

## Women in prison: A literature review

One of the most remarkable things about crime is the gender gap. On the whole, crime is something that men, not women, become involved in. Why, then, has so little consideration been given to understanding the differences between men and women who find themselves in prison? A brief mention... The history of women's imprisonment has been remarkably similar in most countries. Small numbers of women have been housed in often unsuitable accommodations, under regimes stressing the domestic role of women in society and providing little access to programs or training.

The women were usually regarded either as too sunk in criminality to be reformed or as childlike creatures who needed to be taught their maternal and domestic duties.<sup>2</sup> The women sometimes received a brief mention at the end of reports of committees of inquiry into prison conditions.

Studies of women in prison have also been limited. They have tended to mirror trends in the study of prisons for men.<sup>(3)</sup> On the whole, it was felt that there were too few women to be of major concern.<sup>(4)</sup> Only since the 1970s, with the re-emergence of feminism, has there been a determined concern about not only the **conditions** of women's imprisonment, but also the **reasons** why women have ended up in prison.

This approach has revealed that men and women do not receive comparable services and programs and that stereotypical views of women's role in society have guided approaches to female prisoners. It has been argued that women are subject to power and controls over their behaviour that affect them from childhood to adulthood, in the home and in the workplace.<sup>(5)</sup> Canadian situation Canada was no exception to this pattern until the mid-1970s. There was almost no information available about the conditions or circumstances of women in prison, apart from occasional government reports.<sup>(6)</sup> It was not until the development of the victims' movement and broader recognition of the extent of violence against women in society that attitudes toward the treatment of women in the correctional system began to be questioned.

The initial focus was on the lack of programs and facilities for women in the federal correctional system and, more recently, on differences in the experiences and needs of female offenders (compared with men) - especially in the light of their experience of sexual and physical abuse. In short, the question raised is whether the correctional model used for the majority male population is appropriate for women.<sup>(7)</sup> The particular problems faced by aboriginal women in the correctional system - both as non-whites and as women - have also at last been recognized.<sup>(8)</sup>

Such concerns resulted in the appointment of the Task Force on Federally Sentenced Women whose report *Creating Choices*, published in 1990, established a very different approach to the imprisonment of the female federal offender population.<sup>(9)</sup>

However, it is worth noting that while women in prison in most countries have tended to be ignored, there are two major factors that have helped to camouflage their existence in Canada. The enormous size of the country and the separation of responsibility for imprisonment between the provinces and the federal government have created particular problems for women.<sup>(10)</sup> A uniquely Canadian problem The great majority of women remanded or sentenced to prison are housed in provincial institutions. In 1991, some 13,500 women under sentence and about 8,500 on remand were admitted to provincial or territorial

prisons.<sup>(11)</sup>

These women represented just 9% of all offenders receiving a provincial sentence, a relatively tiny group in comparison with men, although their numbers have increased over the past 20 years. In practice this has meant that women are often housed very far from their homes, or in very small numbers, in a variety of jails or prisons across the provinces and territories. In Ontario, for example, women may be housed in as many as 32 different jails or detention centres.<sup>(12)</sup>

Far fewer women (about 141 in 1991) receive a federal sentence of two years or longer.<sup>(13)</sup> The total population of federally sentenced women amounts to about 350 women, compared with 12,000 men. In other words, women represent 2% of the federal offender population.

For many years women receiving federal sentences were housed only in the Prison for Women in Kingston, Ontario.<sup>(14)</sup> But, since the 1970s up to a third of federally sentenced women have been allowed to stay in provincial prisons in their own province. The recommendations of *Creating Choices* will eventually result in the closing of the Prison for Women and the housing of most federally sentenced women in five new regional federal facilities.<sup>(15)</sup>

The fact remains, however that the great majority of Canadian women serve their sentences in provincial institutions, where facilities and programs are often minimal. Further, in many cases the women are housed in an institution with a much larger male population.

The overcrowding in some local provincial prisons and the pressures they are under to provide services to the courts and to manage intake and release procedures for short-term sentences all inhibit the development of programs for those women spending more than a few weeks in prison.

