

# Phase II Submission of the Canadian Association of Elizabeth Fry Societies to the Commission of Inquiry into Certain Events at the Prison for Women in Kingston

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## I. Introduction

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 a forum within which the public may be informed about, and participate in, aspects of the justice system which affect women.

As a public interest group with standing at this Inquiry, CAEFS valued the opportunity Phase I provided for the examination of 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 Phase II then 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.

Phase II highlighted the significance of this Inquiry. It created the 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, CAEFS has experienced a 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 that 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 we have 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 required 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 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.

Accordingly, CAEFS respectfully submits that the recommendations we made on the record during Phase II, combined with the ensuing written recommendations and those of other groups, such as LEAF and the Correctional Investigator, as well as those anticipated from the Inmate Committee and the Native Sisterhood, should provide the groundwork for this Commission to recommend significant reform of the treatment of women imprisoned in Canada.

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## **II. Accountability**

*"... why is it that we think that - and we hope - that we can change CSC?"*

Marie Andrée Bertrand

## **A. National**

### **Recommendations**

**1. CAEFS joins both the Office of the Correctional Investigator and the Women's Legal Education and Action Fund (LEAF) in recommending that a commissioner of women's corrections be appointed to govern all matters related to federally sentenced women, including the supervision of the wardens of the new regional prisons and the Kikawinaw of the Healing Lodge, and that such office be independent of the current Correctional Service of Canada, by reporting directly to the Solicitor General. CAEFS further recommends that the individual appointed come from outside the ranks of CSC, and preferably be a woman whose experience encompasses human service administration in areas that could include social services, education and health services, as well as the criminal justice system.**

**2. CAEFS further recommends that the head of women's corrections [or CSC, in the unfortunate event that 1. is not recommended] be part of a mandatory advisory body to be comprised minimally of individuals representing:**

- a)** federally sentenced women, preferably at least
  - (i)* two who are currently "serving prisoners", possibly elected from the chairs of the Sisterhood groups and Prisoners' Committees of the new prisons and the Healing Lodge, and
  - (ii)* two who are formerly imprisoned federally sentenced women, these individuals could be representatives of self-organized former prisoners, such as Strength in Sisterhood (SIS) thereby being selected by former and/or serving prisoners;
- b)** the Office of the Correctional Investigator;
- c)** the Native Women's Association of Canada;
- d)** the Canadian Association of Elizabeth Fry Societies;
- e)** Black, visible minority and immigrant women's community(ies) (likely need more than one representative);
- f)** the Union of Solicitor General Employees.

This sort of advisory body was originally contemplated by the members of the Task Force on Federally Sentenced Women. Furthermore, although CSC did not choose to

implement the national body recommended for the federally sentenced women's initiative, CSC does have a National Aboriginal Advisory Committee.

The CSC is mandated, by virtue of the provisions of s. 82(1) of the (*CCRA*) , to establish national, regional and local advisory committees. The members of the national body are all First Nations representatives external to the Correctional Service, whose mandate it is to advise the Commissioner, via his Corporate Advisor on Aboriginal Programs, with respect to issues related to CSC's work with aboriginal offenders. Moreover, as LEAF has established in its submissions in this regard, the need for a separately administered corrections system has long been discussed and advocated.

### **Recommendation**

**3. CAEFS recommends that this Commission propose that s. 82 similarly apply to the new national head of women's corrections, as well as the regional/institutional heads; CAEFS further recommends that s. 77 of the *CCRA* be amended to include a provision similar in principle to that of s. 82(1), whereby the sort of advisory committee recommended above, as well as regional advisory bodies, can be legislatively mandated, with a duty to report on a regular basis and issue a written report annually to the Solicitor General and the Parliamentary Standing Committee on Justice and Legal Affairs.**

We would anticipate that the work of the national advisory committee would involve the provision of support and advice to the senior administrator of women's corrections. We would anticipate that such advice would primarily relate to the development of policy within the existing legislative framework, as well as suggestions for law reform. At the outset, the committee would undoubtedly need to focus upon the improvement of internal and external accountability mechanisms.

