

In Memory of...

In 1996, many prisoners and their supporters felt the loss and mourned the deaths of four prisoners' advocates:

Claire Culhane

who devoted her life to working with and on behalf of those who are marginalized, spending the last three decades focused upon the needs and rights of prisoners;

Tom French

former prisoner and liaison for many prisoners serving life sentences;

Senator Earl Hastings

long time and too often solitary Senate advocate for law reform and prisoners' rights;

Jim MacLatchie

Executive Director of the John Howard Society of Canada, former Executive Director of the Elizabeth Fry Society of Ottawa and a founder of The Canadian Association of Elizabeth Fry Societies, and ardent supporter of prisoners' issues nationally and internationally.

The loss of these individuals is profound and will be felt throughout the criminal justice system in Canada.



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.

CAEFS' Board of Directors, 1995-1996

President: Susan Hendricks

Past-President: Doris Bruno

Healing Lodge: Margaret Assiniboine-Myran

Regional Representatives

Atlantic: Rhonda Crawford, AnnMarie MacInnes, Lois Weatherby

Quebec: Nathalie Duhamel, Chantal Lavergne, Margaret Shaw

Ontario: Jo-Ann Connolly, Ruth Ruff, Elizabeth White

Prairies: Carol Hutchings, Kathie Munro, Wendy Whitecloud
B.C.: Mollie Gardiner, Mary Macdonald, Jennifer Wade

CAEFS STAFF (1995/96)
Executive Director: Kim Pate
Executive Assistant: Liza Daniel

The Canadian Association of Elizabeth Fry Societies

The Annual Report, 1996

PRESIDENT'S REPORT

When the **Arbour Report** was released at the end of March, I was relieved, exhilarated and overwhelmed with the recommendations and felt that there would be immediate positive changes in the prisons. I naively believed that the Minister and Correctional Services of Canada officials would immediately implement the recommendations -- the conclusions of a judicial inquiry -- to rectify situations in the prisons which Justice Arbour describes as "of the most serious nature." For too long, our organization has been advocating alternatives to incarceration and the better treatment of incarcerated women, and the report of the Inquiry appeared to be the fruits of our efforts, nationally and locally.

In spite of the Report, and since the conclusion of the Inquiry, Corrections officials generally appear to be ignoring the recommendations.

The tragedies that have occurred in the prisons since the release of the **Arbour Report** are beyond my abilities to describe: suicides, slashings, strip-searching and segregation, to mention a few.

As a lawyer involved in the criminal justice system, I can state that the pre-sentence process is largely protected by the **Charter**, and an accused's rights and dignity are given legal protection.

The **Arbour Report** makes it clear that post-sentence treatment of prisoners has been left unchecked.

As Justice Arbour says in her report:

"A fair criminal process produces reliable convictions and, as a result, the management of a custodial sentence does not have to be plagued with uncertainties about the legitimacy of the enterprise.

"However, even though the presumption of innocence is displaced by the conviction, in the imposition of punishment, all authority must still come from the law.

"Parliament authorizes the imposition of certain sentences; the courts impose them and corrections officials implement the court orders.

"A guilty verdict followed by a custodial sentence is not a grant of authority for the State to disregard the very values that the law, particularly criminal law, seeks to uphold and to vindicate, such as honesty, respect for the physical safety of others, respect for privacy and for human dignity. The administration of criminal justice does not end with the verdict and the imposition of sentence. Corrections officials are held to the same standards of integrity and decency as their partners in the administration of criminal law."

(p. xi, emphasis added.)

The Report is our authority to continue to demand that Corrections officials be accountable.

In my opinion, when a woman is convicted of a criminal offence, she may lose her freedom for a period of time, but rehabilitation is always the primary goal.

Loss of dignity and the will to live is not one of the goals of the sentencing process, nor a necessary adjunct to incarceration. Whenever Corrections officials fail to recognize these principles we must continue to bring them to account for that failure.

In spite of the strong recommendations contained in the Report, the problems which are occurring in the Edmonton Institution for Women, are in my opinion, very similar to those events which led to the Inquiry at P4W.

In June, 1995, we voted on a progressive model of reorganization of regionalization, which emphasizes greater involvement of local societies.

When we voted on this operational model, many of us could not predict the difficulties that would arise in the various regions.

I consider that the difficulties of advocacy in the regions and at the national level are of considerable importance and one of our most challenging agenda items at this meeting.

We must focus on greater communication in order to speak with a strong and united voice.

The law firm of Nelligan Power, and particularly Mark Green are also to be thanked for their work in revising our by-laws. The revisions to our constitution would otherwise have been very costly and we are grateful for their assistance.