Compared with other countries that have similar offending patterns or justice systems, such as England and Wales or Australia, Canada appears to make far greater use of imprisonment for women. While it is always difficult to compare countries, the use of short-term sentences in Canada seems to account for this difference.<sup>(16)</sup>

The great majority of provincial sentences for women in Canada are six months or less, and almost 40% are 14 days or less.<sup>(17)</sup> For women in Canada, imprisonment appears to be used in preference to, or in the absence of, alternatives. There have been too few to think about. A profile of women in prison The small number of women receiving a prison sentence, compared with men, reflects the less serious nature of their offending as well as incidence of offending overall. On average, women receive shorter sentences than men, and they are also less likely to re-offend or to breach the conditions of their parole.<sup>(18)</sup>

More than 25% of women admitted on sentence to a provincial prison are sentenced for property offences, such as shoplifting or fraud. Others are sentenced for "moral" and public-order offences, drinking offences, traffic offences or drug offences. Only 9% have committed violent offences, and these are primarily minor assaults.<sup>(19)</sup>

Three out of every 10 are admitted for failure to pay a fine; others are admitted for breaches of court

orders or probation orders that do not involve a further offence. Overall, their offences involve fairly minor infractions and present little threat to public safety.

Many of the women are in prison for the first time, but around a quarter of them have been sentenced to prison repeatedly for minor offences involving drinking, prostitution, theft or fraud. Their offences rarely become more serious, and their short sentences do little to change that behaviour or deal with the reasons that lead to it.<sup>(20)</sup>

The small number of federally sentenced women includes all those convicted of more serious offences, such as murder or manslaughter (some of these offences were committed in response to abuse by a partner). It also includes those convicted of persistent offences involving robbery, drugs, theft or fraud.

These women are, however, less likely than those under provincial sentence to have been in prison before. In 1989, 36% of women sentenced federally had no prior convictions, half had never been in prison before, and 87% had received their first federal sentence - a much higher proportion than for federally sentenced men.<sup>(21)</sup>

Compared with their numbers in the population as a whole, aboriginal women are much more likely to receive a prison sentence than non-aboriginal women. They are also more likely to be imprisoned for non-payment of fines.<sup>22</sup>

Aboriginal women are also over represented in the prison population to a greater extent than aboriginal men. In 1989-1990, aboriginal women accounted for as many as 33% of provincial admissions, compared with 17% for aboriginal men.<sup>(23)</sup> The numbers of aboriginal women in the federal offender population is similarly high, with up to 20% of federally sentenced women being of aboriginal origin. Who are these women? Although many women in prison in Canada come from backgrounds similar to those of men in prison, there are a number of important differences. Like women outside prison, these women have fewer economic resources, poorer prospects of earning a living on release, and much greater child-care responsibilities than men. They are also more vulnerable to the effects of alcohol and drugs, tend to have more physical health problems, and are more likely to have experienced both physical and sexual abuse.

The ability of most women in prison to earn a reasonable living is severely limited. Many have been living in poverty. They are likely to have few job skills, little training or few qualifications, and low educational attainment.<sup>(24)</sup> Only about a third of federally sentenced women had good work experience prior to their offence.

Further, the availability of well-paying jobs for women in the community is more restricted than for men, and women usually have domestic responsibilities that limit their capacity to train or work full time without strong financial support to pay for child care.

At least two thirds of women in prison have children, and up to two thirds of these mothers are likely to be single parents.<sup>(25)</sup> Women with children tend to have fewer supports in the community than fathers in prison.<sup>(26)</sup>

About half of the mothers were living with a child before their sentence. Many of them, therefore, have to make special arrangements for the care of their children. In some cases, the children are placed in care; this presents their mothers with the problems of regaining custody after release.

Few prisons have facilities that are designed for family visits or encourage interaction between the mothers and their children. Many jails and detention centres do not allow contact visits. The long-term costs of separation for both the women and their children are far greater than those of the period of imprisonment itself, and this applies to young and adolescent children as much as infants. Separation from their children and the inability to deal with problems concerning them are major anxieties for women in prison.<sup>(27)</sup>

About two thirds of the women in prison have a serious problem with drugs or alcohol, and substance abuse (alcohol, prescription drugs, street drugs or a mixture of substances) is associated with their offending in some way.<sup>(28)</sup> Often, they have a long-term addiction that is not likely to be dealt with by a sentence of imprisonment.

Substance abuse, as well as their life style, makes women in prison more susceptible to a wider range of physical health problems than men. These women are particularly susceptible to gynaecological problems.<sup>(29)</sup> Access to good and appropriate health services is, therefore, of great concern to women in prison.