## **B. Regional**

### **Recommendation**

**4. Pursuant to the foregoing, CAEFS further recommends that regional advisory committees, similar in composition to that proposed for the national body, be established for each of the new regional women's prisons, including the National Healing Lodge and the Burnaby Correctional Centre for Women.**

These regional bodies could act as a governing board for each of the new prisons. As such CAEFS would recommend that each should include representation from at least the following groups:

- 1) federally sentenced women in the prison, as well as those in the community;
- 2) external individuals and organizations such as regional representatives of CAEFS, elders, the Native Women's Association of Canada and other First

Nations, and community-based women's and other social justice groups;

3) representative(s) of the Black, visible minority and immigrant women's community(ies);

4) representatives of the Office of the Correctional Investigator, possibly the Investigators for the respective regions;

5) regional representatives of the Union of Solicitor General Employees;

6) individuals and/or groups with expertise in areas of particular interest or need (eg. issues related to violence against women, mental health, et cetera).

### **C. Institutional**

CAEFS anticipates that this Inquiry will produce a thorough report and many useful recommendations. However, unless accountability mechanisms are established in order to maximize the likelihood that federally sentenced women will experience justice and fairness while in prison, the unfortunate reality is that their needs and concerns will once again disappear from public view once the work of the Inquiry is done. Furthermore, in these times of increasing political and socio-economic polarization and given the flagrant disregard for the law disclosed by CSC in evidence during Phase I, we anticipate even greater difficulty gaining full public exposure of future crises for federally sentenced women behind prison walls.

We recognize that there are some excellent, very dedicated and well-intentioned staff within the CSC who have valiantly tried to effect change in such areas as risk management and therapeutic programmes and services for federally sentenced women. Despite their best efforts, however, their work and words are too often finessed into bureaucratic rhetoric.

### **Recommendations**

**5. CAEFS accordingly supports the recommendations of the Correctional Investigator with respect to the need for the wardens of the new regional prisons to be held accountable for institutional adherence to the provisions of the *CCRA*, and that rates of conditional release and availability of relevant institutional and community programming to achieve successful community integration, be included as key variables in the evaluative process.**

**6. CAEFS further recommends that, commencing with the Exchange of Service Agreement (ESA) pertaining to the Burnaby Correctional Centre for Women, all ESAs between the federal and provincial/territorial governments be reviewed in order to ensure that the rights and entitlements of all federally sentenced women are provided and protected thereunder.**

By virtue of an Exchange of Services Agreement between CSC and B.C.'s provincial corrections department, the provincially run Burnaby Correctional Centre for Women (BCCW) serves as the carceral setting for federally sentenced women in the Pacific region. While the director of BCCW apparently continues to participate in national meetings with respect to federally sentenced women's issues, BCCW has been excluded from documentation regarding Task Force implementation matters by CSC since shortly after it became operational in 1991.

## **Recommendation**

**7. CAEFS further recommends that our organization be provided with the mandate and requisite resources, including the financial means, to conduct annual audits of institutional adherence to governing legislation and policy within each of the regional prisons for women, such audits to be submitted to the Solicitor General and the Standing Committee on Justice and Legal Affairs.**

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## **III. Policies**

### **A. Staffing**

#### **Recommendation**

**8. CAEFS urges that the Commission recommend that correctional policy for women prohibit the employment of men to work in front-line positions at the Prison for Women and in the new regional prisons and that sexual harassment policies be established for the new prisons.**

We are concerned that the staffing model for the new prisons has shifted significantly from that envisioned in *Creating Choices*, and that this could result in a parallel shift from a human services orientation of staff as supportive facilitators, to a fairly clear correctional or guarding orientation. For example, although it was originally envisioned that the heads of the new facilities would be recruited from other social service fields, all of the "wardens" were hired from the administrative ranks of CSC. Also, while the titles of the new staff has been changed to "primary Workers", their duties will basically be a roll-up of current correctional officer and case management officer duties, with some programming responsibilities. In addition, their training will consist of basic CSC correctional officer training, plus a mere ten days of "woman-centred" training.

