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**Correctional Service of Canada Ideology
and “Violent” Aboriginal Female Offenders**

by

Colleen Anne Dell, B.A. Honours, M.A.

A thesis submitted to
the Faculty of Graduate Studies and Research
in partial fulfilment of
the requirements for the degree of

Doctor of Philosophy

Department of Sociology and Anthropology

Carleton University
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The undersigned recommend to the Faculty of Graduate Studies
and Research Acceptance of the thesis

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ABSTRACT

Theoretical and empirical inquiry largely portrays women involved in “violent” offences as “unnatural/evil”. Drawing upon the unified systems variant of socialist feminist theory, this study evaluates the relationship between the “unnatural/evil” “violent” female offender identity and the *ideological* and *material* control of “violent” female offenders within the Correctional Service of Canada (CSC), a capitalist patriarchal institution. Specific consideration is given to the role of race, Aboriginal, in the potential relationship, and class, as controlled by the research population.

Content analysis was conducted on two data sources: (1) the sworn transcripts of the public hearing proceedings of the Commission of Inquiry into Certain Events at the Prison for Women in Kingston, Ontario, Canada, and (2) transcripts of the public consultation process (roundtable discussions) of the Commission of Inquiry. The proceedings and consultations communicate CSC’s material treatment of female offenders (reflected in procedures and practices) and CSC ideology (reflected in policies and CSC representatives’ discourse).

Two core variables, control and violent, and one subsidiary core variable, race, were adopted. There are five associated findings. First, it was uncovered that CSC ideology supports the identification of “violent” female offenders as “unnatural/evil”, in addition to other powerless identities. This was reinforced in the second finding, that CSC practice reveals harsh treatment of “violent” female offenders, concentrated at the “powerless” psychological/emotional/mental level, in addition to the physical level. Third, CSC ideology is firmly rooted in an expansive system of hierarchical authority that supports the enactment of oppressive practices. As such, it is a manifestation of control of “violent” female offenders and others. Comparatively, the fourth finding concludes that CSC practice is a manifestation of control of “violent” female offenders, noting a high level of individual CSC staff discretion which facilitates oppressive practices. And fifth, the above findings support the cursory conclusion of oppressive identification, control and treatment of “violent” Aboriginal female offenders being deeply embedded within CSC’s historic authoritative structure.

It is proposed that this research serve as a benchmark to compare and contrast with the current ideological and material operation of the new regional federal female correctional facilities in Canada. Policy implications and future research areas are discussed.

DEDICATION

For Paula Bettencourt, Florence Desjarlais, Patricia Emsley, Brenda Morrison, Sandra Paquachon, Diane Shea, Joey Twins, and Ellen Young.
Because of your afflictions this research exists. I wish it didn't.

To the memory of my dearest friend, my sister, Corry Colleen Crellin (1970-1999).

To the memory of my grandmother, my mentor, Anne Marie Newton (1916-1994).

ACKNOWLEDGEMENTS

I would like to acknowledge, quite simply, everyone who assisted me in achieving this incredible life goal. I am confident to say that I am exceedingly proud of it!

Although the process of completing a doctoral program in sociology is typically a very isolating one, the end product is anything but the effort of one person. I could reflect over the past 30 years of my life and thank individuals personally in pages and pages and pages of writing....but given the length of this dissertation I don't think anyone would appreciate it! So, I would like to gratefully acknowledge the large family of individuals who sacrificed for me and unwaveringly supported me in innumerable ways.

Mom & Dad - the foundation of who I am resonates from you.

I would also like to appreciatively acknowledge my dissertation committee, Dennis Forcese, Colette Parent, and Scott Clark. They have taught me much more than the logistics of completing a dissertation. More significantly, they allowed, challenged, guided and supported me in following my research and academic path. I hope to teach to others the gift they have bestowed to me.

And last, this research was financially supported by a doctoral fellowship from the Social Sciences and Humanities Research Council of Canada, the Ontario Graduate Scholarship, Carleton University, and others. My gratitude is expressed to each.

***“Well - behaved women RARELY make history.”
Laurel Thatcher Ulrich***

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I am going to talk about an issue we have worried over many times. I have
Worried over it myself. But I make no excuses for taking it up again. Although it
Is an old issue, it is still not a settled one....If I have only one chance to speak
ex cathedra, I cannot afford to say something innocuous. On the contrary, now if
ever is the time to be nocuous.

George C. Homans

*Presidential Address delivered at the Annual Meeting of the American
Sociological Association in Montreal, September 2, 1964. (Forcese and Richer
1970:379).*

CHAPTER 1

INTRODUCTION: PROBLEM TO BE INVESTIGATED

Critique is a prerequisite for the formulation of an alternative perspective (Smart 1976:xv).

The desire to propose alternative perspectives on issues, what Kirby and McKenna (1989) term “looking beyond the boundaries”, has fostered my long-term interest in sociological research. The focus of my PhD dissertation developed through a blending of both my academic and occupational experiences. My Master of Art’s thesis, entitled, *Offending Women: Gender and Sentencing. An Analysis of the Criminal Justice Processing of Blue- and White-Collar Theft and Fraud Offenders*, was the first attempt in Canadian research to address gender and sentencing disparity at the blue- and white-collar levels (Dell 1996). The principle conclusion was that women received differential treatment in the criminal justice process in comparison to men, and that blue-collar Aboriginal female offenders¹ received harsher sentences than non-Aboriginal blue- and white-collar female offenders. These findings led me to question the extent to which race², gender and class influence the identification of individuals *as offenders* in the Canadian criminal justice system.

During my MA program I was employed as the Executive Director of the Elizabeth Fry Society of Manitoba, an agency committed to assisting women in conflict

with the law, and as a contract parole officer with the Correctional Service of Canada

¹ The term offender is used in this research as a means to identify women who have come into conflict with the law. Its use does not necessarily mean that the individual is guilty of a crime in a court of law.

² The term race is used in this research, not ethnicity, acknowledging an association between the two terms. See Appendix D: Concepts.

(CSC³). I gained experience working both “for” and at times “at odds with” the Canadian federal correctional system. Several events occurred in the correctional system during my employment which led me to *further* question the extent to which race, gender and class influenced the identification of individuals. These included the release of the Commission of Inquiry into Certain Events at the Prison for Women in Kingston, Ontario (Arbour 1996), Judge Ratushny’s review of Canadian women who claim to have killed their partners in self-defence, and the crises⁴ in the recently constructed federal Edmonton Institution for Women (The Elizabeth Fry Society of Manitoba 1996 AGM Report)⁵. Of particular concern was that underlying each event was a high incidence of Aboriginal women in the criminal justice system for “violent” offenses.

Merging my employment experiences and academic knowledge, and encouraged by Kim Pate, Executive Director of the Canadian Association of Elizabeth Fry Societies⁶ (C.A.E.F.S.), I was led to question the extent to which race, gender and class influence

the identification of females as “*violent*” offenders in the Canadian criminal justice system, specifically the correctional system. A review of the current literature and research

³ Correctional Service Canada (CSC) is the federal Canadian correctional system.

⁴ Several events occurred upon the opening of the Edmonton Institution for Women, such as the alleged “escape” (i.e. walk away) of incarcerated women, which were defined by CSC as a crisis.

⁵ Although Royal Commissions, Inquiries and Task Forces have been conducted on female corrections in the 20th century in Canada, it is only within the past decade that female offenders have been physically distributed among special federal women’s institutions in each region (Atlantic, Quebec, Ontario, Prairie, and Pacific). The restructuring of the system from one central federal correctional institution, the Prison for Women in Kingston, Ontario, to five regional facilities was initiated by the Report of the Task Force on Federally Sentenced Women. The new regional institutions are located in Truro, Nova Scotia; Joliette, Quebec; Kitchener, Ontario; Maple Creek, Saskatchewan (Aboriginal Healing Lodge - Okimaw Ohici); and the first operating institution located in Edmonton, Alberta, which opened in 1994. The Kingston Prison for Women was closed on July 6, 2000.

⁶ C.A.E.F.S. is an association of 24 independently incorporated, local societies that address the specific needs of women and girls in the justice system.

confirmed my observation that an overwhelming majority of federal female offenders occupy the lower strata of Canada's capitalist hierarchal class system. It was also revealed that women involved in "violent" offences were predominately identified as "unnatural/evil", and this identity was used to explain their conduct. This supported my observation that in the Canadian correctional system "violent" women were similarly identified as "unnatural/evil" (i.e., crises in the Edmonton Institution for Women). There was seemingly no literature at the time that addressed this, and there has been very little since (Dell 1999a, Hannah-Moffat and Shaw 2000).

Further, it was concluded from my review of the literature that Canadian research has focussed on the over-representation of Aboriginal females (and males) as inmates, but there has been little effort to analyse it in a systematic way (LaPrairie 1995; Tibbetts 1999). Canadian research is limited to its verification that Aboriginal women, in comparison to non-Aboriginal women, are disproportionately represented in the criminal justice system for violent offenses (Johnson 1987; LaPrairie 1992; LaPrairie 1987; Moffat 1994). Canadian research has neglected to problematize race as a research variable within the female offender category in general, and the "violent" female offender category in particular (Hatch and Faith 1989; LaPrairie 1987; Sugar and Fox 1990a). This is similarly characteristic of international research, with very few studies having disaggregated female crimes by race (Hanke 1995: 278-9).

And last, in review of the current literature on the Canadian criminal justice

system, with particular attention paid to Correctional Service Canada in regard to ideology, practice, and the "violent" Aboriginal and non-Aboriginal female offender, it was concluded that the literature upheld the identification of "violent" female offenders as

“unnatural/evil”, with the need for further research strongly identified.

Drawing upon existing theoretical understanding, these findings led to further consideration and eventual identification of an area of research interest: **Is the “violent” female offender identified as “unnatural/evil” in Canada? Further, is the identification of the “violent” female offender as “unnatural/evil” a mechanism of control and female oppression in Canada? If the identification is a means of female oppression, what are the implications (regarding identification, treatment and control) within a specific Canadian institution - the Correctional Service of Canada? And, is the application of the “violent” female offender identity greater when the female offender is Aboriginal, in comparison to non-Aboriginal, noting the highlighted ensuing ramifications?** Note that the concept of class is controlled within the Canadian female offender population.

The concept of “unnatural/evil” is addressed in Appendix D: Concepts, and at further points in this research. Briefly, the two concepts are merged to capture both: (1) the powerless conceptualization of women as “unnatural” for not adhering to the standard of the “normal” woman (e.g., pre-menstrual syndrome caused her to commit a violent act), and (2) the powerless conceptualization of women as “evil” by again not adhering to the standard of the “normal” woman (e.g., she is inherently crazy which explains her committing a violent act).

The feasibility of the application of the “violent”⁷ female offender identity as a means of oppression has not been examined in Canada. Research has essentially neglected

⁷ The initial use of the term “violent” in this research is confined to the Canadian Criminal Code definition of a violent crime (see Appendix D) **and** the masculine characteristics associated with it (i.e., strength and aggression). The Criminal Code classifications are adopted initially because the theoretical aim is to examine the application of the “violent” offender identity (or lack of it) to women. In Chapter Four: Methodology, the definition of “violent” communicated through the data sources is examined.

to problematize gender as a research variable within the “violent” offender category. Wight and Meyers (1996) keenly state: “Why are violent women...the object of such fascination? And why, in spite of this seemingly powerful drive to understand and explain their actions, are the explanations offered so inadequate?” (xi). Similarly, the identification of Aboriginal women as “violent” offenders, in comparison to non-Aboriginal women, as a means of racial oppression has not been explored. In fact, there has been and continues to be an absence of theoretical and empirical interest in research on violence by women, specifically accounting for race, in both Canadian and American literature⁸ (Brownstein et al. 1994; Faith 1993a; CSC 1995; LaPrairie 1992; Louks and Zamble 1995; Shaw 1995a; Shaw 1995b). And to reiterate, a plethora of research supports that lower class individuals are over-represented in the Canadian criminal justice system (Culhane 1995; Jackson 1988; LaPrairie 1995).

Last, it is curious that as public awareness of the female “violent” offender has increased in the past decade in Canada, the rate of adult female police reported and court processed violent offences has decreased (Dell and Boe 1998; Dell 1999b). In fact, official statistics suggest the overall rate of violent crime in Canada has declined since the

early 1990s (Boe 1997). Why, then, has an inordinate amount of political and public attention been placed on the female “violent” offender in Canada in recent years? This question, in conjunction with the identified areas of interest, informed the theoretical foundation of this research, the unified systems variant of the socialist feminist perspective, with its focus on ideological and material control. This, in turn, informed the

⁸ See Chapter Two: Theoretical Framework, for a detailed examination.

questions/concerns addressed in this research.

The remainder of this Chapter provides an outline of this study. It starts with a brief identification of the research questions/concerns, grounded within the socialist feminist theoretical framework. The methodological approach, content analysis, is then introduced. This is followed with a concise overview of each Chapter.

A. RESEARCH QUESTIONS/CONCERNS

As outlined, the questions/concerns of this research were formed in part from the merging of my occupational experiences and academic knowledge. They are also grounded in a review of the theoretical and empirical literature, which confirmed the need for research on “violent” female offenders, particularly “violent” Aboriginal female offenders. The review also exposed the identification of females involved in “violent” offences as “unnatural/evil”, and the lack of comparable research on incarcerated females. This was further confirmed in examination of the oppression of Aboriginal peoples, specifically females in Canada in general, and the criminal justice system in particular. And the need for research was further raised in review of the limited attention allotted to the ideology and practices of the Canadian criminal justice system, specifically the Correctional Service of Canada, with respect to the Aboriginal and non-Aboriginal “violent” female offender. In an attempt to link the findings (and lack of findings) of the literature review to a theoretical understanding, the explanatory power of the unified systems variant of socialist feminist theory was employed. Its application offered a framework from which to begin to understand the identification of the “violent” female offender as “unnatural/evil” as a means of social oppression (discussed in Chapter Two: Theoretical Framework). Further, in a review of recent events in the Canadian criminal

justice system, in particular the correctional system, socialist feminism's focus on both ideological control (policy) and material control (practice) was supported. The following research questions/concerns were posed⁹:

POLICY

- #1 *Does CSC ideology support the **identification** of “violent” female offenders as “unnatural/evil”?*
- #2 *Does CSC ideology support the **greater identification** of “violent” Aboriginal female offenders, in comparison to “violent” non-Aboriginal female offenders, as “unnatural/evil”?*
- #3 *Is CSC ideology a manifestation of **control** of “violent” female offenders?*
- #4 *Is CSC ideology a manifestation of **greater control** of “violent” Aboriginal female offenders, in comparison to “violent” non-Aboriginal female offenders?*

PRACTICE

- #5 *Does CSC practice reveal **harsh** treatment of “violent” female offenders?*
- #6 *Does CSC practice reveal **harsher** treatment of “violent” Aboriginal female offenders, in comparison to “violent” non-Aboriginal female offenders?*
- #7 *Is CSC practice a manifestation of **control** of “violent” female offenders?*
- #8 *Is CSC practice a manifestation of **greater control** of “violent” Aboriginal female offenders, in comparison to “violent” non-Aboriginal female offenders?*

To address the questions raised, an in-depth examination of the Commission of Inquiry into Certain Events at the Prison for Women in Kingston, Ontario was identified as an operative venue¹⁰. It was further recognized as a suitable source of inquiry because few of the recommendations advanced by the Commission have been implemented (Hannah-Moffat and Shaw 2000:24).

B. METHODOLOGICAL APPROACH

⁹ For definitions of specific concepts identified in the research questions/concerns, see Appendix D: Concepts.

¹⁰ For a complete description of the Commission of Inquiry into Certain Events at the Prison for Women in Kingston, Ontario, refer to Chapter 4, Methodology, Section B, Data Sources).

A defining characteristic of this research is that from its inception the focus was not confined to the identified research questions/concerns. Rather, the process of developing the questions/concerns served to initiate the **research direction**. The work completed at the proposal stage of this research was extensive (literature review and application of a theoretical framework) and is termed the “pre-stage of the research process”. Research questions/concerns/hypotheses were formulated at this stage. Following this, the research questions/concerns/hypotheses were addressed through analysis of the research data. This is conventionally termed *deductive* research. **Concurrent** to the “deductive” stage of this study, the research data were analyzed for *any* emergent findings that were not identified in the pre-identified research questions/concerns/hypotheses (and several were uncovered). This is typically termed *inductive* research. The deductive and inductive approaches to data analysis were harmonized in this study, directed by the latter. I term the consequent methodological approach the **bi-functionary approach to content analysis**. The unique nature of this identified approach to content analysis in comparison to the traditional approach to social

research lies in grounded theory serving as the foundation (inductive driven research) with an integrated structured deductive component. The bi-functionary approach to content analysis is thoroughly explained in Chapter Four: Methodology.

This research is carried out in three methodological stages (refer to Diagram A - Research Process): (1) review of relevant documents (official and unofficial reports, documents and accounts of the P4W events of April, 1994), (2) content analysis of CSC representatives’ (and to a limited extent all other participants) discourse in the transcripts of the public hearing proceedings of the Commission of Inquiry into Certain Events at the

Prison for Women in Kingston¹¹, and (3) content analysis of CSC representatives' (and to a limited degree all other participants) discourse in the transcripts of the public consultation process of the Commission of Inquiry into Certain Events at the Prison for Women in Kingston. Each of the three stages is explained below.

At the commencing stage of this research, official and unofficial reports, documents and accounts of the April, 1994 P4W events were extensively reviewed. This provided a context for the content analysis of the Public Hearing and Public Consultation transcripts. Included were the Commission of Inquiry into Certain Events at the Prison for Women in Kingston, Ontario (Arbour 1996), the Special Report of the Correctional Investigator on the P4W incident (Stewart 1995), CSC's action plan in response to the Arbour Commission Recommendations (CSC 1998), background material for the round

table discussion on federally sentenced Aboriginal women in prison/the Healing Lodge for the Arbour Commission, video recording of the P4W Institutional Emergency Response Team (IERT) event, Canadian Association Elizabeth Fry Societies' (CAEFS) documents, media accounts of the P4W events, and anecdotal conversations with individuals who had in various ways been involved with and/or were acutely aware of the P4W incident. The rationale for reviewing the material was to acknowledge and account for diverse perspectives on the events. This facilitated understanding of the events and advanced concepts (what Glaser (1978) terms codes - see Chapter Four: Methodology) that would

¹¹ Content analysis of official CSC policy and procedure documents is not part of this research. Sole focus on the transcripts of the public hearing proceedings (stages 2 & 3 of the research process) is due to the inaccessibility of official CSC policy and procedure documents (noting that some specific CSC policy is accounted for in this research) and, most important, the intended focus of this study being on CSC representative's accounts of the incident and their identification of the "violent" female offender. The hearing proceedings are viewed as a "lived" account, or the implementation of CSC policy and procedures.

otherwise not have been considered (see Chapter Four: Methodology - Part F, Section B, Research Reflexivity). It is not common for a literature review to be regarded as a quasi data collection stage in the research process, however, as stated, the aim of this review was broader: (1) to acknowledge and account for diverse perspectives on the events beyond what would be obtained from a traditional strictly “academic” literature review, and (2) to acknowledge and account for my own predisposed opinion of the P4W incident (which was ominous based on my occupational experiences). It was intended that acknowledging diverse perspectives would help “round out” my personal perspective of the events, and thus approach to the research.

Second, transcripts of the public hearing proceedings of the Commission of Inquiry into Certain Events at the Prison for Women in Kingston were analysed. The proceedings are a recital of events of the incident. They focus on the policies and procedures used by CSC to respond to the claimed “violent” events by female offenders in April, 1994, at P4W. At this stage of the research process, the focus was primarily on

CSC representatives,¹² accounts of CSC policy and discourse (ideological control) and procedure and practice (material control). Particular attention was paid to the presence/representation of race, specifically Aboriginal in the accounts. Secondary attention was allotted to all other participants’ accounts (such as inmates¹³ involved in the events¹⁴) as a point of counter-comparison/support. The transcripts were approached both

¹² CSC representatives are regarded to be speaking in the interest of CSC and not themselves. See definition of ideology in Appendix D: Concepts, for an explanation of potential limitations, and Chapter Five: Data Analysis and Findings, for an explanation of the prominent finding of individual officer discretion.

¹³ Similar to the use of the term offender in this research, use of the term inmate is a means to identify the incarcerated women, and is not intended to be used in a derogatory manner.

¹⁴ Individuals and/or their legal representation.

inductively (allow the data to shape the concepts/codes that emerge) and deductively (pay particular attention to whether specified concepts/codes emerge)¹⁵.

Third, transcripts of the public consultation process of the Commission of Inquiry into Certain Events at the Prison for Women in Kingston were analysed. The consultations examined broad social policy questions that arose from CSC's response to the events. The focus, once again, was on **CSC representatives'** accounts of policy and discourse (ideological control) and procedure and practice (material control) of CSC, and secondary attention was allotted to all other participants. Particular interest, again, was placed on the presence/representation of race, Aboriginal, in the accounts (specifically Volume 7: Federally Sentenced Aboriginal Women in Prison/The Healing Lodge) . Identical to the public hearing transcripts, the public consultation process transcripts were approached both inductively and deductively.

C. OUTLINE OF THE RESEARCH

The theoretical influence on this study, the socialist feminist framework, is addressed in Chapter Two, outlining both the theory's paramount strength (focus on gender and class) and limitation (neglect to address race). Section One of Chapter Two provides: (a) a succinct summary of the variant of socialist feminist theory employed in this research, unified systems theory, (b) a review of socialist feminism's attention to women's involvement in crime in general, and violent crime in particular, albeit it is limited, and (c) socialist feminism's inattention to the concept of race.

Section Two discusses the current literature in two areas: feminist approaches to

¹⁵Refer to Chapter 4, Methodology, Section B, Data Sources, for a complete listing of individual participants in the Commission of Inquiry into Certain Events at the Prison for Women in Kingston, Ontario.

race, and the oppression of Aboriginal peoples, specifically women, in the Canadian criminal justice system, and in particular prison. The intent of this Section is to situate the reader within the current gamut of understanding. Part A situates the criticism of racism/ethnocentrism in feminism, socialist feminism in particular, and how this initiated consideration of the concept of race. It then addresses the current focus in feminism and socialist feminism (albeit limited) on race, highlighting the need to acknowledge the inter-connections among race, gender and class. Guidelines are then outlined on how the oppression of colour in Canada, specifically Aboriginal women, is analysed in this study. Again, particular attention is allotted to the inter-connections between race, gender and class based on the theoretical construct of this research, that is, the attempt to account for race within the socialist feminist framework.

Part B discusses from within the socialist feminist framework the literature on the

historic and current oppression of Aboriginal peoples in Canada, specifically females. The socialist feminist theoretical understanding, from a historical perspective, is based within the development of capitalism and its relationship to cultural genocide. A succinct application of this understanding to the current position of Aboriginal women in Canada's capitalist patriarchal structure is provided. It is explained how regulation effected Aboriginal women in specific and often more detrimental ways in comparison to Aboriginal men. Next, the literature on the historic and current oppression of Aboriginal peoples, specifically females, within the Canadian criminal justice system is reviewed. Discussed is how oppressive ideologies regarding Aboriginal peoples, formulated in Canadian history, have become ingrained within the current structure and operation of Canadian institutions, including the criminal justice system. The aim is to communicate the explanatory importance of race, in addition to gender and class, through concrete

illustrations of Canada's oppressive treatment of Aboriginal peoples. This Section concludes with a review of the limited attention allotted to the oppression of Aboriginal women in the Canadian correctional system. More important, it raises the question of the extent of the effects of oppression reviewed above for the Aboriginal female offender within Correctional Service of Canada. The necessity for further research is conveyed.

Chapter Three begins with the application of socialist feminist theory to explain the identification of the "violent" female offender as "unnatural/evil" as a means of oppression. Theoretical and empirical explanations of the "violent" female offender are then reviewed in Part B. Continuing to draw upon the socialist feminist framework, the "unnatural/evil" identity of the "violent" female offender is further discussed as a means

of oppression. The absence of research on the "violent" Aboriginal female offender and the "violent" female in prison is observed¹⁶.

In the third and final part of this Section, Correctional Service of Canada ideology is introduced within both an historical and ensuing current context, with specific regard to women in general, Aboriginal women in particular, and corrections. This Chapter sets out five objectives: (1) define ideology in this research; (2) review dominant ideologies in the history of Canadian corrections (deterrence, selective incapacitation, rehabilitation, and reintegration) to gain insight into CSC's current ideological focus. CSC's current position

¹⁶A practical understanding of the socialist feminist framework its located in Appendix L. It is applied to recent events in the Canadian criminal justice system, outlining the presence of material and ideological control of "violent" female offenders through their identification as "unnatural/evil". Examples are also provided of the material and ideological control of Aboriginal women in Canada. The socialist feminist theoretical framework is returned to in analysis of the findings to determine whether this initial application remains unimpaired, as well as to identify any potential expansions for the framework (i.e., integration of race).

centres on reintegration with primacy afforded to community protection (thus selective incapacitation) and incarceration for punishment/deterrence, with attention on institutional offender rehabilitation; (3) outline CSC's documented ideology as reflected in its mission statement and related principles; (4) examine CSC ideology specific to women and corrections, demonstrating how CSC policy and practice toward female offenders in general has been, and continues in various realms to be based upon the male offender standard and a "traditional" powerless standard for the female offender; and (5) relate how CSC ideology's account for Aboriginal women is insufficient. This is a pivotal Chapter since it represents completion of the "pre-stage" of the research process.

Chapter Four starts by identifying the research questions/concerns/hypotheses.

Based on the information contained in the first three Chapters, they are identified as:

POLICY

- #1 CSC ideology supports the **identification** of "violent" female offenders as "unnatural/evil".
- #2 CSC ideology supports the **greater identification** of "violent" Aboriginal female offenders, in comparison to "violent" non-Aboriginal female offenders, as "unnatural/evil".
- #3 CSC ideology is a manifestation of **control** of "violent" female offenders.
- #4 CSC ideology is a manifestation of **greater control** of "violent" Aboriginal female offenders, in comparison to "violent" non-Aboriginal female offenders.

PRACTICE

- #5 CSC practice reveals **harsh** treatment of "violent" female offenders.
- #6 CSC practice reveals **harsher** treatment of "violent" Aboriginal female offenders, in comparison to "violent" non-Aboriginal female offenders.
- #7 CSC practice is a manifestation of **control** of "violent" female offenders.
- #8 CSC practice is a manifestation of **greater control** of "violent" Aboriginal female

offenders, in comparison to “violent” non-Aboriginal female offenders.

Next, Chapter four outlines the methodology of this research. This includes identification and description of the data sources, highlighting the strengths and limitation(s) of each. Next, content analysis, the method of data analysis for this study is introduced. This is followed by an explanation and illustration of the specific variant of content analysis that underlies the inductive approach of this research, grounded theory. Third, the combined inductive and deductive nature of the research, termed a bi-functionary approach to content analysis is presented. This includes an account of how this approach differs from a “conventional” approach to social scientific research and grounded theory. And last, the study’s approach to the methodology from a feminist perspective is discussed.

The next three Chapters, Five, Six and Seven, each analyse one of the three core variables of the research questions/concerns/hypotheses (control, violent and race) and their associated findings. Chapter Five (violent) examines: (1) CSC identification of the “violent” female offender, and (2) CSC’s harsh treatment of the “violent” female offender. Chapter Six (control) explores: (3) CSC’s ideological control of the “violent” female offender, and (4) CSC’s material (physical) control of the “violent” female offender. And last, Chapter Seven (race) addresses: (5) CSC’s identification, harsh treatment and ideological control of the “violent” Aboriginal female offender. In each of the five sections, findings from the two data sources (transcripts of the public hearing proceedings and transcripts of the public consultation process) are discussed, with highlighted attention on the public consultation process for Finding 5, in particular Volume 7. All findings of this research are addressed and discussed within the framework of the unified systems variant of socialist feminist theory. The initial application of the socialist feminist framework (pre-research stage) is re-evaluated for its ability to explain the identification of

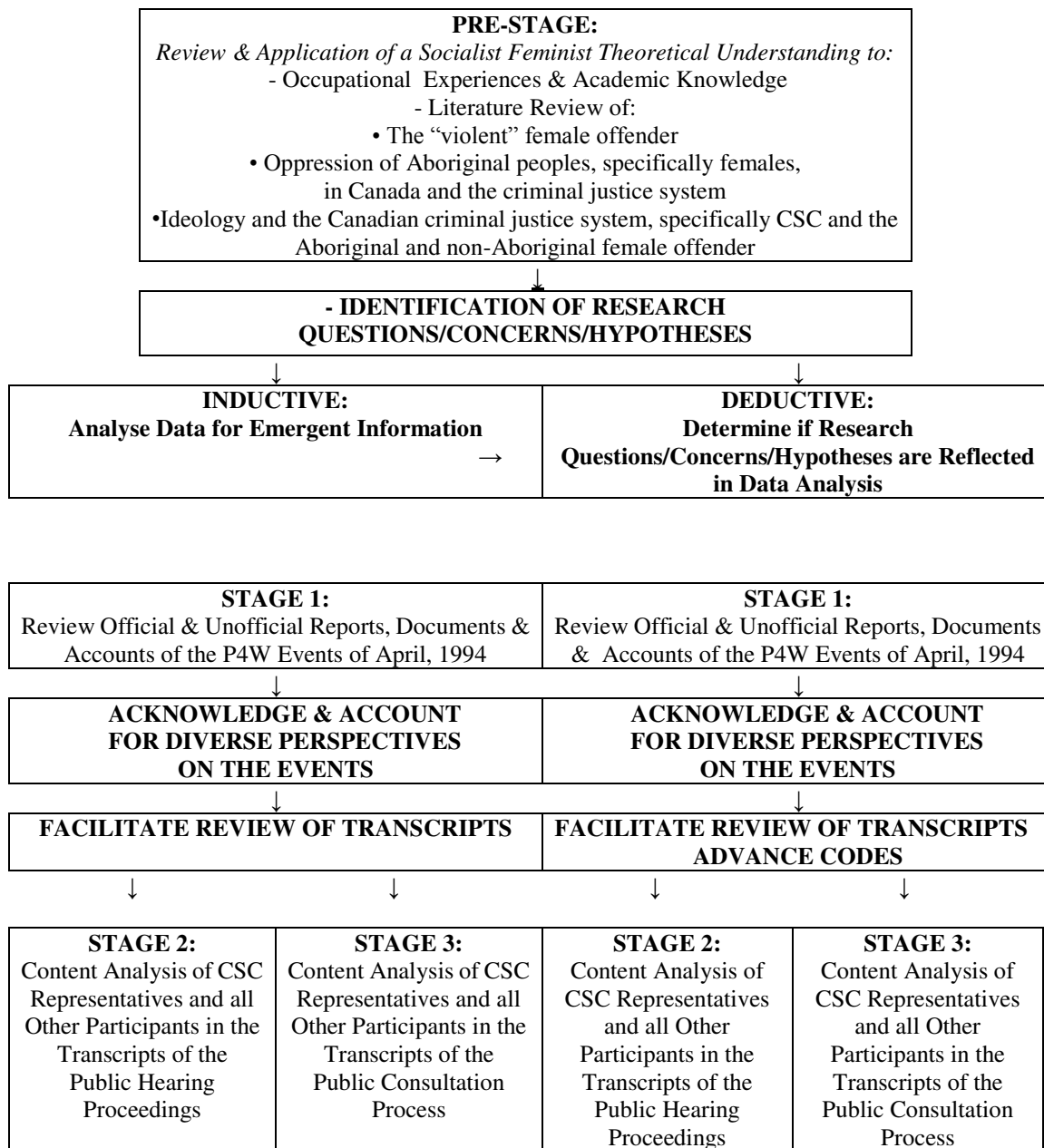
the “violent” Aboriginal female offender as “unnatural/evil” and its use as a means of oppression and control.

It is important to state at the outset of this research that discussion of the findings is not intended to place blame or point fingers. Rather, the aim is to identify both positive and derisive CSC policy and practices to assist in facilitating progressive growth and development. An emergent theme in analysis of the transcripts is CSC’s stated outward willingness toward progress and change, and so it is anticipated that these findings will be of interest to CSC as an organizational structure and its representatives. And the findings are especially relevant to the current operation of Corrections in Canada.

Although women are no longer physically incarcerated at the Prison for Women, and the Correctional Service of Canada’s philosophy toward federally sentenced women has shifted in the last decade, this research has concluded that the ideological foundation of CSC is deeply embedded in its historic structure. Consequently, it is suggested that the findings of this research be used as a benchmark for comparison to the operation of the new regional women’s institutions, to ensure that what is identified as both positive and derisive in the material and ideological foundation of CSC in 1994, is or is not (and the degree to which it is or is not) continuing in the operation of the regional federal female facilities today.

And last, Chapter Eight summarizes the research conclusions. It also outlines the relevance of the findings to current policies and practices of the Correctional Service of Canada, and proposes future research directions.

DIAGRAM A: THE RESEARCH PROCESS



The production of scientific knowledge requires a constant interplay between theory and research.

Singleton and Straits 1999:38.

CHAPTER 2

THEORETICAL FRAMEWORK

In the 1970s socialist feminism surfaced as the philosophical foundation of feminist thought and strategy (Philipson and Hansen 1990:3). It emerged primarily in response to political fragmentation within the women's liberation movement¹⁷. Then, mainly due to political dissent, socialist feminism basically ceased as a movement and adopted a theoretical orientation (Froines 1992:126; Segal 1987:44). Academia came to play a significant role in the continuation and agenda of socialist feminism with the marked decline in public forums for debate outside the university (Philipson and Hansen 1990). And then, near the close of the 1980s, the voice of socialist feminism in the theoretical realm became "remarkably silent in popular feminist debate" (Segal 1987:44). This remains true over a decade later, at the start of the new millennium.

Theory formulation and revision is an important aspect of the method and process of social research (Galtung 1967:481). As outlined in Chapter One, Introduction, challenging and potential contribution toward furthering the socialist feminist framework is one aim of this research. Drawing upon the grounded theory perspective (Glaser 1978; Glaser and Strauss 1967), to which this study partially adheres, theory is to emerge from the data and is used at the initial stage, that is before reviewing that data, *only* to frame the research, if at all, *not* to formulate *specific* hypotheses to be tested. However, also introduced in Chapter One and to be explained fully in Chapter Four: Methodology, what I have termed a **bi-functionary approach to content analysis** was employed in this research, which incorporates a deductive approach into an inductive centred methodology. In this study, as reviewed, the unified systems variant of socialist feminist theory, in

¹⁷ The women's liberation movement formed in the early 1960s in response to the lack of attention allotted to the needs of women within the larger civil rights, anti-war and student movements.

conjunction with the empirical and theoretical literature review and researcher reflexivity, was used to frame the research questions/concerns/hypotheses. The aim of the next two Chapters is to detail how this evolved, with primacy afforded to the theoretical influence.

This Chapter begins with an overview of socialist feminist theory, specifically the unified systems variant, and its focus on material and ideological control. Next, a socialist feminist examination of women's involvement with the criminal justice system is discussed, revealing the theory's neglect to adequately incorporate into its framework an explanation of the "violent" female offender. Then, the fundamental failure of feminist theory in general, and socialist feminism in particular to address race is raised.

Section II introduces feminist approaches to race, accounting for the interconnections between race, gender and class, and highlights the limited amount of socialist feminist writing in the area. Guidelines for this study to follow in addressing race are established. Next, the oppression of Aboriginal peoples, specifically women, in Canada is discussed. Examples of state attempts at cultural genocide and oppressive ideological colonial representations of Aboriginal women are reviewed. The third part of this section focusses on the material and ideological oppression of Aboriginal women in the criminal justice system. The section then concludes with the oppression of the "violent" Aboriginal female offender within the federal Canadian penitentiary system,

Correctional Service of Canada. In particular, the question of the extent of the effects of oppression reviewed in the prior sections for Aboriginal female offenders within CSC are raised. The absence of and the necessity for research in the area are acknowledged.

SECTION I: SOCIALIST FEMINISM, WOMEN OFFENDERS AND RACE

A. UNIFIED SYSTEMS VARIANT OF SOCIALIST FEMINIST THEORY

There are several variants of socialist feminist theory, each diverse in focus and origin¹⁸. Following the early period in socialist feminist theorizing, which was dominated by efforts to relate Marxism to women's paid and unpaid labour, concern shifted in the mid 1970s toward specifying theoretical linkages between a concept used widely by radical feminists and women liberationists, patriarchy, and Marx's theory of capitalism. It was no longer the theoretical aim of socialist feminism to "fit" women into Marxist categories, but rather, the aim became to transform and unite the two separate theoretical traditions. One stage in the development of socialist feminist thought was unified systems theory, which emerged in response to criticisms of its predecessor, dual systems theory¹⁹.

It is necessary to point out at this introductory stage that socialist feminist theory, and feminist theory in general, are not altogether disassociated from traditional sociological thought. It is linked in two main ways. First, feminist thought has drawn upon a substantial array of traditional theoretical perspectives, or as Chafetz (1988:6) conveys it, some general theories have served as "springboards for feminist theories" (i.e., symbolic

¹⁸ See Gottlieb (1989), Jaggar (1988), Lengermann and Niebrugge-Brantley (1988) and Tong (1989).

¹⁹ Dual systems theory initiated attention on women's experience in relation to 'domestic work' and the fact that it served men and capital. It recognized that women's experience could no longer be accounted for by solely focussing on their role in the reproduction of labour power. This marked a move away from the primacy of Marxism with its basis in the economic sphere. Dual systems theory afforded primacy to neither capitalism nor patriarchy, but rather, the system was seen as comprised of two systems or structures (Messerschmidt 1986). Dual system theorists maintained that "patriarchy and capitalism [were] distinct forms of social relations and distinct sets of interest, which, when they intersecte[d], oppresse[d] women in particularly egregious ways" (Tong 1989:175).

interactionism, social learning theory, social exchange theory)²⁰. This is indicative of recent sociological work as well, such as that of Foucault (1926-1984). Faith described Foucault as a “prominent twentieth century Western male scholar whose analyses, despite androcentricities, are complementary to or evocative of feminist perspectives” (1994:36). Noting that Foucault fails to identify the centrality of gender in his analyses of power relations, Faith contends that “[n]evertheless, feminist scholars, who have found links between their own insights and perceptions of Foucauldian thought have entered into critical dialogue with the tone of having located a useful ally as well as a sparring partner” (1994:36). And second, feminist theoretical perspectives and discourse have emerged largely in reaction to and critique of general sociological theory and its treatment of women and men as the same. Ritzer (1988) provides three points of evidence.

First, Ritzer notes that between 1840 and 1960, the central players or “founding fathers” in sociology’s emergence as a perspective, and eventually as an academic discipline, were men. For example, no woman held a significant position of office in any of the national associations of sociologists or a senior academic position in sociology departments during this period (Ritzer 1988:408). Second, throughout this period in sociological history, “feminist” ideas entered only on the margins of sociological thought. In addition, such ideas came primarily from male theorists that were marginal to professional sociology, such as Simmel (Oakes, 1984) and W.I. Thomas (Rosenberg, 1982), even though these ideas were subsequently influential in the discipline. And third,

²⁰See the work of Mary Bosworth (1999). *Engendering Resistance: Agency and Power in Women’s Prisons*. Aldershot: Dartmouth.

centrally situated men in the profession were untouched by feminism. Ritzer states:

The major works of these theorists, the statements that have fundamentally shaped the sociological perspective, give almost no attention to gender as a social arrangement, and on those rare occasions when women's lives are discussed, as in Durkeim's analysis of suicide, the approach is wholly conventional and uncritical (1988:408).

The introduction of contemporary feminist thought in the late 1960s is thus linked in varying indebted and critical reactionary ways to traditional sociological thought. Contemporary critical sociological work that addresses social inequality (i.e., class and race) generally continues to incorporate gender on the margins, if at all, and persists in treating women and men as the same.

Socialist feminist thought, as stated, has moved beyond trying to "fit" women into the confines of a traditional theory (Marxism). Unified systems theory, the theoretical framework of this research, sets out to "describe and explain all forms of social oppression, using knowledge of class...hierarchies as a base from which to explore systems of oppression, centring not only on class but also on gender" (Lengermann and Niebrugge-Brantley 1988:426-27). It views class (capitalism) and gender (patriarchy)

structures as inextricably intertwined (Tong 1989:185). It analyses capitalism²¹ and patriarchy²² together through the use of one concept: capitalist patriarchy²³. This form of capitalist patriarchy "emphasizes the existing mutual dependence of the capitalist class structure and male supremacy" (Eisenstein 1979). It centres on the structure of patriarchal

²¹ Capitalism is defined as an economic system in which the means of production and distribution are for the most part privately owned and operate for private profit (Evans 1995).

²² Patriarchy is defined as a system whereby males achieve and maintain social, cultural and economic dominance over females. It is predicated on an understanding of gender relations as inequalities of power (Evans 1995).

²³ See Jaggar (1988) and Young (1980).

society and the operation of its capitalist institutions, such as the criminal justice and correctional systems, as controlling forces in the lives of women. It claims production (capitalism) and reproduction (patriarchy) comprise the foundation of society which uniformly facilitates female oppression and male domination (Comack 1992). It is contended that capitalism requires patriarchy and vice versa to maintain the oppressive social structure²⁴.

A fundamental concept of unified systems theory is the *gender division of labour*. Historically, with the advent of capitalism in Canada, women were allocated the role of

the reserve army of labour²⁵ (Martin 1986). The reserve army of labour worked, and continues to work, to marginalize women's productive and reproductive labour²⁶. The marginalization of women is a fundamental component of capitalism.

To understand the relations of production (capitalism) and reproduction

²⁴ It has been suggested by some (Acker 1989; Beechy 1987) that patriarchy is not essential to capitalism. Forefront has been the position that patriarchy is conceived as a static, rather than a fluid concept, and thus is unable to account for various forms of patriarchal oppression. This is similar to the criticism that feminist thought treats all women as one, discounting women's diversities such as by race (see Section I, Part C: Socialist Feminism and Race). Hence, some suggest that within the socialist feminist framework the concept of patriarchy has consequently lost its analytical strength (Messerschmidt 1993:59). I do not agree, and in place raise caution to the criticism. I suggest that socialist feminism's focus on a mutually dependent system of capitalist patriarchy provides a level of valuable explanation that is specific, and in this research specific to the capitalist patriarchal structure of the federal Canadian penitentiary system, the Correctional Service of Canada. The socialist feminist perspective provides a point of entry into analysis of such a structure.

²⁵ Tong (1989) explains that "Because a large reserve of unemployed workers is necessary to keep wages low and to meet unanticipated demands for increased supplies of goods and services, capitalism has both implicit and explicit criteria for determining who shall constitute its primary, employed work force and who shall act as its secondary, unemployed work force. For a variety of reasons, not the least being a well-entrenched gender division of labour, capitalism's criteria identified men as "primary" work force material and women as "secondary" work force material. Because women were needed at home in a way that men were not - or so patriarchy concluded - men were more free to work outside the home than women were" (184).

²⁶ For example, "[u]nder capitalism as it exists today, women experience patriarchy as unequal wages for work equal to that of men; sexual harassment on the job; [and] uncompensated domestic work" (Tong 1989:185).

(patriarchy), one must examine their inter-relation of *power* (Eisenstein 1979:21). Unified systems theory is interested in understanding the system of power derived from capitalist patriarchy. In industrial Canada, the interconnected nature of the power of patriarchy and capitalism results in specific patterns of social involvement. Lacombe (1984a) identifies this concept of power as a “complex reality” (171).

Focussing on the system of **production**²⁷ (of food, clothing, shelter) and the gender division of labour, an upper class exists (men) that has a ruling and exploitative relationship with the working class (women)²⁸. The upper class possesses *power* in Canadian society. Messerschmidt explains:

What maintains this class rule are both repressive and ideological institutions of

the “superstructure”. The capitalist class is served by, and so controls, at least indirectly, the means of organized violence represented by the state - the military and criminal justice system. Through its preeminent influence on the state, the capitalist class is able to repress behaviours that challenge the status quo. Other institutions, like the educational system and the mainstream media, expound an ideology supporting the status quo. Overall, then, the relations of production under capitalism have both material and ideological dimensions (1986:32).

Focussing on the system of **reproduction**²⁹ and the gender division of labour, patriarchal relations are essentially *power* relations with men exercising control over women by appropriating their labour power³⁰ and controlling their sexuality³¹. The

²⁷ The way people create and distribute goods and services (Lacombe 1984a:171).

²⁸ Neither women nor men can be conceived as totalities. There is diversity between women by such factors as race and class, however, it is in the interest of the ruling class to have women in general in an oppressed position. Similarly, all men do not benefit from the power of patriarchy equally.

²⁹ The way people bear and rear a new generation (Lacombe 1984a:171).

³⁰ Women’s labour within both the productive and reproductive realms has been mainly appropriated by men for personal use.

system of reproduction concentrates on socialization and daily home maintenance and its unpaid, invisible rounds of domestic tasks and child rearing. Messerschmidt states that

...men control the economic, religious, political and military systems of power in society. Women's exclusion from these positions is fundamentally parallel to their regulation of primary responsibility for reproductive labour. This exclusion is a major reason why women are relatively powerless to centrally change...the sexual division of labour (1986:34).

Since the ruling class is primarily comprised of men, behaviours that question patriarchy are repressed. As well, institutions of the state³², such as the criminal justice and correctional systems, uphold the patriarchal ideology of the ruling class. Relations of

reproduction under patriarchy, like relations of production, have both material and ideological dimensions (Messerschmidt 1986:34)³³.

Overall, the systems of production (capitalism) and reproduction (patriarchy), from a unified-systems theory perspective, unite in their oppression of women. Together they maintain the gender division of labour and thus ensure the marginalization of women. This is done in the interest of the ruling class to perpetuate its position of power in this form of capitalist patriarchy. As outlined, two concepts are central to this

³¹ For example, normative sexuality "...helps to legitimate the ideology that women are dependent on men for their sexual and economic well-being, denigrates women's relationships with other women, and subjects them to continued domination by men" (Messerschmidt 1986:34).

³² The state is the apparatus of rule or government within a particular territory. It is a social system that is subject to a particular rule or domination. In this form of capitalist patriarchy, the ruling class has great influence on the operation of the state (Jary and Jary 1991:623).

³³ It is important to point out that just as patriarchy and capitalism are systematically bound to one another, so too are production and reproduction related. And as society advances this becomes ever more evident. Reproductive labour can be simultaneously productive labour and vice versa. "As Allison Jaggar and William McBride note: Not only has the production of food and cloths been industrialized, but laundering and the final stages of food preparation continue to move outside the home" (cited in Messerschmidt 1993:59).

understanding, material and ideological control, within both the productive and reproductive spheres. Next, a socialist feminist³⁴ analysis of the involvement of women in the criminal justice system is discussed.

B. SOCIALIST FEMINISM AND WOMEN'S CRIMINAL INVOLVEMENT

In the introduction to the unified systems variant of the socialist feminist theoretical perspective in Section A, it was advanced that “patriarchal capitalism creates two basic groups: a *powerless* group, comprising women and the working class, and a *powerful* group, comprising men and the capitalist class. Within patriarchal capitalism, individuals are affected structurally by their class and gender position in *interaction*” (Messerschmidt 1986:41). It follows that from within the framework of socialist feminism, the crimes individuals engage in are affected by their class and gender positions within patriarchal capitalism, reflecting their levels of oppression (Currie 1986:232; Gregory 1986:54).

³⁴ Hereafter, when the term socialist feminism is used it refers to the unified systems variant, unless otherwise

Traditional criminology is criticized for not adequately acknowledging gender, or more precisely, the structural power men exercise over women in its account of criminality (Lacombe 1984b:173). A primary reason is that criminology has conventionally centred on an “official” definition of crime. This “official” picture of crime is largely dependent on “official” crime statistics, and this is well criticized for telling a great deal about the ways in which law enforcement agencies operate, while accepting without question the priorities and assumptions of these agencies (Gregory 1986:54) (see Chapter Eight). Such an approach does not acknowledge the nature of women’s oppression through the patriarchal and economic systems (Currie 1986:232)³⁵. Currie supports that: “Criminality as an explanation for crime obscures and thus mystifies underlying social processes, while its manifestation in official statistics becomes a vehicle for domination. Thus, a concept like ‘female criminality’ merely contributes to the perpetuation of a reified social order” (Currie 1986:237). Currie continues on to claim that one clear outcome of focussing on “criminality”, grounded in the official definition of crime, is a rigid definition of masculinity and femininity (1986:237). Gregory (1986:60) supports that when women are accounted for in traditional criminological explanations, their nature as women is centred upon:

While the mainstream debates in criminology proceeded as though women did not exist, a small number of criminologists have chosen in the past to make a special study of female criminality. Without exception, they all started from the premise that women are fundamentally different from men, so that a totally different kind of explanation was required to account for their behaviour...[T]hese studies drew heavily from existing theoretical ideas, adapting them to fit the ‘facts’ of female crime on the basis of commonly held assumptions about the nature of women.

³⁵ Similarly, in a socialist feminist analysis of pornography, Lacombe states: “Pornography is not the source of sexism in society and curtailing the sexual representations which are mainly sexist and violent will not prevent them from happening. Pornography reflects power as it exists in the real world” (Lacombe 1984b:93).

Essentially, traditional criminology neglected to acknowledge the role of gender in the social structure.

As reviewed from within a socialist feminist perspective “...criminality [is] theorized as related to the interaction of patriarchy and capitalism, and to the structural possibilities this interaction creates” (Messerschmidt 1993:56). It is proposed that the subordinate hierarchical position of women within *capitalism* largely confines their criminal conduct to “powerless” crimes, such as shoplifting, prostitution and fraud (Gregory 1986; Lacombe 1984a). These crimes are suggested to serve to accommodate women’s oppressed position in patriarchal capitalism. Messerschmidt (1986) states:

The fact that females are subordinate and therefore less powerful in economic, religious, political and military institutions worldwide means that females have less opportunity to engage in serious [powerful] criminality (43).

Similarly, women’s oppressed position under the structure of *patriarchy* also leads to their engagement in “powerless” crimes (Gregory 1986; Lacombe 1984a). For example, the works of Miller (2001) and Messerschmidt (1986:44) indicate that girls are more likely to be highly supervised than boys in the domestic realm, and thus are less likely to come into contact with the resources required to engage in serious and powerful crime.

Addressing the necessary identification of the intersection between patriarchy and capitalism, Gregory states:

A socialist-feminist criminology would seek to avoid the pitfalls of both Marxist and feminist criminology by combining the insights of both. At the theoretical level, the obstacles that confront such an enterprise often seem insurmountable...At the substantive level, however, the prospect becomes less daunting. The difficulties begin to recede as the analysis uncovers the ways in which men and women are both oppressed by gender and class relations. Once this is recognized, an analysis of one without the other becomes unthinkable” (1986:66).

Adhering to the socialist feminist position that women engage overwhelmingly in

powerless crimes as a result of their oppressed role in the functioning of capitalist patriarchy, it is not unexpected then that socialist feminist theoretical attention to explaining women's serious criminality, such as violence, is extremely limited (Messerschmidt 1997:68). Using Messerschmidt's work as an illustration, when serious female criminality is attempted to be accounted for, its focus on women's oppressive and powerless position in both the productive and reproductive realms facilitates an identification of women's conduct as anti-social, deviant and unnatural. Messerschmidt (1986:44) states:

Women confined to the home may reach the point where they can no longer endure the continued hardships of domination and therefore turn to isolated and self-destructive forms of 'deviance' not normally considered deviant: alcoholism, drug addiction, mental illness and suicide. These types of privatized *resistance* against their subordinate and powerless position in patriarchal capitalist society is one of the more pervasive forms of 'antisocial' behaviour engaged in by women.

Such an identification of women's conduct as "antisocial" is suggested to contribute to a powerless characterization of women.

Socialist feminist explanations of the "violent" female offender, other than claiming their conduct to be antisocial, are non-existent. Most prominently, Messerschmidt (1986) briefly mentioned the "violent" female offender in his 1986 book, Capitalism, Patriarchy and Crime: Toward a Socialist Feminist Criminology. In it he introduced female violence as a product of the label of those who define them as such, based on the changing position of women in capitalist patriarchy. He claims:

Increasingly, those females who do not act in a "feminine" way - that is, those whose behaviour indicates an erosion of traditional female gender-roles - are viewed as stereotypically nontraditional and therefore deserving of punishment (1986:80).

A decade later, Messerschmidt (1997) maintains this view of women's acts being labelled as violent as a consequence of their identification as stereotypically

“nontraditional” and “unfeminine” (68). In addition, he introduces the idea that women can commit occasional violent crimes, and when they do, it is not understood theoretically. Citing Shaw (1995b:122), Messerschmidt argues: “The criminological image of violence by women is based on that of male violence - macho, tough, aggressive; we have no ways of conceptualizing violence by women except in terms of its ‘unnaturalness’” (1997:68). Empirical support for this claim, however, is not provided. And as revealed, research does not exist to date that addresses the “violent” female offender from within the socialist feminist framework.

To summarize, socialist feminism contends that women participate overwhelmingly in powerless crimes within the capitalist patriarchal structure of Canadian society. By emphasizing “violence” as being a matter of the state, the violent female offender has been overlooked. In socialist feminism’s very limited attempt to address women’s powerful crimes, such as violence, it has: (1) contributed to a powerless characterization of women through a description of their violence as anti-social, deviant and unnatural, and (2) suggested female violence is the product of a “violent” label being attached to women who act in “unfeminine” ways. And third, it has merely been suggested that women can commit occasional violent crimes. Empirical research and complete theoretical explanations to accompany either of the two latter two claims do not exist. It is suggested here that placing the “violent” female offender within a socialist feminist analysis may provide a viable introductory theoretical account (see Chapter Three, Section I, Part A: A Socialist Feminist Explanation of the Identification of the “Violent” Female Offender as “Unnatural/Evil”). Part C turns now to an examination of general feminist and socialist feminist theoretical accounts of race.

C. SOCIALIST FEMINISM AND RACE

This section introduces a fundamental criticism of feminist theory in general, and

socialist feminist theory in particular - the failure to address race. It introduces socialist feminism's underdeveloped recognition of the need to incorporate race into its analyses. The next Section examines specifically how feminism in general, and socialist feminism in particular (albeit to a very limited extent), has addressed and incorporated race into its frameworks.

(a) Accusation of Ethnocentrism in Feminism

Historically, there was an assumption of cultural heterogeneity with inattention to race within feminism. The Black feminist perspective was the most powerful and effective in bringing race to the forefront of feminist discussion (Daly and Stephens 1995:189; Segal 1987). Segal states that: “They [Black feminists] argued, as have many other Black women, that white feminists used racist and stereotype perceptions of Black and ethnic women, or ignored them altogether, assuming unity across ethnic groups which does not exist” (Segal 1987:62). “As Iacovetta and Valverde (1992:xiv) have noted, Canadian women’s history has been characterized by a strong preoccupation with articulate, white, middle-class women” (in Dua 1999a:10-11). It was assumed that “...feminist theory could cross time and place and be universally applicable” (West 1992:564).

The accusation of ethnocentrism initiated by Black feminism spurred a re-examination and restructuring of perspectives within feminism in general. In the 1980s, feminism questioned its racially exclusionary foundation and considered how to theorize the issue of race³⁶. The initial response was to ‘fit’ race into feminism’s, including socialist feminism’s, current framework of class and gender (Bannerji 1995). When recognized that this would prove no better than the traditional ‘add women and stir approach’ characteristic of traditional sociology, a new approach was advanced. By the early 1990s, feminism’s aim was to examine the intersection of race, gender and class

(Maroney and Luxton 1996; Hannah-Moffat and Shaw 2000:13). To illustrate, in 1991 Gupta stated:

³⁶ Dua (1999a) claims that this occurred at much earlier points in time, but there is little documentation of the writings. She also notes that recently there has been attention in the area by a small number of feminist historians (10-11).

Women of colour have stressed that their existence cannot be neatly fragmented by gender, race and class. These variables mediate one another, and thus take on different forms at different times. Failure to acknowledge this is itself an indication of racism, sexism and class oppression (19).

Acknowledgement of race, specifically the intersection of race, gender and class was necessary, however, requiring even greater attention was and remains to be attempts at appropriate theoretical work in the area. This is reflective of the socialist feminist theoretical perspective.

(b) Socialist Feminism's (In)Attention to Race

In 1991, Muszynski stated “[o]ne of the most difficult problems in critical feminist theory today is conceptualizing the interconnections of race, class and gender” (64). As reviewed, for feminist theory in general this remains true, as it does for the socialist feminist perspective specifically (Comack 1999; Messerschmidt 1993:60). Once again, a principle criticism of feminist theory in general and socialist feminist theory in particular, is that it is ethnocentric - it represents the white, middle class experience (Messerschmidt 1986). In what follows, socialist feminism's underdeveloped recognition of the need to incorporate race into its analyses is presented.

Reflecting on the ethnocentric nature of feminist theory, West (1992) writes: “[w]estern Marxist, radical and socialist feminist theory attributed causes of women's subordination to men to ‘capitalism’, or ‘patriarchy’ or ‘patriarchal capitalism’ in a global fashion....They assumed feminist theory could cross time and place and be universally

applicable” (564). Socialist feminism in particular assumed universal applicability across race. A clear indication of socialist feminism's exclusion of and thus need to address race is its inability to explain the disadvantaged position of Aboriginal women in Canada. It is

widely argued that the subordination of Aboriginal women has been central to the colonial project of capitalist expansion in Canada (Bryson 1992; Maroney and Luxton 1996). To explain, the influx of Aboriginal families to urban centres has given rise to a new disproportionately poor, single-parent, mostly female-headed family. Maroney and Luxton (1996) support that the perpetuation of this family form was/is a primary mechanism for maintaining Aboriginal disadvantage in Canada (89). Recently, when socialist feminist theory, along with feminist theory in general, acknowledged its neglect to address race and attempted to correct for it, it encountered widespread difficulty.

As indicated, the initial response of feminist theories in general, and socialist feminism in particular, was to ‘fit’ race into feminism’s current framework of class and gender (Bannerji 1995). Socialist feminism soon came to the conclusion though, that in conjunction with the need to focus on patriarchy (gender) and capitalism (class) as a unitary system, the concept of race needed to be unilaterally incorporated into the analysis (Barrett and McIntosh 1985:24; Segal 1987:65). This required socialist feminism to re-examine its ‘capitalism’ plus ‘patriarchy’ position to address the inclusion of race. According to Morgen, “socialist feminists began to take more seriously not only the gender-specific nature of class experience but the class and race specific experiences of gender” (1990:280). She further states that socialist feminists began to acknowledge the “intersection of gender, race and class in women’s lives and in the constitution of

social relations of power” (Morgen:279). Ultimately, socialist feminism formally recognized the need to examine the intersection of race, gender and class and confront oppression within the community of women itself (Ritzer 1988:427). However, only initial work has been conducted toward such a theoretical understanding (i.e., Barrett and

McIntosh 1985; Danner 1991; Dell 1999a) (see Section II, Part A: Feminist Approaches to Race).

To summarize, in addition to gender and class, the socially oppressive function of race has been identified in the literature (Bryson 1992; LaPrairie 1992). Few efforts, however, have been directed toward addressing it (Chesney-Lind and Bloom 1995:51). This understanding is incorporated into this research with the aim of using existing “knowledge of class and gender hierarchies as a base from which to explore systems of oppression centring not only on class and gender, but also on race....” (Lengermann and Niebrugge-Brantley 1988:427). As proposed, an evaluation and potential broadening of the socialist feminist framework to address race is integral to this study.

In review of this Section, socialist feminist theory was introduced, specifically the unified systems variant, with its focus on material and ideological control. Women’s involvement in crime was then discussed from within the socialist feminist perspective, revealing the theory’s inadequate incorporation of the “violent” female offender into its explanatory framework. And last, a fundamental criticism of feminist theory in general, and socialist feminism in particular, was reviewed - the failure to address race. The next Section, II, examines how feminism in general, and socialist feminism in particular, has addressed race to date in its theoretical work.

SECTION II: ADDRESSING RACE, GENDER AND CLASS: THE ABORIGINAL FEMALE OFFENDER

Section I introduced how the criticism of ethnocentrism/racism in feminism initiated the consideration of race. This section begins with a discussion of the literature

that accounts for interconnections between race, gender and class, highlighting socialist feminist writings, albeit they are limited. Then, guidelines are outlined for this research in its analysis of the oppression of colour, specifically Aboriginal women in Canada. Next, an overview of the racial oppression of Aboriginal peoples in Canada, with specific focus on Aboriginal women is provided. It is necessary to gain an historical understanding to contextualize current modes of and the residual effects of past domination. Further, it will be observed that state oppression effected Aboriginal women and men differently, which partially justifies this study's sole focus on women. Illustrations of state attempts at cultural genocide and oppressive ideological colonial representations of Aboriginal women are reviewed. The oppression of Aboriginal peoples in the Canadian criminal justice system is then discussed, again with specific attention allotted to Aboriginal women. And last, the oppression of "violent" Aboriginal women in the federal Canadian penitentiary system, Correctional Service of Canada, is examined. Once again, there is extremely limited research in this area, hence justifying this study. A theoretical understanding, based within the socialist feminist framework, is articulated throughout.

A. FEMINIST APPROACHES TO RACE

The current focus of feminism in addressing race, as introduced in Section I, is the intersection or interconnections between race, class and gender. Initially, Black feminism and standpoint feminism proposed that research should start from the experiences of women of colour, their accounts of class and race, and their impending interconnections (Evans 1995). This approach was highly criticized for being both separatist and fostering

potential resentment and mistrust between feminists if it remained at the level of individual experience. Segal notes:

...we are able to generate theories on how our experiences are formed through the ideologies or sets of discourses available to us. And we are able to generate theories about the structures of domination in which we ourselves, and others outside our own experience, are enmeshed. An emphasis on interpersonal behaviour, on racism or on class privilege within feminism is misleading if it encourages only individualistic, moralistic self-blame, and purposes only personal solutions. For we are up against something much larger if we want to confront the underlying structures of class and race, or gender domination (1987:61).

Although the individualistic approach was discounted (e.g., hooks claims that theory has to *evolve* from the lived experiences of the subjects and progress beyond the individual level), it did introduce the examination of women's experiences and highlighted the need for their incorporation into understanding the connections among race, gender and class. Recent terminology, anti-racist feminist thought, is used by some to capture this set of writings and theorizing. There is, however, some divergence within this realm on the definition of anti-racist feminist thought, characteristic of other struggles within the feminist theoretical arena. For example, for some (Brand 1988; Dua 1992; Agnew 1996), anti-racist feminist thought is "the body of literature that positions the lives and experiences of women of colour as the starting point for feminist analysis" (Dua

1999a:9). For others, (Stasiulus 1990; Khayatt 1995) "anti-racist feminist thought is the body of literature that examines the multiplicity of experiences" (Dua 1999a:9).

An example of work on the intersection of race, gender and class is that of West (1992), who progressed beyond an individualized focus in feminist theorizing. West proposed a "gendered cultural relativism", which she described as

...a methodological and theoretical perspective that puts women at the centre of knowledge but contextualizes women's experiences to their culture. Theoretically, women's own understanding of their situations are the heart of this analysis but in

analysis of these interpretations, we critically seek to understand how culture constructs gender (1992:563).

Although West does not explicitly formulate class into her analysis, she does focus on a similar yet broader dimension, nationalism. West examines the intersection of race, gender and nationalism and concludes the three concepts can be theorized together if feminists move outside or transgress their personal constrictive boundaries. West asserts that feminists must integrate 'inclusionary thinking' into their frameworks. For example, the commitment of feminists in the Philippines to nationalism does not deem them non-feminists because it digresses from the dominant Western idea of feminism. West proposed that "[b]y using a gendered cultural relativism and putting our own value systems up for inspection, we can appreciate differing world views which may change our own" (1992:577). This is vitally important, given feminism's exclusionary history, to better comprehend the connections among race, gender and class.

Bannerji's (1995) work, Thinking Through: Essays on Feminism, Marxism and Anti-Racism, is a second example of recent feminist theorizing on the connections among race, gender and class. Bannerji explores the intersections from both a theoretical and

personal perspective. Theoretically, Bannerji adopts a Marxist perspective in her exploration of the limitations of feminist theory by its marginalization of consideration of race and class. From a personal perspective, Bannerji considers her experiences at York University's Atkinson College and applies her theorization of race/gender/class. Her main assertion is that groups in society which claim to be socially progressive may actually (consciously or unconsciously) reproduce the very iniquities of capitalism and patriarchy they claim to denounce. Drawing on Bannerji's work, Dua (1999a:14) states:

...the most difficult aspect of talking about racism in Canada was that it was so

common sense - so embedded in everyday life. She [Bannerji] pointed out that because racism was embedded in the diffused cultural practices of Canadian society it was erased.

A third example is the work of Barrett and McIntosh (1985), which specifically attempts to incorporate race into the socialist feminist perspective³⁷. Barrett and McIntosh take a unique approach in that they re-evaluate their own socialist feminist scholarship, rather than 'take on' the entire discipline of socialist feminism. They suggest this is more feasible due to the diversity and fragmentation within the socialist feminist perspective. Barrett and McIntosh (1985) criticize their own work for: (1) an absence of questioning the relationship between household organization and wage labour: the male

is not the primary economic supporter in some ethnic families; (2) a neglect of conceptual issues, such as the undeniable fact that white women can dominate Black men. Similarly, the fact that racial status (unlike gender) is inherited which makes it possible for association with class, which is also largely inherited, and (3) with regard to their unquestionable acceptance of family they state "the white western critique of the housewife's isolation in a nuclear-family box living on a diet of tranquillizers is completely inappropriate in other contexts" (Barrett and McIntosh 1985:43).

The work of Danner (1991) is also a socialist feminist attempt at theoretical connections among race, gender and class. Danner's unique contribution is the

³⁷ Note that the socialist feminist perspective is suggested by Dua (1999a:10) to have served as the cornerstone for theorizing the interconnections among race, gender and class from the early 1980s to 1990s, given its focus on how institutions organize and maintain relations. The main criticism of, and eventual distancing from the perspective was that "...the concern with the state and economy led writers to be sensitive to the analysis of systemic discrimination, the ways in which Canadian social institutions perpetuate racism and sexism.....[As attention turned] to explaining why, in addition to organizing class and gender inequality, Canadian social institutions organized racial inequality....the recognition that Canadian social institutions perpetuate racism would lead several writers to reject the epistemology underlying socialist feminist and Canadian political economy traditions" (Dua 1999a:10-11).

acknowledgement that when race is added into gender and class the concept of difference becomes central. Not only is class (e.g., a melding of boundaries between classes in society) and gender (e.g., homosexuality) becoming exceedingly recognized as diverse, but diversity is inherent to race. Danner states “[t]his does complicate theory and research but it is a reality that cannot be ignored” (1991:53). Danner also cautions that “[w]hile we often separate them [race, gender and class] for analytical purposes, none can be separated in reality, and it is increasingly questionable whether they should be separated in analyses” (1991:53).

And a final example, specific to criminology, of an attempt at the intersection of race, gender and class is the work of Daly and Stephens (1995), who attempt to bring black feminist thought specifically into criminology. Daly and Stephens acknowledge the impact of Black feminist thought on literature and in academic writing and research, but note that within criminology it has been near absent. Daly and Stephens claim that

within the social sciences and especially criminology, traditionally

a class-race-gender analysis has translated to mean a comparison of different groups (e.g. employment and wage differences for white and black women by type of job) or an analysis of interaction effects, in a statistical sense, of class-, race- or gender-related variables. While quantitative work can be useful in depicting patterns or making comparisons, it is not capable of revealing the relational and socially constructed ways in which crime and justice are experienced and enacted (1995:207).

Daly and Stephens (1995) propose that Black (or multi-ethnic) feminist perspectives need to focus on sources of racial and gender specificity without reinforcing or engaging in racist and sexist imagery. They provide the example of the embedded nature of race in the

foundation of law. They argue that relations of inequality are structured and reproduced in law and legal process and are critical of the presumptive neutral legal principles, which mask a male, white and middle class point of view (Daly and Stephens 1995:195) (this is similar to the position to be presented in Section II, Part B: Aboriginal Peoples in Canada, in particular the work of Monture-Angus).

This section has examined the current focus in feminism and socialist feminism on race, specifically the attempted interconnections among race, gender and class. It became evident in the review of the theoretical literature that there is not one “dominant” or “complete” approach to addressing race, or the connections between race, gender and class, advanced as of yet (if ever) by feminist theorists. This review, and linking it to other sections of this research did, however, provide guidelines from which the concept of race was approached in this study. They are:

- Ensure inclusionary thinking in the research, that is, question my personal perspective of how race “works” in Canada (Exemplified in part in the pre-research stage of the research process - reviewing other accounts of the P4W

incident). (Borrowing from West 1992).

- Do not accept at “face value” groups, policies, programs, and the like that claim to be racially “inclusive” (i.e., CSC mission statement, see Chapter Three, Section II, Part C, Correctional Service of Canada Ideology). They may be, consciously or unconsciously, reproducing race, gender and/or class inequalities. (Borrowing from Bannerji 1995).
- Acknowledge the concept of difference within race and question the inter-dynamics of race, gender and class. For example, women of one race can dominate women of the same race. (Borrowing from Barrett and McIntosh 1985 & Danner 1991).
- Recognize that embedded within laws, and the like are assumptions about race (created by white, middle-class males) (To be addressed in this section). (Borrowing from Daly and Stephens 1995 and Monture-Angus 1999).
- Question stereotypes regarding Aboriginal peoples, specifically women. In this

research acknowledge that “badness” or “goodness” may be reflected in racial stereotypes. (Borrowing from Chigwada-Bailey 1997).

- Account for the voices of Aboriginal peoples. (To be addressed in this section).
- Account for the connection between history and the current social structure. (To be addressed in this section).
- An eighth guideline (and challenge) specific to socialist feminist theory is outlined by Bourgeault (1991):

The question at hand for socialist scholarship in general, and feminist (socialist, Marxist) in particular, is to advance a critical analysis of the historic and current interaction of class, race and gender in such a way as to offer an explanation of the forces underlying the oppression suffered by Aboriginal people in Canada. Since the focus is on Aboriginal women, to emphasize one form of oppression to the exclusion of the others essentially asks Aboriginal women to divide themselves as to their oppression....Although there are basic differences between the oppression of Aboriginal people in general and the oppression of women, there has yet to emerge a clear understanding of the parallels between the two and of how unity can be developed (110).

- And a final guideline specific to the criminal justice system is captured in Bloom’s (1996) statement that:

[f]ew efforts have focussed on the issue of race, class, and gender disparity as they relate to women in the criminal justice system; yet, precisely this sort of approach is essential if we are to understand how race as well as gender works in the lives of women (in Chesney-Lind and Bloom 1995:51).

To summarize this section, a theoretical understanding of feminism’s general attempt to address and incorporate race, specifically the interconnection of race, gender and class, into its analyses was reviewed. Consequently, guidelines from which this research approached race were formulated. The focus of the next section is Aboriginal peoples, specifically women, in Canada. It will bring to the forefront the necessity of race, class and gender based theoretical analyses.

