

Canadian Association of Elizabeth Fry Societies ANNUAL REPORT 1998-1999

ORIGINS

Elizabeth Fry (Gurney) was born into a family of Quakers in 1780 in England. Her mother's father, the Scottish theologian Robert Barclay, played an important role in defining early Quaker beliefs. It was fortunate for all concerned that Quakers believed in the equality of women (250 years before they won the vote), otherwise Elizabeth Fry's unusual talents in the area of prison reform might never have been realized.

Her insight, persistence, organizational ability and her willingness to see a "divine light" in every person resulted in striking reforms taking place in the manner in which women and children were treated in London's Newgate Prison. She was a strong proponent of humane treatment for prisoners and regarded by many as a leading expert in prison reform. Most of her life was spent in England, although she did visit Ireland and continental Europe. She also offered advice to the Americas, Russia and Australia. She died in 1845 at the age of 66 years.

The first Elizabeth Fry Society was established in Vancouver in 1939. The Canadian Association of Elizabeth Fry Societies (CAEFS) was originally conceived of in 1969 and was incorporated as a voluntary non-profit organization in 1978. Today there are 23 member societies across Canada.

MISSION STATEMENT

CAEFS is a federation of autonomous societies which works with, and on behalf of, women involved with the justice system, particularly women in conflict with the law. Elizabeth Fry Societies are community based agencies dedicated to offering services and programs to marginalized women, advocating for legislative and administrative reform and offering fora within which the public may be informed about, and participate in, aspects of the justice system which affect women.

Voluntarism is an essential part of Elizabeth Fry work. Both volunteer and paid staff are involved in governance as well as program and service delivery throughout the association. The CAEFS Board of Directors is composed of one representative from each local society, as well as a President and a past President. The priority agenda, as well as policies and positions, are established by the Association's membership at each Annual General Meeting.

PRINCIPLES

The strength of our federation is the freedom to meet the needs of our communities in unique and effective ways. As an Association, CAEFS develops policies and positions

and acts on common interests affecting women. Member societies support the following principles:

- Every individual is equal before and under the law and has the right to equal benefit of the law without discrimination.
- Every individual has a right to legal counsel, due process and natural justice protection. Women have the right of access to equal opportunities and programs in the justice system; women have the right to justice without fear of prejudice or gender discrimination.
- Commitment to equality rights does not preclude any practice, program or activity of our association that has as its object the amelioration of the conditions of disadvantaged individuals or groups.
- Action is required in order to ensure quality programs, services and facilities for women in conflict with the law, based on individual needs.
- Responses of the justice system to individual behaviour should interfere with individual rights and freedoms only to the minimum extent necessary. The correction of the offender should take place in the community, unless there are compelling reasons to the contrary. Further, the offender should retain all the rights and privileges of an ordinary citizen, except those expressly removed by law.
- Because the community and all its members have the ultimate responsibility for the response of the system and the handling of offenders, it is essential that the community be involved in all aspects of the criminal justice system.
- The active participation of volunteers in all aspects of our organization is fundamental to attainment of the Association's goals.
- In pursuit of excellence and efficiency, CAEFS and its members shall always seek to improve their standards and programs, to identify and address the gaps and unmet needs and to seek changes through reforms of the law and penal and correctional regulations, practices and conditions.

GOALS

To provide an Association of Elizabeth Fry Societies and to encourage suitable reform at all levels of the criminal justice system.

To assist member societies in developing and maintaining high standards of programs and services for the purposes of aiding adult and young women who have come into, or who are at risk of coming into conflict with the law, whether such programs be in courts, institutions, or in the community, and whether they be for the purpose of assistance, guidance, rehabilitation or prevention, and whether provided by paid or volunteer personnel.

To promote public awareness and understanding of the needs of women in conflict with the law and the need for change in the criminal justice system as it affects women. Promote awareness of the ways in which individuals and communities can address these needs.

To facilitate communication and cooperation among Elizabeth Fry Societies and similar societies.

To obtain funds for the financial support of the organization, and for such other purposes as may from time to time seem desirable for furthering the aims of the Association.

To communicate and cooperate with agencies and services in the correctional field and with governments in furthering the aims of the Association.

To encourage the formation of Elizabeth Fry Societies and societies with similar purposes.

CAEFS BOARD OF DIRECTORS (1998/99)

President

Susan Hendricks

Healing Lodge Representative

Brenda Morrison

Regional Representatives

Atlantic - Rhonda Crawford, Cathie Penny, Lois Weatherby Quebec - Sylvie Bordelais, Nathalie Duhamel, Margaret Shaw Ontario – Rana Haq, Connie Swinton, Bonnie Rush Prairies – Sara McEwan, Dawn McBride, Charlene Gutscher B.C. - Mollie Both, Bernice Blackburn, Marilyn Fleger

CAEFS STAFF (1998/99)

Executive Director

Kim Pate

Executive Assistant

Gayle Bray

PRESIDENT'S REPORT

As I write my last report as President, I reflect on the work of our agency over the past year. I am proud to say that our organization remains strong and united in the face of our struggles to reveal and challenge the realities facing women in conflict with the law. Although I was unable to do much travelling this past year because of my own commitments, our Vice-President, Dawn McBride often filled in for me and I am wishing to express my gratitude to her.