Most significantly, of course, is the decision to open up front-line staff positions to men in the new regional prisons currently under construction. The Task Force found that more than 80% of federally sentenced women have histories of physical and or sexual abuse, most at the hands of men in positions of authority over them. The figure rises to over 90% for First Nations women alone, a group that is disproportionately over-represented in the prison population. CAEFS is of the view that the potential risks and/or perceived

risks of abuses of power in general, and sexual coercion, harassment and/or assault more particularly, are likely to be exacerbated by the presence of men in front-line correctional worker positions.

With the tabling of *Creating Choices*, the Correctional Service itself acknowledged that federally sentenced women would likely benefit in terms of personal growth, individuality and independence by having supportive and sensitive women as front-line workers, and that staffing policies would then be consistent with the current Correctional Service of Canada policy of not hiring men as front-line correctional officers at the Prison for Women. Moreover, in 1980, Canada endorsed international norms with respect to the assignment of male and female prison guards. Article 53 of the United Nations' Standard Minimum Rules for the Treatment of Prisoners specifies that women prisoners are to be "attended and supervised only by women officers". In addition the recent decision of the Supreme Court of Canada in the Conway case essentially reaffirmed current practices at the Prison for Women of allowing only women to fill front-line positions, stating that such practices were in keeping with the provisions of the *Canadian Charter of Rights and Freedoms*.

For all of the foregoing reasons, as well as those articulated by LEAF, CAEFS continues to oppose the hiring of men to work in the living units or any other "front line" positions in the new regional prisons for women.

## **B. Security Classification Model**

### **Recommendation**

**9. CAEFS continues to recommend the abandonment of CSC's "Security Management Model" and echoes the suggestion of the Correctional Investigator that access to the Healing Lodge, as well as to programs both within the regional prisons and the community, be determined based upon the individual needs and circumstances of each woman, with those representing the greatest need receiving priority access to same; also that all security classification, risk assessment and case management practices for federally sentenced women reflect the same priority.**

CAEFS continues to view the need for a gender-specific process as vitally important to the implementation of the recommendations of the Task Force on Federally Sentenced Women in the new prisons. While we recognize that some women sometimes pose a risk to themselves or to others, CAEFS advocates an holistic approach to the security needs of federally sentenced women, as opposed to pursuing the "male-oriented" offence-based models. By focusing on what is essentially a negative approach to classifying women, the model currently being proposed appears most likely to further disempower and therefore contribute to the continued infantilization of federally sentenced women.

Rather than promoting such approaches as condemnation and punishment, *Creating Choices* advocated the promotion of self-directed and peer-supported alternatives. It was felt that more behavioural change would be possible if prisoners and staff had a better

understanding of human behaviour and relational dynamics. Understanding what makes a certain behaviour unsafe and what other alternatives exist is more likely to produce more constructive and desirable behavioural change, than is a punitive or manipulative response. An atmosphere of mutual respect and dignity was viewed as the ideal means of maintaining institutional order or discipline.

Current plans for security classification do not seem to have moved sufficiently from the problem of the old model and we are worried that this could transport the recent and perennial difficulties at P4W to the new prisons by importing behaviour modification style practices of punishment and privilege bartering. We are fundamentally opposed to continuing the process of transforming women's needs and often desperate life experiences into criminogenic factors and potential instruments of, or rationale for, punishment.

Research into violence and aggression reveal that there are strong situational factors operating either to facilitate or inhibit an outburst of violence, for example: anger and cognitive labelling; dehumanization and deindividuation; stress factors; perceived alternatives to violence. Even the most passive person is probably capable of some aggression if not outright violence under certain circumstances.

