

Federally Sentenced Women and Security Classification

Allison Campbell

This article stems from work I completed in 2004. It only touches on some of the many, significant issues relating to incarceration practices for federally sentenced women in Canada, and women classified as maximum security in particular. That document is available at the Simon Fraser University library, and via www.prisonjustice.ca (see references). In another part of my life I am a newly registered midwife, living and working in East Van. *Thank you to the women who provided feedback on earlier drafts of this article, and updates on just how bad things continue to be, for women classified as maximum security.*

For women serving time in Canada's federal prisons over the last decade, many reforms have taken place, which have altered the way their incarceration has looked from outside the prison walls. Perhaps the most significant changes have been for women classified as maximum security, who ten years ago went from being held in one, centralized prison in Ontario – Kingston's notorious Prison for Women (P4W) – to segregated units in men's maximum security prisons across the country. After almost ten years of these 'temporary,' co-located units, where women were isolated and their movements severely restricted, the Correctional Service of Canada (CSC) has recently moved maximum-security women into "Secure Units," recently built at each of the regional, federal women's prisons in the country (except the one designed specifically for Aboriginal women, in Saskatchewan).¹ While moving to the regional prisons seems like a good step, the Secure Units continue to isolate women from the rest of the prison population, and their movements are still highly restricted. This development points to how reform strategies for women's prisons over the last decade have done little to change what is actually going on behind the prison walls, no matter how 'different' the prisons appear to be from the outside. The issue of security classification – designating a prisoner's security level and

¹ The Secure Unit at BC's federal women's prison, Fraser Valley Institution (FVI), opened in the spring of 2006, and cost the CSC \$5 million to build. Although there were only two women with maximum-security classification in BC at the time of construction, the Secure Unit was built to hold ten women. Within the first few months of operation, it is almost filled to capacity. To learn more about the historical and current treatment of women classified as maximum security in Canada, including more information about the Secure Units, see Campbell (2006, 2004).

then determining their treatment based on that designation – raises important questions about how the CSC fundamentally approaches the incarceration of women, and its commitment to any significant shift in the ways in which federally incarcerated women are treated in this country.

How security level is established

While the treatment of women classified as maximum security poses a serious problem, a deeper problem rests with the very concept of security classification, and the system used to establish it. A person’s classification as minimum, medium or maximum security is evaluated upon admission to prison, and can be re-evaluated at any point throughout her or his sentence. In short, this system defines people as maximum security who are deemed to have:

1. a high probability of escape; and
 2. a high risk to the safety of the public in the event of escape; or
 3. a requirement for a high degree of supervision and control of the inmate’s activities within the institution
- (as per Commissioner’s Directives 505; Security Classification of Inmates)²

The tool used to establish someone’s security level, the Custody Rating Scale (CRS), was designed for, and initially tested on the much larger, predominantly white, male incarcerated population. It should come as no surprise, therefore, that such a system does not take into account gender- and culture-specific issues faced by various women offenders. Any system that claims to remain “gender-neutral” will necessarily privilege the masculine; likewise, a system which does not explicitly take into account differences of race and culture, will necessarily privilege ‘whiteness,’ and thereby systemically discriminate against people of colour.

² Several factors are evaluated within each subscale. The first two make up the Security Risk subscale, which evaluates likelihood to re-offend, and includes: number of prior convictions, most serious outstanding charge, severity of current offence, sentence length, street instability, prior parole or statutory release, and age. The third, the Institutional Adjustment subscale, evaluates probability of committing institutional misconduct, and includes history of institutional incidents, escape history, street instability, alcohol/drug use, and age.

Classifying women as “maximum security”

While men are more likely to be held at maximum security due to the first two criteria noted above (i.e. because they are considered to be at a risk to re-offend), women are more likely to have their security classification increased once inside, on the basis of the third criteria, or “Institutional Adjustment” (i.e. because they are disruptive within the prison itself). This is a category which evaluates security level based on the amount of institutional resources it takes to ‘manage’ a prisoner. Women are more likely than men to self-harm or attempt suicide in prison; posing more of a ‘risk’ to themselves than to others. However incidents or attempts of self-harm are considered “institutional incidents,” and thereby often result in an increase in security level.