I wish to give special and well-deserving recognition to the driving force of our organization, our staff at the CAEFS office. I have had the pleasure of working closely with our staff of the CAEFS office, Kim Pate and Gayle Bray. It is hard to believe that so much has been accomplished by these two people. Kim Pate, as Executive Director, continues to face the challenges with sincere dedication and persistence. Kim has made significant efforts to build strong coalitions with other groups, especially women's and Aboriginal groups. This coalition is absolutely necessary to build a stronger voice as we advocate for law reform to ensure justice for women across this country. The issues facing women in prison continue to be voiced by Kim as she testifies in various court

proceedings as an expert and as she travels around speaking at national and international conferences, universities and local and regional Elizabeth Fry meetings.

Gayle Bray plays an important role in disseminating information across this country to assist Kim and the Board in our efforts to keep our organization informed and responsive. She also keeps the CAEFS office covered as Kim visits prisoners, CAEFS network and fulfills other regional, national and international obligations. I wish to give special recognition for Gayle's contribution to our organization's goals and achievements.

CAEFS has continued throughout this year to deal with issues arising out of the classification and placement of maximum security women. Federally sentenced women who are classified as maximum continue to be imprisoned in men's prisons. These women lack resources, treatment, programs and legal assistance. Their conditions of segregated confinement and isolation have caused many incidents of human rights violations. These women have little to no access to legal counsel so many if not most go unchallenged. CAEFS continues to strive to find ways to have these women gain access to the legal system and to challenge their treatment and confinement.

CAEFS continues to challenge the realities of minimum security women and their lack of confinement in minimum security settings. We continue to advocate that these women be returned to their children and families in their own communities. The reality is that these women have very limited options with respect to release into the community. We call for immediate action. CSC has still not developed or implemented a national strategy for community release for federally sentenced women.

CAEFS remains concerned about the conditions of confinement for federally sentenced women labelled as having mental health concerns. CAEFS supports these women being placed in the regional prisons and receiving external based counselling, therapeutic and spiritual supports in a women's centred holistic environment.

As CAEFS approaches the millennium we will continue to challenge the conditions women in prison face. We will continue to advocate for equality in the law for women. We will fight for women to have access to the legal system. We face these challenges with the support of our ever-increasing strength in coalition. I have enjoyed being President of this organization and will continue to support it in any way that I can in the future. I am very pleased to welcome Dawn McBride as the incoming President of CAEFS. She has been a tireless and inspirational advocate and has provided much support to me and to the CAEFS office. We look forward to her leadership.

TREASURER'S REPORT

We have once again finished the year within the budget approved by the Board of Directors, and although expenses have gone up we have accomplished a great deal with the money available. Please refer to the copy of CAEFS audited financial statements for more specific information on the CAEFS revenues and expenditures.

We are most appreciative of the financial support provided by the Ministry of the Solicitor General, which, in spite of these economically challenging times, has remained constant for the past three years.

The portion of the grant that goes to member agencies is now evenly distributed among the five regions. It is specifically designated for the work that they do with and for CAEFS, and the agencies, through CAEFS, are accountable to the government for that grant.

The Corporate and individual donations remains an important part of our budget and the CAEFS staff continues to work hard to seek other funding. A board member is working with the "Women's Future Fund", a group of National Women's organizations seeking secure funding through payroll deductions.

While our resources are continuously stretched to cover our ever expanding agenda, we look forward to new challenges as we fulfill our mandate to work with and on behalf of women who come into conflict with the law.

PRIORITY ISSUES AND LAW REFORM INITIATIVES

As we approach the close of this century, we hope that this year will end with a renewal and revitalizing of those who work with and on behalf of criminalized women. The realization of this vision will be exemplified by the closure of the Prison for Women in Kingston as well as the segregated maximum security units in men's prisons, the development of community resources for women and the outflux of women from the regional prisons home to their children and communities of support.

Although systemic issues and difficulties of preceding years persist, CAEFS continues to enjoy the benefits of strengthened coalitions and mounting public concern about the blatant and intersecting layers of discrimination within the criminal justice system. Of particular note in this regard, was the publishing by Yvonne Johnson of her autobiographical account of her *Stolen Life*.

Yvonne's book, co-authored with Rudy Wiebe, forces those who read it to directly confront the ripped and raw results of colonization, racism, misogyny, classism and poverty on a proud and courageous woman. It also spurs us to action and inspires a righteous rage that will help to fuel us in the future. Yvonne's life story typifies this year, decade and century for me. Any and all who choose to work in and around our criminal (in)justice system must read it!

While we end another year with the persistent challenge of ensuring that women behind prison walls have access to justice, we also face the coming year with new hope, energy, ideas and enthusiasm. The manner in which CAEFS will need to proceed to fulfil our mandate, given the specifics of issues faced to date are highlighted in the following activity and issue summaries.

Federally Sentenced Women

A) Exchange of Services Agreement (ESA) for the Burnaby Correctional Centre for Women (BCCW)

As part of our ongoing concerns regarding the needs of federally sentenced women (FSW) at BCCW, CAEFS remains of the view that CSC cannot transfer away the rights of FSW at BCCW via its ESA with the BC Ministry of Corrections.

B.C. is one of two provinces (the other two are Newfoundland and Manitoba) with active ESA's to house federally sentenced women in provincial jails. If the current evaluative process does not result in an acceptable re-negotiation of the ESA this year, CAEFS will examine the possibility of mounting a challenge in B.C. and/or joining the challenges that are currently underway. Two FSW have launched their own cases against the Solicitor General and the Commissioner of Corrections.