The Task Force envisioned individualized woman-centred approaches, as opposed to a continued focus on male-norm based correctional classification strategies. Creating Choices anticipated that all assessment tools and program plans for federally sentenced women would be oriented to and driven by their respective community release plans, rather than the current move toward a model of specified or core correctional program categories.

CAEFS submits that during both phases of the Inquiry, CSC attempted to justify its actions surrounding the April 1994 incidents by demonizing the women involved, portraying them as dangerous, high risk women. As a result, following the April 1994 events at the Prison for Women, CSC developed a new "Strategy to Manage Federally Sentenced Women who Behave Violently" and doubled the capacity of the Enhanced Security Units of the new prisons, rather than examine such systemic and institutional factors as:

"... the overall differences between men and women and the[ir] use of violence ... gender blindness in research and practice and its different impact on men and women ... the traditional dominance of individual explanations of misconduct and criminology, and especially within the prison ... [a]nd their implications for practice, assuming individuals must change but leaving the environment unchanged ... the importance of legitimacy, fairness and justice, underlying the exercise of prison power whether for males or females ... the role of the institution in generating conflict ... differences in the incidence and characteristics of violence by men and women and in disturbances seen in institutions ... the pains of imprisonment and their relationship to women's

experiences, and finally, the particular characteristics of the Canadian federally sentenced female situation which free us from some of the constraints imposed upon other countries or with male populations, but also require us to take account of their experiences as women and of the high proportion of First Nations and other minority women in the population." (pp. 590-591)

..."It is, for me, a curious thing that our knowledge of how to handle violence and destruction in schools or in psychiatric hospitals even has for some time included the organization and management practices of those institutions as a crucial element in the generation and the way that violence is encouraged and a major place for intervention. In prisons, while there has been some acknowledgement of management practices and routines as ways of improving the handling of events, the major focus is still on the identification of the characteristics of the individual most likely to be disruptive." (p. 598) Transcript of Phase II Proceedings: Margaret Shaw - November 21, 1995

Rather than encouraging prisoners to take responsibility for their actions and to respect the law, prisons tend to encourage the development or enhancement of coping skills that rely upon the use of manipulation and coercion. The more powerless and unable to influence their own circumstances people feel, the more likely they are to resort to increasingly desperate measures in order to feel as though they have some control over their lives. In the case of women in prison, this often results in women resorting to self-injurious behaviour in an effort to deal with a dehumanizing situation. Further, prisons tend to promote the very behaviour they are supposed to "correct".

It is not surprising that it is in those relatively few prisons where prisoner empowerment and self-actualization, as well as the development of a sense of community, are encouraged that self injury, assaults and suicides, as well as the need for institutional use of force is rare.

## **Recommendations**

**10. CAEFS recommends that prisoners be encouraged in self-actualizing and self-expression, and that institutional resources focus upon and promote opportunities for prisoners to exercise choice and preference, whilst staff simultaneously model and expect pro-social, humane and respectful interpersonal interactions.**

**11. CAEFS further recommends that staff screening, selection, training and professional development and advancement policies and practices reflect the foregoing by encouraging and rewarding same.**

**12. CAEFS also recommends the development of non-punitive conflict resolution training and support for prisoners and staff, as well as the abolition of any rule**

**prohibiting behaviour or which defines as institutional infractions, attitudes as offences against the good order and discipline of the prison.**

### **C. Preventing the Use of Force and other Punitive Mechanisms**

Again, in keeping with the discussions during Phase II, as well as the views articulated by CAEFS and others, we promote the following submissions.