Finally, during this meeting, let's say thanks for people like Claire Culhane and Senator Hastings.

**Sue Hendricks
President**

TREASURER'S REPORT 1995-1996

The 1995/96 fiscal year ended well within budget in spite of the added workload resulting from the Prison for Women Inquiry. A P4W expense account was set up to monitor the cost to the association and Kim was able to keep the expenses below \$5,000.

AGM expenses were lower than anticipated as a result of lower travel and accommodation costs, including Kim's way being paid through her work with the National Crime Prevention Council. The year's over-all

Board travel expenses have been lower because of the absence of some Board members, and because of the savings incurred by moving the meeting place from a downtown hotel to "Econiche House" in Cantley, Quebec.

Solicitor General Sustaining Funding for 1995/96 was once again based on a 5% (of 1990-91 funding) cut to current year's funding. The Solicitor General Sustaining Funding Program is still under review, and the Ministry of the Solicitor General (MSG) has undertaken to consult with the National Voluntary Organizations and the National Associations Active in Criminal Justice. We are members of both groups and will be represented at meetings by Kim and/or Sue.

As the amount requested by National Voluntary Organization's exceeds the amount that Parliament has allocated to these programs, the Ministry of the Solicitor General's stated intention is, through consultation, to agree on "options for a funding formula which will best provide for a strong future for each of the national organizations who receive core funding while maintaining the integrity of the program". Historically, when funding cuts were required, they were made equally to the allocations of all agencies from their traditional funding base.

In the past year, a great deal of good has been done with a relatively small amount of money, and Kim and Liza are to be congratulated. However, we must face the fact that we may soon be looking for other funding sources.

Mollie Gardiner, Treasurer

Report of the Executive Director, 1996

PRIORITY ISSUES AND LAW REFORM

This year was a tumultuous one for the Canadian Association of Elizabeth Fry Societies. It started with tremendous optimism, with first the announcement of the Commission of Inquiry into events at the Prison for Women and then the launch of the review by Judge Ratushny of the cases of women jailed for defending themselves against abusive partners.

Sadly, it ended in the shadow of yet another two deaths of women in prison, Brenda Donovan in the Prison for Women and Denise Fayant in the new Edmonton Institution for Women.

The result is that we are again facing issues that challenge the very nature and mandate of our association.

We emerge from this year with much concern about the future and fate of women subjected to our corrections, criminal and social justice systems.

Fortunately, the release of Madam Justice Arbour's recommendations following the Commission of Inquiry into Certain Events at the Prison for Women in Kingston (P4W), combined with the Report of the Royal Commission on Aboriginal People and Criminal Justice in Canada, **Bridging the Cultural Divide**, do leave us significant cause for optimism as to what could be, should logic, good sense and political will favour positive and proactive reform.

In these times of increasing political and socio-economic polarization and given the flagrant disregard for the law disclosed by Correctional Services of Canada in evidence during the P4W Inquiry, however, we anticipate even greater difficulty gaining full public exposure of future crises for federally-sentenced women behind prison walls.

The manner in which CAEFS will need to proceed to fulfil our mandate, given the specifics of issues faced this past year are highlighted in the following activity and issue summaries.

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Supporting Federally-Sentenced Women

a) Prison for Women (P4W) Inquiry

The ever anticipated closure of P4W and the spotlight of the Commission of Inquiry did nothing to ameliorate conditions and tension at the Prison for Women.

Regrettably, throughout the Inquiry, the Correctional Service of Canada (CSC) continued to deny that it had engaged in any illegal activities or attempted to subsequently cover-up legal and policy transgressions, despite mounting evidence to the contrary.

What emerged was an organization focused upon maintaining an image of righteous indignation in the face of evidence of significant wrongdoing and blatant disregard for the law.

CAEFS sought and obtained standing as a public interest group before the Commission of Inquiry. CAEFS objectives in participating in the Inquiry were primarily to ensure that there was a full review of what transpired, especially the need for a clear articulation of role and responsibility of CSC in creating the pre- and post-April, 1994 atmosphere and environment of unrest at P4W.

We also hoped to encourage changes to policies and procedures for federally-sentenced women, in part by highlighting the problems exemplified by how CSC dealt with the issues they created at P4W.