A. OPPRESSION OF ABORIGINAL PEOPLES, SPECIFICALLY WOMEN, IN CANADA

The oppression of Aboriginal peoples in Canada is rooted in two centuries of despotic governmental actions. It is imperative to gain an historic understanding of such Canadian government actions, each with their own economic, social, political and legal agendas, because they significantly impact upon the current disadvantaged position of Aboriginal peoples in Canada. Jeffery York (1992), in his book The Dispossessed, is one of a multitude of authors (see Dua 1999a; Fleras and Elliott 1997; LaPrairie 1995; Monture-Angus 2000; Reasons and Pavlich 1995; Stevenson 1999), who have documented the link between the historical control of Aboriginal peoples and their current disadvantaged state. York succinctly claims:

It's been several lifetimes since Europeans first arrived on the shores of North America. Our ancestors, of course, had already lived here for many thousands of years. But as early as that very first encounter, extraordinary events began to occur among us. That initial meeting touched off a shock wave that was felt by Indian people right across the continent. And is still felt to this day (1992:vii).

This section highlights several key historic oppressive endeavours of the Canadian government against Aboriginal peoples, with specific focus on Aboriginal females. It also highlights the harmful portrayal of Aboriginal women from the point of early European contact and its ensuing ramifications. A theoretical understanding based within the development of capitalism, a foundation of the socialist feminist perspective (see Chapter Two: Theoretical Framework), is provided. The section concludes with a brief application of this understanding to the current position of Aboriginal women in Canada's capitalist patriarchal structure. Examples of structural attempts at cultural genocide and oppressive ideological colonial representations of Aboriginal women are reviewed. This discussion lends itself to Part C, and its examination of the treatment of Aboriginal peoples, specifically females, within the Canadian criminal justice system.

The oppression of Aboriginal peoples has been enmeshed within the development

of capitalism in Canada. Most prominently, the development of capitalism initiated the destruction of pre-capitalist Aboriginal societies and modes of production, established class, race and gender divisions, and introduced a system of state to perpetuate such divisions (Bourgeault 1991:88). As mentioned in my discussion of the socialist feminist theoretical perspective, capitalist development was and continues to be highly dependent upon the perpetuation of gender and class divisions. When the history of the Canadian government's treatment of Aboriginal peoples is reviewed in conjunction with capitalist expansion, it becomes apparent that race also was an essential determinant (McGrath and Stevenson 1996:53). In particular, the subordination of Aboriginal women has been central to the colonial project of capitalist expansion in Canada (Bryson 1992; LaRocque

1994). Accounting for this, it becomes **implausible** to apply the framework of socialist feminism to this research, with its sole focus on gender and class, without acknowledging the influence of race.

A myriad of examples of attempted and successful oppression of Aboriginal peoples contaminate Canadian history. The primary means of oppression of Aboriginal peoples was cultural genocide, or the assimilation of Aboriginal peoples into the dominant eurocentric culture. Mediums of bureaucratic action included government directed policies, laws, and statutes. One such example is the Indian Act (Jackson 1988:38).

In 1876 the Indian Act was passed, regulating Aboriginal life and land for both females and males. Implementation of the Act undermined the traditional roles, authorities and autonomy of Aboriginal regulations and effected Aboriginal women and men in both similar *and* diverse ways (acknowledging as well that Aboriginal peoples are not to be conceived as a totality). Focussing solely on the Aboriginal female, McGrath and

Stevenson state that “[b]etween 1876 and 1951, the Canadian federal government imposed a series of regulations intended to impose patriarchy and coerce Aboriginal women to conform to the regiments and edict demanded [of them]” (1996:40). Essentially, the development of capitalism and its expansion altered the social, political, and economic relationships between women and men within various Aboriginal societies, as well as oppressed total Aboriginal societies as a means of capitalist expansion (Bourgeault 1991:89). Three, of countless specific state controlled regulations which uniquely effected Aboriginal women in comparison to Aboriginal men were: (1)

definition in the Indian Act of who was and was not Aboriginal, (2) determination in the Indian Act of ownership of private and personal property, and (3) regulation of political presence through the Canada Act.

In the late 1800’s the Canadian government took it into its own power to define who was and was not Indian³⁸. *Patrilineage* was imposed on all Aboriginal peoples. It endorsed male control over females by dismissing matriarchal descent patterns. The government declared an individual was defined as Indian *only* if their father or husband, not their mother or wife, was an Indian. “It established that “Indian women marrying other than an Indian shall cease to be an Indian within the meaning of this Act, nor shall the children issue of such marriage be considered Indians” (Canada House of Commons 1869, 83)” (Stevenson 1999:67). McGrath and Stevenson poignantly state, “[b]y the stroke of a pen Indian women and their children...[were] denied their birth right as tribal members

³⁸It is important to footnote that Monture-Angus puts forth that focus on this section of the Indian Act is over-accommodated in the academic literature, and that greater attention should be focussed upon other areas that negatively impact upon Aboriginal women, such as violence, residential schooling and child welfare agencies (1990:90).

depending on who they married” (1996:41). As recently as 1951, this regulation was made even more stringent by denying Aboriginal women the right to band membership and band annuities upon marriage to a non-Aboriginal person. Changes or corrections to this aspect of the Indian Act were not made until **1985**, a mere 16 years ago in Canadian history.

A second regulation the Indian Act sanctioned which undermined female authority was the *denial of women the right to possess land*. Quite simply, with the

establishment of Aboriginal reserves, the lot of land allotted to nuclear families was issued in the male’s name because female ownership of land, other than for widows, was prohibited (McGrath and Stevenson 1996:49; Stevenson 1999:65).

And a third illustration of the oppressive actions of the Canadian government over Aboriginal females, was the introduction of a male-oriented elective system in 1869 with the Canada Act. Once again, quite simply, women’s status and authority were undermined by *prohibiting women from voting or running for office* (McGrath and Stevenson 1996:51). It is not difficult to deduce the destructive repercussions of the silencing of Aboriginal women’s voices both within their own societies and Canadian society as a whole.

The three examples of attempted cultural genocide of Aboriginal peoples through the Indian Act illustrate the Canadian government’s endeavours to oppress Aboriginal people for the purpose of capitalist development. They also reveal how regulation specifically effected Aboriginal women in an individualized and potentially greater detrimental manner in comparison to Aboriginal men. LaRocque (1994:3) comments that: “Colonization has taken its toll on *all* Aboriginal peoples, but it has taken perhaps its greatest toll on women...We can trace the diminishing status of Aboriginal women with the progression of colonialism”. It is important to note, once again, that when the subjugation

of Aboriginal women is referred to, this does not include *every* Aboriginal woman³⁹.

Bourgeault accordingly acknowledges that:

[s]ome [Aboriginal] women benefited from the complex relationships that developed around domination, sexual inequalities, and the creation of classes in the colonial situation. Some [Aboriginal] women gained advantage over other [Aboriginal] women (and over some men) and became members of the resident colonial elite (1991:91).

In addition to the examples of capitalist endeavours toward cultural genocide through the Indian Act and their specific hardship for Aboriginal women, there was also clear oppressive colonial representations of Aboriginal women which served to achieve the same means, and transcend to the present day. At the time of early European contact, the condoned European ideal of a woman was likened to the domestic sphere. West (1983) states: “[t]he ideal woman was characterized by the virtues of piety, purity, submissiveness, and domesticity” (in Stevenson 1999:55). This characterization, however, was the antithesis to the role and presence of Aboriginal woman during the time of early European contact in Canada. Stevenson provides a comparison:

Where European women were fragile and weak, Aboriginal women were hard-working and strong; where European women were confined to affairs of the household, Aboriginal women were economically independent and actively involved in the public sphere; where European women were chaste and dependent on men, Aboriginal women had considerable personal autonomy and independence - they controlled their own sexuality, had the right to divorce, and owned the products of their labour (Leacock 1980; Grumet 1980; Devens 1992; J. Brown 1975) (1999:56).

The eventual consequence was a view of Aboriginal women as “Squaw Drudge”,

³⁹ The words of Monture-Angus clearly capture this: “First of all, there is no single “Indian” reality. This is a formidable myth. It is a myth that has been accepted by all “mainstream” disciplines that have an interest in studying “Indians.” Professor DeVon Mihesuah (Oklahoma Choctaw) articulates in her essay on American Indian women and history: “There was and is no such thing as a monolithic, essential Indian women. Nor has there ever been a unitary ‘world-view’ among tribes, especially after contact and interaction with non-Indians, not even among members of the same group. Cultural ambiguity was and is common among Indians. Traditional Native women were as different from progressive tribes women as they were from white women, and often they still are” (Mihesuah 1998: 37-38)” (1999:76).

characterized as a ““squat, haggard, papoose-lugging drudge who toiled endlessly”, who “lived a most unfortunate, brutal life,” ... “fought enemies with a vengeance and thirst for

blood unmatched by any man”...[and] is...sexually licentious, ugly, beast of burden, and slave to men (Weist 1983; Accouse 1995)” (in Stevenson 1999:57)⁴⁰.

Similarly, the work of Carter (1997) examined the cultural imagery of Aboriginal women in the Canadian Prairies in the late 1700s. Her study concluded that “images of Native women and European women were created to establish boundaries between Native peoples and white settlers and to justify repressive measures against the Native population” (Carter 1997:i). She states that:

In the Canadian West, as in other settings, colonialism also functioned in a gendered way to develop powerfully negative images of the indigenous women, who were projected as being a threat to the white community. They were cast as the complete opposite of white women, as agents of the destruction of the moral and cultural health of the...community (Carter 1997:xvi).

Carter proposes from the findings of her study that in the Canadian West, harmful and oppressive depictions of Aboriginal women proved resilient and appeared well into the 20th century. Referring to the work of Acoose and the contemporary impact of negative stereotypes of Aboriginal women, Carter writes: “Such representations create very powerful images that perpetuate stereotypes, and perhaps more importantly, foster

⁴⁰ Note that in the early phases of European contact there were also less harmful, and even positive, depictions of Aboriginal women, centred in either their use to men (hunting, gathering, manufacturing skills), or a child- like Pocahontas-like princess. Any affirmative accounts, however, were soon demised with the arrival of missionaries (Stevenson 1999:58-60).

dangerous attitudes that affect human relations and inform institutional ideology” (1997: 39-40).

This section concludes with a brief application of the theoretical understanding forwarded (attempted cultural assimilation of Aboriginal peoples for the aim of capitalist

expansion) to the contemporary position of Aboriginal women in Canadian society (in addition to the noted lingering harmful stereotypes). The following example demonstrates how historic oppression, focussed upon race, gender and class, impacts the current position of Aboriginal women in Canadian society. In turn, this supports the necessity of an inclusive understanding of race, class and gender in Canada.

Systemic oppression on the part of the Canadian government has and continues to contribute to the endemic disadvantaged position of Aboriginal peoples within Canadian society. Focussing on Aboriginal females, one lead outcome has been underemployment. To illustrate, a study of Winnipeg city, which has a high concentration of Canada’s Aboriginal population in comparison to other urban centres, concluded that “...there is a potential labour force of thousands of Native women in Winnipeg who would like to work but are not presently in the labour market. The reasons for their lack of active job hunting [such as]...[l]ack of education, lack of skill training, lack of work experience, cost and availability of child care head the list...In effect, Native women are caught in a web of circumstances related to their economic and social position” (Hull 1983:47). Aboriginal women’s disadvantaged economic and social position in Canadian society is a sacrificial consequence of historic and current oppression, for the goal of capitalist patriarchal development.

The next section focuses on the treatment of Aboriginal peoples, highlighting Aboriginal women, as an outcome of the impact of oppressive government actions within

the Canadian criminal justice system. The theoretical understanding applied here is equally relevant to the following section, Part C. Prior to its introduction, however, a

lengthy quotation by Enakshi Dua (1999a) is provided to further articulate the race, gender and class based foundation of Canadian history, and its ensuing contemporary ramifications.

Recently, a twelve-year old friend asked his parents if I was Canadian or Indian. After discussing the question for a couple of minutes, one of his parents, joking referred to childhood years spent in the United States, replied that I was neither - I was American. While this excursion into national identity drew humorously on notions of hybridity, fluidity, and dislocation, it also illuminates the structures that organize race and gender in Canada. As anti-racist feminists have pointed out, the social and political definitions of who is defined as Canadian reflect the race and gender underpinnings of Canadian society. Underlying this question is the image of a Canadian as someone who is white. This stereotype works to determine who belongs to Canada, who is from elsewhere, who is a hyphenated-Canadian, and who is normal.

The question if whether a person of colour is a Canadian hides the complex history through which Canada became a white settler society. As, historically, the notion of who could be legally eligible for Canadian citizenship was tied to race, skin colour became a central (though not the only) marker of who could belong to the Canadian national formation. In the words of John A. Macdonald, Canada was to be a “white man’s country.” Today, the stereotype of who is and is not a Canadian works to reinforce the historical process by which indigenous, mixed race, African-Canadians, Asian-Canadians, Arab-Canadians, and others have been marginalized from Canadian society, as it obscures the history of colonialism, settlement, immigration, and citizenship policies that ensured the racialization and gendering of twentieth century Canada. Both the historical and contemporary locations that women of colour occupy in Canadian society have been shaped by multifaceted racialized, classed, and gendered processes that made Canada into a white-settler society (Enakshi Dua 1999:7).

C. OPPRESSION OF THE ABORIGINAL, SPECIFICALLY FEMALE, OFFENDER IN THE CRIMINAL JUSTICE SYSTEM

Similar to the closing example in the prior section, which communicates the current disadvantaged position of Aboriginal women as a consequence of historic governmental actions, the aim of this section is to illustrate the oppressive treatment of Aboriginal peoples within the Canadian criminal justice system, and its encasement in Canadian history. In addition to drawing a link between historical actions and the current disadvantaged position of Aboriginal peoples in Canada, a link can also be drawn between historical actions and the current structure of Canadian governmental institutions. Specifically, oppressive ideologies regarding Aboriginal peoples formulated in Canadian history have become engrained within the current structure, and thus operation, of Canadian institutions. In addition to being the topic of this research and a Canadian institution, the criminal justice system is important to focus on because, as Moffat points out, it is generally agreed upon that “Aboriginal offenders often experience racism, discrimination and a devaluation of their culture that is intensified and complicated by their involvement with the law” (1994:461). Examples of systemic and overt actions of discrimination against Aboriginal people, in particular women, are rifle throughout the Canadian (in)justice system.

This section begins with the findings of a 1995 Manitoba study that identified the views of Aboriginal peoples, primarily women, involved in the Canadian criminal justice system in largely paid employment, regarding reasons for the current involvement of

Aboriginal peoples in the Canadian criminal justice system as offenders (Dell 1995). The individuals' comments, which are specific to the Canadian criminal justice system, echo

the repressive historical capitalist patriarchal government actions outlined in the prior section:

"Just look at our history, it is all there".
"By product of colonization and oppression".
"Because the system doesn't understand Native culture. And the laws are made by white people which doesn't always fit the Native culture".
"Because the current system is unable to dispense appropriate justice to Aboriginal people. They are judging them from a white point of view and are issuing white solutions".
"Because the justice system is foreign to us".
"I believe a lot of it goes back to the days of residential schools and racism."
 (Dell 1995:18).

Ample evidence of structural oppression of Aboriginal peoples, including females, is strewn throughout the history of the Canadian criminal justice system⁴¹. One primary means of enacting domination has been the application of oppressive (i.e., racist, discriminatory) stereotypes (LaPrairie 1992:134; National Association of Women and Law 1993:8). As stated, these stereotypes, which frequently transgress into ideologies, are embedded within the historic oppressive actions of the Canadian government against Aboriginal peoples, and thus influence the current system of justice. For example, the 1991 Report on the Aboriginal Justice Inquiry of Manitoba which examined the treatment

⁴¹ The work of LaPrairie (1995) does not support prioritization of the Canadian criminal justice system as an explanation of the disproportionate representation of Aboriginal peoples. She contends that "[w]ho controls criminal justice system for Native people in the inner city is less important than changing the circumstances that propel them into it in the first place" (LaPrairie 1995:43). Her findings reveal "...social stratification exists in the inner-city Native population and that the more marginal the position, the greater the involvement with the criminal justice system. The findings also showed the relationship between childhood and adult experiences" (LaPrairie 1995:30).

of Aboriginal offenders within the criminal justice system, concluded that Aboriginal peoples were more likely to be charged with multiple offences, incarcerated upon

conviction, denied bail and held in custody longer in comparison to non-Aboriginal peoples. One suggested reason was the presence of oppressive stereotypes of Aboriginal peoples within the structure of the justice system in Canada.

Three prominent examples of the structural oppression of Aboriginal peoples in the criminal justice system, rooted within degrading stereotypes, are the cases of Donald J. Marshall⁴², Helen Betty Osborne⁴³, and J.J. Harper. Each case exemplifies the “...anti-Native racism...rife in the justice system” (Crow 1992:402). It is worth reiterating Crow’s account of the shooting of J.J. Harper to illustrate this point:

The shooting of J.J. Harper is a clear example of how racist stereotypes become institutionalized in the minds of those who are closeted in an atmosphere of racism. Harper, a senior official in a Manitoba Aboriginal organization, was stopped on a Winnipeg street by Constable Robert Cross who was searching for two suspected car thieves. Several factors suggest that Harper was confronted by police specifically because he was Aboriginal. First, it was obvious that he did not bear any physical resemblance to the descriptions of the suspects which were broadcast by the police. Second, evidence was uncovered to suggest that Cross was aware that the suspected car thieves had already been taken into custody by other officers when he stopped Harper....These factors underline the point that many police officers hold the view that all Aboriginal people are alike, and are probably guilty of something and thus should be randomly questioned on the basis of generalized suspicion (1992:433-434).

⁴² In reference to the wrongful conviction of Donald J. Marshall, Crow states “...the fact it took the \$7,000,000 Commission of Inquiry into the wrongful conviction of Donald Marshall to confirm this to a broader, somewhat sceptical public only shows how deep the denial of systemic discrimination has been” (1992:433).

⁴³ Crow and others support that because Helen Betty Osborne was Aboriginal, when she was murdered in a northern Manitoba community, both community and police indifference surfaced toward prosecuting the four men who were “*known*” to have committed her murder (1992:435).

A recent telling example of the structural oppression of Aboriginal females specifically in the criminal justice system, is the case of serial killer John Martin

Crawford, which is known by very few Canadians. Clarke explains:

His name is John Martin Crawford, and, for the number of people he's been convicted of murdering, he's second only to Canada's most notorious serial killer, Clifford Olson. Yet, in spite of this horrific distinction, Crawford's killings have been largely ignored in this country. So have the people he killed. Their names are Shelley Napope, Eva Taysup and Calinda Waterhen, and, during one grisley Fall in 1992, Crawford ended their lives. They were not the first. In 1981, Crawford also took the life of Mary Jane Serloin. All of Crawford's victims were Aboriginal, all were women and all were from the rougher, seedier parts of town. In a country where death makes the news everyday, the deaths of these women went by seemingly unnoticed by Canada's national news gatherers. Was it because their deaths were not considered "newsworthy" enough to elicit the kind of sympathy extended to victims of similar murder sprees? Some people believe it's because they were poor, and because they were Aboriginal (2001:Cover).

As stated, structural oppression is based in historical actions whose effects filter through to the present day. To further illustrate, a recommendation from the 1998 meeting between the Solicitor General of Canada (then Andy Scott) and the National Reference Group regarding criminal justice issues affecting women, was that "the disproportionate over representation of Aboriginal women in the prison system may stem from the history of abuse and racism against Aboriginal peoples" (National Reference Group 1998:2). Crow still further illustrates this point in her statement that:

...a major problem is...the racism has become so ingrained in the operating of criminal justice agencies that it is beyond the awareness of those who practice it. Over time, it is possible that discriminatory conduct becomes so subtle that officers and citizens no longer notice that their conduct displays prejudice and discrimination. Thus, it is not only difficult to detect, but it is also difficult to prove and almost impossible to eradicate without changing the entire way in which the agency operates (1992:433).

To this point in the section, it has been suggested that the oppressive ideologies characteristic of the historical oppressive actions of the Canadian government are ingrained within the structure of current government institutions, such as the criminal justice system, and negatively impact upon the position of Aboriginal peoples in Canada. One further example is Canadian law. It is argued by many that the oppressive structure of the law unequally represents all Canadians, with many having been and continuing to be excluded from it (Comack 1999; Monture-Angus 1999). Monture-Angus states:

A preliminary examination of legal structure and theory clearly identifies that certain groups have not had an equal opportunity to participate in the process of defining social and state relations (including the law). Women, Aboriginal women, and other so-called minorities have not shared in the power to define the relationships of the institutions of this country (including the university, the law courts, criminal justice institutions, and social services) (1999:80).

Of particular interest to this research, is Monture-Angus' identification of the law as not accounting for the specific circumstances of Aboriginal women. Monture-Angus succinctly states: "The social realities, including the historic oppression of Aboriginal people, are not realities that courts readily consider in their decision-making process" (1999:78).

It is also important to acknowledge that the current criminal justice system, and Canadian government in general, support some means to address the identified inequity. A few examples include the 1996 Report of the Royal Commission of Aboriginal People, allowing sweat lodges and sweet grass to enter prisons, the increased hiring of Aboriginal peoples by police departments and endorsing anti-racism courses as part of police training, and the opening of Okimaw Ohci, the Aboriginal Healing Lodge for federally sentenced women in Saskatchewan. Caution, however, must be exercised in *how* such changes are implemented, that is, *not* in the hierarchal and domineering manner reflective of Canadian

history. One technique to address this is to hear the voices of Aboriginal

peoples, and in the context of this research, in particular the traditionally silenced voices of Aboriginal women.

It is commonly expressed that to address systemic discrimination in Canada, a greater understanding of Aboriginal cultures must be gained in combination with greater Aboriginal representation within the controlling institutions of society. Essentially, it is important that individuals who are oppressed, what Kirby and McKenna (1989) identify as being “on the margins of society”, suggest means to and participate in its eradication. Similarly, the report Locking Up Natives in Canada - A Report of the Committee of the Canadian Bar Association on Imprisonment and Release recommended that

In order to promote equal opportunity and also foster greater cross-cultural understanding within the correctional system, correctional legislation should provide that there shall be an affirmative action program for the hiring and promoting of aboriginal professional staff to work with aboriginal offenders. Any such programs shall be developed and implemented with the direct participation of aboriginal organizations involved in the correctional area (Jackson 1988:110)

The discussed 1995 Manitoba study documenting the attitudes of Aboriginal peoples specifically concluded that to effectively address the treatment of Aboriginal women within the criminal justice system, it is necessary to increase their participation in all aspects of the delivery of justice in Canada (Dell 1996).

This Section reviewed structural oppression, based within oppressive ideologies of Aboriginal peoples in the Canadian criminal justice system. Similar to the prior section, it was necessary to gain an historical understanding to contextualize the current modes of and the residual effects of past domination. A theoretical understanding based within the socialist feminist perspective, the development of patriarchal capitalism, was equally applicable. The primary goal of this section was to provide illustrations of

Canada's oppressive treatment of Aboriginal peoples, which highlights the explanatory importance of race in addition to/and in combination with gender and class. The following statement, by an unknown author, provides an expressive summary of the effects of oppressive ideologies regarding Aboriginal peoples ingrained within the structure of Canadian governmental institutions:

Canada's two hundred year program of cultural genocide did not work. Hope remains alive among Native communities that Canada is finally moving down the ladder of racism. Perhaps that slow decent will allow the monster of systemic racism to be slain. Only upon its grave can the dreams of Native children grow.

The next section turns to the limited literature on the oppression of Aboriginal women in the Canadian correctional system. Once again, the need for this study is demonstrated.

D. OPPRESSION OF THE ABORIGINAL FEMALE IN THE FEDERAL PENITENTIARY SYSTEM - CORRECTIONAL SERVICE OF CANADA

The preceding two sections, Parts B and C, explained that the subordination of Aboriginal peoples, and of particular interest to this research Aboriginal women, has been central to capitalist expansion in Canada. As explained in the introduction of socialist feminist theory (see Section I, Part A), capitalist development was and continues to be highly dependent upon the perpetuation of gender and class divisions. And when the history of the Canadian government's treatment of Aboriginal peoples is reviewed in conjunction with capitalist expansion, it becomes apparent that race was an equally essential determinant. As reviewed, Canadian society is rife with historic and current oppressive practices and ideologies toward Aboriginal peoples. The effects of such oppression were also identified within the functioning of the criminal justice system. This section raises the question of the extent of the effects of such oppression for

Aboriginal female offenders within the Correctional Service of Canada. With nearly no research existing on the racialization and ensuing treatment of women in the federal Canadian correctional system, the need for this current study is starkly apparent. Palumbo and Palumbo, referring to the existence of oppression of Aboriginal women, suggests that “[p]rison is just an extension of the rest of the world...” (1992:15).

Until recently, there has been very little attention placed upon race with regard to the federal female offender by the correctional system. Just as feminism was guilty of ethnocentrism, so too was Canadian corrections. However, limited advancements have been made within the past decade. These include some acknowledgement of racial diversity in the CSC mission statement document, endorsement of NativeSisterhood within the prison system, construction of Okimaw Ohci - the Aboriginal Healing Lodge for federally sentenced female offenders, and incorporation of the voices of Aboriginal women on the Task Force on Federally Sentenced Women⁴⁴. It follows that on a certain level CSC has acknowledged that Aboriginal female offenders have unique experiences and circumstances in comparison to non-Aboriginal female offenders (Sugar and Fox 1990a; Sugar and Fox 1990b; Adelberg and the Native Women’s Association of Canada 1993)⁴⁵. Thus, an ideology of “difference” between Aboriginal and non-Aboriginal female offenders has been established. This advancement did, however, come at an expense. Between 1989 and 1991 alone, five Aboriginal women committed suicide at

⁴⁴ Note that although identified here as an ideological advancement, each example given is also criticized for not being an advancement in practice.

⁴⁵ It is important to note that the experiences of other minority women have been overlooked to an even greater extent (Hannah-Moffat 1995). This is of particular concern in consideration of the growing disproportional representation of Black women incarcerated in Canada at the federal level (Dell 1999b).

P4W (Faith 1995; Hess 1994; Kershaw and Lasovich 1991).

The “advancement” made in Canadian corrections with respect to the Aboriginal female offender, that is, acknowledgement of the uniqueness of Aboriginal in comparison to non-Aboriginal female offenders, came at a further expense. By acknowledging difference between Aboriginal and non-Aboriginal women, it influenced the characterization of all Aboriginal women as “the same”. To provide an illustration, the CSC Offender Intake Assessment, which assesses security classification through an analysis of the risks and needs of newly incarcerated females, does not account for diversity within the Aboriginal female offender population (i.e., Inuit, Metis, First Nations). The need for acknowledging diversity is supported in the fact that of all Aboriginal offenders incarcerated in the federal system, the Status-Aboriginal has the highest rate of incarceration (Bonta et al. 1997). The research of Bonta et al. supports that

...[in] the classification of risks and needs among aboriginal offenders... understanding the differences among subgroups of aboriginal offenders [is necessary]. In correctional settings, aboriginal offenders tend to be treated as a homogeneous group despite the diversity of the aboriginal experience in Canada (1997:130).

And as observed in prior sections, for Aboriginal women this inclusive grouping may be particularly harmful in terms of the pervasiveness of detrimental colonial representations and ensuing actions in current Canadian society.

A further harmful consequence of the identification of difference among Aboriginal and non-Aboriginal women is that when Aboriginal women are independently recognized by CSC, it may be in neither a beneficial nor correct way. Once again, this

may be related to the influence of oppressive and detrimental ideologies and stereotypes of Aboriginal women ingrained in Canadian history, as reviewed in the prior sections in

general Canadian society and the criminal justice system. Monture-Angus (2000) suggests the historic presence of oppression to be evident in the use of risk management and prediction scales, the structure and programs of Okimaw Ohci Healing Lodge, and the Task Force on Federally Sentenced Women. With respect to the former, Monture-Angus (2000) states:

The individualizing of risk absolutely fails to take into account the impact of colonial oppression...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 because the impact on the individual and the impact on the community are interconnected” (56).

And the following quotation by Monture-Angus, reflecting her experiences with the Task Force on Federally Sentenced Women, clearly situates the climate for harmful ideologies to prevail, and the necessity of the questions asked in this research.

The methodology utilized by the Task Force on Federally Sentenced Women was an important component of the work that distinguished it from previous research on Aboriginal women. Culture was a significant concern of task force members involved in commissioning the research. As a result, the interviewers were not only Aboriginal women (of the same culture - Cree - as the majority of Aboriginal women who were serving federal sentences), but were also women who had previously served federal sentences. They, therefore, possessed a credibility among the population to be researched that most (academically trained) interviewers do not. Further, the research instrument was open-ended, which allowed the women interviewed to shape and tell their own stories. This was viewed as essential so as not to influence the research with non-Aboriginal and “straight” views of incarcerated Aboriginal women. The interviewers were also central to the process of interpretation of the data, because they were able to contextualize the women’s comments in their own experiences of incarceration. This methodology has been adopted in further research on Aboriginal women who have survived violence (McGillivray and Comansky 1996).

Looking back, I now see how naive I was during the task force years. The task force embraced the philosophy of choices, which I was fully supportive of and thought was quite revolutionary at the time. But it did not work. While the words changed, the values and philosophy of “corrections” (that is, having the right to change a person because they committed a crime) were merely dumped into the

new idea, of “choices.” Further, I now see that this choices philosophy is basically a middle-class concept. Not all women incarcerated federally have equal access to the means required to exercise good choices. This is particularly true for Aboriginal women, who have the least access to socio-economic resources of any group of women in this country. In contrast, with the exception of its chapter 2, the report was written by white women with at least middle-class access to services and middle-class experiences of the world. Although I still do think that the work of the task force held revolutionary potential, I would not agree to participate in future work in the same way” (Monture-Angus 1999:86).

To summarize this section, in some instances CSC acknowledges difference between Aboriginal female offenders in comparison to non-Aboriginal female offenders (i.e., Okimaw Ohci). However, in other instances, CSC claims or intends to acknowledge difference, but does not (i.e., Task Force on Federally Sentenced Women). Conversely, when difference is acknowledged by CSC between Aboriginal and non-Aboriginal women, it does not acknowledge it among Aboriginal women themselves (i.e., risk/needs assessment), and/or it is incorrectly and detrimentally identified (i.e., risk management and prediction scales). Such limited understanding and research led into the focus of this research: consideration of the influence of oppressive historical acts upon the Aboriginal female offender within the current correctional system and CSC’s current ideology and practices toward Aboriginal females. A study commissioned by the National Association of Women and the Law supports the need for research in this area. The study concluded “...we do not know to what extent inequality in the justice system which is gender-related combines with other areas of disadvantage to promote inequality for women of colour who are incarcerated” (National Association of Women and the Law 1993:3).

The start of this Chapter introduced the socialist feminist perspective, specifically the unified systems variant and its focus on material and ideological control. Socialist

feminism's application to women's involvement in crime was then examined, with its inability to explain the "violent" female offender identified. Then, a principle criticism of feminist theory and socialist feminist theory, in particular the failure to address race, was discussed.

The dearth of theoretical attention allotted to race identified in Section I, lead in Section II to an examination of how feminism in general, and socialist feminism in particular, initiated consideration of the interconnections among race, gender and class in response to the criticism of ethnocentrism/racism. Drawn from this examination were guidelines for analysing the oppression of colour, specifically Aboriginal women in Canada, in this research. Particular attention was paid to the inter-connections among race, gender and class based on two aims of this research: the need to address race in conjunction with gender and class, and the attempt to challenge the socialist feminist framework's acknowledgement of race.

Next, in a review of the historic and ensuing ramifications of the oppression of Aboriginal peoples, specifically women in Canadian society and the criminal justice system in general, the potential utility of framing the understanding within a socialist feminist framework was recognized. The oppression of Aboriginal women in the various contexts highlighted the influence of the structural role of oppressive acts (i.e., attempted

cultural genocide) and ideology (i.e., oppressive colonial representations of Aboriginal women) and their fluid transition into current Canadian ideology (e.g., J.J. Harper) and practice (e.g., CSC's offender intake assessment). The imminent need for increased attention on the Canadian correctional system was revealed. The question was raised of the extent of the effects of historical and current oppression for Aboriginal female offenders

within the Correctional Service of Canada. The next Chapter introduces the analytical framework of this research, highlighting attention to the “violent” Aboriginal female offender.

WOMEN

Oh, the shrewdness of their shrewdness when they're shrewd.
And the rudeness of their rudeness when they're rude;
But the shrewdness of their shrewdness and the rudeness of their rudeness,
Are nothing to their goodness when they're good.

- Anonymous.

CHAPTER 3

ANALYTIC FRAMEWORK

Building upon the literature reviewed in Chapter Two, this Chapter presents the analytical framework of this study. It begins in Section I with the application of a socialist feminist understanding to the “violent” female offender, explaining the identification of “unnatural/evil” as a form of social control and oppression, and introducing the suggestion of double fold oppression for the “violent” Aboriginal female offender. In Part B, the theoretical and empirical literature on the “violent” female offender is reviewed, noting the absence of literature which attempts to explain the “violent” Aboriginal female offender. The existing theoretical and empirical analyses are criticized for promoting individualized explanations, which provide support for “violent” women’s identification as “unnatural/evil”.

Drawing upon the analytic framework outlined in Section I, Section II introduces the dominant ideologies in the history of the Canadian correctional system, which transcend in various respects into the current ideological foundation of the Correctional Service of Canada. Also succinctly reviewed are CSC’s mission statement and related principles. Again, as revealed in Chapter Two, it is necessary to have an historical understanding to be able to account for its influence on present policies, practices, ideologies and the like. In short, the history of the Canadian correctional system and CSC ideology and their relation to capitalist patriarchy are reviewed to contextualize the reader. Acknowledging that this research does not examine the whole of society, but rather one aspect of it, CSC, the reader must be familiar with the structure of the

Correctional Service of Canada. This section concludes with an introduction to CSC ideology specific to “violent” Aboriginal female offenders. Acknowledging a severe dearth of literature in the area, support for the focus of this study is identified.

SECTION I: SOCIALIST FEMINISM AND THE “VIOLENT” FEMALE OFFENDER

Drawing upon the work presented to this point, this section advances a socialist feminist explanation of the identification of the “violent” female offender as “unnatural/evil” and the potential for double fold oppression of the “violent” Aboriginal female offender. Then, the theoretical and empirical literature on the “violent” female offender is reviewed. The criticism is raised that the explanations centre on an individualized analysis, thus providing support for application of the broader socialist feminist framework. It is explained that individualized analyses convey the oppressive portrayal of “violent” women offenders as “unnatural/evil”.

A. A SOCIALIST FEMINIST EXPLANATION OF THE IDENTIFICATION OF THE “VIOLENT” FEMALE OFFENDER AS “UNNATURAL/EVIL”

In 1976 Carol Smart stated:

[i]n the past female criminality has not been thought to constitute a significant threat to the social order and even in the present, with the increases in the rates of offenses committed by women, criminologists and policy-makers were slow to re-evaluate the notion that female offenders are little more than insignificant irritants to the smooth running of law and order (2).

Precisely a quarter of a century later, a development has occurred from Smart’s position:

women are perceived as a threat to the social order (capitalist patriarchy). **From within a**

socialist feminist framework, I am proposing that the identification of the “violent” female offender as “unnatural/evil” in Canada is a manifestation of female oppression on both the ideological and material levels. It is further advanced that this oppression is double fold for the “violent” Aboriginal female offender. *And of particular interest to this research is the applicability of this suggestion to the Correctional Service of Canada.* Note that the application of the socialist perspective addresses criticisms and concerns raised with the existing literature to this point: (1) the neglect of socialist feminism to adequately explain and provide empirical analyses of the “violent” female offender, (2) the neglect of socialist feminism to adequately incorporate race into its theoretical framework, and (3) the need for theoretical and empirical analyses of the oppression of Aboriginal female offenders within the Correctional Service of Canada.

In the past three decades, women’s escalating power has been both challenged and sanctioned as a threat to the patriarchal structure of capitalism (Messerschmidt 1986; Wolf 1991). As reviewed in Chapter Two, in the interest of maintaining capitalist patriarchy, constraints exist on women to ensure they do not acquire a degree of power that will upset the gender division of labour and existing social order: ruling class dominance. A primary technique has been the promotion and sustenance of a “powerless” female character structure to offset the “powerful” masculine character structure. Women and girls are encouraged to be passive, weak, complacent, dependent and nonviolent (Benekos 1995:219; Steffensmeier and Allan 1996:477). This is

exemplified in Canada through such mediums as advertisements⁴⁶, public attitude⁴⁷,

⁴⁶ In March, 1998 Fisher Price introduced its new line of all male action heros (e.g., fireman) in a television commercial. It prompted the viewer to deduce that girls are not the “action heros” but rather, they are the “mythical” “damsels in distress”. Similarly, two 1988 Warehouse One (a Canadian clothing company)

television programs and movies⁴⁸, pornography and cartoons (Spears and Seydegart 1993; Wolf 1991). Ballinger supports that in patriarchal societies “[g]ender relations of and constructs of masculinity and femininity are not symmetrical but are based on an organizing principle of men’s superiority and social and political-economic dominance over women” (Daly and Chesney-Lind 1988:504) (in Berger et al 2000:197).

Females who participate in “violent” conduct exude characteristics associated with a traditionally masculine character structure - strength, aggression, independence, autonomy, boldness and violence. Messerschmidt (1986) supports that serious criminal acts are considered masculine in nature. That is, the most serious harms to society demonstrate, as Oakley (1972:72) observed, “Physical strength, a certain kind of aggressiveness, visible and external proof of achievement, whether legal or illegal - these are facts of the ideal male personality and also much of criminal behaviour” (43). These characteristics do not “fit” the condoned patriarchal image of the Canadian female. Lloyd describes the violent female as “not living up” to her socially prescribed oppressive female role (1995:36). In fact, the “violent” female challenges the condoned female and male character structures in this form of capitalist patriarchy. She dismisses

portions of the female character structure and adopts attributes of the male character structure. In doing so, the “violent” female dismisses the traditionally powerless values of capitalist patriarchy (female characteristics) and adopts the powerful ones (male

female t-shirts read “D & G: Dumb and Gorgeous” and “Caution Blonde Thinking”.

⁴⁷ A 1998 Ottawa, Ontario, license plate reads “chvlry”.

⁴⁸ A 2000 blockbuster movie, “Nurse Betty”, portrayed the lead actress as in search of perfect love with a powerful male.

characteristics) (Messerschmidt 1986:40).

From a unified systems theory perspective, it is proposed that an oppressive “violent” female offender identity has developed as the *condemned* prototype against which the socially oppressive and condoned feminine character structure is compared. This has been done in the interest of the ruling class, because when women transcend the patriarchal gendered image of the “female” it is a direct challenge to the current structure of capitalist patriarchy. Simply, the “violent” female offender poses a threat to patriarchal authority and the hierarchical social order ⁴⁹ (Knelman 1998; Wright and Myers 1996:xiii-xiv). Breaking the law becomes secondary to the “violent” female breaking from her “feminine” identity. It is proposed that when the terms violent and women are combined, violent takes on a new powerless meaning. The work of Jukes (1999) supports that “women [are] as capable of violence as are men, but....the social and

cultural pressures which shape gender identity preclude this as a form of behaviour for women” (122). To reiterate, identifying “violent” women as “unnatural/evil” maintains and perpetuates power differences in society: the dominance of men and the oppression of

⁴⁹ A similar example of this logic is located in the “taboo” which has surrounded women’s menstruation. Gregory contends:

Menstrual taboos have a long and varied history but are particularly pronounced in societies which have a clear-cut division of labour between the sexes. When women begin to exert pressure to improve their social position, there often seems to be a resurgence of interest in ideas about the harmful effects of menstruation, so that an emphasis on biological difference becomes a vindication of traditional sex patterns...Hence the hostile reaction of certain groups within the women’s movement in Britain recently when the judiciary accepted pre-menstrual tension as the basis for pleas of diminished responsibility. The data suggesting a relationship between the pre-menstrual cycle and crime was not new, so why were the courts suddenly so receptive? Were they not providing additional ammunition for those who wish to exclude women from positions of power and responsibility? The prevailing social meanings attributed to the biological phenomenon of pre-menstrual tension are so powerful, and so patently damaging to the cause of female equity...” (1986:67) .

women. To illustrate this perspective, Ballinger (1996) comments:

Throughout history, women who have killed have been portrayed as ‘mad’ - victims of ‘raging hormones’ and related biological functions which make them unaware of what they are doing - or ‘bad’, their evilness making them an aberration and setting them apart from ‘normal’ women and ‘true’ feminine behaviour. By denying the rationality behind women’s murderous acts, traditional ideas about women’s nature - their ‘supposed passivity, submissiveness, asexuality and gentleness’ are allowed to remain unchallenged; such violent women are not ‘real’ women after all (1).

The “violent” female identity is suggested to be linked to a broader public agenda, set and controlled by men in positions of power (Knelman 1998)^{50 51}.

Drawing upon discussions in Chapter Two of this research, when Aboriginal peoples in Canada are considered, in particular Aboriginal women, in addition to class and gender, race is revealed as a means of oppression, and thus maintenance of the

⁵⁰ Historical support for this position is located in the research of Myers (1999) *Criminal Women and Bad Girls: Regulation and Punishment in Montreal, 1890-1930*; and Showalter (1985) *The Female Malady. Women, Madness and English Culture, 1830-1980*.

⁵¹ It is important to identify the concern of some scholars that the current understanding and use of empowerment for women in conflict with the law is psychologically founded and hence an individualistic analysis. The work of Pollack (2000a) specifically refers to the theoretical perspective of relational autonomy. Similar to the position put forth in this research, it is suggested that the social context must be accounted for. Specific to women in prison, Pollack (2000a:80) states: “...this notion of “empowerment” is not only an oxymoron within a prison setting, but it is also very individualistic”. According to Pollack “[u]nderstanding...experience might allow us to focus on the social conditions, rather than the individual, as a site of investigation” (2000a:83). Though Pollack focuses on women’s law breaking conduct, the underlying implication is the need to account for the social context, as this research proposes, is clear. She states, “Relational autonomy acknowledges that even under conditions of oppression individuals function as agents; they make choices. It is the conditions that circumscribe and delineate the options and nature of the choices, the relational theory allows us to examine. This distinction emphasizes the scope and nature of available choices, rather than focussing exclusively on the particular decision” (2000:85). This focus on empowerment is similarly raised in the work of Hannah-Moffat (2000; 1999; 1994).

current form of ruling class dominance (Bryson 1992; Maroney and Luxton 1996). Acknowledging that the “violent” female offender population is disproportionately comprised of Aboriginal females raises the concern that the application of a “violent” identity is a dual means of oppression. The two fundamental concepts of socialist feminist theory, material and ideological control, as outlined permit for the consideration of the position of Aboriginal women and the “violent” female offender identity in the structurally unequal system of Canadian society (Lengermann and Niebrugge-Brantley 1988:429). Shaw (2000) supports that “[t]he [violent] act is rarely placed in the context of the individual’s [Aboriginal women’s] greater social and economic disadvantage or their experience of systemic and individual racial discrimination outside or in prison” (64). The need for immediate research in this area is substantial.

To provide the reader with an initiatory understanding of the explanatory aptness of the socialist feminist framework, Appendix L provides examples of recent events in the Canadian criminal justice system which illustrate the presence of material and ideological control of “violent” female offenders through their identification as “unnatural/evil”. These examples support the view that, as Lloyd states, “...the system operates against such deviant women because the system itself is deeply embedded in a very traditional and conservative part of the society on whose behalf it operates” (1995:193). Also presented are examples of the material and ideological control of Aboriginal women in Canada. These too depict Canadian society’s maintenance of ruling class power.

The next section, B, discusses an in-depth review of the theoretical and empirical

literature on explanations of the “violent” female offender. From within the socialist feminist framework, criticism of their individualistic focus is raised, in turn supporting the

need for a structural analysis. This review, in combination with the prior Chapter's raised awareness of the oppression of Aboriginal women, significantly contributed to the adoption of the socialist feminist framework as the theoretical influence in this research.

B. EXPLANATIONS OF THE “VIOLENT” FEMALE OFFENDER

This section summarizes an extensive review of theoretical and empirical explanations of the “violent” female offender. The review is extensive in terms of the search for, but not on, the literature due to the absence of scholarship. This (lack of) finding is supported by others' reviews of the Canadian and international literature in the area (Brownstein et al. 1994; Faith 1993a; Hein and Hien 1998; Louks and Zamble 1995; CSC 1995; Savard and Langelier-Biron 1986; Shaw⁵² 1995a; Shaw 1995b; Shaw 2000; Stanko and Scully 1996). The absence of scholarship is even greater when the focus is narrowed to the “violent” Aboriginal female, supporting the need for such research.

The aim of this section is to demonstrate, based upon the exiting literature, the predominant identification of the “violent” female offender as “unnatural/evil”. The socialist feminist understanding of this identity as a means of female oppression and

control is provided throughout. As outlined above, there is a need to move beyond individualized explanations and their inherent support of the oppression of women through

⁵² Shaw's review covered the disciplines of psychology, psychiatry, sociology, criminology, social work and education. To examine the range of materials available, it focussed on the most recent publications and covered 1984-1994.

The CD ROM data-bases included the Social Science Index, Sociofile, Psychlit, Eric, Uncover, Canadian Business and Current Affairs. Library searches were conducted at 5 universities and the library of the Ministry of the Solicitor General, Ottawa.

The US sources included the NCJRS database, the Information Centre for the National Institute of Justice, Fay Knopp and the Safer Society Program, Russ Immarrigeon Criminal Justice Writer, Sharon Smolick, and the Bedford Hills Correctional Facility, New York (Shaw 1995b).

their identification as “unnatural/evil” and consider a broader structural account. As well, the identification of the “violent” female offender as a “victim”, which is not as prominent an identification as “unnatural/evil”, is reviewed and explained within the socialist feminist framework as serving an oppressive function. The limited attention allotted to the female offender as “victim” identity justifies, in addition to reasons to be provided, the focus of this research on the “unnatural/evil” identity. It is important to acknowledge that the utility of reviewing general explanations of the “violent” female offender is that, as reviewed, *very* minor research attention has been allotted to the “violent” female offender within the correctional system (specifically prison). And, this lack of attention supports the perpetuation of existing characterizations of “violent” women as “unnatural/evil”, whether incarcerated or in the community.

The initial intention of this section was, in addition to the above, to review the intersection of race and the “violent” female identity. However, the severe absence of literature made it unviable (refer to Chapter Two for the identification of Aboriginal women as violent in the criminal justice system and CSC). Existing literature on race, specifically Aboriginal, and female “violent” conduct was primarily confined to autobiographical accounts, such as Stolen Life: The Journey of a Cree Woman, by Rudy Wiebe and Yvonne Johnson (1998), and In Search of April Raintree, by Beatrice Culleton (1992). Limited research, and thus knowledge, on “violent” female offenders, specifically Aboriginal women has contributed to the perpetuation of the oppressive

identification of the female “violent” offender as “unnatural/evil”, as is identified in this research. LaPrairie (1995), referring to the lack of attention allotted to violence committed by women in general and Aboriginal women in particular, supports that “[t]he lack of attention to the issue in the academic criminology world has permitted continuation of the

political rhetoric” (LaPrairie 1995:471).

(a) Theoretical Explanations of the “Violent” Female Offender

The theoretical literature on “violent” female offenders, explored from within a socialist feminist perspective, widely supports that the operation of capitalist patriarchy is maintained through the existence of an oppressive and powerless identity of the “violent” female offender as “unnatural/evil”. Variations of this identity include “inherently controlled” (i.e., mental illness) and “an aberration to the *true* feminine female”. As stated, a less common explanation of the female “violent” offender is as “a victim”, helpless and powerless, and it too can be explained as oppressive within a socialist feminist framework. Once again, it is important to note that the discussion of the literature that follows commences with a focus on the identification of the female offender in general, due to the severe absence of early theorizing specific to the “violent” female offender. As alluded to earlier, the absence of literature commonly resulted in sweeping and often inaccurate conclusions being made about the nature of women and their crimes.

(i) Individual Explanations

Traditional theories of female criminality adhere to sexist stereotypes of women,

treat women as “other”, and perceive women and their crimes as single conceptual categories⁵³. These theories are dominated by the individual pathology perspective that is based in biological⁵⁴, psychological⁵⁵ and societal⁵⁶ (view women as socially sick)

⁵³ See Klein (1973), Morris (1988), and Smart (1976).

⁵⁴ See Cowie et al. (1968) and Lombroso and Ferrero (1895).

explanations. Characteristic of these studies was the tendency to take what the authors innately “knew” about women’s nature and locate evidence to support their positions. To illustrate, Lombroso, who focussed on the relationship between physical traits and criminality, concluded in his 1895 text, The Female Offender, that

[i]t is evident...that...anomalies be frequent in the crania of female criminals (and especially of murderesses)....[A] comparison of the criminal skull with the skulls of normal women reveals the fact that female criminals approximate more to males, both criminal and normal, than to normal women....(1895:27-28)

In reviewing contemporary individual based theories of female “violent” crime, the legacy of the traditional studies is apparent (Lloyd 1995:xvi; Smart 1976:16). For example, women’s conduct continues to be over-medicalized and pathologized and explained by pre-menstrual syndrome⁵⁷, mental illness⁵⁸, and genetics (heredity)⁵⁹. To illustrate, in 1997 Dabbs and Hargrove analysed the interacting effects of age and

testosterone on criminal and institutional behaviour of female inmates. They concluded that “testosterone is related to criminal violence and aggressive dominance in prison among women, as has been reported among men⁶⁰” (Dabbs and Hargrove 1997:477).

⁵⁵ See Gibbens (1957), Glover (1969) and Greenwald (1958).

⁵⁶ See Konopka (1966) and Thomas (1923).

⁵⁷ See Kendall (1991) and Ussher (1992).

⁵⁸ See Maden et al. (1994), Ogle et al. (1995) Singer et al. (1995) and Walklate (1995).

⁵⁹ See Lloyd (1995).

⁶⁰ Dabbs and Hargrove (1997) also claim: “Correctional studies have found women with higher testosterone levels engage in more sexual activity, drink more alcohol, enter more competitive occupations, and behave in a more masculine and rambunctious manner than low testosterone women” (477).

Individual theories of women's (violent) lawbreaking introduced women into criminological explanations, however, the attention may have been a greater detriment than no attention. Individual based explanations identify women as "unnatural" for displaying traits of the masculine character structure (e.g., violence) (Stanko and Scully 1992:61). This assists in maintaining ruling class dominance by preventing women from acquiring characteristics of the masculine (powerful) identity. Similar to traditional theories, contemporary theories do not present women's "violent" criminal conduct as a consequence of their volition or place it within the broader social structure, but rather, due to their hormones, mental illness, and the like. Viewing women's conduct as inherently determined denies women autonomy, again, a characteristic of the masculine character structure⁶¹. And it also decontextualizes women's experiences from the social, political and economic realms.

A shift from individual based explanations to the acknowledgement of societal influences in women's crime surfaced in the late 1960s with role theory⁶². Role theory focussed on differential socialization, differential illegitimate opportunity structures, and differential social reaction (Smart 1976:68). Role theory, however, ignored the "larger picture": it neglected to question why women were assigned specific roles (Sommers 1995:18). Essentially, role theory did not acknowledge the patriarchal structure of society. Again, considering there was minor, if any, focus specific to female "violent" offenders, a similar conclusion is drawn.

⁶¹ A similar argument is made of individual treatment programmes which deal with abuse in the prison environment. It is suggested that "...the danger remains of perpetuating a picture of women as acted upon, as having individual and personal problems requiring personal therapy, as being mentally or psychologically maladjusted" (Shaw 1996:194)..

⁶² See Heidensohn (1968), and Hoffman-Bustamante (1973).

(ii) Societal Explanations: Emancipation and Opportunity Theories

Societal accounts of female criminality emerged in the late 1960s as well with the advent of feminist theory and feminist criminology. Heidensohn's (1968) work initiated focus on the social domination of women and its relation to crime. The first theory to attract large-scale attention was Adler's emancipation/masculinity thesis (1975), and to a less extent was Simon's occupational/opportunity thesis (1975). Both proposed that as women's roles became less structured, they had increased opportunity to deviate from their traditional roles and commit criminal acts conventionally committed by men (Smart 1976:70-76). Adler, for example, proposed the increase in women's crime was a consequence of the women's liberation movement. She stated:

In the same way that women are demanding equal opportunity in fields of legitimate endeavour, a similar number of determined women are forcing their way into the world of major crimes....It is this segment of women who are pushing into - and succeeding at - crimes which were formerly committed by males only. Female(s)...are now being found not only robbing banks single-handedly, but also committing assorted armed robberies, muggings, loan-sharking operations, extortion, murders, and a wide variety of other aggressive, violence-oriented crimes which previously involved only men (Adler 1975:13-14).

In Canada, the research of Fox and Hartnagel (1979) similarly supported that "changes in various aspects of women's structural position in society affect[ed] female crime rates" (96). Although these theories did not focus specifically upon the "violent" female offender, they did make reference in passing to increasing violence committed by females. For example, Adler states: "[w]omen are indeed committing more crimes than ever before. Those crimes involve a greater degree of violence, and even in prison this new breed exhibits hitherto unmatched pugnacity" (1975:3).

Adler's work sparked immense debate within the tradition, which eventually led to its discredit. However, as Faith (1993a) claims "[t]he attention that came to her [Adler's] work assured a place for issues on women and crime on the criminological agenda" (68). The myth of the liberated female offender sporadically surfaces in contemporary work, most often as a backlash to feminism, but overall it remains largely silent. Supporting the maintenance of this silence is the fact that there has not been an increase of women's involvement in crime in general⁶³ and "violent" crime in particular^{64 65} in the past decade (Faith 1993a; Lloyd 1995; Shaw 1995b). Focussing on "violent" offences over the past several decades in Canada, women have firmly comprised 12% of the total violations against a person (Shaw 1995b:188).

In 1976 Smart advanced the theoretical position that emancipation and

occupational theories were an attempt to scientifically legitimize women's inferior social position (76). This remains a supported position today. In 1996 Jones stated "Adler was quite right that the two phenomena - the women's movement and female criminality - go together, but not as she supposed in terms of cause and effect. It is simply that the presence of one prompts the fear of the other" (1996:3). Similarly, Lloyd states:

[t]his...myth is proving durable precisely because it provides yet another stick with which to attack women who are working to improve the position of women in our

⁶³ See Robertson et al. (1987).

⁶⁴ See Messerschmidt (1986), Robertson et al. (1987:754), and Steffensmeier (1996:469).

⁶⁵ Note that women's participation in petty economic crimes has steadily increased (e.g., shoplifting and theft and fraud under \$1000). Studies have concluded, however, that this is a consequence of economic marginalization and not emancipation (Carlen 1988; Dell 1996; Johnson and Rodgers 1993; Steffensmeier 1996).

society. It's a new...way of blocking that improvement, a new way of keeping women in line (1995:52).

And Chesney-Lind (1980) claims:

[i]t is time to recognize clearly the notion of the liberated female crook as nothing more than another in a century-long series of...attempts to keep women subordinate to men by threatening those who aspire for equality with the images of the witch, the bitch and the whore (1980:29).

The emancipation and opportunity theories suggest increasing opportunity is the cause of escalating female participation in crime. These theories advance that because females are transgressing the confines of their "traditional" social roles, they are increasingly participating in criminal conduct, including "violent" crime traditionally committed by men. Quite apparently, these theories confine women to a powerless and oppressive role in capitalist patriarchy. This, once again, upholds the ruling class interest of maintaining the gender division of labour, with women denied "powerful" masculine characteristics.

(iii) Victimology

A less acclaimed explanation of the "violent" female offender, in comparison to individual and partial societal explanations, is as a "victim". The victimology school of thought is rooted in the work of Elias (1986). With feminist criminology's increasing focus on the "larger picture" in the 1980s, the role of the victim in society was advanced (Chesney-Lind and Bloom 1995:51). This resulted in a view of women's violent conduct as a response to their victimization in an abusive situation or to a past abusive experience (Bungay 1998; Shaw 1995b:120). Two illustrations are the theory and legal defence of the

battered-woman syndrome^{66 67} and the thoroughly publicized 1996 Canadian criminal justice system's review (by Judge Rutushny) of the cases of 98 women who claimed to have killed their partners in self-defence. Using Judge Rutushny's review as an example, the paramount message depicted from it was that female "killers" were wrongfully convicted because they acted in self defence to an abusive partner. To illustrate, Rutushny stated the review "...is valuable...because it helps us...understand why these killings happened and whether abuse led to it" (The Winnipeg Sun 1996:3).

Theories emerging from the victimological school of thought have placed understanding of "violent" female offenders in a macro context, but they have

overwhelmingly treated women as "powerless" victims within it (Ballinger 1996:1)⁶⁸. The identity of "victim" portrays women as incapable of self-initiated violence and thereby devoid them of the masculine character of autonomy (a characteristic of power in capitalist patriarchy). It identifies the woman as a "helpless victim" and this upholds the condoned "feminine" female character structure (i.e., helpless and weak) in Canada's capitalist patriarchal society. Hannah-Moffat (1994) supports that women's portrayal as victims adheres to a traditional characterization of women. Additionally, by portraying women as

⁶⁶ See Allen (1987a:82), Comack (1993) and Marron (1996:126).

⁶⁷ "Leonore Walker suggests a three phase cycle [of the battered-woman syndrome] which begins with an escalation of tension, followed by an explosive violent episode and a subsequent period of calm and reconciliation. She uses the psychological concept of 'learned helplessness' to argue that, over time, battered women feel that they cannot prevent violence" (Kelly 1988:63-65).

⁶⁸ There are theories of wife abuse that do not appropriate autonomy (power) from women (see Lenton 1995), however, a greater proportion currently do.

merely reacting to men's violence, it oversimplifies their crimes and denies them yet again of their volition and autonomy (Shaw 1995b:121).

In consideration of the range of explanations of the "violent" female offender reviewed, from the individual pathological, emancipation and opportunity theories' focus on an "unnatural/evil" identity, **to** feminist criminology's focus on women as "helpless victims", the limited nature of the explanations and hence their limited advancement in explaining the female "violent" offender is evident. Feminist criminological theory, similar to traditional criminological theory, is guilty of allotting inadequate attention and autonomy to women who commit "violent" crimes, and not adequately addressing the potential influence of the social structure. The form of capitalist patriarchy discussed is upheld by the reviewed theories: (1) presentation of an oppressive identity of the "violent" female offender as "unnatural/evil", and (2) neglect to address the oppressive "violent" female offender identity, which in turn *enables* the existing identity to

perpetuate, and (3) not adequately accounting for the broader social structure. A similar criticism is made of the empirical research.

(b) Empirical Accounts

Similar to the theoretical literature on "violent" female offenders, empirical accounts assist in the maintenance of the operation of capitalist patriarchy by presenting a powerless and oppressive identity of the female offender. Empirical accounts and official statistics identify the "violent" female offender as "unnatural/evil" and, similar to the above explained focus on the "violent" female offender as "victim", devoid women of powerful masculine characteristics associated with violence.

(i) Official Statistics

Official statistics are one means of measuring the amount of “violent” crime committed by women. Official statistics alone cannot, however, be used to draw satisfactory conclusions about the extent of women’s “violent” conduct, or any conduct⁶⁹ They can be used, however, to examine the identification of women as “violent” (or lack of). To explain, the work of Zay purports that official data on deviance fulfills one important function: “they indicate the extent to which, and method whereby, the public agencies of social control are dealing with the deviance they define” (1963)⁷⁰. For example, official Canadian statistics demonstrate that women charged with a “violent” crime are most likely to be convicted of a minor assault in comparison to a major assault (Dell and Boe 1998; Lloyd 1995:56; Shaw 1995a). Further, official statistics suggest very few women commit violent crimes and the rate has remained low in Canada over the past two decades (Faith 1993b; Lloyd 1995:36; Schur 1983:36; Shaw 1995b:188).

These examples support the outlined claim that the ruling class in capitalist patriarchy, through state institutionalized means (such as the criminal justice system and its

⁶⁹ Even though official statistics are widely cited as indicators of violent behaviour, there are serious and well cited concerns with their use. These include: (1) police and court convictions are renditions of societal reactions and are therefore not accurate indicators of behaviour (see Maxfield and Babbie 1995), (2) an undeterminable amount of crime goes undetected and is therefore not accounted for (see Chesney-Lind and Sheldon 1992), (3) some crime that is reported goes unrecorded (see Hood and Sparks 1970:35), (4) categories of crime, including violent, are vaguely defined and variously recorded (see McCleary et al. 1982; Silverman and Teveen 1980), and (5) methods of computing vary and are often used inappropriately (see Maxfield and Babbie 1995).

⁷⁰ A related example is the work of Allen (1987), which examined the professional treatment of women charged with serious violent crimes and concluded they were rendered harmless (1987b:54). Allen (1997b:55) states: “[t]he central assertion is that...the portrayal of female violence follows a distinct and sexually specific pattern which tends towards the exoneration of the offender” (powerlessness)..

official identification of women as “violent”), oppresses women to maintain its dominant class position. Specifically, it is in the interest of the ruling class to not officially define women as violent because that would attribute “powerful” masculine characteristics to them. And for the women who are identified as “violent”, it is in ways that are uncharacteristic of the patriarchal portrayal of the “typical” female in Canada. The empirical research on “violent” women offenders provides further reasoning.

(ii) Empirical Research

In the introduction to this Chapter, the severe absence of Canadian and international empirical literature on violence by women was observed. Others who have compiled reviews of the literature, such as Brownstein et al. (1994), Faith (1993), Louks and Zamble (1995), CSC (1995), Shaw (1995a) and Shaw (1995b), have reached

comparable conclusions. Shaw, for example, states:

The lack of basic information about women who commit violent offenses is a particular problem in Canada although it has been noted elsewhere....In Canada there are no national court statistics or in-depth studies which would allow us to look at the issue of violence by women in any detailed way. There exists only a handful of studies which have attempted to approach the issue (1995b:120).

Two overwhelming characteristics of Canadian and American studies that *do* address female “violent” offenders is that they primarily focus on women who have killed (e.g., Jones 1996; Pearson 1997; Priest 1994, Walford 1987), and they approach women’s “violent” conduct out of “curiosity” and “intrigue”. The intrigue of the studies, in turn, places focus on the “unnatural” nature of “violence” by women. Patricia Pearson’s (1997) book, When She Was Bad. How and Why Women Get Away With Murder, is a prime

example, noting it was the recipient of the 1997 Arthur Ellis Award for Best True Crime.

The closing cover of Person's text reads:

When She Was Bad explores the heart of female darkness and shows that women are more violent than anyone suspected. Patricia Pearson includes spell-binding portraits of contemporary murderesses including Karla Faye Tucker, who was recently executed for having killed two people with a pickaxe...[and]...Karla Homolka, who raped and killed three women, including her sister and then blamed it on the battered-wife syndrome (1998).

Explanations of the “unnaturalness” of women's violence is primarily contained to an individualized level, such as, there must be something wrong with a women for her to engage in “violent” behaviour. These individualized explanations are characterized by three themes: (1) altruism, (2) physical nature, and (3) substance abuse. Each is addressed.

The first influential Canadian study of female violence focussed on women who

killed, and was conducted by Rosenblatt and Greenland in 1974. This study examined the circumstances of homicide and wounding cases, and concluded women's violent crimes were **altruistic**. Because so few studies existed at that time in Canada and still do not, Rosenblatt and Greenland's study has been routinely cited and its findings generally left unquestioned. Unfortunately, the study is neither generalizable to the population it studied (women in prison) nor to women currently serving federal sentences.

Another landmark study on violence by women, again focussing on homicide, was conducted by Ward and Ward (1969) in the United States but it had considerable influence in Canada. The authors concluded that women killed men when men were at their **physical** weakest (e.g., asleep or ill) (Shaw, 1995a:17). Other studies that have relied on physiological explanations are Wolfgang (1958) who reported women used minor physical strength to commit murder, and Felson (1996) who concluded physical power was an important factor in explaining the female decision to engage or not in violence (i.e., homicide).

The third theme of studies on violence by women is the establishment of a connection between women's violence and **substance abuse**. Recent studies by Brownstein et al. (1994), Hein and Hein 1998, Robertson et al. (1987), and Sommers et al. (1992) concluded that the use of alcohol and illicit drugs were strongly correlated to women's violent conduct.

In addition to the recognition of a stark absence of research, and thus knowledge on violence by women, there are two principle criticisms specific to studies that focus on women who killed: (1) their overzealous focus on the "curious" or "newsmaking" aspect

of the violence (i.e., homicide), and (2) they are overly simplistic. These two criticisms are addressed in relation to their perpetuation of the oppressive female “violent” offender identity as “unnatural/evil”.

First, the studies focus onerously on the act of killing. The sensationalization attached to murder in itself endorses a negative identity of the female offender as “unnatural/evil”⁷¹. Faith supports that: “murder stories, when focussed on the deed, take on the quality of monster tales” (1993a:97). Left untouched are the circumstances and nature of the crimes. The act of killing is misleading without an understanding of the context (Lloyd, 1995:xviii). For example, to understand the relationship between violent crime and substance abuse for Aboriginal peoples, it is necessary to contextualize it within their oppressive histories. Studies that focus on women who killed routinely identify women as “unnatural/evil”, that is, as an aberration to the “true feminine female” (Lloyd 1995). As discussed, this is a means of oppression.

And second, the studies are overly simplistic. They propose a single explanatory factor (altruistic, physical, substance abuse) for female “violent” crime. Though limited counter-research exists in the area, a 1989 study of federally sentenced women in Canada, as part of the Federally Sentenced Women Initiative, concluded a “type” of violent crime committed by women and a “type” of female violent offender does not exist. Similarly, a study of female “violent” offenders by Shaw (1995b) concluded that all women were not found to act violently in response to a violent situation (e.g., domestic abuse) (122). The studies of female “violent” conduct cited in this section

⁷¹ It is important to note that there is increasing attention and a growing literature that sensationalises female youth violence and violent gang participation (see Krantowitz and Leslie (1993) and Sommers and Baskin (1994)).

rudimentarily “typify” the female offender to causally explain her “violent” conduct with one explanatory factor. Overly simplistic explanations of women’s violent conduct deny the crimes of any power (i.e., devoid women of autonomy). It is recognizable, once again, how refusing to equate the powerful characteristics of violent crime (i.e., autonomy) with the female “violent” offender serves an oppressive function: dominance of the ruling class in the form of capitalist patriarchy discussed. This is also supported in the neglect to account for the social structure itself.

And as a final, or repeat point, the absence of studies, and thus knowledge, on “violent” female offenders contributes to the perpetuation of oppressive stereotypes. And further, because few studies exist, those that do are presented and accepted as “truth” due to the absence of counter-research (i.e., Rosenblatt and Greenland 1974).

Throughout this section, theoretical explanations and empirical accounts of the “violent” female offender were discussed. The aim was to disclose the dominant portrayal of the female “violent” offender as “unnatural/evil”, as well as to highlight the limited extent of research on female “violent” offenders. A socialist feminist understanding of the “unnatural/evil” identification, and lack of research was discussed as a contributing factor to female oppression. The oppressive identification of the “violent” female offender as “a helpless victim” was also explained from a socialist feminist perspective. The utility of a contextualized socialist feminist analysis of the “violent” female offender accounting for the influence of the social structure is clear, given the overwhelmingly individualistic nature of the reviewed theoretical and empirical accounts.

The need for research specific to the “violent” Aboriginal female offender was also conveyed.

The next section questions the oppression of the “violent” female offender within the federal Canadian penitentiary system, specifically Aboriginal women, and the potential of the applicability of the outlined socialist feminist understanding (identification of “violent” women as “unnatural/evil” as a means of oppression). First, however, a brief history of the ideology of the Correctional Service of Canada is provided.

SECTION II: CSC AND THE “VIOLENT” ABORIGINAL FEMALE OFFENDER

Ideological tenants characterize the history of the Canadian correctional system, and is proposed to transcend into the current ideological foundation of the Correctional Service of Canada. The dominant ideology of CSC, in turn, impacts both the: (1) policy and (2) practices of the organization. And this ultimately effects the daily lives of both female and male offenders. The reasoning is comparable to that outlined regarding the effects of historic oppressive governmental actions on the current state of Aboriginal peoples in Canadian society. This section has three aims. First, the dominant ideologies in the history of Canadian corrections are reviewed. Second, CSC’s mission statement and related principles are documented. It is necessary to gain a general understanding of these two sections prior to introducing “violent” women in corrections. Again, as revealed in Chapter Two, it is necessary to have an understanding of history because it

most often influences present policies, practices, ideologies and the like. As well, it is necessary to have a grounded comprehension of the foundation of CSC to understand women's placement within it. The third aim of this section is to discuss CSC ideology specific to "violent" Aboriginal female offenders. Again, a severe dearth of literature exists in the area, as has been revealed to be characteristic of the area of "violent" Aboriginal females in general. This provides notable support for the focus of this research. In response, the female offender in general is reviewed as a point of departure for understanding the "violent" Aboriginal female offender. Together these points informed the research hypotheses.

A. IDEOLOGY

To gain an initial understanding of the Canadian federal correctional system, insight can be gathered through an examination of CSC ideology, which reflects the policies and practices of the organization. Recall that this focus on policy and practice concurs with the socialist feminist theoretical framework.

First, however, it is important to briefly articulate the linkage between the Correctional Service of Canada and the broader framework of Canadian society, that is, locating CSC within the Canadian social structure. Correctional Service of Canada is only one of a multitude of Canadian social institutions. Others, for example, are the military, educational institutions, and the Royal Canadian Mounted Police. The similarity between each "institution" is that their functions are not isolated from the broader social structure, such as political interests and community expectations (Ekstedt and Jackson 1997). This does not mean, however, that practices, ideologies and issues surrounding

the functioning of one institution can be directly applied to the other. They can, though, offer internal glimpses which in turn could be utilized as starting points for examinations. Essentially, Canadian institutions must be examined in light of their individuality, while acknowledging they are part of a broader process rather than isolated elements. Ekstedt and Jackson (1997) exemplify this in their corrections specific comment that:

Throughout recorded history, the problem of the miscreant, “contrary”, or offensive person has been at the centre of the dialogue concerning the organization of communities. Whether this discussion has proceeded from the perspective of religious or civil order, the problem is the same: How can the community shield or protect itself from corrupt, dangerous, heretical, or subversive elements while providing the hope of recovery or healing for those so identified” (14).

One response was the creation of the federal correctional system in Canada. Although the focus of this research is specifically upon the Correctional Service of Canada, the reader should keep in mind the Service’s broader social placement, as well as the site specific nature of the findings of this study.

Turning to an introduction to the concept of ideology, prevalent definitions are reviewed. They are:

The ideas or manner of thinking characteristic of an individual or group; especially the ideas and objectives that influence a whole group or national culture, shaping especially their political and social procedure (Funk and Wagnalls 1986:665).

Any system of ideas underlying and informing social and political action. More particularly, any system of ideas which justifies or legitimates the subordination of one group by another (Jary and Jary 1991:295).

Cultural beliefs that serve to justify social stratification (Macionis 1997:241).

A connected set of strongly held beliefs based on a few very abstract ideas, used to guide one’s reactions to external events; for example, a political ideology is used to decide how societies ought to be run (Stark 1994:680).

Merging characteristics of the above definitions, ideology is defined in this research as:

strong ideas/beliefs characteristic of a group (and its individuals) that

influence social and political action and which can result in the justification of inequitable social stratification⁷².

