for all women, remain antithetical to meeting the individual needs of women prisoners, and to the spirit of *Creating Choices*. So while the CSC altered the *content* of some programs to be more applicable to women, the *assumption* of enforced participation in prison-based programming, and its role as an indicator of compliance to the ‘correctional process,’ remains taken for granted.

Similarly, in the above quote, the participant points out that women’s prisons “look” and “feel different” than men’s prisons. Again, although the CSC built the regional prisons in accordance with many of the Task Force’s recommendations, the existence of the prison itself remains taken for granted, while in *Creating Choices* it did not. Not surprisingly, to date the CSC has spent much less time and money in pursuit of the third of the six *Creating Choices* recommendations: the Community Release Strategy. Again,

although the CSC made significant changes to the way punishment ‘looks’ and ‘feels’ for (some) women, the structure of that punishment continues to rely on conventional correctional practice.

Importantly, several individuals interviewed were sensitive to the contradiction of referring to corrections as ‘women-centered.’ One CSC employee informant recognized this disjuncture, albeit hesitantly, when asked if she felt that women-centered corrections has been implemented:

I think so. I think so. But [pause] I think it has. We work differently with the women, we address their needs somewhat differently – or we recognize that the needs are different, we try to address them differently, we offer different kinds of support. But I think it’s – [pause] it’s women-centered *corrections* and corrections is still part of it. So in some ways, there’s still some things that we do, that perhaps our stakeholders don’t like, but I think we need to do them. We have to do them – it’s still corrections. There’s – we may call them facilities and institutions, but legally they’re penitentiaries, you know. And I mean it’s a shame that we now have barbed wire and detection and stuff like that, but I mean it became necessary. But I think for the most – I mean, we’re not there yet, and we may never be there, it’s going to be an ongoing struggle, and as more research comes out, and more information and we continue to refine the way we deal with people, things will always be changing, but I think it is – I think we’re well on the way to doing something that’s much better than what we had (emphasis in original).

Although the respondent questions corrections’ ability to be truly ‘women-centered’ in the way that stakeholders might like, her statements reflect that the CSC takes for granted the way corrections ‘needs to be practiced,’ i.e. through penitentiaries with “barbed wire and detection and stuff like that.” She reinforces the taken for granted character of conventional practices by matter-of-factly equating them to ‘corrections,’ and then through the discursive phrase, “it’s still corrections.” She in fact encapsulates the taken for granted character of conventional correctional practices with her statement, “you could add it all up and still say, ‘well yah but it’s still not women-centered corrections.’”

The focal point of this statement – what the CSC takes for granted and thereby makes central – is *corrections*, rather than *women*.

Further, when asked if she thought women-centered corrections was *possible*, one CSC employee responded,

Well, I'm not sure that one should even ask that question. A vision is there as something to aim towards. A vision is there to change the current reality and hopefully for the better. And the issue is, did it change for the better? Yes, I'm prepared to say that. With no equivocation. Yes it has changed for the better. Is it still a prison? Yes it is still a prison. Will it always be a prison? Yes, unless our whole social construct changes. So, that's where I say, this is where I'm fairly pragmatic.

Here again, the prison itself remains in the realm of the necessary. Again the informant takes for granted the conventional practice of the prison (i.e. 'corrections') and marginalizes the people for whom it is built (i.e. 'women'). Thus she too describes that what the CSC practices is women-centered *corrections*, because she does not question the conventional ways in which corrections 'needs to be' practiced. In this way, placing the needs of federally sentenced women 'at the center' is made secondary to the conventional model, even in the CSC's new approach to corrections for women.

'Women-Centered' Practices

When probed to discuss the reforms in more detail, three CSC representatives gave examples of specific practices that they identified as 'women-centered': the move to co-location, the Intensive Intervention Strategy (IIS, including the Secure Units and the Structured Living Environments) and the use of Emergency Response Teams (ERTs). Looking at how employees discussed the 'women-centeredness' of these practices, we can identify ways in which they, too, rely on the assumption of conventional practices,

and conventional ways of thinking about corrections. As such we can begin to locate the institutional lens, and understand the ways in which the reliance on conventional practices such the exclusion of women classified as maximum security continues to make 'sense' within the reform framework.

The following account, from a CSC representative, highlights the speed with which conventional, more punitive practices were returned to, after the incidents at EIFW. This account brings to light the CSC's priorities in the wake of these critical incidents.

By about January [1996], in Edmonton Institution for Women we had a series of incidents. A lot of self-injury, some staff assaults, in with the maximum-security women. And May 1st 1996 we pretty much closed EIFW down. We left the minimum-security women there, moved the mediums and the maximums, to try and figure out what to do ... During that summer we put fences around all the institutions – there were no fences – there as a high school boundary fence, but there wasn't a 'real' fence with barbed wire, attached. So we put the fences around there, and we moved the women to co-located units in the men's institutions – the maximum security women only. We brought the mediums back to Edmonton.

In the wake of the incidents, the CSC's first response was to increase security. *First* they removed the women classified as maximum- and medium security from the regional prisons, put them in men's prisons and raised fences around the grounds, even though the maximum-security women would not be returning there. *Then* they 'did the research' and found that women with higher security classification needed increased security. The decision to remove and then exclude some women from the 'new' model of incarceration practices was made within less than six months of implementing the reforms.