Accordingly, CAEFS sought and was granted full standing as public interest intervenors in the Inquiry. In support of our application, we chronicled the following range of our activities with and on behalf of federally-sentenced women:

- regular direct contact with both the prisoners and staff at the Prison for Women;
- liaison, negotiation and advocacy efforts with and on behalf of federally sentenced women in relation to issues of individual and systemic discrimination;
- participation in and contributions to government consultations, reports, policies and procedures regarding federally sentenced women;
- preparation and submission of briefs to Parliamentary and Senate committees regarding legislative and policy matters impacting the justice system, particularly in relation to the needs and interests of women;
- public education efforts to counter negative stereotypes of women who come into conflict with the law, as well as to promote public support for social justice and law reform.

CAEFS played 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 chose to address problems which emanate from or have been visited upon P4W -- all of which became the subject of the Inquiry.

In addition to wishing to assist in elucidating relevant facts specific to the events of April 1994 and beyond, CAEFS was also committed to ensuring that relevant policy issues were fully examined and addressed.

Without funding, however, CAEFS could not have participated as effectively in the Inquiry process.

While some resourcing for CAEFS, the women and the Citizen's Advisory Committee was provided by the Commission, it was striking to observe the extent to which the resources were more freely available to those funded directly from the public purse.

In the end, it was most disturbing to realize that every matter raised by Commission counsel in their final submissions to Justice Arbour had been raised prior to the Fifth Estate program, much less the Inquiry, with the Commissioner of Corrections, and in many instances the Minister as well.

These matters were raised by the women themselves, via third level grievances as well as direct appeals to the Commissioner of Corrections, the Minister and some of his colleagues in Parliament. They were also raised by the Correctional Investigator.

Issues were of course also raised by CAEFS, our membership, as well as our coalition partners in the women's, social and criminal justice sector.

In short, the Commissioner of Corrections had heard the same matters raised once, twice, three, or more times.

This fact notwithstanding, he had chosen to believe the information he was receiving internally, even after such input had been clearly shown to be significantly flawed or more outrightly wrong.

Briefing notes disclosed in the final days of the Inquiry showed that even after such issues as the use of force, the involvement of men in the strip-searching of the women and the women's lack of access to counsel had been established in evidence, the Commissioner was still being given erroneous information.

Unfortunately, despite the existence of transcripts and media accounts to the contrary, the Commissioner chose to follow his briefing notes rather than question his own staff.

What emerged was the image of 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 facts.

All energies seemed to be focused upon efforts to obfuscate the issues, discredit any perceived detractors and continue with business as usual.

CAEFS valued the opportunity that the Inquiry provided to examine the layers of decision-making and the basis upon which actions were taken by the Correctional Service of Canada in 1994 in relation to events at the Prison for Women.

The relatively broad range of issues canvassed in the policy review portion of the Inquiry provided an opportunity for some constructive and timely discussion, which highlighted the need for the establishment of progressive and proactive policies and practices, both at P4W between now and the closure of the prison, as well as for the new regional prisons for women and the national Healing Lodge.

The Inquiry created our first opportunity since the work of the Task Force on Federally Sentenced Women for the women in prison, groups such as CAEFS, academics and correctional experts to meet in a forum that was not dominated and determined by CSC.

Section 77 of the **Corrections and Conditional Release Act (CCRA)** notwithstanding, our experience has been that there is reluctance on the part of CSC to engage participants in policy-development meetings with respect to federally-sentenced women.

Indeed, CSC staff have asserted that because there are sufficient numbers of women on staff, they have all the expertise they require and no longer need to consult outside the Service. Similarly, it has been maintained a similar attitude would exist with respect to consultation and advisory provisions of s. 82 of the **CCRA** if sufficient numbers of First Nations staff were within the ranks of the CSC.

Unfortunately, concerns that were generated prior to the Inquiry, were confirmed by the evidence presented in Phase I, and were exacerbated during Phase II, as the Correctional Service of Canada introduced their "latest" plans for the new prisons.

These are the same plans that CAEFS has repeatedly challenged as mere reconfigurations of current correctional practices. We believe that CSC is reluctant to relinquish the vestiges of models designed to deal predominantly with the men in their prisons.

Moreover, as this Inquiry unfolded, women at the Regional Psychiatric Centre in Saskatoon were subjected to another non-emergency IERT intervention and strip-search.

Also, women in the segregation unit at the Prison for Women continued to be subject to long-term 24-hour camera surveillance.

A young woman with increasing mental health concerns began to routinely ask to be physically restrained by being strapped to a board; when asked why, she indicated that the staff stayed with her and talked to her if she was on the board.

Women transferred to the new regional prison in Edmonton were/are subjected to routine strip searches after every visit with someone from outside the prison, as well as after visits with fellow prisoners in their cottages.

These realities illustrate some of the reasons that we continue to have significant concerns regarding the future for federally sentenced women in Canada.

We are 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 in stark contrast to the image that has emerged throughout both phases of this Commission of Inquiry.