It is proposed, in congruence with the focus of this research, that *CSC ideology influences CSC policy and procedure which translates into the treatment of offenders within the correctional system* (see research hypotheses). The next section reviews the history of CSC ideology.

B. IDEOLOGY AND THE HISTORY OF CANADIAN CORRECTIONS

Goff (1999) asks in his book, Corrections in Canada,

....What should we do with offenders? The answer to this question involves exploring correctional ideologies, or those ideas and practices that are associated with the confinement and treatment of offenders. As Allen and Simonsen (1998:54) mention, ideologies are important to our understanding of corrections because they “have supplied both the basis and rationalization for the broad range of efforts - vengeful and semihumane - aimed at getting criminals off the street (35).

Four models of punishment characterize the history of corrections ideology in Canada: deterrence, incapacitation, rehabilitation and reintegration. It is necessary to gain an understanding of each because, as illustrated previously, historic actions influence present conditions. Each ideology is briefly reviewed. **Deterrence** as a crime control

⁷² Of particular importance to note in this definition is that: (1) individuals are representatives of a group (any size), and (2) ideology influences action(s).

strategy rests upon two assumptions: (1) humans are motivated by pleasure and pain, and (2) humans act in a rational manner in an effort to obtain pleasure over pain (Ellis and DeKeseredy 1996:252). Associated is **selective incapacitation**, in which offenders identified as high risk receive longer periods of incarceration than low risk offenders. Conversely are the rehabilitation and reintegration models. **Rehabilitation** focuses on improving offender skills in identified areas of need (i.e., employment). Related is **reintegration**, which focuses on an offender becoming a contributing member of conventional, law abiding society. Each ideology, to varying degrees and in different time periods, shaped in part the history of Canadian corrections.

From the 1600s to the 1820s, *deterrence* characterized the handling of Canadian criminal offenders. Severe physical punishment, such as flogging and mutilation, was supported. Following this long period of focus on severe physical punishment, during the 1820s and 1830s the meaning of deterrence shifted. Focus remained on the aspect of physical punishment, but in less severe forms, such as fines, incarceration, and hard labour (Carrigan 1991:322).

In 1835 the concept of *rehabilitation* was introduced into Canadian corrections with the construction of the first Canadian penitentiary in Kingston, Ontario. The original objective of the penitentiary was to continue to deter future criminals through the threat of incarceration *and* to teach (rehabilitate) those incarcerated socially acceptable behaviour so they would refrain from engaging in future criminal conduct (Carrigan 1991:328; Griffiths and Verdun-Jones 1989). However, despite the stated objective and increased awareness regarding the inhumane treatment of individuals within the

penitentiary, deterrence remained the dominant ideology.

In 1868 the federal penitentiary system was created, and at the turn of the century a consensus was reached that the prison system should engage in a *genuine effort* at rehabilitation (Carrigan 1991:354). Once again, little action was taken in the early part of the 19th century. It was not until the late 1930s that the ideology of offender rehabilitation was revisited. Somewhat ironically, it was raised at the same time federal corrections in Canada was formed (1938) (Correctional Service of Canada).

The period from post WWII to the early 1960s is typically identified as the *rehabilitation era* in Canada. Two reports helped shape this era and one report facilitated its demise. First, the 1937 report of the Royal Commission on the Penal System of Canada, chaired by Mr. Justice Archambault, concluded that the reformation of the offender should be the primary goal of the correctional system in conjunction with community protection (Griffiths and Verdun-Jones 1989:360).

A second report, submitted in 1956 by the Justice Department Committee, chaired by Mr. Justice Fauteux, "...reaffirmed rehabilitation as the primary objective of corrections, and noted the failure of the correctional system to implement the recommendations of the Archambault Committee (1938) made nearly two decades earlier" (Griffiths and Verdun-Jones 1989:410). This report also influenced the evolving approach to rehabilitative treatment, termed the medical model. It supported that the offender was damaged during developmental years and could be treated within the prison system.

By the mid-1960s, however, growing skepticism surfaced regarding the

effectiveness of rehabilitation programs implemented within Canadian penitentiaries. In 1969, a study of the penal system, The Report of the Canadian Committee on Corrections, or the Ouimet Report, was released. “This committee, like its predecessors, strongly endorse[d] the rehabilitative function of the criminal justice system” (Carrigan 1991:374). There was, however, one major difference. The committee concluded incarceration was not compatible with rehabilitation programs and supported rehabilitation *only* in the community. This report facilitated scrutiny regarding the effectiveness of prison rehabilitation programs⁷³ and precipitated a major shift in correctional ideology. In place of the rehabilitation ideology, deterrence surfaced once again as the correctional aim of the Canadian penitentiary system.

By the late 1970s the ideology of offender rehabilitation was nearly obsolete. In 1977 a federal government task force rejected the medical model approach to offender rehabilitation and replaced it with the program opportunity model, which viewed the offender as “ultimately responsible for his behaviours” (Griffiths and Verdun-Jones 1989:361). The opportunity model placed the responsibility of rehabilitation on the offender with absolutely no compulsory intervention from treatment officials.

During the late 1970s and into the early 1980s, Canadian corrections returned to the punishment objective (Griffiths and Verdun-Jones 1989:362; Welch 1998; Matthews 1999). This is demonstrated in the 1987 Canadian Sentencing Commission Report.

⁷³ Work of particular influence was conducted by Martinson (1974), entitled, “What Works - Questions and Answers About Prison Reform”. Martinson’s conclusion that rehabilitation did not work was readily accepted into the Canadian penal ideology during the time the rehabilitative ideal was under attack.

MacLean (1991) supports:

While at first incarceration was argued to be for the good of the community, later it was viewed for rehabilitation and now, as pointed out by the report of the Canadian Sentencing Commission (1987), incarceration is for the purpose of punishment, not rehabilitation (1).

In addition to viewing the correctional system as a form of offender punishment, the concept of offender community *reintegration* was introduced. The reintegration ideology built upon the concept of rehabilitation in the community (as expressed in the 1969 Ouimet report) and *selective incarceration* (high risk offenders have longer periods of incarceration). Thus, through the early 1980s, the federal government maintained its interest in a variety of community sanctions. “For example, they were an essential component of the proposed sentencing policy in the Criminal Law Reform Act (Bill C-19). [In fact], [i]t was proposed that community alternatives to imprisonment be expanded” (Goff 1999:86). With emphasis now placed on offender reintegration, community protection similarly gained elevated notice (Hackler 1994). As a consequence, the emergence of a “clinical criminology” surfaced with a move toward the development of more effective assessment and treatment techniques (Ekstedt and Jackson 1997:6). Risk/needs management scales were increasingly implemented as a means of offender control (i.e., the offender community risk/needs assessment was implemented in 1994 at the Correctional Service of Canada).

The principle ideology in the 1990s and the start of the 21st century is offender reintegration, with primacy afforded to community protection (thus selective incapacitation), and maintenance of incarceration for punishment/deterrence with

decreased attention on institutional offender rehabilitation (see CSC mission statement in the next section). Goff suggests that “the federal government has merged the risk predication model with the reintegration ideology” (1999:88). He states that “...public concern over safety has led to a retention of a significant amount of the deterrence model, so that those inmates considered to be high-risk offenders now spend a longer period of time incarcerated in the federal system” (Goff 1999:89)

Evident from this brief overview of the history of Canadian corrections is that specific ideologies shaped the approach to corrections in different time periods. It was necessary to establish this because it provides a context for understanding the current focus of CSC ideology, as broadly introduced in the following section.

C. CSC⁷⁴ IDEOLOGY

This section outlines CSC’s documented contemporary ideology, as reflected in its mission statement and related principles, which were approved in 1989 ⁷⁵. The aim of a mission is to “lead” or “provide direction”. A CSC publication, entitled, Our Story. Organizational Renewal in Federal Corrections, reflects this aim:

We wanted our Mission to shape all our activities: our plans and policies, our training; and our resource allocation. And, through our commitment, we would hold ourselves accountable - and expect to be held accountable by others - for our actions (Canadian Centre for Management Development 1991:46).

CSC’s mission statement identifies the specific responsibilities of, and specifies the

⁷⁴ The Ministry of the Solicitor General is comprised of the Solicitor General Department and four agencies, the Royal Canadian Mounted Police, the Canadian Security Intelligence Service, the National Parole Board and the Coorectional service of Canada (CSC).

⁷⁵ CSC’s Mission Statement was slightly modified in 1997 to include specific reference to CSC’s obligations to the Rule of law. A speculative query is if this change was related to the Arbour Report and the attention it paid to the “Rule of law”. A related observation made by Goff (1999) is that “[t]he history of the Canadian federal system of corrections includes a number of major [ideological] directional shifts, usually as the result of government inquiry into the conditions n the correctional institutions themselves” (89).

business in which, CSC is engaged (www.csc-scc.gc.ca). The mission statement reads:
The Correctional Service of Canada, as part of the criminal justice system and respecting the rule of law⁷⁶, contributes to the protection of society by actively encouraging and assisting offenders to become law-abiding citizens, while exercising, reasonable, safe, secure and humane control (CSC 1997).

The ultimate objective of the mission is the protection of society (Canadian Centre for Management Development 1991:47). It is based on the principle that society is best protected when offenders are able to re-establish themselves in the community under conditions that minimize their risk of re-offending. Of secondary importance is that the reestablishment of offenders in the community must be done by exercising reasonable, safe, secure and humane control. In review of the CSC mission statement, it is easily linked to the ideological framework that CSC documents to works from today, as stated offender reintegration, with primacy afforded to community protection (thus selective incapacitation), and maintenance of incarceration for punishment/deterrence with decreased attention on institutional offender rehabilitation.

CSC's mission has four components: (1) the *mission statement*, as reviewed above, (2) the *core values*, which outline the ideals of CSC - they help guide to the fulfilment of the mission, (3) the *guiding principles*, which aim to direct CSC staff in

their daily efforts, and (4) the *strategic objectives*, which operationalize the core values and guiding principles (Canadian Centre for Management Development 1991:46). Again, it is important to note that the aim of a mission is to provide direction. By no means does the mission ensure that each of its components is upheld. To illustrate, the former Commissioner's (Ole Ingstrup) forward in a discussion of CSC's mission, stated

⁷⁶ "The Rule of law's central core comprises the enduring values of regularity and restraint, embodied in the slogan 'a government of laws, not men'" (Monahan 1987:ix).

[t]his Mission document is not a description of what we are today, but rather an ideal of what we can become if we commit ourselves to its values and principles. A commitment to the ideas expressed in the mission will shape our outlook on the work of corrections and the way in which we go about it (www.csc-scc.gc.ca).

This section concludes with outlining CSC's core values. The guiding principles and strategic objectives of CSC's mission are located in Appendix C. CSC's guiding principles are statements of the key assumptions which serve to direct CSC employees in their daily actions (www.csc-scc.gc.ca). Strategic objectives are those goals the Service articulates and strives toward to achieve because they are deemed essential to achieving the Mission over the long term (www.csc-scc.gc.ca).

CSC's **Core Values** "outline the basic and enduring ideals of the service in carrying out its Mission" (www.csc-scc.gc.ca). The 5 core values are:

1. We respect the dignity of individuals, the rights of all members of society, and the potential for human growth and development.
2. We recognize that the offender has the potential to live as a law-abiding citizen.
3. We believe that our strength and our major resource in achieving our objectives is our staff and that human relationships are the cornerstone of our endeavour.
4. We believe that sharing of ideas, knowledge, values and experience, nationally and internationally, is essential to the achievement of our Mission.
5. We believe in managing the Service with openness and integrity and we are accountable to the Solicitor General.

To summarize, this section reviewed CSC's ideology in its mission statement and related guiding principles and strategic objectives (also see Appendix C). Once again, this provides the necessary framework for which the placement of female offenders can now be more fully understood. Further, in examination of the mission, principles and objectives, it is apparent that generalities are advanced, and specific attention to gender (female) and race (Aboriginal) are nearly absent. Of the guiding principles and five related core values

(37 in total) (see Appendix C), and strategic objectives and five related core values (55 in total) (see Appendix C), only strategic objective two refers specifically to Aboriginal and/or women offenders. It states: “To ensure that special needs of female and native offenders are addressed properly”. Such inattention is reflective of the history of corrections in Canada. As will be introduced in the next section, compared to male offenders only minor ideological attention has been allotted to females, with nearly none to Aboriginal women (as introduced in Chapter Two).

D. IDEOLOGY, CORRECTIONS AND WOMEN

The dominant ideologies in the history of Canadian corrections *specific to female offenders* are outlined in this section, with the aim of providing context for the focus of this research. It is revealed that both an “unnatural/evil” and a traditional powerless identification of female offenders is upheld in CSC’s history. Ideal would be a review of CSC policies and practices of past studies focussed on the “violent” Aboriginal female offender, however, such research does not exist, and consequently is the focus of this study. Similar to the reasoning provided for Parts B and C of this Section, outlining the ideology of CSC in general to the female offender is important because it reflects both

policy and practice, which is congruent with the socialist feminist theoretical framework explored in this study.

Briefly, the ideological view of women offenders was often (and in numerous respects continues to be) subsumed under the ideological view of male offenders. By subsuming women and men within the same category and treating all women as one, we know from the history of the oppression of Aboriginal people in Canada, that this can lead to the perpetuation of harmful stereotypes. For the most part these harmful stereotypes support an “unnatural/evil” identification of women (women as equitable to men and therefore unfeminine) based upon inadequate understanding and information. Two other ideologies specific to the female offender surfaced throughout correctional history: (1) reformation of the female offender into the “proper” female, and (2) acknowledgement of difference between women and men. Unlike the above revealed focus on a male standard, these two views endorse a “traditional” powerless standard for females. Of interest is that often a dual message, sometimes distinguished between policy and practice, is imparted at points in the history of Canadian corrections regarding female offenders - identification of the female offender as “unnatural/evil” *and* as “traditionally powerless”. Of overarching importance however is that both serve to oppress women. This section concludes with a preface to the “violent” female offender, in particular the “violent” Aboriginal female offender and the Correctional Service Canada. Essentially, research does not exist in the area and thus the need for the current study is recognized.

It is important to begin by acknowledging that in the history of corrections in Canada, female offenders and penitentiaries have been largely ignored (similar to the

“violent” female offender). Essentially, women were subsumed under the context of male offenders. However, the history of women’s imprisonment is different than that of mens.

Matthews (1999:179) notes that “[t]hese differences were a function of the nature of the sexual division of labour, dominant conceptions of ‘femininity’ and popular theories of female criminality in different periods”. Studies acknowledging the unique experiences of women did not surface until the early 1960s. The main explanation for the lack of attention is repeatedly cited as the small number of women offenders in comparison to men. In 2000, women comprised only 2.5% of all federal inmates incarcerated in Canada (Dell 2000). It follows that the current understanding of the female offender is insufficient, acknowledging the limited amount of attention allotted to her to date. Again, the utility of the focus of this study is raised.

Historically, females were incarcerated in male institutions in Canada, and some remain to be today⁷⁷. This initiated in the 1800s with Kingston penitentiary. Women who came into conflict with the law and subsequently sentenced to incarceration were seen as “out of place” in the institution because it was not congruent with women’s traditionally accepted role in society. It was essentially “unfeminine” for women to be involved in crime (Faith 1995). Thus, the few “unfeminine” incarcerated women were granted little attention in terms of care or treatment within male institutions. This

⁷⁷ C.A.E.F.S., along with Aboriginal and women’s groups, filed a complaint on March 7, 2001 against the Correctional Service for its incarceration of women classified as maximum security in “cramped, poorly serviced wings of men’s prison...Many in the makeshift maximum prisons have mental-health problems, do not have access to services they need and often end up in segregation for months on end, exacerbating their condition” (The Globe and Mail, March 6, 2001, A5).

supported the view and treatment of women as “unnatural/evil”.

In 1880, Canada opened its first adult female reformatory, Mercer, in Ontario. It was established on the same two ideological principles outlined above: (1) reformation, rather than punishment, was the best antidote for crime, and (2) men’s and women’s natures were distinct (Strange 1985). Neither ideology was pursued though, because support at the time was for punishment in corrections in general and this overshadowed reformation of the female. Strange states that “every inmate that walked through Mercer’s archway knew she had been sentenced to prison, even though the words above her spelled “Reformatory”” (1985:92). Once again, women who came into conflict with the law were treated, and thus viewed, as unfeminine or “unnatural/evil”, evident through their incarceration in prison.

Throughout the 19th century, reformers such as Elizabeth Fry⁷⁸ and her predecessors advocated for improvement in the conditions of women’s imprisonment and the necessity of separate institutions from men. This endorsed the ideology of difference between female and male offenders. However, any progress made toward improvement of women’s correctional facilities during this period was soon eradicated.

In 1914 the first federal prison for women in Canada was built within the confines of the Kingston penitentiary for men. A mere three years after it opened, the Archambault Commission recommended that it close due to the abhorrent conditions of

the facility, the perceived minimal dangerousness of the women, and the need for women

⁷⁸ In 1812, Ms. Elizabeth Fry began work to educate prison officials and the public regarding the abhorrent conditions for women at the Newgate prison in London, England. It is interesting to note the oppressive female undertones of Ms. Fry in her message of assistance to incarcerated women, representing the social climate of the era. Although Ms. Fry advocated for distinction between women and men, her argument was based on the position that “[w]omen...should be held separately from men, not only to limit the corruption and exploitation

to be near their families. Underlying each reason was that the prison did not fit the “traditional” (and powerless) role of the female (i.e., physical conditions, not dangerous, family obligations). Of clear importance, however, is that although the Commission called for the closure of the institution, as did others following it, this did not occur. Instead, the incarcerated women remained within the confines of the male Kingston Prison. It follows that the Commission may have identified the women as minimally dangerousness (and thus powerless), however, the actions of CSC did not support this. Again, support is garnered for the identification of women offenders as “unnatural/evil”⁷⁹

In 1934 the first separate facility for federal female offenders was opened, the Prison for Women, across the road from the Kingston male penitentiary. By this time, the ideology of gender stratification in terms of programs and services had become institutionalized (Faith 1995; Goff 1999). The penitentiary operated under the ideology of a “traditional” role model for women. This, in turn, led to “policies emphasizing their [women’s] domestic rather than their [women’s] social roles” (Goff 1999:155). This ideology of reformation was maintained until the 1960s - congruent with the rehabilitation ideology era for corrections in general. Overall, a traditional “powerless” view of women offenders was endorsed.

The traditional patriarchal stereotype of the female offender that was enforced within the correctional system was not challenged until the late 1960s, with the advent of feminism. In particular, feminism initiated the identification of women who committed crimes as offenders (i.e., Adler (1975) and the liberated female criminal). The 1960s essentially placed the female offender on the agenda of corrections. The agenda, however, reformed to one of supposed equality between the sexes.

⁷⁹This is similarly true of the current federal regional centres for women. Although women’s minimum dangerousness was espoused and supported in Creating Choices, the practices of CSC are contradictory, such as with the erection of fences and creation of enhanced security units at the new regional institutions. Once again, both examples provide support for the treatment and hence view of women as “unnatural/evil”.

The 1970s and 1980s were witness to a significant ideological change with regard to the female offender. No longer was attention focussed on differences between female and male offenders, but rather, attention was placed on formal equality. Both the inadequacy of P4W in general and its treatment programs reflected this ideology. That is, “all policies and practices directed toward federally sentenced women...[were] based on gender neutral standards” (Goff 1999:168). The highly problematic nature of this ideology was that the standard against which the female offender was compared was male. A male standard was used to measure equality and this disregarded the specific and unique needs of the federal female offender. This led to a view of women using the male as the standard, hence ignoring the unique needs of women in general, and within specific populations in particular (i.e., Aboriginal women). It is suggested that the treatment of women and men as the same contributed to the treatment of women in a stereotypical manner - treating women similar to men supports their identification as “unnatural/evil”. However, practices during this period, for example institutional programming, continued to support normative standards of femininity (i.e., hairdressing, child care). A dual and conflicting message on the part of CSC is once again communicated.

In the early 1990s apparent progress was made with acknowledgement of the

unique needs of federal female offenders and their equitable treatment in comparison to male offenders. Goff states:

In essence this approach recognizes that female offenders and male offenders are different, hence they should have programs, services and facilities designed to meet each groups specific needs. A key component in this ideology is the women-centred approach to corrections, which argues that policies must be restructured to reflect the variety of realities experienced by women and men (1999:169).

Examples of this ideology in practice were the creation of the position of Deputy Commission for Women in 1996, which is presently occupied by Nancy Stableforth, as well as the construction of the regional centres for federally sentenced women, which were initiated with community consultations (i.e., Creating Choices). However, during the consultations, community groups, such as C.A.E.F.S., withdrew their support. A main reason was the claim that CSC continued to apply a male standard to the female offender⁸⁰. The ideal of the woman-centred approach was not being translated into practice⁸¹. Stereotypical treatment of women based upon a male standard ensued. This, again, supports women's identification as "unnatural/evil" through their similar treatment to males.

A current example of the application of a male standard to the female offender is CSC's use of the institutional Offender Intake Assessment (OIA). The OIA is a form of risk/needs measurement that was introduced by the Service in 1994 as a part of all federal offenders institutional intake process. Motiuk and Brown (1993:12) states "the OIA can best be conceptualized as an automated, multi-method, multi-predictor assessment process

⁸⁰ A second reason was that uneasiness with the focus on the creation of prisons and hence the incarceration of women, when many advocated abolitionist philosophies (Hannah-Moffat 2000; Shaw 1993).

⁸¹ A further criticism is offered by Pollack (2000a:81): "Although *Creating Choices* contains an emphasis upon the role of racism in Aboriginal women's lives, the voices of Black women and other women of colour are absent from this document. This omission may be related to the document's over emphasis on gender as the primary axis of oppression in federally incarcerated women's lives. An alternative analysis...illustrated the convergence of racist and classist practices that enforce Black women's dependency".

designed to provide a comprehensive, integrative, multi-disciplinary evaluation of the offender upon admission to the federal correctional system”.

A criticism of the OIA tool is that “it was not constructed to measure female risk and needs specifically” (Dell 1998:3). Many support, from feminist criminologists to front line workers, that a measurement tool or criminological theory, when applied to female offenders, should be grounded within the experiences of female offenders and not be mere “extensions” of a male based tool or theory (Cain 1989; Daly 1994; Dell 1998a; Gelsthorpe and Morris 1990; Hannah-Moffat 1999; Hannah-Moffat and Shaw 2000; Naffine 1995). The current OIA tool, at its foundation, is not specific to the female offender. Hannah-Moffat demonstrates in her work that “correctional research and policy models developed to describe and analyse women’s risk (in particular risk in corrections) need to be modified⁸² (1999:89). To reiterate, women are identified as “unnatural/evil” through the use of an assessment tool designed for men. In 1999, CSC initiated work in the area of risk/needs assessment specific to females, but the findings are yet to be released.

Earlier, CSC attempted to incorporate the Woman Centred Assessment (WCA), which was originally designed to assist female offenders with identifying issues that had positively and/or negatively impacted their lives, into the OIA. This resulted in a ‘female’ tool being ‘added-into’ a ‘male’ tool, and thus, the result was a ‘female’ tool with its foundation based in the ‘male’ experience (Dell 1998:5). This did not constitute a fully woman-centred approach to corrections. Once again, a woman-centred approach to the OIA would involve the construction of “...a measurement tool that is specific to female offenders, that has at its very core construction the female offender experience” (Dell 1998:13)⁸³. Hannah-Moffat (1994) further cautions that CSC’s conceptualization of

⁸² Hannah-Moffat warns that in addition to the criticism of the male-base of the system, “feminists have not yet analysed the concept of risk as it applies to women’s penal regimes; nor have they provided detailed critique of existing techniques for measuring risk, except to suggest that these measures do not adequately reflect the context of women’s experiences and behaviours” (1999:75).

⁸³ For an in-depth critical analysis of the Woman centred approach, see the work of Hannah-Moffat (1995),

...woman-centred corrections reproduces normative standards of femininity and individualized constructions of deviance....Although the woman-centred model appears to be less intrusive and less punitive, it is not; these qualities of incarceration are simply obscured by a feminized social control talk that tends to deny the legal and material realities of imprisonment” (160).

Examining specifically CSC attention toward the “violent” female offender, and what limited research exists, the “violent” female has received increasing interest with the opening of the first regional institution in 1995. As a result of tenuous events surrounding the first few months of the functioning of the new regional institution⁸⁴, the Edmonton Institution for Women, CSC responded in an inordinately strict and punitive manner. (Some argue that this attitudinal or philosophical/ideological shift on the part of CSC was grounded in the 1994 P4W incident). This marked the beginning of a dichotomous view of women on the part of CSC as either “difficult” and “violent” or not. Illustrations in support of this include increasing security in the new institutions, maximum women incarcerated in male institutions, and limiting the new institutions to minimum and medium security classification only.

According to Hannah-Moffat (2000), most recently, in response to the failings of the Woman Centred Approach and the new regional institutions, there has been a hardening, or what she describes as “the develop[ment] [of] new managerial techniques and rationals for the “resistant prisoner” (526). She identifies transformation of this identity into practice in recent correctional policies. Hannah-Moffat states such policies toward the high risk/high need female offender

demonize and pathologize women who resist [supposedly] well-intentioned, empowering correctional interventions. These women (who are mainly Aboriginal or mentally ill) are ultimately portrayed as risky and a danger to the prison culture,

“Feminist Fortresses: Women Centred Prisons?”. *The Prison Journal*. Vol. 75. No. 2. pp. 135-164.

⁸⁴ This included slashings, escapes, a suicide (alleged murder), cell smashing (Hannah-Moffat and Shaw 2000:23).

the public and themselves. They are constructed as needing more intensive and ultimately more punitive supervision to ensure public safety (2000:526).

She further suggests that

Correction Canada's redefinition of some prisoners as 'difficult to manage' and 'unempowerable', requires deployment of what Garland (1996:46) called *a criminology of the other*, 'which represents criminals as dangerous members of distinct racial and social groups that bear little resemblance to us...The construction of this group of women as 'disruptive', 'risky', and 'potential escapees' is used to justify use of force, involuntary transfers, searches, prolonged segregation in solitary confinement, and the transfer of some women to segregated units in men's maximum security penitentiaries' (2000:526-527).

Clearly, the need for research in this area is extensive.

Examining the "violent" Aboriginal female offender within CSC, unfortunately, once again very little research exists that explores the way violence is racialized in the federal Canadian correctional system (Shaw 2000:64). Only one relevant study was uncovered. According to Kendall (2000), the core characteristics of the "difficult to manage" or "violent" offender is clear in CSC's report, National Strategy for High Need Women Offenders in Correctional Institutions. Kendall states that the identified "'difficult to manage" women are among the most socially, economically and racially marginalized in Canada" (2000:93). There is a need for current research.

To summarize this section, CSC ideological attention toward women has and continues to be subsumed in part under the ideological treatment of the male offender (i.e., from incarceration in male institutions in the 1800s to application of a male based assessment tool in 1999), which supports an "unnatural/evil" identification of the female because she is equated with the male. When women have been allotted specific attention, two additional ideologies surfaced: reform of the female inmate into the "proper" female based on an understanding of the "traditional" role of the female in society, and acknowledgement that women are not equal to men, and supporting the "normative standard of female" for women. It follows that the female offender was characterized in a

dichotomous way: as either traditionally female or not female (“unnatural/evil”), both espousing a powerless identification. It was also uncovered that at several points in correctional history, these two “powerless” views were simultaneously supported, differing between policy to practice. Of overarching importance is that both serve to oppress women. This section concluded with a current examination of the “violent” female offender, in particular the “violent” Aboriginal female offender and the Correctional Service Canada. Essentially, extremely limited research exists in the area.

In summary of this Chapter, the dominant ideologies in the history of Canadian corrections in general and *specific to female offenders* were outlined in this section, with the aim of providing context for the focus of this research. A review of CSC policies and practices of past studies that focussed on the “violent” Aboriginal female offender would have been ideal, however, such research does not exist, and consequently is the focus of this study. For the most part, harmful stereotypes of the female offender support an “unnatural/evil” identification of women (women as equitable to men and therefore unfeminine) based upon inadequate understanding and information. As revealed above,

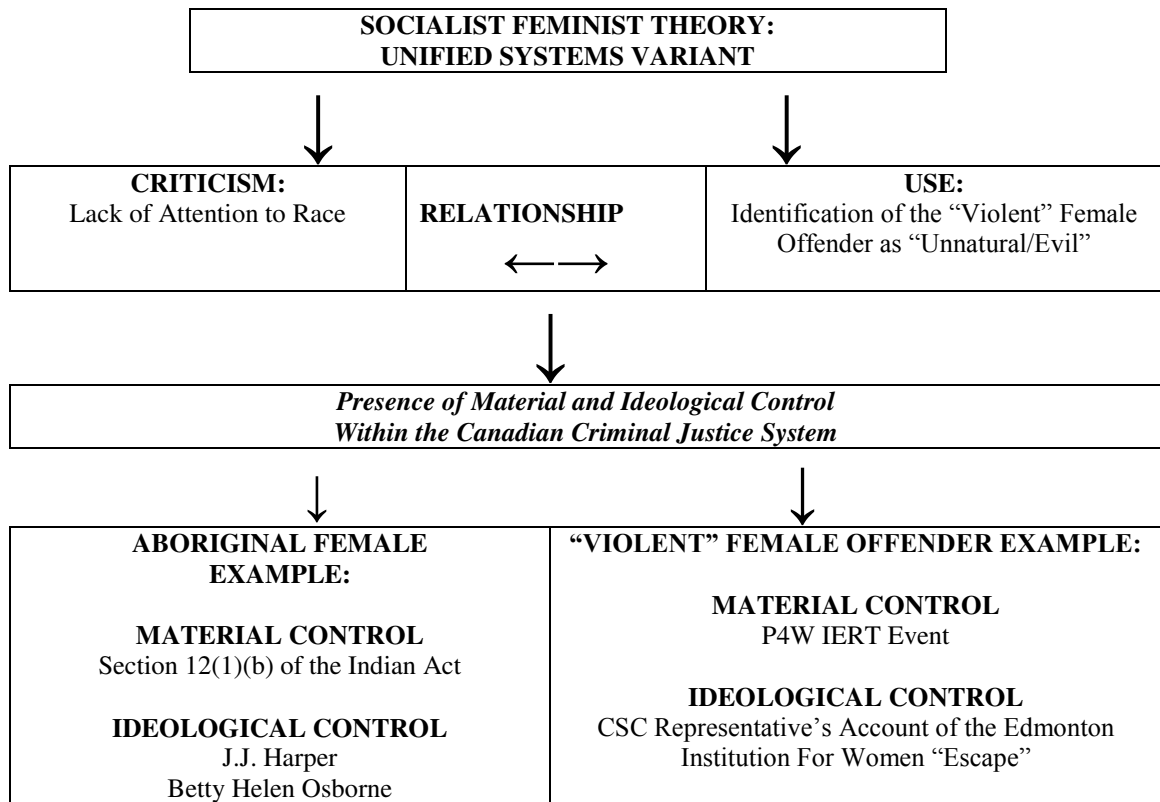
two other ideologies specific to the female offender also surfaced throughout correctional history: (1) reformation of the female offender into the “proper” female, and (2) acknowledgement of difference between women and men. Unlike the focus on a male standard, these two views endorse a “traditional” powerless standard for females.

Drawing upon the socialist feminist framework, this Chapter suggested that because women are attempting increased positions of power in society, ideology with the aim of oppression is enacted - translating into policy and practice. It is suggested that women are oppressed, in particular Aboriginal women, to maintain the current hierarchical structure of capitalist patriarchy. In review of current theoretical and empirical explanations of the “violent” female offender, her identification as “unnatural/evil” was invariably upheld, and the need to move beyond individualized to social structural explanations apparent. The “violent” female in prison is posed as the greatest threat to the “normal” or “traditional” identification of female. This study attempts what no other Canadian study has to date. It examines whether the violent

Aboriginal female in prison is controlled through this identity as “unnatural/evil” at both the ideological and material levels. Though the findings are not transferable to the broader social structure and other institutions, they can function as a starting point for future examinations.

The next Chapter introduces the hypotheses drawn from the findings of this and the proceeding Chapter, and identifies the data source and methodology used to examine the questions raised to this point in the research.

DIAGRAM B: **THE THEORETICAL PROCESS**



The Fruit of Qualitative Method

There once was a man who lived in a country that had no fruit trees. This man was a scholar and spent a great deal of time reading. In his readings he often came across references to fruit. The descriptions of fruit were so enticing that he decided to undertake a journey to experience fruit for himself.

He went to the market and asked everyone he met if they knew where he could find fruit. After much searching he located a man who knew the directions to the country and place where he could find fruit. The man drew out elaborate directions for the scholar to follow.

With his map in hand, the scholar carefully followed all the directions. He was very careful to make all the right turns and to check out all the landmarks that he was supposed to observe. Finally, he came to the end of the directions and found himself at the entrance to a large apple orchard. It was springtime and the apple trees were in blossom.

The scholar entered the orchard and proceeded immediately to take one blossom and taste it. He liked neither the texture of the flower nor the taste. He went to another tree and sampled another blossom, and then another blossom, and another. Each blossom, although quite beautiful, was distasteful to him. He left the orchard and returned to his home country, reporting to his fellow villagers that fruit was a much overrated food.

Being unable to recognize the difference between the spring blossom and the summer fruit, the scholar never realized that he had not experienced what he was looking for.

- From **Halcom's Evaluation Parables**
(Patton 1990:9).

CHAPTER 4

METHODOLOGY

This section begins by outlining the hypotheses of this research which flow from the proceeding two Chapters. Next, a description of the data sources of the research is provided: (1) the transcripts (sworn testimony) of the public hearing proceedings of the Commission of Inquiry into Certain Events at the Prison for Women in Kingston, Ontario, and (2) the transcripts of the public consultation process (roundtable discussions) of the Commission of Inquiry into Certain Events at the Prison for Women in Kingston, Ontario. Following a description of each data source, the rationale for its choice, highlighting its strengths and limitations is outlined. Next, content analysis, the method of data analysis for this study, is introduced. This is followed by an explanation and sample of the specific variant of content analysis followed, grounded theory. Third, the inductive and deductive nature of the research, termed in this study the bi-functionary approach to content analysis, is explained. This includes an account of how this approach differs from the “conventional” approach to social scientific research and grounded theory. And last, my approach to the methodology from a feminist perspective is accounted for.

A. HYPOTHESES

The research hypotheses are based on the application of the unified systems variant of socialist feminist theory to the reviewed literature on: theoretical and empirical explanations of the “violent” female offender; the oppression of Aboriginal peoples, specifically women, in Canada and the criminal justice system; and the ideology characterizing the history of the Canadian correctional system, with specific attention

allotted to CSC and the “violent” Aboriginal female offender. Applying a socialist feminist understanding to the literature generated the research focus on CSC ideological control (CSC policy and views) and CSC material control (CSC practice). The hypotheses mirror the research questions/concerns posed in Chapter One (Introduction). Once again, the methodological focus of this research is not confined to the outlined hypotheses. Rather, the process of developing the hypotheses served to initiate the **research direction**. Recall as well that several concepts are endemic to this research, most specifically the research questions/concerns/hypotheses, and are defined in Appendix D: Concepts.

The aim of this research is to focus on the Canadian penitentiary system and CSC’s construction and treatment of the “violent” Aboriginal female offender. Due to the nature of the data sources and the focus of this study, concentration is centred on Aboriginal and non-Aboriginal woman offenders who are identified as “violent” while incarcerated. This identification is premised upon the women’s institutional conduct, but also, the influence of whether they were convicted for a “violent” crime cannot be excluded. It was proposed in this research that should the findings reveal that a conviction for a violent crime influenced women’s identification and treatment on the part of CSC in the Arbour Inquiry transcripts it would be accounted for. This was not uncovered.

POLICY

- #1 *CSC ideology supports the **identification** of “violent” female offenders as “unnatural/evil”.*
- #2 *CSC ideology supports the **greater identification** of “violent” Aboriginal female offenders, in comparison to “violent” non-Aboriginal female offenders, as “unnatural/evil”.*
- #3 *CSC ideology is a manifestation of **control** of “violent” female offenders.*
- #4 *CSC ideology is a manifestation of **greater control** of “violent” Aboriginal*

female offenders, in comparison to “violent” non-Aboriginal female offenders.

PRACTICE

- #5 CSC practice reveals **harsh** treatment of “violent” female offenders.
- #6 CSC practice reveals **harsher** treatment of “violent” Aboriginal female offenders, in comparison to “violent” non-Aboriginal female offenders.
- #7 CSC practice is a manifestation of **control** of “violent” female offenders.
- #8 CSC practice is a manifestation of **greater control** of “violent” Aboriginal female offenders, in comparison to “violent” non-Aboriginal female offenders.

The methodology of this research is approached in a similar manner to that in which the research questions/concerns/hypotheses were formed: as an emergent process. The inductive and deductive approaches to content analysis have been fused, guided by the inductive approach. I term this a **bi-functionary approach to content analysis**. The *inductive* nature of the research is accounted for in the adoption of the grounded theory approach to methodology. The aim of this approach is to have the research directed by the data. Grounded theory is flexible in nature, and thus permits for the introduction of a deductive approach. The *deductive* nature of the research is accounted for in the incorporation of the research questions/concerns/hypotheses into the inductive driven analysis of the data. The unique nature of the bi-functionary approach to content analysis in comparison to the ‘traditional’ approach to social research lies in grounded theory

being the foundation of this study, while allowing for the incorporation of a structured deductive component, specifically the research hypotheses. Comprehensive explanation of the bi-functionary approach to content analysis is detailed in this Chapter.

B. DATA SOURCES

Selection of the data sources for this research followed the formulation of the research questions/concerns/hypotheses. Both offer a unique perspective from which to address the research questions/concerns/hypotheses. This section presents a description of the two sources of data, followed by a discussion of the strength(s) and potential limitation(s) of each.

(a) Transcripts (Sworn Testimony) of the Public Hearing Proceedings

(i) Description of the Data Source

The primary source of data for this study is the transcripts (sworn testimony⁸⁵) of the public hearing proceedings of the Commission of Inquiry into Certain Events at the Prison for Women in Kingston, Ontario, held before the Honourable Madam Justice Louise Arbour (hereafter referred to as Phase I of the Arbour Commission). The proceedings were concerned with determination of the factual events that took place at P4W beginning on April 22, 1994 and through the approximate nine months that followed. This encompassed the immediate and long-term procedures and policies used by CSC to respond to the “violent” events by female offenders during this period (Arbour

⁸⁵ Evidence was gathered in the form of sworn testimony and documents in a trial-like fashion. Only the sworn testimony is analysed in this study. This is due to inaccessibility to CSC policy and procedure documents submitted as evidence in Phase I of the Arbour Commission. However, as outlined in Section Two (Statement of Problem), standard public CSC policy and procedure documents are accounted for in this research.

1996:xi, xvi, 289). It accounts for the perspectives of CSC, the community (i.e., CAEFS), and the female inmates involved in the incident. Before the strengths and limitations of this data source are discussed in this Chapter, the P4W incident, the P4W incident inmate population, the public hearing participants, and the logistics of the public hearing proceedings are introduced.

P4W Incident

To gain insight into the content of the public hearing proceedings, Table 1 presents a succinct chronology of the events that took place at P4W in April, 1994 and the months that followed, including the treatment of the inmates and CSC's response (Arbour 1996: 25-26). These events constitute what is commonly referred to as the "P4W incident".

TABLE 1: CHRONOLOGY OF EVENTS OF THE P4W INCIDENT

Date	Event
<i>April 22, 1994 (Evening)</i>	<ul style="list-style-type: none"> - Brief, violent physical confrontation between 6 inmates and correctional staff. - The 6 inmates immediately placed in the segregation unit. - Criminal charges laid against all 6 inmates.
<i>April 22-24</i>	- Tension very high at P4W, particularly in the segregation unit, where agitated behaviour exhibited.
	- 3 inmates not involved in the April 22 nd event, but in segregation when the 6 who were brought in, variously slashed, took a hostage, and attempted suicide.
<i>April 26</i>	- Correctional staff demonstrate outside P4W, demanding transfer of inmates involved in the April 22 nd event.

April 26 (evening) - April 27 (early morning)	<ul style="list-style-type: none"> - P4W Warden called male Institutional Emergency Response Team (IERT) from Kingston Penitentiary to conduct a (videotaped) cell extraction and strip search of the 8 women in segregation: 6 involved in April 22nd event and 2 not. - The 8 inmates left in empty cells in Segregation Unit in restraints and leg irons, wearing paper gowns.
April 27 (evening)	<ul style="list-style-type: none"> - 7 of the 8 inmates subject to body cavity searches.
May 6	<ul style="list-style-type: none"> - 5 inmates, 4 involved in the April 22nd incident, transferred to a wing of the Regional Treatment Centre, a male psychiatric treatment facility within Kingston Penitentiary.
July 12	<ul style="list-style-type: none"> - 2 of the women subsequently launched <i>habeas corpus</i>⁸⁶ in order to determine the lawfulness of the detention” (Funk & Wagnalls 1986:600). applications
July 12-18	<ul style="list-style-type: none"> - As result of <i>habeas corpus</i> applications, the 2 women returned to P4W. - Another 2 inmates returned to P4W, while 1 transferred to Regional Prairies Centre.
	<ul style="list-style-type: none"> - 6 women involved in the April 22nd incident remained in segregation for many months.
Dec 1	<ul style="list-style-type: none"> - Public announcement the 6 women agreed to plead guilty to criminal charges.
Dec 22	<ul style="list-style-type: none"> - 6 women appeared in court and pleaded guilty to agreed charges.
Dec 7, 1994 - Jan 19, 1995	<ul style="list-style-type: none"> - 6 women released from Segregation Unit. - One inmate was released from P4W during the period of her segregation. When subsequently returned to P4W she was admitted directly to the Segregation Unit.
Jan 20, 1995	<ul style="list-style-type: none"> - CSC released the report of a Board of Investigation, appointed by Commissioner of CSC to examine April 22nd event, subsequent events in the segregation unit and associated matters. - Report was critical of aspects of management of P4W. - Little attention, however, to the IERT attendance and misdescribed nature of IERT’s procedure. - Did not deal extensively, and sometimes not at all, with numerous aspects of the response of CSC to the April 22nd event and its aftermath.
Feb 14	<ul style="list-style-type: none"> - Correctional Investigator made special report to the Solicitor General: Severely critical of the Board of Investigation Report, the IERT attendance, and conditions and duration of the segregation of the inmates involved.

⁸⁶ “A writ commanding a person who detains another to produce the detained person before a court, especially in order to determine the lawfulness of the detention” (Funk & Wagnalls 1986:600).

<i>Feb 21</i>	- Solicitor General tabled Correctional Investigator's Special Report in the House of Commons and announced call for independent inquiry. - Substantial extracts of the video of the IERT attendance at P4W shown on CTV program, <i>Fifth Estate</i> .
<i>April 10</i>	- Governor General in Council appointed Commission of Inquiry pursuant to Part II of the <i>Inquiries Act</i> .

P4W Incident Inmate Population

In 1994, approximately 325 females were incarcerated in Canada at any given time for a federal offence (sentence of two years and greater). In comparison, there were approximately 14,500 male federal offenders (CSCa:1994). For both sexes, common characteristics defined, and continue to define, the populations. Specific to the female population, the similarities are striking at the federal level. It is interesting to note these similarities easily transfer to the provincial level (sentence of two years less a day and under) (CSC1996). The women share the characteristics of being: relatively young, poor, under-educated, unskilled, single-parents, addicted to alcohol and/or drugs, and are overwhelmingly victims of physical/sexual/emotional abuse. As well, a disproportionate number are Aboriginal (See Table 2) (CSC 1994a; CSC 1997a; Johnson 1987:26). The National Reference Group characterizes the overwhelming majority of federally sentenced women as having “suffered gross disadvantages in their lives” (1998:7). A current profile of the federal female inmate, which is very similar to the 1994 characterization is presented in Table 3 (Dell 2000).

TABLE 2: RACE OF FEDERAL FEMALE OFFENDERS, 1994, 1997⁸⁷ & 2000

RACE	1994 % of Offenders	1997 % of Offenders	2000 % of Offenders
Caucasian	64.7	57.3	60
Aboriginal*	18.0	21.9	26

⁸⁷ The definition of Aboriginal in the data sources is variously defined and therefore, the increase in 2000 is not reflective of an actual increase.

Black	7.4	8.8	8
Asiatic	2.2	2.4	u/k
Other	2.5	5.4	6
Not Stated	5.3	5.2	u/k

(CSC 1994; CSC 1997; Dell 2000)

* Note: Aboriginal women comprise approximately 2% of Canada's total population (Statistics Canada:1997).

TABLE 3: INSTITUTIONAL PROFILE OF FEDERALLY SENTENCED WOMEN, 2000

2000 FEDERALLY INCARCERATED FEMALE POPULATION CHARACTERISTICS	
Average age	34 years (range 18 to 89)
Average sentence length (excluding life sentences)	3.9 years
Life-sentenced offenders composition of incarcerated population	19%
Major offences:	
Homicide	32%
Drug	30%
Robbery	21%
Sex	3%

Data were derived from a one-day snapshot using the Correctional Service of Canada Offender Management System (automated database; January 31, 2000) (Blanchette 2000).

Three characteristics of the federal female offender population are of specific interest to this research and are grounded in its theoretical orientation (unified systems variant of socialist feminism). They are: (1) race, (2) gender, and (3) class. Both gender and class are controlled by the population of the research (discussed below). The concept of race, however, is dichotomous. Four of the eight inmates involved in the P4W incident are Aboriginal and four are Caucasian. Specific to the April 22, 1994 event, two of the six women are Aboriginal and four are Caucasian. See Table 4.

TABLE 4: RACE OF INMATES INVOLVED IN P4W INCIDENT⁸⁸

INMATE ⁸⁹	RACE
Involved in April 22, 1994 Event	
A	Aboriginal
B	Aboriginal
C	Caucasian
D	Caucasian
E	Caucasian
F	Caucasian
Not Involved in April 22, 1994 Event	
G	Aboriginal
H	Aboriginal

(Arbour 1994)

A cursory examination of “other” characteristics of the P4W incident offender population, such as marital status and education level, revealed congruency both within the incident population and between the incident population and the total federally incarcerated female offender population. For example, the ages of the eight inmates involved in the P4W incident were similar, with a mean age of 29 (*Board of Investigation* 1994). Age, therefore, is controlled for by the population of the research. In comparison to the federally sentenced female population in 1994, 52% of federally sentenced inmates were between the ages of 20 and 34 (CSC: 1994a). Further, the marital status of seven of

⁸⁸ In comparison to CSC definitions of Aboriginal, identification by others revealed the identification of 5 Aboriginal women and 3 Caucasian. This discrepancy, however, given the low attention allotted to race in the findings, is not of significance other than revealing the surrounding discrepancy.

⁸⁹ To maintain anonymity of individuals’ characteristics an alphabetic symbol is used in place of identifying the women’s names.

the eight women involved in the incident was single and the remaining woman was common-law (CSC 1994b). Marital status as well is controlled for by the population of the research. In comparison to 1994 CSC statistics on the federal female population, 57% reported to be single and 18% common-law⁹⁰.

It is important to identify the eight women inmates involved in the P4W incident. The incident, one has to keep at the forefront of their mind, involved human lives. The women, in alphabetical order by last name, are: Paula Bettencourt, Florence Desjarlais, Patricia Emsley, Brenda Morrison, Sandra Paquachon, Diane Shea, Joey Twins, and Ellen Young (Arbour 1996).

Public Hearing Participants

The transcripts of the public hearing proceedings reflect the perspectives of eight parties who are representatives of CSC, the community and inmates involved in the P4W incident. The process of determining who was to be granted standing before the Commission was based on a procedural hearing, which took place on June 28, 1995 (Arbour 1996:xiv). The criterion centred on whether a “persons or groups...interests were

put directly at issue by the Commission’s terms of reference, or that they had special experience or expertise with respect to the Commission’s mandate” (Arbour 1996:xv).

⁹⁰ A detailed comparison of individual characteristics of the P4W incident population (8 offenders) was not conducted for two reasons. First, since the total federal female offender population shares common characteristics, one can infer the P4W incident population also shares these characteristics. Second, and more discernible, “other” characteristics of the research population would have been of consequence only if their existence was revealed in the transcripts (i.e., current offence, prior record, institutional conduct history, sexual orientation). To illustrate, if it was deduced from the *actions* revealed in the transcripts that the Aboriginal women were treated more harsh than the Caucasian women, then a conclusion about racial bias could be made based on the evidence revealed in the *dialogue (ideology)* of the transcripts. To make a conclusion based on a statistical comparison with a sample of 8 is weak.

The eight parties granted standing were chosen on the view that they had the most to contribute to the unfolding of the narrative of the events that began on April 22, 1994 at P4W (Arbour 1996:xiii). See Table 5. In total, 22 individuals representing the eight parties granted standing were witnesses at the Inquiry. See Table 6.

TABLE 5: PHASE I: PARTIES GRANTED STANDING

<p>NOTE: <i>Italic denotes CSC representatives. It does not, however, necessarily denote 100% support of CSC policy and procedure. For example:</i></p> <p><i>. The Union of Solicitor-General employees generally has the same interests as CSC , but on many factual matters it differed in this Commission, such as acknowledgement of the institutional environment at P4W leading up to the events.</i></p> <p><i>. IERT members may have a personal and therefore different interest in comparison to CSC.</i></p>	
1.	Canadian Association of Elizabeth Fry Societies (CAEFS)
2.	Correctional Investigator
3.	<i>Commissioner of Corrections and CSC</i>
4.	<i>Institutional Emergency Response Team (IERT)</i>
5.	<i>Public Service Alliance of Canada & the Union of Solicitor-General Employees</i>
6.	Some of the individual inmates involved in the P4W events ⁹¹
7.	Inmate committee
8.	Citizens' Advisory Committee (CAC)

(Arbour 1996:xv)

TABLE 6: PHASE I: PUBLIC HEARING WITNESSES

⁹¹ All 8 incarcerated women were granted standing in Phase I.

<u>WITNESS</u>	<u>ORGANIZATION</u>
1. <i>Irving Kulik</i>	<i>Deputy Commissioner, Ontario Region, CSC</i>
2. <i>Therese LeBlanc</i>	<i>Warden, Prison for Women (current)</i>
3. <i>Joey Twins</i>	<i>Inmate</i>
4. <i>Cathy Vance</i>	<i>Correctional Officer, P4W</i>
5. <i>Brenda Morrison</i>	<i>Inmate</i>
6. <i>Linda Boston</i>	<i>Correctional Officer, P4W</i>
7. <i>Gerry Gillis</i>	<i>Correctional Supervisor, P4W</i>
8. <i>Tom Dafoe</i>	<i>Correctional Supervisor, Coordinator, IERT, Kingston Penitentiary</i>
9. <i>John Doe #1</i>	<i>Team Leader, IERT</i>
10. <i>Anne Powell</i>	<i>Correctional Officer, Prison for Women</i>
11. <i>Rick Waller</i>	<i>Institutional Preventative Security Officer, Prison for Women</i>
12. <i>Robert Bater</i>	<i>Chair, Citizens' Advisory Committee</i>
13. <i>Tracy Betrim</i>	<i>Correctional Officer, P4W</i>
14. <i>Donald Warnell</i>	<i>Correctional Supervisor, P4W</i>
15. <i>Barbara Hilder</i>	<i>Unit Manager, P4W</i>
16. <i>Mary Pearson</i>	<i>Institutional Physician</i>
17. <i>Donna Morrin</i>	<i>Deputy Warden, P4W (past)</i>
18. <i>Mary Cassidy</i>	<i>Warden, P4W</i>
19. <i>Janis Grant</i>	<i>Regional Administrator, Correctional Operations, CSC</i>
20. <i>Kim Pate</i>	<i>Executive Director, CAEFS</i>
21. <i>Andrew Graham</i>	<i>Senior Deputy Commissioner, CSC</i>
22. <i>John Edwards</i>	<i>Commissioner, CSC</i>

NOTE: *Italic denotes CSC representative.*

(Arbour 1996:276)

Phase I of the Arbour Commission, the public hearing proceedings, occurred over a four month period. The hearings commenced August 9, 1995 and concluded the week of December 11, 1995. A total of 16 days were actual trial hearing dates and the remaining days were accounted for by such occurrences as the tardy production of documents. All transcripts of the court hearing proceedings (sworn testimony) were bound into 40 volumes, with approximately 225 sheets of type-written testimony per volume. This amounts to approximately 9,000 pages of sworn testimony.

(ii) Strengths and Limitations of the Data Source

Analysis of the transcripts (sworn testimony) of the Public Hearing Proceedings of the Commission of Inquiry into Certain Events at the Prison for Women was chosen for six key reasons. Each reason addresses a specific portion of the outlined hypotheses: “violent” female offender, Aboriginal female offender, socialist feminism, CSC ideology, and CSC practice.

Strengths

First, as stated, the transcripts focus on determining the factual events that occurred at P4W, commencing April 22, 1994 and in the months that followed, accounting for the perspective of CSC, the community and incarcerated individuals involved in the incident. Of specific interest is that the incident is premised on several “violent” events committed by female inmates: a physical confrontation between correctional staff and inmates on April 22, 1994 and CSC deemed “violent” acts in the 5 days which followed (i.e., hostage taking, attempted suicide). The transcripts offer

insight into how CSC identified the women and their conduct and CSC’s response. The sworn testimony documents CSC’s ideological (policy) and material (practice)

response/control. In addition, the perspectives of the community (i.e., C.A.E.F.S.) and inmates involved in the incident serve as a point of comparison. Given the focus of this research, however, analysis of the community and inmates' perspectives will not be of the same depth as for CSC.

Second, the P4W incident inmate population is racially divided: four women are Aboriginal and four women are Caucasian. This permits for comparison of CSC's response to the two groups of inmates, on both ideological (policy) and material (procedure) levels. The issue of race, specifically *racism* against Aboriginal women, surrounded the P4W incident (i.e., media accounts and CAEFS documents). It is also apparent in a topic chosen for one of the roundtable discussions in Phase II of the Arbour Commission: Federally Sentenced Aboriginal Women in Prison/the Healing Lodge, and the application of a socialist feminist understanding to the literature reviewed on Aboriginal peoples and the Canadian criminal justice system in what has been labelled the "*pre-stage*" of this study's research process. Although the focus on race was not nearly as prominent as hypothesized, the initial reasons for choosing the data source are solid.

Third, as stated, the recital of events in the proceedings account for CSC ideology (reflected in policies) and CSC's material treatment of female offenders (reflected in procedures). The incident, therefore, adequately represents the focus of the research questions/concerns/hypotheses. It also "fits" the theoretical orientation (socialist feminist

perspective) of the research questions/concerns/hypotheses. A brief review of the introduction of the Arbour report reveals its focus on both CSC policy and procedure:

The incidents that gave rise to this inquiry could have gone largely unnoticed. Until the public viewing of a videotape which shed light on parts of these events, and the

release of a special report by the Correctional Investigator in the winter of 1995, the Correctional Service of Canada had essentially closed the book on these events.

This was perceived as, by far, not the most serious of events to have taken place in a Canadian penitentiary. Sadly, that is probably true. At the Prison for Women, loss of life and self-mutilation are among the many tragedies that occur, and that are largely unknown to the Canadian public.

However, this inquiry was concerned not only with what happened at the Prison for Women in 1994, but with the response of the Correctional Service of Canada to these events. The shortcomings that have been revealed in the course of this inquiry are, in my opinion, of the most serious nature. Corrections is the least visible branch of the criminal justice system. Occasions such as this, where its functioning is brought under intense public scrutiny, are few and far between. This may explain the discomfort of Corrections officials in handling this level of public attention (Arbour 1996: xi).

Fourth, the transcripts of the public hearing proceedings are a “lived” account of an event in Canadian history. They are viewed as a “snapshot” of human life. The purpose of their compilation was not for this research and this is a noteworthy strength. The transcripts provide a venue to “look in” on an event and analyse it for a specific purpose. This is equated with the unobtrusive research practice of participant observation. Essentially, it can be argued that the data collection is not “tainted” by the researcher’s presence (i.e., interviews). (Note: the data may be “tainted” in another sense - not accurately reflect individuals’ opinions considering the purpose for which it was collected - see limitations).

Fifth, CSC is an institution that represents the ruling class and, as discussed, is considered a reflection of the value system and practices of Canadian society (Harding 1994; Moore 1992). Simply, CSC is arguably some form of microcosm of, or representative of, the larger Canadian capitalist patriarchal structure⁹². In addition to being

⁹² It is not proposed, however, that the findings of this research are transferable to the broader society, but they could raise initial tentative areas of future methodological and theoretical inquiry.

a partial reflection of Canadian society, corrections is the **least visible** branch of the criminal justice system (Arbour 1996:xi). Thus, when an opportunity arises to analyse it, researchers have a responsibility to pursue it (Kirby and McKenna 1989:16). Further support for focus on CSC is revealed in a comment made by Colin Goff about conducting research for his book, Corrections in Canada. He states: “[i]t is hoped that in the future greater information about the system will be available, and that more attention will be paid to the social structural dimensions of this issue” (vii).

And sixth, furthering the position of strength number five, CSC as an institution should be studied when the opportunity arises. The identified data sources offer a unique look into the functioning of CSC, one that is often not possible through other means. For example, interviews with members of CSC are not likely to uncover their perspectives because all employees of the CSC are to abide by the *Standards of Professional Conduct* with the Service. The aim of the *Standards of Professional Conduct* is to promote ethical employee behaviour that is consistent with CSC’s Mission (CSC 1993a). To illustrate, Standard Two: Conduct and Appearance, states “Behaviour, both on and off duty, shall reflect positively on the Correctional Service of Canada and on the Public Service generally (9)”. The *Code of Discipline* states with respect to Standard Two that an

employee has committed an infraction if he or she “acts, while on or off duty, in a manner likely to discredit the Service” (CSC 1993b:6). In the *Standards of Professional Conduct*, Standard Six: Protection and Sharing of Information, states “Staff shall treat information acquired through their employment in a manner consistent with the *Access to Information Act*, the *Privacy Act*, the *Security Policy of the Government of Canada*, and the *Oath of Secrecy* taken by all employees of the Public Service of Canada” (CSC 1993a:15).

Further, research of a nature involving CSC employees would have had to have been approved by the internal research ethics process of CSC, which would likely not have been open to it. This is apparent in the unwillingness of CSC to produce documents throughout the public hearing procedure, and specifically considering Madame Justice Arbour's comment that "Occasions such as this [*the proceedings*], where its [*CSC's*] functioning is brought under intense public scrutiny, are few and far between. This may explain the discomfort of Corrections officials in handling this level of public attention" (Arbour 1996: xi).

Limitations

There are six identified limitations of the data source. First, the data were **not** collected specifically for the purpose of this research. Since this study is interested in the "lived" experience (an event), it is necessary to review/account for an immense amount data (excessive number of transcripts) to examine the focus of this research. This technique of data analysis is not as efficient, for example, as face-to-face interviews in which questions can be directed specifically toward the research focus. It was put forth

in the proposal for this research (1999) that potential interviews be held with three key informants on general CSC policy and its influence on decision making. In particular, three individuals were identified for their ability to provide information on CSC policy and practice as a CSC representative. Through further examination of the capacity to conduct such research, it was concluded that it would not be a feasible option due to CSC's *Standards of Professional Conduct* which constricts what CSC employees may speak about and the requirement of CSC to have all research conducted on it be approved through its internal review process (did not want to compromise the focus of this research through

abiding to the research rules governing CSC)⁹³

Second, the decision to not account for additional individual characteristics of the eight female offenders, other than race, class, gender, age and marital status, may be raised by some. However, as discussed, the influence of “other” characteristics on the treatment of female offenders by CSC did not emerge from analysis of the transcripts. The individual characteristic of greatest concern is likely prior criminal history (i.e., violent offender). There is little evidence to support, however, that a women convicted of a “violent” crime will act “violently” while incarcerated. A study on federally sentenced women in Canada supports that

...[A] conviction for a violent offence and acting violently while incarcerated...may reflect two different groups of women...Women act out violently while in prison for varying reasons, i.e., the ‘system’ itself, staff/offender power relationships, and women’s lack of control over what happens to them may result in both anger and aggression. This does not mean that these women have a propensity to commit violent offences (CSC 1995:4).

Third is the simple sheer volume of the data and the time, energy and organization involved in its analysis. There are, however, four justifications specific to its use. First, the amount of material reviewed is significantly reduced when one accounts for the transcripts being typed in an approximately 13 font with only 30 lines per page. Also, several lines on a page are occupied by the identification of speakers/witnesses. Second, the grounded theory approach to analysis evolves in a manner such that initial data coding is considerably time consuming. However, as codes are created and categories emerge from the data, they become saturated (a guideline for the validity of the category). Thus, the process of coding is more expeditious as the analysis proceeds. Third, as the researcher I

⁹³ The recent research of Fillmore and Dell (2001) notes difficulties in interviewing correctional staff, such as interviews not being allowed on institutional premises due to union policy, and a low staff response rate due to the release of other critical and thus controversial research at the federal institutional level.

have conducted content analysis in the past, specifically the grounded theory approach, and considered this data source plausible. And fourth, weighing the time consuming (and often monotonous) task of coding the data to the expectations for the functionality of the data source itself and this study in general, the data was again deemed appropriate.

A fourth limitation involves respondent recall. Cannell and Kahn (1968) suggest the ease with which material is recalled depends on three factors: (1) how long ago the event occurred, (2) how significant the event was when it occurred, and (3) how relevant the event was to the respondent's current life. These difficulties cannot be overcome, but they are controlled to a considerable degree in this research. The P4W incident was (1) relatively recent (less than fifteen months between the events and the court hearing proceedings), however the transcripts did reveal variety on respondent recall with some

reportedly being very poor and others very good, (2) significant event (i.e., IERT team not commonly called into a female institution; guards picketed outside P4W for transfer of the “violent” female offenders), and (3) the incident effected the working life of CSC respondents (Commissioner removed as consequence of Arbour Report, controversy surrounding P4W Warden Mary Cassidy’s dismissal from the Service) and clearly the community and individuals involved in the incident.

Fifth, similar to above, memory distortion often occurs as an effort, whether conscious or unconscious, to maintain a positive self image (or of the organization employed for) (Eich 1986). In response, it is proposed that the views expressed by CSC representatives, whether factually valid or not, reflect “expected” or “accepted” CSC ideology (refer to definition). As well, albeit maybe not too convincing to some, the transcripts are “sworn” testimony.

And sixth, Aboriginal women are treated as “one” in the data. Distinction is not made between Metis, Inuit and First Nations (status and non-status). The need to make such a distinction is clearly documented in the discussion section of this research - there is not “one” Aboriginal woman. However, since CSC ideology revealed to endorse “one” Aboriginal peoples, distinction would not likely be, and was not, revealed in their practices.

(b) Transcripts of the Public Consultation Process (Roundtable Discussions)

(i) Description of the Data Source

The second, less pivotal source of data for this research is the transcripts of the

roundtable discussions for the Commission of Inquiry into Certain Events at the Prison for Women in Kingston, Ontario. The aim of the roundtable discussions was to “take...a step back from the immediate events and examine...broad social policy questions that arose from the events” (Arbour 1996:x). The social policy questions were informed by a public consultation process in which Judge Arbour embarked on roundtable discussions without the intermediary of legal counsel (Arbour 1996:x-xiii). The public consultation process involved the views, once again, of CSC, the community (i.e., CAEFS) and the female inmates. Outlined in this section are the roundtable discussions, the roundtable discussion participants, and the logistics of the discussions. Following this, the strengths and limitations of the data source are reviewed.

Roundtable Discussions

As stated, the roundtable discussions (Phase II) occurred independent of the public hearing proceedings (Phase I) of the Arbour Commission and differed greatly in process from them. Phase II “ha[d] a less structured format: it relied on the free exchange of views by invited experts and interested parties” (Arbour 1996:xiv). The aim, once again, was specifically to “examine the policies and practices of the Correctional Service of Canada in relation to the events, their suitability and the need for reform” (Arbour 1996:289).

Roundtable Discussion Participants

Similar to Phase I of the Arbour Commission, Phase II involved a ruling on granting eight parties standing. The same criteria and ruling used in Phase I rendered

eight parties in Phase II. See Table 7. Each party granted standing was invited to send one

or two representatives to each roundtable (Arbour 1996:xvii). See Appendix K, Tables A through J, for witnesses of the ten roundtable discussions.

TABLE 7: PHASE II: PARTIES GRANTED STANDING (Arbour 1996:xv)

<p>NOTE: <i>Italic denotes CSC representatives. It does not, however, necessarily denote 100% support of CSC policy and procedure. For example:</i></p> <p><i>. The Union of Solicitor-General employees generally has the same interests as CSC but on many factual matters it differed in this Commission, such as acknowledgement of the institutional environment at P4W leading up to the events.</i></p>	
1.	Canadian Association of Elizabeth Fry Societies (CAEFS)
2.	Correctional Investigator
3.	CSC
4.	The Inmate Committee ⁹⁴
5.	The Native Sisterhood
6.	The Native Women's Association of Canada
7.	<i>The Union of Solicitor-General Employees</i>
8.	The Women's Legal Education and Action Fund (LEAF)

Logistics of the Roundtable Discussions

A total of ten roundtable discussions were held between November 14 and 30th,

⁹⁴ Justice Louise Arbour states: "I am not persuaded that the individual inmates who will participate in Phase I have such a personal interest, distinct from the interest and point of view of the groups of inmates who have been granted standing in Phase II, that they must be personally separately represented in that phase of the Commission's work....I think that such participation will be more effective if it is done on a collective basis. Should it prove impossible to represent adequately the many points of view within the Prison for Women through the Inmates Committee and The Native Sisterhood, I would hope that other groups...could come forward" (1995: 293-4). The Inmate Committee and The Native Sisterhood are both groups within the Prison for Women whose members are elected. The Inmate Committee represents the general interest of the prison population and The Native Sisterhood represents the unique perspective of incarcerated Aboriginal women.

1995. The topics were formulated based on issues arising from Phase I and research conducted by the Commission in the area of federally sentenced women in Canada. See Table 8 for a re-listing of the roundtable topics. The ten roundtable discussions were bound into 10 separate volumes, at approximately 250 pages per volume. This yielded a total of 2,500 pages.

TABLE 8: PHASE II: ROUNDTABLE DISCUSSION TOPICS

<u>DATE</u>	<u>ROUNDTABLE TOPIC</u>
1. November 14, 1995	Programme and Treatment Needs of Federally Sentenced Women
2. November 15, 1995	Long-Term Inmates
3. November 15, 1995	Health Issues for Federally Sentenced Women
4. November 22, 1995	Crisis Management in Women's Prisons
5. November 23, 1995	Federally Sentenced Aboriginal Women in Prison/The Healing Lodge
6. November 28, 1995	Cross-Gender Staffing in Women's Prisons
7. November 29, 1995	Regional Facilities
8. November 30, 1995	Women's Imprisonment in Canada - Overview

(ii) Strengths and Limitations of the Data Source

Strengths

The strengths of analyzing the transcripts of the public consultation process (roundtable discussions) of the Public Hearing Proceedings of the Commission of Inquiry

into Certain Events at the Prison for Women, are very similar to those expressed for the transcripts (sworn testimony) of Phase I of the Inquiry. To repeat, the incident is premised on several CSC deemed “violent” events committed by female inmates; the racial division of the incident inmate population; the incident reflects the socialist feminist theoretical perspective with its focus on policy (ideology) and practice (material); the transcripts provide a “lived” account of an event (in this case individuals’ accounts); congruence between the reason for the collection of the data and use of it in this research; the all too frequent lack of opportunity to examine the Canadian correctional system; and the suitability of the data to access CSC views. There is one additional strength particular to Phase II.

In general, the roundtable discussions focus on policy oriented questions. The difference in focus between Phase I and Phase II allows for examination of a separate “type” of data. As well, the roundtable discussion transcripts are less formal with free flowing dialogue, again revealing the data is of a different “type”. It must be noted, however, that the distinction made between Phase I and Phase II, policy and practice respectively, is not clear. Though those may have been the identified foci of the different phases, the data did not reveal strict adherence to them, and thus, attention was allotted to both policy and practice in both phases. In addition, given the low concentration on race in Phase I of the findings, particular analytic attention was allotted to Volume 7: Federally Sentenced Aboriginal Women in Prison/The Healing Lodge, and the voices of incarcerated Aboriginal women, CSC representatives and community members.

Limitations

With respect to the limitations of this data source, they mirror those addressed for Phase I but to a diminished degree: the data were **not** collected for precisely the purpose of this research; not accounting for individual characteristics of the inmates (although very limited concern for Phase II); the high volume of the data; respondent recall (very limited concern for Phase II); memory distortion (again, very limited concern for Phase II); and treatment of Aboriginal women as “one”.

The next section introduces the mechanics of this research - content analysis as a social scientific research methodology.

C. CONTENT ANALYSIS

A leading debate among some research methodologists is whether content analysis is a fundamentally quantitative operation (Monette et al 1998; Neuman 1997; Singleton and Straits 1998), qualitative operation (Baker 1999; Glaser and Strauss 1967; Neuman 1997) or a combination of both (Berg 1998; Jackson 1999; Weber 1990). An in-depth review of the literature has revealed the strengths and limitations of both approaches, and consequently, a combination of qualitative and quantitative methodological approaches to content analysis is employed in this research. This reasoning is supported in Weber’s (1990:10) comment that “[t]he best content-analytic studies use both qualitative and quantitative operations on texts. Thus content analysis methods combine what are usually thought to be antithetical modes of analysis”.

Just as there are diverse views on the basic nature of content analysis (qualitative, quantitative, or a combination), there is also divergence in its definition. To illustrate,

Monette et al.’s *quantitative* definition reads “[c]ontent analysis refers to a method of

transforming the symbolic content of a document, such as words or other images, from a qualitative, unsystematic form into a quantitative, systematic form” (1998:201). The quantitative approach introduces the dimension of frequency - how often a code or concept is referred to. Conversely, Weber’s *qualitative* definition describes content analysis as “a research method that uses a set of procedures to make valid inferences from text” (1990:9). The aim is to garner meaning from selected text. Baker (1998:335) succinctly states that “[q]ualitative research does not aim toward precise details or quantitative accuracy but toward representing a whole social space”. This research adopts Babbie’s inclusive definition of content analysis: “[c]ontent analysis, defined succinctly, is a rigorous examination of the manifest⁹⁵ and latent⁹⁶ content of communication” (1998:308). This definition adheres with Berg’s observation that content analysis is an examination of “artifacts of social communication” (1998:223).

The methodology employed in this research is based within the framework of grounded theory. Grounded theory concurs with conventional content analysis in that the methodological aim is to make observations in the data, classify them and attempt to understand them (Singleton et al. 1988:348). Grounded theory diverges from this approach, however, with respect to process. Grounded theory proposes a primarily inductive approach: the emergence of codes from data which leads to the generation of theory. In this research, as stated, a deductive approach is also utilized. That is, the data

is examined for the presence of codes that were pre-established from a review of the

⁹⁵ Visible surface content (Babbie 1998:313).