As illustrated by advocates in the previous section, those first months at EIFW were a critical period of unsettlement and adjustment for both the women and the staff. This account not only provides none of this context, it also illustrates the ease with which conventional practices were relied upon. Again, because the CSC continued to understand

correctional strategies through the institutional imperatives that it always had, its response to disruption could only be one that reflected past practices: i.e., one that increased security, marked some women as ‘too disruptive’ for the reformed prison, and on those grounds excluded them from it.

That the CSC was responding to women’s needs when it removed them from the regional prisons and placed them in men’s prisons for seven years remains in question. That they are ‘responding to individual’s needs’ through the Intensive Intervention Strategy (IIS) continues to be problematic. As discussed in Chapter Four, the CSC celebrates the IIS as an important, women-centered shift in incarceration practices for women, one which addresses both the needs of maximum-security women to be out of the co-located units and those of women with mental health concerns. However, one CSC employee’s description of the Structured Living Environments (SLES) belies the notion that the CSC’s goal is to address women’s needs. This description raises the question of how the CSC defines ‘need’ and then responds to it, within its institutional frame:

Some of our women are good old-fashioned criminals [laughing] but, some, there’s a small proportion that has some really, really serious mental health problems, and that have been in the system, the mental health system since they were kids, and, you know. So we’ve – the other half of the IIS is what’s called the Structured Living Environment. Houses that we’ve built. Now, those are going to be for minimum- and medium-security women, they have to have that security classification. If they’re maximum-security they have to be in the Secure Unit. ... In the Structured Living Environments there’ll be program space and office space, so staff will be there 24 hours a day. And all the staff working in the SLE will get about three weeks worth of specialized mental health training, to work with the women – they’ll hold eight women.

This CSC employee identifies that women classified as maximum security do not have access to the specialized mental health units. Many women classified as maximum security are diagnosed with or suspected of having some form of mental illness (Laishes

2002). However, since women with mental health concerns who are classified as maximum security are barred access to the one unit that is designed to meet mental health needs, it becomes questionable that the IIS and its increased intervention protocols are intended to ‘address the needs’ of maximum security women.³

At the same time, the exclusion of maximum-security from the SLES makes sense through the lens of conventional correctional practice, where ‘intervention’ is defined as security. Because maximum-security women are considered a threat to the smooth functioning of the institution, the CSC appears to equate their needs with risk. That is, while they are said to have ‘higher needs,’ they are responded to with the assumption that they have high risk factors. When this is played out in the institutional setting – when the CSC perceives the prison to be at risk – it makes sense that increased security should take precedence over other options which, although they may actually address women’s individual needs, are more time-consuming and longer-term. In practice it is the taken-for-granted character of the need for static security measures, which legitimated co-location and continues to legitimate the Secure Units. Meanwhile, that such measures are antithetical to *Creating Choices*’ notion of women-centered corrections, remains out of view.

Another CSC participant gave a detailed description of a ‘women-centered’ approach to resolving intense conflicts within the prisons, as an example of one way in which a women-centered model is being achieved. In this example, what the informant does *not* say reveals a great deal about what the CSC takes for granted:

³ Whether or not the SLES actually benefit incarcerated women with mental illness remains to be seen, although some have questioned the effectiveness and even ethics of ‘therapy’ in a prison setting (Faith 1993, *Interviews*).

[W]hen women are in crisis to the extent that we have to bring in an Emergency Response Team, we tend to negotiate with them way longer before the team comes in, than we ever would have in the men's institutions. Like, we'll sometimes negotiate over five and six hours, before we actually send the team in. Whereas in the men's institutions – it's changing now, and I think that's the women's correctional influence on the men – where the men's would sort of negotiate 20 minutes and then go in. You know, 'Enough already. We've had enough of this shit. We'll get him out of this cell and put him in Segregation' or whatever. Whereas with the women we'll negotiate and negotiate and negotiate, in an attempt to do it so she complies. So we don't have to use force, so we don't have to spray her with gas, you know the whole thing.

... And we've now given the Emergency Response Team the leeway to put their plan together - if they start implementing it and the woman, like she becomes compliant, or somehow the situation changes, we've given them permission to back off now, and start up again, which we never had in the correctional service before, and that really came out of women's corrections. That you know, if somebody is totally non-compliant, and then sees the team come in their Darth Vader outfits, and then becomes compliant, well then you don't have to use the gas, then maybe all you need is handcuffs behind the back and walk her, you don't have to use the shield, you don't – you know, that kind of thing. And it's given the Emergency Response Teams permission to step back, reassess and change their plan. I think that was huge.

In this example the informant accepts the use of an Emergency Response Team (ERT) as a necessary method through which to deal with “women in crisis.” Although the CSC may now give the ERT the “leeway to put its plan together” and more flexibility in executing that plan, the existence of the ERT itself is not under examination. From behind the institutional lens, the ERT itself remains taken for granted. In being left unquestioned, the practice of responding to critical incidents in the ‘women-centered’ prisons through the use of force continues to make sense. That this practice stems from a patriarchal approach to conflict-resolution (i.e. through the use of force rather than through understanding, discussion and mediation), and is thereby antithetical to a feminist framework of correctional practice remains out of view.

Throughout the CSC's implementation of the *Creating Choices* reforms, the institutional lens was not shifted. CSC representatives identified the lens, addressing the

implicit paradox in the difference between Creating Choices' notion of women-centered corrections and the CSC's responsibilities as a part of a larger social institution.