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 callous indifference to prisoners, flagrant disregard for its own policies, and disrespect for the very legislation pursuant to which it operates.

It remains a concern of CAEFS that, seemingly as result of the lack of acknowledgement by the Correctional Service of Canada of its responsibility in the April 1994 and subsequent events at the Prison for Women, far too much energy is being devoted to reinforcing a notion of imprisoned women as difficult to manage prisoners and security risks.

CAEFS would rather see them developing clear plans to meet the needs of women currently imprisoned at the Prison for Women, as well as of those who will be moved to the new prisons and the Healing Lodge.

Much more emphasis is needed on transitional process and the development of community supports for women prisoners.

b)Self Injury, Suicide and Despair Increased by Oppressive Drug Strategy

In the aftermath of the suicide of a woman at the Prison for Women in February, 1996, members of the prisoners' Peer Support Team, CAEFS and CSC worked closely to assist other women during their ensuing crises.

In the moment of extreme need, the partnership seemed to work. For this we are grateful and CAEFS has thanked all CSC staff involved.

While it is unclear as to what precisely prompted Brenda Donovan to suicide, we understand from both staff and prisoners that she had been caught tampering with a urine sample she had been requested to provide the day before she died.

The women at P4W advise that Brenda was upset the day she died and stated that she had been told that she would not be able to have open visits with her children as a result of the tampering with the urinalysis process.

We were also advised that another woman was denied a Private Family Visit with her dying father because one of her 10 samples was positive.

Women in prison and staff alike requested that CAEFS reiterate our opposition to the CSC drug strategy and that we propose a methadone or some comparable program for prisoners who are addicts.

During Phase II of the Commission of Inquiry, CAEFS expressed concerns about the potentially very negative impact of the "crack down" approach on addicts.

Our concerns were and remain precisely in keeping with the reservations we expressed at the inception of the drug strategy.

CAEFS is very concerned about the manner in which the strategy might place those with serious and long term addictions at increased risk of harm.

As we suggested and then unfortunately saw last year, the first major impact of the drug strategy was the influx of "harder drugs" which are seen as likely to pass through the body faster than some of the softer and less dangerous, but more long lasting and therefore most likely to be detected, substances.

We continue to fear the impact of the punitive and reactive nature of the drug strategy.

Rather than reducing the harm caused by drug use, we believe that current policies and practices aimed at detecting, apprehending and punishing prisoners who use drugs are increasing the harm to those particular prisoners in particular and all prisoners more generally.

We are encouraging CSC to follow their own research findings and focus upon more progressive and proactive approaches in order to address concerns about drugs in P4W.

We have encouraged CSC to utilize more supportive and constructive interventions aimed at encouraging those with addiction issues to self-identify and seek assistance, rather than a continuation of what seem to be current punitive practices of immediately removing all privileges and entitlements if and when drug use is suspected and/or detected.

In addition to regarding this practice as potentially in contravention of prisoners' Charter rights, we are particularly concerned that visits with family members, especially children, are being impacted despite the fact that there is no concern that such visitors are in any way involved with the introduction of contraband into the prison.

While prohibitions may assist or encourage the cessation of the prohibited behaviour among those individuals for or to whom the prohibited behaviour is somewhat inconsequential, it is well recognized that rather than deterring prohibited activities, increasingly punitive responses generally only serve to encourage greater efforts and risk-taking in attempts to avoid detection.

If we look at drug use for example, we know that the greater the potential punishment, the greater the lengths to which those with significant addictions, for whom cessation seems impossible, will go to address their addictions in ways that avoid detection.

We do not want to see further increases of punitive responses, as we only see this as leading to ever more women facing failure and hopelessness in this area. The consequences of this have been and would continue to be tragic.

CAEFS has suggested that CSC focus upon drug use prevention as well as relapse prevention work. Some of the work of such authorities as Dr. Diane Riley has also been suggested. Dr. Riley has recommended harm reduction approaches to managing drug problems in prison.

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c) Advocacy in the New Prisons

CAEFS is currently in the process of regionalizing its advocacy functions. Although some members of CSC expressed concern during the P4W Inquiry about the impact of our advocacy efforts with and on behalf of women, these have generally been concerns arising out of our monitoring functions.

Historically, the Executive Director of CAEFS has had the responsibility of visiting P4W on a regular basis as part of the manner in which CAEFS monitors and assesses the operational implementation of policies.

Such visits have generally been coordinated with the Executive Director of the EFS of Kingston, whose society is also contracted with the CSC to provide services to/for federally sentenced women in P4W and the community.