#### **Recommendations**

#### **13. CAEFS recommends that the legislative and policy provisions pertaining to the regional prisons and federally sentenced women be amended so as to:**

- a) eliminate the use of mace or any other weapons;
- b) eliminate the use and prohibit the establishment of institutional emergency response teams or police squads;
- c) eliminate the use of arbitrary strip searching and restraints;
- d) direct the use of dynamic and human interaction, as opposed to segregation and other forms of "enhanced security"; encourage the provision of immediate access to therapeutic/personal support in crisis situations, as well as such other approaches as peer support, to assist in diffusing and ultimately resolving situations; provide staff with additional training with respect to women's issues, such as how to work with women encountering flashbacks, et cetera;
- e) prohibit the use of involuntary transfers;
- f) mandate the establishment and monitoring of effective accountability and grievance mechanisms for prisoners;
- g) prohibit the development of a Special Handling Unit (SHU) for women, in name or practice (ie. both, the establishment of a new SHU or the continued use of B-Range at P4W, or the Enhanced Units in the regional prisons and the Healing Lodge as separation units);
- h) direct reform of the internal investigative process by ensuring that investigators are external to the CSC, with at least one member of each board of investigation examining issues involving federally sentenced women being a nominee of CAEFS; and that such boards have the independence to expand the scope of their investigations, the nature of evidence sought/collected, the publicizing of findings, et cetera);
- i) provide non-violent, women-directed and lesbian positive environments that create healthy atmospheres for prisoners, including lesbian positive staff who

understand and support women who are dealing with a multiplicity of issues, including past experiences of violence, separation from children, et cetera;

**j)** mandate the provision of a mother-child and prisoner parenting policy in each of the regional prisons and the national Healing Lodge, whereby participation is voluntary and may only be interfered with by relevant child welfare authorities;

**k)** mandate the provision of enhanced personal and professional development opportunities in each of the regional prisons and the national Healing Lodge for prisoners serving prison terms, particularly for those serving prison sentences in excess of five years;

**l)** mandate the provision of mental health resources in each of the regional prisons and the national Healing Lodge for women who desire/require same, such services to be developed in conjunction with relevant community-based mental health authorities;

**m)** provide training for prisoners and staff in non-violent crisis intervention techniques, as well as crisis debriefing; also, provide and promote professional support and on-going professional development in these areas via the provision of a minimum 50 hour per year training requirement for staff;

**n)** advance the protection of prisoners' rights and entitlements, such as the access of prisoners to legal counsel;

**o)** direct the provision of mandatory staff and prisoner orientation and ongoing educational programs designed to alert both to the obligations of staff to protect the human rights of prisoners, in accordance with Canada's agreement with the United Nations Minimum Standard Rules on the Treatment of Prisoners, the *Canadian Charter of Rights and Freedoms*, Canadian Human Rights legislation, the Corrections and Conditional Release Act, as well as provincial corrections legislation and regulations;

**p)** enhance the power of CAEFS and others whose mandate it is to promote the dignity and autonomy of prisoners to positively intervene to support and protect the rights and entitlements of women in Canadian prisons both with respect to specific incidents as well as the more general administration of the regional prisons, including the power to initiate appeals to the regional and/or national advisory bodies contemplated in recommendations 2 and 4 above.

#### **D. Discouraging the Use of Incarceration in Canada**

CAEFS and other national women's and social justice groups condemn the use of incarceration as the least effective and most expensive means of addressing criminal transgressions. Incarceration is too frequently a dehumanizing and brutalizing experiences for prisoners, and therefore tends to promote the very behaviour it is

designed to correct. We feel it is imperative that the Commission call upon the federal government to limit the use of incarceration by making the following recommendations.

### **Recommendations**

**14. CAEFS recommends that the federal government immediately institute a moratorium on the number of prison beds available for federally sentenced women throughout Canada and limit the utilization of same by capping the number of prison bed days available to each sentencing judge.**

**15. CAEFS further recommends that the federal government provide resources to judicial education authorities to support the provision of educational opportunities to enable members of the judiciary to gain a greater understanding and assessment of the relative merits and long term effectiveness of sentencing options.**

**16. CAEFS further recommends that the federal government actively support the provision and use of such non-incarceral criminal sanctions as probation, suspended sentences, attendance centre, educational and vocational programming or training, therapeutic and self-help services, neighbourhood and community service, restitution, compensation, mediation, and the variety of alternative forms of residentially-based treatment and community supervision options -- from halfway or quarterway houses to supported independent living and satellite housing projects.**