Descriptions of specific examples of 'women-centered' practices reveal that the institutional lens 'made visible' conventional incarceration practices such as punishment through exclusion, security classification and emergency response teams. That such practices may have been antithetical to the *Creating Choices* vision, and that they were predicated on ruling relations based on gendered, racialized and classed hierarchies of power, remained out of view, and therefore went unchallenged.

CONCLUSION

The CSC's position as 'knowers' of what maximum-security women need must be questioned. Advocates' descriptions of the women and of the EIFW events remind us that the institutional context has been left out of view in the CSC's critiques of *Creating Choices*' so-called 'victim' approach to understanding incarcerated women. When faced with this contextualized version of events, the prison and the CSC themselves become actors, for the first time in discussions about the EIFW incidents, and the subsequent move to more exclusionary incarceration practices. The invisibility of the prison in the CSC's accounts, I have argued, is because the institution of corrections (and by extension its conventional practices) remains central to the implementation of reforms. In remaining centred, the institution itself is taken for granted, and thus hidden from view.

Meanwhile, the Task Force had been commissioned in response to widespread acknowledgement that the CSC's practices regarding federally sentenced women needed to change. Such allegations were born from a long history of neglect and abuse that

incarcerated women suffered at the hands of a system which was predicated on gendered, racialized and classed hierarchies, and which treated women inequitably as a result of those hierarchies. For example, these ruling relations have historically, directly and indirectly resulted in Aboriginal women being over-incarcerated and over-classified. This has meant that the individual needs of incarcerated women have been left unacknowledged and therefore unmet. Meanwhile, because the CSC continues to argue that it is pursuing the *Creating Choices* vision, the ways in which its practices are antithetical to that vision are left hidden from view.

Even in its pursuit of conventional practices (which we can identify as such through a shifting of our own lens), the CSC continues to claim they have fully embraced the *Creating Choices* vision. However, in further discussions of the ways in which *Creating Choices* has been implemented, interviewees reflected yet another discursive practice that contributes to the sense making of these disjunctures. Through their use of the term ‘women-centered corrections,’ which forms the foundation of the *Creating Choices* reforms, participants continued to privilege conventional incarceration practices. In other words, ‘corrections’ was made central, and correctional practice, they described, had been made to look and feel differently. This, they claimed, was an indication that women-centered corrections was being practiced. By incorporating reform language into their discursive practices, then, the CSC subsumes the *Creating Choices* reforms, and the reforms become a mechanism that *legitimizes* the conventional practices. The reforms became a way to make conventional practices ‘look and feel different,’ rather than to fundamentally alter the practices themselves.

Indeed, CSC representatives utilized reform language when they pointed to the IIS and the Secure Units as a way of ‘meeting the needs’ of women, and as a way of bringing women classified as maximum security into the *Creating Choices* vision. In doing so they ignored the ways in which the IIS does *not* meet the needs of these women, and in fact is antithetical to the *Creating Choices* approach. By privileging the language of reform, the CSC aligns itself with the *Creating Choices* vision and therefore keeps such discrepancies hidden from view.

Through the institutional lens, such practices as the exclusionary Secure Units appear to make sense. Although these units continue the exclusion of maximum-security women from the *Creating Choices* vision, the CSC portrays them to be *fulfilling* that vision for the women involved. Only by taking up a position *outside* the institution of corrections, can we begin to unravel the ways in which that institution continues to replicate its own conventional methods of punishing women through exclusion. Once we shift the lens through which we look at incarceration practices – that they continue to be exclusionary becomes clear – alternatives to these methods begin to come into view.

CHAPTER SEVEN

Conclusion

As important as some reforms may be ... frameworks that rely exclusively on reforms help to produce the stultifying idea that nothing lies beyond the prison. Debates about strategies of decarceration, which should be the focal point of our conversations on the prison crisis, tend to be marginalized when reform takes the center stage.

- Angela Y. Davis, 2003

Federal incarceration practices for women in Canada have undergone significant changes in the last decade. The CSC's commissioning of the Task Force on Federally Sentenced Women in 1989, and the subsequent acceptance its recommendations in 1990, signified a recognition that the CSC needed to fundamentally alter the way it was incarcerating women. The CSC's full endorsement of *Creating Choices* appears to demonstrate real institutional commitment to change. However despite building five new prisons and adopting the language of 'women-centered corrections,' just how thorough the reforms have been remains questionable.

Throughout this '*Creating Choices* era,' the CSC has implemented incarceration practices that mirror conventional methods, through their use of increased security and exclusion to additionally punish women classified as maximum security. Moving the women to co-located units in men's prisons in 1996 saw a return to a practice that had been criticized since the late 1800s and ended in 1910. Moreover, the CSC's development of the new Secure Units at the regional prisons is reminiscent of the prison-within-a-prison that existed at Kingston Penitentiary's Female Department, which was widely criticized until its closure in 1934. Moreover, as Aboriginal women are more likely to be classified as higher security, the exclusion of maximum-security women from the reform agenda disproportionately affects them.

This study discussed how the CSC's discursive practices, the institutional lens and the use of reform language, act together to mask the fact that the CSC is *not* addressing the needs of women classified as maximum security. It reveals the ways in which the CSC's incarceration practices during this period, specifically the ongoing exclusion of women with high security classification, are far from being women-centered. Instead they act to maintain ruling relations of capitalism: those based on racism, classism, sexism and colonization. My aim has been to demonstrate *how* institutional practices are self-perpetuating, and how reform agendas like *Creating Choices* become co-opted as a result. This discussion raises important but necessary questions regarding the efficacy of reform strategies for prisons, and indeed for any social institution.