The purpose of these visits to the prison has been both to keep abreast of issues arising for federally sentenced women with a view to informing our broader advocacy and law reform efforts, as well as to assist our membership in their efforts to advocate with and for women in prison.

Unfortunately, subtle and overt threats to their supervision and service delivery contracts have left some of our local societies feeling somewhat reluctant to voice opposition to correctional policy and procedure. As a result much of this advocacy work has generally been performed by the national office.

With the advent of the new prisons and the national Healing Lodge, the advocacy efforts of CAEFS are being regionalized. Local societies closest to the new prisons will visit and provide services to women in the institutions on a weekly or daily basis, depending upon resources.

CAEFS has been asked to assist regions and continue to perform advocacy function, visiting the new prisons one to three times per year, with regional CAEFS representatives being responsible for monthly visits to the new prisons.

Such visits would include meetings with the organized prisoners' groups, such as the Inmate Committee(s), the Sisterhood, Black Women's Group(s), Francophone Women's Group(s), Lifers' Group(s), etc., as well as meetings with the prison administration.

The regional representatives will keep both the Elizabeth Fry societies in their region and CAEFS advised of issues, needs, concerns, etc. arising in the regions.

The Executive Director of CAEFS will coordinate national advocacy and policy reform efforts, with a view to assisting local and regional representatives as required.

The foregoing regionalization plans as well as existing roles of the respective local and national Elizabeth Fry representatives have been the subject of several formal meetings and numerous informal discussions with the wardens of P4W and the new prisons, staff of the Federally Sentenced Women Program and the Commissioner of Corrections. Indeed, prior to the April 1994 incidents, the Correctional Service of Canada provided CAEFS with a one-time grant to help resource our regionalization planning meetings.

CAEFS has also offered and is in the process of pursuing opportunities to provide informational sessions concerning our mandate, function and objectives for all staff at P4W and in the new regional prisons and the Healing Lodge.

In fact, at the warden's invitation, we have conducted such orientations for managers at P4W and have reiterated offers to provide same for front-line staff. We are also in the process of organizing similar assemblies with and for each of the new wardens and their staff.

It is instructive to note that rather than exhibit any interest in addressing the matters raised by CAEFS, Correctional Service of Canada is increasingly reacting to CAEFS' advocacy efforts by challenging CAEFS interventions as inappropriate attempts to interfere with CSC operations.

Issues which the CSC identifies as operational matters with which CAEFS has concerned itself are in fact situations which CAEFS has identified as involving issues of serious current and future policy implementation significance.

For example, during the P4W Inquiry, the question of the transfer of the women from P4W to the Kingston Penitentiary was identified as an operational matter by CSC.

CAEFS does not dispute the operational nature of any particular transfer decision by the CSC; however, given the unprecedented nature of the transfer, combined with the reality that CAEFS was not receiving answers to its questions regarding CSC's future plans with respect to involuntary transfers, the implications of that particular transfer for the future treatment of women in the new prisons was of extreme precedential importance to CAEFS.

CAEFS has obligations to federally sentenced women who look to us to advocate on their behalf. Accordingly, CAEFS has felt it was imperative to insinuate itself into some operational decisions, particularly where others have no jurisdiction or resourcing to assist the women.

Many of the issues which the Inquiry examined could be characterized as "operational concerns". The intervention of the IERT on April 26-27, 1994, the denial of women's rights and entitlements, as well as the extended retention of women in segregation, currently as well as in the past, are but a few such examples.

Where and whenever possible, CAEFS encourages women in prison to utilize the internal complaint and grievance procedures, as well as encouraging them to seek the assistance of the Office of the Correctional Investigator and legal counsel.

We also tend to coordinate efforts in order to ensure the most effective means of intervening are utilized and to avoid unnecessary duplicitous action.

The perennial issue of limited resources, as well as access thereto, combined with a high need for support of the women has also meant that at times CAEFS has assisted women with issues when they are unable to obtain counsel or other(s) to assist them. Humanitarian passes and national parole board matters are prime examples of these.

Following the release of **Creating Choices**, the Task Force Steering Committee and Working Groups were disbanded. They were then replaced by a National Implementation Committee, which, despite the recommendations of the Task Force, was devoid of federally sentenced women, CAEFS or other community representation.

Moreover, even since the promulgation of the **Corrections and Conditional Release Act**, with its s. 77 provision of a duty to consult with groups such as ours, the Commissioner of Corrections, as well as members of his staff at national and regional headquarters and the Federally Sentenced Women's Program have resisted involving CAEFS directly in policy development work for FSW.

