

# From Punishment to Healing

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## **What are the new understandings of how we can most constructively seek to reintegrate offenders into the community?**

I am very pleased to talk about perspectives on punishment and healing, and how that can and should influence how we seek to reintegrate offenders into the community. My particular focus will be to address the topic in the context of federal women's corrections over the past ten years.

Before I start however, I just want to say that I believe the theme of this conference is vitally important, both in substantive content, and for the opportunity to bring together practitioners and experts from the full spectrum of the criminal justice system. I have often reflected on how much my perspectives on criminal justice have changed from the first days I practiced law. At that time I had very little idea what happened to clients who exited through the back door of the court room—to police wagons, to local lock-ups, prisons and penitentiaries. My understanding of what would and what could happen in those environments was vague and quite inaccurate. I don't think I was alone in my lack of understanding. And I believe absolutely that conferences such as this are vital to the type of holistic understanding of our system that will in fact allow us to move forward to find common ground, and unite in support of enlightened policy for the next century.

I'm not going to go into a lengthy history, but to situate my thoughts on the current state of women's corrections, I think it is important to go back briefly to the reality that existed 10 years ago.

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The only federal penitentiary for women, The Prison for Women, was located in Kingston, Ontario. From a numbers point of view, one penitentiary made sense. When it opened federal women prisoners could be numbered in the 10's while male prisoners were already numbered in the 1000's. However, criticism of the one federal facility came quickly. The Prison for Women was built in 1934 and calls for its closure had started only 4 years after it opened. It was not viewed as a place where healing could take place. For many women, incarceration in the Prison for Women meant geographical dislocation from one's family and living in a traditional high-security prison. Programs were those primarily that had been designed for men. Aboriginal women faced even greater obstacles. Programs and prison operations did not adequately recognize, respect, or address their cultural needs. Release planning was difficult at best with so many women so far from their home communities and sources of support. A particular issue was loss of their role and identity as mothers. Many of the women incarcerated had been the primary caregivers for their children. By the time they were able to return home, their children had often been removed permanently from their care.

Although many inquiries and reports had recommended closure of P4W, momentum for change finally built as a result of the commitment and decision of Ole Ingstrup to initiate a new process of review to involve the Correctional Service and community agencies in partnership. In 1990, the Task Force on Federally Sentenced Women made its recommendations to the Correctional Service and government of Canada.

The Task Force's report, *Creating Choices*, was the basis for our current regime for women offenders. The report's critical analysis of the then state of women's corrections in Canada, and its evocative statement of principles, such as empowerment, meaningful and responsible choice and respect and dignity have been discussed in many forums, and I am not going to review them again here. However, I do want to reference some of the fundamental assumptions and recommendations of the report which framed our current reality in terms of who the women were in our system and what they required to move to healing from punishment.

- A key point was that women inmates should have the same opportunity to serve their sentences closer to their home communities as did men. Therefore, the population would be accommodated regionally through establishing small regional facilities. Additionally, the Task Force recommended that a

separate model facility, with an operating and program philosophy centred on traditional approach to healing, be built for aboriginal women.

- The new facilities would not operate on an institutional but on a community-living model. Women inmates want to and are capable of managing their day-to-day living needs. The traditional correctional environment enhanced co-dependency and eroded their ability and skills to support themselves and their children, and live independently upon release.

A second key assumption was that only a small percentage [5 to 10%] of women presented risk issues for themselves, other inmates, staff and community. It was felt that this group could be managed and their risk reduced through a supportive healthy environment and short-term interventions.

- With respect to capacity, the task force was of the view that the new regional facilities should be built to current (1989) women offender population levels because: the women offender population had been stable for several years and there was no indication that it would increase; It was also felt that the new facilities, their programs and improved community-based supports should be more successful in re-integrating inmates;

Indeed, strong community involvement was integral to the new model. It was envisioned that there should be a strong and continuous interactions with the community not just on a volunteer basis but on a service basis.

All programs and services were to be women-centred—based on the experience of women, respectful of their need for connection and relations, and reflective of their learning styles. An important new program, to allow for children to reside with their mothers in the new facilities was envisioned to address the reality that many women inmates were parents and incarceration of the mother resulted in punishment for her children as well.

So, how have we done?

The majority of federal women offenders are now residing in the community living model five new facilities, including the Healing Lodge. They continually demonstrate their capacity to take responsibility for the

management of their daily lives, and to create true home environments for themselves while at the same time, managing full schedules of work and program activity.

The development of specific program for women, based on women-centred principles has been achieved. All regional facilities have peer support programming and survivors of abuse programming.

The Healing Lodge for those aboriginal women who are committed to the aboriginal path to healing is an opportunity that didn't exist before. Ochimaw Ochi is an innovative and holistic program approach to providing more appropriate and culturally sensitive support and services to aboriginal women offenders. Elders have a daily presence and are directly involved in all key activities. Traditional ceremonies and teaching, and talking and healing circles are vital and living components of every day at the Lodge. We have witnessed women who came to this facility with long histories of involvement in the criminal justice system and inability to complete terms of conditional release, who for the first time have had the opportunity to participate in a traditional aboriginal approach to healing, to work intensively with Elders, and who have finally been able to start and to stay on a new and healthy path. We have instituted a mother/children program here and at other facilities.

These successes are tempered with the fact that there are still many challenges. With the opening of the new facilities, these Task Force assumptions have been tested by experience.

Growing populations has challenged us. This is by no means as big and as tragic an issue in Canada as it is in other jurisdictions such as the United States, where the percentage of women imprisoned tripled in a 10 year period; or as in England and Wales where the women's prison population doubled in only five years. Never the less it is a concern. We are already moving to increase the regular population capacity of three of four regional facilities, less than four years after their opening. And these increases are being driven by new admissions, sentencing in other words, rather than reductions in conditional release rates, which I'll speak more of later. Aboriginal women are still over-represented in population as with men.