⁹⁶ Underlying meaning (Babbie 1998:313).

theoretical and empirical literature, including the ensuing hypotheses. In this research, a quantitative approach is incorporated within the qualitative framework of grounded theory. It is recognized that numerous researchers use an amalgamation of both qualitative and quantitative methodologies (Berg 1998; Jackson 1999; Weber 1990), but their union is rarely clearly explained. As a result, this research explicitly details the use of both approaches, clearly outlining that the quantitative aspect is rooted in the qualitative grounded theory approach to research methodology. The qualitative and quantitative aspects of the methodology are primarily separated for clarity of explanation, but in their application it is a simulations practice (see Diagram A). For the sake of simplicity, the merged methodology is termed the **bi-functionary approach to content analysis**.

D. THE BI-FUNCTIONARY APPROACH TO CONTENT ANALYSIS⁹⁷

The methodology of this research is foremost *primarily* informed by the grounded theory approach presented by Glaser and Strauss. Two main texts detail the methodology: The Discovery of Grounded Theory: Strategies for Qualitative Research (Glaser and Strauss 1967), and Theoretical Sensitivity: Advances in the Methodology of

Grounded Theory (Glaser 1978).

The premise of grounded theory is description and explanation. Essentially, codes and concepts are to emerge from the data and dictate the research direction or theory

⁹⁷ Taken from my researcher conceptual baggage: Looking at this research as an inductive and deductive approach to content analysis - it was inductive in the sense that I allowed the codes to emerge, and I did not stay focussed strictly on my deductive or guiding questions. For example, in the initial analysis of Mr. Kulik's testimony, focus was on CSC as an organization that follows rules - this was a dominant theme. I did not exclude or diminish this finding because it did not appear to fit in with the research questions that I was asking. Rather, it was coded and noted because I did not know what I would find next and how it may 'fit in' with my hypotheses, if at all. This is both the benefit (and time consuming drawback) of the content analytic method or approach to research. *And the grand significance of this code is evident in the core role control had in the transcripts.*

formation. Glaser terms this *analytic induction*: it is inductive because it begins primarily with observations and it is analytic because it goes beyond description to locate patterns and relationships among variables (1978). There are six main stages in the grounded theory process (Ferguson 1997:30). They are:

1. *Collection of research data*: For example, the court hearing transcripts of the P4W incident.
2. *Coding the data*: Open coding in which categories emerge from the data.
3. *Identification of categories*: Explore the codes for larger categories between them. Group the codes together on the basis of commonalities between the theme of each code. This is commonly termed selective coding.
4. *Identification of a core variable(s)*: Variable(s) are identified as central, and around which all other variables are organized, and are the focus of the development of substantive theory.
5. *Generation of theoretical memos*: Memos are to be recorded as they strike the researcher during the coding process. They are based on ideas about codes and their relationships .
6. *Generation of substantive theory*: Theory emerges from the data.

It is important to note that the grounded theory research process is not linear, but rather, as Glaser describes it, it is “...a process comprised of a set of double-back steps. As one moves forward, one continually moves back to previous steps” (1978:16). This interactive process is discussed in greater detail in relation to the feminist approach to methodology adopted in this research and outlined in Section F. First, however, the bi-functionary approach to content analysis is explained (the fusion of inductive and deductive methodology, directed by the former). As stated, grounded theory *informs* the methodology employed in this research, and therefore, it is neither the sole approach nor rigidly adhered to.

(a) A Deductive Approach

The bi-functionary approach to content analysis is viewed as *partially* deductive

because initial research questions/concerns/hypotheses have been identified.

Conventionally, content analysis is a deductive process that involves the identification of specific codes *prior* to analysing data (Monette et al 1998:348). These specified codes reflect the hypotheses to be tested. In this research, the hypotheses were formulated using a socialist feminist understanding of the empirical and theoretical literature review (see Chapter Two: Theoretical Framework). However, the conventional approach of content analysis to hypotheses testing and theory acceptance/rejection/reformulation is viewed as ‘too confining’ for this research topic (i.e., data analysis governed by a pre-determined set of codes). This is primarily because the area of “violent” female offenders is severely under-researched and the theories that exist are limited in both quantity and quality of explanation (as reviewed in Chapter Three: Analytic Framework). Consequently, theory formulation that goes “beyond the boundaries” of what currently exists is essential to progressing understanding (Kirby and McKenna 1989). Accomplishing this requires a non-restrictive approach to data analysis.

The deductive aspect of the approach to grounded theory proposed in this research is non-restrictive. The data is not approached with a pre-determined set of codes to test the hypotheses. Rather, the role of the research hypotheses is limited to **noting whether or not the data *which emerges from the content analysis* supports them**. The generation of theory is therefore not limited by the outlined research

hypotheses/questions/concerns. The controlled introduction of the deductive approach into the inductive based model allows for discovering the ‘unexpected’ while in turn determining whether the ‘expected’ is supported.

(b) An Inductive Approach

The ability to incorporate the deductive approach (as defined) into the inductive approach characteristic of grounded theory is possible because of grounded theory’s flexible nature. Glaser’s (1978) research guidelines are malleable and emphasize that the researcher should modify the suggested techniques to suit her or his particular research.

Citing Glaser (1978), he states:

[T]he author hopes that readers will see the differences between their opinions and...[the authors]...on methodological issues as an occasion to analyse different approaches and opinions in research....By its very nature grounded theory produces ever opening and evolving theory on a subject as more data is obtained and new ideas discovered. This nature also applies to the method itself and the methodology (ix).

The proposed research aim is to approach the data: (1) *inductively*, as a *tabula rosa*⁹⁸ to potentially generate extensions to existing theory, and (2) to a less extent, *deductively*, to determine if the data analysis supports the research hypotheses (as explained above). Both approaches allow for the potential explanatory role of race, Aboriginal in comparison to Caucasian, to surface. Once again, both the inductive and deductive data analysis techniques occur simultaneously and are separated here solely for the purpose of clarity in explanation.

The central difference between the customary inductive approach to social research

⁹⁸ Reference to a *tabula rosa* is used to illustrate that a set of pre-determined codes did not guide the data analysis. The role of researcher reflexivity is, however, accounted for and explained in Section F of this Chapter.

(i.e., grounded theory) and the bi-functionary approach to content analysis, as proposed, is that in the former the initial stage of the research process (following data collection) is characterized by the formulation of a general, or loosely defined, hypothesis from observing initial cases in the data. This hypothesis is to change as new observations are made (Ferguson 1997:29). Essentially, the research process is to begin with particular observations from which empirical generalizations are to be made. In this research, theory is used at the initial stage (before reviewing the data) **only** to frame the research, **not** to formulate **specific** hypotheses to be tested, though it did assist in informing them in combination with the literature review, as set out in Chapter Three: Analytic Framework.

This research accounts for and partially conducts this stage of the research process (begin with particular observations from which empirical generalizations are made) **and** compares theory that emerges from the data to the **specific** questions/concerns/ hypotheses formulated (based on the pre-stage of this research). Essentially, an ‘open’ approach to data analysis is proposed which attempts not to allow the predefined research questions/concerns/hypotheses to confine the focus of the data analysis while concurrently allowing for testing the questions/concerns/hypotheses posed.

E. DATA ANALYSIS

In employing the content analytic methodology, there is, as Weber states, “...no simple *right way* to do content analysis. Instead, investigators must judge what methods

are most appropriate for their substantive problems” (1990:13). For this research, following careful examination of the research area, the research problem was identified, the data source then chosen, and last the data analysis techniques determined.

It is important that the systematic ‘rules’ of the data analysis process are clearly outlined so the reader has a lucid understanding of them. Too often, research findings are conveyed but the precise data analysis techniques are not. It is not enough to state that content analysis was used because, as reviewed, there are numerous approaches to it. Providing a clear depiction, or ‘road map’, of how the content analytic methodology was conducted provides the reader with an enhanced understanding of the research in its totality, and as well allows the reader to use and contribute to the analysis techniques employed here. And further, it fosters researcher accountability.

Guided by the six main stages of the grounded theory approach to data analysis (outlined in the prior Section), this research identifies seven progressive steps to the bi-functionary approach to content analysis: (i) conceptual framework, (ii) data collection, (iii) data coding, (iv) identification of categories: open coding stage I, open coding stage II, and selective coding, (v) identification of core variables, (vi) memoing, and (vii) generation of substantive theory. Each is discussed.

(a) Conceptual Framework

The conceptual framework of this research has been detailed up to this point, and most precisely in Chapter Three. It has ranged from accounting for the originating foundation of the research question, to the theoretical underpinnings of the research, through to the researcher’s acknowledgement of her experiences in the criminal justice

system and their potential influence on her perspective, as well as her reflections on the study itself. Outlining the conceptual framework provides the reader with information comparable to the prelude of a book: the identifying features of the research topic and the researcher which are descriptively rich areas often left unaccounted for. Acknowledging

the conceptual framework, in short, assists the reader with contextualizing the research. This is captured in Kirby and McKenna's statement that "who [we]...are circumscribes what kind of research [we]...do" (1989:19).

(b) Data Collection

The data collection process for this research was unobstructed: public access to the data, court transcripts, in their raw form. As identified, the court transcripts are of the Commission of Inquiry into Certain Events at the Prison for Women in Kingston, Canada. The research literature supports that court transcripts are amenable to content analysis (Baker 1998; Emerson et al. 1995; Glaser and Straus; Monette et al. 1998; Neuman 1997). For example, Monette et al. state that "[w]hensoever activity is recorded in some document - whether a book, diary, care record, film, or tape recording - it is amenable to scientific analysis" (1998:201). Neuman (1997:273) similarly captures the suitability of the court transcripts as a data source in his statement that:

Content analysis is a technique for gathering and analysing the content of text. The *content* refers to words, meanings, pictures, symbols, ideas, themes, or any message that can be communicated. The *text* is anything written, visual, or spoken that serves as a medium for communication. It includes books, newspaper or magazine articles, advertisements, speeches, official documents, films or videotapes, musical lyrics, photographs, articles of clothing, or works of art.

In the simplest form, the Commission of Inquiry court transcripts can be viewed

as a conversation. As imparted previously, the Inquiry took place in two phases: (1) the fact finding process of sworn testimony and documents in a trial-like fashion, and (2) roundtable discussions that focussed on broad policy based questions (Arbour 1996:xii). In both phases it is important to note that because the 'conversation' took place in the

context of a Commission Inquiry, it is **not** assumed that all participants revealed their facts precisely as they were recalled, similar to a conversation in any situation. In any context, data is to be taken at ‘face value’, with acknowledgement of both its strengths and weaknesses (see Section E of this Chapter)

(c) Data Coding⁹⁹

Similar to Weber’s statement (communicated above) that there is no *right way* to do content analysis (1990:13), Monette et al. assert that the determination of a coding scheme must be specific to the document(s) being studied (1998:201). The coding scheme is unique to each individual data source. The codes in this research were established both inductively and deductively. This is explained.

(i) Deductive

Drawing on the deductive aspect of this research, as reviewed there were several pre-established codes that were derived from the theoretical and empirical literature reviews of the Correctional Service of Canada, Aboriginal female offenders, and female

‘violent’ offenders. The majority of these codes are either overtly or inherently embodied in the research questions/concerns/hypotheses. The identification of these codes allowed for the research questions/concerns/hypotheses to be reduced to code (concept) form, and in some instances, to the category level. The identification of codes also allowed for the emergent nature of the research to become apparent in the inconclusive nature of the codes

⁹⁹ A narrative of each volume of the court transcripts was constructed because there was simply too much information to keep in order. This was maintained throughout the coding procedure. Succinctly, the coding process involved, mechanically, for each witness: (1) (a) coding, (b) narrative/quote taking (simultaneous to coding); (2) preliminary reduction of codes; and (3) preliminary summary of themes between codes.

deduced¹⁰⁰. And last, note that the codes (and categories) listed are most relevant to the view of CSC, however, as reviewed, the views of female inmates and community groups are analysed to a less extent as points of comparison (note that this was a primarily informal process in Phase I and more standardized in Phase II, specifically with regard to analysis of Volume 8: Federally Sentenced Aboriginal Women in Prison/The Healing Lodge). (See Appendix A for a listing of the pre-established codes).

(ii) Inductive

Adhering to the grounded theory framework of this research, the inductive aspect, codes were developed from the data itself, of which there was a substantially greater number than the pre-established codes drawn from the theoretical and empirical literature. Code development began with immersing myself in the material in order to identify the themes that were meaningful to the producers of the messages. The experience of code development in this research supports Berg's (1989:11) likening of the process (in the context of grounded theory) to solving a puzzle:

Coding and other fundamental procedures associated with grounded theory

development are certainly hard work and must be taken seriously, but just as many people enjoy finishing a jigsaw puzzle, many researchers find great satisfaction in coding and analysis. As researchers...begin to see the puzzle pieces coming together to form a more complete picture, the process can be downright thrilling.

The coding process employed in this research, the identification of the initial pieces of the puzzle, is outlined in six rules. Neuman refers to the development of rules of coding as a detailed explanation of how observations were systematically categorized and classified in the text (1997:275). Berg (1998) confirms the importance of outlining such

¹⁰⁰ It is important to note that establishing the codes also assisted in clarification of ideology (encapsulating both practice and policy) and procedure (focussed strictly on practice) in this research.

rules. He states:

...objective analysis of messages conveyed in the data being analysed is accomplished by means of explicit rules...which must be formally established before the actual analysis of data. The criteria of selection used in any given content analysis must be sufficiently exhaustive to account for each variation of message content and must be rigidly and consistently applied so that other researchers or readers, looking at the same messages, would obtain the same or comparable results (Berg 1998:224).

The six constructed rules of data coding in this research are: (a) identify the unit of analysis, (b) identify the coding system, (c) initial coding, (d) manual coding, (e) enumeration, and (f) researcher reflexivity. Each is explained.

Data Coding Rule #1: Identify the unit of analysis

One of the most important decisions in coding data concerns the basic unit of text to be classified (Weber 1990:221). The unit of analysis can range from a single word to a sentence, paragraph or other grammatical unit. This research primarily used the paragraph as the unit of analysis. At the start, however, the sentence was the common

unit while toward the completion of the coding process nearly the entire dialogue entry¹⁰¹ was. The reasoning is that at the start of the data analysis, particular attention was paid to the establishment of initial codes, and thus, ample attention was allotted to minute features of the data. This enabled an exhaustive set of codes to be established. By the completion of the data analysis, most codes (or by that time categories) were saturated and such a detailed reading of the text was no longer required.

The main strength of coding by sentence, and then mainly paragraph, in this

¹⁰¹ One entire entry of the speaker in the transcript at one point in time.

research was that it enabled the entire text to be coded. While some suggest the word is the most useful unit of analysis (Weber 1990), for such diminutive level coding the text must almost always be sampled in consideration in the immense amount of work required to conduct the coding. Analysing the entire text, which was also extremely time consuming in this study, allowed for the codes to be consistently contextualized. Singleton et al. (1998) support that analysing the entire text “preserves the semantic coherence [of the code]” and refer to this as coding within context units¹⁰² (Singleton et al. 1998:385-8). The work of Monette et al. also supports that “[m]eaning in social interaction normally arises from a whole block of words or sentences [rather than their individual appearance]” (1998:205). A second strength of coding by larger units was that even though reliability *may* have been lowered (see Section E), this level of coding was of greater theoretical use, specifically when codes were being transformed into categories

and core variables.

Data Coding Rule #2: Identify the coding system

In review of the research literature (Baker 1999; Bogdan and Biklin 1992 (in Baker); Emerson et al. 1995; Monette 1998), four general content analytic coding systems were identified: (1) presence or absence¹⁰³ of a concept; (2) frequency of occurrence of a concept; (3) amount of space devoted to a concept, and (4) intensity of expression of a

¹⁰² Singleton and Straits claim “[b]ecause it is not possible to place the recording unit in a particular category without the context in which it appears, content analysts also distinguish context units” (1998:385).

¹⁰³ Both presence and absence of a concept are referred to because deductively, the pre-established codes may not be present in the court transcripts and inductively, a concept recorded at the start of the analysis of the text may not be present throughout.

concept. Only the first two coding systems are employed in this research. Each is defined with justification for its use/rejection

The first coding system, *presence or absence of a concept*, is the determination of whether a concept or code¹⁰⁴ is present in either/both manifest and/or latent forms in the court transcripts. This is applicable to both the deductive and inductive approaches to analysis: pre-established codes for the former and codes inferred from the text for the latter. Enacting this coding system, the coding of data is continued until saturation¹⁰⁵ of a concept is established, though it is not confirmed numerically. The second coding scheme, *frequency of occurrence of a concept*, proposes a systematic quantification of the presence or absence of codes in the text. Simply, the number of times that a concept/code is present (thinking inclusively - or lack of presence) in the text is recorded. This assists

with four things in light of the immense amount of text to be analysed. First, it helps organize the code categories. Second, quantification assists in determining the saturation of a code. Third, it allows for the pictorial/graphical representation of the findings. And last, quantification hinders the researcher from engaging in ‘one track’ thinking due to the multitude of codes required to be recalled. Overall, the court transcripts were coded with the aim of qualifying and quantifying the manifest (observable, empirical) and latent (implied, suggested, underlying theme) content of the text. That is, an examination of what was written both ‘on’ and ‘between’ the lines was conducted.

The third coding system, *amount of space devoted to a concept*, imparts the prioritization of text and is reserved for column measurement and the placement of text in

¹⁰⁴ Refer to the Appendix D: Concepts, for a definition of the interchangeable use of the words concept and code in the coding of the court transcripts.

¹⁰⁵ Saturation is the point at which the document becomes permeated with repetitious codes (Berg 1998:237).

newspapers, magazines, and the like. This system is not relevant to this research because the transcripts are not recorded with the intention of impressing an opinion upon an audience in a public text. And last, *intensity of expression of a concept* is not applicable to this research based on the length of the court transcripts. This system is a complex rating scale, similar to a likert scale, that is applied to text. For example, a measurement scale for the presence of a sexist attitude would read: (1) extremely sexist, (2) sexist, (3) neutral, (4) not sexist, (5) extremely not sexist. This rating scale would be applied to determine the ‘intensity’ of individual codes located throughout the text.

Data Coding Rule #3: Initial coding^{106 107}

The procedure of coding the court transcripts, at the initial stage, is borrowed from the work of Glaser and Straus (1968), and what they term ‘open coding’. Emerson et al. (1995:143) summarize Glaser and Straus’ technique of open coding as the identification and formulation of any and all ideas, themes, or issues in a text. Straus (1987:30) suggests four basic parameters to conduct open coding, which were adopted in this research.

1. *Focus on the research question.* Coding must be conducted with a clear conceptualization of the research focus to ensure the codes reflect it.
2. *Analyse the data at the most diminutive level possible* (for this research, beginning at the level of the sentence and then paragraph). Coding everything that relates to the research question assists in ensuring an exhaustive coding scheme. Berg (1998:237) supports that initial encompassing coverage aids in ensuring later theoretical findings are thoroughly grounded.
3. *Conduct the coding process in conjunction with taking notes that record potential relationships between the codes.* This is comparable to Glaser and Straus’ (1967) concept of theoretical memoing and Kirby and McKenna’s (1989) notion of ‘conceptual baggage’, and is reviewed in greater detail in data coding rule #6 and Section F.
4. *Do not make assumptions about the codes during the open coding process.* Berg perceptively states: “[n]ever assume the analytic relevance of any traditional variable such as age, sex, social class, and so forth until the data show it to be relevant” (1998:236).

Data Coding Rule #4: Manual coding¹⁰⁸

¹⁰⁶ When the coding commenced, codes started to develop and emerge from what non-CSC representatives stated. These were noted, however, this research focuses on CSC’s perspectives, and uses the other only as a comparison or benchmark, and it is not nearly as in-depthly coded.

¹⁰⁷ Note that the same sentence was never coded twice. It must fit into one category only. Given the immense size of the data set, this will not have any ill effects on the findings.

¹⁰⁸ In coding the court transcripts, only the individual who was being questioned on the stand was coded - the Questions and comments of the lawyers were not. It would be too presumptuous to interpret the meaning of the questioning. It is accounted for, however, in a lawyer’s examination of their own client. Similarly, when a cross-examination of a witness is conducted, and this can involve up to 7 or more different lawyers, the

A manual system of coding was employed in this research. It has been asserted that the use of a human coder or a computer assisted program (i.e., NU*DST, Ethnograph) is inconsequential to the overall value of content analysis (Singleton and Straits 1998:385). Of significant importance, as revealed, is that there is a clear formulation of codes and rules for assigning them. There are, however, several benefits in this research believed to be associated with employing manual coding. First, manual coding allowed for the continuous contextualization of the data in the coding process, whereas computer assisted analysis can not to the same extent. Second, due to the length of the text analysed, it was imperative that there be easy comparison of different components of the text, such as the inter-relation of codes. A computer program would not facilitate this. Third, logistically, scanning the immense amount of court transcripts into a computer program would have been a great deal of work. Fourth, qualitative analytic computer programs in general are not yet as precise an instrument for analysis as the quantitative programs are, such as the Statistical Package for the Social Sciences (SPSS). And last, the coding of the data was not restricted by the confines, or rules, of a computer program, and therefore the bi-functionary approach to content analysis was able to be fully accounted for by manually coding the data.

Data Coding Rule #5: Enumeration¹⁰⁹

respondent's answer was coded each time. However, it was accounted for diminish saturation of the code) if an issue was being belaboured by a lawyer(s), as well as if a respondent was asked to repeat their answer (see frequency counts).

¹⁰⁹ Frequency counts are very difficult to allot credibility to because, once again, the witnesses are asked questions which direct their responses. However, the content of their responses is not driven in terms of both manifest and latent content.

As revealed in data coding rule #2, identify the coding system, recording the frequency¹¹⁰ of a code is the systematic quantification of its presence (or absence) in a text. Once again, enumeration simply refers to recording the number of times a code/concept is present (and acknowledging lack of presence) in a text, or as Singleton and Straits state: “the frequency with which a given category appears in the contextual unit” (1998:386). The primary role of enumeration in this research, as reviewed, is to assist with determination of the saturation of a code - the point at which the document becomes permeated with repetitious codes (Berg 1998:237).

It is important to note that causal relationships cannot be inferred from the calculation of frequencies with the content analytic methodology. For example, a history of interpersonal violence cannot be identified as the cause of the conduct of women who are incarcerated. Frequencies can only *suggest* the *magnitude* of findings. The calculation of frequencies in content analysis is not a statistical procedure, but rather, a tool to primarily determine/verify saturation of a code/category.

Singleton and Straits (1998:386) outline two limitations of the use of frequencies in content analysis, both of which are acknowledged in this research. First, the frequency of a code is not a valid indicator of its importance. For example, the greater frequency of

one code in comparison to another code does not indicate that the first code is more important because the context and magnitude of it are not considered. This is why frequency alone is not a valid indicator of content analysis and is not defined as such in this

¹¹⁰Other measures of content analysis include time/space, appearance and intensity.

research. And second, similarly, each individual count or frequency is not of equal importance, value or intensity. This, once again, reveals the necessity of contextualizing findings, supporting the use of manual coding.

Data Coding Rule #6: Researcher reflexivity¹¹¹

The recording of researcher reflexivity was introduced in Data Coding Rule #3, Initial coding. The notion of researcher reflexivity is comparable to Kirby and McKenna's (1989) reference to 'conceptual baggage', Glaser and Straus' (1967) 'theoretical memoing', and Berg's (1999) 'reflections of the researcher'. Emerson et al. provide an encompassing definition of researcher reflexivity in which they highlight the importance of the delineation of numerous types of writing and note-taking strategies to capture and give meaning to field notes (in Baker 1999:335). The specifics of researcher reflexivity are detailed in Section F, a feminist methodological approach to content analysis. At this point, it is important to note the presence of researcher reflexivity in the data coding process, and that it is an underlying theme of this research and its bi-functionary methodological approach to content analysis.

(d) Identification of Categories: Open Coding Stage I, Open Coding Stage II, and Selective Coding¹¹²

Once again, similar to determining the form of content analysis to be employed in this research and the identification of a relevant coding scheme, there was no universal 'guidebook' to developing categories (Berg 1998:234). The central idea, in the words of Weber (1990:12), is that "the many words of the text are classified into much fewer content

¹¹¹ See Appendix G for illustration of researcher conceptual baggage.

¹¹² See Appendix I, for a detailed explanation of how the data was coded in this research

categories”. Following the guidelines of Glaser and Straus, category identification involves three stages: Stage I open coding, stage II open coding, and selective coding. In the process of Stage I open coding, adhering to the six outlined data coding rules, codes begin to emerge from the data. The codes are then analysed in Stage II open coding for the development of larger codes, or concepts, between them. And third, in selective coding, the codes are grouped together on the basis of commonalities between the themes of the individual codes to create categories. To illustrate, in Appendix E, a paragraph from Jeffery York’s text, The Dispossessed (1992) is stage I open coded, stage II open coded, and selective coded.

The process of defining categories, reviewed to this point in the research process, began with numerous specific codes, moved to fewer more general and encompassing codes, and then the categories were determined based on common themes between codes (Weber 1990). Such a comprehensive process assists in ensuring maintenance of the meaning of the original text. This stage of category definition is characterized by the mutual exclusiveness of the categories - their interrelations are imparted in the memoing process (see Stage f).

(e) Identification of Core Variables

The identification of central or core variables is a ‘natural’ occurrence as the

coding and selective coding stages are enacted in the research process. More specifically, throughout the coding stages, memoing is a consistent and important task (see stage v - Memoing). Through memoing, it becomes clear which codes (and later variables) are persistent, central and prominent in the data. Once again, this process can be likened to solving a jigsaw puzzle (Berg 1998:11), determining which pieces frame the puzzle and

which are centred at its hub - which variables are on the peripheral and which have greater central relevancy. Glaser and Straus (1967) conceptualize a core variable as one around which all other variables are organized. This stage of the research process, the identification of core variables, leads to the development of substantive theory (discussed further in Stage g - Generating Substantive Theory).

(f) Memoing

The concept of memoing in this research is two-fold. It is based on the idea of *researcher reflexivity*, as referred to above and detailed in Section F: A Feminist Methodological Approach to Content Analysis, and on Glaser and Straus' practice of *theoretical memoing*. This section is limited to a description of the latter. Do note, however, the interactive and multidimensional nature of both forms of memoing, as is evident in their noted applicability to several sections of the research methodology outlined in this Chapter.

According to Glaser and Straus (1967), theoretical memos are ideas about codes and their inter-connections. The rationale behind memoing is the development of coding relationships. The process of memoing is both constant and interactive in the data coding stage of the research process. Emerson et al. explain that "memos...take ideas from a

number of different observations and...analyse the connections and implications across observations" (1995:157) (in Baker 1999:336).

Essentially, memoing provides a forum for the researcher to record inspirations and insights about the data codes and their inter-connections. Memos are to be recorded whenever they strike the researcher during the coding process. It is important that data connections are formally accounted for because many times such thoughts are not

committed to paper, and thus potentially insightful information is lost. Memoing is similar to the ongoing coding analysis that occurs within the confines of the researcher's own thinking, however, memoing is a conscious activity. Memoing, overall, facilitates the integration of theory and data. Glaser and Strauss (1967:102) describe this as the "constant comparative method of joint coding and analysis".

Memoing also promotes analysis of the memos themselves. For example, Emerson et al. suggest that "[o]nce...themes are developed [in the memos], the researcher can go through their notes again, doing very *focussed coding*. Such coding often leads to subcodes of the original...codes. Focused coding enables the researcher to recognize a pattern in what initially looks like a mass of confusing data" (1995:161). This is similar to Kirby and McKenna's (1989) concept of layering the researcher's reflections. Re-analysing and reflecting upon memos allows the researcher to gain insights that may have otherwise been over-looked.

Memoing, in short, requires the researcher to record their thoughts about codes and relationships between them, and provides another data venue the researcher can review to gain greater insight into their aim of informing theory. Ideally, through the

interrelation of codes, themes and variables within and between memos, the researcher will be directed toward the progression of "a more holistic and meaningful discussion of the social world that has been observed" (Emerson et al. 1995:162).

(g) Generation of Substantive Theory

As detailed above, theory formation, within a grounded theory framework, is to emerge from the data. In this study the generation of theory has been identified as a

bi-functionary process: (1) employing deductive logic, this research commenced with hypotheses derived from theoretical and empirical observations. Germane codes/concepts and specific variables were examined for their presence and inter-relations in the data; and (2) employing inductive logic, starting with specific empirical observations in the data, the presence of and relationships between codes/concepts and variables were examined. Notwithstanding this combination of approaches, the central tenant of generating substantive theory was taking the core variables (ascertained largely through theoretical memoing) and determining their interrelations within the framework of, and applicability to, socialist feminist theory.

The benefit of using the combination of a deductive approach within an inductive framework in this research was that the major strengths of each were incorporated. The leading strength of the *inductive* approach is elucidated in Glaser and Straus' (1967:2-3) observation that:

To generate theory...we suggest as the best approach an initial, systematic discovery of the theory from the data of social research. Then one can be relatively sure that the theory will fit the work. And since categories are discovered by examination of the data, laymen involved in the area to which the theory applies will usually be able to understand it, while sociologists who work

in other areas will recognize an understandable theory linked with the data of a given area (Berg 1998:231).

Focussing on the *deductive* approach, the primary strength in regard to generating theory is that the findings of past research and theory are not only accounted for on a general level, but they are specifically detailed in the generation of the identification of hypotheses. These hypotheses, in turn, assist in the possible generation and verification of codes, and eventually theory. The next section reviews the general strengths and weaknesses of

content analysis.

F. STRENGTHS AND LIMITATIONS OF CONTENT ANALYSIS

Regardless of the type of methodology employed in a social scientific research study (i.e., interviews, content analysis, survey), of primary importance is that it is profiled and its strengths and limitations documented. This assists in ensuring the reader has an intelligible understanding of the research study. The methodology of this study, content analysis, has been precisely detailed in this Chapter, leaving this section to address the major strengths and limitations of conducting content analysis on the court transcripts and roundtable discussions of the Commission of Inquiry into Certain Events at the Prison for Women in Kingston, Canada.

(a) Strengths

The primary strength of the content analytic approach, applicable to this study, is that it is non-reactive. That is, individuals involved are not required to participate directly in the research. To contextualize this strength, consider Babbie's statement (1998):

Want to know which exhibits are the most popular at a museum? You could conduct a poll, but people might tell you what they thought you wanted to hear or what might make them look more intellectual and serious. You could stand by different exhibits and count the viewers that came by, but people might come over to see what you were doing....[Y]ou could check the wear and tear on the floor in front of various exhibits. Those where the tiles have been worn down the most are probably the most popular (308).

This research focuses on individual and organizational conceptions and actions of emotionally laden topics, such as sexism and racism. In any research, the researcher must account for the fact that the respondent may not reveal the 'truth' in their verbal responses,

actions, and the like. The content analytic approach does not face this dilemma, other than in acknowledgement of the ‘truthfulness’ of the original data source. Reactivity can be a very serious barrier with emotionally charged research topics. Mondette (1998:212) states of content analysis that “...one of the major benefits of available data is that they are often less reactive than other data used to study behaviour. Therefore, it may be the preferred research method, or a valid adjunct to other research methods, when studying...emotion-laden topics”.

(b) Limitations

Every methodology also has limitations and these too must be brought to the forefront. This section will outline three main weaknesses of employing content analysis in this research.

The primary weakness of content analysis is that when identifying themes that emerge from the data, the researcher may unintentionally mis-classify them to support their existing or emerging hypothesis (Babbie 1998:316). Berg (1998:124) offers three

techniques for avoiding this error, all which were followed in this research:

- (1) [g]ive at least three examples that support every assertion you make about the data;
- (2) report whatever inconsistencies you do discover - they may be valuable findings even though they do not fit the hypothesis (rarely is 100% support found in any research);
- (3) have your analytic interpretations reviewed by others involved in the project for their opinion and agreement/disagreement” (in Babbie 1998: 317)

The second limitation of the content analytic method is the threat of low validity. Content analysis is a form of measurement - measurement of aspects of a document’s content - and so both reliability (replication) and validity (measure what is claimed to be

measuring) are integral aspects (Monette 1998:205). There is a high likelihood of reliability between measures in content analysis. In terms of ensuring reliability¹¹³, Babbie simplistically states “[y]ou can always code and recode and even recode again if you want, making certain that the coding is consistent” (1998:319). Conversely, the likelihood of a high level of validity is hampered in the content analytic methodology. To assist in ensuring an acceptable level of validity, four functions were performed in this research: (1) clearly defined codes/concepts in the research, (2) started coding with a diminutive level unit of analysis, (3) contextualized the coding, and (4) tested the coding system on a sample of text with a second researcher to verify the code explanations within their contexts¹¹⁴. Maxfield and Babbie term this testing operational definitions of

“how to code” (Maxfield and Babbie 1995:109). Each suggestion was adhered to in this research. The next Section, A Feminist Approach to Content Analysis, both defines the approach and the adherence to researcher reflexivity applied in this research.

A third drawback to analyzing, in particular the written data source for this research, was the inability to acknowledge symantics, feelings, innuendos and body language. At times, emphasis is highlighted in bold in the transcripts¹¹⁵, but this does not reveal the tone of the words, such as sarcasm or accusation. As well, where it may be evident to some reviewers, it may not be to all, depending upon the personality,

¹¹³ In this research, this involved another researcher coding 25 pages of text. Overall, her coding was consistent with my own 85% of the time. Specifically, the deductive, or pre-determined, coding faired more consistently at 94% accuracy while the inductive coding produced 76% consistency. The divergence in the coding supports the relevance of using an amalgamation of the inductive and deductive approaches and the need to acknowledge researcher reflexivity.

¹¹⁴ This assisted in clarifying the pre-established code categories as well as identification of the emergent ones. As Weber suggests, it “lead[s]...to insights...[and] revisions of the classification scheme” (1990:23).

¹¹⁵ The interpretation on the part of the recorder of the transcripts should also be accounted for.

background, and the like of the researcher. Consider the following transcript excerpt as an example:

Mr. Edmond to Mr. Kulik: Mr. O’Conner, I believe, gave you an opportunity later to indicate what you meant by that. That’s on record, so I won’t belabour that again.

However, Mr. Zambrowsky indulged in some innuendo and said: **“For whom has it worked well?”**

He didn’t give you an opportunity to answer, so let me ask you now – I take it the innuendo was intended to show that the investigation processes work well only for the Correctional Service; in other words, it’s a self-serving process. So let me put it to you: Is the investigation process a self-serving process?

Mr. Zambrowsky: Madam Commissioner, I object to the allegations of innuendo being engaged in by my friend. I think that the comments made earlier to Mr. Kulik were made in good spirit, and I don’t think that there was anything in terms of innuendo or anything of that nature that Mr. Edmond is suggesting at this point.

The Commissioner: You weren’t really seeking an answer to that question, were you? The transcript will have the verbatim question, but not the tone of it. I don’t think anything is meant by it (465-6).

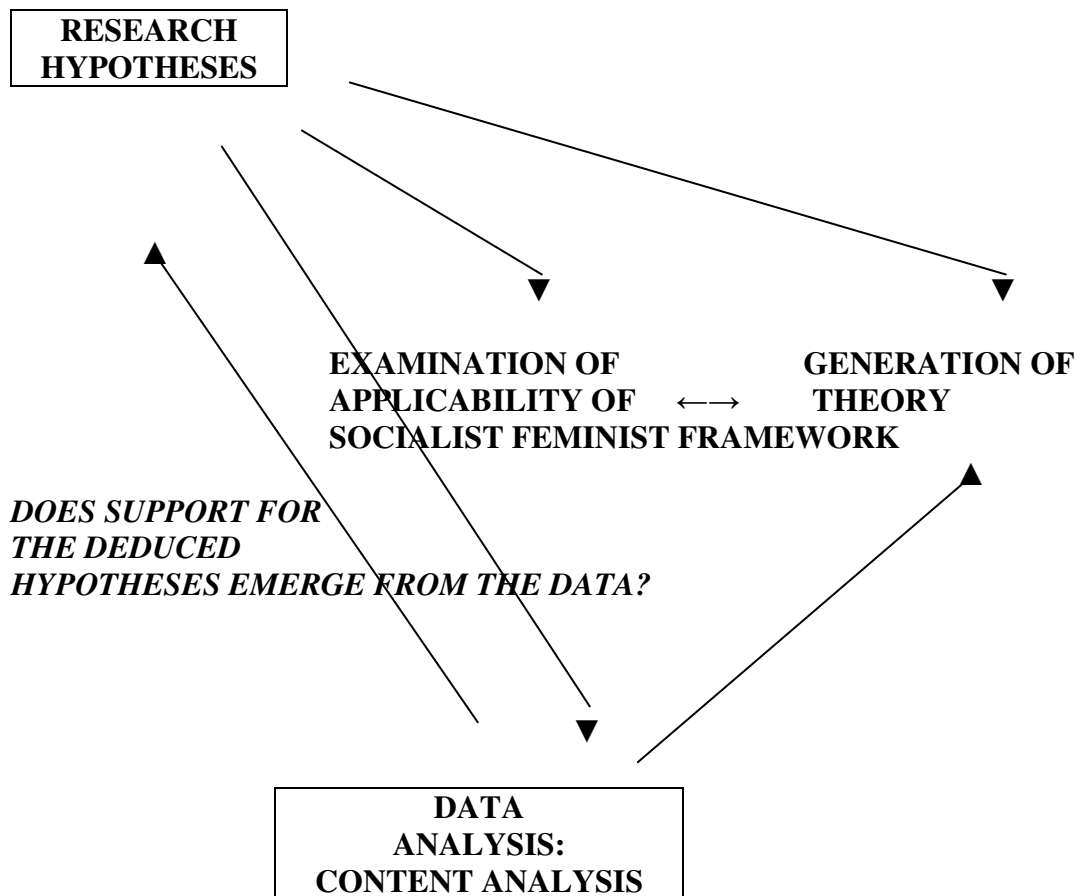
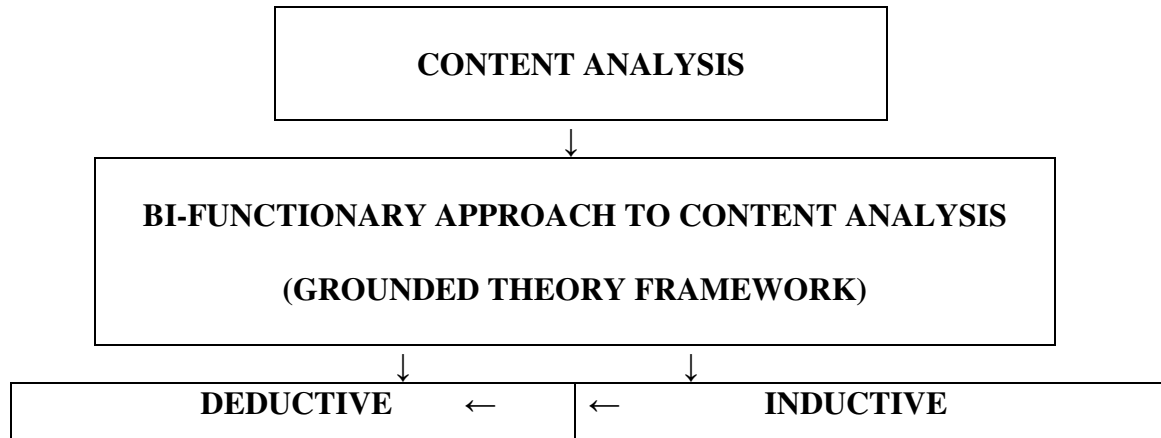
A specific example is a verbal exchange between Ms. Jackson and Ms. LeBlanc, in which it is not discernable whether they are joking or it is a sincere comment. As stated, missing is the tone, mannerisms and the like.

Ms. Jackson: That’s it. Let me put this in front of you Ms. LeBlanc, ask the question, and I’ll get copies --- You’re supposed to have memorized this (referring to a rule).

Ms. LeBlanc: Sorry. The memory is not that good.

This drawback was partially overcome in the research through the viewing of the first several volumes of the Arbour Commission court proceedings, which were video recorded. This allowed for two main additions to the research: observation and familiarization with the mannerisms of the witnesses, and a means to evaluate the continuity in the coding process on both paper and in video. Both benefits contributed to the validity of the coding process.

DIAGRAM C: **THE BI-FUNCTIONARY APPROACH TO CONTENT ANALYSIS**



G. A FEMINIST METHODOLOGICAL APPROACH TO CONTENT ANALYSIS

A single approach to or definition of “feminist methodology” does not exist (Acker 1983; DeVault 1996; Gelsthorpe 1990). In fact, it has been claimed that feminist methodologies are not yet fully articulated stances (Cook and Fonow 1990:71). Acknowledging this, it was decided to approach content analysis in this research from **my** personal definition of a feminist perspective. In this section I define my feminist approach to methodology and propose the ‘advancement’ of the primarily inductive grounded theory framework through the application of a central, generally agreed upon belief regarding feminist approaches to methodology: researcher reflexivity.

(a) Feminist Methodology: A Personal Perspective

The central tenant of my feminist approach to methodology is: “In review of a myriad of approaches to feminist methodology¹¹⁶, an overriding theme is the placement of the social progress of the subject(s) at the centre of the research question” (Dell 1997). That is, central to feminist methodology is the improvement of social conditions, stemming from social improvement for women. The work of such feminist scholars as DeVault (1996), Gelsthorpe (1990) and Cook and Fonow (1990) support this position¹¹⁷.

¹¹⁶ Hereafter, when ‘feminist methodology’ is referred to, it is actually referring to the mirage of approaches to feminist methodologies, unless otherwise specified.

¹¹⁷ In a review of the sociological feminist literature, DeVault (1996) concluded that feminist methodology was committed to three goals: (1) shifting the focus from men to women, (2) minimizing the harm and control of the subject in the research process, and (3) using research methods that are of value to women and will contribute to social change or action beneficial to women (33-35).

In the specific field of criminology, Gelsthorpe (1990) identified four themes that emerged in recent years in discussions about feminist methodology: (1) the choice of topic must contribute to ending the oppression of women, (2) the research process must be able to convey in-depth feeling and understanding of those researched, (3) questioning of the hierarchal relationship between the researcher and the researched and attempt to make it a joint enterprise, and (4) a concern with researcher reflexivity, that is, recording the subjective experiences of the researcher.

And last, Cook and Fonow (1990), in a review of the sociological literature, identify five epistemological principles discussed by scholars who have analysed feminist methodology in sociology. They are: (1) having

Adherence to this central tenant in this research is evident in the placement of women in the centre of the process of construction of the research questions/concerns/hypotheses.

Inherent to placing women at the centre of the research is respect for the women, conducting research by, for and with the women (Kirby and McKenna 1989). Although this has not been discernibly apparent given the data source of this research, it remains the underlying reasoning¹¹⁸.

(b) Researcher Reflexivity

Traditional social scientific research has typically postulated that the researcher could assume the role of a neutral observer. It was thought that “the particular point of view of the observer [could be removed] from the research process so that the results

[would] not be biased by the researcher’s subjectivity” (Acker et al 1983:427). The aim

gender at the forefront (women and their experiences at the forefront of the research focus), (2) the centrality of consciousness raising as a specific methodological tool and the general orientation or way of seeing, (3) the need to challenge the norm of objectivity that assumes the subject and object of research can be separated from one another and that personal and/or grounded experiences are unscientific; (4) concern for the ethical implications of feminist research and recognition of the exploitation of women as objects of knowledge, and (5) emphasis on the empowerment of women and transformation of patriarchal social institutions through research.

¹¹⁸ An example of research conducted on incarcerated women is captured in the following words of a woman incarcerated at the Prison for Women:

Recently, a female sociologist was in here doing interviews for a proposed book on women in prison. When she wanted to leave, she walked into one of the offices and asked the secretary to let her out. Danielle replied, “I’m sorry, I don’t have any keys; I’m an inmate here.” The sociologist gaped at her and blurted out, “But you don’t look like a criminal!”. I wonder what she would have thought if she’d known that Danielle was not just an inmate, she was a lifer? She should have thought, “I don’t think I know enough about inmates to be writing my book,” but, I guess she didn’t because she concluded her interviews shortly after that. She was apparently content, after a few hours of talking to a small number of inmates, that she knew enough to go off and write her book which will undoubtedly be filled with the same kinds of misconceptions as other, similar books” (Walford 1987:97).

was to make research “rational [and] value-free” (Edwards 1990:479).

With the introduction of feminist approaches to methodology, heightened suspicion was voiced regarding the plausibility of objective¹¹⁹, value-free research (Gilbert 1994). Feminist researchers, such as Bhavnani (1993), Gelsthorpe (1990), Gorelick (1991), and Kirby and McKenna (1989), dismissed the traditional concept of researcher objectivity, suggesting it was impossible to attain, and replaced it with the concept of researcher reflexivity.

A feminist account of researcher *reflexivity* is a ‘step beyond’ the conventional concept of researcher *subjectivity*. Glaser (1978) acknowledged researcher *subjectivity* in his grounded theory methodology. Subjectivity refers to accounting for what occurs within the researcher (i.e., emotions and beliefs) and acknowledging that it shapes the research. Glaser, for example, noted that the identification of codes in data analysis is a subjective experience - it can vary by researcher. Researcher *reflexivity*, however, recognizes an awareness of the researcher’s position (both internal and external) in the research process. It accounts for the subjective experience of the researcher (internal) **and** the interaction between the researcher and the research (external). To illustrate, Helen Roberts (1981) uses the concept of reflexivity to describe the process through which feminist researchers locate themselves within their work” (Gelsthorpe 1990:93). It is also captured in Gelsthorpe’s statement that “How you go about doing your research is

inextricably linked to how you see the world” (63). Essentially, reflexivity involves the researcher’s account of her/himself in the research, from the formulation of the research

¹¹⁹ Critiques of the plausibility of objective research have been raised by many scholars. See, for example, Joyce Nielsen (sous la direction) (1990). Feminist Research Methods. Boulder: Westview Press.

topic to the application of the chosen methodology.

Accounting for researcher reflexivity is not common to conventional approaches to research (inductive or deductive). Its importance was highlighted, however, in the attempt of this research to conduct *both* an inductive and deductive based analysis, driven by the former (conventional social scientific research is driven by the latter). In the data analysis it was accounted for that the research was approached inductively (and so attempted to not let the pre-determined hypotheses drive the analysis), and concurrently, accounted for was the role of the researcher in this process¹²⁰. As stated in the prior section, researcher reflexivity is an underlying theme of this study and the bi-functionary approach to content analysis.

The concept of researcher reflexivity is amenable to grounded theory. It has been revealed that to this point in the research, ‘researcher reflexivity’ has been employed and continues throughout the research process. There are four ways in which researcher reflexivity was accounted for and incorporated into this study. Each is explained (see Diagram D).

First, I accounted for my ‘self’, the subjective level, in this study by specifying the formulation of the research questions/concerns (pre-research stage) on a ‘personal’ level (i.e., influence of occupational experiences). Kirby and McKenna (1989) verify that an

¹²⁰ An unanticipated step in the research process was that I ‘took a step back’ from the research after immersing myself in it in writing the proposal. Through major distractions I was forced (and able) to step outside my topic and approach it afresh several months later. In the four month break little thought was allotted to the specifics of the research - though it always remained on my mind. My physical and emotional involvement in other activities (the death of my best friend, teaching a sociology of deviance university spring course for the first time, and teaching an enriched mini course for junior and high school students) allowed ideas that were at the forefront of my mind to be placed on more equal grounding with other ideas as well as new ones which emerged when I returned to the research. The break allowed me to approach the data analysis with a clearer mind in relation to the research area.

important aspect of reflexivity is that the researcher initiates research from her own experience and that it is part of her own action for change¹²¹.

Second, focussing on the external aspect of reflexivity, researcher interaction with the data, progressing Glaser's notion of research being a process comprised of a set of "double-back steps"¹²² is suggested (1978:16). Glaser (1978) acknowledges that the research process is not linear. He asserts that the process involves the researcher's review of the data, uncovering code(s), reviewing the data again, reformulating the code(s), and so forth. This "back and forth" process also included the interaction between the researcher and the data in this study: researcher reflexivity. That is, the researcher's reflections when she *reapproaches* the data. This is supported in Kirby and McKenna's claim that their feminist 'method from the margin' requires that "concurrently the researcher engages in a process of self-reflection as one participates in the process of creating knowledge" (1989:16). As indicated in the sections above, this technique was employed in analysis of the data.

Third, researcher reflexivity was incorporated into the research design through the introduction of a deductive aspect into the inductively based grounded theory approach - what is termed in this research as the bi-functionary approach to content analysis.

Researcher reflexivity, within the deductive realm, was accounted for in two ways. First,

¹²¹ It is not possible for me to distinguish between the many roles I hold and their individual impact upon this research. Given the focus of this research, it is important to state that my perspective is informed as a Caucasian (race), female (gender), and former resident of the working-class North end of Winnipeg (class). I describe my perspective as "lived", based on my gender and class experiences. I do not have a "lived" understanding of being Aboriginal. I do, however, have a grounded understanding based on 25 years of growing up in the North End of Winnipeg. This shaped who I am while teaching me the social roles of race, class and gender and their intersections. My academic perspective is grounded foremost in my "lived" understanding.

¹²² "As one moves forward, one continually moves back to previous steps" (Glaser 1978:16).

researcher reflexivity was accounted for in the formulation of the research questions/concerns/hypotheses: in addition to the influence of my personal experiences, the hypotheses were formulated through the application of a socialist feminist understanding of a review of literature and events in the Canadian criminal justice system. Acknowledgement of the influence of the pre-stage of the research process on the formulation of the research hypotheses/questions/concerns reveals there are *inherent* codes that may influence subsequent approaches to the data. By inherent, referred to is accounting for my 'self' in the extraction of codes from the data. To illustrate, personal experiences, prior knowledge and the pre-stage of the research process may influence the researcher to extract some codes from that data 'more easily or readily' than other codes (examples of the former include 'violent', 'unnatural/evil', 'Aboriginal'). Recall, who we are shapes what we see in our research (Kirby and McKenna 1989). The second illustration of accounting for researcher reflexivity is within the first stage of the research process (review of official and unofficial reports, documents and accounts of the P4W events of April, 1994). The aim of this stage was to expand my repertoire of information on the P4W incident. This, in turn, allowed for certain concepts that were not part of my

repertoire to be accounted for - a 'rounding out' of my understanding of the event¹²³ (I must acknowledge that in working both 'for' and at times it has seemed 'against' the Correctional Service of Canada, the P4W incident was a lived example of the latter).

¹²³ Remember the aim of the deductive approach is to determine if support for the deduced hypothesis emerges from the data. Accounting for researcher reflexivity simply acknowledges the researcher's "inherent" foundation of the codes.

And fourth, it is suggested that researcher reflexivity was incorporated into this study by advancing Glaser's (1978) concept of generating theoretical memos in the process of data analysis. For Glaser, memos are comprised of theorizing write-ups "of ideas about codes and their relationships" (1978:83). Once again, memos are to emerge during the coding process and are to be recorded as they strike the researcher. For Glaser (1978:42), "comparing [through memos] on the basis of properties of groups has the purpose of generating theory". It is suggested that Glaser's (1978) concept of theoretical memos is amenable to Kirby and McKenna's (1989) concept of conceptual baggage. Kirby and McKenna, however, go 'one step further' since they also account for interaction between the data and researcher. Kirby and McKenna state:

[c]onceptual baggage is a record of the experience and reflections of the researcher that relate to the focus of the research...[T]he conceptual baggage consists of your reflections on the content and process of the research, any preliminary conclusions you see, any interesting and unexpected links that appear, difficulties you have or solutions that come to you. These reflections can help keep you focussed, keep numerous bits of information organized and even keep your creativity vibrant (1989: 49-50).

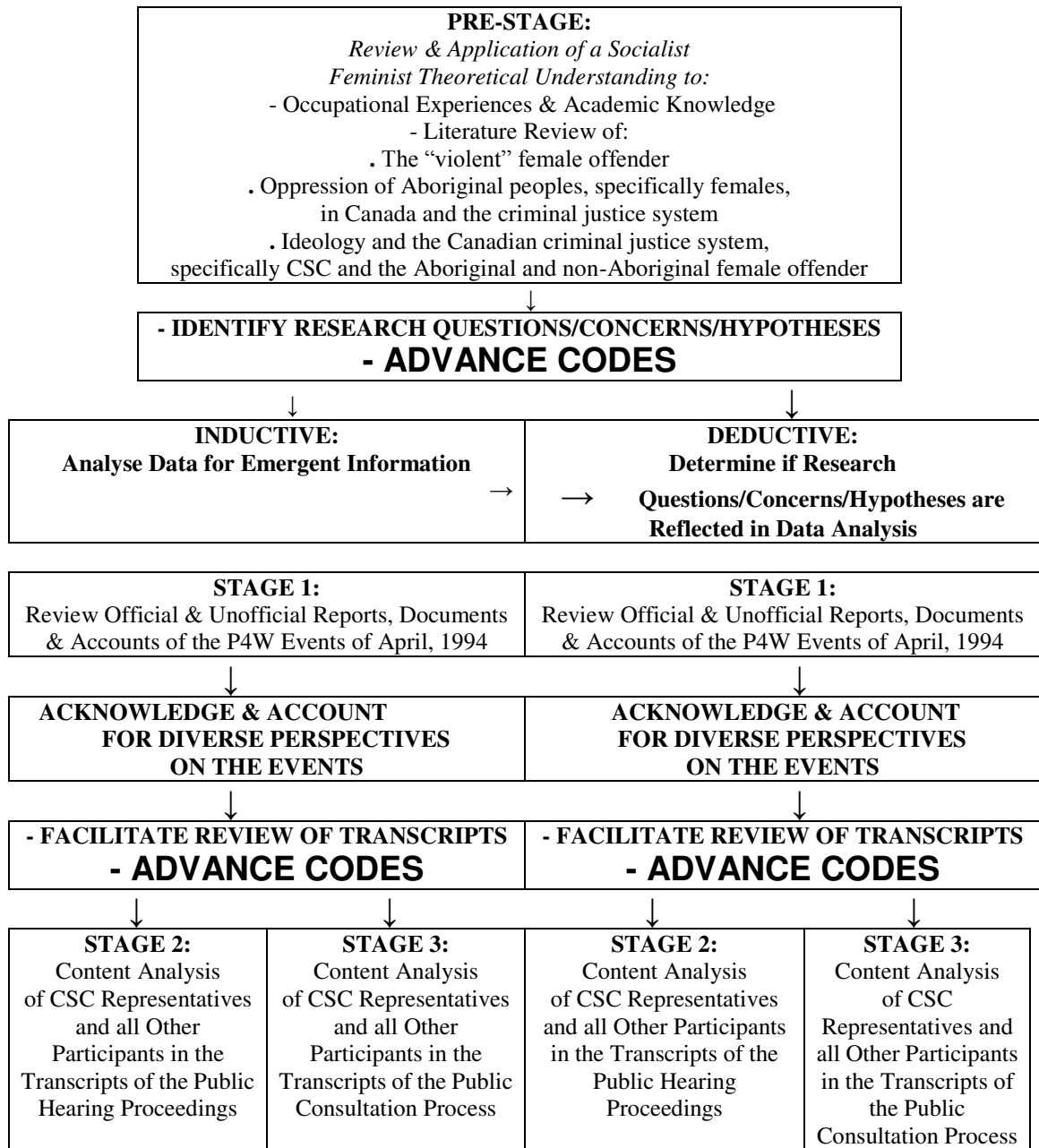
Conceptual baggage accounts for the interactive process of data analysis **and** the researcher's interaction with the data. It acknowledges the role of the researcher in the research. From the start of this research conceptual baggage has been recorded and it was

of significant use, both its content and the method of its creation, in analysis of the data and ensuing findings in this study.

To briefly summarize this section, the research methodology of this study was introduced through description of the data sources of this study. Then, content analysis was succinctly defined, specifically explanation of the **bi-functionary approach to content analysis**. And last, my approach to the methodology and the advancement of

grounded theory from a feminist perspective was explained. The next section introduces the findings of this research.

DIAGRAM D: ACCOUNTING FOR RESEARCHER REFLEXIVITY



“The other area I can think of, as far as demanding for Staff, is that the women themselves are a high-needs population which makes it difficult for Staff to work on a continuous basis with them. In comparison you may want to compare sometimes to the psychiatric facilities for men, which is a high-needs population again, and sometimes tends to be difficult.”

- *Commission of Inquiry into Certain Events at the Prison for Women in Kingston, Ontario, Canada*
 - *Prison for Women Warden, T. LeBlanc (1995:498).*
-

CHAPTER 5

DATA ANALYSIS & FINDINGS

The research findings are presented simultaneously from the termed inductive (recognize emergent and unanticipated observations) and deductive (address outlined research hypotheses) data analytic approaches. This replicates the research process of this study (see Chapter Six). To reiterate, melding the inductive and deductive methodologies has been identified as the bi-functionary approach to content analysis. This approach is inductively driven while using the research hypotheses as guidelines for the data analysis.

Three core variables emerged from analysis of the research data: **control**, **violent**, and **race**. Both control and violent were highly saturated (supported), with control more so than violent. Race was moderately saturated in comparison to the control and violence variables. Due to the lower saturation of the race variable, findings specific to race were combined. This resulted in the amalgamation of the race specific hypotheses (hypotheses 2, 4, 6, and 8), with the findings discussed together. All findings of this research will be considered throughout the current and next two Chapters, with each organized around a core variable (control, violent, race). A summary of the findings follows. Note that none of the hypotheses were rejected, but were accepted in expanded formats (refer to italicized writing). It is important to also note that the race specific hypotheses were **not** supported to the same extent as the control and violent hypotheses. As stated, the original race specific hypotheses were not as highly saturated as anticipated, which resulted in their amalgamation.

Violent

- (1) CSC ideology supports the **identification** of “violent” female offenders as “unnatural/evil”, *in addition to other powerless identities.*
- (2) CSC practice reveals **harsh** treatment of “violent” female offenders, *with harsh practice concentrated at the “powerless” psychological/emotional/mental, in addition to the physical level.*

Control

- (3) CSC ideology is a manifestation of **control** of “violent” female offenders, *CSC and others, with its foundation firmly rooted in an expansive system of hierarchical authority (which translates into the enactment of oppressive practices).*
- (4) CSC practice is a manifestation of **control** of “violent” female offenders, *acknowledging an elevated level of individual discretion on the part of CSC staff, which facilitates oppressive practices.*

Race

- (5) CSC’s **identification, control** and **treatment** of “violent” Aboriginal female offenders *is deeply embedded within CSC’s historic authoritative structure.*

Discussion of the findings of this research is guided within the framework of socialist feminist theory. The theoretical question asked of each of the five findings is: does the outlined socialist feminist theoretical framework assist in explaining the findings of this research, with specific attention paid to the viability of accounting for race in Finding V.

It is important to state at the outset of this Chapter that the findings are not framed with the intention to place blame or point fingers, but rather, they are aimed at facilitating progressive policy, practice and research development. The intent of this research is to learn from historical experiences, both positive and negative. One apparent theme in analysis of the transcripts is CSC’s revealed intention of being open to change (see Finding III), and so it is anticipated that these findings will be of interest to CSC as an organizational structure and its representatives. It is also important to locate the findings within the current operation of corrections in Canada. Although women are no longer

physically incarcerated at the Prison for Women (though maximum security women remain incarcerated in male institutions), and the stated philosophy of the Correctional Service of Canada shifted for federally sentenced women within the past decade (Creating Choices 1989; Creating Choices, Changing Lives 2000), it is necessary to acknowledge that the ideological foundation of CSC is deeply embedded within its historic structure (see Finding III) (Hannah-Moffat 2001¹²⁴). To illustrate, there was a repeat incident in 1999 involving the strip searching of a federally sentenced woman in Halifax, Canada by a male Institutional Emergency Response Team. It is thus suggested that the findings of this research be used as a benchmark by CSC, governmental organizations, and others to compare and contrast with the operation of the new federal regional women's institutions, to ensure that what is identified as both positive and negative in the material and ideological foundations and practices of CSC in 1994, is or is not (and the extent to which it is or is not) continuing in the current operation of the federal women's facilities.

A. MELDING THE INDUCTIVE AND DEDUCTIVE APPROACHES TO CONTENT ANALYSIS

The coding of the data in this study followed the inductive process outlined in

Chapter Four: Methodology¹²⁵. At the completion of the coding process, there were nearly

¹²⁴ See Kelly Hannah-Moffat's work (2001) for an historical evaluation.

¹²⁵ It is important to reiterate that the frequency of a code's presence is not the only determinant of its explanatory strength, though it does denote a degree of importance in the transcripts. It follows that if a code was identified at the beginning of the inductive research process, but was not supported in analysis of the data, it did not influence the data analysis. As explained in Chapter Four: Methodology, this research identified inductive coding as focussing on both manifest and latent content, and qualitative and quantitative approaches to data analysis. Further, the primacy of codes is recorded throughout the memoing process, which is where their strength and/or magnitude is identified, and is translated into the saturation of a code. The memoing component of this research recorded to a large extent the emerging codes and categories and the relationships between them throughout the data analysis process. Memoing essentially guided the

3,000 data code observations made (2,695 to be exact). These observations were categorized into 17 main categories and 495 codes¹²⁶. The process of identification of the 17 categories occurred naturally throughout the research process. Codes were continuously collapsed, and memoing recorded, analysed, and re-analysed. The next stage of analysis collapsed the 17 categories and 495 codes into 14 main categories and 102 codes. To illustrate, the codes and their corresponding frequencies are recorded in Appendix M. And last, in the final stage of data analysis, three core variables were derived: (1) control, (2) violent, and (3) race. Control is the central core variable to emerge from analysis of the data, and focuses on CSC ideology and practices as manifestations of control of “violent” offenders, CSC itself and others. The second core variable, violent, is specifically attributable to the identification and treatment of “violent” female offenders.

The core variable race was identified, but the means of its arrival is fundamentally deductively driven, noting it was hypothesized at the start of the research as a variable. Interestingly, the concept was minimally supported in the data analysis, particularly in

Phase I of the Commission of Inquiry. In Phase II, a roundtable discussion was devoted to Aboriginal women, and in turn was analysed. It follows that the placement of race within the realm of core variables is somewhat tenuous. It needs to be recognized that the concept of race did not emerge from the data as control and violent did, but rather, was nearly exclusively deductively sought out, resulting in considerably lower saturation, and thus diminished overall ranking in comparison to the other two core variables. This does not, however, diminish the importance of the finding itself or its fundamental relationship to the

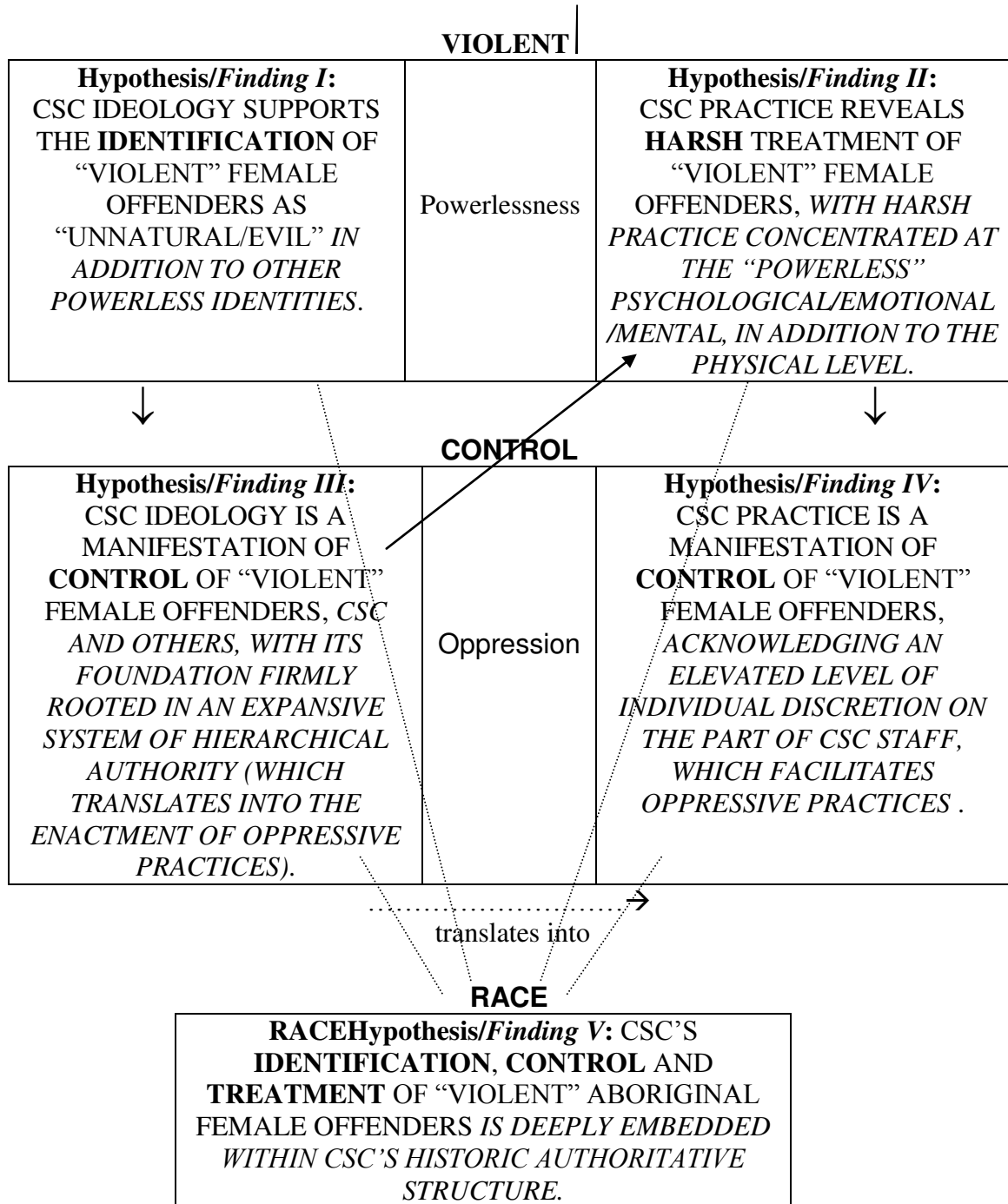
analysis aspect of this research.

¹²⁶ There were numerous prior stages in which codes were collapsed and categories formed throughout the data analysis stage of research.

other two variables.

Within the core variables, concepts and less precisely codes, impart the direction and magnitude of the core variable (i.e., CSC ideology *is* or *is not* a manifestation of control of “violent” female offenders). And although the core variables (particularly the two core variables) are identified separately, there is immense overlap between them. For example, the *identification* of a female as “violent” is a means of *control* of women by CSC. Diagram E details the inter-relationships between the core variables. It is suggested that this diagram be referred to throughout this and the next two chapters.

DIAGRAM E: RELATIONSHIPS BETWEEN THE CORE VARIABLES: CONTROL, VIOLENT & RACE



CORE VARIABLE:

VIOLENT

The findings in this Chapter centre on the core variable “violent”. The findings support the two original hypotheses as well as expand upon them. The hypotheses are: (1) CSC ideology supports the identification of “violent” female offenders as “unnatural/evil”, *in addition to other powerless identities*¹²⁷, and (2) CSC practice reveals harsh treatment of “violent” female offenders, *with harsh practice concentrated at the “powerless” psychological/emotional/mental, in addition to the physical level*. The two hypotheses and related findings are examined in turn.

FINDING I: CSC IDEOLOGY SUPPORTS THE IDENTIFICATION OF “VIOLENT” FEMALE OFFENDERS AS “UNNATURAL/EVIL” IN ADDITION TO OTHER POWERLESS IDENTITIES.

As revealed, a core variable to emerge from analysis of the data is **violent**. Extensive testimony emerged from the court transcripts regarding CSC’s construction of the “violent” female offender identity. CSC’s view of “violent” incarcerated women was conveyed in two ways: (i) women’s identity (how the women were identified as “violent”), and (ii) women’s conduct (the conduct of women which identified them as “violent”). Though the latter focus is on women’s tangible conduct, it inherently reflects CSC’s ideological position, as reflected in the views of CSC’s representatives. Each is addressed in this section of the Chapter.

The first hypothesis of this research states: *CSC ideology supports the*

¹²⁷ The expansion to the hypothesis is in italicized writing.

identification of “violent” female offenders as “unnatural/evil”. The hypothesized “unnatural/evil” identity was supported in analysis of CSC’s identification of women as “violent”. As stated, this was attained through the direct identification of women (as well as their conduct) as “violent”. CSC **identified** women as “violent” in five ways. In order of greatest saturation they are: (1) childlike/paternalism, (2) dangerous, (3) adherence to patriarchal female stereotypes, (4) volatile, and (5) psychotic (see Diagram F). As will be discussed in this section, a powerless “unnatural/evil”¹²⁸ identity (volatile and psychotic) and a powerless “out of control” identity (again, volatile and psychotic) are expressed. Both are explained as denying “violent” women power in distinct ways. Other identities (childlike/paternalism and patriarchal female stereotypes) introduce candid powerless identities of the “violent” female. One powerful CSC characterization was concluded (dangerous), however, it was lowly saturated and partially relinquished by CSC.

Examining the **conduct** by which CSC identified women as “violent”, overall the category was nearly twice as saturated as the focus on women’s identity. This confirms for the most part that Phase I of the Inquiry, as revealed, centred on fact finding. There was near equal concentration given to non-physical/verbal and physical conduct within this category (see Diagram F). The forms of *non-physical/verbal* conduct, in order of greatest saturation are: (1) noisy, (2) manipulative, (3) verbally abusive, and (4) threatening. CSC’s concentration on non-physical/verbal acts to identify women as

“violent” supports two powerless characterizations: (1) adherence to an inherently powerless patriarchal identity of a “violent” female’s conduct, and hence identity, due to

¹²⁸ The concept of power advanced in this research is explained within a socialist feminist framework in the upcoming section.

the essence of the conduct being traditionally female affiliated (non-physical/verbal), and (2) the fact that the women are acting in the identified ways (noisy, manipulative, verbally abusive, threatening) characterizes them as “unnatural/evil” because their conduct does not support the patriarchal definition of female (quiet, complacent). These two explanations deny women power in discrete ways.

The forms of *physical* conduct by which women were identified as “violent” are: (1) acting-out, (2) out of control, (3) misbehaving/bad, and (4) assaultive. Although physical conduct is associated with increased power in comparison to non-physical/verbal conduct, CSC arduously “explains away” women’s physically violent conduct in powerless ways (acting-out and misbehaving/bad). These identities characterize women as “unnatural/evil” and childlike/paternalistic. The identification of women as out of control similarly portrays women as “unnatural/evil” and/or inherently determined. The identification of women’s conduct as assaultive is associated with power, however, similar to CSC’s identification of women as dangerous, CSC partially reclaims this identity by noting it is not typical conduct for the women and the category’s comparatively low saturation. Each identity of the “violent” female offender by CSC and its relationship to a powerless or powerful characterization is fully detailed in this section.

Applying the socialist feminist framework¹²⁹ to the findings, there was a clear

display and maintenance by CSC of a harmful and oppressive ideology toward “violent” female offenders. Referring back to Chapter Two and the socialist feminist perspective, it was advanced that a powerless “violent” female identity, specifically as “unnatural/evil”,

¹²⁹ Recall that the theoretical application of the socialist feminist framework is specific to CSC in this research. It follows that, although the findings cannot be directly applied to the broader social structure, their applicability is tentatively imparted and encouraged as future areas of research.

positions women in a powerless role in the current capitalist patriarchal social structure of CSC. A powerless identity contributes to the perpetuation of the operation of capitalist patriarchy by assisting in ensuring women do not gain too much power, and thus upset the current gender division of labour. As identified above, support for the “unnatural/evil” identity was uncovered in this research. In addition, there was also support, and comparatively greater support, for other powerless identifications of the “violent” female offender. Each powerless or oppressive identity supports the marginalization of “violent” women in CSC’s current capitalist patriarchal structure. Although the findings of this research are confined to CSC, it is important to at least speculatively consider their implication to the broader fabric of Canada’s social structure. For example, the work of Knelman (1998) suggests that the “violent” female poses an overarching threat to patriarchal authority in general. She claims that when women transcend the gendered image of the “female”, it is a direct challenge to the current structure of capitalist patriarchy.