Eating disorders are also prevalent, as well as other mental-health problems, such as depression, sleep disorders and high anxiety levels, in part a consequence of being in prison. Slashing and self-injury have also been a problem among women in the federal prison population. A recent study at the Prison for Women suggests a link between self-injury and prior sexual abuse.<sup>(30)</sup>

Many of the women in prison have experienced physical and sexual abuse in both childhood and adulthood. The range of this type of experience is considerable: some women have suffered single or minor episodes of abuse; others have suffered severe, prolonged and very damaging abuse.

Estimates of the proportion of women in prison populations who have experienced physical or sexual abuse either in childhood or as adults vary, partly because of differences in willingness to talk about it. Sixty-eight percent of women serving federal sentences in 1989, however, said they had experienced physical abuse; 53%, sexual abuse. These figures were much higher among aboriginal women (90%, physical abuse; 61%, sexual abuse), and the abuse was often more prolonged and extensive. Comparable levels of abuse were experienced by provincially sentenced women and, significantly, by those under community supervision. How women experience prison Many of these problems overlap, and the experience of imprisonment adds considerably to the difficulties the women face. Women who have been abused are also likely to have substance-abuse problems, poor education and job experience, physical- and mental-health problems, and little support in the community.

Women serving long federal sentences have expressed the need for specific programs and for plans to meet these needs.<sup>(31)</sup> There are few halfway houses or support programs for women returning to the community.

For aboriginal women, the experience of poverty, the breakdown of families, the loss of children, substance abuse, and violence and racism is very damaging.<sup>(32)</sup> Six aboriginal women at the Prison for Women have committed suicide since 1989. Issues for the future Women coming into the criminal justice system have different experiences and needs from the majority male population, and there is a need for programs that take these differences into account.

Remedies include encouraging interaction between mothers and their children and providing women-centred programs to give support to women dealing with experiences such as substance abuse, physical and sexual abuse, and poverty.<sup>(33)</sup> Such women-centred programs are being developed at the Prison for Women and elsewhere.<sup>(34)</sup>

There is also a need for aboriginal programs and approaches that are sensitive to different cultural and ethnic backgrounds and that involve people from those cultures.

Finally, there is a need to develop regimes that provide support to women, rather than punitive responses, as *Creating Choices* underlines. This means recognizing that the majority of women currently receiving prison terms in Canada are not a risk to the public and that less costly alternative sentences would allow the women to deal with their offending.

This implies the use of community-residential accommodation for the majority of women now given short-term sentences with no supportive programming. Such an approach has been accepted in Nova Scotia on the basis of the 1992 report *Blueprint for Change*,<sup>(35)</sup> which recommended building community residences to replace the use of the correctional centre for women.

Women currently serving both short and long sentences need community programs that focus on the range of problems they face. Conclusion In Canada, the biggest challenge for the next century is not assessing how far programs for women can be developed within prisons, although that still remains important, but assessing how far alternatives to the 19th- and 20th-century prison model can be developed in a community setting, and in a way that does not replace that model with an apparently benign but as controlling a system.<sup>(36)</sup>

The challenge is not to develop alternatives under the shadow of the prison walls, but to develop programs in their own right - to stop seeing prison as an appropriate sentence for many women.

Apart from mere buildings, as *Creating Choices* and *Blueprint for Change* stress, the challenge also lies in developing programs for women that account for their experiences and that approach the consequences of their offending in a supportive rather than punitive way.

However, at a time of increasing concern about violent crime (to which women contribute very little) and increasing poverty (which tends to affect women more than men), women are at great risk of being swept up in any penal policies designed to tighten the correctional system.

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(2)N.H. Rafter, "Hard Times: Custodial Prisons for Women and the Example of the New York Prison for Women at Auburn 1893-1933," *Judge, Lawyer, Victim, Thief* eds. N.H. Rafter and E.A. Stanko (Boston: Northeastern University Press, 1982).

(3)For example, in the United States, the study of "prisonization" or modes of adaptation to prison in the 1960s focused on the family roles of women in prison. See R. Giallombardo, *Society of Women: A Study of Women's Prison* (Chichester: Wiley, 1960). Such studies bear little relationship to women's prisons in Canada or the United Kingdom. See M. Shaw, *The Federal Female Offender: Report on a Preliminary Study* (Ottawa: Ministry of the Solicitor General, 1991).

(4)Hence the title of the first Canadian book on female offenders, published as recently as 1987: E. Adelberg and C. Currie, eds., *Too Few to Count: Canadian Women in Conflict with the Law* (Vancouver: Press Gang Publishers, 1987).