B) Three Years Later: the Status of the Arbour Recommendations

Regrettably, since the release of the Arbour Report, the Correctional Service of Canada (CSC) has continued to deny that it has engaged in any further illegal activities. Attempts to cover-up legal and policy transgressions persist, despite mounting evidence to the contrary. We continue to see an organization focused upon maintaining a defensive image of righteous indignation in the face of evidence of significant wrongdoing and blatant disregard for the law.

CAEFS continues to play a key role in the forewarning, monitoring and exposure of procedural and policy problems highlighted and exemplified by the manner in which the Correctional Service of Canada chooses to address problems which emanate from or have been visited upon P4W and the regional women's prisons. In addition to wishing to assist in elucidating the particular facts specific to incidents or events, CAEFS is also committed to ensuring that relevant policy issues are fully examined and addressed. Regrettably, as the Prison for Women sits poised yet again to close, and as the regional prisons and segregated maximum security units in men's prisons continue their operations, CSC is reluctant to relinquish the vestiges of models designed to deal predominantly with the men in their prisons.

CSC is still a very insular, insecure yet self-righteously arrogant governmental department, where prisoners and anyone who questions CSC's actions are similarly relegated to the margins and classified as unimportant and misinformed, regardless of the seriousness and implications of the matters raised. All energies seemed to be focused upon efforts to obfuscate the issues, discredit any perceived detractors and continue on with business as usual.

Other issues which persist in the regional prisons for women in Canada point to the need for national leadership in the area of women's corrections. Although the Correctional

Service of Canada appointed a Deputy Commissioner for Women following Madam Justice Arbour's recommendation for same, they have unfortunately chosen to not implement the rest of the recommendations related to the position. Not only does this result in significant limitations to the authority of the position, but it also means that there continues to be a leadership vacuum, where the wardens of the new women's prisons and the Okimaw Ohci Healing Lodge report to regional Deputy Commissioners responsible for the men's prisons and community corrections in their respective regions. The Deputy Commissioner for Women still has no ability to veto decisions

made by the regional Deputy Commissioners, nor any separate authority to decide the manner in which the federally sentenced women's prison and community programs are implemented.

The former Solicitor General, the Honourable Andy Scott, had requested that CSC develop a plan to address the needs of federally sentenced women within the regional prisons, particularly those who are currently segregated in the maximum security units in men's prisons. He was expected to make an announcement about this matter in early June 1998. The current Solicitor General, Minister McAulay, has indicated a continued interest in closing P4W and the segregated maximum security units in men's prisons. As such, although we continue to have significant concerns regarding the future for federally sentenced women in Canada, CAEFS still has hope that CSC will continue to be challenged to develop new options for women.

Unfortunately, we remain apprehensive about the willingness and ability of the Correctional Service of Canada to institute the necessary reforms to address the needs and challenges of federally sentenced women. The projected image of a criminal justice system whose personnel promote the utmost respect for the law by modelling humane and just exercise of power is a stark contrast to the reality that the women and CAEFS experience.

Three years after the release of Madam Justice Arbour's recommendations and nearly ten years after the completion of the work of the Task Force on Federally Sentenced Women issued its report, *Creating Choices*, we still await CSC's articulation and action plan for a national strategy for the provision of community release or supervision options for federally sentenced women. With the exception of a halfway house in the Greater Vancouver area, a private home placement in Edmonton, and the purchase of two beds in E. Fry Saskatchewan's provincially funded house there are still virtually no women-only day parole options for federally sentenced women west of central Ontario.

Regrettably, there is also one less halfway house in Ontario, as the EFS of Ottawa was forced to close their house due to the insufficiency of funding to finance the beds for FSW. As such, there are now only three halfway houses for women in Ontario. There is one in Quebec and none in Eastern Canada. CAEFS continues to urge CSC to develop a clear national community integration strategy and standards for the FSW initiative.

The experiences of women prisoners has tended to involve too many profoundly disturbing examples of oppression and abuse of power, as well as arbitrary decision making. In our view, the Correctional Service of Canada has repeatedly exhibited indifference to prisoners, disregard for its own policies, and disrespect for the very legislation pursuant to which it operates.

CAEFS would like to see CSC developing clear action plans designed to ensure that the needs of federally sentenced women are met in the institutional and community release contexts for those women still imprisoned at the Prison for Women, as well as of those in the regional prisons, the Okimaw Ohci Healing Lodge and the segregated maximum security units in men's prisons. Much more emphasis is needed on the development of community supports for women prisoners.

In the new regional prisons, CAEFS and its membership continue to discharge our monitoring function in efforts to ensure that women's rights and entitlements are being provided and that CSC is adhering to the law governing its activities. CAEFS' preference is to not be involved in purely "operational" matters at P4W or the new prisons. Consequently, CAEFS continues to assert the need for regional governance bodies for the new prisons and a national advisory body for the area of federally sentenced women's corrections as a whole. Unless truly effective and representative independent mandatory advisory bodies are constituted, CAEFS will undoubtedly continue to be expected to intervene on behalf of the women.

c) Criminalization of Women Labelled as Having Mental Health Concerns

Within the context of the program strategy, multi-disciplinary external therapeutic and personal supports need to be encouraged. In order to facilitate a continuum of care for federally sentenced women, externally-located counselling, therapeutic and spiritual supports must also be respected and regarded as integral to the overall strategy by institutional partners. Rather than see CSC isolate the women in segregated maximum security units, CAEFS would prefer the notion of small centres associated with the regional prisons. We would like to see women who are engaged in "treatment" being able to maintain their relationships with their personal community of supports and to assist them in building and maintaining bridges to their communities of origin and/or support.