To reiterate the reference in this research to a powerless identity (see Chapter Two: Theoretical Framework), it is proposed that use of the terms “violent” and “female” together is confrontational. Referring to the definitions of concepts applied in this research (see Appendix D), a universal definition of female does not exist, however, in the North American context the term is generally associated with powerless

characterizations, such as passivity, weakness and complacency. Conversely the word violent is defined in this research as great physical force, is typically associated with powerful associations, such as aggression and dominance, and hence the male gender. O’Kelly and Carney (1986) comment:

Gender is a social, not a biological, construction; that is, it is the result of social definitions rather than the fact that females have two X chromosomes while males have an X and a Y chromosome. Biological differences may inform the social definitions: The fact that women give birth can provide the basis for the development of a range of social beliefs about the nurturing, maternal behaviours and attitudes appropriate to females; the fact that males are on the average larger than females may be used to define males as “naturally” strong, brave, or aggressive...Gender stratification then refers to the unequal and persistent distribution of resources such as income, political power, or prestige on the basis of gender - to males being, in a particular society or subgroup, the advantaged gender and females the disadvantaged gender, generation after generation (3).

It follows that associating a strong identifying characteristic, violent, with females does not support the maintenance of the current gender division of labour. And so, as suggested in Chapter Two, a powerless identification of the “violent” female is endorsed to “explain away” the powerful characteristics typically associated with violence. This, in turn, serves as a means of gender stratification and maintenance of the current capitalist patriarchal structure. The findings in this section of the research, both the direct identification of “violent” women by CSC and “violent” women’s conduct, support an overwhelmingly powerless characterization. The remainder of this section of the Chapter provides support for this claim.

First, however, it is important to acknowledge the work of such authors as Bosworth (1999) and Faith (1994) and their recognition of the role of resistance and agency on the part of incarcerated women. They suggest that incarcerated women do not passively accept imposed definitions of their female identity, but rather contest it in various ways. And as will be revealed in this Chapter, it is proposed that CSC attempts to inhibit women’s resistance by labelling them as “unnatural/evil” and other powerless identities. For example, representing women as “out of control” suggests their behaviour is inherently determined, which denies women agency, a sense of choice, and autonomy. These authors

would suggest that the application of such an identity, however, is not a complete success on the part of CSC. Although not the focus of this research, it is important that women's agency in their acceptance and rejection of imposed identities is acknowledged. Exploring the interacting effects of the *labeller* and the *labelled* would add an important and additional layer of analysis to this study.

To illustrate, the work of Bosworth (1999) concentrates on the construction of identity in the prison context. Her central argument is that "a prison's control over its subjects is contingent and incomplete. Women manage to resist the pains of imprisonment, to some degree, despite their limited choices and opportunities" (Bosworth 1999:cover). She highlights that women's forms of resistance are impeded by their race, class, gender and sexuality. This is supported in the work of Faith (1994), who states: "...resistance, like power, is not static, monolithic or chronological; there is no one resistance, but rather infinite multiplicities of strategic resistances" (57). Bosworth further relates women's agency in the prison environment to the broader social structure, suggesting that "the framework of prisoners evaluations are derived from commonplace assumptions embedded in their lives outside, and that women enter prison with a conceptual apparatus shaped by their class, race and gender" (Bosworth 1999:96). She

states of her work that "[b]y using agency in my analysis of imprisonment, I hope to open the possibility of appreciating the effect of the dialectical relationship between socio-structural elements and the individual....[I] endeavour to articulate the relationship between agency and structure"¹³⁰ (98). To reiterate, this research concludes that women

¹³⁰ For further exploration of the negotiation of power and women's agency in prison see the work of Pollock (2000) and her concept of relational autonomy, which accounts for the individual and social contexts. The focus on empowerment and agency and its relationship to the social structure is similarly raised in the work

are denied autonomy through their various identifications as powerless. It follows that the additional dimension acknowledged here of addressing women's agency would further the linkage between CSC and the broader social framework, which this research acknowledges but does not empirically examine or theorize.

of Hannah-Moffat (2000). For an examination of power, see the work of Foucault, in particular his work on the nineteenth-century prison.

DIAGRAM F: IDENTIFICATION OF FEMALE OFFENDERS AS “VIOLENT”¹³¹

IDEOLOGY

(How women are identified as “violent”)

DESCRIPTIVE (30%)

- (36%) child-like/paternalism
- (25%) dangerous —> (77%) relinquish identity
- (24%) patriarchal female stereotypes
(oppressive language and sexualization of women)
- (11%) volatile
- (4%) psychotic

MATERIAL

(Women’s conduct which identifies them as “violent”)

NON-PHYSICAL/VERBAL (37%)

- (56%) noisy
- (26%) manipulative
- (15%) verbally abusive
- (3%) threatening

PHYSICAL (33%)

- (40%) acting-out
- (28%) out of control
- (16%) misbehaving/bad
- (16%) assaultive

¹³¹ Numerical saturation is located in Appendix M.

A. FOCUS ON WOMEN'S IDENTITY

As revealed, CSC identified women as “violent” in five central ways.

Proportionally, an extensively greater amount of attention was allotted to powerless characterizations. To reiterate, the most highly saturated category was the identification of “violent” women as child-like/paternalism, which is a candid powerless identity. This was followed somewhat closely by the highly saturated identity of dangerous, which conveys a traditionally masculine and powerful characterization. Of importance, however, is that the category is comparatively low in saturation to the others combined, and that the dangerous identification was partially relinquished by CSC in its expressed difficulty in attaching the dangerous identity to women. Following these two identities, three more powerless characterizations, patriarchal female stereotypes, volatile, and psychotic were identified. Patriarchal female stereotypes was as nearly equally saturated as dangerous, and volatile was approximately half as saturated as patriarchal female stereotypes. The lowest saturated category was the powerless characterization of “violent” women as psychotic. Each identity is examined in turn.

The most highly saturated category, *child-like/paternalism*, flagrantly characterizes “violent” woman as powerless. The patriarchal notion of CSC nurturing and caring for the “violent” woman promptly removes the traditional masculine sense of power associated with the violent identity. Illustrations include the IERT’s stated discomfort over the use of force with women, staff expression for the care and well-being

of “violent” women, and direct analogies to “violent” women as children.¹³²

¹³² Note that the number of quotations used is not consistent throughout this study, however, the outlined

“...

Under normal circumstances, with a male inmate -- and with a female inmate -- the same procedure should have been followed.

So because these men [IERT] -- I am not saying they are feeling sorry for them, but certainly because they are women, they are certainly not following procedure.” (Dafoe 2320).¹³³

“...When the IERT started to go up the stairs, Mr. Dafoe described it as being suddenly going dead quiet, the way children quiet when they are doing something mischevious.” (Grant 6245).

“...I was feeling that the situation was still out of control. (Gillis 2020). And the only way to bring it within control was to mace her? (Derrick 2020). Yes. (Gillis 2020).

There were no other ways that you could see of subsiding or neutralizing her agitation or avoiding a confrontation with her? (Derrick 2020).

Clearly, we were past the point of having an adult conversation about the problem...” (Gillis 2020).

“The analogy which I wouldn’t want to press too far for any of us who have children, if two kids have a fight and you tell them to stop, it just takes the raising of an eyebrow or a smirk and war breaks out again.” (Edwards 7643).

“I think as far as -- if there is a male officer, one or more male officers in a facility for women, that, yes, there needs to be an adaptation...I was lately – I guess, being from the old school – somewhat horrified when I found out that my daughter was going to a university where she was going to be in a mixed dorm with male students walking up and down the hall to use the same shower that she might have been. I suggest that this same sort of thing happens in the Department of National defence when people are at sea. I suggest that this happens in the Coast Guard, where people are in very confined spaces within this. And as, again, I say, protocols have to be developed so that nobody is embarrassed by the situation they’ve been assigned” (Crawford 1197, Phase II).

The second highly saturated category, followed somewhat close in saturation to child-like/paternalism, is the identification of “violent” women as dangerous. The women

general guideline of three quotations per finding is typically followed. Diversity in the frequency of quotations depends often upon the magnitude of the finding.

¹³³ Note that the quotations often contain irrelevant information due to the nature of the data source. The words and phrases underlined in the passages are to assist in demarcating the point being made.

were identified as being capable of violent conduct regardless of their physical size, just as lethal as men, and the like. Of particular importance to this research is that this category was the only one that identified “violent” women in a powerful way, yet proportionately to the other categories combined it was by far not the most saturated category, recalling that the IERT was deployed to P4W because “violent” women were threatening the safety, order and security of the institution.

“...I told them [IERT] they were all extremely dangerous, that they could be possibly armed. I told them that to take them lightly because they were females would be a grave mistake on their part.” (Waller 3057).

“...Like, as a correctional officer [with incarcerated females and males] you have to realize that we’re dealing with dangerous people and we’re trusting each other to, you know, be there for -- if something happens, that we’re trusting other people to look after us or help us out in a situation....” (Bertrim 3780).

“At the time, to be honest with you, I really wasn’t concerned about what they were wearing. I was more concerned about protecting myself from being killed, protecting the other officers from being killed.... (Boston 1757-8).

....

Is it not a fact that --- I will come back to something else later on, but you just stated that your mind was directed to avoiding that any officer would be killed --” (Cournoyer 1759)

Or injured, yes. (Boston 1759).

Do I understand that you had the distinct impression that people had the intention to kill officers that night? (Cournoyer 1759).

I believe so, yes. I would think that this --- the scissors, for instance, weren’t there to cut our hair.” (Boston 1759).

“We have a concern with regard to that and I have heard it expressed over the last couple of days, and prior to, that there’s a concern as to what we are going to do about the inmates who, for whatever reason, are maximum security inmates and cannot or should not be in the regional facilities because of the security concerns.” (Ray 550, Phase II).

An equally important finding with regard to the identification of “violent” women as dangerous is CSC’s resistance to identify the women as dangerous, acknowledging the power associated with such an identity. The following quotation by the Commissioner of

the Correctional Service of Canada clearly elucidates this.

“And at the time didn’t consider the number of inmates involved in the incident extraordinary? (Jackson 7655)

No, but that is primarily because they’re women. I think there is no doubt in my mind from discussions with staff almost at any level that there’s a lot of ambiguity as to how to treat women offenders, particularly in the context of the Prison for Women. (Edwards 1755-6).

And why was it seen as less significant because they were women? (Jackson 7656). I think a lot of us are very ambivalent about female offenders. I recall my first visit to P4W in 1993 and I met a short time later with the Canadian Council on Justice and Corrections and suggested that I couldn’t understand why we were locking up these women in that institution -- in any institution.

Coming from outside with a background in corrections, I found it very difficult to square the women I met with the idea of dangerous people. Later I learned to read files and learned more and I matured, I guess, in that process. So I lost my innocence in that process.

But I do think most staff at the time were more -- were less likely to see the dangers represented by women offenders than we should have and then those who worked most directly with them. I think in the Prison for Women, there was all kinds of reaction to what happened. But it took time for it to sink into my head and I think into one of our other key player’s heads that something really serious had taken place.” (Edwards 7657) ¹³⁴.

The third identification of “violent” women by CSC endorses ***patriarchal female stereotypes***. This identification denotes a powerless characterization of “violent” women centred on imbedded traditional patriarchal views of women. This includes CSC’s use of sexist and oppressive language, such as girls, ladies, and rule of thumb, and the

sexualization of women through the use of such terminology as baby dolls to refer to the women’s medical gowns and panties to refer to their underwear.

“Then you go on to say “Offenders permitted baby dolls’. Is it fair to say that “baby dolls” is an expression that refers usually to security gowns? (Jackson

¹³⁴ Although this quotation alludes to the current identification of women as “violent”, as revealed, this was not a supported finding in analysis of the data.

2333).

No. (Dafoe 2333).

No. What are they, in your understanding? (Jackson 2333).

I believe that night that is what the Staff called them; the “baby dolls”. (Dafoe 2333).

“...-- one thing that’s for sure is we see the gentlemen approach and I never went in a living unit without announcing myself. I was welcome in any living unit and the women always respected my being there in a manner that they dressed appropriately when they were announced. So I expect that general culture to be created at Kitchener with no difficulty” (Bannon 1299, Phase II).

“...So clean your glasses and look at that little slash [speaking to an inmate]” (Bannon 1493, Phase II).

The fourth identification of “violent” women is as **volatile**. This characterization is approximately half as saturated as patriarchal female stereotypes. Identifying “violent” women as volatile portrays them as out of control, with CSC associating such personal attributes to them as hysterical, unruly, unstable, carrying on, wild, and irrational. Presenting the women as out of control suggests their behaviour is inherently determined, which denies women agency, a sense of choice, and autonomy, which are all characteristics of the powerful masculine character structure. Further, the identification of “violent” women as volatile is powerless because women are presented as not adhering to the socially condoned patriarchal definition of female, thus identifying “violent” women as not female. This later explanation supports the powerless “unnatural/evil” identity originally hypothesized in this study.

“Individuals who are going through trial are subject to additional stresses which don’t exist when they are not at trial. And as a result of these stresses, there may be behaviour which is not controlled on the part of the offender going through the trial because of the stress under which she is conducting her business.”

“You say her medication is an important factor. What medication? (Jackson 7299).

I understood she was taking - and this is strictly hearsay - that she was taking

medication that, that stabilized any potential mood swings or something of that kind.” (Graham 7299).

“So there were concerns that if these offenders were not in a controlled environment like Segregation during the course of the trial, that they would, perhaps, be a volatile influence in the population.” (Hilder 4191).

The final characterization used by CSC to identify women as “violent” is **psychotic**. This categorization supports the identification of women as “unnatural/evil”, which, once again, denies women power by suggesting they are not female, but rather, an anomaly by not adhering to the socially condoned definition of what it traditionally means to be female. And again, identical to the identification of women as volatile, through the presentation of “violent” women as out of control and thus inherently controlled, they are denied autonomy and agency. These, once again, are traditionally masculine characteristics, thus allotting women a powerless characterization.

“The other area I can think of, as far as demanding for Staff, is that the women themselves are a high-needs population which makes it difficult for Staff to work on a continuous basis with them. In comparison you may want to compare sometimes to the psychiatric facilities for men, which is a high-needs population again, and sometimes tends to be difficult.” (LeBlanc 498).

“And the second point was to get another facility where we could transfer the women who were a problem in the prison to.

....

Whereas, in a mental institution, if an inmate gets assaulted by another inmate or an officer gets assaulted by another inmate, they have the option....” (Bertrim 3492).

To summarize, the identification of women as “violent” was achieved in arduously powerless ways. As explained, these identities are as child-like/paternalism, endorsement of patriarchal female stereotypes, volatile, and psychotic. The women were also defined in one powerful way, as dangerous, however, CSC revealed reluctance to apply this identification, and in proportion to the other categories combined it was not highly

saturated. As articulated earlier, the concepts of female (complacent, weak, passive) and violent, which is generally associated with masculine characteristics and denotes power (autonomy, boldness, strength, aggression), when placed together, are copasetic. It was suggested the word violent takes on a new “powerless” meaning when associated with the word female. Referring back to the original hypothesis, CSC’s identification of “violent” female offenders as “unnatural/evil” was supported, in addition to the emergence of other powerless characterizations. It is important to note that the other powerless characterizations were more highly concentrated. And this is further supported in analysis of the conduct which CSC identified as “violent” for women.

B. FOCUS ON WOMEN’S CONDUCT

The conduct for which CSC identified women as “violent” ranged from non-physical/verbal to physical, again with near equal saturation on both sides. Referring to the definition of violent and violence outlined in this research (see Appendix: D), there is inherent reference to a continuum of violence (see Diagram G). On one side of the continuum is powerless, typically female affiliated, non-physical/verbal acts (i.e., verbal threat), while the other side of the continuum is occupied by powerful, typically

masculine affiliated, physically forceful acts (i.e., physical assault).

The findings of this research suggest that the “violent” women incarcerated at P4W did not have to *act physically* violent to be identified as “violent” by CSC. Focussing on the non-physical/verbal side of the continuum of violence, identified as the powerless side, women’s conduct was near equally distributed throughout. On the powerful side of the

saturation of threatening¹³⁶. Note that although the latter category is overwhelmingly a powerless characterization, it does connote a limited extent of power when physical acts are threatened. CSC's concentration on non-physical/verbal conduct in identifying "violent" women supports inherently powerless behaviour for the "violent" women, translating into a powerless identity due to the substance of the conduct being traditionally female affiliated. Essentially, the conduct for which CSC identifies women as "violent" adheres to patriarchal notions of female. Further, the fact that the women are acting in the identified ways within the category also characterizes them as "unnatural/evil" because the conduct does not uphold the supported patriarchal definition of female. Note that these two explanations deny women power in distinct ways, and are both accountable within the socialist feminist framework.

CSC's focus on the women making *noise* supports a powerless patriarchal definition of female. This is based on the simple assertion that "violence" for women is identified as noise making. This position is substantiated in review of the violent

women's conduct for which the IERT was called in. Noise making as identified by CSC included yelling, banging, hollering, screaming, extreme screaming, demanding, ranting, raving, being outrageous, loud and angry, and verbally disrespectful and disruptive. Overall, CSC supported an inherently oppressive and patriarchal portrayal of women's "violent" conduct by focussing on their verbal acts. Additionally, women are implied to be "unnatural/evil" because being noisy is contrary to the patriarchal definition of female.

¹³⁶ Even though the threats may be in regard to physical conduct, they are inherently identified as non-violent, and thus coded as such.

“Bettencourt at one point in the early part of the evening, not too long after we got all six of them in -- there was a lot of screaming going on and carrying on.” (Gillis 1952).

“Well, what was taking place that prevented you from giving them a shower at that point? (Jackson 2997).

I don’t give them showers, first of all [because male]. They were ranting and raving and carrying on, and screaming and hollering, and we just wanted to get off the Range at that time.” (Waller 2997).

“And do you recall whether anything emerged over the subsequent period of time, is there anything else about the incident that emerged in your mind that was significant? (Jackson 6980).

The fact that the situation remained very unstable, No. 1. In other words, the inmates were -- it was reported to me, by the Warden, that the inmates were acting out. That’s a very neutral word. The inmates were misbehaving, they were continuing to make lots of noise, they were very successfully destabilizing the Admin. Seg.....”(Graham 6980).

Manipulative was the second most saturated category in CSC’s non-physical/verbal identification of “violent” women’s conduct. Once again, by focussing on non-physical/verbal conduct, a powerless patriarchal definition of female is supported. Illustrations include CSC belief that women threaten to get what they want, women scream so guards will give in, women threaten to slash, women had removed their clothing to shock the IERT in the past, and women use medication requests and illegitimate medical concerns as bargaining tools. And once again, the identification of this conduct also supports the “unnatural/evil” identity of the “violent” female by CSC since the women are characterized as acting out from the accepted traditional and oppressive definition of female (i.e., quiet, complacent).

“...I believe that under normal working conditions, yes, this would indicate to me that male officers will not be present when female inmates are strip-searched or if they are going to be unclothed [re: policy]. But there are numerous times, Mr. Zambrowsky, where we have had situations at the Prison for Women where these offenders will remove some of their clothing to shock, I suppose, the male Team

members.” (Dafoe 2449).

“Again, I think that my -- that in the institutional setting with that particular culture, it would have been -- I would have expected them to tell me they didn’t have anything in terms of weapons or drugs.” (Pearson 4674).

“You were attempting to appease the inmates? (O’Conner 2919).
We were, because they were all threatening that if we don’t let them talk that they would all hang or slash. So it was just a judgement call that maybe if the two of them got to talk that the girls -- the inmates in Segregation would....” (Power 2919-20).

“...Well I am referring then, specifically, to [CSC] Briefing Note No. 26. Do you have that, Mr. Graham? (Zambrowsky 7502).

Yes, I do. (Graham 7502).

And the heading is: Coercion to Plead Guilty.

I refer you to page 2 of that briefing note, the second paragraph states:

The absence of evidence related to the allegation is not a result of institutional or individual maliciousness or ineptitude on the part of CSC staff. Rather, it reveals that there was nothing to report relating to the allegations of coercion and that the allegation can be seen as a ploy by inmates and their counsel to manipulate CSC to their advantage.” (Zambrowsky 7502-3).

“When medications – when there is an attempt to reduce them or hold them back, oftentimes inmates will manipulate or act out to get those medications and when staff says no, and continues to refuse the medications because they do not have the authority to give them, calls are made to doctors and doctors authorise them. And it may or may not be in the necessary best interest of the institution as whole” (Ray 331-2, Phase II).

In addition to CSC’s identification of women as manipulative, CSC’s inseparable actions/ideology in this area equally supported this identity. For example, CSC attests to “giving in” to women’s demands and trying to reason with women.

“Did you question that at all; that because inmates were acting up, a decision should be based on that? (Scully 2932).

I think that is the way P4W is run, just about, isn’t it? When the inmates act up, they want and – (Power 2932).

Is that your impression? (Scully 2931).

For the most part. (Power 2932).

“It is Exhibit P-49, Board of Investigation, Volume 1 of 3. It is Tab 4, and it is page 29.

At the bottom of that page, it says:

“We have no control - We can’t make decisions ourselves - Keeper and management make all decisions - management just says “They’re women - give them what they want””.

Does that reflect your view on the matter? (O’Conner 2899).

Inmates at Prison for Women do get more and we try to pacify them more, I believe, than in a male institution.” (Power 2899-900).

Verbal abuse was CSC’s third most saturated identification of non-physical/verbal “violence” by women. Verbal abuse involved such statements by CSC as P4W being a difficult place to work due to the high level of verbal abuse against staff (and in comparison to male institutions), staff are verbally disrespected, women are verbally abusive when under the influence, verbal abuse escalated during the incident, verbal abuse being tension related, and verbal harassment of staff. Once again, focus on non-physical/verbal conduct supports a powerless patriarchal definition of “violent” female offenders. And again, the women are characterized as “unnatural/evil” because their conduct does not uphold the condoned patriarchal definition of female (i.e., passive, weak, complacent).

“....

We were limited in our conversations with her by her because at certain points in the conversation, she was too abusive to continue to discuss with. (Pearson 4595).

How was she abusive towards you? (Cournoyer 4595).

She’d swear at me. (Pearson 4596).

Anything else? (Cournoyer 4596).

She did nothing physical toward me.” (Pearson 4596).

“Listening to Ed McIssac made me think about the Union’s role when dealing with complaints and grievances that are submitted by staff. And listening to some of the comments regarding harassment also identifies to me situations where our staff, our members are also victims of harassment....” (McLaughlin 1284, Phase II).

“With regard to verbal abuse and harassment [of staff by inmates], that goes on all the time” (Ray 469, Phase II).

Threatening is the final and least saturated category of women’s

non-physical/verbal form of “violent” conduct. This category could be incorporated under the guise of verbal abuse, but it is identified separately to exemplify the extent of more serious verbal abuse, threats (i.e., threaten physical harm), which would result in higher placement on the continuum of violence. This category of threatening received limited saturation in comparison to the other non-physical/verbal categories. It is important to note that although this category overwhelmingly reveals a powerless identity of the “violent” female, based on the same reasoning as verbal abuse, it does express a limited extent of power when physical acts are threatened.

“Sir, when you’re being threatened with your life and being told that you’re going to be killed and they’re making aggressive banging on the bars and yelling that at you, I would consider anything in their hands to be a weapon, whether it be a pen, whether it be a book -- anything, sir. Because the way they are saying it to me and they’re making threatening words and gestures, that to me is considered to be having a weapon.” (Bertrim 3722).

“As I said, every incident is the same in that respect. We don’t quit halfway through because now the inmates have stopped maybe threatening staff, because they have stopped their illegal activities or their threatening activities. We don’t stop our procedure until we’re finished. We were assigned to do those eight people, and that’s what the Team did.” (Dafoe 2515).

“Let me just carry on for a moment with the entries on the next page [segregation log], of April the 26th. There is a note that “all dissociation inmates are threatening to kill any staff member they see. They are threatening to kill Teale and all other PC’s.” (Jackson 921).

*“When you arrived, there was no aggressive behaviour? There was nothing being thrown out of the cells, and there was nothing occurring of an aggressive or threatening nature on the part of the inmates on the segregation Unit at that point? (Zambrowsky 2433).
The only thing of a threatening nature were the verbal shouts and the screaming to the Staff and what the inmates would do to the Staff if they came on the range.” (Dafoe 2433).*

To summarize, CSC’s identification of non-physical/verbal conduct by women as

“violent” communicates a powerless characterization because it identifies, referring to the continuum of violence, powerless acts as “violent” for women. These acts were primarily noisy, followed by manipulative, verbally abusive and threatening. The conduct for which CSC identified women as “violent” adheres to patriarchal notions of femininity. This identification, in turn, supports a traditional oppressive patriarchal definition of female. In addition, the fact that the women are acting in the identified ways characterizes them as “unnatural/evil” because their conduct does not uphold the supported patriarchal definition of female (i.e., quiet, complacent). Referring back to the original hypothesis, it follows that women were identified as “unnatural/evil”, in addition to other powerless ways through characterizations of their conduct.

(b) Physical

As revealed, saturation was equally achieved in categories which identified women’s physical conduct as “violent” as those that identified their non-physical/verbal conduct as “violent”. Of interest in this section is the way in which women’s physical “violent” conduct is identified by CSC. Four categories of physical conduct were uncovered and all except one, assaultive, convey a sense of powerlessness. Physically “violent” conduct for women is defined foremost as women acting-out, followed somewhat closely in saturation by women being out of control (an extreme form of acting out), and then with approximately half the saturation as out of control, are both misbehaving/bad and assaultive.

Referring back to the continuum of violence and focussing on the placement of women’s physically “violent” conduct on the powerful side of the continuum (refer to Diagram H), a powerless identification of the “violent” female offender is supported by the

finding that physical conduct that is identified as “violent” for women is overwhelmingly minor (concentration toward the powerless end on the powerful side of the continuum), and CSC arduously explains away women’s physically “violent” conduct through powerless characterizations (acting out and misbehaving/bad). Both of these identities characterize women in two powerless ways: (i) as “unnatural/evil” because the women do not adhere to the condoned patriarchal view of female (weak, complacent), and (ii) as childlike/paternalism because the women are characterized as acting out, similar to how children do, which in turn is a powerless characterization. Next, CSC’s specific identification of women as out of control, reminiscent of the descriptive

identification of women as volatile and psychotic, portrays women as “unnatural/evil” and inherently determined. Again, the latter is a powerless identification because women are denied a sense of agency and autonomy which is a typically masculine characteristic. And characterizing the women as “unnatural/evil” presents them as not adhering to a traditional patriarchal definition of female, and so they are identified as unfeminine. Conversely, identifying women’s conduct as assaultive is similar to the identification of women as dangerous, which is associated with power. Again, this characterization is of about equal saturation as misbehaving/bad, and nearly half the concentration as acting out behaviour, and two-thirds as out of control. The low saturation is important in consideration, once again, that the IERT was deployed to attend to “violent” women. The remainder of this section discusses the ways in which CSC “explains away” the power associated with women’s claimed “violent” physical conduct (i.e., necessity for IERT) through the identification of “violent” women’s physical conduct as powerless.

powerful side of the continuum of violence, these physical acts were identified by CSC in two main powerless ways. First, the women, through their conduct, were identified as “unnatural/evil” in comparison of their acts to the traditional patriarchal definition of acceptable female conduct. And second, identifying the women as acting out supports a powerless child-like/paternalism characterization since women are acting out of their socially defined and accepted role, similar to children.

“....If I was sitting in there on the morning of the 23rd and saw a group of offenders in this very dysfunctional Segregation area acting out, I would say: All right, they’re acting out, they will gradually come down off the ceiling and things will become more stable and then I probably would have waited many hours and said: My god, when are they going to come off the roof and return to reality?” (Edwards 7646).

“In Kitchener, for example, we’re presently looking at nine houses. As well, we’re looking at one enhanced unit which will have eight beds, as well as four cells for violent, acting-out behaviour offenders for short periods of time.” (Kulik 158).

“I can ask that, as a favour for the rest of the day that, Harriet (inmate), you raise CSC’s credibility maybe one. Like, zero was a little low for the rest of the day. Just one for the rest of the day” (Bannon 1531, Phase II).

Second, the women’s conduct was identified as **out of control**. This, essentially, is an extreme form of acting out in which women are depicted as acting out in an uncontrollable fashion. The women’s out of control conduct was described by CSC as women attempting to take over the range (stab officer, take hostage), chaos, being non-compliant, uncontrollable behaviour, disreputable, the women being armed and dangerous, the recognizable need to regain control, women needing to settle and calm down, a tumultuous nature to women’s activities, and mayhem. Identifying “violent”

women as out of control supports the characterization of women as “unnatural/evil” and inherently determined and their associated powerlessness. To review, the “unnatural/evil”

identity is proposed to be powerless because women's conduct does not adhere to the condoned patriarchal definition of female and so women are defined as not female, and identifying women's conduct as inherently determined is powerless because women are denied their sense of agency and autonomy which is a typically powerful masculine characteristic.

"My overview is that the behaviour showed at least some, if not all, were out of control given that we no longer had control of that area in a safe way." (Cassidy 5640).

"The plan was to extract the women from the cells so that the cells could be stripped and they could be restrained. And we could get the unit under control and better look after the people in the unit. That was my -- that was my part of it. That's what I wanted from it." (Pearson 4605).

"What were you told when you came in the following day about what had happened? (Jackson 4090).

I was told that the situation in Segregation had escalated to such a condition that it was the Warden's decision that to control it, the Emergency Response Team was required and she made the decision to call them in." (Hilder 4090).

An interesting finding is that in addition to "violent" women's conduct being portrayed as out of control, there was some, although quite limited, support for an opposite characterization. That is, women and their conduct were explicitly defined as *not out of control*. Illustrations include women being noisy but not out of control, women listening to directions given, women being non-aggressive with the IERT, complying, listening to superiors, and simply not being out of control. Either way, support garners focus on women's control of their conduct.

"... I am asking generally about the atmosphere of Segregation or Dissociation that night, how was it? (Cournoyer 2817).

It was noisy, but it wasn't out of control or anything. We were still able to do showers on the PC Side, on the other side, the Quiet Side.

The first couple of nights in Segregation, they were noisy, but they weren't really

that bad. (Power 2817-8).

“And if you go through the document [segregation log], you will agree with me, I suggest, that with very few exceptions, there are no problems recorded for Ms. Twins. On October 17th, the recording is that she’s very good. On the 18th, good behaviour. On the 18th, again, no problems on the 3 to 11 shift. She was noisy, loud and disruptive on the 19th. On the 20th, there was no problem. On the 22nd, there was no apparent problems. And so on.

And if you looked over the at page 115, that takes it up to the end of October, and page 117 into November. And there is one, two negative items in November. One on the first of November, that she’s caught trying to fish a canteen item and one on the 3rd of November that she is flipping out, threatening to stop eating, drinking and taking medication, because she has nothing to live for.

Other than those entries, you’d agree with me that she is behaving quite well.”
(Doody¹³⁹ 6095).

Yes. (Grant 6095).

Third, and closely related to the focus on women’s “violent” conduct as acting out and being out of control, is that their conduct was characterized as ***misbehaving/bad***. This identification was less than half as saturated as acting out. Misbehaving/bad is defined by CSC as behaviour that is not considered typical of females, and includes garbage coming out of the women’s mouths and cells, direct reference to acting bad, uncivilized, un-socialized, disrespectful (can’t act like this on the outside), not disciplined, need to behave, acting inappropriately, not obeying rules, and unacceptable behaviour. Similar to the powerless identification of women whose conduct was identified as acting out, the identification of women’s conduct as misbehaving/bad

supports the characterization of women as “unnatural/evil” and its associated powerlessness, and the women are not adhering to the condoned patriarchal definition of female and thus identified as not female. And second, the women are identified in a powerless child-like/paternalism manner by identifying them as misbehaving, as children

¹³⁹ It is uncommon, but CSC legal representation may be used to provide an illustration.

are often characterized.

“In your opinion, was it necessary?

Let me put it to you another way Mr. Gillis: Could April 26th have been avoided by any steps taken between April 22nd and --- (Scully 1992).

Yes, I think it could have been. I think if the six offending inmates had behaved themselves, we would not be here today.” (Gillis 1992).

“Yes, and to the overall effect. The reader reading this would reasonably come to the conclusion that the general thrust of her behaviour is bad. (Doody 6059).

Mm-hmm.”(Grant 6095).

And last, **assaultive** was as equally saturated as the category misbehaving/bad.

Unlike the above three categories, however, this identification of women’s “violent” conduct is a powerful characterization. In fact, this identity is reminiscent of the women as dangerous. It is important to note, once again, both the proportionally low saturation of the category and the skewed placement of the acts toward the powerless end of the continuum of violence on the powerful side (see Diagram G). To illustrate the latter, women’s “violent” assaultive behaviour was primarily identified by CSC as the women using their feet and fists, kick in the groin, choke, bruise, staff afraid women will use telephone as a weapon, home made weapons, staff assaulted, swing instrument, group attack, hostage taking, attempted takeover, very violent, need SHU, and aggressive. It was also claimed by CSC that it was not typical for women to be violent in the institution, thus reclaiming the women’s “violent” identity, again reminiscent of CSC’s identification

of “violent” women as dangerous.

“...

The potential was still there [after the IERT]. The inmates still had all of their cell effects that they were using as weapons. They had everything in their cell that they had on April 26th when they were conducting those illegal activities. So we had to remove that threat.” (Dafoe 2515).

“...And public safety is a concern of all of us here, and we can’t overlook that there is a small minority of female offenders that have – that caused the management of the new facilities great concern in how we’re going to manage it to create the environment that’s outlined in No. 1 for the offenders that want to address, take all the meaningful choices and everything, it is a problem to Corrections Canada how to deal with that small minority.” (Bannon 1370, Phase II).

“But they [staff] are the ones that are caught in the middle, they are the ones that are dealing with the fall-out of it and they are the ones that are subjected to the manipulation or the back-lash of the inmates in their attempt to obtain the medications that they want and/or need. And that back-lash can, in fact, and is very often violent. Both violent towards the inmate, but violent as well towards staff.” (Ray 32, Phase II).

To summarize the focus on CSC’s identification of women’s “violent” conduct, referring back to the original hypothesis, support is again garnered for the “unnatural/evil” powerless identity of “violent” women by CSC. Also concluded, through the inductive approach to this research, were other equally oppressive and powerless characterizations of women’s “violent” conduct and thus identity by CSC. The identification of women’s “violent” conduct as both acting out and misbehaving/bad denotes a sense of powerlessness, with the women identified as “unnatural/evil” in comparison to the traditional definition of female. Essentially, the women are misbehaving by acting out from their condoned and accepted patriarchal social role. Further, identifying “violent” women and their conduct in this way supports a child-

like/paternalism identification, characterizing the women as misbehaving just as children are typically characterized. Next, identifying “violent” women’s conduct as out of control supports a powerless characterization of women as “unnatural/evil”, because women are not adhering to the traditional patriarchal definition of female, and so are identified as not female. Further, identifying the women as inherently determined is powerless because they are consequently denied agency and autonomy, which are traditional powerful

masculine characteristics. Both “unnatural/evil” and “inherently determined” are similar to CSC’s description of “violent” women as volatile and psychotic. And last, the identification of “violent” women as physically assaultive is associated with a powerful identity, similar to a dangerous identity, but once again, this is one of the least saturated categories and the identity is partially relinquished by CSC.

In conclusion of this section of the Chapter, Finding I, the hypothesis, *CSC ideology supports the identification of “violent” female offenders as “unnatural/evil”*, was supported with the descriptive identification of women as volatile and psychotic and the description of women’s “violent” physical conduct as acting out, misbehaving/bad, and out of control. Similarly, the identification of women’s non-physical/verbal conduct supports the identification of women as “unnatural/evil”. All characterizations in this category of conduct support the identification of “violent” women as aberrations to the traditional patriarchal definition of female as weak, complacent and passive. An equally significant finding was the identification of “violent” women in additionally powerless ways such as child-like/paternalism, the endorsement of patriarchal female stereotypes,

inherent powerlessness associated with “violent” women’s non-physical/verbal conduct, and the low and thus powerless placement of women’s physically “violent” acts on the continuum of violence, and CSC’s reluctance to identify “violent” women as dangerous and aggressive.

The importance of examining CSC’s definition of “violent” for women is that such ideology has a direct relationship with ensuing practice and procedure. It is concluded in this section that CSC identifies “violent” women in overwhelmingly powerless ways. The

next section turns to an examination of how “violent” women, who are defined in such “powerless” ways, are treated or responded to by CSC.

FINDING II**CSC PRACTICE REVEALS HARSH TREATMENT OF
“VIOLENT” FEMALE OFFENDERS, WITH HARSH BEING
PSYCHOLOGICALLY/EMOTIONALLY/ MENTALLY AND
PHYSICALLY FOCUSED¹⁴⁰**

It has been documented in this research that an emergent core variable is violent. Finding I focussed on CSC ideology and its identification of “violent” female offenders. Adherence to the outlined hypothesis was concluded, which indicated that CSC ideology supports the identification of “violent” female offenders as “unnatural/evil”. In addition to this identification, other powerless characterizations of “violent” women were concluded with even higher saturation. This section focuses on the material treatment of identified “violent” women by CSC. Examined is whether identifications of “violent” female offenders at the ideological level (“unnatural/evil” and other powerless ways) coalesce with CSC’s material treatment.

It was proposed in the first stage of this research (review of existing literature, Chapter Three) that if “violent” women were identified by CSC as “unnatural/evil”, that is, an aberration to the condoned patriarchal definition of female, they would in turn be treated harshly. This translated into a formal hypothesis: *CSC practice reveals harsh treatment of “violent” female offenders*. It is concluded from analysis of the data that this hypothesis is supported, with harsh material treatment identified as both: (1)

physical, and (2) psychological/emotional/mental¹⁴¹, with substantially greater emphasis

¹⁴⁰ It is important to note that this section focuses on the material actions of CSC, however, at times distinction between the ideological and material levels is blurred. Once again, interest in CSC’s attitudes toward actions taken is intricately intertwined with physical actions that have taken place.

¹⁴¹ It is suggested the reader revisit the definition of harsh in this research (see concepts), and the discussion

on the latter¹⁴². This finding supports CSC's identification and ensuing treatment of "violent" women in powerless ways; that is non-physical/verbal ways. Combined, findings I and II indicate that overall CSC neither focuses on women's powerful, physical conduct nor responds in a powerful, physical manner.

It is important to re-visit this study's definition of harsh: "manifesting severity and rigour; cruel; unfeeling" (see Appendix D: Concepts). Drawing upon this definition, it was concluded from analysis of the data that CSC practice imparted **harsh treatment** of "violent" female offenders. CSC treated women in a harsh manner in two central ways: (1) psychological/emotional/ mental, and (2) physical. A third identified, although significantly less concentrated form of harsh treatment of "violent" women by CSC is termed "gender neutrality", and represents gender insensitive responses toward "violent" women offenders. Though this category could be subsumed within the two above overarching categories, it is identified separately due to its imposing ramifications for incarcerated women^{143 144}.

In addition to CSC's demonstrated harsh treatment of identified "violent" women

(psychological/emotional/mental, physical, and gender neutrality), CSC also revealed **non-harsh, or humane, treatment** of "violent" women in two similar ways. The

in the following paragraph.

¹⁴² It is important to note in this section that the focus of the content analysis is not specific to the identification of women and their conduct reflected in CSC representatives' actions, but rather, in CSC's responses reflected in the court transcripts, which inherently indicates its ideological position.

¹⁴³ A frequent and highly energized criticism of CSC is that it responds to women as extensions of male norms, resulting in women being inappropriately treated (see Chapter Three) (Hannah-Moffat and Shaw 2000).

¹⁴⁴ Note that comparatively, only limited gender sensitivity toward women was uncovered, and it is subsumed within the category of expressing concern.

categories of harsh and humane, as they emerged from the data analysis, were formally entitled non-professional and professional respectively. As reviewed, *non-professional* CSC treatment of “violent” female offenders is specifically identified as: (a) non-adherence to rules or a humane standard regarding physical treatment (physical focus), and (b) expressing non-concern or no concern expressed for “violent” women (psychological/mental/emotional focus). Essentially, the categorization of non-professional is synonymous with harsh. The second categorization is *professional*, and it is identified as: (a) adherence to rules regarding physical treatment (physical focus), and (b) expressing concern for the women (psychological/mental/emotional focus). The categorization of professional is typified as humane for the latter and harsh for the former (this is discussed fully in Section III B, Rule of law). To explain modestly at this point, professional is not synonymous with humane because the rules to which CSC adheres are not necessarily discernable as humane.

Overall, the non-professional category is more highly saturated than the professional category, though both are highly concentrated¹⁴⁵ (see Diagram I). Focussing on the **non-professional** categorization, there was nearly four times greater saturation in CSC’s expression of non-concern than non-adherence to rules or a humane standard regarding physical treatment of “violent” women. In terms of **professional treatment**, there was nearly twice the concentration of expression of concern than adherence to rules

regarding the physical treatment of “violent” women by CSC. Combining the professional and non-professional categories, it follows that, overall, CSC concentrated more than twice

¹⁴⁵ Note that the categories rely heavily on information regarding IERT conduct.

as much on psychological/emotional/mental treatment in comparison to physical treatment of “violent” female offenders (see Diagram I).

Focussing on the *psychological/emotional/mental response of CSC* (concern and non-concern for “violent” women), there was twice the degree of saturation for non-concern or no concern expressed than there was for concern expressed for the women. In addition, the category of non-concern for “violent” women was nearly four times as saturated in comparison to non-adherence to rules or a humane standard. This supports CSC’s greater concentration on the psychological/emotional/mental aspects than the physical aspects of harm. Examining the *physical response of CSC* (adherence or non-adherence to rules or a humane standard regarding physical treatment), there was near equal saturation of the categories, with somewhat greater attention allotted to adherence to rules regarding the physical treatment of “violent” female offenders. It is important to note that adherence to rules is not the same as humane treatment. In fact, as will be explained, in this study it supports harsh treatment. The *gender neutrality* category was about as equally saturated as adherence or non-adherence to rules or a humane standard regarding physical treatment of “violent” female offenders. Once again, this category is identified independently, considering the gendered nature of this research.

In general, the P4W incident was consumed with the physical acts that took place at the institution. Of primary interest, and the source of initiation of the Inquiry into Certain Events at the Prison for Women in Kingston, Ontario, was CSC’s physical

response/conduct during the incident to “violent” women, specifically the deployment of the IERT and its actions. Consequently, attention centred on conduct such as the IERT’s removal of the women from their cells, the women’s lack of bedding, the use of medical

gowns, windows being kept open, internal cavity searches performed on the women, and the IERT strip searching the women. Evidence of such concentrated attention on physical conduct ranges from the focus on both the Arbour Report itself, specifically Phase I, and media depictions surrounding the P4W incident. Comparatively, only minor attention was allotted to the psychological/emotional/mental aspects of CSC's treatment of "violent" women. The importance of this study is that the findings in this section suggest harsh treatment of "violent" women offenders by CSC was foremost on the psychological/emotional/mental level. The importance of this finding is heightened in consideration that hypothesis number one concluded women's conduct, and thus identity, was identified as "violent" by CSC based on women's non-physical/verbal conduct. It follows that support is garnered for CSC's identification, and ensuring treatment, of "violent" female offenders in powerless ways, that is non-physical/verbal ways, for its focus was not concentrated on women's physical, powerful conduct.

DIAGRAM I: TREATMENT OF “VIOLENT” FEMALE OFFENDERS

(52%) NON-PROFESSIONAL

(Harsh)

(21%) Non-adherence to rules or a humane standard regarding physical treatment

(Harsh)

(71%) Expressing non-concern or no concern expressed (psychological/emotional/mental)

(38%) PROFESSIONAL

(Harsh)

(36%) Adherence to rules regarding physical treatment

(Humane)

(64%) Expressing concern (psychological/emotional/mental)
(13%) female specific
(7%) child-like/paternalism

(10%) GENDER NEUTRALITY (100%) Insensitive

PSYCHOLOGICAL/EMOTIONAL/MENTAL RESPONSE

(Harsh)

(68%) Expressing non-concern or no concern expressed (psychological/emotional/mental)

(Humane)

(32%) Expressing concern (psychological/emotional/mental)
(13%) female specific
(7%) child-like/paternalism

PHYSICAL RESPONSE

(Harsh)

(44%) Non-adherence to rules or a humane standard regarding physical treatment

(Harsh)

(56%) Adherence to rules regarding physical treatment

A socialist feminist understanding of the findings suggests high concentration on *expressing non-concern or no concern expressed* (the highest of the four categories of professional and non-professional), supports a powerless identity of “violent” women by focussing on women’s inherent (psychological/mental/emotional), and thus powerless characteristics in place of physical, and thus powerful characteristics. It also corroborates CSC’s identification of “violent” women’s conduct as non-physical/verbal, which similarly forefronts women’s inherent and thus powerless attributes. Within a socialist feminist framework, these findings support CSC’s oppressive and powerless ideology toward “violent” female offenders. Essentially, “violent” women are responded to in a psychological/emotional/mental manner, which is powerless in comparison to a physically harsh and thus powerful response. This contributes to the perpetuation of capitalist patriarchy by assisting in ensuring women do not attain too much power. Simply, a capitalist patriarchal definition of female is supported. An association to individual officer discretion was also revealed and is elaborated on in Finding III (see Chapter Four).

Examining CSC’s *non-adherence to rules or a humane standard regarding physical treatment*, there is support for the identification of “violent” women as “unnatural/evil” because they are responded to in physically harsh ways. This, in turn, supports the operation of capitalist patriarchy by applying an oppressive identification to the “violent” female. Analysis of the data also revealed “violent” women’s treatment in harsh ways, both physically and psychologically/emotionally/mentally, was linked to individual officer discretion, which again is explained in detail in Finding III.

Adherence to rules regarding the physical treatment of “violent” women revealed that the existing rules supported physically harsh treatment, thus endorsing an

identification of the women as “unnatural/evil”. In turn, such rules support the current form of capitalist patriarchy (see Finding III for an extension and incorporation of this explanation to the Rule of law).

Examining *CSC’s expression of concern (psychological/emotional/mental) for “violent” women*, it supports the identification of women and their conduct as non-physical/verbal, and thus traditionally female and powerless, through its focus on women’s defined inherent traits. “Violent” women are also treated in a child-like/paternalism manner, primarily through individual officer discretion. As reviewed in the prior section, this supports the treatment of “violent” women as powerless. And third, female specific ways of expressing concern for the women provided limited support for a unique and powerful identification of “violent” women.

Focussing specifically on the *gender neutral responses of CSC*, such reaction reflects CSC’s material and ideological foundations. CSC neither accounts for gender differences nor responds in gender specific ways. Though this was not a highly saturated category (but nearly equally as saturated as non-adherence to rules or humane standards regarding physical treatment), its identification begets the imperative question of whether this foundation within CSC remains influential today, and if so, to what extent? Within a socialist feminist framework, gender neutrality or inattention is explained as supportive of the “unnatural/evil” identification of “violent” women because they are responded to similar as men. Similarly, the lack of differentiation can be explained within the

framework as representing the unquestioned structure of CSC’s capitalist patriarchal foundation.

It was also ascertained that harsh treatment of “violent” women by CSC (both

psychological/emotional/mental and physical), when placed on the continuum of violence and corresponded with CSC's identified women's "violent" conduct (both non-physical/verbal and physical), the comparisons are equivocal (see Diagram J). CSC responded to the women similarly to how they identified them, that is, in overwhelmingly "powerless" ways. Not only does this indicate the nature of how CSC treats women harshly, but it also supports the finding outlined in Section A that CSC characterizes women in overwhelmingly powerless ways (focus on non-physical/verbal conduct and concentration toward the powerless end on the physical side of the continuum). A further important finding is that the women were equally identified as violent on the non-physical/verbal level and the physical level (even though concentrated on the powerless side), yet CSC's arduous response to "violent" women concentrated on harsh treatment in an unconcerning, non-physical manner.

To summarize, harsh treatment of “violent” women by CSC is categorized into non-professional and professional. Both are discussed in this section, however, of foremost concern is the harsh or non-professional (including professional adherence to rules) treatment of “violent” women by CSC, which are the most highly saturated categories. The findings from non-professional and professional¹⁴⁶ are analysed in order.

A. NON-PROFESSIONAL

To reiterate, the non-professional category was more highly saturated in comparison to the professional category. Again, both categories are subdivided into: (1) (non)adherence to rules or a humane standard regarding physical treatment, and (2) expressed (non)concern or (no) concern expressed. Based on the inductive methodological approach of this research, the term “harsh treatment” encapsulated both the physical and psychological/mental/emotional aspects of CSC’s material responses to “violent” women, with considerably greater concentration on the latter. This concurs with the originally adopted definition of harsh in this research, which was “manifesting severity and rigour; cruel; unfeeling¹⁴⁷”. Again, the definition of harsh accounts for both overt material acts (such as use of body belts) as well as material conduct that is not tangibly apparent (such as staff verbal abuse).

(a) Non-Adherence to Rules or Humane Standards Regarding Physical Treatment

¹⁴⁶ It is important to point out that professional conduct is not necessarily a tangible and observable physical act. For example, it was concluded that the IERT conducted its job according to the established rules of CSC. This supports CSC’s functioning as an organization according to the Rule of Law. It will be explained in the next Section, III, that CSC did not always adhere to established rules (i.e., officer discretion). This is an important finding because it has a direct and potentially negative impact upon incarcerated women.

¹⁴⁷ This is the definition on which hypothesis 2 was based.

The category of *non-adherence to rules or humane standards regarding physical treatment* emerged from the data. Though not a highly saturated category in comparison to the psychological/mental/emotional non-professional classification, it did provide indication of CSC's harsh physical treatment of "violent" women. Examples include keeping women for an extended period of time in paper medical gowns, the IERT application of body belts, internal cavity searches, staff not visiting the women's cells, and not uncuffing women for a shower.

Such treatment of "violent" women supports the research hypothesis. Referring back to hypothesis one, and CSC's identification of "violent" female offenders as "unnatural/evil", it follows in response to this non-female identification that CSC treats women in a physically harsh manner. It is important to acknowledge the comparatively lower saturation of CSC's harsh physical in comparison to psychological/emotional/mental response in this research. The data also revealed the women were treated in physically harsh individual officer discretionary ways by CSC. This finding is fully examined in Section III. Based on the above, and as previously discussed, it can be concluded that CSC's harsh physical response supports the identification of "violent" female offenders as "unnatural/evil" which, in turn, supports a powerless identification of "violent" women, and thus the perpetuation of capitalist patriarchy by ensuring women do not gain too much power¹⁴⁸.

"And in those circumstances [open windows for 3 hours in segregation] does it seem appropriate to leave women in paper gowns on that cement floor? (Jackson 7906).

¹⁴⁸ One may suggest that CSC responded in physically harsh ways to the women because they were identified as dangerous and aggressive, which are powerful identifications. This position is only acceptable to a limited extent based on the low saturation of the identification of "violent" women in powerful ways.

It seems pretty inhumane. (Edwards 7906).

“And the discussion involved [with the Warden], and I have to acknowledge that some of this is my own feeling about it and perhaps nothing to do with medicine or good medical decision-making, but I said something like, I do not want to be part of again assaulting these women...” (Pearson 4661).

“And it also appears during the course of that cell extraction that the person who was in charge of putting on the body belt was not familiar with how to do it. Is that correct? (Jackson 2740).

They didn’t do a very good job. (John Doe #1 2740).

And seemed not to be familiar with how to do it. (Jackson 2740).

It seemed so.” (John Doe #1 2740).

(b) Expressing Non-Concern or No Concern Expressed for “Violent” Women

The category of *expressing non-concern or no concern expressed* for “violent” women was the most highly saturated of all categories. It includes the direct expression of non-concern for “violent” women as well as not expressing concern for the women’s well-being. Illustrations are plentiful and include no concern for self-injury with respect to the segregated women, not concerned women discomforted, no attention paid to segregated women’s needs, not preparing women for their transfers, direct acknowledgement that not all staff care about inmates’ welfare, unsympathetic toward women, no empathy for the women, and staff verbally abusive.

The high saturation of this category highlights the focus of CSC’s response on the inherent psychological/mental/emotional characteristics of “violent” women. This corroborates with CSC’s identification of women’s “violent” conduct as

non-physical/verbal, which similarly adheres to women's patriarchally defined inherent characteristics. Both, CSC's identification of women's conduct and CSC's response, adhere to a traditional patriarchal definition of female. Recall that CSC focussed high concentration on both non-physical/verbal and physical conduct for the women, with physical conduct overwhelmingly "explained away" in powerless ways. The above finding substantiates the hypothesis of this research that "violent" women are treated in a harsh manner by CSC, supporting the research definition of harsh at the emotional/mental/psychological level. And similar to non-adherence to rules or humane standards regarding physical treatment, individual officer discretion was documented, and is examined in Finding III.

"Were you concerned about the extent of their discomfort or the extent of their fear or the extent of their confusion during the course of the incident. (Zambrowsky 3136-7)?

Was I concerned? (Waller 3137).

Yes. (Zambrowsky 3137).

No. (Waller 3137).

You weren't concerned? (Zambrowsky 3137).

No, I wasn't. (Waller 3137).

"And can you tell me why there was nothing in your report about the statement by the Deputy Warden that CO2s were being verbally abusive to inmates? (Doody 6105)

No. Verbal abuse is a problem at Prison for Women. We made a finding on it. It is a problem with both staff and inmates." (Grant 6105).

"And you know now from the video that, in the course of the cell extractions, there were a number of calls, remarks and requests directed by the inmates to

you. Correct. (Jackson 3068)?

Yes. (Waller 3068).

Do you remember hearing those at the time? (Jackson 3068).

You sort of hear them in the background, but you tune them out. I mean, they are screaming and hollering, so you don't pay any attention to it." (Waller 3068).

B. PROFESSIONAL

Near identical to the non-professional categorization, the professional category is divided into: (1) adherence to rules regarding physical treatment¹⁴⁹, and (2) expressing concern for “violent” woman. While the non-professional category focussed solely on CSC’s harsh treatment, this category has a dual focus. It concentrates on CSC’s identified harsh law-abiding behaviour in terms of physical treatment, and humane practices in terms of psychological/mental/emotional treatment of “violent” women offenders. Although the professional categories are not as clearly supportive of the hypothesis of this section, that CSC treats “violent” women harshly, they do provide support and additional insight into CSC’s ideological position toward “violent” females, as well as a benchmark for the non-professional category in terms of saturation.

(a) Adherence to Rules or a Humane Standard Regarding Physical Treatment

Adherence to rules regarding physical treatment is identified as law-abiding conduct on the part of CSC, hence its categorization placed under professional. Substantial attention in the court transcripts concentrated on the IERT’s adherence to set rules. It was concluded that physical treatment by CSC is highly analogous to following

established rules (this is further discussed in Finding III with examination of the Rule of Law). Illustrations include staff not looking at women in the showers, the IERT being trained with strict rules, the IERT being designated its duties and considering them completed only when all 7 pre-determined extractions were completed, and staff treating

¹⁴⁹ Recall this does not include adherence to humane standards.

all women the same (unless a security issue).

CSC's physical treatment of "violent" women supports the hypothesis through its adherence to established rules. The established rules at CSC support physically harsh treatment of "violent" female offenders. The rules, in turn, support the identification of the "violent" female offender as "unnatural/evil" (since they support harsh physical treatment), and thus perpetuate the current form of capitalist patriarchy. Hence, professional treatment is not equitable to humane treatment by CSC, but rather, harsh treatment. The rules are also clearly attributable to gender neutrality, which is discussed in the next section. Again, adherence to rules regarding physical treatment is not a highly saturated category in comparison to the expression of (non)concern, but it did receive somewhat greater concentration than non-adherence to rules or a humane standard regarding physical treatment.

*"The situation was still the same that they were called in for on the 26th, and they had to complete that function.
On any Response, from start to finish, I would say there certainly is a de-escalation in terms of the inmates' activities; but that does not preclude the Staff and the Team from finishing their responsibility, as assigned." (Dafoe 2514).*

(b) Expressing Concern, or Concern Expressed for "Violent" Women

Expressing concern for CSC identified "violent" women is the second component of the professional category, and as reviewed, focusses upon CSC's psychological/mental/emotional conduct. Similar to the close association made between non-professional and harsh, there is a similar association between professional and humane

(noting this is not applicable for professional physical treatment which, as just reviewed, focusses on following established rules and thus endorses harsh treatment). Illustrations of CSC expressing concern include viewing women inmates as humans, as having feelings, and in need of care, ensuring women's safety following the incident, acknowledging that the women's own bedding would be more comfortable for them, revealing to care for the women, loosening the women's handcuffs, recognizing the need to treat women consistently and fairly, suggesting the women should remove their clothing themselves - not the IERT, wanting different gowns for the women, believing women should not be uncomfortable, concern for self-injury, belief in the need to be patient with the women, feeling the women were degraded and humiliated, and feeling helpless as staff while the IERT was present.

There was also direct reference to being female specific, such as the need for a woman CO to watch the IERT because inmates would be naked, concern for women's past abuse, need for female specific and woman-centred policies, and male staff remaining in the hall during body cavity searches. Further, there was also treatment of women in a childlike/paternalism manner, though saturation was minimal in comparison to humane defined treatment. Illustrations include, IERT staff assisting a female to lie

down on the floor while acknowledging they wouldn't a male, IERT admitting it acted lenient because the inmates were females, IERT departure from normal procedure because female inmates, IERT not hit females, IERT not use harsh force because women, and IERT members revealing discomfort with women prisoners. Although this category is under humane, it greatly contributes to the powerless identification of "violent" female offenders.

The high saturation of the expressing concern category, though comparatively only

approximately half as concentrated as expressing non-concern or no concern expressed, demonstrates CSC's focus on the psychological/mental/emotional nature of women. This corroborates CSC's identification of women's "violent" conduct, and thus identity, as non-physical/verbal. This, similar to the non-professional harsh categorization of physical treatment, supports CSC's adherence to a patriarchal definition through its overwhelmingly psychological/mental/emotional treatment of "violent" women. Once again, this supports the perpetuation of capitalist patriarchy. It is also suggested that the findings of CSC's treatment support the view of the women in another powerless way, that is, as child-like/paternalism. This also highlights the role of individual officer discretion, although noting its low saturation. And last, it is proposed that identification of a female specific response is encouraging.

Concern

"My concern that I had that night was that they could riot, but also that there might be self-injury. Because were in such a very intense situation, self-injury is a lot of times used by the inmates to release the tension." (Bertrim 3760).

"I anticipated -- I've seen cell extractions before. I understood the concept of an extraction. And I didn't disagree with the reason for the extraction or the need for the extraction. I disagreed with the protocol for the extraction. (Pearson 4619). And when you talk about the protocol, what aspect concretely? Do you mean -- (Cournoyer 4619).

What I mean is the women were naked and allowed to be stripped in front of a male team and physically dominated and kept naked in that way. I felt that it was unnecessarily humiliating." (Pearson 4619).

Female specific

"...And as I understand, and correct me if I'm wrong, your other major

participation was to be the female present, to observe, and that was because the women were going to either going to be naked or partially naked, and that you were to stand outside the cells if you weren't actively taking part and just watch the entire scene; is that a correct characterization? (Connolly 3764). That's correct." (Bertrim 3764).

Child-like/Paternalism

"You stated in your response to questioning earlier that there were several instances where force should have been used and wasn't. I would like to ask you, sir, which instances were you referring to when you made that statement? (Zambrowsky 2787). I was referring to incidents where the one inmate stood up from a kneeling position. That wouldn't be allowed if a male inmate was to do it. And movement of hands, arms down to their sides, and other movements like this..." (John Doe #1 2787).

"Do you remember having any reaction to the adequacy or inadequacy of the paper gowns? (Jackson 2739). Well, my only response was that we allowed them to use them, but they were more than normally would be given in any cell extraction. (John Doe #1 2739). So it was something of an indulgence in relation to any ordinary cell extraction? (Jackson 2739). Yes. (John Doe #1 2739).

"... Under normal circumstances, with a male inmate -- and with a female inmate -- the same procedure should have been followed. So because these men -- I am not saying they are feeling sorry for them, but certainly because they are women, they are certainly not following procedure." (Dafoe 2320)¹⁵⁰.

C. Gender Neutrality

As evidenced in the above findings on professionalism, specifically expressing concern, there was gender sensitivity revealed toward "violent" women by CSC (acknowledging women have specific needs). Also evident from the data analysis was egregious gender insensitivity expressed toward "violent" women, and it was chiefly in the

¹⁵⁰ Note that this quote was also used for identification of the women as child-like/paternalism. This supports the claim that it is difficult to separate comments made, and reflects the complicity of human life and the social scientific study of it.

form of gender neutrality - that is, identifying women and men and their needs as the same.

The findings in this section could technically be subsumed under the categories of expressing non-concern or no concern expressed, and non-adherence to rules or humane standards regarding physical treatment, but given the gendered nature and focus of this research, its emergence from the data analysis was not collapsed (noting that combining the categories would result in an even higher rate of saturation for non-professional). It should also be acknowledged that this category of gender neutrality is quasi associated with professional (adherence to rules regarding physical treatment) since gender insensitivity is at times a direct result of adherence to gender insensitive rules and policies. Examples of both non-adherence to rules regarding physical treatment and expressing non-concern for “violent” identified women include the IERT having the same aim for women and men with regard to cell extractions, the IERT using the same

procedures for men and women, the IERT acting according to a set plan regardless of gender, same training if extracting women or men, assume women and men react the same, believe women may not feel humiliated if seen naked, claimed same concerns in strip searching women and men, and viewing women as having committed traditionally male crimes.

A gender neutral response or gender insensitivity expressed toward “violent” women can be explained as a reflection of the ideological foundation of the Correctional Service of Canada. First, “violent” women are viewed as “unnatural/evil” because they are responded to as not-female, but instead, the same as men. And second, the capitalist patriarchal structure of CSC is upheld because it is not questioned (simply, men and women are treated the same). Both accounts, in turn, support the capitalist patriarchal

foundation of CSC.

“And I will suggest to you and I know I’m using a male institution as an example, but we had an officer stabbed in Edmonton Institution within the past year, because there weren’t sufficient officers to ensure that an inmate got appropriate health care immediately. An inmate was exhibiting heart attack symptoms and the officer – one officer said: We’ve got to do something to help the inmate to the hospital, and left the officer alone and the officer was injured as a result” (Ray 346, Phase II).

To summarize this section, it was concluded that the hypothesis, *CSC practice reveals harsh treatment of “violent” female offenders*, was supported in CSC’s non-professional treatment through, primarily, expressing non-concern or no concern expressed, followed with one quarter of the saturation by non-adherence to rules or humane standards regarding physical treatment. CSC’s harsh treatment was also evident in its professional categorization, specifically, adherence to rules regarding physical treatment, and limited expressing concern. This was followed by gender neutrality. The categorizations demonstrate support for the harsh treatment of “violent” female offenders through their identification of women as “unnatural/evil” because women and their conduct are identified as psychological/emotional/mental, but yet they are responded to in a physically harsh manner. Harsh treatment though was primarily concentrated at the mental/emotional/psychological level. This was evident in CSC’s non-adherence to rules or humane standards regarding physical treatment, expressing non-concern or no concern expressed, adherence to rules regarding physical treatment, and gender neutrality. Harsh treatment at the psychological/emotional/mental in comparison to the physical level, once again, supports a powerless identification of “violent” women by focussing on the inherent powerless (non-physical) character of the women. This response perpetuates capitalist patriarchy by ensuring women do not gain too much power and thus upset the existing

gender division of labour. “Violent” women were also identified to a limited extent as child-like/paternalism in terms of CSC expressing concern. As reviewed in Section I, this connotes a powerless identity. And last, individual officer discretionary response was evident in both expressing non-concern or no concern expressed, and expressing concern. This is examined fully in Finding III.

In conclusion of this Chapter, focus was centred on the core variable violent. The findings support the original two hypotheses in addition to broadening them. To review, the hypotheses/findings are:

- (1) CSC ideology supports the identification of “violent” female offenders as “unnatural/evil”, *in addition to other powerless identities*; and
- (2) CSC practice reveals harsh treatment of “violent” female offenders, *with harsh practice concentrated at the “powerless” psychological/emotional/mental, in addition to the physical level.*

Combining the two findings, it is concluded that CSC ideology supports the identification of “violent” female offenders in powerless ways and similarly responds to the identified “violent” women in powerless ways. To explain, with respect to hypotheses one, it was concluded that in addition to identifying the women as “unnatural/evil”, which was explained as a powerless characterization, women were also identified in other powerless ways. Concentration was near exclusively on women’s non-physical/verbal conduct. With regard to the second hypothesis, the findings reveal that harsh treatment of violent women offenders by CSC was foremost on the “powerless” psychological/emotional/mental level in comparison to the “powerful” physical level. In short, CSC’s *identification* and ensuring harsh psychological/emotional/mental *treatment*

of “violent” women are overwhelmingly powerless. This is of particular interest in consideration that the P4W incident on which this study focuses was consumed with the powerful physical acts that took place at the institution (by both the female inmates and CSC - IERT and staff).

Working from within a socialist feminist theoretical framework, these findings support both an oppressive and powerless ideology and practice toward “violent” female offenders on the part of CSC. CSC’s adherence to and perpetuation of normative gender expectations (women as powerless) contributes to its capitalist patriarchal structure.

The next Chapter focuses on the core variable, control, which is the most highly saturated variable in this study.

“...If we then go to draft No. 2, which is under tab 8, page 5. Again, with respect to incident No. 4, there is on this draft some writings. Do you know whose writings those are? (Cournoyer 5974).

No. (Grant 5974).

At the end of Incident No. 4, before the note, the complete response was recorded and videotaped by a team member.

This is underlined. Do you see that? (Cournoyer 5974).

Mm-hmm. (Grant 5974).

And there is a marginal note which states: Does this have to be here?

Do you remember if you were asked any questions by anybody from the national headquarters about this passage? (Cournoyer 5975).

I don’t remember. (Grant 5975).

And in the same draft, if we go to page 55, still under tab 8, under the heading: Use of the Institutional Emergency Response Team, you would then see that the lines:

Questions will undoubtedly be raised about using male staff members to restrain nude female inmates.

This sentence has been crossed out by somebody. Do you see that? (Cournoyer 5975).

Yes, I do. (Grant 5975).

*And in addition to that, there is another sentence, which is crossed out, but we can make what was there from the earlier version and it seems that what was crossed out was: Paper gowns were issued to each inmate. Do you see that? (Cournoyer 5975)
Yes, I do. (Grant 5975).*

- *Commission of Inquiry into Certain Events at the
Prison for Women Kingston, Ontario, Canada*
 - *Questions asked of J. Grant, CSC Regional
Administrator*
-
-

CHAPTER 6

CORE VARIABLE:

CONTROL

Control is the central core variable to emerge in this research, and is the focus of this Chapter. It surfaced in both ideological and material forms, with slightly higher saturation in the latter. The concept of control was defined at the start of this research as: “on the ideological level it refers to exercising a governing, ruling or regulatory influence over individual(s). On the material level it means to restrain or curb. On both levels it involves the exertion of authority, whether tangible or perceived, of one individual(s) over another individual(s)” (Dell 1999). This definition, with its inherent hierarchy of authority, is supported in the findings of this study. Uncovered was heightened focus on the expansive hierarchy of authority/control in CSC. It became evident at an ideological level and translated into the enactment of oppressive practices. This supports the current literature which generally suggests management and control are the key underlying functions of prison (MacLean 1991; Shaw 1996).

On the **ideological level** control is presented in two main forms: (1) the existence and constitution of rules, and (2) a discernible hierarchy of authority within CSC, comprised of (a) being manifested on a general level, (b) the Warden having ultimate authority/responsibility, (c) hierarchal communication patterns within CSC, and (d) CSC’s hierarchal communication patterns with “violent” women. A third ideological form of control, CSC openness to change in policy (and practice) is identified, but it is lowly saturated in comparison to the other two forms. **Material forms** of control are

identified as the use of physical force by staff over “violent” women to maintain/induce control within the institution. The identified means of material control are: (1) segregation, (2) the IERT and cell extractions, and (3) the application of rules (see Illustration J). This Chapter discusses ideological control in Finding III and material control in Finding IV. The Chapter commences with a brief introduction to both areas.

The original *ideological* focussed hypothesis stated: *CSC ideology is a manifestation of control of “violent” female offenders*, and it is supported in analysis of the data. It was expanded to also include CSC ideology being a manifestation of intrinsic control over its various components and others. Not only does CSC exert control over “violent” female offenders, but it also exercises expansive ideological control over CSC’s various intrinsic fractions and others. And as revealed, such control is actualized in the exertion of hierarchal authority, which in turn enables the enactment of oppressive practices. In fact, CSC’s control over “violent” females is mainly subsumed within this broader categorization of hierarchal authority. The highest saturated category was the existence and constitution of rules, however, the category is arduously intertwined with the application of rules, and so it is primarily discussed in Finding IV on material control, and reference can also be made back to Finding II, Adherence to Rules regarding physical treatment¹⁵¹.

The second category to follow in highest saturation was a discernable hierarchy of authority within CSC. This consisted of, in order of least saturation: (i) the general

existence of a hierarchy of authority within CSC, doubled in saturation by (ii) the Warden

¹⁵¹ A finding of this research with regard to the socialist feminist framework is the inability at times to distinguish between the material and ideological realms.

having the ultimate authority/responsibility, and the comparatively extensively highly saturated category of (iii) hierarchal communication patterns within CSC. This latter category is divided into ineffective communication (not sharing information externally and ineffective internal information sharing) and effective communication (sharing information externally and effective internal information sharing), with ineffective communication nearly twice as saturated. Continuing with the classification of hierarchal communication patterns, a fourth and lowly saturated category is identified as CSC hierarchal communication patterns with “violent” women. It is near equally saturated between effective and ineffective communication. And the third and final category of ideological control is CSC openness to change in policy (and practice). This category, though not an ardent example of ideological control on the part of CSC, suggests that CSC is flexible in its approach to ideological control, which is an encouraging finding.

Focussing on *material* control, the original hypothesis stated: *CSC practice is a manifestation of control of “violent” female offenders*. The hypothesis was verified through the data analysis, and unlike ideological control it centred specifically on the “violent” female offender. It too was expanded, but on an individual level, acknowledging an elevated level of discretion on the part of CSC staff. In turn, like ideological control, this too facilitated oppressive practices. As articulated, three categories were identified. In order of least saturation, they are: (a) segregation, followed by (b) IERT and cell extractions, and (c) the application of rules, both ineffective and effective. The first classification, segregation, was more highly saturated with the need to

(re)gain¹⁵² control of “violent” women in comparison to staff not agreeing with

¹⁵² Unless stated otherwise, use of the term “gain” in this Chapter means to either gain or regain control.

segregation. Second, the IERT and cell extractions similarly focussed on the need to gain control of “violent” women. And third, the application of rules, which was the most highly saturated category, garnered nearly eight times the saturation as the IERT and cell extractions¹⁵³. It includes both ineffective and effective control techniques, with four times more saturation for ineffective. Ineffective control is based on CSC disregard for existing and outlined rules, CSC following general guidelines (not precise rules), and limited training for staff and limited resources. As revealed and will be discussed, material control is associated with individual officer discretion. And last, effective control in terms of the application of rules is discussed in reference to the Rule of Law.