Moreover, women’s offending is qualitatively different than men’s, even in cases where the charges are the same.³ A “gender-neutral” classification system does not address these differences. For example, women whose crimes are considered ‘violent’ are seldom a threat to anyone but the victim of their crime. However the CRS would determine them as having increased risk because they have committed a violent offence.

The CSC’s security classification system erases the fact that most women classified as maximum security do not generally pose a risk to society at large. Nonetheless, even in Canada’s new, “women-centered” prisons,⁴ “maximum-security” women are kept segregated from the rest

³ For more about the influences of patriarchy, classism and racism on women’s conflicts with the law, see: Adleburg & Currie (1993), Boritch (1997), Carlen (1988), Chesney-Lind (1997), Comack (1997), Davis (1998, 1998-99), DeKeseredy (2000), Evans & Goldberg (1998), Faith (1993, 1995), Hannah-Moffat & Shaw (2000), Shaw (1994), Shaw and Dubois (1995), Sudbury (1998, 2000) and TFFSW (1990).

⁴ “Women-centered corrections” is the term used by the CSC to describe sweeping reforms it made to incarceration practices for women, throughout the 1990s. These practices are now based on an “empowerment” model, which claims to be based on a holistic understanding of women’s social contexts, the provision of meaningful choices, individual and community responsibility, and a healthy, community-linked environment. For background and critique of this strategy, see: Campbell 2004, Faith 1995, Hannah-Moffat & Shaw 2000 and TFFSW 1990.

of the prison environment and population, in newly built, highly secure concrete cell-blocks called “Secure Units.” The women have little to no access to programs and facilities afforded to women with lower classification; instead they are forced to participate in an intense, behaviour modification program if they hope to have their classification lowered. They are moved about the grounds only in handcuffs and shackles, under strict guard surveillance. This treatment stands in dramatic contrast to the newly-reformed prisons and their “women-centered” philosophy that allegedly governs incarceration practices for women in Canada. The separation of “max” women from the rest of the prison maintains them as a threat to staff and to other women, despite good evidence to the contrary.

Implications for Aboriginal Women

The devastating implications of a gender- and racially discriminatory system do not affect all women equally; they are magnified for the disproportionate number of indigenous women who are incarcerated federally in this country. But just as the CRS does not consider the ways in which women who come into conflict with the law differ from men, neither does it take into account the lasting effects of colonization on Aboriginal women, as well as their communities, resources and family structures.⁵

In 2002, 36% of federally sentenced Aboriginal women were classified as maximum security. However statistics alone provide an incomplete understanding of Aboriginal people’s overrepresentation in Canada’s courts and prisons.⁶ The involvement of Aboriginal women and men in the criminal justice system must be seen as an extension of the state’s historic and

⁵ The term ‘Aboriginal’ includes people who self-identify as Inuit, Métis or First Nations.

⁶ For more about the criminalization and over-incarceration of Aboriginal women in Canada, see: Jackson (1999), Monture-Angus (2000b), Morin (1999), Sugar & Fox (1989) and TFFSW (1990).

ongoing colonization of indigenous peoples. Aboriginal women are not more prone to breaking the law than non-Aboriginal women; nor are they more prone to committing violent offences. Rather, their involvement with the law and with violence must be seen in relation to generations of colonial control over their lives, through residential schools, foster care and youth detention centres. This context of assimilation and colonization is arguably unique to Aboriginal women, among all women who are marginalized in Canada. It also contributes to the higher rate of more serious violent crimes among Aboriginal women.