Corrections for women offenders operates in a different framework in terms of public perception of their risk as low compared to men offenders—however, that does not mean that concerns are not raised by

communities about our approach and whether it is an adequate response to public safety concerns. We have had our share of Club Fed articles. We must remain vigilant, and persuasive, yet respectful of these concerns, in talking about what we are doing.

We have also found that new facilities and new programs in and of themselves, do not mean we can without difficulty completely divorce ourselves from old realities. We are still in the business of running prisons. We must remain mindful of the lessons of the Arbour Inquiry. We still struggle every day to meet the challenge of running institutions that are safe and secure, while respecting human and legal rights. We are still focused on outstanding needs and concerns of our inmates. Some women are not motivated to participate in programs or treatment. Others indicate that components of the new programs need to be reworked or intensified. And, some women have long-standing mental health, needs, which they bring into the prison system—needs, which often have not been addressed by the mental health system. A small group of women, classified as maximum security presented risks to other inmates, staff and communities, in the early days of the new regional facilities that caused us to rethink our assumption—as to if and how—that all offenders could function safely and beneficially in the environment of our new facilities.

CSC has worked hard for the past two years to develop a long-term strategy for women classified as maximum security as well as those with intensive mental health requirements that addresses a number of critical factors such as security and program needs as well as charter issues such as gender and race equity.

I was very pleased on September 3, to be present with the Commissioner when the Solicitor General announced CSC's Intensive Intervention Strategy for high need women. This Strategy will result, finally, in the closure of the Prison for Women and the separate maximum-security units in men's institutions within 2 years. Women classified as maximum security and those with significant mental health needs will be repatriated to the regional facilities.

1. modification of the enhanced units at the regional institutions for those offenders requiring secure accommodation; and,
2. construction of a structured living environment house at each regional institution for those offenders requiring 24-hour staff

support and supervision in daily living, but the focus of our new strategy remains on healing with new staff resources.

3. Specialised programming through a multi-disciplinary team.

The emphasis will be to assist them to reduce their security levels so that they can join the community-living model of the regional facilities, and into the community.

We are confident that this will become reality. I also want to note though that our commitment to provide better service and support to this portion of our population has been on-going and not on hold pending the approval and announcement of this new strategy. We have developed and had in place new mental health programs at both Prison for Women and RPC Prairies. Staff in all the maximum-security units has focused on working with the women to enable their transfer to lesser security. When I started speaking of these issues a couple of years ago, the number of maximum-security women was over 45 and had been as high as 60-70. It is now 25, and we are determined to keep this number down.

We have also learned that a new approach to punishment in women's corrections cannot end at the prison door, if we are truly going to do better at reintegrating offenders into the community. The opening of the regional facilities has provided the women with the opportunity to be closer to home, which can facilitate release planning, as obviously can better and more gender-appropriate programming.

However we recognize that geographic location alone does not mean that women will have an appropriate range of choices and opportunities to support their ability to be released and to remain in the community. Statistically, we have always done better on getting women out into the community than we have done with men. We currently have 354 women incarcerated and 507 under community supervision.

However, we know that accessible services and programs for women offenders in many communities are minimal. We know also that the prospect of CSC developing these services and programs is unrealistic given the small and scattered population and inappropriate, given the need to engage expertise beyond our own, and connect women to on-going sources of support that will stretch beyond warrant expiry. We need to develop networks and partnerships, to engage a variety of service providers who do not perhaps traditionally work with the criminal justice

system. Women who are released with children in their custody are an emerging area requiring examination of legal issues and potential residential services for them. The most successful mother-child program in the institution will ultimately fail if a woman leaves, and then finds she must once again give up her children because she has no place to take them in the community.

We developed and distributed for consultation, a discussion paper respecting enhancing community reintegration strategies for women. That paper, and the valuable input received in response to it is now influencing the development of specific regional strategies to address service gaps and to develop action plans. We hope to be able to share those strategies with interested parties later this fall.

There are a couple of innovative projects ongoing that I want to mention.

Two developmental projects, one for integrated services for special needs women in Atlantic region which may serve as a national model and the other, a community needs assessment for Aboriginal women offenders in BC are underway. We are developing halfway house beds and satellite apartments in Ontario for women to be resident with their children. In Edmonton, EIFW has established a Community re-integration Centre that is actively involving the women residents themselves, not only in their own release planning, but assisting and supporting their peers as well. The institutions and E. Fry Edmonton have also done tremendous work in developing and implementing a new private home day parole placement program for the women.

So have we been successful in altering the face of punishment in federal women's corrections, and moving to something we can more truly call healing? I believe we are making real progress and that what we are doing provides insight and guidance for a more healing direction for our male institutions as well. CSC [corrections] does have a significant role to play in developing innovative correctional approaches that better prepare offenders for reintegration while respecting the sanction of separation from the community implicit in a prison sentence. However, I also know that we are only one part of the solution and that we will continue to face conflicting demands.

We also recognize that however much we strive to provide healing through appropriate services and programs, we are working at the wrong

end of the funnel in terms of the broader issues that impact on the women in our system, issues of poverty, systemic abuse, gender and racial bias, and over-all disenfranchisement. I would respectfully suggest that the limitations of correctional systems need to be in the forefront of judges as they determine sentences—programs are not a good reason to send women to prison. Correctional agencies are limited in that they cannot address what many consider to be the root causes of crime—poverty, abuse and social alienation.

CSC has implemented a new correctional direction for women offenders—but it is still a correctional response. Corrections can't heal alone—it's at the far end of the justice continuum—complementary new directions at other stages in the justice process are critical if the movement from punishment to healing is to be achieved.