¹⁵³ Recall that this category is combined with the existence and constitution of rules, which was identified as an ideological manifestation of control of “violent” female offenders.

DIAGRAM K: CONTROL: IDEOLOGICAL FOCUS

- | | CONTROL | MATERIAL |
|----|--|------------------------|
| | (49%) IDEOLOGICAL | (See next page) |
| 1. | (49%) Existence and constitution of rules | |
| 2. | (38%) Discernable hierarchy of authority within CSC
* (5%) General existence of a hierarchy of authority
* (12%) Warden ultimate authority/responsibility
* (72%) Hierarchal communication patterns
(62%) <i>Ineffective</i>
(45%) CSC not share information externally
(56%) produce an inaccurate Board of Investigation report
(19%) not release information to the public/external others
(14%) knowingly share inaccurate info. with the public/external others
(11%) not accepting of community input/criticism
(55%) CSC ineffective internal information share
(71%) Institution:
(31%) among management
(38%) among management and line staff
(30%) among line staff
(29%) NHQ and management
(38%) <i>Effective</i>
(24%) CSC share information externally
(76%) CSC effective internal information share
(76%) Institution:
(43%) among management and line staff
(29%) among line staff
(28%) among management
(24%) NHQ:
(50%) among NHQ staff
(50%) among NHQ and institution
* (11%) Hierarchal communication patterns with “violent” women
(51%) <i>Effective</i>
(100%) hear/acknowledge “violent” women’s voices
(49%) <i>Ineffective</i>
(100%) not hear/acknowledge “violent” women’s voices | |
| 3. | (13%) Open to change in policy (and practice)
(40%) learn from experiences/history
(35%) currently progressing forward
(25%) open to future progressive policy/practice change | |

DIAGRAM L: CONTROL: MATERIAL FOCUS

CONTROL

(51%) MATERIAL

IDEOLOGICAL

(See prior page)

1. (7%) Segregation
 - (63%) To regain control (relation to security, order and safety)
 - (37%) Not all CSC agree with segregation
2. (11%) IERT & cell extractions
 - (44%) To regain control
 - (21%) Security, order and safety
 - (35%) The use of intimidation
3. (81%) Application of rules
 - (81%) *Ineffective (poor control)*
 - A.. (38%) Disregard existing and outlined rules
 - (54%) Not follow established rules
 - (33%) Unaware of rules (includes Warden)
 - (6%) Too many existing rules
 - (4%) Absence of rules
 - (3%) Ambiguous areas in rules which contributes to their inconsistent application
 - B. (49%) Following general guidelines
 - (31%) Staff discretion
 - (30%) Staff interpretation of rules
 - (16%) Not provide amenities
 - (13%) Particular circumstances
 - (10%) Account for emergency situation
 - C. (13%) Limited training for staff/ Limited resources
 - (45%) Not trained for P4W...leads to... (*lean on the job*)
 - (55%) Learn on the job
 - (19%) *Effective*
 - (100%) Rule of law

To restate, a key finding in this Chapter is that ideological and material control were both highly saturated in the transcripts, with somewhat greater concentration in the

latter. Both forms support CSC having control, in an inherent hierarchical authoritative manner over “violent” female offenders. It is important to emphasize that material or physical forms of control by CSC were far more discernible in direct relationship to the “violent” female offender, while at the ideological level CSC beliefs were more general, but nonetheless did provide support for the strong existence of an ideological hierarchy of control within CSC which consequently impacts “violent” female offenders. Combining the findings of both ideological and material control and their inter-connections, it follows that what exists at the ideological level of CSC frequently translates into practice. The material and ideological levels of control are as similarly associated as the linkage between the material and ideological levels of violence discussed in the prior Chapter.

Both the ideological and material forms of control identified in this Chapter are accountable within the socialist feminist framework. As recognized, the unified systems variant of socialist feminism concurrently focuses on ideological and material control. On the ideological level, the identified encompassing nature of control within CSC affects “violent” woman offenders. Hierarchical authority has a deeply embedded role within the CSC structure. On the material level, physical responses to violent women with the intention of control is revealed. Within a socialist feminist framework, support for both material and ideological control of the “violent” female offender by CSC and the ensuing ramifications assist in the perpetuation and current operation of capitalist patriarchy within the structure of CSC. And further, inherent to the existence of a

hierarchy is oppression. It follows that a hierarchical structure such as CSC is ripe for gender, race, and class based oppression in addition to other forms. Findings III and IV, focussing in turn on ideological control and material control, individually detail socialist

feminism's explanatory relevance.

FINDING III: CSC IDEOLOGY IS A MANIFESTATION OF CONTROL OF “VIOLENT” FEMALE OFFENDERS, CSC AND OTHERS, WITH ITS FOUNDATION FIRMLY ROOTED IN AN EXPANSIVE SYSTEM OF HIERARCHICAL AUTHORITY (WHICH TRANSLATES INTO THE ENACTMENT OF OPPRESSIVE PRACTICES)¹⁵⁴

As reviewed, the original hypothesis stated, *CSC ideology is a manifestation of control of “violent” female offenders*. This hypothesis was supported with one main extension. The core variable control emerged as ideological control by CSC over “violent” female offenders in addition to CSC itself and others. The core variable control is an immensely expansive and overriding theme of the functioning of CSC. Referring back to Chapter Three and its introduction to Correctional Service of Canada ideology, control was identified as a incumbent part of CSC policies, however, its broad and despotic extent was not fully recognized, and in particular its relation to female prisons. A clear hierarchy of control, transmitted as an exertion of authority that corresponds with the hierarchical structure inherent to CSC, was concluded from analysis of the data in this

study. As stated, the concept of control was broadened from its original direct focus on the “violent” woman offender, to a more overarching, deeply embedded and clearly hierarchal form of ideological control. This expansive hierarchical authority was found to translate

¹⁵⁴ It is important to note that although this section focuses on ideological control, at times, material or tangible examples are used for explanation. Once again, it is often difficult to distinctly separate ideological beliefs from material actions, because often within the actions are embedded ideological beliefs (and hence support for the unified systems approach to socialist feminist theory adopted in this research).

into the optimal occasion for enacting oppressive ideologies and material acts¹⁵⁵.

As revealed at the start of this section, the presence of ideological control within the CSC structure is evident in: (1) the existence and constitution of rules, and (2) a discernable hierarchy of authority. As stated, due to the close overlap between the existence of rules and their application, the ideological foundation of rules is discussed in the section on material control by CSC. The second emergent and highly saturated category is the existence of a discernable hierarchy of authority within CSC. This is revealed in the general existence of a hierarchy in CSC, followed with double the saturation in the Warden being designated the ultimate authority/responsibility. A third category within the discernable CSC hierarchy of authority is hierarchal communication patterns, which is highly saturated in comparison to the above two categories, and with nearly five times the saturation of the latter. This category is divided into ineffective and effective communication patterns.

In comparison to effective hierarchal communication patterns, ineffective patterns were nearly twice as saturated. Ineffective communication pertains to CSC not sharing information externally (i.e., with the Canadian public), including, in order of greatest saturation, producing an inaccurate Board of Investigation report, not releasing information to the public/external others, knowingly sharing inaccurate information with the public/external others, and not being accepting of community input/criticism. Ineffective hierarchal communication patterns also pertain to CSC having poor internal communication. This category is nearly equally saturated among its institutional divisions:

¹⁵⁵ Similar to the extension of hypothesis #1 and 2, the expansion of the original research hypothesis in this section contributes further support to the use of the identified bi-functionary approach to content analysis. Had this research been conducted solely from the confines of a deductive approach, which would not allow for the corollary inductive approach, such a finding would not have been made. It also reflects the fact that incorporating a deductive approach, or the research hypotheses, into an inductive based model did not confined the research focus.

poor communication among management, among management and line staff, and among line staff. Also identified is poor communication with NHQ and among NHQ and management.

Effective hierarchal communication patterns relate primarily to CSC sharing information internally, with somewhat greater saturation among management and line staff, followed nearly equally with among line staff, and among management. Effective communication with NHQ was saturated, but only at a quarter as much as within the institution. CSC also revealed to be effective at external communication, but this was lowly saturated in comparison to effective internal communication as well as ineffective external communication.

A third category of both effective and ineffective communication patterns with “violent” women by CSC was concluded, though it was not highly saturated. Both categories were nearly equally saturated. This category provides evidence of both the minimal specific attention allotted to “violent” female offenders at the ideological level, as well as their incorporation into the overarching inherent hierarchy of authority within CSC.

And last, a category which emerged from the data analysis, and with marked

presence, was CSC being open to change existing policy (and practice). In order of greatest saturation, this ideological position was indicated through CSC claiming to have learned from its experiences/history, CSC identifying itself as currently progressively moving forward, and CSC being open to future progressive policy (and practice) changes. This is an encouraging finding given the need for such advancement based on the findings of this research.

Overall, ideological control of the “violent” female offender is subsumed within the

highly saturated broader scope of control by CSC over others and itself, actualized through its inherent and expansive hierarchy of authority. The socialist feminist framework is amenable to a theoretical account. Addressing the findings in turn, it follows that a socialist feminist understanding of *the existence and constitution of rules* is reviewed first. It is necessary to recall that the existence and constitution of rules reflect the ideological structure of CSC but are also closely intertwined at the material level (and hence their discussion in Finding IV). Within a socialist feminist framework, it is understood that CSC's rules control the "violent" female offender through response to her identification as being "out of control". This is supported on both the ideological level (see Finding I¹⁵⁶) and the material level (see Finding IV)¹⁵⁷.

As will be revealed in Finding IV, on the material level the harsh physical response of CSC to "violent" women supports their identification as being "out of control"¹⁵⁸. This includes foremost the use of segregation and the IERT, whose mandate is to regain security, order and safety in the institution. Segregation and the IERT are essentially mechanisms of control for "violent" out of control women. In turn, this identification of

¹⁵⁶ Recall that CSC's descriptions of the women's out of control conduct ranged from women attempting to take over the range to women needing to settle and calm down. Identifying "violent" women as "out of control" supports the characterization of women as "unnatural/evil" and inherently determined, acknowledging their associated powerlessness. To review, the "unnatural/evil" identification is powerless because women's conduct does not adhere to the condoned patriarchal definition female, and so women are defined as not female. Further, the identification of women's conduct as inherently determined is also powerless because women are denied their sense of agency and autonomy which is a typically powerful masculine characteristic.

¹⁵⁷ Hypothesis #2 did not identify "violent" women as "out of control", even though it focussed on the physical treatment of "violent" women. Rather, attention is centred on following rules, therefore, women are identified as "unnatural/evil" because they are harshly treated.

¹⁵⁸ Recall that because the material and ideological categories are too difficult to differentiate for the existence and constitution of rules, and the application of rules, they are discussed within the guise of the latter.

“out of control” supports the characterization of “violent” women as “unnatural/evil” because they are not adhering to the patriarchal definition of female. As well, as fully discussed in Finding I, women are identified in an additional powerless way with this characterization by being seen as inherently determined. This is due to their autonomy and agency being denied, which are powerful masculine characteristics. As previously revealed for this identity, the characterization of “violent” women as “unnatural/evil” supports the operation of capitalist patriarchy through the application of an oppressive identity. Further, as reviewed in Finding II, the conduct for which “violent” women were identified as “out of control” was overwhelmingly verbal/non-physical. This further supports the identification of “violent” women as “unnatural/evil” because they are not condoning to the patriarchal definition of female (i.e., quiet, complacent). Yet again, this culminates in assisting in the perpetuation of capitalist patriarchy by ensuring women do not gain too much power and thus upset the gender division of labour.

Examining the *discernable hierarchy of authority within CSC*, a socialist feminist

understanding of the findings suggest that the role of control, identified here as an expansive and inherent hierarchy of authority, is deeply embedded within the ideological (and ensuing operational) structure of CSC. The inductive methodology of this research uncovered an incomparable extent of ideological control in the form of hierarchical authority within CSC. Endemic to the notion of a hierarchy is oppression, such as by race, gender and/or class. Once again, the findings of this research reveal that the level of hierarchal control is deeply ingrained within the ideological structure of CSC, which encapsulates “violent” females. This raises the question of the extent to which CSC’s foundation is oppressive in various other forms. From within a socialist feminist

framework, and drawing upon the conclusion drawn in Finding I, that is, CSC ideology supports the identification of “violent” women as “unnatural/evil” and in other powerless ways, it is proposed that the ideological foundation of CSC be further examined for its level of condoning to a capitalist patriarchal ideology and expansion to other factors such as race. The uncovered powerless characterizations of “violent” women are part of the ideological foundation of CSC and are revealed as means of control/oppression. The inductive methodology of this research uncovered an immense extent of ideological control within CSC.

And a third, and exceptionally important finding, is the *willingness of CSC to change and progress from its current identified policy/ideology (and practices)*. Though this category is very slight in saturation in comparison to the two others above (which in itself is a finding), from within a socialist feminist framework it is an imperative finding. The foundation of oppressive patriarchal capitalist characterizations of “violent” women

within CSC, as identified to this point in the research, need to be questioned to advance pro-social change. And to do so, CSC must be willing to assist. And this is especially important considering the recent opening of the regional female federal institutions in Canada. It is suggested that these institutions be examined for the transference and presence of the above and prior identified oppressive CSC ideologies regarding “violent” female offenders.

Turning to the findings in this Chapter, as outlined, the **existence and constitution of rules** is a primary form of ideological control at CSC. However, as revealed, to avoid repetition the existence of rules is examined in Finding IV, which focuses on material control. The application of rules is the most highly saturated category in this section of the

research.

An established and maintained *discernable hierarchy of authority within CSC* is the second identified central form of ideological control. The Warden having ultimate authority/responsibility for the institution received greater attention, near double that of the general existence of a hierarchy within the institution. Hierarchal communication patterns within CSC were very highly saturated in comparison to both categories, with slight attention to hierarchal communication patterns directed from CSC to “violent” women (near equal saturation with the Warden having ultimate authority/responsibility).

There is a *general hierarchy of authority* within CSC as an organization, with the inmate occupying the bottom strata (i.e., staff represent women’s loss of freedom). It has been previously outlined in this research that CSC is comprised of varying individual facets, each contributing to CSC’s overall functioning. And within the structure of CSC,

there is a hierarchal ordering of the numerous components in terms of authority, and which as discussed implies an ideological system of control. Some typical as well as specific illustrations of the general hierarchy of authority identified in this research are the delegation of authority, reporting to superiors, not questioning authority, established levels of decision making, acknowledgement of a hierarchy among line staff, a hierarchy between staff and inmates, the overriding of CO decisions by management, and NHQ questioning P4W’s use of segregation. Although the examples that will be provided are primarily tangible/material, it is to be kept in mind that they exist due to the presence of a supportive corresponding ideological hierarchy of authority¹⁵⁹.

¹⁵⁹ For a number of the examples provided in this section on ideological control, material examples are often presented because: (a) they are more apparent for the reader, and (b) as discussed, they are indicative of an existing hierarchy of authority.

“A staff member would certainly have access right up the line to inform their superiors if information supplied to the public was not factual....” (Dafoe 2511).

“And that, together with your testimony, I take it, it would be fair to say that there are mechanisms in place to ensure that you, as Commissioner of Corrections, are fully, accurately and promptly informed of matters of significance within the Correctional Service of Canada? (O’Conner 8267).

I would have to answer at two levels. The simple answer is yes, but the reality of the Correctional Service is that we are in many, many controversies all the time. So very often, a senior staff member will, in fact, address an issue and then when we have a chance to get together, will brief me what he has done she has done about it.

So in principle, the accountability rests with me, but in practice, other senior staff have to carry a lot of the burden, as well.” (Edwards 8267).

“Why were you looking at Joey? (Jackson 1291).

Joey has been there a long time and she has a lot of respect from the inmates on that Range. If they are going to listen to anyone other than me, it would be Joey.” (Vance 1291).

“The women I was referring to -- “The women who looked at us as the women in blue...” -- were the women that were involved in the incident. I believe that they saw us as -- we are front-line staff. We are the holders of the key. We represent their loss of freedom, generally speaking....” (Vance 1484).

“We’ll give you credit on this one. It is true that staff – one of the things that staff in all facilities, we represent and complain about is time spent, actual time spent with their case load versus time spent doing case work, covering one’s ass, justifying decisions made and so forth. Because if one doesn’t, then one’s liable to find oneself in front of a commission like this having to answer questions without having the kinds of records you need.” (Crawford 1539, Phase II).

The hierarchy of authority, and thus control, is further evidenced in the **Warden having ultimate authority/responsibility** for running the institution, even greater than NHQ. Once again, evidence of the existence of this hierarchy of authority is based primarily within material acts. Illustrations of the Warden’s ultimate authority and the

resulting exercise of control include the Warden issuing the IERT its mandate, staff consultation with the Warden (or Deputy Warden in the absence of the Warden) to ensure the unit is running the way s/he wants, acknowledgement that the Warden is the head in an emergency, and not reversing decisions of the Warden.

*“Do you know who was responsible for that decision?” (Scully 5427).
Ultimately, in a prison the Warden and the Deputy Warden are responsible.”
 (Morris 5427).*

*“Would you agree with me that over the course of the several months in question in 1994, the responsibility for decision-making at Prison for Women, the ultimate responsibility rested with the Warden? (O’Conner 6639).
Yes. (LeBlanc 6639).*

*“On what basis did you decide that you were not in charge of the operations of the segregation unit from the end of May until you left, in late June? (Jackson 4070).
I consulted frequently with the Deputy Warden to ensure that the unit was running the way she wanted it to. (Hilder 4070).
 But apart from the questions on which you consulted her, you were in charge of the operations of the unit, were you not? (Jackson 4070).
 I was not given an indication that I was. There was no rescinding of the direction that all instructions were to be approved by the Warden and the Deputy Warden.”
 (Hilder 4070-1).*

The existence of a general hierarchy of authority and identification of the Warden as having the ultimate authority supports the structure of CSC as hierarchal, thus serving as a means of expansive control.

The third, and very highly saturated category supporting the existence of a hierarchy of authority within CSC is ***hierarchal communication patterns***. This category clearly identifies the expansiveness of ideological control within CSC. Communication within the hierarchal organization is identified as both effective and ineffective, with greater saturation in the latter category. Essentially, communication patterns within CSC support the existence of an expansive and hierarchal ideological foundation of control. And to reiterate, the existence of such an embedded hierarchy of authority implicitly infers

the presence of oppression, characteristic of a hierarchy. And this is of particular concern to this research, in light of the revealed conclusion that CSC ideology supports the identification of “violent” women as “unnatural/evil” and other powerless identities (Finding I).

Once again, **ineffective control** rated higher than effective control. Ineffective control at the ideological level focussed on poor communication. This was evidenced in: (1) the lack of willingness on the part of CSC to share information externally, followed closely by (2) an absence of or ineffective communication among CSC members internally.

CSC’s unwillingness to share information externally with the Canadian public and others was apparent in several venues. They are: (1) producing an inaccurate Board of Investigation report, (2) not releasing information to the public/external others, (3) knowingly sharing inaccurate information with the public/external others, and (4) not being accepting of community input/criticism. The majority of examples provided in this section can again be classified as material acts, however, in linking them to the ideological level it becomes apparent that the acts are grounded in an ideology of harbouring rather than information sharing, thus illustrating CSC’s exercise of control. The relation between the depictions outlined in this section and hierarchal communication patterns is that CSC holds a position of control over the distribution of information. And as will be revealed, CSC exercises extreme control in the information it shares externally.

To begin, as reviewed, CSC’s unwillingness to share information was apparent on several levels, with the primary example being *producing an inaccurate Board of Investigation Report*. Immense evidence was uncovered in support of the Board of

Investigation report not being written independently of NHQ input and direction (essentially, CSC censoring the release of information). Clearly inaccurate aspects of the Board of Investigation report include the false statement that women had mattresses or blankets to sleep on while locked in segregation, Board members not interviewing the CAC or Correctional Investigator, the Board not watching the entire IERT video, the Board not knowing critical facts when writing the report (i.e., exercise, underwear), and blatant errors in the report. Several examples are provided to reveal the obvious inaccuracy and inadequacy of the report, as well as to reflect the importance of this

finding¹⁶⁰.

“Okay. And if we come back to when the document [Board of Investigation Report] was sent, did you receive any answers or any queries about the document? (Cournoyer 6009)

No. We were told quite clearly it was not what was wanted. (Grant 6009).

And how -- (Cournoyer 6009).

And we were given much clearer direction as to what was wanted [by CSC]. (Grant 6009).

Okay. Can you tell us who told you that it’s not what was wanted and what were the directives or guidelines that were given to you in order to prepare what was expected? (Cournoyer 6009).

Well, the Commissioner said it wasn’t what he wanted. (Grant 6009).

Did he call you? (Cournoyer 6009).

Yes, we were -- we had a conference call with him. And I don’t remember the details of what he said he wanted, but ultimately we produced another document, which I believe you also have. (Grant 6009).

“The report of your Board of Investigation reasonably led a reader to conclude that what Mr. Scully had described on As It Happens, did not occur. You’d agree with me. (Doody 6542-3).

Our description wasn’t accurate enough not thorough enough to have someone conclude what had happened. (LeBlanc 6543).

Well, in fact, the reasonable observer reading your report would conclude that Mr.

¹⁶⁰ Additional examples can be located in Appendix H: Additional Support From the Transcripts.

Scully's description was not accurate. (Doody 6543).

There would have been a discrepancy, yes. (LeBlanc 6543).

So the situation, as at the date this affidavit in the Court of Appeal was sworn, was such that Mr. Scully had gone public with accusations of what had happened to his client and the Correctional Service had publicly released a report which led to the opposite conclusion, correct? (Doody 6543).

I wouldn't have felt that way back then. In hindsight now, yes." (LeBlanc 6543).

"....

-- to the corner of the range. After a while, a small paper gown which does not cover her is attached.

Do you agree that that is a more accurate description of what happened? (Jackson 7232).

I think that's more accurate than my recollection. (Graham 7232).

And, in fact, this paragraph is massively and fundamentally inaccurate in terms of the impression it leaves? (Jackson 7232-3).

It leaves me with the impression that it was done the way I would have expected it to be done. So that's inaccurate. (Graham 7233).

And it's seriously and significantly wrong? (Jackson 7233).

Yes. (Graham 7233).

And that is a very significant failure. (Jackson 7233).

I view this as very significant. (Graham 7233).

"All right. Now, we've talked a little bit about the question of access to counsel. At least one board member has testified that she knew that access to counsel was not granted at any time during the period under investigation. Would you agree that, in those circumstances, that issue should have been addressed in the report? (Jackson 7919-20).

Yes. (Edwards 7920).

And that that omission is a very significant one? (Jackson 7920).

It's a very puzzling one, yes, it is. (Edwards 7920).

And a significant one? (Jackson 7920).

Yes. (Edwards 7920).

"Because it was important did the Board take special care in making sure that the facts were expressed in the way they wanted to express them? (Doody 6039).

Yes. (Grant 6039).

And did the Board take special care to ensure that the facts were correct? (Doody 6039).

Apparently not. (Grant 6039).

"....

Would you agree that if the videotape had never gone public, then that paragraph would have misled the public? (O'Conner 6638).

It could have." (LeBlanc 6638).

Not releasing information to the public/external others is the second category reflecting ineffective hierarchal communication patterns by CSC. Evidence includes CSC not providing information to the Commission of Inquiry (i.e., Warden not provide information to the Inquiry, not give documents to the Commission), CSC covering-up and attempting to stop release of the IERT video, CSC holding back documents from public release, and CSC directing the findings (covering-up information) of the Board of Investigation report which was to be publicly released (see above). Once again several illustrations are outlined.

“Is it fair that at that point in time, Mr. O’Conner was attempting to have these tapes released publicly, and the Correctional Service was attempting to prevent that from happening?” (Jackson 7262).

Yes. I believe that was what was happening. (Graham 7262).

And were you aware of that at the time? (Jackson 7262).

Generally, I was aware of it.” (Graham 7262).

“...If we then go to draft No. 2, which is under tab 8, page 5. Again, with respect to incident No. 4, there is on this draft some writings. Do you know whose writings those are? (Cournoyer 5974).

No. (Grant 5974).

At the end of Incident No. 4, before the note, the complete response was recorded and videotaped by a team member.

This is underlined. Do you see that? (Cournoyer 5974).

Mm-hmm. (Grant 5974).

And there is a marginal note which states: Does this have to be here?

Do you remember if you were asked any questions by anybody from the national headquarters about this passage? (Cournoyer 5975).

I don’t remember. (Grant 5975).

And in the same draft, if we go to page 55, still under tab 8, under the heading: Use of the Institutional Emergency Response Team, you would then see that the lines:

Questions will undoubtedly be raised about using male staff members to restrain nude female inmates.

This sentence has been crossed out by somebody. Do you see that? (Cournoyer 5975).

Yes, I do. (Grant 5975).

And in addition to that, there is another sentence, which is crossed out, but we can make what was there from the earlier version and it seems that what was crossed out was: Paper gowns were issued to each inmate. Do you see that? (Cournoyer 5975).

Yes, I do.” (Grant 5975).

“...Then on January 17th, you answered Mr. Stuart’s letter of the 7th and that’s at tab 22, Exhibit P-144, which is the Commissioner’s book; do you have that? (Doody 8190).

Yes, I do. (Edwards 8190).

And you will agree that this does not answer most of the complaints Mr. Stuart made in his letter of November the 7th? (Doody 8190).

I would have to do a side-by-side to do that, but -- (Edwards 8190).

Well, it doesn’t do that -- Mr. Stuart’s letter is at tab 16 of this book. It doesn’t answer Mr. Stuart’s charge that Ms. Shea was in jail - in segregation illegally, right? (Doody 8190).

...No, it does not. (Edwards 8190).

....

It does not answer Mr. Stuart’s complaint about the use of shackles, right? (Doody 8190).

Right.

It does not answer Mr. Stuart’s complaint about the use of cameras to monitor the women in Segregation? (Doody 8191).

No, it does not. (Edwards 8191).

And it doesn’t answer Mr. Stuart’s complaint about the lack of daily visits. (Doody 8191).

No, it does not.” (Edwards 8191).

The third category supporting ineffective hierarchal communication patterns by CSC is *CSC knowingly sharing inaccurate information with the public/external others*. The primary example is inaccurate press releases, such as CSC publically stating the women were not strip searched by male IERT members during the P4W incident. Consider the following examples.

“Well, it is page 2 of that press release. (Doody 6118).

All right. (Grant 6118).

“Which is the fifth page in from the beginning of the tab. And in the third paragraph, it is written:

Additional female staff who have had previous experience at the Prison for Women have been called in from other area institutions and the Regional Staff College to provide assistance and relief. This has reduced the

requirement for Prison for Women staff to work excessive hours and has increased the level of energy to manage this difficult situation.

Did the Board investigate whether, in fact, that had happened? (Doody 6118-9).

No, we did not. (Grant 6119).

In your -- (Doody 6119).

Can you tell me the date of this report? (Grant 6119).

That press release. (Doody 6119).

Yes. (Grant 6119).

The 26th of April. (Doody 6119).

Okay. (Grant 6119).

And in your investigation, did you find any evidence of staff coming in from other institutions? (Doody 6119).

No. (Grant 6119).

"And the document which appears to have been produced to this Commission in April of this year, has six completely new entries going down to 4:50 a.m. which indicate that, among other things, Inmate Twins was looked at when she was complaining and that the Warden and the Deputy Warden went back into the seg. until at 4:35 a.m. and then they're signed by Ms. Callaghan. (Doody 6528-9).

Yes. (LeBlanc 6529).

Do you have any explanation as to why it appears that the document produced directly to this Commission is different from the documents produced to my client and the Board of Investigation? (Doody 6529).

No, I do not." (LeBlanc 6529).

"And on the next page is the reply to -- that's a complaint that Ms. Shea put in on the 19th of May, 1994, complaining that she -- that although she took her own clothes off, she did that because they would have been ripped off by the IERT if she hadn't done that. And she goes on to complain about what she considers to be the effect of forcible removal of her cloths.

That complaint is answered approximately two months later by Correctional Services Supervisor Kenehan, you see that in the response? (Jackson 3914).

Yes. (Warnell 3915).

And she says, the following four points:

- 1) On the evening in question there were two females specifically assigned with the IERT cell extraction team to strip female inmates if it became necessary.*
- 2) That one Segregation inmate was stripped by a female.*
- 3) CS Warnell states that the inmates, when confronted by the team, removed their own clothing without assistance from male or female officers.*
- 4) Therefore, your complaint is denied.*

Mr. Warnell, did you say that to Correctional Supervisor Kenehan? (Jackson 3915).

Well, it's evident that I did, otherwise I'm sure she would not have written it." (Warnell 3915).

And a fourth and final area reflecting CSC's unwillingness to information share is *CSC not being accepting of community input/criticism*. This finding is contrary to the dissemination focus of the reviewed categories, yet equally supports that CSC remains in control through determination of whether to accept information or not. Examples range from the Board of Investigation findings themselves, to the views of community agencies and the Citizen's Advisory Committee.

"Without being specific, and if this isn't too general a question, are the criticisms -- what is your attitude towards the criticisms that E. Fry has made? (Edmond 5897). Perhaps I can describe it in two ways.

In my view, it has overlapped the role of the Correctional Investigator's Office to a fair degree, and I have worried over the piece that it may have raised the expectations of the women in the prison in that it seemed to me -- and this is probably a subjective point of view you are going to hear.

....

So I always had a concern that the operational issues were perhaps a greater focus than I would have liked to see from that organization, and I would have felt that their efforts could have been better directed to care in the community and the long-term process with which they were actively involved as well. So while I viewed it as helpful I also viewed it as intrusive at times. (Cassidy 5898).

"And you'll agree with me that there were a number of other complaints in more or less similar terms." (Doody 7396).

Very much so. (Graham 7396).

And so that you had, in your office, in addition to Ms. Davis' letter which was sent to you personally, a number of other grievances which all basically said the same thing about what the ERT had done, right? (Doody 7396).

That's correct. (Graham 7396).

And despite that, your office, essentially -- (Doody 7396).

Did not pursue it. (Graham 7396).

In summary of the hierarchal communication patterns of CSC, specifically not sharing information externally, it is evident that CSC is a highly structured, authoritative, and controlled institution. As reviewed, evidence of this ranged from the public release of inaccurate information to producing an inaccurate Board of Investigation report. These

acts are grounded in an ideology of harbouring and not sharing information, and hence CSC's exercise of control. Essentially, support is garnered for CSC being inherently ideologically controlling. Once again, the implications for the "violent" woman offender is the inherent oppression within a hierarchy, and which would most

prominently effect in the case of this research offenders, who are at the bottom of the hierarchical structure.

The second area of ineffective communication within CSC's structure which identifies it as hierarchal and authoritatively based (controlling) is **CSC's ineffective internal information sharing**. The absence of communication within the institution is evident in two general areas: (1) the institution - among management, management and line staff, and line staff, and (2) between management and National Headquarters. Once again, the majority of the examples are at the material or tangible level, noting the practices support ineffective communication patterns and thus the existing ideological hierarchy of CSC.

As stated, *ineffective communication within the institution* was evident among management, management and line staff, and line staff. The most highly saturated category was management and front-line, followed very closely and nearly equally by management, and then line staff. Examples of poor communication between management (noting the IERT is classified as management) are, the women not having gowns when the male IERT was present, management not informing the IERT of the institutional Standing Order on strip searching, and the IERT not knowing its cell extraction routine. Examples of poor communication between management and line staff include supervisors breaking promises to staff, supervisors not dealing with charge reports that front-line staff complete, staff not knowing how decisions are made, staff not being part of the communication loop, and staff in general not being briefed regarding the P4W incident. And examples of lack of

communication among line staff are staff

preference to attend to their job and essentially “mind their own business”, and as a specific example, staff not informing one another that the inmates were not decontaminated from mace.

Between Management

“Right. It would be important to know, wouldn’t it, that the differing views amongst senior managers as to how to deal with issues were not -- were not fundamentally different on a day-to-day basis. In other words, that the management that was occurring in the segregation unit was not fundamentally different from what you thought should be occurring? (Jackson 5753-4)

Yes. But I was confident that that was so. (Cassidy 5754).

Did you talk to Ms. Hilder about her daily visits? (Jackson 5754).

Specifically about daily visits, no. But I would talk with her from time to time about the unit. (Cassidy 5754).

All right. And in those discussions, as you’ve said, she never raised with you the fact she was not visiting daily and couldn’t? (Jackson 5754).

I don’t believe so. (Cassidy 5754).

“Now, if you turn to the next page, page 49, this is the decision of Ms. Cassidy in respect of the Segregation review which started in June 1994. And will you see that Ms. Cassidy writes:

Your status as a segregated offender has been reviewed and the decision has been made to...

And she has written:

In Seg until release on statutory remission.

Do you see that? (Doody 4399).

Oh, yes. (Hilder 4399).

And do you see that the date of that is July the 8th, 1994? (Doody 4399).

Yes, I see that. (Hilder 4399).

And you will agree with me that by the time Ms. Cassidy made this decision, Ms. Emsley was, in fact, released on statutory remission, having been released on June the 18th, 1994? (Doody 4399).

That is correct. (Hilder 4399).

Between Management and Line Staff

“Okay. And who did you meet on the Sunday and for what purpose? (Cournoyer 3490-1).

I met with a group of officers and they were talking about what we should do to get something done, that we had to make somebody aware of what was going on, because nobody else [management] was listening.” (Bertrim 3491).

“I remember after Maureen Blackler had -- we had talked to her, the officers left the office and she spoke to me alone because I was the person supposed to be leading the team. And she told me that we had to continue.

And everybody was very -- the officers were very upset because the agreement we had with management was broke. And I expressed that to Maureen and she said: No, Tracy, we have to continue [with the internals].

And I said: If you’re telling me that we have to continue, I guess we have to continue then.

And so we went back and finished. We did Inmate Young and Inmate Shea were the last two.” (Bertrim 3571).

And I think I’d like to open by saying or reiterating something that has surfaced in the previous days here and it was surfaced by the inmates, but it holds equally true and, perhaps, more damning for front line staff. And that’s the following statement: There has been virtually no consultation with, or input by, the Union with regard to new federally sentenced women’s facilities, full stop” (Ray 405, Phase II).

Between Line Staff¹⁶¹

“I think it was my view that there needed to be a better communication between all departments at the Prison for Women as to what each department was doing and why it was doing it.” (LeBlanc 6589).

“And that’s the other issue we have is that people are so burdened and bogged down with dealing with all the paper work that they rarely have time to get out from behind the computer screen and deal with the people [fellow staff and inmates].” (Ray 179, Phase II).

Ineffective communication at the National Headquarters level focusses on senior

¹⁶¹ Although the first quote by the Prison Warden is not specific to line staff, it is applicable.

staff. This category is slightly more saturated than each of the other examples of poor communication within CSC. At the national level it includes communication among: (1) national level staff, and (2) between the national/regional levels and management at the institutional level. Both categories are equally saturated. Examples of poor communication include lack of communication between the Board and the Commissioner, senior staff not receiving the facts of what occurred at the institutional level (i.e., men strip searched women), and no communication between management at the Regional Psychiatric Centre (where the women were transferred to) and P4W management. Once again, the relevance of this type of finding is that it supports the ideological existence of a hierarchy within CSC, as manifested through practice.

“When did you first become aware that the Correctional Service of Canada was taking the position that they did, that men weren’t involved in the strip searching of these women? (Bailey 2509).

I wasn’t officially made aware of that. Someone had said to me that one of our Officials at Regional Headquarters had signed a memo to the effect that male staff members weren’t involved. I thought at the time, “I don’t know where that Official got their information”, because if they had viewed the tape, they would have seen exactly what happened that evening.” (Bailey 2509).

To summarize CSC’s ineffective internal information sharing, similar to CSC not sharing information externally, the data supports that CSC is hierarchically and authoritatively structured. The illustrations provided are grounded in an ideology of maintaining and not sharing information, and hence CSC exercising authoritative control within its hierarchal structure. And as reviewed, this has ramifications for “violent” women offenders, specifically in consideration that CSC ideology has been identified as a manifestation of control of “violent” female offenders (see Finding I).

Effective control at the ideological level, in terms of hierarchal communication

patterns was saturated at nearly half the level as ineffective control, though it was still

highly saturated. In contrast to ineffective control, effective control focuses on CSC's competent communication patterns both externally (with the public and others) and internally (among management, staff and NHQ). It is important to restate at this point that although the focus of this section is CSC ideology, drawn upon again are examples at the material or tangible levels.

CSC sharing information externally was approximately one-half as saturated as ineffective external CSC communication. Illustrations of CSC external information sharing include CSC's (controlled) openness to others asking questions of the organization (i.e., Correctional Investigator), existence of the Citizen's Advisory Committee, communication with the Elizabeth Fry Society, members of the Institutional Review Board being from outside the institution (P4W), and the suggestion by CSC that outside and community reviews ensure credibility, objectivity, and transparency on behalf of CSC.

"What is the purpose of asking the Citizens Advisory Committee to observe an incident? (Jackson 113).

It is openness. It is recognizing that we operate by the rule of law. We have nothing to hide. We want the community to see that. In fact, it is a protection for us, in a way, by making sure that somebody who is not a member of the Correctional Service of Canada can come in and see how we manage the resolution of that particular crisis, in the example that I have given you. (Kulik 113-4).

So it would be intended, at least in part, to provide an opportunity for objective observation; in other words, observation by someone who was not part of Correctional Services? (Jackson 114).

That is correct. (Kulik 114).

"What is the purpose of the filming, in your understanding? (Jackson 624).

My understanding is that the filming is there so that there is nothing hidden; there is nothing -- it is an open process. It is a process by which, afterwards, an investigation team or other people, such as the members of the IERT themselves, can review the film, to ensure that all proper procedures were undertaken during

the actions of the Emergency response Team....” (LeBlanc 624).

“I mean, the Elizabeth Fry voice is a strong voice in the administration of the Prison for Women.” (Edwards 7714).

“....The bottom line surely must be, for all of us, as to whether abuse, if it’s taking place, is uncovered. My concern is that it’s uncovered. If it can be uncovered through internal processes, I’m delighted and that’s obviously the most desirable and probably the best fail-safe. But if there are other ways that it gets uncovered when it doesn’t get uncovered internally I’m very happy and that’s the reason, I guess, why we have things like Correctional Investigators and what have you.” (Edwards 7985).

“The draft program strategy paper was sent out for a consultation process just as a final check, in effect, to make sure that we had captured what was in the research in a way that was meaningful for program development in a way that spoke to people who were not part of the Corrections universe because sometimes when you are in corrections, you end up only talking to your counterparts and you have your own language and, you know, it’s not as broadening as it could be.” (Vanneste 112, Phase II).

Focussing on CSC’s effective internal sharing of information, a discernable amount of saturation was concluded in comparison to ineffective internal communication. Again, at the institutional level, communication focuses on: (1) management, (2) management and line staff, and (3) line staff.

At the management level of the institution, examples of effective communication include morning operational meetings (however no minutes taken), and cooperation between the IERT and management. Illustrations of effective communication between management and line-staff are management informing line staff of changes in policy, management attempting to communicate CSC philosophy to staff, and openness to line staff input. And last, examples of effective communication among line staff include leaving the oncoming shift written instructions/reflections and exuding a team player

mentality.

Management

“....My question was what steps, if any, did you take after you read this [Correctional Investigator’s report]? (Doody 8081). I cannot recall. I know for a fact that every time we get a CI report, we sit down as senior management and go through the report and determine what our position is on it. We do it in part for our own self-discipline and determine what actions need to flow from that. We also provide such a summary to the minister.” (Edwards 8081).

Management and line-staff:

“Just wanted to make sure that I mentioned that there was that linkage. We were not forgetting that there is no point in developing a program strategy and then not making sure that the staff who are in that facility are fully aware of it. I am not leaving it to chance.” (Vanneste 116, Phase II).

“So all of our staff have received that kind of training which, I think, puts them in a more empowered position to feel confident in dealing with crises as they may arise. I think the other kinds of preventative things that we’ll see in these new facilities are a very flattened organizational chart where it’s very easy for line staff to communicate directly with the Warden. And coming, of course, with that is increased levels of communication and all those things, I believe, certainly help us to prevent crises.” (Fox 878, Phase II).

Effective communication at the National Headquarters level focuses on communication among senior level staff. This category is slightly lower in saturation than poor internal information sharing among and between NHQ/RHQ and P4W. Illustrations include communication among senior management, consistent briefing of the Commissioner, and communication between NHQ/RHQ and P4W.

“In regard to the [regional] female institutions, if I might just comment on that, we have an extremely strong network of all five Wardens who are in contact, if not daily, certainly weekly on any number of these issues. And I’m certain that if a problem was starting to emerge, there would be phone calls quickly, depending on, perhaps, who the inmate is, where is the closest to that person’s home and the rest of it.” (Edwards 8244).

In summary of effective hierarchal patterns of communication within CSC, it is interesting to note the near identical saturation of ineffective and effective communication patterns as identified by CSC representatives. It appears that what exists on the ideological level (even evidenced in the greater source of ideological quotes at this level), is not clearly transferable to the material level. And once again, support was attained for the hierarchically structured authoritative constitution of CSC. Both effective and ineffective communication within CSC supports the existence of an hierarchical and authoritative ideological structure.

An area identified as both effective and ineffective hierarchal ideological control on behalf of CSC was hierarchal communication patterns with “violent” women. The categories of both effective and ineffective communication were equally and lowly saturated. However, although the levels of saturation with the women were nearly equal, it was determined that effective communication was primarily comprised of the inmate committee speaking on behalf of the inmate population, with individual women’s voices remaining silenced. And in addition, the inmate committee appears to be “allowed” to communicate, or are listened to when it is at CSC’s request/need. This supports that CSC is situated at the top level of the identified hierarchy, in a position of control.

Ineffective communication, that is, CSC not hearing and/or acknowledging “violent” women’s voices, ranged from not listening to the women to purposively not communicating with them. Examples include no communication with the women as to

why they were segregated, not completing a correctional plan with the women but rather doing it on them, general lack of communication among inmates and staff, an ineffective

inmate grievance system, and ignoring segregated women through unit managements non-attendance.

"But you have not, I suggest to you, ever told the women, 'You were right, we were wrong. And when we told you you were lying, we were wrong'? You haven't done that? (Doody 8199).

That we were lying? (Edwards 8199).

Well, you told the women they were lying. (Doody 8199).

I'm not sure that anyone told them they were lying. (Edwards 8199).

Well, you effectively did that, sir, when you denied their grievances. By "you" I mean the Service. (Doody 8199).

Okay. In that sense. (Edwards 8199).

Yes, in that sense. And you have never told them you were wrong and they were right; correct? (Doody 8199).

That is correct. (Edwards 8199).

Why not? (Doody 8199).

I, I can only defend myself under Section 7, that you are looking at the grievances.

If I revise the grievances, that, in itself, would be a way of conveying to them that what we had done would not be appropriate. (Edwards 8199).

That's right. It would be. And why haven't you? (Doody 8199).

Because I'm told that I should not deal with the grievances because of the pending court cases. (Edwards 8199-200).

Forget about the grievances. Why don't you write them a letter and say that, "what we did was wrong"? (Doody 8200).

It's an interesting idea. It's not one that I thought of." (Edwards 8200).

"I never did what? (Edwards 8223).

Respond to his concerns [Mr. Stewart - lawyer]. (Doody 8223).

We responded to him and I would agree the letter was not as inclusive as it should have been. (Edwards 8223).

The letter did not respond to his serious concerns? (Doody 8223).

That -- (Edwards 8223).

Right? (Doody 8223).

I would agree, the letter was less than the best letter we have sent." (Edwards 8223).

"Now that you know -- now that the Correctional Service of Canada knows that what these inmates wrote was right and that the Correctional Service of Canada was completely and absolutely wrong when it told them that they got the facts wrong, has the Correctional Service of Canada said to any of these inmates: We made a mistake, we were wrong, you were right? (Doody 7396).

Not to the best of my knowledge. (Graham 7396).

Why not? (Doody 7396).

I don't know. (Graham 7396).

Hearing and acknowledging the inmate's voices, or effective communication, includes implicit communication between women and staff, recognition that the women should be heard, with a specific example being acknowledgment that consent has to be gained from the women in the prison setting. Of interest, however, is that effective communication was primarily comprised of the inmate *committee* speaking on behalf of the inmate population, with individual women's voices remaining silenced. Examples of communication between P4W and the Inmate Committee which communicate its assistance to P4W include using the inmate committee as a go-between with the staff and inmate population, asking the inmate committee for advice about other inmates, and recognition that peer support has a function in the institution. It follows that CSC remains in authoritative control in a hierarchical dynamic, because hearing and acknowledging the women's voices are to its benefit.

"In some cases, the Inmate Committee assists in the daily operations of the prison. An example I can give you that sort of comes to mind is that if we were looking at trying to reintegrate a woman who for, whatever reason, had been taken off the range area, or we may be wanting to try to reintegrate one of our Protective Custody cases, we would speak to the Inmate Committee, and we would ask the representative of that living unit to canvass the people within in the living unit, to try and get a sense of whether or not it is safe to integrate the woman on that unit, or whether it's not safe; whether they're prepared to accept her, or whether they're prepared not to accept her." (LeBlanc 590).

"I guess there is an invisible line there that they could cross. And they know when they do, and so do we." (Dafoe 2408).

Could you tell us, please, what is your understanding of the purpose of having an institutional inmate committee? (Connolly 6643).

It affords an opportunity for the management of the institution to have a body representative of the population to discuss issues with, to consult in certain policy areas with, and to look at problem issues and hopefully come to a solution." (LeBlanc 6644).

All right. So a fair summing up of that would be that an inmate committee could serve as a bridge between the general population and management? (Connolly 6644).

Yes. (LeBlanc 6644).

“And one thing for sure that I wanted to tell you is, your voices [inmates] have been heard in programming at Kitchener.” (Bannon 238, Phase II).

In summary of the effective and ineffective communication patterns of CSC, the embedded nature of hierarchical ideological control or authority within the confines of CSC was revealed. The importance of the finding, once again, to the “violent” female offender is that Hypothesis #1 concluded CSC ideology supports the identification of “violent” women as “unnatural/evil” and other powerless identities. With oppression being a key component of a hierarchy, the depth of CSC’s identified hierarchy of control is suggested to require further examination.

A final and notably saturated category which emerged from this research is **CSC willingness and openness to enact change in policy (and ensuing practice)**. In order of greatest saturation, this ideological position was exemplified through (a) CSC claiming to have learned from its experiences, (b) CSC currently progressively moving forward, and (c) CSC expressing an open attitude toward progressive policy (and practice) change(s) in the future. It is an important and encouraging finding that CSC identifies itself as an evolving, rather than static, institution. The degree to which CSC is open to future

change and progress, however, is questionable based on the above findings, but it is acknowledged at minimum on an introductory ideological level. This is a very important finding with regard to the potential for progress at the regional federal women’s institutions.

CSC's identification of learning from experiences and history was the most saturated category. In several venues CSC identified experiences with the P4W incident as mistakes. This included CSC re-evaluating its own actions and identifying areas in which action should have been taken. Areas CSC identified as in need of re-evaluation included: incomplete reports/log books, bartering with the women for a body cavity search, not allowing calls to lawyers, inappropriate individual officer discretion at times, the Board of Investigation should have viewed the entire IERT video, and P4W should have followed the CD on the use force and when it should be applied. Several illustrations are provided.

"I had indicated that the intent, as it is described in Directive 041, I believe, is essentially a fact-finding venture, and it is important for us to find out the facts and rectify them at the site, and to share them with other sites and avoid repetition, and to do that as quickly as possible." (Kulik 316).

"Yes, it could have been avoided if it were a perfect world and none of us made judgement calls. It also could have calmed Desjarlais down and everything could have worked out very well. In hindsight, it was not a good decision." (Morris 5427).

"My objective was to restore order to the segregation unit without injury and in my view that was a resounding success.

As difficult as this process has been for the staff and inmates, I would rather be sitting here saying we made some mistakes than trying to rationalize why someone was injured or killed. So from my point of view, the objective was met and well done." (Cassidy 5910).

"And would you agree with me that what we've been examining in these proceedings has been a CSC failure to meet that particular objective? (Scully

8290).

There clearly were many, many mistakes made throughout this process. I'm not sure that it was the special needs that weren't addressed properly. I don't think that needs period were addressed properly...." (Edwards 8290).

"And would it be accurate to say that as a result of that fact, the women's needs tend sometimes to be overlooked in policy formation? (Edmond 7582)

Oh, I, I couldn't agree more. That's why I, with considerable pride, looked at the number of changes that we made recently to accommodate all of those exceptions for the new facilities, so that we could finally start to set a consistent policy

framework that would apply, because we don't want to create this culture again."
(Graham 7582).

Continuing on from CSC indicating that it had learned from its experiences, it also identified itself as *an organization that is currently progressing forward*, specifically in response to experiences with the P4W event. Illustrations include creation of new standing orders, purchase of new medical gowns, introducing new programming, recognized protocol for segregation due to identified inconsistencies and confusion, adoption of a different management strategy for illegal drugs in the institution, a new policy on appointing an external (to CSC) person to a Board of Investigation, having standard procedure for internal examinations, promoting a new holistic philosophy, and addressing specific training with regard to Aboriginal women and homophobia for the new institutions. Based on the importance of this finding, several illustrations are provided.

"We've had many discussions within the health care facility about how to do these body cavity searches. It used to be that we would be called to do a body cavity search without written requests and without anyone having approached the patient and we would spend hours in the institution waiting to find out if somebody (a) wanted the search and (b) would consent to the search. So to reduce that, we came up with a standard procedure, whereby a nurse would approach the inmate in advance, have the written letter in advance before our attending the institution." (Pearson 4677).

"The policies that led to that [IERT call into P4W] were wrong and have been revised." (Edwards 8044).

"It is very easy now to go to the logs and find out. I don't think any Warden in the country believes any longer that, since September '94, anyhow, that they can go in Segregation and not sign in." (Edwards 8128).

Why has it taken four years? This happened -- this policy came in place in November of 1991. (Doody 8129).

I don't think it's the end of the story now. I think we're going to find further adjustments in this and it's just going to be part of the on-going revolution of a large and complex organization.

I'm not certain that we have the right policy right now. So it's not a question of saying: Why is it taking so long to get here. Maybe all of this is a transition to

another step.” (Edwards 8129).

“...It’s now, sir, one week short of a year from when you wrote that. Has the -- has the situation changed, or are daily visits still a troublesome issue?” (Doody 8127). I think there’s been a lot of improvement. I’m going to be discussing that next Tuesday at our regular Executive Committee meeting and I would be very curious whether people themselves, the Deputy Commissioners and others, really believe that this really changed.” (Edwards 8127).

“....But others who had seen the video also said that they didn’t question the professionalism with which it was done. They just thought what was done was inappropriate. (Edwards 8091).

What do you think, sir? (Doody 8091).

I’ve already stated that and I’m happy to state it, again. I detested what I saw and I changed the policy as a result.” (Edwards 8092).

“You have agreed that as a result of all the inquiries that have been made over the last year now, that you have taken some corrective action and that, in regards to the deployment of the Emergency Response Team -- (Scully 8282).

That’s correct. (Edwards 8282).

-- new procedures have been put in place. Have you taken any other corrective action, sir? (Scully 8282).

Yes, I suppose we have. And I’m not sure that we can do fair justice to that, but we certainly have moved up as one of our top four priorities now, the examination of what is happening in segregation across the country and from that may flow new policies in that respect...” (Edwards 8282).

“I think -- really think the Service has already acknowledged that this is not something which ought have been done, by changing its directive, Madam Commissioner. Whether the law has been broken is a question for argument, in my respectful submission.” (Edwards 7792).

“I will come back to the statement that I have made before; that the findings, in the main, are valuable to us to understand what was happening at the Prison for Women during this period in its unhappy history and the recommendations, on the whole, valuable in further pursuit of reform at the Prison.” (Edwards 7935).

And a third acknowledgement of support for CSC being open to change in policy (and practice) is that CSC not only provided evidence of learning from its experiences and changing as a result, but it also revealed *openness to change in policy/practice in the future.* This includes acknowledgement by CSC that it is not perfect, the need to address

strip-searching, communication, physically lighter cell extractions, policy and CDs that account for women, creation of an inmate handbook, establish a women IERT, establish of an inmate grievance committee, and admittance when it, CSC is erroneous. This finding is of particular importance because it communicates an encouraging message that CSC will address progressive change in future policy and practice, as well as some of that which is currently ineffective.

“In regard to me putting women into male institutions, I don’t think we have got a pattern of protocols at the time. I suspect that we’ll have to have something a bit more formal down the road....” (Edwards 8244).

“I am glad you said the word “evolving” because this certainly -- yes. This was part of a new learning process. I think Dr. Fehr is well describing that process.” (Graham 7521-2).

“The written information packages would be – is a definite idea. I’d refer to it as an offender handbook that would be handed out prior to anyone going there [specified prison] so you know exactly what it is.” (Bannon 268, Phase II).

In summary of Finding III, and referring back to the original hypothesis, *CSC ideology is a manifestation of control of “violent” female offenders*, as revealed the

hypothesis was supported with one main extension. The core variable control materialized as *expansive* and *hierarchal* ideological authority by CSC over itself and others, including “violent” female offenders. Analysis of the data revealed a broadened concept of control from the original direct focus on the “violent” woman offender to a more overarching and clearly hierarchal form of ideological control endemic to the structure of CSC.

Working from within a socialist feminist framework (material and ideological focus), and drawing upon Finding I, that CSC ideology supports the identification of “violent” women as “unnatural/evil” and other powerless characterizations, it is proposed that the ideological foundation of CSC be further examined. To reiterate, it was uncovered

that powerless characterizations of “violent” women were part of the ideological foundation of CSC and in turn served to maintain its capitalist patriarchal structure. Drawing upon the present finding that the ideology and ensuing practices of CSC are deeply ingrained in CSC’s structure (such as the existence and constitution of CSC’s rules as will be examined in Finding IV), the new federal regional female institutions need to be examined in light of this. The question that renders asking is to what degree, if at all, has the identified ideological foundation of CSC toward “violent” female offenders in 1994 transferred into the new regional institutions at the ideological and ensuing material levels? Further, inherent to a hierarchical structure is oppression. And given CSC’s identified expansive hierarchical authority, it is suggested that other potential forms of oppression be examined, such as race. The next section, Finding IV, focuses on material control.

FINDING IV: CSC PRACTICE IS A MANIFESTATION OF CONTROL OF “VIOLENT” FEMALE OFFENDERS, ACKNOWLEDGING AN ELEVATED LEVEL OF DISCRETION ON THE PART OF CSC STAFF, WHICH FACILITATES OPPRESSIVE PRACTICES¹⁶²

As reviewed in the prior finding, a core variable to emerge in this research is control, in both ideological and material forms, with somewhat greater saturation in the latter form. To reiterate, the definition of control identified at the start of this research was: “on the ideological level it refers to exercising a governing, ruling or regulatory influence over individual(s). On the material level it means to restrain or curb. On both levels it involves the exertion of authority, whether tangible or perceived, of one individual(s) over

¹⁶² Illustrations provided in this section include more general examples in comparison to other sections (not restricted to, but inclusive of the “violent” female offender).

another individual(s)” (Dell 1999c). This definition, with its implied hierarchy, was supported in the findings of this study. Directed by the data, the concept of *ideological control* was broadened from its original focus on the “violent” female offender, to a more expansive and clearly intrinsic hierarchal and authoritative form of control by CSC, which included “violent” females, CSC and others. The finding that control was expansive and deeply embedded throughout CSC’s ideological structure raised concern about the level of ensuing influence over material practices at CSC. Focussing on material control, analysis of the data supported the presence of oppressive hierarchal and authoritative control. Unlike ideological control, however, material control surfaced in the court transcripts as very specific to the treatment of the “violent”

female offender, with presence on a more general level as well.

This section focuses on material control, which is the use of physical force by CSC, in particular frontline and IERT staff¹⁶³. Evidence of material control is effortlessly evident when discussed in material forms. Segregation, the IERT and its cell extractions, and the application of rules were identified as the primary means of material control in this study. The original hypothesis, *CSC practice is a manifestation of control of “violent” female offenders*, was clearly supported, with the addition of individual officer discretion. Each category and its level of saturation in the realm of the hypothesis is reviewed. It is important to note that although material control, that is CSC’s tangible actions toward “violent” women, is the focus of this section, the close association with the ideological foundations of CSC which support such actions should be acknowledged. And as

¹⁶³ Note that physical control is apparent in tangible actions as well as inactions, such as not providing amenities.

identified in the existence and constitution of rules (see Finding III), this ideology is largely based on the belief that “violent” women need to be controlled because they are out of control, and as well this is endemic to the overarching ideology of authoritative control on the part of CSC.

In order of least saturation, the three categories which emerged from this research are: (a) segregation, followed quite imminently by, (b) IERT and cell extractions, and then the most highly saturated category in this study, (c) the application of rules. Focussing on the segregation category, it was a highly saturated category in this study (though not comparatively in this section), with material control being based within: (i)

the need to regain control (with a relationship to security, order and safety), and (ii) dissension in CSC staff agreement on the use of segregation. The level of non-support for segregation was slightly under half the saturation of the need for its use to regain control. The IERT and its extractions followed closely in saturation to segregation and similarly focussed on the need to regain control. Similar to segregation, the material IERT actions were based upon: (i) the need to regain control, (ii) the need for security, order and safety, and (iii) the use of intimidation. The categories of control and safety, order and security emerged from the data analysis separately, with control receiving nearly twice the saturation as safety, order and security. Intimidation received somewhat less saturation than control, but more than security, order and safety.

The application of rules was the third and most highly saturated category¹⁶⁴, garnering nearly eight times the saturation as the IERT and cell extractions and nine time

¹⁶⁴ Noting again that it is also the most saturated category in this research.

segregation. Recall that the existence of rules was exceedingly saturated at the ideological level as well¹⁶⁵. The application of rules is divided into ineffective and effective, with ineffective receiving over four times the saturation as effective. Ineffective rule application emerged from the data as: (a) CSC disregard for existing and outlined rules, (b) CSC following general guidelines (in replacement of outlined and existing rules), and (c) limited training for staff/limited resources. The most highly saturated category was following general guidelines, followed by two-thirds the

saturation with disregard for outlined and existing rules, and then comparatively limited concentration in training for staff/limited resources. As will be discussed in this section, all three categorizations of ineffective application of rules are associated with and contribute to individual officer discretion.

The category of disregard for existing and outlined rules is primarily comprised of CSC not following established rules, followed with nearly one-half the saturation by CSC being unaware of rules, and extremely limited saturation in too many existing rules, absence of rules, and ambiguous areas in rules. Following general guidelines is near equally saturated with staff discretion and staff interpretation of rules, followed with approximately half the saturation by not providing amenities, accounting for particular circumstances and an emergency situation. And third, limited training for staff/limited resources was nearly equally saturated and comprised of staff not trained for P4W and learning on the job (with slightly greater saturation in the latter category). And last, effective application of rules centred on abidance to the “Rule of law”.

¹⁶⁵ Note that combination of the ideological category of existence and constitution of rules and the material category of application of rules would result in an exceptionally high level of saturation.

Examining the findings from within a socialist feminist framework, once again the clear linkage between the material and ideological levels of control is supportive of socialist feminism's unification of the systems. To review the findings at the ideological level, an encompassing hierarchical and authoritative nature of control within CSC was uncovered. It applied to "violent" female offenders, CSC itself, and others. Hierarchical authority, with the aim of control, was identified as deeply embedded within CSC's ideological structure and foundation. This translated into the characterization of "violent" women as out of control ("unnatural/evil" and inherently determined), which

has been designated as a powerless identification. Further, the uncovered discernable hierarchy of authoritative control introduces the inherent oppression characteristic of an hierarchy, and the resulting need to examine this within the context of the "violent" female offender (specifically the deeply entrenched ideology of CSC toward "violent" female offenders). On the material level, and the focus of this finding, the data revealed specific attention to the "violent" female offender and the application of physical control. Within a socialist feminist framework, evidence of both material and ideological control of the "violent" female offender by CSC supports the perpetuation and current operation of capitalist patriarchy within the structure of CSC. Socialist feminism's explanatory relevance is addressed for each of the three material categories.

Segregation is a candid form of material control of "violent" female offenders by CSC. Applying a socialist feminist understanding, the use of segregation supports the identification of "violent" women as "out of control". Essentially, in response to CSC's identified out of control conduct by "violent" women (i.e., "unnatural/evil" and other

powerless identities) (see Finding I¹⁶⁶), the women were physically responded to and thus controlled through segregation. The aim of segregation is security, order and safety of the institution, including incarcerated individuals.

Near identical to the use of segregation, the intent of the *IERT and cell extractions* was also to regain control (incorporating safety, order, security and intimidation tactics). To reiterate, a socialist feminist understanding suggests deployment of the IERT

and conducting cell extractions supports the identification of “violent” women as out of control.

And third, a socialist feminist explanation of the highly ineffective *application of rules* is of integral importance to this research. Disregard for existing and outlined rules, following general guidelines, and limited training for staff and limited resources, each articulate that individual officer discretion influences the functioning of the institution. Institutional ideology, as reviewed, highly contributes to the functioning of the institution and actions of CSC staff, however, the increased identification of individual officer discretion introduces yet another means of oppressive control of “violent” female offenders. As will be discussed in Finding V, the role of racial oppression is of particular concern. A socialist feminist understanding earmarks that the ideology uncovered supports a capitalist patriarchal view of the “violent” female offender, however, individual ideology and practice is dependent upon individual staff discretion, which can be highly variable. It was concluded in this study that the enactment of individual staff discretion led to extensive mistreatment of “violent” female offenders. It is suggested that individual

¹⁶⁶ Recall the conduct for which women were identified as “out of control” was highly defined as “powerless” – non-physical/verbal and the characterization of physical.

staff discretion be further examined in future research.

And last, examining the *effective application of rules*, the term effective does not necessarily denote “good” in this research (refer to Finding III - adherence to rules). It simply reveals that existing rules are followed, noting that following rules is only one fifth as saturated as disregarding existing and outlined rules and following general guidelines (and limited training/resources). Strict adherence to rules is termed the Rule of law, and is communicated in the research findings as control. It was uncovered with

regard to Finding III that at the ideological level CSC advocated their adherence to the Rule of law, but at the material level uncovered in this section, this was not supported. In addition, existing rules are at their very foundation associated with the ideological foundation of CSC, which has been identified as supporting the maintenance of capitalist patriarchy. Finding III concluded that powerless characterizations of “violent” women are part of the ideological foundation of CSC and are a means of control/oppression.

DIAGRAM L: CONTROL: MATERIAL FOCUS

CONTROL

MATERIAL

IDEOLOGICAL

(See page 248)

4. (7%) Segregation
 - (63%) To regain control (relation to security, order and safety)
 - (37%) Not all CSC agree with segregation
5. (11%) IERT & cell extractions
 - (44%) To regain control
 - (21%) Security, order and safety
 - (35%) The use of intimidation
6. (81%) Application of rules
 - (81%) *Ineffective (poor control)*
 - A.. (38%) Disregard existing and outlined rules
 - (54%) Not follow established rules
 - (33%) Unaware of rules (includes Warden)
 - (6%) Too many existing rules
 - (4%) Absence of rules
 - (3%) Ambiguous areas in rules which contributes to their inconsistent application
 - B. (49%) Following general guidelines
 - (31%) Staff discretion
 - (30%) Staff interpretation of rules
 - (16%) Not provide amenities
 - (13%) Particular circumstances
 - (10%) Account for emergency situation
 - C. (13%) Limited training for staff/ Limited resources
 - (45%) Not trained for P4W...leads to...
 - (55%) Learn on the job
 - (19%) *Effective*
 - (100%) Rule of law

In analysis of the data, one means of material control of “violent” women by CSC

was **segregation**¹⁶⁷. The intent of segregating women was to *(re)gain control* by placing limitations and restrictions on women who were “out of control”. Control was identified by CSC as safety, security and order of the institution. It is important to acknowledge that the women’s behaviour is identified as the justification for their placement in segregation (see Finding I). That is, CSC identified the women as having acted out of control and so in response they were physically controlled. Linking this finding back to CSC’s identification of women as “violent” offenders, it provides support for the inherent connection between ideological control and its material ramifications.

“I believe that if an individual is considered to pose a risk to the safety of individuals, of other Staff, or the safety and security of the Institution, then that individual can justifiably be kept in segregation.” (Kulik 324).

“What was the major issue of that [staff] demonstration?” (Cournoyer 1790).

“That we need a SHU for violent women.” (Boston 1790).

“What is a SHU”? (Cournoyer 1790).

“It is a Special Handling Unit. Hopefully outside of our own institution -- a separate building -- where violent women can be housed in a safe environment for themselves, and also for the officers.” (Boston 1790).

“Apart from what is in this document, were you given any other reason why you would be kept in segregation? And those reasons are: The incident jeopardizing the security of the Institution; the continuation of your inappropriate behaviour; and no available alternatives.” (Cournoyer 1634).

“...That is our current practice long gone – long are the days one when we look at

self-injurious behaviour as something that requires crisis segregation. That is taking into consideration as long as there are not other factors involved such as drugs or alcohol or under the influence.” (Bannon 803, Phase II).

¹⁶⁷ Similar to control, safety and order being the aim of segregation, so too is it for placement on B-Range in P4W:

“Basically it is because of disruptive behaviour within the institution, which make it difficult for them to remain, and difficult for us to supervise them, within the other ranges of the institution. It is a more highly supervised area. It has more controls in regards to security, and it is managed differently in regards to security and movement than the other ranges and living areas of the Prison for Women.” (LeBlanc 525).

An interesting finding is that although segregation was identified by CSC as necessary for the safety, security and order of the institution, it was also apparent that its use was ***not supported by all CSC representatives***. It was suggested that segregation was over-used and fostered a negative atmosphere (mental health issues such as sensory deprivation, depression, tense atmosphere, and self-injury), which was counter-productive to the identified goal of segregation being reintegration¹⁶⁸.

“...and there is also another worry that I have and that is in relation to many of the best European prison services, we do tend to use segregation more than they do.” (Edwards 7813).

“It has been long established or understood that to simply keep somebody locked up for 23 ½ hours a day and letting them out in a yard to walk around in a circle for half an hour is not perhaps the way to do things. And I think we have a lot of deceased staff and a lot of deceased offenders to substantiate that.” (Crawford 1618, Phase II).

The second recognized form of CSC material control is the **IERT and cell extractions**. Similar to segregation, the primary aim of deployment of the IERT and conducting cell extractions was to ***(re)gain control*** (or perceived loss of). The data revealed that CSC felt control over the women was greatly weaning or lost. CSC’s perceived loss of control and need to regain it is apparent in the following quotations:

“I called the team specifically because of the condition in Segregation and the fact that I don’t believe we had control of that unit any longer, given that staff

were not safe to do patrols.” (Cassidy 5614).

“I don’t know if they told me at that point they were talking of calling the team [IERT] in because the unit was out of control or not.” (Bertrim 3535).

¹⁶⁸ For further support of this position, see the work of Martel, J. (1999). *Solitude & Cold Storage. Women’s Journeys of Endurance in Segregation*. Edmonton: Elizabeth Fry Society of Edmonton.

"I am sure that I was aware there would be an emotional impact from the response. I was of the view that the need to restore order and preclude any further injury to staff or to the women was more important." (Cassidy 5640-41).

Use of the IERT to (re)gain control over the women was linked to physical **safety**, **order and security** within the institution, including staff (i.e., physical well-being), women on the quiet side of segregation (i.e., fear of riot), women in the general population (i.e., fear of riot), and the "violent" women themselves who were in segregation and had been involved in the incident (i.e., self-injury). Similar to segregation, the identification of control was for the safety, order and security of the institution¹⁶⁹.

"The purpose of having the Emergency Response Team there was to ensure safety and security." (Morrin 5233).

"It's...The, the hearsay you just gave me, I think, is quite accurate, that the IERT was created many years -- the ERT concept was created many years ago - and I'm being relevant, I hope - was created many years ago in order to provide a predictable and what we certainly regard as professional means to [over] undertake very difficult operations that [were] endanger[ing] lives of inmates and staff." (Graham 7002).

"I don't recall discussing specifically whether it would be legal [IERT]. I recall discussing the details of what would be necessary to be safe. I don't recall any discussion about legalities." (Morrin 5233).

A central aim of the IERT was to **intimidate** the women as a means to (re)gain control. This included the IERT's use of protective equipment (baton, shield), physical restraint, and tactics such as the element of surprise (attack), threatening, and instilling direct fear by not speaking to the women.

¹⁶⁹ It is important to note that lack of support for the deployment of the IERT was revealed by CSC, however, it was unintentionally not coded.

“And the entire atmosphere was extremely oppressive and intimidating. (O’Conner 4930).

At the time of the IERT? (Pearson 4930).

Yes. (O’Conner 4930).

Yes. (Pearson 4930).

“What does the team wear? (Jackson 2178).

They wear a black combat suit. (Dafoe 2179).

What equipment do they typically have on the black combat suit? (Jackson 2179).

Usually, protective gear, consisting of shin pads for their legs, safety boots. They would have what we call a “slash-proof” vest, elbow pads, to protect the arms.

They would wear protective gloves, a gas mask, and a protective helmet. (Dafoe 2179).

....

What is the reason for all of this equipment? (Jackson 2179).

For the safety of the team member. (Dafoe 2179).

Are there any other reasons? (Jackson 2179).

I suppose, collectively -- looking at a team suited up, it would have an intimidating factor on an individual if they were to face the team.” (Dafoe 2189-90).

“...Were the women co-operating? I think generally, after they -- basically the intimidation tactics, et cetera, they decided that they would co-operate....” (Graham 7009).

The third, and most highly saturated area of material control is CSC’s **application of rules**. The transcripts revealed that CSC exercised material control through the application of rules, but was highly ineffective in doing so. This had a direct impact on the women in that they were being controlled inconsistently and at times illegally. Ineffective application of rules was the highest saturated category in this study. CSC’s identified aim is for the institution to be administered in a controlled fashion (see Rule of law in the next Section: Effective Application of Rules, and Finding III for examples of ideological control revealing an inherent hierarchy). However, ineffective control was conveyed in terms of: (a) disregard for existing and outlined rules - not follow established rules, unaware of rules, too many existing rules, absence of rules, and ambiguous areas in rules, (b) following general guidelines - staff discretion, staff interpretation of rules, not provide amenities, account for particular circumstances, and emergency situations, and (c) limited

training for staff and limited resources - not trained for P4W, and learn on the job. These three categories in turn support individual officer discretion¹⁷⁰. There was also effective application of rules, which is associated with the Rule of law, noting it was very lowly saturated in comparison.