In the new regional prisons, CAEFS and its membership will continue to discharge a monitoring function in order 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, in recommendations made during the policy examination phase of the P4W Inquiry, CAEFS asserted 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.

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d) Lack of Transitional Planning and Problems Associated with the Movement of Women to the New Prisons

CAEFS continues to focus on issues related to the implementation of the recommendations of the Task Force on Federally Sentenced Women.

Our aim is to assist and support women during the transition between the closure of the Prison for Women (P4W) in Kingston and the opening of the new prisons and the National Healing Lodge. To this end, CAEFS continues to make a minimum of one visit to the prison per month.

CAEFS was also able to visit women imprisoned in the new Prairie prison, the Edmonton Institution for Women (EIFW), the national Healing Lodge for First Nations women, located in Maple Creek, Saskatchewan, on the Nekaneet Reserve, the Atlantic region's Nova Institution for Women and the Burnaby Correctional Centre for Women, which is designated as the prison for federally sentenced women in the Pacific region.

Via these visits, as well as telephone calls and correspondence, we keep in regular contact with federally sentenced women across the country. Unfortunately, the women are having difficulty accessing CAEFS and some local Elizabeth Fry offices since the new telephone systems commenced.

In Edmonton, for instance, six months after opening and four months after the initial official request was made, the women's prison has not yet entered the CAEFS' telephone number into the institutional telephone system, thereby denying the women access to one of their community supports.

Federally sentenced women from the Prairies who had been retained or repatriated in the region and are currently imprisoned in the Regional Psychiatric Centre in Saskatoon, have now been moved to the new Edmonton prison, provincial jails or the Healing Lodge.

Conditions at the new Edmonton prison are reported as being quite abysmal by the women.

Most of the federally sentenced women from the Quebec region remain imprisoned in the provincially run Maison Tanguay. The women are in the provincial prison by virtue of an Exchange of Services agreement between the province and the federal government. The agreement is scheduled to expire once the new prison for women in Joliette opens.

Status updates on each of the new prisons are also regularly shared amongst CAEFS members.

Despite the objections and interventions of CAEFS and other national women's groups, the Correctional Services of Canada has now adopted a new security classification scheme for women. In addition, in reaction to the April "incidents", at which time the high risk mythologizing of federally sentenced women took on outrageous proportions, far too many women are being classified as high security risks.

Additional concerns exist regarding the need for placement integration of women into the new multi-level women's prisons, which were supposed to operate as minimum security prisons for women.

Before the regional prisons in Ontario and Québec have even opened, the security level of all of the prisons have been significantly elevated because of the inability of the Correctional Service to address the very real needs and issues of the women who were moved to the Edmonton prison over the past year.

As CAEFS observed last year, when the capacity of the enhanced security units was doubled in each of the new prisons, rather than seek the input and expertise of the women themselves and those of us who are invested in the Creating Choices vision, principles and model for women's corrections, the Correctional Service continues to repeat its history of resorting to static inhuman security mechanisms in the face of its own inability to implement innovative dynamic new correctional philosophy and approaches.

Although all but two of the regional prisons are now open, CSC has yet to develop transitional planning committees comprised of community representatives and women in prison headed for each of the new regional prisons or the national Healing Lodge.

The national steering committee, the membership of which federally sentenced women had requested include CAEFS, has never been struck. This reality notwithstanding, the Elizabeth Fry societies in the regions are working to build the links for women into their respective communities in order to facilitate planning for community-based services for the women once they are in the regions.

CAEFS also continues to work to ensure the involvement of federally sentenced women themselves in transitional planning, enhanced communication strategies and protocols between regions, in preparation for the closure of the Prison for Women and the consequent movement of federally sentenced women to the new prisons.

Self Defence Review Launched for Battered Women Who Defend Themselves

After approximately four years of intensive and extensive work in this area, CAEFS celebrated the appointment by Ministers Gray and Rock of Judge Lynn Ratushny to undertake a review of the cases of women currently serving federal sentences of up to life imprisonment for having defended themselves and/or their children against abusive partners.

CAEFS and other national women's groups applauded the announcement and look forward to participating in discussions regarding longer term law reform and systemic changes required to address the systemic barriers typified by the inability of women to avail themselves of legal protection when they are experiencing, responding to and defending against abuse.

Judge Ratushny has received 98 Self Defence Review applicants. Given the manner in which Judge Ratushny had to disseminate information regarding her work; namely, to all women convicted of homicide who are still serving sentences, as well as the extremely high rate of physical and sexual abuse histories amongst women in prison (90% of First Nations and 82% of all federally sentenced women), it is not surprising that so many women applied for the review.