We also remain concerned about the ability of the regional prisons to accommodate a therapeutic milieu, whereby women-centred, holistic and intensive therapy or treatment would be the focus and opportunities would be provided to inspire women to create choices in a manner that does not infantilise or scapegoat them. We continue to encourage CSC to focus upon the development of an institutional atmosphere where staff model, support and reinforce positive attitudes and relationships and where trust is earned. In short, CSC management and staff must move away from power and control models and work on instilling hope and encouraging women. Furthermore, they must recognize that the responsibility for healing and growth does not rest solely with the women and that they must be able to model behaviours and be mentors to the women.

Many of the federally sentenced women who are currently classified as maximum security prisoners are women who are identified by CSC as having mental health needs. The practical reality is that mental health needs have been equated with risk. Physical and mental disability are included in s. 17 of the Regulations as factors which must be considered in determining security classification. This does not mean, however, that the presence of a disability should result in an increased security classification.

Mental health concerns that are disabling undoubtedly create very real needs for federally sentenced women and therefore for CSC. But, equating mental health disabilities with risks only serves to perpetuate a social construction of persons with mental disabilities as dangerous. This is precisely the kind of stereotyping which is prohibited by the equality provisions of the Charter. Many of the women identified as having mental health needs do not pose the kind of risks to which s. 17 of the Regulations is directed.

Most certainly, some women with mental health needs might require additional supports to function at a lower security level, by reason of their disability. Section 15 of the Charter has been interpreted by the courts to clarify that equal treatment does not necessarily mean the same treatment. Persons with disabilities, for example, may require that extra measures be implemented to provide them with the same level of service as the non-disabled community. Similarly, if a federally sentenced woman with a mental disability is having difficulty coping at a lower level of security, the response should not be to raise her security level. Rather, the appropriate response would be to provide her with the extra support required as a result of her disability to help her function at that lower security level.

Using the need for mental health treatment as a reason to classify women as maximum security imposes harsher treatment on such women. Since this is based on their disability, it is clearly discriminatory and contrary to s. 15(1) of the Charter.

d) Classification and Placement of Federally Sentenced Women

Last year, we reported that the Deputy Commissioner for Women (DCW), Nancy Stableforth, had requested that each region develop alternative accommodation options for FSW classified as maximum security prisoners. Although CAEFS has not been privy to the details of these plans, we have been advised by many CSC employees, including the wardens of the women's prisons, that CSC is now of the view that housing the women in men's prisons is not a viable option.

Recently, individuals within the Correctional Service of Canada (CSC) have made a number of proposals concerning carceral placement options for housing federally sentenced women classified as maximum security prisoners. These options have included, the construction of new maximum security prisons, the incarceration of women in isolated units in men's prisons, and the construction of new maximum security units at the regional women's prisons. CAEFS' remains firmly of the view that all federally sentenced women should be confined in the new women's prisons within their respective

regions or at the Okimaw Ohci Healing Lodge, and that new maximum security units should not be constructed in those prisons.

CAEFS' believes that no useful purpose is served by ascribing different security levels to the federally sentenced women population. CAEFS' position in this regard is consistent with the majority of the research literature by concluding that women are over classified when tools designed for men are applied to them. It has been repeatedly recognized that the current system, which was designed for men, results in significant over classification when applied to federally sentenced women. This is particularly true for Aboriginal women who are disproportionately classified as maximum security.

The determination of a security classification, as required pursuant to the provisions of the *CCRA*, is based upon an assessment by the CSC of each prisoner's probability of escape, level of risk to the safety of the public if s/he were to escape and the degree of supervision and control required in the penitentiary setting. As s. 17 of the Regulations indicates, those prisoners who pose a greater risk and need more control will be subject to more restrictive conditions of confinement. Because escapes from prison by women occur so rarely and have consequently not been sufficiently studied, it is not possible to make reliable predictions about a woman's risk to escape. Moreover, because it occurs in such a completely different context, any prior failure to return from a temporary absence pass is not considered to be a good predictor of escape risk. Risk to the safety of the public is also difficult to predict for women because they have a lower overall recidivism rate than do men and a much smaller percentage of the crimes committed by them are violent.

A gender neutral assessment of risk, based on women's offences, does not capture the circumstances in which women participate in violent offences and the fact that their violent offences are most often reactive and situational. Furthermore, women's offences are not contextualized by or correlated with their participation in institutional violence, or behavioural difficulties in prison.

If the security classification of federally sentenced women were based on demonstrated behaviour and individual achievements within institutional settings, as opposed to being predictions based upon criteria which has not been shown to have a reliable link to risk, and if women with mental health disabilities are properly supported to help them maintain a lower security level, then the number of women receiving a maximum security classification would be very small.

CAEFS' believes that all federally sentenced women should be incarcerated in the new regional prisons and that all Aboriginal women who choose to commit to the healing focus should have access to the Okimaw Ohci Healing Lodge. This was the plan that was adopted by CSC following the tabling in 1990 of the report of the Task Force on Federally Sentenced Women, *Creating Choices*. The extensive research conducted by and for the Task Force, as well as subsequent research and planning activities conducted by the Federally Sentenced Women Program since then, reinforced the validity of this

approach.

Although the *Creating Choices* report has been characterized by CSC as a philosophy statement rather than an operational document, much of the material produced by the Federally Sentenced Women's Program is specifically directed towards implementation of the philosophical approach adopted by the government in 1990. It is also important to emphasize that the reasons offered by the government for abandoning the plan to confine all women in the new regional prisons were the conclusions of Dr. Rivera's Report and incidents which occurred at Edmonton Institution in 1996.