SUMMARY OF THE STUDY

This study had two major parts. The purpose of the first part (Chapter Four) was to locate current incarceration practices for women in their historical context. Using related literature, CSC documents and descriptive interview data, it became clear that current exclusionary practices such as co-location and the Secure Units, do in fact 'make sense' as a part of that history. Through an historical account of incarceration practices for women in Canada, I demonstrated that the CSC's current implementation of measures which use exclusion as a mechanism of punishment, are actually a perpetuation of conventional incarceration practices. Moreover, the practice of excluding (some) women from the treatment afforded the general population relies on a hierarchical delineation among women prisoners. This delineation, I argue, rests on gendered, racialized and classed relations of ruling which enforce strict expectations of 'appropriate' behaviour. It

is these ruling relations that have historically marked women who resisted such expectations as ‘too bad,’ and thereby justified the exclusion of these women from less explicitly harsh forms of punishment. The same dichotomy, I argue, remains in place in the current period, under the current security classification system. Through this system, the CSC marks some women (including a disproportionate number of Aboriginal women) as ‘unreformable,’ and excludes them from the *Creating Choices* reforms on that basis. Nonetheless, the CSC maintains that it is fulfilling the *Creating Choices* vision, even in implementing exclusionary practices.

Thus I identified a significant disjuncture in current incarceration practices for federally sentenced women in Canada. Exploring this disjuncture became the central goal of the second part of this study (Chapters Five and Six). Using institutional ethnography as my method of inquiry, I aimed to understand the process by which the institution of corrections – here encapsulated by the CSC – organizes ‘sense’ around current practices, which appear antithetical to the reform agenda it claims to be pursuing. My primary data sources for this were interviews I conducted with upper-level bureaucrats at the National Headquarters of the CSC. As key policy-makers, I understood these participants to represent the views of the CSC. The ways in which they discuss incarceration practices thus reflect what ‘makes sense’ within the correctional consciousness.

Looking at excerpts from the interviews, I unraveled two key discursive practices that the CSC uses to make sense of both co-location and the Secure Units (Chapter Five). Together these two practices lead the CSC to hold *Creating Choices* culpable for the incidents at EIFW in 1996, which precipitated their return to the use of exclusion as a punishment tool. First, CSC representatives established a conceptual separation between

Creating Choices and the institution of corrections. Importantly, employees entrenched this separation by establishing *Creating Choices* as a “feminist,” and therefore “philosophical” document, in opposition to an implicitly patriarchal assertion of correctional practicality. These practices thus revealed that distance exists in the correctional consciousness between the goals, the philosophy, the general approach of the *Creating Choices* reforms, and what is considered to be ‘necessary’ in correctional practice. As such participants portrayed *Creating Choices* as a non-operational document that was based on naïve assumptions about incarcerated women.

Reflexively, informants held the CSC to be practical, experience-based and importantly, to have a true understanding of the women, and of what they need. Thus, the second discursive practice revealed in the interviews was the establishment of the CSC as the ‘knowers’ of maximum-security women, in opposition to *Creating Choices*. In establishing itself as ‘knowing’ the women, the CSC constructed a homogenous picture of them as violent, dangerous and as needing much more structure than the *Creating Choices* vision allowed for, arguing that maximum-security women would simply take advantage of the *Creating Choices* reforms. This characterization harkens back to the patriarchal dichotomy set up for federally sentenced women in the 1800s, which marked some women as ‘too bad’ to be allowed access to the reformatories. Currently, women classified as maximum security are marked implicitly as ‘unreformable.’ This delineation has since become the justification for excluding the women from the new regional prisons, first in the form of co-location and subsequently the Secure Units.

After uncovering some of the CSC’s discursive practices regarding the reforms, I problematized their claim of ‘knowing’ maximum-security women, understanding that it

was predicated on conventional ruling relations. To do so I drew on portrayals of the women and of the EIFW events from people located *outside* the institution of corrections. These alternative portrayals contextualize the women and the events in ways that are missing from the CSC's accounts. In doing so these descriptions locate the CSC as an *actor* in its implementation of incarceration practices. That the CSC itself was missing from the correctional consciousness reflects how governing institutions take their own existence for granted, and thereby privilege their own conventional practices.

I argue that only when we shift the lens through which we look at institutional practices, (as in these descriptions from *critics* of the CSC), are we able to locate the institution in them. As such when incarceration practices remain conceived, implemented and organized through the same institutional lens, conventional institutional practices will remain taken for granted, because they are hidden from view. Therefore, the CSC's discursive claim to be the 'knower' of correctional practicality is problematic, because what they 'know' is only seen through the same, conventional, institutional lens. This lens privileges conventional practices which are predicated on gendered, racialized and classed relations of ruling, and which lead to the over-incarceration of women marked as 'too bad' or 'unreformable.' It is a result of the perpetuation of these capitalist ruling relations, that Aboriginal women are disproportionately over-classified. Further, it is these ruling relations which make sense of the exclusion of Aboriginal women and other women with higher security classification from the *Creating Choices* vision.