The simple fact that over one-third of women classified as maximum-security are Aboriginal calls into question the basis and assumptions on which the CSC's perception of risk is evaluated. Given that many women are classified as maximum security due to "Institutional Adjustment," it is necessary to look further into women's 'acting-out' behaviours in prison. Two Aboriginal women prisoner advocates, Fran Sugar and Lana Fox (1989) describe,

The Indian Agent and the police are for us administrators of oppressive regimes, whose authority we resent and deny. Like other peoples around the world who live under illegitimate political structures, we learn that the rules imposed by this authority exist to be broken, that they are not our ways that they are only the outside and not the inside measure of the way a person should act. As children we were taught to fear white authority because of the punishments it could enforce. Faced with institutional neglect and overt racism, our feeling about white authority even before we encountered the criminal justice system mixed passive distrust and active hatred.

Aboriginal women and men come into conflict with the law already distrustful of a system that in many ways was put in place to continue to colonize and oppress them. They come to this system already well versed in how to subvert it, to resist it, to challenge its authority over their lives. Aboriginal women in the criminal justice system are more likely to be classified as maximum security because of the violence they experience outside the prison walls, and because of their resistance strategies inside them.

Moreover, Aboriginal women are systemically disadvantaged by the security evaluation criteria. For example, one element that contributes to a lower security classification is a woman's support systems. Patricia Monture-Angus (2000) identifies how centuries of colonization and the accompanying destruction of Aboriginal communities and families, leaves Aboriginal women with fewer social supports, in general, than non-Aboriginal women. Monture-Angus identifies the inappropriateness of assigning a rating system to individual aspects of a much larger, centuries-old, picture:

These risk scales are all individualized instruments. This must be seen as a significant and central problem for applying these instruments to Aboriginal people (male or female). This individualizing of risk absolutely fails to take into account the impact of colonial oppression on the lives of Aboriginal men and women. Equally, colonial oppression has not only had a devastating impact on individuals but concurrently on our communities and nations. This impact cannot be artificially pulled apart as the impact on the individual and the impact on the community are interconnected.

The very structure of the security classification system causes Aboriginal women to receive a higher score on the CRS, although it likely has little to do with their risk to society. In addition, once inside (particularly if classified as maximum security), it becomes very difficult for an incarcerated woman to improve her 'links to community.' Therefore, her security evaluation will be skewed throughout her sentence.

Women prisoners and their advocates have argued that a more appropriate method of classifying women in prison – if we must assume some form of classification – would be based on a holistic approach to understanding the risks posed by women offenders, but would also incorporate an understanding of their needs.⁷ The CSC's response to criticism of the security

⁷ For a more thorough critique of the security classification system, see: Campbell (2004), Hannah-Moffat & Shaw (2001) and TFFSW (1990).

classification system has been to create a new, allegedly gender-specific, arithmetic-based checklist for women, to be completed upon sentencing. This checklist, however, currently under development, is based on the same sexist, racist and classist assumptions that have underpinned the entire criminal justice system, incarceration practices and security classification tools to date.

Not only do the current classification criteria systemically discriminate against women in general, and Aboriginal women in particular, but the whole approach of 'risk' assessment must be dramatically altered to take into account incarcerated women's experiences of patriarchy, poverty, racism and colonization; the impact of these on their options for survival, and their subsequent reasons for coming into conflict with the law. Such a system would establish a more individualized approach to each woman while they are inside, and would significantly shape incarceration practices, stressing the meeting of women's individual needs, rather than blanket intervention and security strategies. Indeed, not only does the way in which women are classified within the prison system need to be re-examined, but the entire concept of security classification itself must be called into question.