Unfortunately, the limited resources provided to Judge Ratushny to conduct the review have allowed her to hire only a small (albeit energetic and committed staff) to assist her efforts.

CAEFS and its member societies assisted Judge Ratushny in gathering preliminary information with and for women who wished to apply for the self defence review.

Judge Ratushny is commencing her review by examining the cases of women who are still imprisoned. She will subsequently review those who are now in the community on conditional release.

She has also engaged the services of defence counsel to further assist her review process.

Her mandate permits her to make recommendations about other defences in addition to self defence, as well as to longer term law reform objectives. CAEFS' Social Action Committee continues to monitor the progress of this initiative and will continue to offer assistance to the women, as well as Judge Ratushny and her lawyers.

By looking at all of the women's cases and examining them together and in context, CAEFS is confident that Judge Ratushny will be able to clearly identify the systemic nature of abuse as well as the relative disparity of criminal justice system responses to women who have defended themselves against violent men.

The realities faced by many of the women in prison in such circumstances challenge fundamental notions of justice and fairness.

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Countering Push for Regressive Law and Order Types of Responses - Working Against the Backlash

Social and criminal justice reform tends to be increasingly regressive and punitive in nature. In efforts to counter this trend, CAEFS continues to facilitate, participate in and develop coalitions with other women's, social and criminal justice groups, with a view to strengthening our perspectives and voice with and on behalf of women who come into conflict with the law.

a) National Groups Outraged by Ontario Government Cuts

In October of 1995, CAEFS organized a coalition of 23 national First Nations, Inuit, social and criminal justice, anti-poverty, labour and women's groups who issued a joint press response, expressing our outrage at cuts to funding of halfway houses, second-stage shelters for women who have been victims of violence, and many other intervention programmes established to prevent violence against women and their children.

The funding cuts made by the provincial government were completely antithetical to the fundamental principles of justice and the interests of community safety.

In the 1970s, we finally saw the funding of innovative and progressive residential support programmes and services for women leaving abusive relationships.

Funding cuts to these programmes, along with those to legal aid eligibility, particularly for women leaving abusive situations, result in a serious attack upon the safety of Ontario women and children.

This reality was only exacerbated by the cuts to halfway house beds for men and women released from provincial prisons. These draconian measures chisel away at the very foundation of our community corrections systems and take us back nearly half a century.

Canadians need to recognize how much these sorts of regressive moves will cost in both human and economic terms.

Despite overall reductions in crime, we are witnessing a tendency to more quickly criminalize the behaviour of the most vulnerable and marginalized members of our communities.

It is clear that we will all suffer as a result of this amputation of adequate support services for women and children who are abused, as well as for those who are entering our communities after completing their terms of incarceration.

These sorts of provincial cutbacks, combined with the impact of the federal budget cuts to transfer payments, are simplistic and diminish the ability of both governmental and non-governmental bodies to contribute to community safety by creating more proactive and preventative means of addressing complex issues and concerns.

Such cost-cutting is likely to ensure that the justice system remains the catch-all for other systemic inadequacies.

Given the increasingly limited access to legal aid in this province, the chances are great that more marginalized people will end up in prison, at a cost far greater than that of any acquittal or community supervision, access to both of which will be far more limited to unrepresented accused persons.

By instituting these so-called economic decisions, the government is effectively increasing the long-term costs to Ontario taxpayers. Pilot projects in Ontario have shown electronic monitoring to be a redundant form of early release and in other jurisdictions to be an ineffective alternative to dynamic human support, supervision and intervention.

In addition, halfway house and second stage shelter accommodation is significantly less expensive than prison or hospital beds respectively.

Ontario's needs and concerns about community safety would be far better met by enhancing existing constructive and proactive responses, rather than by these decisions to abandon the community and ultimately resort to the least efficient and most expensive means of addressing crime and will leave the public, especially women and children, more vulnerable.

As the women who were hoping to be day paroled to Ottawa and the Elizabeth Fry Society of Ottawa know only too well, having lost their halfway house as a result of these cuts, the tragic consequence is that Ontario will pay dearly for these decisions.

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b) Dangerous Offender Designation for Women

This year saw the Women's Legal Education and Action Fund (LEAF) filing our application for intervenor status in the case of Lisa Neve, the second woman to be declared a dangerous offender in Canada. Lisa was 21 years of age when she was declared a dangerous offender and sentenced to an indeterminate sentence in November of 1994.

Susan Hendricks is co-counsel for the LEAF coalition, which consists of LEAF, CAEFS, the Native Women's Association of Canada (NWAC) and the DisAbled Women's Network of Canada (DAWN).