With this understanding of how institutions like corrections privilege their own imperatives and leave others out of view, I returned to the interviews with CSC representatives, to examine how the institutional lens operates in the implementation of

reform. I discussed how the CSC uses reform language to legitimate its practices. Participants discussed how the prisons ‘look and feel different’ than what had existed before (i.e. at P4W), as a way to illustrate that the CSC had implemented *Creating Choices*’ “women-centered” approach to corrections. However the CSC did not shift the institutional lens through which it had historically conceived, implemented and shaped incarceration practices, when implementing the reforms. Thus the CSC took for granted conventional practices such as punishment through exclusion, over-incarceration and the use of force, despite the fact that such practices are antithetical to the notion of “women-centered corrections.” Conventional practices thus remained in the realm of the necessary. Because the CSC’s lens has not shifted, the existence and perpetuation of conventional practices, predicated on relations of capitalism, remains unchallenged.

Further, by subsuming the language of reform into its institutional discourse, the CSC privileges the notion that its practices are women-centered, and that they are meeting the needs of incarcerated women. In doing so they ignore the ways in which practices like the IIS do *not* meet the needs of these women, and in fact are antithetical to the *Creating Choices* approach. By privileging the language of reform, however, the CSC aligns itself with the *Creating Choices* vision and therefore keeps such discrepancies hidden from view. Likewise, conventional ruling relations, which continue to underpin and organize incarceration practice, continue unchallenged.

CONTRIBUTIONS TO RESEARCH

Many researchers, advocates and activists before me have problematized the CSC’s implementation of the *Creating Choices* reforms, citing the many significant and

minor ways in which it detracted from the recommendations, from the implementation phase to setting up the prisons; from co-location to the Secure Units. Others have critiqued the very notion of prison reform itself, some additionally arguing that reform strategies like *Creating Choices* dangerously serve to reinforce the validity of the institution of corrections, and thus legitimate the use of prisons in our society. Hannah-Moffat (2000:35), for example, argued,

The incidents at P4W... and at [Nova and EIFW]... and the government's reaction to these incidents, further show how the contemporary rhetoric of empowerment can disguise and conceal ongoing repressive (and sometimes abusive) penal practices. These highly publicized and scrutinized events led the CSC to develop new managerial techniques and rationales for the 'resistant prisoner.' These plans for the more 'disruptive' prisoners reveal the persistence of disciplinary powers.

This study contributes to these discussions by illustrating some of *the ways* in which the CSC has co-opted the *Creating Choices* reform agenda. Through an examination of the CSC's discursive practices with regards to *Creating Choices*, the EIFW incidents and women classified as maximum security, I have demonstrated one aspect of many, on-going sense making processes in which governing institutions perpetually engage, using the treatment of women classified as maximum security as one example.

Although this study does not explicitly critique the security classification system and its (in)applicability to women, an understanding of ruling relations and the institutional lens that maintains them, contextualizes such critiques. This study has highlighted the ways in which an institutional lens leads corrections to remain governed by conventional ruling relations, which themselves are gendered, racialized and classed. Understanding this, we can then see how it is that the CSC continues to over-incarcerate and over-classify Aboriginal women, as well as how it makes sense of exclusion from

reform strategies. When governed by relations of ruling which privilege white, middle class perceptions of appropriately gendered behaviour – which are designed to mask power relations and dualistic hierarchies – institutions like corrections can not fundamentally alter their practices to subsume those relations.

Finally, my analysis of the institutional lens has been informed largely by Roxana Ng's (1995) discussion of the "ideological frame," through which, hegemonic concepts become taken for granted, while the processes that go into constructing the concept are rendered invisible. As such, she argues, the concept of Canada as a multicultural society (and all that this statement implies) becomes taken for granted, while the lived experiences of racism and exploitation in Canada remain hidden from view. Like the ideological frame, I understand the institutional lens to be reliant upon the ruling relations of capitalism. Its function is likewise to mask those ruling relations, making sense of practices which perpetuate them. However whereas the ideological frame refers to concepts put forward by the ruling apparatus, I use the concept of the institutional lens to highlight the ways in which *actual institutional processes* are formulated, implemented and discursively organized. That is, the institutional lens refers to how social institutions like corrections view their own practices; it keeps the institution itself hidden from view, and thereby allows conventional ruling relations to be perpetuated.

LIMITATIONS OF THE STUDY

Institutional ethnography is a very useful method for understanding the ways in which the local is linked up with ruling practices, as well as for gaining a clearer understanding of the ways social institutions operate. For example, in this study,

institutional ethnography allowed me to “look up into” the institution of corrections and gain insight into how such ruling institutions conceive, implement and utilize reform. From this exploration I learned more about how institutions like corrections are hooked up into larger institutional systems, as well as how ruling relations underpin and organize the institutional practices.

As a method of inquiry, institutional ethnography has been as invigorating as it has been challenging for me. As a researcher whose interest in prisons comes from many years as a social justice advocate and activist, I remain frustrated with simply ‘understanding’ what is occurring at an institutional level. George Smith, in his article “Political Activist and Ethnographer” (1990) argues that institutional ethnography is exactly the method that best supports political activism, as it allows us to identify necessary locations of resistance. I tend to agree. Nonetheless, at the end of this study I am somewhat overwhelmed by the enormity of the challenge. I am left questioning whether it is possible to effect real social change, whether corrections for women will ever get any ‘better’ than it is now, and whether real change is possible without changing the entire structure. Institutional ethnography, while very skilled at identifying how the problem is organized, does little to provide *concrete* solutions for how the problem should be addressed.