A. INEFFECTIVE APPLICATION OF RULES

(A) Disregard for Existing and Outlined Rules

A central finding was that *CSC did not follow established rules*. This ranged from not recording required information in a segregation log book, to not responding to inmate complaints, to not following the CCRA (i.e., no programming offered in segregation). The role of individual officer discretion is clear in this milieu. Due to the significance of this finding, several illustrations are provided:

“And then with respect to what is to happen after the use of gas there are three boxes [on this report sheet] that say: shower and change of clothing provided; decontamination of area completed; inmate moved to another cell. All of those are checked “no”. All of those things that required under the use of force policy? (Jackson 5534).

Yes. (Cassidy 5534).

And they weren’t done? (Jackson 5534).

No. Not specifically. (Cassidy 5534).

“And the critical issue with respect to access to counsel is why the Correctional Service did not comply with the law? (Jackson 7817).

Yes, I agree”. (Edwards 7807).

So you were aware, I suggest to you, that to allow Ms. Hilder to make all five visits [to segregation] would not be in accordance with the law [which she did]? (Doody 5300).

It would not be in accordance with our standing order, yes. (Morris 5300).

“And with respect to this case, are you in a position to concede on behalf of the

¹⁷⁰ To reiterate, drawing upon the findings in Part A, officer discretion is highly influenced by the expansive and hierarchical ideological foundation of CSC. This ideology is supportive of a capitalist patriarchal view of “violent” women offenders.

Service that the legal requirements with respect to exercise for these inmates were not met? (Jackson 7809).

I would suspect, without asking you to draw my attention to what the inference is on that, I suspect you're right...." (Edwards 7809).

A second indication of CSC's departure from existing and outlined rules is that in general CSC was ***unaware of the rules***. Examples include not knowing such rules as an inmate's right to attain council within 24 hours of placement in segregation, that all women are to be strip searched upon placement in segregation, a woman must be showered after being maced, and having only partial knowledge of the CCRA, Commissioner's Directives, Standing Orders, and Post Orders of the institution. Again, the consequential role of individual officer discretion is evident.

"Is it fair to say that what you now know as a result of preparing to give evidence in these proceedings and what you now know of the directives is somewhat different at least from what you knew in 1994?" (Jackson 5655-6).

I believe that to be true. (Cassidy 5656).

"I wonder if I could take you back now to April 22nd when the inmates were being brought into Administrative Segregation from the "B" Range landing after the incident.

Do you recall that, ma'am? (Doody 2847).

Yes. (Power 2847).

When they came in, did you advise them that they had the right to retain a lawyer and make sure that they had an opportunity to speak to a lawyer? (Doody 2847).

No, I don't believe I did. (Power 2847).

Did you know at the time that inmates who were admitted involuntarily to Administrative Segregation were supposed to be told they had the right to retain a lawyer and were supposed to be given the right to do so?

Did you know that then? (Doody 2847).

No. (Power 2847).

"And according to the Commissioner's Directive on that point, CD-84, the inmate is supposed to be allowed to communicate with counsel by telephone as soon as practicable and, in any event, within 24 hours. Were you aware of that, in 1994? (Jackson 5489).

I don't recall when I became aware of the 24-hour guideline. (Cassidy 5489).

The 24-hour guideline is not, I believe, referred to in the prison's standing order

or in the post order; are you familiar with that? (Jackson 5489).

Yes, I believe I reviewed that with you, yes. (Cassidy 5489).

And is it fair that you're not sure that the directive to provide access in any event within 24 hours, that may not have been the procedure at the Prison for Women, in 1994? (Jackson 5489).

That may be correct. (Cassidy 5490).

In fact, it probably wasn't in that it's not anywhere to be found and you didn't know about it? (Jackson 5490).

Yes." (Cassidy 5490).

It was established from the data that the Warden in particular was not aware of the rules of the institution, and had only a “working assumption” of its operation. Two examples include the Warden never having seen a strip search conducted, and not knowing how the IERT operated. This was similarly identified for individuals at higher levels of management at CSC, but not to such a notable degree (this finding is particularly important in consideration that the Warden is identified as having the ultimate authority/responsibility, see Finding III).

“...So in principle, the accountability rests with me, but in practice, other senior staff have to carry a lot of the burden, as well. (Edwards 8267).

So if we put it, coming from the other direction, it would be fair to say, again if we would look at these documents, that you are so far removed from the front line that you cannot be expected to know what goes on on the front line? (O'Conner 8267). Again, as you would expect, not a simple answer.” (Edwards 8267).

“Were you told at the time that the reason they weren't showered was because of security concerns, or is that an assumption you're making now? (Jackson 6348). No, it's an assumption I'm making...” (LeBlanc 6348).

A third recognized reason for the ineffective application of rules which reveals disregard for existing and outlined rules, is that *too many rules exist within CSC*. CSC revealed to have very elaborate and detailed policies. In fact, they revealed to be so elaborate and numerous that employees communicated feeling they were left with no option but to “cut corners”.

“Okay. And let me turn to certain other questions with respect to the law.

As Commissioner, do you expect the correctional staff and the managers of the Service to know the provisions of the Act, the regulations and the directives that apply to the activities they engage in and manage? (Jackson 7787).

Yes. The simple answer is yes. I would like to go beyond that, if I may. (Edwards 7787).

Yes. (Jackson 7787).

And suggest to them that one possible result of the work of the Commission and some of the findings of the Auditor General, I’m starting to become concerned that we may be asking the impossible of our staff. We have a piece of legislation that’s very detailed, with some 200 provisions in it. We have 134 Commissioner’s Directives. The average region has something in the order of 70 different areas of regional instructions.

I believe the Prison for Women has over 100 individual post instructions or standing orders and maybe we are, in fact, creating an impossible situation for some of our staff to keep on top of what all this means, particularly when it’s destabilized by a change in legislation as dramatic as the one in November of 1992. So the answer is, yes, obviously. If we set rules, people should follow rules. If there is law, people should follow law. That being said, if you put too much onus on people, what they’re going to do is put things aside and ad hoc them to the best of their common sense. (Edwards 7788).

“So policy in the Correctional Service is so complex that the Board of Investigation can’t address compliance with all of the policies. Is that fair? (Jackson 7197). There’s an immense amount of, of policy. And the amount of resources that we have, sometimes you, you weigh off whether you can do certain things or do certain other things.

You have to set appropriate priorities according to the law. The law clearly drives us from the paramountcy of public safety....” (Graham 7197-8).

Opposite to the above finding, a fourth area of CSC’s ineffective application of rules is the ***absence of rules***. This finding supports that the lack of rules in certain areas contributes to stress and instability for both staff and inmates in the institution. Once again, the consequent enactment of staff discretion is apparent. Suggestions for the development of rules included the need for specific material institutional Standing Orders (i.e., how to do IERT video).

“I don’t think I had as strong a fix on the P4W as the Regional Deputy Commissioner of Ontario. But I guess from my first briefings when I came into the organization, it was reasonably clear that P4W is a rather confused place and

certainly my first visit there and subsequent visits would indicate that it is a prison unlike other prisons.” (Edwards 7903).

“...Do you recall seeing these new Segregation procedures that were drafted and circulated apparently in midish June of 1994?.... (Jackson 3937-8).

Yes, Mm-hmm. (Warnell 3938)....

And apart from the fact that they changed the names of Dissociation side and the Quiet side of segregation from Diss and Quiet side to Unit B and Unit A, were these procedures new or merely a statement of the procedures that were supposed to have been in place all along? (Jackson 3938).

I think they’re mainly a restatement of procedures. (Warnell 3938).

....

Indeed, they almost entirely mirror what was supposed to be happening in segregation throughout 1994? (Jackson 3938).

Correct. (Warnell 3938).

Why, then, was it considered necessary to provide a statement of the procedures, do you know? (Jackson 3938).

No, I don’t. Unless -- the only thing I could suggest is that these procedures weren’t being followed if people were being admitted to Segregation and not being given the personal effects, or giving too much of their personal effects.” (Warnell 39398-9).

A final area with respect to CSC’s disregard for existing and outlined rules is the existence of ***ambiguous areas in rules which contributes to their inconsistent application***. Similar to the absence of rules, inconsistent application of rules results in instability (and stress) in the institution for both inmates and staff. The identification of ambiguous areas includes CDs not always applying, and selective application of CDs if they do not pose undue risk to staff. Once again, the role of individual officer discretion is clear.

“And we had -- I had, myself, told her a couple of times, you know: You have to put that bed back, it’s not supposed to be there. This is the ruling, you know, explained it to her. And she wasn’t pleased about it and verbalized that she wasn’t pleased about it quite vocally.

And the next day I came in and there was a handwritten note on the bulletin board saying: Please leave inmate so and so’s bed by the door as not to rock the boat. And it was signed the Deputy Warden.

So, to me there was a blatant rule that - because we didn’t want to rock the boat a little bit - that should be followed for obvious reasons, that was being changed

for just that one particular person. It wasn't being changed for all, to my knowledge." (Bertrim 3843).

"While we are on the subject of this standing order, perhaps I could get you to turn to page 5, para 16. It says there:

The use of mace is contradicted on inmates with the following: Asthma or lung disease, severe allergies, open sores. And then treatment is:

Bathing immediately following and flushing eyes for 10 minutes with clear water. Is that correct? (Scully 4999).

These are the nurses' standing orders. That is what I request the nurses to do in my absence. (Pearson 4999).

All right. Now, did you not tell Mr. Cournoyer in-chief -- in fact, I maybe should refer you properly to the transcript at page 4528. (Scully 5000).

I think I remember what I said. (Pearson 5000).

Okay. Do you recall what you said? And do you have any explanation for the inconsistency? (Scully 5000).

My explanation is, I feel that my clinical judgement in the moment is equal -- is better than a standing order. I think that a protocol is important to use if there is no physician available to make the decision". (Pearson 5000).

Well, perhaps I should stop you there because what you actually said is, he asks:

Is that the standard procedure you use when you decontaminate an inmate who has been sprayed with mace?

And you answer:

I don't actually have a standard procedure for decontaminating a person. (Scully 5000).

I don't have a standard procedure for decontamination. (Pearson 5000).

This isn't yours? This standing order that you signed you don't consider applies to you? (Scully 5000).

That's correct. (Pearson 5000).

"...I mean, there is a lot grey areas at Prison for Women, and that's where the problem is. As far as the black and white, it's black and white and there's no discussion. There's no room for discussion calls and what not. But those black and white areas are very few, so there is a lot of grey there which makes room for inconsistencies." (Vance 1441).

(B) Following General Guidelines

The second form of ineffective material control is CSC following general guidelines, in place of existing and outlined rules. General justifications for following

guidelines in place of outlined rules include being too busy to follow precise rules, adherence to rules not being a static requirement, there not being specific rules for everything, and difficulty in accessing rules. Once again, the role of individual officer discretion is evident.

“I just want to ask you a general question first. Do you regard this document as a guideline having regard to the fact that you have had mace training, or do you regard it as something to be read quite strictly? (Edmond 2124).

This is from the Security Procedures Manual, but it is generally considered more of a guideline than something that would require strict adherence.” (Gillis 2124-5).

“...But the risk of the pressure developing is greater if the Guidelines are not followed than if they are.

Wouldn't you agree with me?

People are liable to get more upset if they are treated arbitrarily than if they are treated fairly and in accordance with policy? (Doody 457).

It is a matter of conjecture, but I would generally agree.” (Kulik 457).

The chief justification for following guidelines in place of rules is **staff discretion**, as elucidated to above. The application of rules is ultimately an individual staff member decision. Illustrations of staff discretion include staff belief that they know more about the material world of the institution through their working experience than the ideological foundations of the rules, policies, and the like; staff use of their intuition and/or ability to read inmates; and staff amending rules so they apply to the circumstances of women. Specific disturbing examples of staff discretion in the application of rules include not dispensing underwear, no or decreased yard time allowed, and not issuing blankets to women in segregation.

This is a notably important category because it is highly saturated and contributes to the finding that control at CSC is widely applied based on individual circumstances, rather than adherence to existing and outlined rules. This is of prime importance because consequently the women are treated inconsistently and at times illegally. It is also important because it reveals that it allows for the enactment of, for example, oppressive

attitudes and ideologies as identified in earlier sections of this research regarding the “violent” female offender. This could include racist and classist assumptions. Based on the importance of this finding, several illustrations are provided.

“I would suggest that if the offender was being abusive to staff I would not expect a staff member to take a telephone to that offender until that behaviour has stabilized satisfactorily.” (Cassidy 5578).

Even if the behaviour did not present a security risk? (Jackson 5578).

Yes.” (Cassidy 5578).

“The next documents I would like to refer to relate to Patricia Emsley. And the document I would first like to refer to is entitled: progress notes and doctor’s orders.

The particular date is April 22nd, 1994 and the page has the number 26 at the top

of the page; do you see that? (Thomas 4765).

Yes. (Pearson 4765).

I’m going to read the note:

All analgesic meds discontinued as per Standing Order for participating in assault on officers. Inmate resting in Seg.

Do you agree that that’s what the note says? (Thomas 4765).

Yes, it does. (Pearson 4765).

Now, again, that note appears to indicate that the reason why the analgesic medications were discontinued were because the inmates had participated in the assault on officers. (Thomas 4765).

Again, this note was written by a young nurse who was not aware of the reason for the discontinued use of the medication. I agree with what she did, I just don’t think that the reason she expresses in this chart is the reason that I believe it should have been discontinued.” (Pearson 4765).

“...We have two Statements from you: This is the Interview of Anne Power on August 14th.

Do you have that. (O’Conner 2900).

Yes. (Power 2900).

Page 7, at the top. It reads, starting with the second sentence on page 7:

I think some of the keepers override our decisions on rounds. I think this was done because of who the inmate was. If you start treating one inmate better than the other, you can have a lot of difficulty.

Does that reflect what you said to the interviewer? (O’Conner 2900).

There are times that happens; what I stated.” (Power 2900).

“...And, as I explained yesterday, there are times when there is an exception [to the procedures], but at that time, I just -- I don't know that I felt they should have used a request form. If they had asked me in a way that was any tone of respect, then, yes, you know, I might have felt it a little bit more, but when I'm being screamed at and told and demanded to get the Warden up here now, sort of thing, then it's, like, well, you have to follow this procedure...” (Bertrim 3712).
So it was a judgement call that you felt you had to make; correct? (Zambrowsky 3712).
I believe so, yes, sir.” (Bertrim 3712).

“If it is unusual, it should be reported to you? (Scully 1979-80).
Again, it is discretionary. It depends on -- it is hard to give a blanket statement as to whether or not they are going to report something.” (Gillis 1980).

Closely related to staff discretion is ***staff interpretation of rules***. This finding also supports the following of general guidelines in place of outlined and existing rules. And as discussed, these are influenced by the ideology of CSC. It also reveals staff interpretation being related to individual assumptions about how P4W should operate. As with staff discretion, this is a highly important finding because the implication is that staff are able to enact sexist and oppressive ideologies and attitudes identified earlier in this study (as well as the potential for others that were not examined/identified in this research).

“What do you interpret recreational activities to be? (Jackson 5721).
Well, they could be a variety of things. In segregation, very limited to something that could be done within the cell. Fresh air and exercise, in my view is somewhat different. (Cassidy 5721).
And how, then, do you interpret the requirement in the regulation that you are to take all reasonable steps to ensure that inmates get it? (Jackson 5721).
I believe subject to safety and security concerns our mandate is to provide an hour of fresh air and/or exercise each day.” (Cassidy 5721).

“And legal calls were restricted to three per week? (Cournoyer 5208).
We didn't restrict them to three per week. What -- we were trying to apply a reasonable interpretation of reasonable access, and we thought that that would be

more than generous, unless there were some exceptional circumstances. And, in fact, they exceeded three per week in many of the cases because there were exceptional circumstances, one of those being the transfers.” (Morris 5208-9).

“We recognize that perhaps some of the rules are wrong or unenforceable and if that’s the case, then they should be changed. But what we have is almost three times daily a new shift comes on and things are done in a different manner because the management on that shift see and interprets it differently. So there’s no consistency. There’s no consistency for the staff, there’s no consistency for the inmates.” (Ray 408, Phase II).

Within the rubric of CSC following general guidelines, specifically as a consequence of staff discretion and interpretation of rules, is direct CSC misuse of control by ***not providing amenities to the women***. It was concluded that staff provided amenities and services if the women’s behaviour was (what the staff defined as) “good”. If the women’s behaviour was what staff identified as “bad”, then services and effects were removed or not offered. This was a considerably saturated category. Examples include no access to counsel because being too noisy, allowing women a shower and removal of restraints if they agreed to a body cavity search, discontinuation of medication dispensing, and denial of basic amenities such as socks, face cloths, soap, towels, and tampons. Based on the high saturation of this finding several examples are provided¹⁷¹.

“Well, the inmates in Segregation, over the period of time we were investigating, which was the 22nd to the 26th of April, were acting out in a way that I think I could forgive anybody for not giving them exercise.” (Grant 5949-50).

“--it’s appropriate to do what you can to get a consent to the search of a vagina in order to eliminate the danger. (Jackson 7701).

It is a difficult choice and you’ve got a concept of law of the lesser evil or something of this kind.

Obviously, the provision of -- take an absurd example - of \$10,000 to accept a cavity search would probably be totally inappropriate. To promise them even -- it would be even less appropriate to offer them release from Segregation in return for it because that should be based on risk assessment, not on the agreement to a cavity

¹⁷¹ See Appendix H: Additional Support From the Transcripts for more illustrations.

search.

In this particular case, was it appropriate? I think I might have made the same decision if I'd been there. If I was reasonably convinced that they had weapons and knowing the turmoil that had gone on, I'd want to get those weapons." (Edwards 7701-2).

"Near the bottom of the page, after the word "Note:, it reads, and I quote:

"Water shut off - I/M's Twins, Emsley, Morrison, Shea & Young get nothing - no..."

The word "water" appears to have been written, it is crossed out and then: "ice". Then it reads:

"don't speak just do rounds as per CX6 Gillis."

Sir, did you advise officer Power, who was on duty that evening and filling out this log, that Inmates Twins, Emsley, Morrison, Shea and Young were to get nothing? (Doody 2104).

Yes. (Gillis 2104).

Why? (Doody 2104).

Because of their behaviour. (Gillis 2104).

Perhaps you could explain that to me? (Doody 2104).

They were verbally abusive to staff. Their behaviour was just totally unacceptable, and the only thing that you really have to negotiate with them is when it comes to a point where they want something. So, usually the rationale is once you start behaving yourselves, then we can enter into an agreement about what you want to get." (2104 Gillis).

"So if -- in the mind of the person seeking the consent there is a danger to not conducting the search, it's appropriate to do what is necessary to encourage that consent, short of the use of force?" (Jackson 7700).

I think so...." (Edwards 7700).

This is a particularly important finding because it reveals direct staff misuse of control (ideological and material) based on their own discretion. This discretion, as discussed, can be directly related to staff's own definitions of "violent" women and "good" and "bad" behaviour. It can also be attributable to the ideological foundation of CSC which has been identified as expansive and hierarchal in terms of control. As such, it supports the application of oppressive stereotypes to the women, based on the above affirmed primarily powerless identities of "violent" women.

The fourth means of following general guidelines is accounting for *particular circumstances*. The premise of this finding is that the operation of a correctional facility is highly dependent on individual static and arising circumstances. As such, situations that arise are assessed on separate bases, which leads to inconsistency and the application of individual discretion. Two illustrations are the IERT plan being departed from procedure because it was in a female institution, and CSC recognizing that each

institution is unique and has its own set of “unwritten” rules. It was revealed that staff did what they identified as best for their particular circumstance, which, once again, contributes to the inconsistent application of rules and concern that staff may not always be able to determine in solitude the best possible response.

“...On Friday I believe your evidence was that when the Plan was being implemented, either one or two female staff had volunteered to help out on the night of April 26th. Is that correct? (Connolly 2485).

Yes. (Dafoe 2484-5).

Did either of those women who volunteered have IERT training? (Connolly 2485).

No, I don't believe so. (Dafoe 2485).

So that was already sort of a departure from your protocol, to involve --- (Connolly 2485).

That is correct. I believe the Team Leader asked at the time if there was anyone on duty or if there was indeed anyone left at the Institution who had previous Emergency Response Team training, and there wasn't anyone on site that evening. (Dafoe 2485).

Okay. You felt comfortable as the Coordinator? (Connolly 2485).

Well, the Team Leader spent a considerable amount of time with that female officer describing how the Team would operate; from the time they responded to a cell, what they would do inside and what was expected of her.

So at least they familiarized her with the basic procedures of the Team.” (Dafoe 2485).

“Do you consider that leaving the women in paper gowns for almost a 24-hour period compiles with the requirements of paragraph 83(2)(a) of the Regulations? (Thomas 5349).

I think it complied with the requirements in the sense that it was ensuring the safety of the inmates. But it doesn't -- obviously, paper gowns don't really qualify as adequate clothing in normal circumstances." (Morris 5349).

"Now, given the obligations of an Institutional Head to advise the police when an offence which clearly fully contravenes an Act of Parliament is made out -- Does that include drug offences? (Raven 415).

It can. Definitely, yes. (Kulik 415).

When you say "it can", are you suggesting that there are circumstances when it would not? (Raven 415).

Yes. Essentially, it would depend on the quantity of drugs found. Our experience over the course of the last numbers of years is that the Courts are not necessarily the best place to deal with a small quantity of drugs. For example, a marijuana cigarette or something of that nature.

On the other hand, if we were to find a visitor bringing in a large quantity of drugs, then we would definitely turn it over to the police." (Kulik 415).

"Yeah, I think so. But I'm not sure - bear in mind, I was no expert at that stage. Even today I'm not in the intricacies of the Act. I'm certainly a lot more knowledgeable today than I was then.

But, as usual, one tends to rely on common sense. If it's really important to get them out [of segregation], let's get them out. Let's just make certain that we put them in the best place we can under the circumstances. And there were not really a lot of real options." (Edwards 7715-6).

The fifth, and final basis for following guidelines and not rules is the presence of an **emergency or crisis situation**. This is very similar to particular circumstances, but at the extremity. Illustrations include COs not doing rounds, the use of force, men strip searching women, and an untrained female correctional officer participating on the IERT. Several illustrations are reviewed.

"And I believe you indicated at that meeting you told the team members and the other people present who might self-injure and who might fight. (Thomas 4777). I discussed with them those patients I was most concerned about without giving their medical diagnosis. (Pearson 4777).

....

And is that information that you could disclose without a consent from your patients? (Thomas 4777).

I believed the situation to be an emergency situation in which I didn't feel that getting consent was necessary to reveal this information. I thought the information was essential for people to know in order to maintain the well-being of

my patients.” (Pearson 4778).

“I fail to understand why I keep having to repeat this. It was assessed that it was dangerous, unsafe to provide those telephone calls until the point at which the telephone calls were provided.

We did have an emergency. The emergency was the result of the inmates’ actions at the time. As soon as that emergency was dealt with the phone calls were provided at the earliest possible moment. (Morrin 5292-3).

But, Ms. Morrin, what you have sworn to this morning is that if there was an emergency issue which assume related to contact with counsel it would have been possible to do so. Can you assist us any further with respect to why it was not done? (Doody 5293).

We did not consider that to be the overriding emergency.” (Morrin 5293).

“And, in this case, the use of force report that was completed did not have the required report from the health care officer. It did not have the required weighing of the canister. It did not have any explanation for non-compliance with the decontamination policy as the policy -- as the form and policy requires. And it did not provide to the inmates the opportunity to provide their own versions of the incident.

Do you agree that all of those, first of all, are significant departures from the use of force policy and requirements? (Jackson 7914).

Yes. But let us try and put ourselves in the shoes of those people who had faced a very, very critical set of events. I’m not surprised that some things fell apart. And I have the feeling that if you and I had been there, we would not have been exactly filling in all the paper nicely and all the rest of it.” (Edwards 7914).

“...Would you refer to that behaviour as constituting an emergency as defined in paragraph 23? (Zambrowsky 2434).

Yes, I would describe that to be an extreme circumstance. (Dafoe 2434).

You felt that death or grievous bodily harm was likely the result, or extensive property damage was likely to continue? (Zambrowsky 2434).

Yes. I believed that if the Team did not follow the plan that was assigned to them by the Crisis Management that, minimally, there would be more assaults against Staff. Certainly the only property damage they could do once they were in their cells would be confined to their cells, other than littering the Range.” (2434).

(C) Limited Training for Staff/Limited Resources

The third area in which the ineffective application of rules was identified, though not nearly to the elevated extent as reviewed in the previous areas, is limited staff training and limited staff resources. This category encompasses unqualified staff (not know job

description, inexperienced, not know manuals) and limited available resources for training. It follows that if an aim of CSC is to exercise control through institutional safety, security and order, but does not allot the necessary resources for training, then it should be of no surprise that staff are applying rules inappropriately and following guidelines instead of outlined rules. Elevated individual officer discretion is inevitable.

It was uncovered that staff are *not trained specifically for P4W*. This included P4W having its own rules/ambiguous areas that are not addressed during core CO training, there being no CCRA specific training, and the training not being woman centred (i.e., not address effects of abusive backgrounds, self-injury, suicide prevention training for women, IERT treatment specific to women, and Native awareness cultural training specific to women's lives).

"While in CORP, there was 10 of us, 10 female officers on the CORP at that time. We all knew where we are going, which was Prison for Women, and any type of issues that came up -- for instance, one that I can pick right off the top of my head was when we were doing frisks. Again, we had no guidance whatsoever with the fact that while at Prison for Women it's a little bit different. Well, how is it different? Can you explain to us how it's different? And they are, like: "Well, no. We don't have anybody here that can tell you that, but in our opinion this is how you would do it"
And the way that they showed us how to frisk and the way that Prison for Women does it, our hands would be slapped. That fact that -- if I can explain it -- coming to the front, if you're behind the person, top literally put your thumbs up underneath the person's bra and roll them around: If we ever did that at Prison for Women, we'd probably be in another Inquiry." (Boston 1909).

"What is your attitude about training in the area of Native awareness as it relates to the Prison for Women? (Raven 1510). I don't believe it is enough. The knowledge I have has been learned through either Native inmates, through me asking, or through my own incentive to pick up something and read it. As far as a formal training goes, I was never offered that personally." (Vance 1510).

“Training has been woefully lacking. I think that came out time and again during phase I of the hearing. For example, oftentimes, we’re told, that during core training the training will be proceeding in terms of this is how you do X, Y or Z, except for you that are going to Prison for Women, you don’t do it this way there, but rarely were they told, this is the way you do it there. Sort of on the job, by osmosis, who knows.” (Ray 407, phase II).

A consequence of the lack of formal training for P4W staff is staff ***learning on the job***. This includes staff learning from their job experiences, mentoring/shadowing, asking questions and watching senior officers, and drawing on practical experience and front-line knowledge. The negative attribute of such learning is that staff are exposed to and acquire both the positive and negative behaviours of experienced staff, including following guidelines in place of standard rules, and reinforcement of possible existing sexist and oppressive ideologies and thus ensuing practices.

“....To my knowledge, there is no refresher course on the physical aspect of the security aspect of a Correctional Officer’s job. But there is always, I would say, on-the-job training that they do receive through their every-day job, through their supervisors, either the Officer-in-Charge, who would have perhaps more experience, the CO-2, and certainly the Correctional Supervisors, where they could ask advice and so on as to proper procedures, and feedback to those Officers as they work and do things.

*....
And certainly in regards to the discipline of inmates, as they write Charges, people review them and they can get feedback as to whether or not it was appropriately done, and certainly do get feedback in some cases from the Independent Chairperson, either by verbal feedback or in the fact that their Charge may well have been dismissed because of something that they did not do properly. They learn through those kinds of methods.” (LeBlanc 606-7).*

“...We learn from day to day and we incorporate and will incorporate a lot of the discussions that we’ve learned from around this table because we have – as much as we’re criticized with not maybe having a firm policy at this time, we also have the advantage of making a change as we go before we get into this, and hopefully we will address a lot of the issues that are being raised.” (Bannon 1369, Phase II).

The role of individual officer discretion has been a prominent theme throughout this section on the ineffective application of rules at CSC. It was concluded that staff used

immense discretion in their application of rules, based on what they perceived as their proper application (with the overarching aim of control), as well as direct misuse of rules (deny women amenities because identified as rude to an officer). The extent and thus weight associated with the finding of individual officer discretion has implications

for not only “violent” women offenders, but for all individuals incarcerated by and under the control of the Correctional Service of Canada.

B. EFFECTIVE APPLICATION OF RULES

In contrast to the extensive finding of CSC being ineffective at the application of rules, it was also concluded that CSC was at times **effective at the application of rules**. This was a highly saturated category, however, it was only slightly supported in comparison to the saturation of ineffective. CSC effectiveness at the application of rules centres on the concept of *absolute control* exercised by CSC through following rules and procedures and not questioning them, that is, *operating by the Rule of law*. A central assumption of the Rule of law is that it is procedural and treats everyone the same, as legal equals (Naffine 1990) (in Comack 1999). This is not supported based on the outlined findings. CSC puts forth a regulatory operational perspective, identifying itself as an organization with an ordered and sufficient environment, comprised of time lines, pressure, rules, procedures and discipline. Examples include record keeping in segregation, following Standing Orders, the IERT not deviating from its operational plan, filling out forms (such as to speak with the Warden), staff fulfilling their job duties, and staff faith in the rules and Warden. It is suggested that in review of the material and ideological findings of this section, CSC may at the ideological level operate effectively by the rule of law (and state some material examples of this), but overwhelmingly at the material level it reveals to

be highly ineffective. In short, CSC revealed to be of the view that it operates by the rule of law, at least on the ideological level. However, at the material level, it was concluded that it did not uphold the rules and abide by them, but

rather, it highly exercised individual discretion and arduously ineffectively applied its identified rules.

“The reason we have procedures in the institution is so that we have some sort of consistency....” (Bertrim 3712).

*“What is the purpose of asking the Citizens Advisory Committee to observe an incident? (Jackson 113).
It is openness. It is recognizing that we operate by the rule of law. We have nothing to hide.” (Kulik 114).*

“The procedure conducted on May 6th was again pre-planned that is the way they were to proceed [IERT]”. (Dafoe 2569).

*“In your discussions about daily exercise -- (Jackson 4082)
Yes. (Hilder 4082).*

--was the result of those discussions a conclusion by you that daily exercise could be denied, because of staffing issues or whatever, without violating the law, or that it was appropriate to violate the law or something else? (Jackson 4082-3).

The first. (Hilder 4083).

It was not in violation of the law. (Jackson 4083).

Correct. (Hilder 4083).

And that’s because the Warden and the Deputy Warden, in effect, told you it wasn’t? (Jackson 4083).

No, they did not tell me that it was not contravening the law. (Hilder 4083).

What did they tell you that satisfied you that it was appropriate to deny exercise? (Jackson 4083).

Their direction was given in such a fashion as it conveyed to me that this had been practiced before and that no one was uncomfortable with the practice. (Hilder 4083).

And if it was a practice that no one was uncomfortable with, you concluded it must be in compliance with the law? (Jackson 4083).

I believed it was in compliance with the law.” (Hilder 4083).

To summarize Finding IV, analysis of the data revealed that material control,

similar to ideological control (see Finding III), revealed the presence of oppressive hierarchical and authoritative control. Unlike ideological control which was broad based, material control was more specific to the “violent” female offender. Material control was evident in CSC’s use of segregation, the IERT and cell extractions, and the application of rules. In addition to supporting the original hypothesis, that CSC practice is a manifestation of control of “violent” female offenders, the highly influential presence of individual officer discretion was concluded. It was ascertained that with the enactment of individual officer discretion came extensive mistreatment of “violent” female offenders. From within a socialist feminist theoretical framework, evidence of material control of the “violent” female offender by CSC, as uncovered in this research, supports the perpetuation and current operation of capitalist patriarchy within the structure of CSC.

Overall, to conclude this Chapter, the central finding is that material and ideological control were both highly saturated in the transcripts, with somewhat greater concentration for the latter. Both forms support CSC having control, in an inherent hierarchical authoritative form over “violent” female offenders. It is important to reiterate that material or physical forms of control by CSC were far more discernible in direct relationship to the “violent” female offender, while at the ideological level, CSC beliefs were more general, but nonetheless provided support for the existence of an ideological hierarchy of control within CSC, which negatively impacted upon “violent” female offenders. Combining the findings of both ideological and material control and their inter-connections, it follows that what existed at the ideological level of CSC often translated into practice, and vice-versa. The material and ideological levels of control are inter-associated. The next Chapter focuses on the role of race, specifically Aboriginal, and addresses the effect of individual officer discretion in this realm.

I also wanted to come back and to say something about racism because it's probably going to be a word that we'll hear a few more times today. And what I wanted to say is actually I don't find it to be a particularly helpful phrase in moving things forward, because when I say as I quite often do, that's racist, the people on the other side of the table, their response is 'Aah. I don't want to be that Archie Bunker-type monster'. Well, that is not what I am saying. Racism doesn't necessarily involve direction, express, 'Oh, you dirty bunch of Indians' or whatever kind of comments. And, in fact, that's rare. And, actually, I kind of prefer that kind of racism because that's really easy to get out your idiot stamp and, you know, 'there goes that person, you are out of the universe now. Don't have to pay no more attention to you'. It's easy to deal with.

So that distancing when it's so subtle and you say 'that's racist' and people say, well, I didn't mean it. I didn't intend did, you know. I don't mean to be insensitive. When I am, you know, pulling some – I've sat in a Swet at Prison for Women, when they pulled, securities pulled a woman out of the Swet. Then they say, oh, we didn't intend to be insensitive.

Well, your intentions do not, whatsoever, change the impact of that experience that I have. It doesn't make a hill of beans of difference. It's still just as brutal and horrible and I don't want to talk about your intent. I don't care if you meant to do it and it was wilful and purposeful, or if you just didn't know. Because whether it was wilful or purposeful, it's inexcusable. If you didn't know, it's just as inexcusable. Because it's not my responsibility to teach you about who Aboriginal people are. It was your responsibility to learn so that you can respect, just like I've had to learn all about white people or I wouldn't have been able to surprise -- survive.

*- Commission of Inquiry into Certain Events at the
Prison for Women in Kingston, Ontario, Canada
- P. Monture, Community representative (1010).*

CHAPTER 7

CORE VARIABLE:

RACE

The findings of this Chapter focus on the core variable “race”. Due to the lower saturation of the “race” variable in the data sources (Phases I and II of the Commission of Inquiry into Certain Events at the Prison for Women in Kingston, Ontario) in comparison to “control” and “violent”, the four race oriented hypotheses have been merged and are discussed together. The findings in this Chapter centre on the identification, control and treatment of “violent” Aboriginal female offenders within CSC’s expansive hierarchy of authority. The original intention to compare the degree of identification, treatment and control of Aboriginal to non-Aboriginal women was not facilitated based on the nature of the findings, as will be discussed

FINDING V **IDENTIFICATION, CONTROL AND TREATMENT OF “VIOLENT” ABORIGINAL¹⁷² FEMALE OFFENDERS IS DEEPLY EMBEDDED WITHIN CSC’S HISTORIC AUTHORITATIVE STRUCTURE**

Attention to race in the discussion of the findings of this research has been notably absent until this point. This is of imminent interest considering that race was established as a key variable in the introduction to the study. Drawing upon the identified

empirical and theoretical attention allotted to race (see pre-research stage), specifically

¹⁷² Given the introductory nature of the findings, Aboriginal women are identified as one, replicating how the findings emerged from the data. This reflects the level Canada is at, at least in this specific context, in discussion of Aboriginal female offenders. This is supported in the current literature (Monture-Angus 1999; Stevenson 1999). Further, the findings focus on Aboriginal female offenders in general, with attention paid to “violent” Aboriginal women when available. Again, this is reflective of the nature of the findings.

Aboriginal women, four hypotheses were originally identified. They are:

- (1) *CSC ideology supports the **greater identification** of “violent” Aboriginal female offenders, in comparison to “violent” non-Aboriginal female offenders, as “unnatural/evil”;*
- (2) *CSC ideology is a manifestation of **greater control** of “violent” Aboriginal female offenders, in comparison to “violent” non-Aboriginal female offenders;*
- (3) *CSC practice reveals **harsher** treatment of “violent” Aboriginal female offenders, in comparison to “violent” non-Aboriginal female offenders; and,*
- (4) *CSC practice is a manifestation of **greater control** of “violent” Aboriginal female offenders, in comparison to “violent” non-Aboriginal female offenders.*

In comparison to the saturation of the core categories control and violent, the category of race was not nearly as highly saturated, yet it remains of important value to this research. Consequently, the findings of this study with respect to Aboriginal women are discussed within three frameworks: (1) the race specific findings of Phase I, and more considerably Phase II, (2) possible explanations for the low attention allotted to race, and (3) the explanatory implications for the role of race in relation to the four outlined core conclusions (see Findings I, II, III and IV). In brief, combining the race specific findings of this section and the findings of the prior sections, it is concluded that *the identification, control and treatment of “violent” Aboriginal female offenders occurs within CSC’s expansive hierarchy of authority*. This is considered throughout this Chapter.

A. RESEARCH FINDINGS

An obvious assumption in establishment of the hypotheses was that race would be a visible variable in the Commission of Inquiry into Certain Events at the Prison for Women. This was based on a review of the theoretical and empirical literature and other key sources (once again, see pre-research stage). This assumption was further supported by the significant attention to race which surrounded the P4W incident¹⁷³ (i.e., media accounts); identification of race/racism as a fundamental issue of concern in P4W in the immediate years prior to 1994 (as conveyed in the suicides of several Aboriginal women); the fact that with respect to the P4W incident four of the women in segregation were Aboriginal and four were Caucasian; and personal witness to and anecdotal evidence of oppressive treatment of Aboriginal women within the Canadian correctional system.

The extent to which race was identified from the data analysis in Phase I of the Commission of Inquiry was extremely limited. In fact, it was so limited that the final level of saturation of the codes and categories would not have been accounted for in comparison to the degree to which categories were required to be saturated for inclusion in the remainder of this research. However, as the research aphorism identifies, **no finding is a finding.**

¹⁷³ When the findings began to reveal that race was not a concentrated category, I questioned the possible bias and influence of my experiences with the Elizabeth Fry Society of Manitoba on the research design (in particular, identification of the research hypotheses). In response, an Elizabeth Fry Society of Manitoba volunteer did an exhaustive literature search (including media reports, CAEFS correspondence, CSC correspondence, and networking materials) and confirmed that significant attention *was* paid to race surrounding the incident.

Phase II of the Arbour Commission, the public consultation process, which examined broad social policy questions that arose from CSC's response to the events, paid greater attention to Aboriginal women in comparison to Phase I, however, it too was confined. Of particular interest and utility to this research was that one of the eleven roundtable topics of Phase II specifically focussed on Aboriginal women, Volume 7: Federally Sentenced Aboriginal Women in Prison/The Healing Lodge¹⁷⁴. Consequently, evaluation of this volume was expanded from analytical focus on CSC representatives, which was conducted for Phase I, to inclusion of other participants. And, following the content of the Phase II transcripts, the focus broadened from CSC specific policy and practices to the general area of incarcerated "violent"¹⁷⁵ Aboriginal females. This form of analysis was adopted because: (1) there was limited CSC representation in the data, (2) representatives of CSC as well as other participants each contributed significant insight into the relationship of Aboriginal women to CSC ideology, material practices, and the "violent" female offender identity, and (3) the area of incarcerated "violent" Aboriginal women is severely under-researched, highlighting the need for exploratory insights. The format of analyzing the roundtable discussions was very similar to coding an unstructured, open-ended interview (and in this case, with an incredibly experienced and knowledgeable sample of participants).

Phase I

Analysis of Phase I of the Arbour Commission uncovered through inductive analysis only two categories with respect to race. The first is awareness of Aboriginal culture, and the second is *unawareness* of Aboriginal culture. Awareness or *unawareness*

¹⁷⁴ The moderator was Scott Clark.

¹⁷⁵ Attention specific to "violent" Aboriginal women existed, but was limited.

of Aboriginal culture refers to CSC knowledge of the significance and traditions of Aboriginal culture (i.e., the role of an Aboriginal Elder). As revealed, both categories had an extremely low and nearly equal level of saturation (see Diagram M).

DIAGRAM M: ABORIGINAL CULTURE

(52%) Aware of Aboriginal culture
(48%) Unaware of Aboriginal culture

This finding, or clear lack of finding, supports the absence of attention to Aboriginal women in Phase I of the Commission of Inquiry. Essentially, no conclusion can be made other than, at this point, Aboriginal women only slightly emerged from the data as a category. This is discussed at a further point in this Chapter.

Phase II

Phase II, Volume 7¹⁷⁶ in Phase I. of the Commission of Inquiry logically exhibited greater attention to race than Phase I, recognizing Aboriginal women were the focus of the roundtable discussion. Based primarily on the inductive methodological approach, the data emerged into three core codes. The first code is *Aboriginal women's voices heard*, the second code is *CSC representative's voices heard*¹⁷⁷, and the third code

captures *all others' voices*¹⁷⁸. The categories, individually in descending order of highest saturation, are listed in Diagram N.

¹⁷⁶ Coded findings for all of the Volumes of Phase II, with the exception of Volume 7, were absorbed into the main coding of this research (see Appendix K for participants). Volume 7 is individually coded to capture its specific attention to Aboriginal women and the Canadian correctional system, since it was minimally addressed in Phase I.

¹⁷⁷ See Table N.

¹⁷⁸ Each of the three codes are near equally saturated.

DIAGRAM N: ABORIGINAL WOMEN’S ACCOUNTS, CSC, AND ALL OTHERS

(34%) Aboriginal women’s voices

- (31%) CSC requires increased Aboriginal cultural sensitivity and training
- (28%) CSC is disrespectful of Aboriginal culture
- (22%) Aboriginal spirituality is an important component in Aboriginal women’s lives
- (19%) CSC requires Aboriginal specific programs

(39%) All other’s voices (excluding CSC)

- (28%) Identification of Aboriginal women as “violent” by CSC
- (22%) Aboriginal women’s actions based within their cultures are different in comparison to the majority offender population
- (18%) CSC discriminates against Aboriginal women
- (16%) Aboriginal women are treated as “other”
- (16%) CSC is not culturally sensitive and aware

(27%) CSC voices

- (38%) CSC recognizes that Aboriginal women are a “different” population in comparison to the majority offender population and addresses this
- (36%) CSC requires Aboriginal staff/training
- (26%) CSC requires increased funding

Each of the three sets of voices is examined individually (Aboriginal women, all others, and CSC) with general comparisons then drawn.

TABLE 9: PHASE II: WITNESSES ROUNDTABLE: FEDERALLY SENTENCED ABORIGINAL WOMEN IN PRISON/THE HEALING LODGE

<u>WITNESS</u>	<u>ORGANIZATION</u>
1. Scott Clark ----->	Moderator
2. Hon. Louise Arbour ----->	Commissioner
3. Guy Cournoyer ----->	Commission Associate Counsel

4. Tammy Landeau ----->	Commission Senior Research and Policy Advisor
5. Kelly Hannah-Moffat ----->	Commission Research and Policy Advisor
6. Michael Jackson	Resource Person
7. Sophia Kleywegt	Resource Person
8. Carol LaPrairie	Resource Person
9. Joan Lavalee	Resource Person
10. Patricia Monture	Resource Person
11. <i>Brenda Restoule</i>	<i>Resource Person / CSC / Contract</i>
12. <i>Heather Bergen</i>	<i>CSC</i>
13. <i>Norma Green</i>	<i>CSC</i>
14. <i>Sonia Collins</i>	<i>Union of Solicitor General Employees</i>
15. <i>Linda McLaughlin</i>	<i>Union of Solicitor General Employees</i>
16. Tracy Armstrong	<i>Inmate Committee</i>
17. <i>Harriet Lynch</i>	<i>Inmate Committee</i>
18. Wendy Fontaine	<i>Native Sisterhood</i>
19. Brenda Morrison	<i>Native Sisterhood</i>
20. <i>Nathalie Spicer</i>	<i>Correctional Investigator of Canada</i>
21. <i>Ed McIssac</i>	<i>Correctional Investigator of Canada</i>
22. Kim Pate	CAEFS
23. Sue Hendricks	CAEFS
24. Wendy Whitecloud	LEAF

NOTE: *Italic denotes CSC representatives voices; bold/italics denotes incarcerated Aboriginal women's voices, and the remainder are the voices of others (the vast majority of whom are Aboriginal) (Arbour 1996:283).*

A. Aboriginal Women's Accounts

Beginning most appropriately with the frequently silenced voices of Aboriginal women, the highest saturated finding of this category was *CSC being identified as in need of increased Aboriginal cultural sensitivity and training*. This coincides with the earlier findings that CSC treated “violent” women harshly by not adhering to established rules,

adhering to established rules¹⁷⁹, and expressing non-concern, with each exhibiting the influential and ominous presence of individual officer discretion and limited training (see Finding IV)¹⁸⁰.

“And the elders – Vern Harper, he is an elder that comes into the institution, and they have him down as a chaplain and he is not a chaplain. He is an elder.” (Fontaine 1002-1003)¹⁸¹.

“But one of the things I wanted to bring up this morning about our Aboriginal culture, and as you know I am sitting on the Inmate Committee this time around, is that staff in the new facilities and in our facility now, need to be more culturally taught about our spirituality, our medicines, and the way in which we conduct our healing process.

I don’t believe there is enough sensitivity around the medicine issue, our ceremonies, and so on and so forth. I think that that really needs to be taken into consideration.

I do know that the staff at Prison for Women now attend training, I guess, on Aboriginal ceremonies and medicines, but I don’t find that that – it’s not mandatory for one, and for two, I don’t think – I don’t believe that a two-hour session, once every six months is beneficial to their learning about the culture or the medicines.

I mean, we have had some officers at the prison, and I am not pinpointing, but that aren’t understanding and sometimes very afraid of the way in which we conduct our ceremonies and our smudgings in the cells, and they have a tendency to say things that are very distressful to the Aboriginal offender who is conducting those. It needs to be addressed into a sensitive manner so that in the future, we all, I mean, we all learn.” (Armstrong 1003-4).

I’d also like to talk about where it says here, nature of physical, emotional and spiritual needs. I strongly believe that one of our spiritual needs is to have

¹⁷⁹ Note that it is not being suggested that following established rules within CSC will eradicate insensitivity to Aboriginal culture, especially given the finding that the rules of CSC regarding physical treatment of “violent” women are identified as harsh (see Finding II).

¹⁸⁰ A revealing illustration of CSC being untrained/unaware of Aboriginal culture is located in Appendix H.

¹⁸¹ Note that key phrases are not underlined as they were for Phrase I findings, because individual voices are not as directed (not in response to a formal interview process) and thus the context is of heightened importance.

connection with our brotherhood as in the CD of CSC, it says:

Institutional heads shall permit Aboriginal inmates to form brotherhood or sisterhood groups in order to pursue their cultural needs.

And as experienced – when I – when there are powwows at Collins Bay and the sisterhood puts applications to attend powwows, they’ve been mostly denied....Not to pinpoint at any one, but the last powwow, a non-native was able to go which made no sense to me whatsoever. So here they have – this is their CD personally and when you turn around and require these spiritual needs you’re automatically denied with no explanations. So I really wanted to make that an issue.” (Fontaine 1023-4).

The second most highly saturated category is *CSC being disrespectful of Aboriginal culture*. This category was slightly less saturated than the one above. Disrespect of Aboriginal culture could potentially be accounted for as a logical extension or consequence of the lack of cultural sensitivity and training on the part of CSC staff. Further, disrespect could be attributable to the identified expansive hierarchy of authority characteristic of CSC ideology and its relationship to oppressive practices (see Finding III).

“And I think that we, CSC needs to do a bit more research on respecting the Aboriginal ways and the Aboriginal medicines and the healing ceremonies and so on and so forth, and I do believe that if they are very leery of it, maybe they should start to participate in our circles. Our circles are very beneficial in healing and in settling differences in a very respectful manner, and I think that’s what needs to be taken a look at here. Thank you.” (Armstrong 1004).

“And as well as the Swet Lodge, I want to comment on I believe it was a couple of days ago, it was a health and – there was health issue and bout the CSC looking into the files. And one of the CSCs commented that she was in a Swet and the water was passed around and we all drank from the same cup.

And it got me thinking, now, if that CSC was on the street, I really don’t believe that she would go into anybody, not only Natives, as well as non-Natives and ask them if they have Hep C.

So, like, to be quite honest, I really believe that was an excuse, too. And that’s not – that’s very disrespectful to use a Swet as....” (Fontaine 1002).

The third most highly saturated category, though only half as concentrated as disrespect for Aboriginal culture, is acknowledgement that *Aboriginal spirituality is an important component in Aboriginal women's lives*. This conclusion heightens the importance of the above two findings.

"And I know that if the women that are in prison do not have a spiritual longing or spiritual teaching, that they – it will not be easy for them and so that's what I was wanting to say this morning." (Lavalee 994)¹⁸² allows for the combining of codes and ensuing categories at a later point if necessitated..

"If I didn't have any of the elders' teachings or knowledge of their wisdom, I really believe I would have fell off track long ago and would have gotten involved with [in prison], you know, the wrong crowd, as I do in society. And I really believe it is very important for our people to be connected as it gives you strength. And the teaching, like an elder had mentioned to me at our powwows, our powwows are for the people." (Fontaine 1001).

"...staff in the new facilities and in our facility now, need to be more culturally taught about our spirituality, our medicines, and the way in which we conduct our healing process." (Armstrong 1003).

It was also revealed that Aboriginal spirituality and traditions are helpful to incarcerated non-Aboriginal women. This finding is supported in the recent research of Fillmore and Dell (2001), which examined the structural and inter-personal impacts and helpful and non-helpful responses to self-injury by Aboriginal and non-Aboriginal women in Canadian correctional institutions.

"So that was my first experience because I was very curious and I had asked them questions because I had never experienced a Swet Lodge or the ceremonies and I was very curious and I wanted to know it. You know, being a woman, I believe it is very powerful and very spiritual thing,

¹⁸² Note that this quotation is not by an incarcerated Aboriginal female, however, its inclusion here signifies the difficulty in separating the views of Aboriginal women offenders with all other Aboriginal women (including CSC). Data was coded from the roundtable discussions at the most individual level possible, which allows for the combining of codes and ensuring categories at a later point if necessitated.

and I wanted to learn about it and they wanted to learn about being Jewish. So I can remember my first six months at Prison for Women was kind of an exchange of life stories is what I'll call it, and I really did. I learned a great deal about the Native way and I am thankful for it because it helped me through a lot of situations." (Lynch 1041).

The fourth category, characterized by limited saturation in comparison to the aforementioned others, is that *CSC requires Aboriginal specific programs*. This category could easily be subsumed under the first categorization, CSC requires increased Aboriginal cultural sensitivity and training, however its coding in solitude highlights the women's specific indication of the need for culturally sensitive programming.

"I would just like to bring up some issues of the new facilities concerning being able to have a Native AA group. Now, in P4, apparently there was a specific AA group for Aboriginals and, to my knowledge, it has not continued for two years now. Now, as everybody always completely repeat themselves, it's here. It's there. It's down on paper that we will be given this, be given that. And some of the programs are followed through; however, it is only for a short period. So I would like to express that how can we be guaranteed that these programs will continue, like for, not just for six months, a year? Because I really believe it is important for Aboriginal to have a circle with other Aboriginals." (Fontaine 1070).

In summary of this section, it is discernible from the voices and perspectives of Aboriginal women that CSC requires increased Aboriginal cultural sensitivity and training. It follows as no surprise then, that CSC is also highly identified as disrespectful of Aboriginal culture. The need for training and sensitivity is further apparent in the women's description of the important role Aboriginal spirituality plays in their lives, noting its role also in the lives of some non-Aboriginal women. It is interesting to note that the highest saturated categories in this section are attributable to the actions of CSC, followed by the needs of the women themselves. This supports the need to address structural (ideological and ensuing material) reformation.

(b) All Other's Accounts (excluding CSC)

Correctional Service of Canada's identification of Aboriginal women as "violent" was the most highly saturated code in this category. Of interest is that focus on the "violent" identity is essentially confined to this category¹⁸³. This may be attributable to others' (those outside the confines of CSC) contribution of an "outside" view¹⁸⁴. This finding suggests high identification of Aboriginal women as "violent" (and their related conduct), and thus is earmarked as an area of necessary future research.

"She was not released and I think it was because of the violent crime and because it was a sentence of 10 years and they wanted to keep her in as long as possible, and because she was an Aboriginal woman.

And the women are believed to not have – they should not take a life. Women are supposed to give life, not take life. And I think the Parole Board really says, 'Well, you're a woman. How could you have taken a life? You're supposed to be giving life.'" (Rastoule 1029).

"The length of the sentences sometimes seems to be very brutal in the effect that

some of the [Aboriginal] women are being classified as maximum, where their offences have – they've not taken a life, that they have committed an armed robbery and 'with violence' has been added on to that. And they go to court – and the violence is dropped and the robbery goes forward and the sentence has no sense to it. Some of the – when you read the papers every day, you read about male offenders who are committing atrocious crimes and whose sentences don't have any – any base to the sentence that they've been given, like for 12 years or whatever.

There's a young woman that's in RPC right now who was given an indefinite life sentence, who has been classified as Canada's most dangerous female offender. And she had not taken a life. So with those comparisons, like, there's no sameness in the male and female sentencing.'" (Lavalee 1012).

"One final thing I have to note with release prospects is many of these [Aboriginal]

¹⁸³ Based on the importance of this finding to the research, several examples are provided.

¹⁸⁴ This may assist in explaining the limited discussion of Aboriginal women in Phase I of the Inquiry (participants were overwhelmingly CSC representatives and incarcerated women).

women have very long sentences, as Joan had pointed out, and I think it is because their crime is seen as violent, they have this long sentence. When they come up for release, it's not, it's not approved." (Rastoule 1028).

"I guess I want to note this whole concept of violent women - and I, quite frankly, can't conceptualize it myself - often involves an over-representation of Aboriginal woman in that category that Aboriginal women are more quickly to get labelled by any institutional system as violent, if that is kind of the deviance label that is being handed out, and that that is clearly not my experience of Aboriginal women, either in the community or in various institutions." (Monture 641).

The next most highly concentrated code is recognition that *Aboriginal women's actions based within their cultures are "different" in comparison to the majority offender population*. This code was approximately half as saturated as the first, and is exemplified in both positive and negative ways. Referring to the latter, the notion of difference establishes an "us" versus "them" mentality, which contributes to oppression, including discrimination and racism. Conversely, the participants also highlighted the necessity of acknowledging difference, especially in consideration of the highly saturated finding of the need for cultural sensitivity and recognition, as identified by Aboriginal women themselves.

The words of Patricia Monture and Norma Green in the transcripts elucidate both the necessity and disadvantages of identifying "difference". It must be recognized that whether difference is acknowledged or not, it can potentially contribute to oppression (if acknowledged oppression may be forefront; if not acknowledged oppression may be hidden). Once again, both appear to be related to the need for increased cultural sensitivity and awareness on the part of CSC of its structural roots and their relation to individual officer discretion.

Acknowledge Difference

"We [Aboriginal people] have a different understanding of the world. We tend to approach the world in a different way. Our responses are quite often different. In

some Aboriginal cultures when you have respect for someone it will mean not making direct eye contact, and that's gotten us in a lot of trouble in courts because in courts the theory is if you are not meeting somebody, looking directly in the eye when you answer them, it means you are not telling the truth. So exact contradictory meanings.

Laughing has gotten us into trouble at Prison for Women. Its kind of a cultural coping mechanism. We laugh a lot. People have then presumed that means my sisters are high all the time and that's not necessarily true, particularly in and around crises." (Monture 1007).

"It is also really important to remember the great diversity of Aboriginal peoples, so-called. You know, we are Mohawk, we're Cree, we're Dene. We're not – you know, Micmac, we are not all the same, Saltaux, Auntie Joan. We are very different, maybe, Auntie Joan, is getting a little mixed up about what way to go because she is Salteaux or Cree in Mohawk territory and we go the other way. So maybe that wasn't a mistake, maybe it was a hint. (Laughter).

So we have great diversity among our cultures. We only all look the same if you are sitting, I guess, from a European or Euro-Canadian, however would you like to call it, view of the world. It might look the same, but it's not." (Monture 1008).

Not Acknowledge Difference

"Aboriginal people - as Aboriginal people we're a disadvantaged group. As an Aboriginal woman I've experienced discrimination, racism, it continues daily, almost. It's just a part of living. And I think you have to be extremely strong to,

sort of, put up with it or ignore it. But it's not a very easy life to live and I think that a lot of others aren't aware of that. And it doesn't matter where you are, you are still, if you're a little browner than the other, there are people somehow look differently at you and that's okay, for whatever reason, people discriminate." (Green 1018)¹⁸⁵.

The third most highly saturated category is that CSC discriminates against

¹⁸⁵ This quotation is another example of the difficulty in categorizing the speakers. Here the CSC representative, Norma Green, is clearly speaking from the identified perspective of an Aboriginal woman.

Aboriginal women through its actions and ideology. This category is only half as saturated as the above categorization of difference. Of particular importance is that, in more overt terms¹⁸⁶, it identifies CSC as disrespectful of Aboriginal culture.

“Well, I don’t profess to be able to answer that question, but I think one of the realities is prison is a microcosm of our community and it’s often a microcosm of the worst in our community. We have seen in the prison very blatant examples of the extent to which levels of marginalization are enhanced exacerbated and in times, created in greater ways.” (Pate 1005).

“As someone who comes into the prison and works with and on behalf of women in prison, you see those realities in terms of the more profound extent of discrimination, the impact of Segregation, the impact of use of force, the impact of more and more profound measures of violence.” (Pate 1006).

“So we have a whole paradigm shift we need to really engage in here if we are going to understand the situation of Aboriginal women in this discussion.” (Monture 664).

The fourth code, which was only slightly concentrated in comparison to the others reviewed, is associated with the focus on “difference” identified in the most saturated category in this section. The emergent category is termed *Aboriginal women are treated as “other”*, and elucidates the direct harmful consequences of the identification of Aboriginal women as “different”.

“I think the statistics are really unreliable for that reason and a bunch of other reasons. But the thing that irks me most about it is the comparison is always made to Aboriginal people compared to white people or all other inmate populations as if they’re normal, like that’s the standard and Aboriginal people are over here, like we’re something different, we’re always the perspective, not the measure of what’s normal. And it gets hard to be put – I mean, that’s another form of marginalization, it gets hard to be put in that position all the time.” (Monture 1051).

¹⁸⁶ Once again, support is garnered for others’ voices being more forthright than that of CSC and incarcerated women (i.e., others identify discrimination, whereas CSC and the women incarcerated at P4W identify cultural sensitivity).

And the final category, which is as equally low in saturation as the prior category, is that *CSC is not culturally sensitive and aware regarding Aboriginal women*. As reviewed, this categorization was the most saturated in the views of Aboriginal women, and thus further substantiates the force of the finding.

“A major problem is occurring and has occurred and is getting worse in terms of the Prairie region, or the Pacific region, where you have many Aboriginal prisoners who have started and a long way along the journey of the red road, they have worked hard, they have worked with elders, they’ve gone to ceremonies, they have began their own healing. They are then assessed by a non-Aboriginal psychologist, typically in the usual 50 minute interview context, they are rated using these check lists, for example, the Harris Psychopathic Check List, which requires a subjective determination by the assessor of the degree of insight, degree of remorse, sense of shame, all of which are enormously difficult under the best of circumstances to identify in that kind of cold context of a clinical interview. When you have a non-Aboriginal psychologist asking an Aboriginal and trying to get answers about shame and remorse, which are very important about rating someone on the Harris Psychopathic Check List. You get very high marks which are very bad. This is one of the situations where you do not want to get high marks on this test. And you get significantly high marks for not having insight, a sense of shame, a sense of remorse.” (Jackson 1020).

“So there’s a real problem here that Aboriginal offenders can begin a healing journey, can have progressed a long way along it, but at the point at which someone else is evaluating that, it’s a non-Aboriginal psychologist without that context, you, in fact, can have the whole progress undermined and the ability to build upon that in terms of release thwarted because of this block.” (Jackson 1021).

“I think they’re well meaning in asking me to do both for the sake of, oh, you’re a Native person, you’ll understand the culture better. We think you should do the risk assessment. I think that’s well meaning in and of itself. But the assessment tools that they used are not for Aboriginal people, nor are they for women. So there’s two strikes against them. They’re coming into this risk assessment that has been normed on white men. So whatever happens, it doesn’t make a difference what they say because it’s a for white men. It’s not for Aboriginal women. And it just makes it harder to do.” (Rastoule 1026).

In summary of this section on all other’s voices (excluding CSC), it contains the highest saturation of any category in this three part section (voices of Aboriginal women,

CSC, and all others). The category is the identification of Aboriginal women as “violent” by CSC. It is interesting to note that the identification of Aboriginal women as “violent” was only referred to by parties other than CSC and the women themselves (no voices by the latter two concurs with the findings of Phase I, the court transcripts). Again, it is suggested this may be indicative of the ability of others to identify it from an “outside” perspective, hence supporting the presence of a strong ideological foundation to CSC. Second, focus on “difference” by CSC was identified in the views of others as both harmful, facilitating oppression and discrimination and treating Aboriginal women as the “other”, and necessary, recognizing difference among Aboriginal women (the need for cultural awareness). Related to this finding, it was also delineated that CSC discriminates against Aboriginal women through its actions and ideology. This finding supports the women’s identification of CSC being disrespectful of Aboriginal culture, as well as the identification in this category of CSC not being culturally sensitive and aware of Aboriginal women.

(c) CSC’s Voices

The most highly saturated category representing CSC is that *CSC recognizes Aboriginal women are a “different” population in comparison to the majority offender population and addresses this*. Once again, the concept of difference has both potentially positive and negative ramifications attributable to it. Of primary interest to this section is that in addition to this recognition of difference, CSC claims to be addressing the unique needs of Aboriginal women. This is contrary to the views of Aboriginal women and others (recall the most highly saturated category in Aboriginal women’s voices was that “CSC requires increased Aboriginal cultural sensitivity and training”).

“And we will have been sure that they also take parenting courses. And I know people who have taken parenting courses three or four times, but we also – when we do offer parenting courses at the Healing Lodge, we want to do one that is

culturally relevant....” (Green 1108).

“This is my first time speaking . My name is Sophia Kleywegt. I am a Native Liaison Worker Prison for Women...And they shared a lot of their inner feelings to me in regards on their, how they were brought up and they can easily relate to me because I, too, as you’re aware, we have similar backgrounds and the only difference I had mentioned to them many times is that I didn’t commit a crime.” (Kleywegt 1072).

“I can’t speak to the Ontario experience, but I know that I feel very lucky I’m sitting around here this morning, that I’m from Saskatchewan. Because the Parole Board there, under the direction of Norm Fagnou, is really beginning to make some strong progress towards working with the elders and with the Aboriginal offenders in our institution, they come to the institution, we do the case work together. The risk assessment, as Michael Jackson has said, is not capturing the information that we really need with these type of offenders, or to get them ready for the community. And that’s been recognized by the Parole Board there and we’re really working together to try to get the elder input and the Native Liaison Officers as well as the Aboriginal case management officers.” (Bergen 1045-46).

At nearly half the saturation, and more congruent with the findings of cultural insensitivity by incarcerated Aboriginal women and others, is the identification that CSC *requires Aboriginal staff/training*. This adheres to the need for CSC to be culturally sensitive. This category is nearly as equally saturated as the first.

“When we’re looking at the programs, it’s identified the program needs specific to Aboriginal women. And I think there are specific needs for staff who are dealing with Aboriginal people. So that, for example, if staff are dealing with people who are in Aboriginal ceremonies or whatever, sometimes they’re faced with situations where dealing with specific instances in that format, are contradictory to the policies and procedures that they have to follow that management gives. So it is an education process for the staff, also. And a definite requirement.” (McLaughlin 1060).

“But I think that a lot of times, Aboriginal people do not have a hope in surviving in this society and there’s a number of things that could happen relating to – I’m a Corrections employee but I do want to make some recommendations that relate to Corrections, is that we hire more Aboriginal people to work within Corrections and a lot of them should be management positions. They could be role models. And I know Corrections are taking an initiative, they’re doing a number of things, now, relating to Aboriginal programming.” (Green 1018).

The third and final code, which is lowly saturated and is mentioned solely by CSC, is the *need for increased funding*. The focus on funding reflects CSC's operational focus (i.e., Rule of Law).

"One of things that we have seen is that we've learned and we do listen to the Healing Lodge and we do envy what they've been able to provide for their staff as training" (Bannon 1368).

"The next one that I would make reference to is that CSC ensure that staff receive a continuous, and in a timely manner, training and education on issues that will enhance the staff's ability to work with the inmates in achieving a positive return to the community.

A lot of times we have the CSC - as I think I heard here in a different context today - coming up with something on paper, but never coming into materialization.

The first thing that bites the dust from our perspective with the cutbacks and so on and reduction in income is the training package. So while there's a lot of plans out there, a lot of them don't materialize and staff training is one that we are always bringing up." (Crawford 1541).

"...But a lot of times, as you're aware, as everyone is aware, there's a high population of Aboriginal people in our institutions and a very low percentage do get out on parole. There are a number of reasons for that. A lot of times there are certain expectations from the Parole Board and what I see happening is that very often the individual who's become in conflict with the law has become incarcerated usually doesn't have a high school diploma, a lot of literacy, life skills, even training. So a lot of times that's the reason why they're out or that's the reason why they come in conflict with the law....So when they go inside an institution, a lot of times they may not get the proper training because of budget or otherwise." (Green 1017).

"The other thing I see is relating to elders, there is usually [not] enough funds to provide adequate services for elders. If we're really going to really work on issues relating to Aboriginal people, like the real issues, like I think that we have to have -- ensure that we have the funding to ensure that we get the right services." (Green 1018).

In summary of this section, the concept of "difference" once again surfaced, with CSC recognizing it, the need to address it (i.e., cultural sensitivity/training), and the

suggestion that CSC does address it. The latter suggestion is in contrast to the majority voices of incarcerated women and community members. Further, and more closely reflecting the views of incarcerated Aboriginal women and others, is that although less saturated CSC recognizes its cultural insensitivity by identifying the need for increased Aboriginal staff/training (which is somewhat contradictory to its suggestion that it recognizes and addresses the uniqueness of Aboriginal women). The third category, and mentioned only by CSC, is the need for increased funding, which is suggested to reflect CSC's operational focus.

Overall, the inductive methodological approach of this research facilitated the emergence of several core variables with regard to Aboriginal women. The central finding is the need for increased cultural sensitivity awareness and training on the part of CSC. This was recognized to differing degrees by all roundtable participants, with greatest disparity being between others' recognition of CSC's need to address cultural sensitivity/training and CSC's claim to currently address it. The follow-through to the identification of a lack of cultural awareness on the part of CSC, is the finding of ideological and material levels of oppression of Aboriginal women (i.e., disrespect for Aboriginal women's culture, identification of "violent" Aboriginal women, discrimination, and treatment of Aboriginal women as "other"). Framing this within the context of earlier findings in this research, it highlights the importance for further research to gain a comprehensive understanding of the extent of and association between ideology and material practices with respect to Aboriginal women on the part of CSC (see Part III of this section for further discussion).

B. EXPLANATIONS FOR THE LACK OF ATTENTION ALLOTTED TO RACE

The lack of attention allotted to race in the transcripts, in particular Aboriginal women, was an unanticipated finding in this study. As a researcher, it is a difficult process to come to accept that your data source is not clearly supportive of the outlined hypotheses. It is further difficult to concede that this is as important a finding as locating conclusive support for the identified hypotheses. In the instance of this research, these difficulties were further compounded. As reviewed, the findings of this study did not communicate that the data did not support the original outlined hypotheses, but rather, the

core variable race (Aboriginal women) was nominally recognized (recall the prior statement that “no finding is a finding”). Deliberation over this lack of finding and its relation to the identified findings in prior sections of this research provided distinctive insights into the research.

Drawing upon the outlined stages of this research (i.e., findings, literature reviews, etc.), five key potential explanations for the lack of attention allotted to race, in particular Aboriginal women in Phase I of the Inquiry - the court transcripts (and less in Phase II - the roundtables), are identified. They are: (1) “political correctness” overrode CSC representatives’ testimony; (2) race was deliberately not addressed by CSC representatives and Commission counsel; (3) the existence of the deeper entrenchment of a sexist, in comparison to racist ideology, (4) race was not a concept of concern at P4W, and (5) racial discrimination was only identifiable by community members. The merit of each explanation is discussed.

First, and most strongly, it is suggested that the lack of attention allotted to race in the transcripts may be a consequence of “political correctness”, and adherence to “political correctness” may have been foremost in CSC representatives’ testimonies. Political correctness is defined in this research as specific awareness of what can be stated or

conversed and is socially acceptable in a specific social context and time frame. “Political correctness”, whether internalized or not, surrounds race and gender to a notable degree in contemporary Canadian society, with higher adherence arguably in public realms (i.e., governmental organizations, legal system) in comparison to private realms. Hence, when sexist ideology and practice were uncovered in the court transcripts, considerable weight was allotted to such findings, recalling some of the

comments uncovered in Phase I of the Inquiry. The ramifications for race in the research findings are more difficult to address, since Aboriginal women were rarely discussed in the transcripts. And it is this neglect that is of great interest. With respect to “political correctness”, it is suggested that more restrictions may potentially surround race in comparison to gender in contemporary society (hence, at least partially explaining the lack of attention). It follows that a high level of political correctness surrounding race¹⁸⁷ may be indicative of it being deeply ingrained within the structure of CSC.

Second, consideration was given to whether race may have deliberately not been addressed by Commission counsel. It was highly anticipated, for example, that discussion surrounding the cultural needs of the segregated Aboriginal women in the incident would have been allotted attention. However, neither Commission counsel questions facilitated this nor, as discussed in the prior point, did CSC responses address Aboriginal women. Drawing upon select access to Commission materials and counsel, deliberate intent to **not** address race was satisfactorily **not** uncovered.

Third, contrary to the first explanation - political correctness, it was questioned whether omission of attention to race may reflect that racial discrimination may not be as

¹⁸⁷ Once again, blatant sexist comments were uncovered in the court transcripts, but race as a concept was not located.

deeply entrenched as sexism within CSC, in particular P4W. Once again, in consideration that CSC was on its “best courtroom behaviour”, it did not reveal racist ideology and practices, but it did reveal sexist ones. It follows that CSC’s greater

awareness of what constitutes racism in comparison to sexism reveals the deeper (or unquestioned) entrenchment of sexist ideology within the organization. This explanation when analyzed, however, is proposed to be a “level below” the first explanation.

A fourth potential explanation considered is that race (including racism/racial discrimination/racial oppression) was not a concept of concern at the Prison for Women. Some may suggest that correctional institutions such as P4W are not racialized to the same extent as prior stages of the criminal justice process - such as the police, or sentencing. This is a tenuous position, however, from several venues. The primary one is that existing empirical and theoretical literature and anecdotal information from incarcerated women supports the existence of racist ideological and material practices on the part of CSC at the Prison for Women. Second, the importance attached to the concept of race within the P4W incident is reflected in the allotment of a roundtable topic to Aboriginal Female Offenders/The Healing Lodge. And third, the findings of the roundtable discussions did reveal great cultural insensitivity toward Aboriginal women on the part of CSC.