References

- Adleburg Ellen and C. Currie (eds.). 1993. *In Conflict with the Law: Women and the Canadian Justice System*. Vancouver: Press Gang.
- Boritch, Helen. 1997. *Fallen Women: Female Crime and Criminal Justice in Canada*. Toronto: ITP Nelson.
- Campbell, Allison. 2004. *Punishment Through Exclusion: Maximum Security in the Creating Choices Era*. Master of Arts Thesis. Burnaby: Simon Fraser University. Available at www.prisonjustice.ca
- 2006. *Double Incarceration: Maximum Security in Canada's Federal Women's Prisons*. Available at www.prisonjustice.ca.
- Carlen, Pat. 1988. *Women, Crime and Poverty*. Milton Keynes: Open University Press.
- Chesney-Lind, Meda. 1997. *The Female Offender: Girls, Women and Crime*. London: Sage.
- Comack, Elizabeth. 1996. *Women in Trouble*. Halifax: Fernwood Publishing.
- Davis, Angela Y. 1998. "Race and Criminalization: Black Americans and the Punishment Industry," in *The Angela Davis Reader*. Joy James (ed). Malden, MA: Blackwell Publishers.
- 1998-99. "Globalism and the Prison Industrial Complex," *Race and Class* Vol. 40, October – March: 2-3.
- 2003. *Are Prisons Obsolete?* New York: Seven Stories Press.
- DeKeseredy, Walter S. 2000. *Women, Crime and the Canadian Criminal Justice System*. Cincinnati: Anderson Publishing.
- Evans, Linda and Eva Goldberg. 1998. *The Prison Industrial Complex and the Global Economy*. Berkeley: Agit Press.
- Faith, Karlene. 1993. *Unruly Women: The Politics of Confinement and Resistance*. Vancouver: Press Gang Publishers.
- 1995. "Aboriginal Women's Healing Lodge: Challenge to Penal Correctionalism?" *The Journal of Human Justice*. Vol. 6 (2), Spring/Autumn: 79-104.
- Hannah-Moffat, Kelly and M. Shaw, eds. 2000. *The Ideal Prison: Critical Essays on Women's Imprisonment in Canada*. Halifax: Fernwood Publishing.
- 2001. *Taking Risks: Incorporating Gender and Culture into the Classification and Assessment of Federally Sentenced Women in Canada*. Ottawa: Status of Women Canada.
- Jackson, Margaret. 1999. "Canadian Aboriginal Women and Their 'Criminality': The Cycle of Violence in the Context of Difference," *Australian and New Zealand Journal of Criminology*. Vol. 32 (2): 197-208.

- Monture-Angus, Patricia. 1999. "Women and Risk: Aboriginal Women, Colonialism, and Correctional Practice," *Canadian Woman Studies Journal*. Vol. 19: 24-9.
- 2000a. "Aboriginal Women and Correctional Practice: Reflections on the Task Force on Federally Sentenced Women," in *An Ideal Prison? Critical Essays on Women's Imprisonment in Canada*. Kelly Hannah-Moffat and Margaret Shaw, (eds). Halifax: Fernwood Publishing.
- 2000b. "Lessons in Decolonization: Aboriginal Overrepresentation in Canadian Criminal Justice," in *Visions of the Heart: Canadian Aboriginal Issues, 2nd edition*. David Long and Olive Dickason, (eds). Toronto: Harcourt Canada.
- Morin, SkyBlue. 1999. *Federally Sentenced Aboriginal Women in Maximum Security: What Happened to the Promises of "Creating Choices"?* Ottawa: Correctional Service of Canada.
- Shaw, Margaret. 1994. "Women in Prison: A Literature Review," *Forum*, Vol. 6 (1).
- Shaw, Margaret and Sheryl Dubois. 1995. *Understanding Violence by Women: A Review of the Literature*. Ottawa: Correctional Service of Canada.
- Sudbury, Julia. 1998. "Globalisation, Incarcerated Black Women/ Women of Colour and the Challenge to Feminist Scholarship" in Women's Studies Network (ed) *Millennial Visions: Issues for Feminism*. Cardiff: Cardiff University Press.
- 2000. "Transatlantic Visions: Resisting the Globalization of Mass Incarceration," *Social Justice*. Vol. 27 (3), Fall: 133.
- Sugar, Fran and Lana Fox. 1989. "Nistum Peyako Séht'wawin Iskwewak: Breaking Chains," *Canadian Journal of Women and the Law*. Vol. 3: 465-82.
- (TFFSW) Task Force on Federally Sentenced Women. 1990. *Report of the Task Force on Federally Sentenced Women: Creating Choices*. Ottawa: Ministry of the Solicitor General.