Practically speaking, I can identify two additional limitations to this study. First, in exploring the CSC’s discursive practices, I focused only on a few. Given space and time constraints, I had to narrow the scope of my discussion, to highlight those themes which I saw reflected by several different participants. I chose the themes of conceptual separation and establishing the CSC as ‘knowers’ because they appeared to be the most

widely reflected; however, they are not the only discursive practices at work. In reality there was a wider range of opinions, perspectives and contradictions expressed by representatives than could be adequately explored in this study. Therefore what I have shown should be taken as an illustration of *one aspect* of what is occurring within the correctional consciousness.

Second, focusing on large-scale discrepancies does not allow for an evaluation of small-scale success. By locating this inquiry in the disjuncture between the CSC's exclusion of maximum security and its claim to be pursuing women-centered corrections, this study removed from discussion the ways in which the CSC has, through its implementation of the *Creating Choices* vision, positively affected the lives of at least some federally sentenced women. It is undeniable that at least for some (and perhaps for many) women, the regional prisons are better on a day-to-day basis than their fortress-like predecessor, P4W. Most federally incarcerated women are located in their home provinces; they are less institutionalized; they have greater mobility on prison grounds. For someone who is being forced to live somewhere against their will, these and other such factors are not insignificant.

Similarly, a discussion of ruling relations, discursive practices and the institutional lens remains, to some extent, in the realm of the elite. This study does not address the positive efforts made on a daily basis, by individuals who truly strive to do their jobs with integrity; whether they are high level policy makers, middle management or front-line staff. There are several individuals within corrections who are personally committed to the notion of women-centered corrections, and to the spirit of reform. Several individuals remain frustrated with what is (im)possible within the policy and

procedures laid out in law. This study does not acknowledge the challenges such individuals face as they strive to implement the *Creating Choices* vision on a daily basis, with individual women, within the framework of a conventional incarceration regime. All this study can hope to accomplish is to highlight how difficult it is for individuals to actually achieve such goals.

Finally, I have remained somewhat uncomfortable throughout this study, with my decision to not speak directly with federally sentenced women, particularly those classified as maximum security. Although institutional ethnography does not demand that we begin from the voices of the marginalized in order to investigate ruling relations, speaking with incarcerated women about their experiences would have been a more grassroots approach. Moreover, creating space for the voices of incarcerated women to be heard is always an important, informative and necessary endeavour. Unfortunately, practical constraints of time and funding precluded me from pursuing this course. Gaining access to the women through the CSC's research division is a time-consuming and arduous bureaucratic process – in the interest of not inundating the women with curious on-lookers, the CSC highly regulates who gains access to speaking with them. I had no guarantee that I would be able to do so. Also, in order to truly represent women's voices I would have had to travel to several of the prisons across the country. Again, this would have been very time-consuming and expensive. Finally, an important consideration when speaking with prisoners is that they are the subject of a great deal of research, and they can therefore be inundated by people asking them questions about their lives. Because this was a small study, it did not seem significant enough to warrant intruding on the women's lives in order to accomplish it. As is, I have been able to

discuss the ruling relations underpinning correctional practice for women in Canada, by talking to people who are in positions of more power, and therefore may be less exploited by the process.

SOCIAL IMPLICATIONS: WHERE TO FROM HERE?

In locating current incarceration strategies in their historical context, I was able to make sense of the CSC's detractions from *Creating Choices* vision as illustrations of its reliance on conventional practices. Co-location and the Secure Units, rather than being 'new' developments for women classified as maximum security, *continue* the historical practice of using exclusion as a mechanism of punishment for a portion of the population. The CSC's removal of the present-day 'worst of the worst' from the regional prisons, their eight-year sentence in co-located units, and the current (re-)development of prisons-within-prisons, euphemistically named 'Secure Units,' appear to be little more than a continuation of conventional incarceration strategies. Understanding co-location and the Secure Units as *exclusionary* enables us to question the CSC's claims to be pursuing the *Creating Choices* vision. In addition, understanding the Secure Units as exclusionary provides a starting point for the project of unraveling how it is that a continuation of historical practices remained possible, in a period when the CSC's historical practices had been recognized as being fundamentally flawed.

Institutions like the CSC are hooked into, and linked up with, larger systems of governance like the criminal justice system. Understanding this creates the realization that a whole series of interconnected, overlapping, mutually reinforcing, institutional lenses need to be shifted in order for *real* change to take place. By examining the CSC's

continued reliance on conventional incarceration practices throughout this period when there was significant public support for widespread reform, this study has demonstrated how difficult it is for reformists – even those driven by the most transformative of visions – to shift the lens of even one element of these governing institutions (i.e. the CSC). This suggests that in order to fundamentally alter the way governing is accomplished in this society, our projects of social reform need to be much broader, much deeper and much more transformative than what is currently being pursued. Certainly this speaks to longer-term goals: such fundamental shifting of the way our social institutions are organized can not happen overnight (or even over-year or over-decade), but without fundamental change always as the ultimate goal, persistent reform strategies will only continue to make the institutions work better for some people, some of the time.

Moreover, such reform strategies may limit our perceptions of what needs to be fought for. Strategies geared towards reforming prisons can only produce, at best, ‘kinder, gentler’ prisons. They can not, as seen in this study, alter institutional practices because they *necessarily accept* some of the fundamental assumptions on which social institutions are based (i.e. the existence of the prison). Such reforms, as highlighted by the quote at the beginning of the chapter, halt our imaginations at the prison walls. When faced with the prospect of kinder, gentler prisons, we stop imagining that there could, or *should* be any other alternative.