The fact that Dr. Rivera's Report does not support this approach has been referred to above. Furthermore, the Edmonton incidents were the subject of a national Board of Investigation, the results of which did not suggest that maximum security women cannot be confined in the regional prisons, but rather that there were a number of critical deficiencies in the operation of the Edmonton Institution for Women (EIFW). For instance, the investigative report indicated that the prison opened despite the reality that the construction of the physical plant was not complete, and that there was insufficient staff training, negligible programming, and little to no psychological or therapeutic treatment.

Finally, we must point out that prior to the opening of the regional prisons, in the Ontario and Prairie regions, the CSC was attempting to develop alternative accommodation strategies for federally sentenced women. This was occasioned by an increase in the number of federally sentenced women in those regions which exceeded the capacity of those regional prisons for women. In order to address these accommodation issues, CSC was considering the same sorts of options that they subsequently chose to utilize following the incidents at EIFW, namely, new construction within the regional prisons for women or the placement of women in units in men's prisons.

If separation is maintained instead by dynamic rather than static security measures, institutional security could be adapted so as to have less impact on the freedom of movement of the women classified as medium and minimum security. These women might very well otherwise have their movement restricted in order to accommodate movement of the maximum security population within the institution. In addition, the enhanced security and segregation units would be available for use in the case of crises. They might also be used to facilitate the transition process for women who previously have been kept in a high static security environment.

In order to maintain a more structured environment for maximum security women, CAEFS envisions increased complements and consequent availability of staff in the maximum security houses. Additionally, as maximum security women move throughout the prison, they would likely be accompanied by staff, as they moved through the institution either as a group or individually. Examples of such movement and circumstances might include visits, medical and other appointments, and programs with others at lower security classification levels in the general prison population.

The CSC was quite prepared to commit staff to a number of dynamic security measures to keep the federally sentenced women separated from the male population at the RTC in Kingston Penitentiary. In fact, they planned such resource rich approaches as escorting and bussing the women from the range to the yard, regular visits and Private Family Visits (PFV) in on-site trailers, medical and programming activities. In short, staff were going to escort women to all activity areas and remain with them at all times. In addition, staff in the rest of the prison were going to be required to keep all of the men away from the women, including away from windows so that the women would not be viewed while in the prison exercise yard. The same level of separation would of course not be required in the regional prisons, but an appropriate level of attention by staff could permit the maximum security women to interact safely within the prisons.

Finally, as those responsible for women's correctional services in other jurisdictions internationally have reinforced, an integral part of any plan to house federally sentenced women, particularly maximum security women, is the opportunity for them to participate in meaningful programming. Meaningful employment and educational opportunities, especially vocational training, are some of the most crucial programming components required to enhance the likelihood of successful community integration for all federally sentenced women. And, as experiences in men's minimum prisons, Minnesota's Shakopee facility and Australia's Emu Plains institution confirm, the possibility of gaining marketable skills and work release options provide a powerful motivational force for prisoners to work to reduce their security levels.

e) Minimum Security

Following the incidents which occurred at EIFW in the spring of 1996, and prior to CSC's decision to change policy so as to preclude women classified as maximum security prisoners from being placed in the new regional prisons, the CSC decided to enhance the static security measures in all of the regional prisons and at the Okimaw Ohci Healing Lodge. To this end, security fences were erected, razor wire, new cameras and other security devices were installed. The result is that women classified as minimum and medium security prisoners are now subject to the same perimeter security.

In CAEFS' opinion, this situation creates a significant distinction between the treatment of women and men who are classified as minimum security prisoners. Minimum security men live in prisons without fences. This distinction represents more than a difference in the physical structure, but includes the availability of work releases, temporary absence passes, employment opportunities and other release planning, as well as the likelihood of favourable consideration by the NPB.

Initially, the design of the new regional prisons for women provided minimal static security because research and international experience supported the use of dynamic security approaches. Since women prisoners pose minimal risk to the safety of the public within the meaning of s. 17 of the Regulations and therefore have lower security requirements than men, there should be increased opportunities for progressive

experimentation with respect to dynamic security models within women's corrections. Unfortunately, the original design has been reversed. The result is that static security has been increased for all federally sentenced women. It cannot possibly be argued that minimum security women have higher security needs than minimum security men.

One of the recurring historical criticisms of the Prison for Women in Kingston was that all women were subject to the same high security measures, regardless of their security classification. This situation has now been replicated in the new regional prisons.

Although we are not in favour of any additional construction at the regional prisons, CAEFS remains of the view that, at the very least, federally sentenced women classified as minimum security prisoners should live in houses situated outside the fences of the regional prisons as is the case for minimum security men. There is no operational reason why this could not be accomplished at the regional prisons in the same way that the Isabel MacNeil House operates outside the walls of the Prison for Women in Kingston.

Indeed, the entire women's prison population in the state of Minnesota, from minimum to maximum security, mental health and remand prisoners, are all housed in the unfenced Minnesota Correctional Facility - Shakopee. Shakopee was the prison that the Task Force on Federally Sentenced Women and the FSWP utilized as a model for the new regional prisons for women.

f) LSD Experiments on Federally Sentenced Women

CAEFS has offered assistance and support to Dorothy Proctor, 1 of at least 22 who were used in LSD experiments while in segregation at the Prison for Women over 35-40 years ago. To date, only Ms. Proctor has been willing to be identified. Other women have expressed a desire to remain anonymous, as their families are not aware that they were ever incarcerated -- some are now grandmothers, some are dead.