**17. CAEFS further recommends that the federal government repeal all mandatory minimum sentences and limits for parole eligibility.**

**18. CAEFS further recommends that the federal government de-institutionalize as many women in prison as possible, ensuring that all "correctional" resources attached to the incarceration of each woman follow her in to the community for at least the period during which she would have otherwise been in prison [CSC's 1992 figures indicate that the annual cost of incarcerating each federally sentenced woman at the Prison for Women is approximately \$92,000], thereby ensuring that the needs of the women, as well as their respective communities could be met -- even community-based security concerns could be addressed by 24-hour support and supervision if necessary.**

**19. CAEFS further recommends that the federal government fund and promote the access of women in prison to legal aid services to address issues related to their conditions of imprisonment and conditional release, so that adequate legal aid coverage is provided throughout the country and/or legal clinics are established specifically for prisoners, preferably staffed by experienced lawyers, as opposed to reliance upon student-staffed clinics alone.**

**20. CAEFS further recommends that the federal government promote public access to and exposure to prison, with a view to facilitating public education and dispelling**

myths with respect to the realities of the role, conditions and ineffectiveness of our prisons.

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## **IV. Conclusion**

### **Recommendation**

**21. Accordingly, CAEFS recommends that the Solicitor General publicly release the report of this Commission immediately upon receipt thereof and that the government develop an action plan in response thereto, by April 30, 1996.**

This Commission of Inquiry has inspired hope amongst women imprisoned in the Prison for Women in Kingston and elsewhere throughout Canada. Knowing that the Inquiry has had little if any impact upon the current practices in other prisons (notably, Burnaby and the Regional Psychiatric Centre in Saskatoon, but also the new Edmonton prison), we are all fearful of what the future holds for federally sentenced women once the work of the Inquiry is finished. Regardless of how progressive the Final Report is, there must be a political will to implement its recommendations.

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## **Appendix - Consolidated List of Recommendations**

**1. CAEFS joins both the Office of the Correctional Investigator and the Women's Legal Education and Action Fund (LEAF) in recommending that a commissioner of women's corrections be appointed to govern all matters related to federally sentenced women, including the supervision of the wardens of the new regional prisons and the Kikawinaw of the Healing Lodge, and that such office be independent of the current Correctional Service of Canada, by reporting directly to the Solicitor General. CAEFS further recommends that the individual appointed come from outside the ranks of CSC, and preferably be a woman whose experience encompasses human service administration in areas that could include social services, education and health services, as well as the criminal justice system.**

**2. CAEFS further recommends that the head of women's corrections [or CSC, in the unfortunate event that 1. is not recommended] be part of a mandatory advisory body to be comprised minimally of individuals representing:**

- a) federally sentenced women, preferably at least
  - (i) two who are currently "serving prisoners", possibly elected from the chairs of the Sisterhood groups and Prisoners' Committees of the new prisons and the Healing Lodge, and

(ii) two who are formerly imprisoned federally sentenced women, these individuals could be representatives of self-organized former prisoners, such as Strength in Sisterhood (SIS) thereby being selected by former and/or serving prisoners;

b) the Office of the Correctional Investigator;

c) the Native Women's Association of Canada;

d) the Canadian Association of Elizabeth Fry Societies;

e) the Black, visible minority and immigrant women's community(ies) (likely need more than one representative);

f) the Union of Solicitor General Employees.