(5)Much of this work has been published since the 1980s. See Rafter, *Hard Times: Custodial Prisons for Women and the Example of the New York Prison for Women at Auburn 1893-1933*. See also N.H. Rafter, *Partial Justice: Women's State Prisons 1800-1935* (Boston: Northeastern University Press, 1985). And see P. Carlen, *Women's Imprisonment: A Study in Social Control* (London: Routledge and Kegan Paul, 1983). And see F. Heidensohn, *Women and Crime* (New York: New York University Press, 1985). And see R.P. Dobash and S. Gutteridge, *The Imprisonment of Women* (Oxford: Basil Blackwell, 1986).

(6)The Nickle Commission of 1921 was the only government inquiry specifically concerned with federally sentenced women until the Clarke Report in 1977. See S.D. Cooper, "The Evolution of the Federal Women's Prison," eds., Adelberg and Currie, *Too Few to Count: Canadian Women in Conflict with the Law*.

(7)L. Berzins and S. Cooper, "The Political Economy of Correctional Planning for Women: The Case of the Bankrupt Bureaucracy," *Canadian Journal of Criminology*, 24, 4 (1982): 399-416. See also E. Adelberg, *A Forgotten Minority: Women in Conflict with the Law* (Ottawa: Canadian Association of Elizabeth Fry Societies, 1985). And see L. Berzins and B. Hayes, "The Diaries of Two Change Agents," eds., Adelberg and Currie, *Too Few to Count: Canadian Women in Conflict with the Law*.

(8)F. Sugar and L. Fox, *Survey of Aboriginal Women in the Community*, Companion Volume to *Creating Choices: Report of the Task Force on Federally Sentenced Women* (Ottawa: Correctional Service of Canada, 1990).

(9)*Creating Choices: Report of the Task Force on Federally Sentenced Women* (Ottawa: Correctional Service of Canada, 1990).

(10)All sentences of less than two years are the responsibility of the provincial correctional systems; those over two years are the responsibility of the federal correctional system.

(11)See H. Johnson and K. Rodgers, "Getting the Facts Straight: A Statistical Overview," eds., E. Adelberg and C. Currie, *Too Few to Count: Canadian Women in Conflict with the Law*, 2nd ed. (Vancouver: Press Gang Publishers, In press). In the figure of 13,500, some women will be counted twice, since some will be sentenced more than once in a year.

(12)*Annual Report*, Ontario Ministry of Correctional Services, 1990-1991.

(13)Johnson and Rodgers, *Getting the Facts Straight: A Statistical Overview*.

(14)The history of the imprisonment of federally sentenced women up to the 1970s is outlined in Cooper, *The Evolution of the Federal Women's Prison*.