Reform strategies that aim to ameliorate problematic institutional practices may even be dangerous. In the case of the *Creating Choices* reforms, we have seen the ways in which the CSC has incorporated the *Creating Choices* language and thereby aligned itself with the *Creating Choices* vision. As such the CSC employs the reform vision as an

ideological tool, with which it (re-)gains much needed social legitimacy. As ideological practice, by taking on the ‘women-centered’ language and incorporating many of the reforms, the CSC masks the many ways in which it still relies on conventional relations of ruling, leading logically to incarceration practices that continue to exclude many women from that vision. As long as it can claim to be pursuing the *Creating Choices* vision, its obvious detractors from that vision remain unchallenged by the ‘general public.’ Moreover, as mentioned above, the use of this ideological practice further reinforces the legitimacy of the prison as a reasonable place to put people.

This study thus leads me to raise questions about the possibility and effectiveness of institutional reform in general, and prison reform specifically. Such questions remain an on-going part of all justice-based struggles. Certainly in the field of ‘prison justice’ – if such a thing can claim to exist – the question of prison reform versus prison abolition has been part of our struggles since the emergence of the prison itself. Federally sentenced women’s advocates in Canada in the current period have witnessed the hope that widespread institutional reform can offer. Indeed, institutions can change on the surface, where political will is strong enough. However, as this study highlights, it is the *institutional lens* which needs to shift, and as we have seen through the *Creating Choices* experience, as long as ruling relations of capitalism continue unchallenged, the institutional lens will remain squarely in place. It is arguable whether any reform strategy can fundamentally alter this.

APPENDIX A

Ethics Approval Letter

SIMON FRASER UNIVERSITY

OFFICE OF RESEARCH ETHICS
ROOM 2105 STRAND HALL



BURNABY, BRITISH COLUMBIA
CANADA V5A 1S6
Telephone: 604-291-3447
FAX: 604-268-6785

July 8, 2004

Ms. Allison Campbell
Graduate Student
Sociology & Anthropology
Simon Fraser University

Dear Ms. Campbell:

**Re: Punishment through exclusion: Ruling relations and maximum security in the
'Creating Choices' era – Ref. #35296
*Title Change***

Your application for a title change from, *Creating "Choices": The maintenance of ruling relations in the implementation of women-centered corrections*, has been categorized as Minimal Risk and approved by the Director, Office of Research Ethics, on behalf of the Research Ethics Board in accordance with REB policy.

Best wishes for continued success in this research.

Sincerely,

Dr. Hal Weinberg, Director
Office of Research Ethics

APPENDIX B

Interview Guide

1. Where do you work? What is your job title?
2. What is the relationship of your office to the Correctional Service of Canada (CSC) in general, and to federally sentenced women in particular?
3. In your position, what is your relationship to the CSC and to federally sentenced women?
4. Were you working in this position in 1990? If not, what position were you in, and what was the relationship to the CSC and to federally sentenced women?
5. Was *Creating Choices* relevant to your office? How?
6. How was it taken up by your office?
7. What kinds of things did people say about it? What did you think about it?
8. Were there problems in your office with its implementation?
9. Are you familiar with the recommendations laid out in *Creating Choices*?
10. What do you think about those recommendations?
11. Which of the recommendations has most directly affected your work?
12. How has your work been affected?
13. Is the work of your office different as a result of *Creating Choices*? If so, how?
14. How did these changes take place? / What were some of the initial steps towards these implementing these changes? / How did you come to know about these changes?
15. Could you please describe your understanding of women-centered corrections?
16. In your opinion, has women-centered corrections been implemented? How or in what ways?
17. In your opinion, what did the TFFSW and *Creating Choices* accomplish?

APPENDIX C

Creating Choices' Recommendations

The task force report outlined in detail six recommendations, which I have summarized here. Importantly, *Creating Choices* asserts that these six recommendations “must be seen as only a beginning to a much longer process of change in our justice system, and in society as a whole.” Furthermore, the report includes systemic equality for women and Aboriginal self-determination as central goals of this process (TFFSW 1990:2).

1. REGIONAL WOMEN’S FACILITIES

- ✓ Five prisons will be built, in or near major cities in each of the regions across Canada.
- ✓ Six to ten women will live communally in each cottage, which will have one bedroom per woman, and common areas.
- ✓ Staff must be sensitive to the issues facing the women, and must be specially trained to be understanding of, and responsive to their needs.
- ✓ Non-intrusive security measures should be the norm.
- ✓ There will be a high focus on specialized programming at the facilities, which should be provided as much as possible by community groups. Many specialized programs will be developed and offered on an on-going basis by the CSC.
- ✓ Planning and construction should be completed during fiscal year 1993-94.

2. ABORIGINAL HEALING LODGE

- ✓ A Healing Lodge will be built in the Prairie Region, where all Aboriginal women can serve all or part of their sentences if they so choose.
- ✓ Various accommodation options, including “communal living areas, family living units and opportunities to live close to the land” would be available.
- ✓ Elders will be employed at the Lodge on a full-time, rotational basis.
- ✓ Programs will be based on meeting the needs of federally sentenced, Aboriginal women, including life skills, community-integration and maintaining contact with their children.
- ✓ The staffing model will be, as much as possible, non-hierarchical. Staff will be primarily Aboriginal, recruited on the basis of experience rather than institutionalized expertise.
- ✓ The Lodge will be integrally connected to Aboriginal communities.