**3. CAEFS recommends that this Commission propose that s. 82 similarly apply to the new national head of women's corrections, as well as the regional/institutional heads; CAEFS further recommends that s. 77 of the *CCRA* be amended to include a provision similar in principle to that of s. 82(1), whereby the sort of advisory committee recommended above, as well as regional advisory bodies, can be legislatively mandated, with a duty to report on a regular basis and issue a written report annually to the Solicitor General and the Parliamentary Standing Committee on Justice and Legal Affairs.**

**4. Pursuant to the foregoing, CAEFS further recommends that regional advisory committees, similar in composition to that proposed for the national body, be established for each of the new regional women's prisons, including the National Healing Lodge and the Burnaby Correctional Centre for Women.**

**5. CAEFS accordingly supports the recommendations of the Correctional Investigator with respect to the need for the wardens of the new regional prisons to be held accountable for institutional adherence to the provisions of the *CCRA*, and that rates of conditional release and availability of relevant institutional and community programming to achieve successful community integration, be included as key variables in the evaluative process.**

**6. CAEFS further recommends that, commencing with the Exchange of Service Agreement (ESA) pertaining to the Burnaby Correctional Centre for Women, all ESAs between the federal and provincial/territorial governments be reviewed in order to ensure that the rights and entitlements of all federally sentenced women are provided and protected thereunder.**

**7. CAEFS further recommends that our organization be provided with the mandate and requisite resources, including the financial means, to conduct annual audits of**

**institutional adherence to governing legislation and policy within each of the regional prisons for women, such audits to be submitted to the Solicitor General and the Standing Committee on Justice and Legal Affairs.**

**8. CAEFS urges that the Commission recommend that correctional policy for women prohibit the employment of men to work in front-line positions at the Prison for Women and in the new regional prisons and that sexual harassment policies be established for the new prisons.**

**9. CAEFS continues to recommend the abandonment of CSC's "Security Management Model" and echoes the suggestion of the Correctional Investigator that access to the Healing Lodge, as well as to programs both within the regional prisons and the community, be determined based upon the individual needs and circumstances of each woman, with those representing the greatest need receiving priority access to same; also that all security classification, risk assessment and case management practices for federally sentenced women reflect the same priority.**

**10. CAEFS recommends that prisoners be encouraged in self-actualizing and self-expression, and that institutional resources focus upon and promote opportunities for prisoners to exercise choice and preference, whilst staff simultaneously model and expect pro-social, humane and respectful interpersonal interactions.**

**11. CAEFS further recommends that staff screening, selection, training and professional development and advancement policies and practices reflect the foregoing by encouraging and rewarding same.**

**12. CAEFS also recommends the development of non-punitive conflict resolution training and support for prisoners and staff, as well as the abolition of any rule prohibiting behaviour or which defines as institutional infractions, attitudes as offences against the good order and discipline of the prison.**

**13. CAEFS recommends that the legislative and policy provisions pertaining to the regional prisons and federally sentenced women be amended so as to:**

- a) eliminate the use of mace or any other weapons;
- b) eliminate the use and prohibit the establishment of institutional emergency response teams or police squads;
- c) eliminate the use of arbitrary strip searching and restraints;
- d) direct the use of dynamic and human interaction, as opposed to segregation and other forms of "enhanced security"; encourage the provision of immediate access to therapeutic/personal support in crisis situations, as well as such other approaches as peer support, to assist in diffusing and ultimately resolving situations; provide

staff with additional training with respect to women's issues, such as how to work with women encountering flashbacks, et cetera;

**e)** prohibit the use of involuntary transfers;

**f)** mandate the establishment and monitoring of effective accountability and grievance mechanisms for prisoners;

**g)** prohibit the development of a Special Handling Unit (SHU) for women, in name or practice (ie. both, the establishment of a new SHU or the continued use of B-Range at P4W, or the Enhanced Units in the regional prisons and the Healing Lodge as separation units);

**h)** direct reform of the internal investigative process by ensuring that investigators are external to the CSC, with at least one member of each board of investigation examining issues involving federally sentenced women being a nominee of CAEFS; and that such boards have the independence to expand the scope of their investigations, the nature of evidence sought/collected, the publicizing of findings, et cetera);