Rather than proceed to implement the recommendations supported by the findings of the Board of Investigation in their report, *Board of Investigation into Allegations of Mistreatment by a Former Inmate at the Prison for Women Between March 22, 1960 and August 1, 1963*, CSC appointed the McGill University Centre for Medicine, Ethics and Law "to obtain independent advice concerning the long term effects of LSD, and to develop guidelines, or protocols, for addressing each individual case". They also suggested that women identify themselves to CSC health services.

It is difficult to imagine what further proof CSC might require of "a direct link" between the treatment and current difficulties of at least the two women whose histories are chronicled. As the investigators point out, it seems abundantly evident that the administration of L.S.D. to these women while they were imprisoned at the Prison for Women did indeed result in "substantial, debilitating, long term negative effects". One wonders how much more direct a link the women must establish.

CAEFS has urged the Commissioner of Corrections to immediately offer compensatory settlements to Ms. Proctor and the unnamed former prisoner who was also interviewed by the Board of Investigation. We also urged him to continue efforts to locate the additional 20+ women who were part of the experiments. Given the obvious sensitivity of these issues and the likelihood that women may not wish to have their families and circumstances jeopardized by unwanted publicity, we further urged him to encourage women to come forth by providing assurances of anonymity.

Given the reality that their past experiences may discourage women from coming forth voluntarily to re-identify themselves to/with the Correctional Service of Canada, CAEFS also offered assistance in this regard. Conversations with the members of the Board of Investigation confirmed that there is a need for some assurances of confidentiality and anonymity before other women are likely to come forth. Even then, none may.

CSC needs to be in a position to satisfy themselves of the veracity of women's claims. CAEFS also faced such challenges in the past during the research phase of our battered women's defence work. We faced the challenge of trying to locate women who wanted assistance, but did not wish to be identified publicly. Accordingly, CAEFS offered to facilitate contacts for women, as well as provide personal support and assist women wanting to come forward. We would, of course, respect the wishes of those women who want to retain their anonymity, while simultaneously facilitating the collection of information necessary to substantiate their claims.

The Minister, Andy Scott, had stated that he is committed to ensuring that the women prisoners who were subjected to the L.S.D. experiments are now treated fairly and that they will finally experience a speedy and just resolution in this matter. The Minister expects to receive the report from the McGill Centre before the House of Commons rises for the summer.

Corrections and Conditional Release Act (CCRA)

November 2, 1998, marked the 6th anniversary of the proclamation of the *CCRA*. The legislation includes a provision that it be reviewed after five years. Accordingly, in March of 1997, the Solicitor General commenced national and regional consultations on the Act and the Standing Committee on Justice and Human Rights are scheduled to review the Act during 1998 and are expected to issue a report by the end of 1999.

Overall, the legislation is not the problem, the lack of implementation of components of the Act is the real problem. As such CAEFS has encouraged the Solicitor General to ensure that life is breathed into the progressive provisions and have proposed the following amendments to the legislation:

1. Section 11 of the *CCRA* should be amended to prohibit the incarceration of women in federal penitentiaries for men.

2. Given the discriminatory application of s. 30 to federally sentenced women, the *CCRA* should be amended so as to exclude women from the application of s. 30.

3. A definition of administrative segregation should be included in the *CCRA*. Administrative segregation should be defined as confinement which restricts the entitlement to associate beyond that which is provided to the general prison population. In addition, the Act should include clear parameters for the use of administrative segregation.

4. Sections 33 and 34 of the *CCRA* ought to be amended to provide for either of the two segregation review models proposed by the Arbour Commission.

5. Section 37 of the *CCRA* should be amended so as to remove the phrase "security requirements" and articulate a positive obligation on CSC to provide sufficient dynamic/staff support and physical structures which enable separated prisoners to exercise most of the entitlements of the general prison population.

6. Section 16 of the *CCRA* should be amended to provide that federally sentenced prisoners may only be confined in provincial jails with their consent and on a voluntary basis.

7. Sub-section 77(b) of the *CCRA* should be repealed and replaced by a new s. 77(b) that establishes a National Women's Advisory Committee, chaired by CAEFS, to provide advice to the Service and monitor the provision of correctional services to federally sentenced women in accordance with domestic law and international agreements.

8. New provisions, similar to sections 79, 81 and 84 of the *CCRA*, should be enacted to provide opportunities for federally sentenced women to serve their sentences and be released on parole to community organizations and facilities which provide services to women.

9. Section 87 of the *CCRA* should be amended to prohibit its application in any manner that might disadvantage prisoners with mental disabilities.

10. Sub-section 88(4) of the *CCRA* should be amended so as to restrict the participation of prisoners in demonstration treatment programs to those in which members of the public also participate. Such demonstration treatment programs should also be administered and evaluated by doctors external to the CSC Health Services.

11. Sub-section 125(3) of the *CCRA* should be amended so as to delete "social history" from the factors to be considered by the National Parole Board.

12. Sub-section 179(3) of the *CCRA* should be amended so as to require that the Commissioner of Corrections and the Chair of the National Parole Board are bound to act on a finding or recommendation by the Correctional Investigator with respect to a breach

of the law.