3. COMMUNITY RELEASE STRATEGY

- ✓ Upon being sentenced, each woman will develop a personal plan focussed on release.
- ✓ Integration into the community will be supported by the facilities, in a variety of ways.
- ✓ A number of different types of Community Release Centres will be built throughout the country to provide a means for women to make the transition from prison to the community. Some of the new residential facilities should open in the fiscal year 1991-92.

4. NATIONAL IMPLEMENTATION COMMITTEE

- ✓ A small committee made up of community representatives and federally sentenced women will oversee the implementation of the recommendations.

5. ABORIGINAL ADVISORY COUNCIL

- ✓ A council made up of Aboriginal women will oversee the development of the Healing Lodge.

6. A SENIOR MANAGEMENT POSITION

- ✓ This position will oversee the implementation of the Creating Choices plan, and must be given adequate resources in order to be able to do so.

Source: TFFSW 1990:114-133

APPENDIX D

Creating Choices' Principles

The five “Principles for Change” are outlined in detail in *Creating Choices*. Here are brief synopses of each principle.

1. EMPOWERMENT

Recognizing that federally sentenced women “typically are poorly educated, unemployed and have survived physical and/or sexual abuse.” For Aboriginal women these injustices are compounded by experiences of colonization. Programs are needed that enhance self-esteem and empowerment, in order to enable women to develop effective methods of coping with the barriers and suffering they face in society. Incarcerated women need to feel empowered to “create or make choices” for themselves.

2. MEANINGFUL AND RESPONSIBLE CHOICES

In order to feel control in their lives, “women need meaningful options which will allow them to make responsible choices.” These choices must enable women to address their individual needs, and must be reflective of their individual experiences. The provision of meaningful choices will enable women to break out of cycles of dependency (on men, substances and/or the state), thus enhancing their personal empowerment, and fostering control over their own lives. Providing women the opportunity to have control over their lives inside prison will better prepare them for life in the community upon their release.

3. RESPECT AND DIGNITY

Rather than treating women like dependent children, it is necessary for the prison to foster “mutuality of respect” among and between all prisoners and staff. This includes respect for spirituality and culture. Prisoners’ behaviours are strongly influenced by how they are treated, and “if people are treated with respect and dignity they are more likely to act responsibly.” In order for women to gain self-respect and respect for others needed for them to take responsibility for their lives, they need to feel respected through consistent adherence to rules and regulations which respect women’s needs for “privacy, quiet and dignity.”

4. SUPPORTIVE ENVIRONMENT

All aspects of the prison environment (including “political, physical, financial, emotional/psychological ... spiritual” and interpersonal) must be positive and mutually supportive,

in order for any of the principles to work. Women must be provided with healthy, safe environments which are conducive to healing and supporting the other principles.

5. SHARED RESPONSIBILITY

In order to enable federally sentenced women to take responsibility for their actions, “[g]overnments at all levels, corrections workers, voluntary sector services, businesses, private sector services and community members generally” must take responsibility for their roles in the lives (past, present and future) of the women. Women must be supported by all aspects of society if they are going to successfully reintegrate into the community. This integration must occur during their incarceration. Women’s responsibilities to their children and other family members must be respected and supported; prisons must form strong links to the community, and society must develop alternatives to incarceration.

OVERALL STATEMENT OF PRINCIPLE

The Correctional Service of Canada with the support of communities, has the **responsibility** to create the **environment** that **empowers** federally sentenced women to make **meaningful and responsible choices** in order that they may live with **dignity and respect**.

Source: TFFSW 1990:104-112

APPENDIX E

Recommendations from the Arbour Report (in brief)

1. Creation of a Deputy Commissioner for Women, with detailed duties and immediate priorities including decarceration. She should use the opportunity of a small population to implement and try new, alternative correctional practices.
2. Implementation of strict cross-gender staffing rules, including independent assessment of the implementation of a cross-gender staffing policy at each regional facility for the next 3 years of existing ones, and the first 3 years of new ones once opened.
3. Creation of women-only Institutional Emergency Response Teams (IERT's), and strict protocols around cross-gender intervention from outside security forces such as police and body cavity/strip searches.
4. Inclusion of maximum-security women at the Healing Lodge and the strengthening of Aboriginally informed programming for Aboriginal women at the other facilities.
5. Implementation of strict rules regarding staff and institutional conduct in segregation and other forms of correctional interference; ensure external accountability through the inclusion of community groups in investigations and reviews.
6. Revision of the complaints and grievance system, in order that complaints be addressed in a more timely manner.
7. Education and training of all members of the criminal justice system, including CSC staff and administrators, lawyers and judiciary, to the needs and issues facing women in conflict with the law.
8. Simplification of CSC's policy and legal requirements, to improve accessibility.
9. Continued videotaping of all IERT interventions, for the purpose of providing a record of the events, to be reviewed and forwarded to the Correctional Investigator immediately following an incident.
10. Strict enforcement of existing policies regarding the use of spray irritants (i.e. mace).
11. Restriction of the use of electronic cell monitoring (camera surveillance). Also an end to the violation of the privacy of women in their cells, committed by male staff observing the tapes.
12. Compensation of the women involved in the April 1994 events, by the CSC, "for the infringement of all their legal rights."

Source: Arbour 1996:251-259

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