We hope to see both the designation of Lisa as a dangerous offender, as well as the indeterminate sentence overturned.

In addition, the intervening coalition hopes to limit the application of these provisions to more women.

Unfortunately, this past year saw yet another woman designated as a dangerous offender following her conviction for arson; that woman received a long but determinate sentence.

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c) Judicial Review

In coalition with other justice groups, including the Canadian Bar Association, CAEFS has urged Hon. Allan Rock, Minister of Justice, not to amend or repeal the judicial review provisions of s. 745 of the **Criminal Code of Canada**. Indeed, we have encouraged Minister Rock to preserve and protect the judicial review provisions.

While we recognize that there are calls for the repeal of s. 745, we are very much opposed to such a move. We believe that abolishing the opportunity for prisoners serving life sentences of fifteen years or more to apply for a judicial review of their parole eligibility will likely only serve to increase both the human and economic costs of the criminal justice system and increase fear and misperceptions about crime amongst the Canadian public.

While we believe that the needs and concerns of victims of crime must be addressed, as you know, the concerns raised by some of the most vocal proponents of the abolition of s. 745 will not be met by such a move.

The record is clear that of the fifty-five men and the one woman who have thus had their parole eligibility reviewed and reduced from twenty-five years, only one has been reconvicted of any criminal offences.

Contrary to the public misconceptions, none have murdered following their return to the community.

Rather than succumb to this pressure and thereby perpetuate the misinformation already being disseminated to the public with respect to section 745, CAEFS has urged the government to demonstrate leadership in this area by refusing to further limit the access of prisoners to just and fair procedures.

We also urged Justice to launch a concerted public education campaign to promote the need for more responsible and humane criminal justice approaches to enhance the safety of all Canadians.

We strongly encouraged Minister Rock and his department to disseminate the following information to all Canadians:

1. that s. 745 is not a "loophole";
2. that s. 745 does not provide automatic release for prisoners;
3. that the actual review is conducted by a jury made up of members of the community (usually from the community in which the offence originally occurred);
4. that a "successful" review by a jury of Canadian citizens does not result in release, but merely allows the prisoner to then **apply** for parole to the National Parole Board;
5. that the National Parole Board then further evaluates the risk of each person to the community and the appropriateness of granting parole;
6. that if there are concerns that the individual under review poses a risk of committing violence in the community, that person is not released;
7. that the longer someone is imprisoned and the less support and supervision they are provided upon release, the greater the likelihood that the level of risk posed by that person to others in the community will increase;
8. that even if someone is then granted parole, the individual is only released into the community under the close supervision of correctional authorities and other criminal justice professionals.

We have also indicated that CAEFS and other organizations would be pleased to assist with any such public education efforts.

We believe that the resources which would be spent on further incarceration should s. 745 be repealed, would be much better spent on responding to the very real needs of victims of crime.

For example, we encourage you to devote additional resources to victim compensation, women's centres, particularly rape crisis and women's shelters, as well as other crime prevention efforts in Canada.

In fact, CAEFS has initiated and participated in public debate via the media as well as private and public meetings involving other criminal justice and victims' groups.

d) Young Offenders Act (YOA)

On April 30, 1996, CAEFS will appear before the Standing Committee on Justice and Legal Affairs to speak to the Phase II Review of the **YOA** to speak to the impact of the Act upon juvenile justice for young

women. CAEFS continues to have grave concerns with respect to the increasing numbers of younger women in the provincial and federal prison systems.

For copies of CAEFS' position papers or additional information, please contact Kim Pate at (613) 238-2422, [E-Mail](#), or the [Elizabeth Fry Society in your community](#).

CAEFS' PLANS FOR THE FUTURE

The fine tuning of CAEFS' organizational restructuring to accommodate regionalization will continue this year, particularly as the new prisons open in each of the regions.

CAEFS' priority in this respect is to ensure that the Elizabeth Fry societies in the regions will be ready to work with and for the federally sentenced women who are moved into their communities. As noted earlier, this move will see more regional involvement of the local societies in both individual assistance and systemic educational and advocacy efforts with and on behalf of women in prison.

The next significant social action work will focus upon an examination of the mental health needs of federally sentenced women, as well as the increasing tendency to criminalize women who have traditionally been pathologized.

The need in this area is first being felt most acutely in the Atlantic provinces.

Women have historically been over-represented in psychiatric settings, as opposed to their under-representation in the prison systems.

With the closure of psychiatric hospital wards and termination of community-based services, however, Canada is witnessing a marked increase in the number of women who are being criminalized within a very short period of their release from or rejection by increasingly overtaxed and under-resourced mental health services.