**i)** provide non-violent, women-directed and lesbian positive environments that create healthy atmospheres for prisoners, including lesbian positive staff who understand and support women who are dealing with a multiplicity of issues, including past experiences of violence, separation from children, et cetera;

**j)** mandate the provision of a mother-child and prisoner parenting policy in each of the regional prisons and the national Healing Lodge, whereby participation is voluntary and may only be interfered with by relevant child welfare authorities;

**k)** mandate the provision of enhanced personal and professional development opportunities in each of the regional prisons and the national Healing Lodge for prisoners serving prison terms, particularly for those serving prison sentences in excess of five years;

**l)** mandate the provision of mental health resources in each of the regional prisons and the national Healing Lodge for women who desire/require same, such services to be developed in conjunction with relevant community-based mental health authorities;

**m)** provide training for prisoners and staff in non-violent crisis intervention techniques, as well as crisis debriefing; also, provide and promote professional support and on-going professional development in these areas via the provision of a minimum 50 hour per year training requirement for staff;

**n)** advance the protection of prisoners' rights and entitlements, such as the access of prisoners to legal counsel;

o) direct the provision of mandatory staff and prisoner orientation and ongoing educational programs designed to alert both to the obligations of staff to protect the human rights of prisoners, in accordance with Canada's agreement with the United Nations Minimum Standard Rules on the Treatment of Prisoners, the Canadian Charter of Rights and Freedoms, Canadian Human Rights legislation, the Corrections and Conditional Release Act, as well as provincial corrections legislation and regulations;

p) enhance the power of CAEFS and others whose mandate it is to promote the dignity and autonomy of prisoners to positively intervene to support and protect the rights and entitlements of women in Canadian prisons both with respect to specific incidents as well as the more general administration of the regional prisons, including the power to initiate appeals to the regional and/or national advisory bodies contemplated in recommendations 2 and 4 above.

**14. CAEFS recommends that the federal government immediately institute a moratorium on the number of prison beds available for federally sentenced women throughout Canada and limit the utilization of same by capping the number of prison bed days available to each sentencing judge.**

**15. CAEFS further recommends that the federal government provide resources to judicial education authorities to support the provision of educational opportunities to enable members of the judiciary to gain a greater understanding and assessment of the relative merits and long term effectiveness of sentencing options.**

**16. CAEFS further recommends that the federal government actively support the provision and use of such non-incarceral criminal sanctions as probation, suspended sentences, attendance centre, educational and vocational programming or training, therapeutic and self-help services, neighbourhood and community service, restitution, compensation, mediation, and the variety of alternative forms of residentially-based treatment and community supervision options -- from halfway or quarterway houses to supported independent living and satellite housing projects.**

**17. CAEFS further recommends that the federal government repeal all mandatory minimum sentences and limits for parole eligibility.**

**18. CAEFS further recommends that the federal government de-institutionalize as many women in prison as possible, ensuring that all "correctional" resources attached to the incarceration of each woman follow her in to the community for at least the period during which she would have otherwise been in prison [CSC's 1992 figures indicate that the annual cost of incarcerating each federally sentenced woman at the Prison for Women is approximately \$92,000], thereby ensuring that the needs of the women, as well as their respective communities could be met -- even**

**community-based security concerns could be addressed by 24-hour support and supervision if necessary.**

**19. CAEFS further recommends that the federal government fund and promote the access of women in prison to legal aid services to address issues related to their conditions of imprisonment and conditional release, so that adequate legal aid coverage is provided throughout the country and/or legal clinics are established specifically for prisoners, preferably staffed by experienced lawyers, as opposed to reliance upon student-staffed clinics alone.**

**20. CAEFS further recommends that the federal government promote public access to and exposure to prison, with a view to facilitating public education and dispelling myths with respect to the realities of the role, conditions and ineffectiveness of our prisons.**

**21. Accordingly, CAEFS recommends that the Solicitor General publicly release the report of this Commission immediately upon receipt thereof and that the government develop an action plan in response thereto, by April 30, 1996.**