

Position of the Canadian Association of Elizabeth Fry Societies (CAEFS) Regarding the Conditional Release Options Required by Federally Sentenced Women

Identification of the Issues

Ten years ago the Standing Committee on Justice and Solicitor General reported upon the critical inadequacy of community correctional services for women in Canada. In 1990, the Task Force on Federally Sentenced Women reiterated the observation and further noted that there was no "evidence of concerted efforts in the past to document the situation and develop an appropriate, effective strategy to address deficiencies" (p. 66 of *Creating Choices*). In March of 1996, the Correctional Service of Canada (CSC) hosted a National Workshop to Develop a Community Strategy for Federally Sentenced Women. Participants spoke of the urgent need for concrete action to address the deficit of community release options for federally sentenced women. Recently, CSC issued a *Community Strategy or Women on Conditional Release Discussion Paper*.

The CSC Discussion Paper provides a good introduction and a useful outline of some of the key issues pertaining to the community integration needs of federally sentenced women. While it also provides a few examples of the sorts of programming options that might be developed for women, it lacks the prerequisite profile of the services, programs, practices and approaches currently utilized for women throughout Canada. There are regional variations in terms of the nature and extent of service deficits. Accordingly, prior to responding to the Discussion Paper, CAEFS canvassed its own membership and contacted the Deputy Commissioners in each of the regions, with a view to discerning current and contemplated conditional release service options in each of the regions.

CAEFS contends that there is an urgent need to address the community release requirements of federally sentenced women. We are particularly concerned about the complete lack of women-only and women-directed residential release options in the Prairie and Atlantic regions. We also insist that the current system, which was designed for men, does not serve the releasing needs of women. Release options should also reflect the relatively low risk to the safety of the public posed by women, including their lower overall recidivism rate compared to men, and the far smaller percentage of the violent crimes committed by women (Federally Sentenced Women Program, *Literature Review*, CSC, 1994). Accordingly, we believe that these factors should be included in principles outlined in the Discussion Paper as underlying the community strategy.

In addition to creativity and flexibility, community development and partnerships and re-incarceration as a last resort, CAEFS is of the view that the following factors are also fundamental principles that should underlie the community strategy:

- women-only residential/halfway house day parole and temporary absence options must be made available to federally sentenced women in each province;
- accommodation of women in men's residential services is not an acceptable alternative to women-only services;
- appropriate resourcing models that recognize the importance of small, regionalized residential resources for women require new funding models, as current funding formulae are inappropriate and largely irrelevant to current residential service provision models for women;
- residential release options must reflect the diversity of the federally sentenced women they are designed to serve by providing specific accommodation of and for mothers and children, women designated as high need and/or high risk, older women, women serving lengthy sentences, women with significant mental health and/or capacity challenges.

Failure to provide adequate services for women contravenes the Mission and Core Values of the CSC, the principles and provisions of the **Corrections and Conditional Release Act (CCRA)**, and the formal and substantive equality rights of women as guaranteed in the Canadian Constitution, by virtue of the provisions of the **Canadian Charter of Rights and Freedoms**. It is CAEFS' view that these various legislative and policy statements impose a duty upon the government not to exacerbate the disadvantage of federally sentenced women, instead to ameliorate the discriminatory conditions. In addition, CSC policy, sections 77, and 80-84 of the **CCRA**, and section 15 of the **Charter** provide encouragements to CSC to take the initiative to develop proactive resources and services.

Addressing the Needs

At the June 1998 Annual General Meeting of CAEFS, the entire membership reaffirmed the association's commitment to ensuring that the community release needs of federally sentenced women are met in each of the regions. In each of the regions, local Elizabeth Fry Societies are working toward meeting the following range of needs:

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- accommodation or housing requirements, including halfway houses, satellite units, supported independent living, s. 81 and s. 84 agreements, subsidized and second-stage housing, private home placements [preferably in own, familial home or home community, as opposed to glorified foster home types of placements which provide more limited, potentially infantilizing environments];
- financial support, including paid, training and voluntary employment placements and options, facilitating access to social assistance, disability and other income support options;
- personal development and support, including bridging and facilitating familial and community contact, facilitating access to child care and support, peer and community support groups, recreational opportunities, vocational and academic training, cooperative and on-the-job training.

CAEFS' believes that all federally sentenced women should have access to the foregoing upon release. Moreover, as CAEFS articulated during and following the March 5-7, 1996 National Workshop to Develop a Community Strategy for Federally Sentenced Women, we also remain committed to ensuring that services are provided with and for women whilst they are incarcerated. As envisioned by the members of the Task Force on Federally Sentenced Women, CAEFS will continue to encourage the establishment of such meaningful community involvement for women during their incarceration as, work release options in the community, citizen escorts to facilitate programming, treatment, personal development, access to women's centres and services, work releases and temporary absences.

CAEFS' Recommendations and Proposals

Community Liaison

The CAEFS membership has a long history of service provision with and for federally sentenced women. Such services have been provided on contractual as well as voluntary bases. Since the opening of the new regional prisons, CSC institutional staff have increasingly been expected to assume tasks that were historically provided by organizations such as ours in the community. For example, rather than hire externally-located community liaison workers to provide community-based services for women in and leaving prison, as well as bridging services between the institutional and home communities with a view to facilitating successful release, CSC designated a staff member in each of the regional prisons as a liaison worker. Unfortunately, these individuals, essentially as a result of the fact that they are based in the institutions, and given that each of the institutions have expressed concerns regarding staff resourcing deficits, have ended up trying to develop community contacts and link with resources on top of additional institutional duties and responsibilities.