13. The *CCRA* should be amended so as to direct the Correctional Investigator to report directly to Parliament.

14. The *CCRA* should be amended to include a new provision which would entitle prisoners to apply to court for a reduction of a fixed term sentence or, if the sentence is a mandatory minimum one, a declaration that the sentence was illegally or unfairly administered.

Young Offenders Act (YOA)

The Minister of Justice, Anne McLellan, has announced that she will reform the juvenile justice system by repealing the *YOA* and replacing it with the new *Youth Criminal Justice Act*. CAEFS does not regard this as good news, as the Minister is taking this approach despite a fairly positive report from the Standing Committee on Justice and Legal Affairs following their "Phase II" review of the *YOA*. CAEFS presented a brief to the Standing Committee during the Phase II review.

CAEFS has serious concerns about the overall impact of the Act upon juvenile justice for young women. The increasing numbers of younger women in the provincial and federal prison systems are of particular concern to us. Unfortunately, unless the Minister resists the calls for more punitive and regressive scapegoating of Canadian youth, and, instead, embarks upon a public education campaign to inform Canadians about the excessive penalizing and incarcerating of youth in Canada, we are not likely to see much change in the current slide away from justice for young people.

Private Members' Bills

Over the next few months, CAEFS will also appear before the Standing Committee on Justice and Human Rights on Bills C-251 (designed to abolish concurrent sentences for murder convictions) and C-284 (designed to eviscerate pardons), as well as proposed legislation regarding the role of victims in the criminal justice system.

On November 30, 1998, the parliamentary rules governing private members' bills were amended in two significant ways: 1) unless a private member bill is amended, it does not necessarily die on the order paper when the Parliamentary session during which it was introduced prorogues; and 2) any Member of Parliament who files a bill with a one hundred other MPs' signatures (with at least 10 MPs from a majority of parties in the House of Commons) is eligible to place such a bill in the order of precedence and table it in the House.

The changes to the rules for introducing private members' bills into the House of Commons are resulting in the successful introduction of many more such bills. Most of the private members' bills involve regressive changes to criminal justice legislation. As a

result, CAEFS and other groups are being invited to appear 3-4 times before the Standing Committee on Justice and Human Rights over the next few months. We generally will have one such appearance per year at the most, so this signals a significant new development.

If this current proliferation of private members' bills continues, it has the potential to significantly impact the nature of the CAEFS' workload. The research and preparation of position papers is a very time-consuming process.

Continuation of CAEFS' Battered Women's Defence Work

CAEFS has previously distributed the discussion documents from the Department of Justice regarding proposed amendments to the defences of self defence, provocation, and defence of property. The Department has agreed to consult with national women's groups before proceeding further. Kim indicated that Justice is not addressing the fundamental issue of the role of mandatory minimum sentences. CAEFS and other women's groups plan to focus the discussion around this issue. In the event that Justice does not follow through on their commitment to host a consultation, Kim will seek resources to facilitate same.

NATIONAL ELIZABETH FRY WEEK - Challenging Stereotypes and Encouraging Proactive Action

The Canadian Association of Elizabeth Fry Societies celebrates National Elizabeth Fry Week annually. Elizabeth Fry Societies across the country organize public events in their communities throughout the week.

Our goal is to enhance public awareness and education regarding the circumstances of women involved in the criminal justice system. We hope to challenge and gradually break down the negative stereotypes that exist about women who come into conflict with the law.

National Elizabeth Fry Week is always the week preceding Mother's Day. The majority of women who come into conflict with the law are mothers. Most of them were the sole supporters of their families at the time they were incarcerated. When mothers are sentenced to prison, their children are sentenced to separation. We try to draw attention to this reality by ending Elizabeth Fry Week on Mother's Day each year.

By focusing on "Alternatives to Incarceration" this year, our 23 member societies hope to encourage the Canadian public to examine some productive and responsible means of encouraging community responses to addressing criminal justice matters from coast to coast. Our hope is that, particularly in this time of fiscal restraint, this sort of proactive focus will encourage the development of and support for community-based alternatives to costly incarceration, particularly for non-violent offenders. Our aim is to increase public awareness of the myriad issues facing women in prison and gradually break down the

stereotypes of women in conflict with the law. In addition, CAEFS initiates and responds to media awareness and coverage of the myriad relevant issues on an ongoing basis.

CAEFS challenges Canadians to reach behind the walls and bring women into the communities, so that they may take responsibility and account for their actions in ways that make sense to them and to us.

AFFILIATIONS - Strengthening the Ties

CAEFS continues to maintain and strengthen its ties with other national justice, women's and voluntary organizations. Some of the key umbrella and member groups with whom we work include: the National Associations Active in Criminal Justice (NAACJ); Equality for Gays and Lesbians Everywhere (EGALE) the National Action Committee on the Status of Women (NAC); the Women's Legal Education and Action Fund (LEAF); the Native Women's Association of Canada (NWAC); Pauktuutit, the Inuit Women's Association; the Métis National Council of Women; the Canadian Association of Sexual Assault Centres (CASAC); the DisAbled Women's Network (DAWN); the Congress of Black Women; the National Anti-Poverty Organization (NAPO); the National Council of Women of Canada (NCWC); National Voluntary Organizations (NVO); the National Association of Women and the Law (NAWL); the National Organization of Immigrant and Visible Minority Women of Canada (NOIVMWC); and the United Way National Agencies Committee.

For copies of CAEFS' position papers or additional information, please contact Kim Pate directly at kpate@web.net, visit the CAEFS Home Page at <http://www.elizabethfry.ca>, telephone us at (613) 238-2422 or fax us at (613) 232-7130.