- (15) These will be in Kitchener, Ontario; Truro, Nova Scotia; Joliette, Quebec; and Edmonton, Alberta; for aboriginal women there will be a Healing Lodge in Maple Creek - Nekaneet, Saskatchewan. Women in British Columbia, Newfoundland and the territories will continue to be housed in provincial facilities.
- (16) Sentences of two years and longer appear to be proportionately similar in the female offender populations of England and Wales and Canada. But far more women in Canada receive sentences of less than two years (even allowing for double counting). The overall use of imprisonment in Australia is also considerably lower than in Canada. See Shaw, *The Federal Female Offender: Report on a Preliminary Study*. See also L. Axon, *Criminal Justice and Women: An International Survey* (Ottawa: Ministry of the Solicitor General, 1989).
- (17) Johnson and Rodgers, *Getting the Facts Straight: A Statistical Overview.*
- (18) Sixty-six percent of women admitted to provincial custody in 1989-1990 received sentences of 30 days or less, compared with 40% of men. See "Women and Crime," *Juristat*, 10, 20 (December 1990). Recidivism differences between men and women are discussed in C. Canfield, *The Parole Process and Risk upon Release for the Female Offender*, User Report (Ottawa: Ministry of the Solicitor General, 1989). And see Shaw, *The Federal Female Offender: Report on a Preliminary Study*.
- (19) Johnson and Rodgers, *Getting the Facts Straight: A Statistical Overview*. See also M. Shaw, *Ontario Women in Conflict with the Law: A Survey of Women in Institutions and under Community Supervision in Ontario* (Ontario Ministry of Correctional Services, in press). The Ontario survey found that of those in institutions, 32% had been charged with property offences, 22% with drug offences, and 19% with violent offences. It should be noted that this is a survey of the population, rather than of admissions to prison, and is likely to under-represent women serving very short sentences.
- (20) Shaw, *Ontario Women in Conflict with the Law: A Survey of Ontario*. The Ontario survey found that of those in institutions, 41% had never been in prison before, 22% were first offenders, but 26% had accumulated five or more sentences.
- (21) M. Shaw et al., *Paying the Price: Federally Sentenced Women in Context* (Ottawa: Ministry of Solicitor General, 1991).
- (22) C. La Prairie, "Native Women and Crime in Canada," eds., Adelberg and Currie, *Too Few to Count: Canadian Women in Conflict with the Law*.
- (23) See Heidensohn, *Women and Crime*. In 1989, 23% of federally sentenced women in prison were of aboriginal origin. And see Shaw et al., *Paying the Price: Federally Sentenced Women in Context*.
- (24) M. Shaw et al., *Survey of Federally Sentenced Women: Report to the Task Force on Federally Sentenced Women* (Ottawa: Ministry of Solicitor General, 1991).
- (25) L. Macleod, *Sentenced to Separation: An Exploration of the Needs and Problems of Mothers Who Are Offenders and Their Children* (Ottawa: Ministry of the Solicitor General, 1986). In the federal population, in 1989, two thirds had children and half had children younger than 16. See Shaw, *Survey of Federally Sentenced Women: Report to the Task Force on Federally Sentenced Women*. In Ontario, 71% of women in institutions had children; of these women, 53% had been living with their children prior to their sentence. In addition, 81% said they had been a single parent for all or part of their children's lives. See Shaw, *Ontario Women in Conflict with the Law: A Survey of Women in Institutions and under Community Supervision in Ontario.*
- (26) A survey in England and Wales found that 90% of fathers in prison left their children in the care of their partner, but only 23% of mothers in prison could do so. See R. Walmsley, L. Howard and S. White,

*The National Prison Survey 1991: Main Findings*, Home Office Research Study 128 (London: HMSO, 1992).

(27) Macleod, *Sentenced to Separation: An Exploration of the Needs and Problems of Mothers Who Are Offenders and Their Children*. See also S. Wine, *A Motherhood Issue: The Impact of Criminal Justice Involvement on Women and Their Children*, User Report 1992-03 (Ottawa: Ministry of the Solicitor General, 1992). And see Shaw et al., *Survey of Federally Sentenced Women: Report to the Task Force on Federally Sentenced Women*.

(28) Sixty-nine percent of federally sentenced women in 1989 said substance abuse was related to their offending. See Shaw et al., *Survey of Federally Sentenced Women: Report to the Task Force on Federally Sentenced Women*. See also L.O. Lightfoot and L. Lambert, *Substance Abuse Treatment Needs of Federally Sentenced Women* (Ottawa: Correctional Service of Canada, 1992).

(29) J. Resnick and N. Shaw, "Prisoners of Their Sex: Health Problems of Incarcerated Women," *Prisoner's Rights Sourcebook*, ed. I. Robbins, vol.2 (New York: Boardman, 1980)

(30) J. Heney, *Report on Self-injurious Behaviour in the Kingston Prison for Women* (Ottawa: Correctional Service of Canada, 1990).

(31) Shaw et al., *Survey of Federally Sentenced Women: Report to the Task Force on Federally Sentenced Women*. See also Shaw, *Ontario Women in Conflict with the Law: A Survey of Women in Institutions and under Community Supervision in Ontario*.)

(32) Shaw et al., *Survey of Federally Sentenced Women: Report to the Task Force on Federally Sentenced Women*.)

(33) Sugar and Fox, *Survey of Aboriginal Women in the Community*.

(34) *Creating Choices: Report of the Task Force on Federally Sentenced Women*.

(35) *Blueprint for Change: Report of the Solicitor General's Special Committee on Provincially Incarcerated Women* (Province of Nova Scotia, 1992). See also the research described by K. Kendall in this issue of *Forum on Corrections Research* on feminist programs for women.

(36) *Blueprint for Change: Report of the Solicitor General's Special Committee on Provincially Incarcerated Women*. Some of these problems were raised in 1989 by federally sentenced women on conditional release in the community. See M. Shaw et al., *The Release Study* (Ottawa: Ministry of the Solicitor General, 1991).