Accordingly, CAEFS remains of the opinion that at least one community-based liaison worker is required in each of the regions. Furthermore, given the history of Elizabeth Fry societies, in terms of community development, networking, regional advocacy and service provision, the CAEFS membership is particularly well placed in terms of expertise and experiential background to provide such services. As such, we remain of the view that such positions should be contracted by CSC in each of CSC's five regions.

This and the following suggested actions were envisioned as part of the implementation plans that were to be developed or 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, reinforce the validity of this approach.

Minimum Security

As a result of CSC's decision to enhance the static security measures in all of the regional prisons and at the Okimaw Ohci Healing Lodge, 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 can and does impact the community release options of women, in terms of the availability of work releases, temporary absence passes, employment opportunities and other release planning, as well as the likelihood of favourable consideration by the National Parole Board.

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, temporary absence and community release options within women's corrections. 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.

Women with Mental Health. Capacity and/or Other Treatment Needs

To start with, the confinement of women identified as having mental health needs at the regional prisons, rather than in separate and/or isolated facilities, is bound to make it more likely that they may be eventually integrated into the general prison population. Further, it increases the likelihood that they will enjoy a much easier, less stressful transition than would be the case if they continue to face the necessity of transferring from one institution to another, as is currently the situation for women in the Prairie and Atlantic regions. Any approaches which ease the transition phases are extremely important considerations for women who are regarded as having significant mental health, capacity and/or treatment needs.

Appropriate institutional and community-based treatment services, as well as supported community living and 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. In addition, appropriate treatment services must be developed or contracted for federally sentenced women with treatment needs.

In accordance with the philosophy of *Creating Choices*, community-based services should be looked to as a first priority in terms of meeting women's needs. Women's centres, rape crisis centres, drug and alcohol rehabilitation services, sheltered workshops and mental health services are some examples of the types of resources which should be contracted with by the CSC, rather than institutionally developed.

Some of CAEFS members are particularly interested in developing and providing enhanced residential and community support services with and for federally sentenced women who are identified as having high needs. Treatment-specific resources can and should be designed and developed, particularly for women with mental health, capacity and treatment needs. This will require a new means of funding, monitoring and evaluating such services, in order to maximize the likelihood of their success.

Day Parole Options

Legal opinions received by CAEFS confirm that although National Parole Board (NPB) and CSC policies anticipate that those on day parole will be housed in community correctional centres or community-based residential facilities, legal reporting requirements do not necessitate such residential options. Indeed, reporting requirements could be accommodated by alternative residential arrangements. Substance abuse and mental health treatment placements, day reporting centres, satellite units and other accommodation options, combined with community supervision contracts.

Given the obvious need to coordinate efforts in this regard with the NPB, CAEFS proposes that CSC, CAEFS and the NPB examine this area in detail, with a view to determining whether in fact current policy may be adapted to meet the needs of federally sentenced women, or whether alternative strategies must be employed. While CAEFS would prefer to be able to explore and pursue options in conjunction and collaboration with CSC and the NPB, we will persevere in this respect even if collaborative efforts are not ultimately feasible.

Community Release Pilot Project

As indicated above, CAEFS is of the opinion that residential release options for federally sentenced women released on day parole, statutory release with residency requirements, et cetera, must be provided in each Canadian province. CAEFS membership has committed itself to be part of the development and delivery of such services. To this end, we are proposing that CSC contract with CAEFS to conduct pilot projects in this regard. Commencing in the Atlantic and Prairie regions, CAEFS proposes initiating a project to achieve the following:

- work in conjunction with community and institutional staff to identify the needs of federally sentenced women in the region;
- assess the existing resources available, as well as service delivery gaps in the provinces within each respective region;
- consult, enhance and/or develop linkages and engage municipal, provincial and federal governmental departments and non-governmental community-based organizations and resources, particularly First Nations/Aboriginal groups and services;
- propose community residential options for the individual provinces in the respective regions;
- develop plan, including an evaluative mechanism, for the implementation of the proposed community residential options.

CAEFS anticipates that the pilots could be conducted within a 12-18 month period. Ideally, we would like to commence pilots in the Atlantic and Prairie regions by

September 1998. Simultaneously, we recommend that the following efforts be undertaken in the other three CSC regions:

Québec Region - support for the development by the Elizabeth Fry Societies of Québec of small satellite residential centres units to supplement the provision of halfway house beds via la Maison Thérèse Casgrain in Montréal;

Ontario Region - address the financial inadequacies of current halfway house funding formulae; develop plans for the enhancement of community support services and treatment options; provide resource and accommodation models for residential services for women emerging from institutionally based mother-child programs, as well as for those who are re-connecting with their children upon release;

Pacific Region - in conjunction with broader examinations of the Exchange of Services Agreement between CSC and the British Columbia Ministry of Corrections vis-a-vis the provision of correctional services for federally sentenced women in the Pacific Region, examine the specific residential needs, of federally sentenced women in B.C., funding arrangements, and release policies, services and practices employed by the Bumaby Correctional Centre for Women; implement the recommendations of the B.C. Release Housing Program for Women (completed August 1996).

Moving into the Future

In addition to the foregoing, CAEFS remains committed to ensuring that CSC institutional and community staff, Elizabeth Fry staff and volunteers, women who are or have been subject to federal sentence, as well as other governmental and non-governmental providers of services with and for women, are involved in order to ensure that resources are developed utilizing the best available experience and expertise. CAEFS public profile, network of coalition partners amongst women's, Aboriginal, and social justice groups, and ongoing training and public education activities will enhance such efforts.

Ten years after the Daubney Committee designated the need for community resources for federally sentenced women as critical, CAEFS looks forward to a speedy shift into the implementation of same. We look forward to working with CSC to launch the aforementioned pilot projects.

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