CAEFS' SPONSORS

Solicitor General Canada Bank of Nova Scotia Bell Canada CIBC Cara
Operation Federated Co-operatives Limited Harlequin Enterprises Limited Hudson's Bay
Company Imasco Limited Joseph E. Seagrams and Sons Limited North Shore Unitarian
Church PPG Canada Inc. Petro-Canada Robin Hood Multifoods Inc. Royal Bank of
Canada Sun Life Assurance Company of Canada Wascana Energy Inc.

*BN/Registration Number 10807 4980 RR0001

THANK YOU!

MEMBER SOCIETIES

Elizabeth Fry Society of Calgary 650, 1010 - 1St. S.W. Calgary, Alberta T2R 1K4

(403) 294-0737

Elizabeth Fry Society of Cape Breton 150 Bentinck Street Sydney, Nova Scotia B1P 1G6 (902) 539-6165

Central Okanagan Elizabeth Fry Society 104 - 347 Leon Avenue Kelowna, British Columbia V1Y 8C7 (250) 763-4613

Elizabeth Fry Society of Edmonton 10523-100th Avenue Edmonton, Alberta T5J 0A8 (780) 421-1175

Elizabeth Fry Society of Greater Vancouver 4th Floor- 402 E. Columbia Street New Westminister, British Columbia V3L 3X1 (604) 520-1166

Elizabeth Fry Society, Hamilton Branch 627 Main Street East, 2nd Floor Hamilton, Ontario L8M 1J5 (905) 527-3097

Kamloops and District Elizabeth Fry Society 261 B Victoria Street Kamloops, British Columbia V2C 2A1 (250) 374-2119

Elizabeth Fry Society of Kingston 127 Charles Street Kingston, Ontario K7K 1V8 (613) 544-1744

Elizabeth Fry Society of Mainland Nova Scotia 217 - 2786 Agricola Street Halifax, Nova Scotia B3K 4E1 (902) 454-5041

Elizabeth Fry Society of Manitoba 773 Selkirk Avenue Winnipeg, Manitoba R2W 2N5 (204) 589-7335

Elizabeth Fry Society of New Brunswick Inc. 39 McDougall Avenue Moncton, New Brunswick E1C 6B1 (506) 855-7781

Elizabeth Fry Society of Newfoundland & Labrador 31 Doyle Street St. John's, Newfoundland A1E 2N9 (709) 368-6620

Elizabeth Fry Society of Ottawa 240 Charlotte Street Ottawa, Ontario K1N 8L3 (613) 789-7077

Elizabeth Fry Society of Peel #401 - 134 Queen Street East Brampton, Ontario L6V 1B2 (905) 459-1315

Elizabeth Fry Society of Peterborough 483 George Street South, Upper Level Peterborough, Ontario K9J 3E6 (705) 749-6809

Prince George & District Elizabeth Fry Society #101 - 2666 S. Queensway Prince George, British Columbia V2L 1N2 (250) 563-1113

Société Elizabeth Fry du Québec 5105 Chemin de la Cote St.Antoine Montréal, Québec H4A 1N8 (514) 489-2116

Elizabeth Fry Society of Saint John P.O. Box 23012 St. John, New Brunswick E2J 4M1 (506) 635-8851

Elizabeth Fry Society of Saskatchewan 230 Avenue R South, 4th Floor Saskatoon, Saskatchewan S7M 2Z1 (306) 934-4606

Elizabeth Fry Society of Simcoe County 102 Maple Avenue Barrie, Ontario L4N 1S4 (705) 725-0613

South Cariboo Elizabeth Fry Society P.O. Box 603 (601 Bancroft Street) Ashcroft, British Columbia V0K 1A0 (250) 453-9656

Elizabeth Fry Society of Sudbury 204 Elm Street West Sudbury, Ontario P3C 1V3 (705) 673-1364

Elizabeth Fry Society of Toronto 215 Wellesley Street East Toronto, Ontario M4X 1G1(416) 924-3708

FINANCIAL SUMMARY 1998/99 INCOME & EXPENDITURES for year ending March 31, 1999

INCOME

Solicitor General Canada Grant:

CAEFS	\$276,801
Societies	175,006
Donations	7,050
Interest & Miscellaneous	8,378
Dues and Registration	6,480
Consulting	<u>1,354</u>
	\$475,069

EXPENDITURES

Grants to Societies	\$182,506
Salaries & Benefits	82,610
Travel & Meetings	102,403
Professional Fees	1,397
Reproduction	11,696

Telephone	18,993
Rent	15,982
Office and Postage	9,593
Office maintenance	6,169
Depreciation	2,160
Insurance	2,567
Subscriptions & Membership	3,001
Translation	5,425
Healing Lodge allocation	2,561
NGO and government liaison	000
Consulting Fees	<u>31,167</u>
	\$478,230
Excess of Expenditures over Revenue for the year (expenditures over revenue)	<u>\$ (3,161)</u>

BALANCE SHEET AS AT MARCH 31, 1999

	ASSETS	LIABILITIES & EQUITY
Operating Fund	\$130,036	\$112,587
Designated Funds	9,485	8,141
Accounts Payable	<u> </u>	<u>18,793</u>
	\$139,521	\$139,521

AUDITOR'S NOTE

This is to confirm that we have examined the information contained in the foregoing 1998/99 financial summary. We are satisfied that the information presented is prepared directly from the audited financial statements on which we reported, and it fairly represents the position and the results of operations for the year.

McKechnie Moore June 1999