And a fifth explanation, and in support of the first one discussed (that political correctness surrounding race (and thus lack of attention to it) may be indicative of it being deeply ingrained within the CSC structure), is that during the roundtable discussions, individuals who occupied positions “outside” the structure of CSC identified two things that neither CSC nor the incarcerated women did: the need to address the disproportional

identification of Aboriginal women as “violent” within the Canadian correctional and criminal justice systems, and the others’ use of the term *discrimination* on the part of CSC, whereas both CSC and incarcerated women referred to CSC’s much

less harsh “cultural insensitivity” terminology. Not only does this provide support for the unique contribution of an “outside view”, but it may also partially reflect the politically correct environment to which CSC and the incarcerated women are exposed and thus adapt.

Overall, in addition to the proposed reasoning for the lack of attention focussed upon race, or more specifically Aboriginal female offenders in the court transcripts by CSC (relationship to a deeply ingrained ideology), of prime importance is that research needs to be conducted to evaluate this reasoning and as well additional research is required to understand why it is that limited attention was allotted. The next section provides further support for this.

C. IMPLICATIONS FOR ABORIGINAL FEMALE OFFENDERS IN RELATION TO THE FOUR OUTLINED CORE CONCLUSIONS AND FINDINGS OF THIS CHAPTER

The aim of this section is to suggest implications for Aboriginal women in light of the four core conclusions made in this research, combined with the findings of this Chapter. Once again, it is proposed that enhanced research needs to be conducted. And to reiterate, prime areas requiring understanding are: (1) why it is that limited attention was allotted to race in the transcripts, (2) the implications of this (with some suggested below), and (3) the applicability of the non-attention to race in the P4W Inquiry to other areas of CSC. The findings of this section are addressed in the context of the four core findings of this research:

- The first finding (hypothesis) concluded that CSC ideology supports the identification of “violent” female offenders as “unnatural/evil”, in addition to other powerless identities. This has a potentially significant implication for Aboriginal women, in light of the finding of this section that Aboriginal women are disproportionately identified as “violent”. It was also discussed in Chapter Three: Analytic Framework, that harmful stereotypes of the Aboriginal female identity in Canada were used as means of historical oppression, with their presence and ramifications lingering today.
- The second finding concluded that CSC practice reveals harsh treatment of “violent” female offenders, with harsh practice concentrated at the “powerless” psychological/emotional/mental level, in addition to limited physical level presence. Once again, with the disproportional identification of Aboriginal women as “violent” uncovered in this Chapter, the need for further exploration is evident.
- Third, it was concluded that CSC ideology is firmly rooted in an expansive system of hierarchical authority. Such a system enables the enactment of oppressive practices, and as such, is a manifestation of control of “violent” female offenders in addition to others, including CSC. The inclusion of Aboriginal women within this overarching system requires examination. Given the uncovered hierarchal structure of CSC, and that those on the bottom levels are oppressed by sex and class, the likelihood of racial oppression for Aboriginal women is greatly enhanced.
- And the fourth finding is that CSC practice is a manifestation of control of

“violent” female offenders, acknowledging an elevated level of individual discretion on the part of CSC staff, which again facilitates oppressive practices. In place of adhering to existing rules, staff followed general guidelines (the most saturated category of this research). The implications for Aboriginal women need to be explored. Simply, the beliefs and practices of individual staff may be harmfully impacting the treatment of Aboriginal women, and in consideration of the uncovered findings, this is very plausible.

Contextualizing the suggestions outlined in this section within the overall findings of this Chapter exposes a further insight. The need for increased cultural sensitivity awareness and training for CSC was recognized to differing degrees by all roundtable participants. The suggested implication is that current practices (grounded in ideology) are inadequate, and very likely oppressive and discriminatory (with two examples of several uncovered in this section being, disrespect for Aboriginal women’s culture, treatment of Aboriginal women as “other”). Consequently, the need for timely future research is imminent.

To summarize this Chapter on findings regarding Aboriginal women, combining the findings of this section with the four core findings of this research, there is support for the need for greater attention to the concept of race, in particular Aboriginal women. And the need for research specific to incarcerated “violent” Aboriginal women is plentiful. With the utility uncovered in this Chapter, future research should reflect the views of the women, the views of CSC staff, and as well account for the structure of

CSC. This is further discussed in Chapter Eight: Conclusions: Implications and Suggested Areas for Future Research.

“All oppression creates a state of war”

- Simone de Bevoir

CHAPTER 8

CONCLUSION:

POLICY IMPLICATIONS AND SUGGESTED AREAS FOR FUTURE RESEARCH

The questions that initiated this research were formed in part from a merging of my occupational experiences within, and academic knowledge of, the Canadian criminal justice system. They were also grounded in a review of the current theoretical and empirical literature, which confirmed the need for research on “violent” female offenders, in particular “violent” Aboriginal female offenders. In review of the limited research on females involved in “violent” offences, it was uncovered that they were overwhelmingly identified as “unnatural/evil”, and that there was a lack of comparable research specifically on the identification of “violent” incarcerated women. The application of an unruly identity to women was further disclosed in examination of the literature on the oppression of Aboriginal females in Canada in general and in the criminal justice system. Again, there was an absence of research on the incarcerated “violent” Aboriginal woman. Consequently, the intent of this study emerged as an evaluation of the relationship between the “unnatural/evil” “violent” female offender identity and the ideological and physical (material) control of “violent” female offenders within a Canadian capitalist patriarchal institution, the Correctional Service of Canada. Specific consideration was allotted to the role of race, Aboriginal, in the potential relationships as well as class, as controlled by the research population.

In an attempt to link the findings (and lack of findings) of the literature review to

a theoretical understanding, the explanatory power of the unified systems variant of

socialist feminist theory was employed. Its application offered a framework from which to begin to understand the identification of the “violent” female offender as “unnatural/evil” as a means of oppression. Further, in a review of recent events in the Canadian criminal justice system, in particular the correctional system¹⁸⁸, socialist feminism’s focus on both ideological control (policy) and material control (practice) was supported. Combining the socialist feminist perspective with the empirical and theoretical literature’s prominent identification of “violent” female offenders as “unnatural/evil”, and the identified historic oppression and unruly identification of Aboriginal women, resulted in the formulation of 8 research hypotheses:

POLICY

- #1 *CSC ideology supports the **identification** of “violent” female offenders as “unnatural/evil”.*
- #2 *CSC ideology supports the **greater identification** of “violent” Aboriginal female offenders, in comparison to “violent” non-Aboriginal female offenders, as “unnatural/evil”.*
- #3 *CSC ideology is a manifestation of **control** of “violent” female offenders.*
- #4 *CSC ideology is a manifestation of **greater control** of “violent” Aboriginal female offenders, in comparison to “violent” non-Aboriginal female offenders.*

PRACTICE

- #5 *CSC practice reveals **harsh** treatment of “violent” female offenders.*
- #6 *CSC practice reveals **harsher** treatment of “violent” Aboriginal female offenders, in comparison to “violent” non-Aboriginal female offenders.*
- #7 *CSC practice is a manifestation of **control** of “violent” female offenders.*
- #8 *CSC practice is a manifestation of **greater control** of “violent” Aboriginal female offenders, in comparison to “violent” non-Aboriginal female offenders.*

The feasibility of the application of the “violent” female offender identity as a means of oppression has not been examined in Canada. Research has essentially neglected

¹⁸⁸ See Appendix L.

to problematize gender as a research variable within the “violent” offender category. Similarly, the identification of Aboriginal women as “violent” offenders, in comparison to non-Aboriginal women, as a means of racial oppression has not been explored (Hatch and Faith 1989; LaPrairie 1987; Sugar and Fox 1990a). In fact, there has been and continues to be an absence of theoretical and empirical interest in research on violence by women, specifically accounting for race, in both Canadian and American literature (Brownstein et al. 1994; Faith 1993; CSC 1995; LaPrairie 1992; Louks and Zamble 1995; Shaw 1995a; Shaw 1995b). And to reiterate, a plethora of research supports that lower class individuals are over-represented in the Canadian criminal justice system (Culhane 1995; Jackson 1988; LaPrairie 1995).

A. THEORY

The unified systems variant of the socialist feminist perspective served as the theoretical framework for this study. As explained, the theory was applied to existing literature and research initially in this study to attempt to explain the identification of the “violent” female offender in Canada. Based upon the theory’s applicability, the theoretical question asked of this research became *“Does the socialist feminist perspective assist in explaining the findings of this study?”*. As stated, at the pre-research stage the theoretical framework revealed to be viable. Through analysis of the data, it was determined that the theory continued to assist in organizing and explaining

the study’s findings, that is, the identification of “violent” female offenders as “unnatural/evil” and other powerless identities, and use of the identity as a means of oppression and control. Also, an expansive hierarchy of authoritative control on the part of

CSC was uncovered and could be accounted for within the theoretical framework. Of particular utility was the theory's intersections of the material and ideological levels of explanation.

An area of concern for socialist feminist scholars, which emerged in the late 1980s, was that the theoretical framework did not account for the experiences of all women. In particular, socialist feminism and feminist theory in general was criticized for silencing the experiences of women of colour. In response, the need to simultaneously address race, gender and class was a widely adopted position among the feminist community. This resulted in divergence from the socialist feminist perspective, with its epistemological foundation in class and gender based concepts scrutinized. There were consequent socialist feminist attempts to address the inter-connections among race, gender and class, but they were very limited in number.

The socialist feminist theoretical framework proved useful in this research when examining the historic and current material and ideological oppression of Aboriginal peoples in Canada. Maintaining the theory's inter-sectoral focus on the material and ideological levels, the interacting effects of race, gender and class were accounted for together. It was revealed in the pre-research stage of this study that harmful ideologies and practices against Aboriginal women are dispersed throughout Canadian history and have become ingrained in the current structure and operation of Canadian institutions,

including the criminal justice system. This raised the question of the extent to which the effects of the historic oppression of Aboriginal females is evident in the current policies and practices of the Correctional Service of Canada.

A second area of criticism of the socialist feminist framework is its consistent

inattention to “violent” female offenders. As revealed, socialist feminism has essentially neglected to address the “violent” female offender. Once again, through the application of the socialist feminist perspective at the pre-stage of this research, its applicability was uncovered for addressing the powerless identification of “violent” women as “unnatural/evil”. Combining these two criticisms, lack of attention to race and “violent” women, led to the focus of this research and application of the socialist feminist theoretical framework.

As will become evident in this Chapter, utilizing the socialist feminist framework to account for the “violent” Aboriginal female offender was productive and is worthy of further exploration. The socialist feminist approach facilitated examination of both the material and ideological dimensions of the “violent” and “race” concepts within the capitalist patriarchal structure of the Correctional Service of Canada. With this said, it is important to acknowledge that the intent of this research is not a theoretical reformulation of the socialist feminist perspective, but rather, more modestly an exploratory evaluation and application of the framework to address the “violent” Aboriginal female offender within the Correctional Service of Canada.

B. METHODOLOGY

The designed bi-functionary approach to content analysis was detailed and

employed in this study. At a basic level, the identified research hypotheses were addressed through analysis of the research data, which is conventionally termed deductive research. Concurrently, the research data were analysed for any emergent findings that were not identified in the pre-identified research hypotheses. This is typically termed inductive

research. The deductive and inductive approaches to data analysis were harmonized, and directed by the latter. Based on the multi-dimensional depth of understanding this approach produced, its utility is highly supported. Content analysis, many claim, is nearly impossible to comprehend until it is practiced. It is intended that the detailed bi-functionary approach to content analysis outlined in this research will be a step toward serving this purpose.

As detailed early in this study, content analysis was conducted on two data sources: (1) sworn transcripts of the public hearing proceedings of the Commission of Inquiry into Certain Events at the Prison for Women in Kingston, Ontario, Canada, and (2) transcripts of the public consultation process (roundtable discussions) of the Commission of Inquiry into Certain Events at the Prison for Women in Kingston, Ontario, Canada. The *public hearing proceedings* focus on the policies and procedures, through the recital of events, used by CSC to respond to claimed “violent” events by female offenders in April, 1994, at the Prison for Women. The *public consultation process* examines broad social policy questions that arose from CSC’s response to the events. Both the proceedings and consultations account for CSC’s material treatment of female offenders (reflected in procedures and practices) and CSC’s ideology (reflected in policies and CSC representatives’ discourse). Again, this combined focus is congruent

with the unified systems socialist feminist theoretical perspective adopted in this research.

C. FINDINGS

It is proposed that use of the terms “violent” and “female” together is confrontational. Referring to the definitions of concepts applied in this research, a

universal definition of female does not exist, however, in the North American context the term is generally associated with powerless characterizations, such as passivity, weakness and complacency. Conversely, the word violent imparts great physical force, and is typically associated with powerful associations, such as aggression and dominance, and is associated with the male gender. From within a socialist feminist framework, it follows that associating a strong identifying characteristic, such as violent with females does not support the maintenance of the current gender division of labour and ensuing capitalist patriarchal structure. The data of this study support that a powerless identification, including “unnatural/evil” and other identities of the “violent” female is endorsed and used to “explain away” powerful characteristics typically associated with violence. This, in turn, denies women power, and serves as a means of gender stratification, at least within the confines of CSC as focussed upon in this study. This powerless identity and its ramifications are manifested at both the ideological (policy) and material (practice) levels. This is a contribution to the literature which has generally proposed that “the regulation of female prisoners takes a specific, gendered form which relies upon the deployment of traditional ideals of passive, feminine behaviour”, but has not examined it to any notable extent (Bosworth 1999:103). Further, the findings of this study suggest that when the concept of race, in particular Aboriginal women, is laterally accounted for

with gender and class, Aboriginal women face an additional means of oppression. And recall that class is controlled by the population of this study, with acknowledgment of the specific history of class related oppression of Aboriginal peoples.

Five core findings were concluded in this research. They advance two primary core variables, control and violent, and one subsidiary core variable, race. Each of the original hypotheses were supported to varying degrees and expanded upon, with general consensus surrounding the hypotheses specific to Aboriginal women (see Chapter Seven). The

findings are outlined in Table 10: Findings.

TABLE 10: **FINDINGS**

Original Hypotheses & One Modified Hypothesis (*)	<i>Additional Findings</i>
CSC ideology supports the identification of “violent” female offenders as “unnatural/evil”	<i>in addition to other powerless identities.</i>
CSC practice reveals harsh treatment of “violent” female offenders	<i>with harsh practice concentrated at the “powerless” psychological/emotional/mental, rather than physical level.</i>
CSC ideology is a manifestation of control of “violent” female offenders	<i>CSC and others, with its foundation firmly rooted in an expansive system of hierarchical authority (which translates into the enactment of oppressive practices).</i>
CSC practice is a manifestation of control of “violent” female offenders	<i>acknowledging an elevated level of individual discretion on the part of CSC staff, which facilitates oppressive practices.</i>
CSC’s identification, control and treatment of “violent” Aboriginal female offenders (*)	<i>is deeply embedded within CSC’s historic authoritative structure.</i>

The **first finding** is that CSC ideology supports the identification of “violent” female offenders as “unnatural/evil”, in addition to other powerless characterizations, noting that the other powerless identities were more highly supported. As revealed, a core variable to emerge from analysis of the data is violent. Extensive testimony emerged from the court transcripts regarding CSC’s construction of the “violent” female offender identity. CSC’s view of “violent” incarcerated women was conveyed in two ways: (i) women’s identity (how the women were identified as “violent”), and (ii) women’s conduct (the conduct of women which identified them as “violent”). Though the later focus is on

women's tangible actions, it inherently reflects CSC's ideological position, as reflected in the views of CSC representatives. Focussing on the first point, as reviewed, "violent" women were identified in "powerless" ways. With regard to the second point, it was uncovered that "violent" women did not have to act physically violent to be identified as "violent". The conduct identified as "violent" for women was inherently powerless in its nature and adhered to patriarchal notions of female. As well, CSC "explained away" the limited powerful identities of "violent" women in powerless ways.

Applying the socialist feminist theoretical framework to the findings, there was a clear display and maintenance by CSC of a harmful and oppressive ideology toward "violent" female offenders. Referring back to the discussion of the socialist feminist perspective, it was advanced that a powerless "violent" female identity (i.e., "unnatural/evil") positions women in a powerless role in the current capitalist patriarchal structure of CSC. A powerless identity contributes to the perpetuation of the operation of capitalist patriarchy by assuring women do not gain too much power, and thus upset the

maintained and inequitable gender division of labour. As discussed, support for the "unnatural/evil" identity and more fervently other powerless identities was uncovered in this research. As well, CSC supported an inherently oppressive and patriarchal portrayal of women's "violent" conduct by focusing overwhelmingly on their non-physical/verbal acts. Additionally, women were implied to be "unnatural/evil" because being noisy is contrary to the patriarchal definition of female. Simply, when women transcend the gendered image of "female", which the "violent" woman does, it is a direct challenge to the current state of capitalist patriarchy. Each powerless or oppressive identity uncovered in this research supports the marginalization of "violent" women in CSC's capitalist patriarchal structure. The importance of examining CSC's definition of "violent" for women is that such

ideology has a direct relationship to ensuing practice and procedure.

The **second finding** is that CSC practice reveals harsh treatment of “violent” female offenders, with harsh practice concentrated at the “powerless” psychological/emotional/mental level, in addition to limited physical level presence. It was originally hypothesized that if “violent” women were identified by CSC as “unnatural/evil”, that is, an aberration to the condoned patriarchal definition of female, they would in turn be treated harshly. It was concluded from analysis of the data that this hypothesis was supported, however, with harsh material treatment identified primarily at the psychological/emotional/mental level, followed by the physical level. This supports CSC’s identification of “violent” women and their conduct in powerless ways (i.e., non-physical/verbal). Combined, findings I and II, from which the core variable violent emerged, indicate that overall CSC neither focuses on women’s powerful, physical

conduct nor responds in a powerful, physical manner.

Of particular interest with the above outlined second finding is that in general the P4W incident was consumed with the physical acts that took place at the institution, in particular the physical deployment of the IERT and its ensuing actions, such as the IERT’s removal of women from their cells and the IERT strip searching women. This ranged from the content of the Arbour Inquiry itself to media coverage surrounding the incident. Comparatively, only minor attention was allotted to the psychological/emotional/mental aspects of CSC’s treatment of “violent” women. The importance of this study is that the findings in this section suggests harsh treatment by CSC toward “violent” women was foremost on the psychological/emotional/mental level. The socialist feminist framework proved useful in addressing this second finding. The concentration of CSC’s

harsh treatment at the physical/emotional/mental level supports powerless treatment and thus identity of “violent” women by focussing on their inherent and powerless characteristics in place of physical, powerful ones. Further, evidence of a harsh physical response by CSC also supported the oppressive “unnatural/evil” identification of “violent” women by CSC, especially since women’s conduct was identified at the psychological/emotional/mental level but was responded to at times, albeit limited, at the physical level. Within a socialist feminist framework these findings support CSC’s oppressive and powerless ideology and ensuing practice toward “violent” female offenders. CSC’s adherence to and perpetuation of normative gender expectations for women contributes to the maintenance of its capitalist patriarchal structure.

The **third finding** is that CSC ideology is firmly rooted in an expansive system of hierarchical authority. Such a system enables the enactment of oppressive practices, and as such, is a manifestation of control of “violent” female offenders in addition to others, including CSC itself.

The socialist feminist framework proved amenable to a theoretical account of the ideological control of “violent” female offenders. Drawing upon the conclusion of Finding I, that CSC ideology supports the identification of “violent” women as “unnatural/evil” and other powerless characterizations, it was uncovered that the powerless identification of “violent” women was supported in the ideological foundation of CSC and served to maintain capitalist patriarchy. In consideration of the present finding that the ideology (and ensuing practices) of CSC are deeply ingrained within CSC’s authoritative structure, it is suggested that further research attention be allotted to this. In particular, the new federal regional female institutions are suggested to be examined in light of this ominous

finding. The question that renders asking is to what degree, if at all, has the identified oppressive ideological foundation of CSC toward “violent” female offenders in 1994 transferred into the new regional institutions at the ideological and ensuing material levels? Further, inherent to a hierarchical structure is oppression. And given CSC’s identified expansive hierarchy of authority (control), it is suggested that other potential forms of oppression exist and need to be examined, such as race and sexuality. The recent work of Hannah-Moffat (2001), Punishment in Disguise, supports that power relations (control) in the female prison context are complicated and argues the need for research attention.

The **fourth finding** of this research is that CSC practice is a manifestation of control of “violent” female offenders, acknowledging an elevated level of individual discretion on the part of CSC staff. Analysis of the data uncovered that material control, similar to ideological control, revealed the presence of an oppressive hierarchy of authority. Unlike ideological control which was broad based and all-encompassing, material control was more specific to the “violent” female offender. From within a socialist feminist theoretical framework, it was revealed in Finding II that harsh treatment of the “violent” female offender was concentrated at the psychological/mental/emotional level with limited presence of harsh physical treatment. This was explained as supporting a “powerless” identification of the “violent” female offender. It was uncovered in this section that physical treatment of the “violent” female was specifically to gain control. This too was explained as supporting a powerless identity of the “violent” female offender, as “unnatural/evil”.

In addition to supporting the original hypothesis (CSC practice is a manifestation of control of “violent” female offenders) the highly influential presence of individual officer

discretion was concluded¹⁸⁹. It was ascertained that with the enactment of individual officer discretion came extensive mistreatment of “violent” female offenders. This was linked to powerless identities and a high level of psychological/emotional/mental (mis)treatment. Advanced research in this area is

strongly encouraged. Overall, evidence of material control of the “violent” female offender by CSC, as uncovered in this research, supports the perpetuation and current operation of capitalist patriarchy within the current structure of CSC.

Combining the findings of both ideological and material control and their inter-connections, from which the core variable control emerged, it follows that what existed at the ideological level of CSC often translated into practice, and vice-versa.

The **fifth finding**, grounded in the framework of the previous four findings, suggests the identification, control and treatment of “violent” Aboriginal female offenders are deeply embedded within CSC’s historic authoritative structure. The implications of the core findings for the “violent” Aboriginal female are addressed in the context of each finding. The discussion centres around the core variable race.

The first general finding of this research is that CSC ideology supports the identification of “violent” female offenders as “unnatural/evil”, in addition to other powerless identities. This has potentially significant implications for Aboriginal women. First, it was uncovered in this section that Aboriginal women were disproportionately identified as “violent” offenders in the prison system. And second, the finding must be

¹⁸⁹ It is important to note that it was uncovered that CSC has an inordinate amount of policy and does not allot sufficient training and resources for its dissemination to staff. It follows then that it is inevitable that staff highly use their individual discretion in the application of policy (i.e., applying rules inappropriately and following general guidelines instead of outlined policy/rules).

contextualized in recognition of the historical oppression of Aboriginal females through oppressive stereotypes, and their lingering presence and effects in modern social institutions (such as CSC). Each finding implies further oppression for the “violent” Aboriginal female offender.

Second, it was concluded that CSC practice reveals harsh treatment of “violent” female offenders, with harsh practice concentrated at the “powerless”

psychological/emotional/mental level, in addition to limited physical level presence. Once again, with the disproportional identification of Aboriginal women as “violent” uncovered, the potential for disproportional harsh treatment exists, with the need for further exploration evident.

The third finding was that CSC ideology is firmly rooted in an expansive system of hierarchical authority. Such a system enables the enactment of oppressive practices, and as such, is a manifestation of control of “violent” female offenders in addition to others, including CSC. The inclusion of Aboriginal women within this overarching system requires examination. Given the uncovered hierarchal structure of CSC, and that those on the bottom levels are oppressed by gender and class, the likelihood of racial oppression for Aboriginal women is greatly enhanced, and suggested in the findings of this research. Further, attention to the historical class specific oppression of Aboriginal peoples should be acknowledged in the context of this finding.

And fourth, it was concluded that CSC practice is a manifestation of control of “violent” female offenders, acknowledging an elevated level of individual discretion on the part of CSC staff, which again facilitates oppressive practices. In place of adhering to existing rules, staff followed general guidelines (the most saturated category of this

research). The implications for Aboriginal women need to be explored. Simply, the beliefs and practices of individual staff may be harmfully impacting the treatment of Aboriginal women, and in consideration of the uncovered findings in this study it is very plausible (i.e., the high saturation of cultural insensitivity on the part of CSC, corroborated by CSC itself, incarcerated women, and community members).

As stated in Finding V, Chapter Seven, it is difficult as a researcher to accept the recognition that your data is not present to the extent anticipated to test your hypotheses. Once conceded to, it is realized that an “absence” of a finding such as this is as important as clear support for established hypotheses. Based on the findings of this research, integrated with the review of the literature and existing research, it is proposed that the lack of attention to race is foremost due to its deeply ingrained presence in the ideological and material capitalist patriarchal structure of the Correctional Service of Canada. Dua (1999), citing the words of Bannerji, communicates this as “race being erased”:

...the most difficult aspect of talking about racism in Canada was that it was so common sense - so embedded in everyday life. She [Bannerji] pointed out that because racism was embedded in the diffused cultural practices of Canadian society it was erased” (14).

This is echoed in the words of Crow (1992), with specific focus on the criminal justice system:

...a major problem is...the racism has become so ingrained in the operating of the criminal justice agencies that it is beyond the awareness of those who practice it. Over time, it is possible that discriminatory conduct becomes so subtle that officers and citizens no longer notice that their conduct displays prejudice and discrimination. Thus, it is not only difficult to detect, but it is also difficult to prove and almost impossible to eradicate without changing the entire way in which the agency operates (433).

The need for further research in this area is imminent.

In review of the findings of this study, overall the socialist feminist theoretical perspective offered an analysis of women's oppression that began with the examination of power structures: class, gender and the lateral addition of race. It was concluded that there was evident effort to assert control (ideological and material) over the "violent"

female, and in particular the "violent" Aboriginal female through the power of the state, which in this case is confined to the Correctional Service of Canada. The "violent" women in prison violated normative gender expectations, and consequently, were reacted to in ways that re-established the boundaries between generally agreed upon masculine (powerful) and feminine (powerless) character structures.

Addressing the theoretical question posed in this research, that is, "Does the socialist feminist perspective assist in explaining the findings of this study?", as partially reviewed the general answer is yes. With attention directed toward explaining the race specific findings of this research, it has also been revealed that the socialist feminist theoretical perspective assisted in organizing and explaining the findings. It was outlined in the review of the theoretical and empirical literature in this study that the subordination of Aboriginal women has been central to the colonial project of capitalist expansion in Canada (Bryson 1992). It was also outlined that oppressive colonial representations of Aboriginal women which serve as a means of oppression transcend to the present day in general society. Accounting for this, it becomes implausible to apply the framework of socialist feminism to the focus of this study based on a class and gender centred focus alone. The findings of this research support, at an initial level, race as an additional and inter-connected explanatory variable at the material and ideological levels in the structure of the Correctional Service of Canada.

One area that the socialist feminist theoretical framework does not account for at this point is the intersection between the social structure and individual agency. This is a logical next step given that the experiences of incarcerated “violent” women are different

based on their experiences both within and outside the prison environment, and hence their forms of resistance will vary (i.e., by race, gender (motherhood), sexuality, etc.). The work of Bosworth (1999) elucidates the concept of women’s agency and the need to account for it, claiming that “women are able to construct competing feminine identities, through which they resist some of the disempowering effects of imprisonment” (107). Effort to account for and address women’s agency in the institutional environment and its relationship to the broader social structure is suggested to be a future area of research, especially in light of the findings of this research. This suggestion is explained further in the next section: Future Research Areas and Key Policy Implications.

D. FUTURE RESEARCH AREAS & KEY POLICY IMPLICATIONS

“The development of theory and strategy should be separated activities, even though, they are interrelated. Theory permits society to think about new possibilities and strategy grows from these possibilities” (Lacombe 1984:173).

(a) Future Areas of Scholarly Research

Throughout this study suggested areas of future research have been identified. The sheer number of suggestions conveys the need for research attention to be directed toward incarcerated “violent” female offenders, in particular Aboriginal women. This section provides four of the most prominent areas of identified research need that emerged from the findings of this study.

First, it is suggested that the overall findings on both the material and ideological levels be used as a benchmark to compare and contrast with the current ideological and material operation of the new regional federal female correctional facilities in Canada.

This is particularly important given some of the oppressive and questionable actions on the part of CSC since the 1996 Arbour Inquiry (see next section), including its selective application of the Inquiry's recommendations¹⁹⁰.

Second, based on the findings of this research it was put forward that identifying women's conduct as inherently determined denies them agency and autonomy which are typically powerful masculine characteristics (thus denouncing "violent" women power). Drawing upon this finding, it is suggested (see prior section) that women's agency, in particular women's role in resisting and negotiating power and its relationship to the "violent" female offender identity within the prison environment, requires examination. One plausible means is in-depth analysis of incarcerated women's voices in the Arbour Inquiry transcripts (in particular Phase II). Similar to this research, both the material and ideological aspects of women's narratives could be accounted for. Second, it is advanced that the views of Aboriginal and non-Aboriginal on their identification as "violent" be attained. This would provide necessary additional insight into their (possible) resistance and negotiation of the identity, in particular accounting for the forms and processes of resistance and negotiation in acknowledgment of the influence of race, sexuality, and the like. The work of Bosworth (1999) is an example of a research study that combines

¹⁹⁰ A related area of suggested research is an examination of the extent to which the Arbour Inquiry recommendations have been implemented, and of those that have, what has been the effect? This is an important question given that an aim of the Inquiry was to make recommendations for the future planned functioning of the regional institutions.

theoretical analysis of agency and identity with empirical research on women in prison¹⁹¹.

The voice of a woman in Bosworth's study reveals the need for such research that highlights and accounts for the voices of incarcerated women:

I know that my accent holds me back as well. It sounds harder than it actually is. The way I talk makes me sound like a hooligan sometimes - and I'm not! I mean I have to laugh and I carry on and I dance and all that...but when I laugh, the officers think 'she's wild'. I'd get nothing, nothing [under the incentives and privileges scheme] but others would get everything (1999:119).

The third area of proposed research is continued focus on the material and ideological foundation of the capitalist patriarchal structure of CSC (also laterally accounting for race) but from a divergent standpoint. It is suggested that the voices of female staff, in particular Aboriginal staff, and their experiences of ideological and material control, as uncovered in this research, be accounted for. Recall it was concluded that CSC ideology is a manifestation of control of "violent" female offenders, with this control *extended* to being a manifestation within CSC itself and over others. Simply, an expansive system of hierarchal authority within and by CSC was concluded. A recent example of the need for such research is the case of Shelley deBussac, one of three women currently in a lawsuit against CSC which alleges sexual harassment while they were employed at the Saskatchewan federal penitentiary. In reflecting on her experiences, deBussac questions the "willingness of the system [CSC] to investigate claims and accept women as equals in a traditionally male workplace"...further claiming that it "[a]ll stems

¹⁹¹ See the Canadian work of Pollack (2000a) and Hannah-Moffat (2000).

back to the old boys' club. We came into a men's world....There are still many of them that don't feel we belong there" (Coolican, 2000:A6). This quotation alone mirrors findings of this research, such as the expansive hierarchy of authority

(unwillingness of CSC to question itself) and individual officer discretion¹⁹². Further inquiry is encouraged.

Fourth, it is recommended that enhanced research focus on race both within the ideological and material foundation of CSC and on a theoretical level be conducted. Two of numerous reasons revealed in this research with regard to CSC are: incarcerated women's, CSC's and others' identified cultural insensitivity on the part of CSC; and an established high level of individual officer discretion which translates into discursive and often damaging practices. And with regard to addressing race at the theoretical level, as revealed in this study current attempts at theoretical integration of race, gender and class are being conducted. This proved attainable at an entry point in this research within the socialist feminist framework - the potential contributions of the socialist feminist framework should be explored.

This section on areas of future research will conclude most appropriately with/in the words of two Aboriginal women who participated in the Inquiry and clearly identified the need for research of the types suggested:

"I think colonialism is quite often a more useful conversation to have. I see jails as very much part of a colonial process and I talked about that the other day with the outlawing of our ceremonies and things. What needs to be understood is that Aboriginal people are recovering. We will continue to recover because those are our commitments. That's where we're coming from. And historic traditions – our experiences with jails, have confounded and contradicted our ability to heal. You cannot heal in an environment of punishment. So it's made it very difficult."

¹⁹² One of limited studies in this area is the work of M. McMahon (1999). *Women on Guard: Discrimination and Harassment in Corrections*. Toronto: University of Toronto.

(Monture 1010) (Community Representative).

"I guess my feeling is, and always an optimist is that feel that the Healing Lodge

will be such a safe, secure and peaceful environment that I think anyone coming in there will not act in a manner that may harm themselves or others.

So I just wanted to end with that. But we do have staff that are trained. We do have a segregation unit. We do have an IR team. So I just wanted to say that." (Green 1125). (CSC Representative).

(b) Policy Implications

Accounting for the grassroots foundation of the socialist feminist theoretical perspective, it only seems fitting that this study conclude by enclosing the circle, that is, arriving back at the starting point of this research and addressing the question of "Now that the research findings are concluded, where do we go from here?". Pro-social change through activism was the founding intention of the socialist feminist movement. I will definitely be *active* in disseminating the findings of this research, and it is proposed that based on the nature and focus of the study, potential for change would be best met if effort was concentrated at the policy level (and which as has been described in this research is intricately related to ensuing practices).

First, it is important to briefly articulate the close association between the research and policy realms, which is too often minimized. Snider (1995) elucidates this point:

Although it is impossible (and undesirable) to lay out in advance all the strategies that feminists may find useful (since they must be tailored to local ideological and material conditions), analyses of the evidence will at least make some of the blind alleys more obvious. Such general guidelines, informed by theoretical and empirical analyses, remain both possible and essential guides to effective social action (256).

Gregory (1986) similarly states that:

There is no easy way in which we can ‘read off’ social policy statements from a socialist-feminist approach to crime; indeed, simple prescriptions should be

treated with scepticism. A socialist-feminist approach should, however, ensure that we ask the right questions. The precise consequences of any proposed reforms need to be considered carefully (69).

It follows that the fundamental research suggestions from the prior section (noting others identified throughout this study) may in the future contribute to progressive policy formation and change (operation of the new regional federal female correctional institutions; accounting for women’s agency and resistance within the prison environment; addressing CSC’s expansive hierarchy of authority; and addressing race, specifically Aboriginal women, at the institutional and theoretical levels). In this section two fundamental policy suggestions, based on the findings of this research, are made.

First, the voices of incarcerated “violent” women and others traditionally excluded (i.e., line staff) from policy evaluation and formation need to be accounted for. This was similarly revealed in the preceeding section, which identified the need for research accounting for the voices of incarcerated “violent” Aboriginal female offenders. The utility of such an approach is evident in the contributions of the various participants in the *Arbour Inquiry*: incarcerated women, community representatives and CSC. To illustrate, in particular the voices of community members with regard to the identification of Aboriginal women as “violent” (see Volume 7, Phase II) added a depth of understanding to the findings that was not present in the voices of either CSC or the incarcerated women who were enmeshed in the structure of CSC (i.e., direct articulation of racism). The work of Sommers (1995) articulates this with respect to women in conflict with the law:

[w]omen in conflict with the law have their own ideas about why and how they become lawbreakers. They’ve lived through the experience of lawbreaking, and they know about it. They have survived the wrenched situations in which they

were moved to act in ways that they sometimes angrily justify and sometimes profoundly regret. They have struggled with the social systems and structures that turn them from lawbreakers into criminals. They face the reality of who they are as individuals every time they look in the mirror (3).

Quite simply, the voices of individuals involved in the system and with a working knowledge of it need to be accounted for in policy evaluation and creation, because within them lies some of the knowledge we are currently lacking in Canada with respect to incarcerated of “violent” female offenders, specifically Aboriginal women, as well as other areas (Dell 1999a:132).

And second, policy must be realistic - it needs to be grounded. The findings of this research revealed that CSC staff were not aware of existing policy, there being an absence of rules or policy at CSC, and the existence of an excessive amount of policy at CSC (noting the three findings are inter-related). With respect to the latter, it was conveyed that the elaborate and detailed policies proved to be so much so that employees communicated feeling they were left with no option but to cut corners. This was even recognized by the Senior Deputy Commission of the Correctional Service of Canada, Andrew Graham:

“So policy in the Correctional Service is so complex that the Board of Investigation can’t address compliance with all of the policies. Is that fair? (Jackson 7197). There’s an immense amount of, of policy. And the amount of resources that we have, sometimes you, you weigh off whether you can do certain things or do certain other things. You have to set appropriate priorities according to the law. The law clearly drives us from the paramountcy of public safety....” (Graham 7197-8).

This suggestion supports as well the relevance of accounting for staff voice and expertise (see policy suggestion one)¹⁹³. Such instability with respect to CSC policy can only

¹⁹³ Related, there is a need to account for different methodologies - such as content analysis as applied in this research - because diverse analytic tools can provide additional insight into the current policies and ensuing

contribute to difficulties.

It is important to highlight the finding of this research that CSC revealed to be open to change existing policy (and practice). This ideological position was indicated through CSC claiming to have learned from its experiences/ history, CSC identifying itself as currently progressively moving forward, and CSC being open to future progressive policy (and practice) changes. This is an encouraging finding (even though questionable based upon CSC's historic actions) given the need for such advancement in consideration of the findings of this research.

To conclude, in review of the findings of this study, the need for future research of the type conveyed here that is directed toward initiating further research and effecting policy is crucial. The severe necessity for attention to the area of "violent" Aboriginal female offenders is highlighted when the findings of this study are coupled with situations of abuses of power, blatant disregard, and disdain for the law on the part of CSC against incarcerated women in general (Pate 1999:44). The following examples, Kim Pate, Executive Director of the Canadian Association of Elizabeth Fry Societies, states "provide a mere taste of the sorts of human rights issues we have tried to address since Arbour:

- * women being strip-searched outside the legislation and policy and
- mandatory routine way where ever the Correctional Service of Canada policy permits strip-searching for cause;
- * women being stripped, shackled and left chained naked to a metal bed frame, without a mattress, in segregation;
- * women being strapped to body boards in segregation;
- * minimum security women being sent into the community in shackles for various forms of temporary absences...
- * continued utilization of classification tools that disproportionately discriminate on the basis of race, class, gender, and sexual orientation (1999:45)".

Existence in Canada of these circumstances is reason to continue with the research process.

APPENDIX A:
PRE-ESTABLISHED CODES

IDEOLOGY

- HYPOTHESIS #1 CSC ideology supports the *identification* of ‘violent’ female offenders as ‘unnatural/evil’
- HYPOTHESIS #2 CSC ideology supports *greater identification* of ‘violent’ Aboriginal female offenders, in comparison to ‘violent’ non-Aboriginal female offenders, as ‘unnatural/evil’

CSC IDENTIFICATION

(Also account for non-CSC identification as points of comparison)

CSC ideology influences/impacts upon: (A) policy, and (B) procedure (individual worker actions/statements). Account for prevalence in both.

▶ ‘VIOLENT’ FEMALE OFFENDER

- ▶ Unnatural
 - ▶ Aberration to ‘true’ feminine female/unfeminine
 - ▶ Inherently controlled
 - ▶ Mental illness; Heredity; Pre-menstrual syndrome; Hormones; Chromosomes
- ▶ Evil
 - ▶ Maniacal; Crazy; Peculiar; Mad; Infected; Aberrant; Rebellious; Wicked; Sinful; Abnormal; Deviant; Atypical; Badness; Irregular; Anomaly; Maleness
 - ▶ Strength; Aggressive; Power; Dominance; Bold; Independent; Violent
- ▶ Victim
 - ▶ Helpless
 - ▶ Powerless
 - Patriarchal role; Sexist role; Weak; Traditional social role; Passive; Docile; Dependent; Non-violent; Oppressed; Dominated

▶ ‘VIOLENT’ ABORIGINAL FEMALE OFFENDER

- ▶ Same terms as for ‘violent’ female offender
- ▶ Stronger/more forceful terms
- ▶ Greater prevalence of terms

CSC CONTROL - IDEOLOGY & PROCEDURE

(Also account for non-CSC identification as points of comparison)

CSC ideology influences/impacts upon: (A) policy, and (B) procedure (individual worker actions/statements). Account for prevalence in both.

► ‘VIOLENT’ FEMALE OFFENDER

(A) IDEOLOGY

HYPOTHESIS #3 CSC ideology is a manifestation of *control* of ‘violent’ female offenders

**STEREOTYPES
INSTITUTIONAL RULES
INSTITUTIONAL PROCEDURE**

(B) PROCEDURE

HYPOTHESIS #7 CSC practice is a manifestation of *control* of ‘violent’ female offenders

ACTING OUT STEREOTYPES FOR CONTROL

► Physical

► Restrain/curb

► Inappropriate exertion of authority (tangible/perceived)

ACTING OUT INSTITUTIONAL RULES FOR CONTROL

ACTING OUT INSTITUTIONAL PROCEDURE FOR

CONTROL

DENY RIGHTS

HYPOTHESIS # 5 CSC practice reveals *harsh* treatment of ‘violent’ female offenders
(NOT NECESSARILY CONTROL)

ACTING OUT STEREOTYPES HARSHLY

► Physical

► Force; Severity; Restrain/curb; Brutality

► Cruel/unfeeling

► Inappropriate exertion of authority (tangible/
perceived)

ACTING OUT INSTITUTIONAL RULES HARSHLY

ACTING OUT INSTITUTIONAL PROCEDURE HARSHLY

DENYING RIGHTS HARSHLY/SEVERELY

► **‘VIOLENT’ ABORIGINAL FEMALE OFFENDER**

(A) IDEOLOGY

HYPOTHESIS #4 CSC ideology is a manifestation of *greater control* of ‘violent’ Aboriginal female offenders, in comparison to ‘violent’ non-Aboriginal female offenders

► Same as for non-Aboriginal ‘violent’ female offenders

STEREOTYPES

INSTITUTIONAL RULES

INSTITUTIONAL PROCEDURE

► Greater/stronger use to exert greater control

► Greater prevalence of terms

(B) PROCEDURE

HYPOTHESIS #8 CSC practice is a manifestation of *greater control* of ‘violent’ Aboriginal female offenders, in comparison to ‘violent’ non-Aboriginal female offenders

► Same as for non-Aboriginal ‘violent’ female offenders

ACTING OUT STEREOTYPES FOR CONTROL

► Physical

► Restrain/curb

► Inappropriate exertion of authority (tangible/
perceived)

**ACTING OUT INSTITUTIONAL RULES FOR
CONTROL**

**ACTING OUT INSTITUTIONAL PROCEDURE FOR
CONTROL**

DENYING RIGHTS

► Greater/stronger use to exert greater control

► Greater prevalence of terms

HYPOTHESIS #6 CSC practice reveals *harsher* treatment of ‘violent’ Aboriginal female offenders in comparison to ‘violent’ non-Aboriginal female offenders

(NOT NECESSARILY CONTROL)

► Same as for non-Aboriginal ‘violent’ female offender

ACTING OUT STEREOTYPES HARSHLY

► Physical

- ▶ Force; Severity; Restrain/curb; Brutality
- ▶ Cruel/unfeeling
 - ▶ Inappropriate exertion of authority (tangible/perceived)

ACTING OUT INSTITUTIONAL RULES HARSHLY
ACTING OUT INSTITUTIONAL PROCEDURE
HARSHLY
DENY RIGHTS HARSHLY/SEVERELY

OTHER

VIOLENCE

- ▶ Violent
 - ▶ Offender; Offence
- ▶ CSC violence

CSC MISSION STATEMENT

- ▶ Upheld; Working toward; Malign

(Note: Race, class gender influence in identification of offenders)

RACE

- ▶ Aboriginal
 - ▶ Violent; Devaluation of culture; History; Racism; Discrimination; Oppression
 - ▶ Powerlessness; Social; Ruling class power; Dominance

CLASS

- ▶ Power
- ▶ System of production (capitalism)
- ▶ System of reproduction (patriarchy)
- ▶ Economic disadvantage
- ▶ Oppression
 - ▶ Powerlessness; Social; Ruling class power; Dominance

GENDER

- ▶ Sexism
- ▶ Patriarchy (males set standards)
- ▶ Oppression
 - ▶ Powerlessness; Social; Ruling class power; Dominance

HEALING

POWER

- ▶ CSC

- ▶ 'Violent' female offender

APPENDIX B:
STANDARD ETHICAL STATEMENT

This is an ethical statement confirming the ethical propriety of this research. All data in this study was obtained through public documents and I adhere to the professional standards of their use.

APPENDIX C:
CSC GUIDING PRINCIPLES &
STRATEGIC OBJECTIVES

CSC's **Guiding Principles** are the statements of the key assumptions which serve to direct CSC employees in their daily actions (www.csc-scc.gc.ca). The guiding principles for each of CSC's core values are:

CORE VALUE 1 *We respect the dignity of individuals, the rights of all members of society, and the potential for human growth and development.*

- X As we respect the rule of law, we will respect the rights of all individuals - offenders, staff, and all those involved in the correctional process.
- X All of our dealings with individuals will be open, fair and humane.
- X We believe that respecting the right of all concerned individuals to be informed participants in the correctional process contributes to the quality of the process and of the decisions made.
- X We will acknowledge good behaviour and deal constructively and promptly with inappropriate behaviour.
- X We recognize the value of family and community relationships.
- X We will accommodate, within the boundaries of the law, the cultural and religious needs of individuals and minority groups, providing the rights of others are not impinged upon.
- X Problems will be resolved at the lowest possible levels.
- X The disciplinary process, when used, will be fair, timely and equitable.

CORE VALUE 2 *We recognize that the offender has the potential to live as a law-abiding citizen.*

- X Offenders are responsible for their actions and must bear the responsibility for giving up their criminal behaviour.
- X We believe that programs and opportunities to assist offenders in developing social and living skills will enhance their potential to become law-abiding citizens. We must ensure that offenders participate in such programs and we will strive to motivate them to contribute to their development.
- X We believe that offender employment plays a critical role in developing skills and abilities which will serve offenders on release, contributes to the good order and management of institutions, and reflects our society's belief in the value of work.
- X We believe that offenders should be productively occupied.
- X Accepting that offenders can best demonstrate their ability to function as law-abiding citizens in the community, we will provide programs, assistance and supervision to support the gradual release of offenders at the earliest time that such release can be safely effected.

- X We recognize that the establishment and maintenance of positive community and family relationships will normally assist offenders in their reintegration as law-abiding citizens.
- X The involvement of community organizations, volunteers and outside professions in program development and delivery will be actively encouraged.

CORE VALUE 3 *We believe that our strength and our major resource in achieving our objectives is our staff and that human relationships are the cornerstone of our endeavour.*

- X Because our relationship with offenders is the most critical aspect of our work, we recognize that individuals possessing values consistent with our Mission, effective interpersonal skills, and an understanding of social justice, are essential in accomplishing our Mission.
- X All staff are correctional staff and are responsible for being active, visible participants in the correctional process and in achieving the objectives of the Service.
- X We will be sensitive to the staff members' individual needs, interests, capacities, values and aspirations in the workplace.
- X We believe that staff have a lot to contribute and that they must be able to voice their ideas and concerns, within the service, without fear.
- X We lead by example.
- X We believe that staff involvement and consultation in the development of corporate objectives, policies, plans and priorities is crucial.
- X We believe that our relationships with unions must be characterized by openness, mutual respect and a desire to resolve problems.
- X We believe that teamwork is essential to fulfilling our mandate and contributing to the achievement of our Mission.
- X We believe that all staff training and development activities should be directed to the needs of the individual and the achievement of our Mission.
- X We respect the need for employment equity achieved through a staff complement that represents a cross-section of Canadian society.
- X Our organizational structures must facilitate the fulfilment of our Mission, recognize the value of stability and promote the involvement of staff in management processes.

CORE VALUE 4 *We believe that sharing of ideas, knowledge, values and experience, nationally and internationally, is essential to the achievement of our Mission.*

- X Respect for the dignity of all individuals, the rights of all members of society, and the potential for human growth and development will form the basis of our

- participation in national and international corrections.
- X Recognizing that the Service has a major role to play in the criminal justice system, we believe that we can both benefit from, and contribute to, the development of corrections and overall criminal justice policy.
 - X We recognize that we must actively encourage the gathering, creation, application and dissemination of new knowledge if we are to remain a contributing member of the national and international correctional communities.

CORE VALUE 5 *We believe in managing the Service with openness and integrity and we are accountable to the Solicitor General.*

- X Our relationships with our colleagues in the Ministry, other components of the criminal justice system, and other parts of Government, will be characterized by openness, integrity and cooperation.
- X We believe that the provision of relevant and timely information is important in order for the service to demonstrate its accountability.
- X We recognize the role of the media in a democratic society and we will work actively and constructively with them in order to demonstrate that we are open and accountable.
- X We will ensure that appropriate segments of the public are consulted in the development of the Service's key policies.
- X We will be sensitive to the economic, social and political environment in which we operate.
- X We will endeavour to be a positive presence in the community and to be a social, cultural and economic asset.
- X As an agency of the federal Government, we will demonstrate fiscal responsibility by only seeking the necessary resources and using them in the best possible way.
- X We believe that, through a sense of history and a desire to learn from past experiences, we can shape our future and strive for excellence in achieving our Mission.

CSC's **Strategic Objectives** are those goals the Service must articulate and strive to achieve because they are deemed to be essential to achieving the Mission over the long term. The strategic objectives for the five Core Values are:

CORE VALUE 1 *We respect the dignity of individuals, the rights of all members of society, and the potential for human growth and development.*

- X To ensure that offenders are informed participants in the correctional process, we will establish and maintain mechanisms for discussion and cooperation.
- X To ensure that policies and procedures affecting offenders are communicated in such a way that they can be understood by offenders and are readily accessible to them.
- X When making significant decisions affecting individual offenders, we will ensure that the offender, unless security conditions clearly make it impossible, is provided with all the relevant information in a timely and meaningful manner and is given an opportunity to be heard.
- X To provide a safe, secure and clean environment that promotes health and well-being and encourages positive interaction between staff and offenders.
- X To ensure that placement in the general population is the norm and to provide adequate protection, control and programs for offenders who cannot be maintained in the general population.
- X To provide opportunities for offenders to contribute to the well-being of the community.
- X To respect the social, cultural and religious differences of individual offenders.
- X To provide systems whereby serious disciplinary matters and offender grievances are dealt with in a timely manner by decision-makers not directly involved in the matter.
- X To ensure that involuntary transfers are kept to a minimum.
- X To ensure that the concerns of victims are taken into account in discharging our responsibilities.

CORE VALUE 2 ***We recognize that the offender has the potential to live as a law-abiding citizen.***

- X To ensure that the needs of individual offenders are identified at admission, and that special attention is given to addressing mental disorder.
- X To ensure that special needs of female and native offenders are addressed properly.
- X To provide programs to assist offenders in meeting their individual needs, in order to enhance their potential for reintegration as law-abiding citizens.
- X To ensure that offenders are productively occupied and have access to a variety of work and educational opportunities to meet their needs for growth and personal development.
- X To make available a range of recreation and leisure activities that will encourage offenders to use their free time constructively and develop skills and abilities to assist them on release.
- X To ensure that program needs are considered when making placement and transfer decisions.
- X To ensure that the risk presented by the offender is taken into account when making decisions, particularly in matters relating to reduction of security and conditional release.

- X To ensure the timely preparation of cases from submission to the National Parole Board, consistent with the criteria contained in the decision-making policies of the Board.
- X To ensure that our dealings with the National Parole Board are open and support achievement of the Board's Mission.
- X To ensure that the offender, while in the community, is adequately supervised and that any increase in risk is assessed promptly through the use of appropriate means of intervention and assistance.
- X To ensure that volunteers form an integral part of our program delivery in institutions and the community.
- X To mobilize community resources to ensure that offenders, upon release, are provided with support and assistance.

CORE VALUE 3 *We believe that our strength and our major resource in achieving our objectives is our staff and that human relationships are the cornerstone of our endeavour.*

- X To clearly communicate our Mission, values and guiding principles so that each individual can fully contribute to the realization of our objectives.
- X To develop an environment characterized by relationships among staff that are based on openness, trust and mutual respect.
- X To encourage initiative, self-direction and acceptance of personal responsibility on the part of all staff for high-quality work.
- X To ensure that staff spend as much time as possible in direct contact with offenders.
- X To ensure that those few staff who cannot deal with offenders are properly assisted.
- X To ensure operational experience in corrections among managers at all levels.
- X To ensure that our staffing practices are based on the merit principle and reflect the importance of hiring and promoting individuals who possess values and abilities consistent with our objectives, and who demonstrate a variety of attributes and skills, with emphasis on maturity, good judgement, effective communication and teamwork.
- X To provide staff training and development opportunities that are based on achievement of our Mission, develop the full potential of staff members, and emphasize interpersonal skills, leadership, and respect for the unique differences and needs of all offenders.
- X To promote from within the service and the Ministry whenever appropriate.
- X To develop and maintain an effective human resources succession planning system.
- X To recognize that line supervisors have a critical role to play in achieving our Mission and objectives, and to ensure that they receive the appropriate training and development.
- X To delegate authority as closely as possible to the point of impact of the decisions being made, and to strive to resolve problems at the lowest level possible.
- X To actively support policies of bilingualism and employment equity.

- X To establish and maintain mechanisms for discussion and cooperation in employer-employee relations.
- X To ensure that an effective, fair and comprehensive performance appraisal system, based on our Mission, is maintained as an integral part of the human resources management process.
- X To provide a prompt, effective, fair and objective system of redress for resolution of staff complaints and grievances.
- X To develop and maintain an effective corporate communications and consultation strategy. (1999:7)

CORE VALUE 4 *We believe that sharing of ideas, knowledge, values and experience, nationally and internationally, is essential to the achievement of our Mission.*

- X To seek out and maintain membership and participation in relevant local, provincial, national and international organizations.
- X To implement international treaties and agreements that will ensure the rights of Canadian and foreign offenders.
- X To establish and maintain mechanisms for staff exchanges and the sharing of methods, standards, and services.
- X To identify and encourage individual staff members who have the ability to contribute to the continued development of our knowledge and information base.
- X To dedicate the necessary resources to the creation of opportunities for discussion and information exchange.

CORE VALUE 5 *We believe in managing the Service with openness and integrity and we are accountable to the Solicitor General.*

- X To develop our policies with a recognition of the need to demonstrate accountability.
- X To link our values, objectives, program delivery, organizational structure and resource management within a framework of strategic policy and accountability.
- X To be partners with agencies within the Ministry in the development of common and consistent policies, and plans for the management of offenders.
- X To foster good relationships with other components of the criminal justice system, including police, and ensure they are consulted in the development of key policies.
- X To ensure that we are open and responsive in all our dealings with the Correctional Investigator.
- X To enhance public understanding and support of the Service.
- X To develop and maintain positive relations with the media and to ensure they are provided with timely, accurate and meaningful information on all aspects of our operations.

- X To secure and utilize resources efficiently and effectively in achieving our objectives.
- X To make appropriate use of available technology.
- X To ensure that our actions clearly reflect our responsibility to contribute to a healthy environment.
- X To pursue our Mission in a way that exemplifies at all times our values and guiding principles so that our integrity is never compromised.

APPENDIX D:
CONCEPTS

< **Aboriginal:** The Aboriginal peoples of Canada are identified in the Canadian constitution as Indians, Inuit and Metis (Abele 1997:119). The term First Nations has recently replaced the term Indian and is how many Aboriginal peoples chose to identify themselves today (Indian and Northern Affairs Development 1997:3).

First Nations “are Indigenous people who are members of the nations of peoples that have lived in northern North America, generally south of the treeline...They refer to themselves in the name of the national federation that represents most of them - the Assembly of First Nations” (Abele 1997:119-120).

First Nations peoples are identified as Status and non-Status. Status is a person of Aboriginal descent who is “...a registered member of a Canadian Indian band, and is therefore eligible for certain rights, privileges and money grants as set forth under the Indian Act” (Funk and Wagnalls 1986:853). Non-Status is defined as a person of Aboriginal descent who is not a registered member of a Canadian Indian band, and is therefore not eligible for certain rights, privileges and money grants as set forth under the Indian Act.

“*Inuit* are Aboriginal people who live above the treeline, in the Northwest Territories, in Northern Quebec and Labrador” (Indian and Northern Affairs Development 1997:3).

“*Metis* are descendants of both Aboriginal and European people and originally come from the Metis community of Western Canada. This group also includes people of Aboriginal descent who define themselves as Metis to distinguish themselves from the First Nations and Inuit” (Indian and Northern Affairs Development 1997:3)

< **Capitalism:** An economic system in which the means of production and distribution are for the most part privately owned and operate for profit (Evans 1995).

< **Capitalist Patriarchy:** The form referred to in this research “emphasizes the existing mutual dependence of the capitalist class structure and male supremacy” (Eisenstein 1979).

< **Control:** On the *ideological* level it refers to exercising a governing, ruling or regulatory influence over an individual(s). On the *material* level it means to restrain or curb. On both levels it involves the exertion of authority, whether tangible or perceived, of one individual(s) over another individual(s).

< **Character Structure**

Masculine/Male: Implying *power*: strength, autonomy, boldness, aggression, independence, violence.

Feminine/Female: Implying *powerlessness*: passive, weak, complacent, dependent, non-violent.

< **Class:** Identify in relation to another class(es) in a hierarchical structure, differentiating primarily by economic means as a method of maintaining ruling class power.

< **Code/Concept:** Used interchangeably in reference to the bi-functionary approach to content analysis employed in this research.

< **Dominance:** On the macro and/or micro level, differential influence, power and control of one individual/group over a second (or greater) individual/group.

< **Dysfunction:** “Any social activity seen as making a negative contribution to the maintenance or effective working of a functioning social system” (Jary and Jary 1991:179). A social system is “any persistent system of interaction between two or more social actors up to and including a unitary society” (Jary and Jary 1991:599).

< **Ethnicity:** “An ethnic social entity is defined not by its racial characteristics, but rather by its social, economic and cultural features. It is a community of a sort, with material and spiritual creations, customs, norms of behaviour, language, belief systems and values. Each of these characteristics is variable, differing from ethnic group to ethnic group and among members of the same ethnic group” (Berchedewsky 1994:37). “Although ‘ethnicity’ appears to be a less fraught term because it has few of the negative connotations associated with race, it also suffers from obvious limitations, since it is rarely applied to the white population, being used instead in a sleight of hand to stand for ‘race’” (Bosworth 1999:119).

< **First Nations:** See Aboriginal.

< **Gender:** “Is the culturally specific set of characteristics that identifies the social behaviour of women and men and the relationship between them...and the way it is socially constructed. Because it is a relational term, gender must include women and men. Like the concepts of class, race and ethnicity, gender is an analytical tool for understanding social processes” (Status of Women Canada 1995:1).

< **Great/Greater:** Measured on a continuum in this research from great to greater. It

reflects “amount”. A related word is “more”.

< **Harsh/Harsher:** Referring to great/greater, there is a continuum of severity. The base, harsh, refers to “manifesting severity and rigour; cruel; unfeeling” (Funk and Wagnalls 1986:612).

< **Humane:** “Having or characterized by kindness, sympathy, tenderness, etc.; compassionate; benevolent” (Jary and Jary 1991:652).

< **Ideology:** Merging characteristics of several definitions, ideology in this research is defined as: strong ideas/beliefs characteristic of a group (and its individuals) that influence social and political action and which results in the justification of inequitable social stratification.

< **Indian:** See Aboriginal.

< **Material:** Tangible, physical, palpable.

< **Native:** See Aboriginal.

< **Oppression:** A consequence or subsidiary of material and/or ideological control. “To burden or keep in subjugation by harsh and unjust use of force or authority” (Funk and Wagnalls 1986:947)

< **Patriarchy:** Is predicated on an understanding of gender relations as inequalities of power (Evans 1995). It is a system whereby men achieve and maintain social, cultural and economic dominance over females. The term “refer[s] to a pattern of organization within...society as a whole” (Jary and Jary 1991:457).

< **Political Correctness:** Specific awareness of what can be stated or conversed and is socially acceptable in a specific social context and time frame.

< **Power:** “Any agent that exercises power, as in control or domination....A mental or physical faculty” (Jary and Jary 1991:1058). Implies male power and female subordination (see character structure).

< **Race:** “The sociological importance of “race” comes from the fact that many

people have given significance to the idea, rather than from its scientific validity. Race becomes in this sense socially defined groupings and are meaningful only to the extent that people make them so....The social category of race reflects the idea that behavioural characteristics are genetic or innate. This is not true, and is based on social stereotypes, not on established scientific facts” (Berchidewsky 1994:18). The term race is used in this research as a social construct, that is, “[s]ocial science deals with several social constructs in the sense that if people believe that something is real they may behave accordingly” (Berchedewsky 1994:19).

< **Racism:** “The doctrine that behaviour is determined by stable inherited characteristics deriving from separate racial stocks, having distinct attributes and usually considered to stand to one another in relations of superiority and inferiority” (Banton 1967:19) (cited in Driedger 1994:233). See Racial Oppression.

< **Racial Oppression:** “[The]...ranking of racial and ethnic groups along a scale of superiority and inferiority” (Li 1990). Unequal relationships are produced and maintained due to differential power between a dominant and a subordinate group. “[T]he focus is on the institutional framework within which groups are defined as racial or ethnic and how social interactions are organized accordingly” (Li 1990).

< **Sex:** “[I]dentifies the biological differences between women and men” (Status of Women Canada 1995:3).

< **State:** The apparatus of rule or government within a particular territory. It is a social system that is subject to a particular rule or domination. In this form of capitalist patriarchy, the ruling class has great influence on the operation of the state (Jary and Jary 1991:623).

< **Unnatural/Evil:** Maniacal, crazed, peculiar, infected, evil, aberrant, wicked, sinful, abnormal, deviant, atypical, bad, irregular.

< **Violent:** See Appendix A.

< **Violence:** A universal definition of what constitutes violent or aggressive behaviour does not exist (Thue 1998). However, in general, it is defined as “marked by great physical force or roughness....Characterized by undue exercise of force....Resulting from unusual force or injury, rather than the ordinary course of nature” (Funk and Wagnalls 1986:1496).

< **Violent Offence:** A crime of violence against a person. Specifically, it is defined

as “...physical force unlawfully exercised; an act tending to intimidate or overawe by causing apprehension of bodily injury” (Funk and Wagnalls 1986:1496).

< **Violent Offender:** An individual who participates in conduct that is subsumed under the concept of violent offence and violence. If an individual is referred to as a violent offender in this research, it is only because s/he has been identified within the Canadian criminal justice system as having committed a violent offence according to the system’s definition. This includes violent crimes and violent conduct, such as some identified events within the P4W incident.

APPENDIX E:
ILLUSTRATION OF CONTENT ANALYSIS

Stage I: Open Coding

Starting with Stage I open coding, the words identified for coding are italicized and the corresponding code follows in brackets. Note the sentence is the unit of analysis.

For almost a century, *outsiders had controlled the education* [outside control over native education] of the children on Sabaskong Bay. Missionaries set up residential schools where the *Ojibway children were confined day and night* [native children controlled by whites], with no *family contact* [natives loose family control], while they were indoctrinated with the *religion and culture of the white man* [forced white culture and religion]. Even today, the elders of Sabaskong Bay have vivid *memories of those schools* [residential schools were harsh]. Some can remember being chased by priests and *dragged onto school buses* [children resistance to schooling], then taken tearfully to a school in Kenora, where they were *forced to memorize hymns and Bible lessons* [forced to learn white religion]. They were *separated from their parents* [no contact with family] and *prohibited from speaking Ojibway* [not speak/loss of own language]. “*I never did get to know my parents,*” [separated from/loss of parents] one elder said (22).

Stage II: Open Coding

Following this first phase of open coding, a second phase of open coding is conducted. The codes identified in phase one are explored for larger, more encompassing codes, between them. The phase one codes from the above text are used to illustrate.

Open Coding Phase 1

- outside control over native education
- native children controlled by whites
- natives loose family control
- forced white culture and religion
- residential schools harsh
- children resistance to schooling
- forced to learn white religion
- no contact with family
- not speak/loss of own language
- separated from parents/loss

Open Coding Phase 2

- white control of native education
- white control of native children
- natives learn white culture/religion
- natives learn white culture/religion
- abuse of native children
- native children resist
- natives learn white culture/religion
- white control of native children
- natives learn white culture/religion
- white control of native children

Selective Coding

Following the second phase of open coding, organizing the codes in greater

precision, selective coding is conducted (Glaser and Strauss 1967). Selective coding is the grouping of the larger codes on the basis of commonalities of the theme of each. The two categories derived from the codes in the above sample of Phase II open coding, are white supremacy and native cultural annihilation. This is illustrated:

Open Coding Phase 2

- white control of native education
- white control of native children
- natives learn white culture/religion
- natives learn white culture/religion
- abuse of native children
- native children resistance
- natives learn white culture/religion
- white control of native children
- natives learn white culture/religion
- white control of native children

Selective Coding

- white supremacy
- white supremacy
- native cultural annihilation
- native cultural annihilation
- white supremacy
- native resistance
- native cultural annihilation
- white supremacy
- native cultural annihilation
- white supremacy

The process of defining categories, reviewed to this point in the research process, began with numerous specific codes, moved to fewer more general and encompassing codes, and then the categories were determined based on common themes between codes (Weber 1990). Such a comprehensive process assists in ensuring maintenance of the meaning of the original text. This stage of category definition is characterized by the mutual exclusiveness of the categories - their interrelations are imparted in the memoing process (see stage v).

APPENDIX F:
DEFINING VIOLENCE

The Criminal Code of Canada classifications of violent crime include:

...assaults ranging from less serious offenses such as threats to use violence, or pushing or shoving, through to serious attacks which result in physical injury; sexual assaults; robbery which may involve a threat to use force, display of a weapon, use of a weapon and actual physical force; abduction; infanticide, attempted murder, murder and manslaughter (Shaw 1995a:8).

The existing Criminal Code definition and its classifications of violent crime is reflective of the masculine character structure and, thus, the powerful “values” of capitalist patriarchy (see Chapter Two: Theoretical Framework). Briefly, the ruling class negatively identifies women who commit “violent” crimes as “unnatural/evil” rather than as violent. To attribute the characteristics associated with violent crime to women in capitalist patriarchy would provide them with the characteristic power traditionally attributed to men. The identification of female “violent” offenders as “unnatural/evil” promotes/maintains the dominant position of the ruling class in Canadian society. Messerschmidt poignantly states “[t]he capitalist class is served by, and so controls, at least indirectly, [a] means of organized violence represented by the state... - the criminal justice system” (1986:32).

APPENDIX G:
EXAMPLES OF CONCEPTUAL BAGGAGE

Re-reading my notes, my initial feeling about coding is captured in the first entry of my conceptual baggage log - “The coding process is overwhelming - it is INSANE”. And once I was partway into the first volume I wrote “There are A LOT OF CODES”. The multiplicity of the codes did not change as I progressed, but (fortunately) my overwhelmed state did! I soon discovered that it was absolutely imperative in the beginning stages of coding that I stay focussed on my research questions and record all the codes available to me.

- I started coding by writing everything out, but then realized this was impossible for all 60 or so volumes, so then I started to code directly on the pre-established coding sheets (started this with volume 3). After the first volume, and in the memos, I already started to preliminarily collapse categories into sub-categories (remembering that the first volume alone was 82 pages in length). Because there were so many codes I was forced to start to categorize from the start. As well, I changed from typing out all relevant quotes by the fourth volume to ‘sticky noting them’. I believe this is good evidence of the fact that I did not realize how much work was involved in the coding of such an immense amount of data.
- I believe now that there is an acceptable “margin of error” in researcher coding practices. Simply, if something is improperly coded, it is of little relevance to the final product, since a code must become saturated before it is of importance to the findings.
- It is somewhat ‘odd’ to be coding for individuals who are representing an organization/institution. This is especially true when, as in Kulik’s testimony, it is presented as growing and evolving/changing. This is opposite to my hypothesis! *This is later determined to be a dominant theme in CSC representative’s perspectives.*
- I find at times that the lawyer does not always let the respondent answer fully, but instead, finishes their sentences for them and asks them if that is correct. It produces the same result in the end, but it does not allow the original words to emerge.
- I coded Volume 7 originally on June 28, and I returned to it after a 4 month hiatus and re-coded the same volume. I was remarkably surprised (and delighted) that my coding was near identical - it was incredibly consistent.
- It is apparent in my coding, now that I am at volume 12, that the coding process is very in-depth - no matter how much I wanted to move to more selective coding. This is due to the nature of the transcripts. CSC is represented from several levels (it is multi-level; multi-structured), and thus it has both different as well as similar views. It would be possible to sample the court transcripts at this point, but based on the seriousness of the research topic and the potential implications for it, I believe it is necessary that I look at all the data. I have near 300 codes at the start of

Volume 7. I anticipate a final total of 1000. *I was a little off - concluded with nearly 3000 codes*). I must remember that I have very specific codes and they will be collapsed into more general categories, which will become even more saturated. I am collecting my data at the most diminutive level possible.

- The change in the findings is definitely equitable to a work in progress. This is a unique finding for me - the first piece of research I would say I have done that was not finding what it is that I thought I would. Nothing is blatant in this data set, in pieces indeed, but maybe because it is so large it is not concentrated and this makes having to put it together, the inter-connections, more of a challenge. This is also, I believe, the nature of qualitative analysis. Can't wait to see the final inter-connections of findings.
- Lawyers ask questions that appear out of no where - it is a very trial-like atmosphere. There are times when the "other side" suggests the "other side" cannot ask a question. There are legal ploys. See page 1408. Everyone "forgets" a lot.

APPENDIX H:
ADDITIONAL SUPPORT FROM THE TRANSCRIPTS

CSC PRODUCE AN INACCURATE BOARD OF INVESTIGATION REPORT

“You see, the problem that I have is that this [Board of Investigation Report] has been reorganized to the point where I am not sure what we wrote down.” (Grant 6159).

“The -- we’ve discussed previously the obligation to provide exercise. In this case, at least one of the Board Members has testified that she knew that the inmates were not getting one hour of exercise in the period under investigation and did not turn her mind to whether or not this was contrary to the law.

Do you agree that whatever the conclusion is, that’s an important enough issue that the Board of Investigation, knowing those facts, should have addressed whether that conduct was illegal? (Jackson 7923-4).

Certainly. (Edwards 7924).

And the failure to do was a serious departure from what you would have expected from a Board of Investigation? (Jackson 7924).

Yes. (Edwards 7924).

“Now, the Board has also testified that they didn’t know about or consider the impact of the denial of the normal rights and amenities that would be available in Segregation on the escalation of behaviour in the Segregation unit from April the 22nd to April 26th; do you agree that that’s an issue that they should have addressed? (Jackson 7924).

Yes. (Edwards 7924).

And the failure to do so is a potentially significant undermining of their conclusions. (Jackson 7924).

Potentially, yes. (Edwards 7924).

“Can we then go to page 35? And I am alluding to the paragraph concerning the events that took place between 2342 until 2:19 on April the 27th, and it reads like this:

Inmate Twins is removed from her cell and taken to the shower area. She is stripped by female staff and a paper gown is put on by female staff.

Restrain equipment is applied by the IERT. Cell effects are packed by P4W staff and tagged. The bed is removed from the cell, and the inmate is placed back into it.

Do you recall that this reflects accurately the intervention of the IERT? (Cournoyer 5996).

With inmate Twinns, yes. (Grant 5996).

Would you agree with me that an outside reader who has not seen the tape might be led to conclude that the stripping and the putting of the paper gown by female staff preceded the putting of the restraint equipment by the IERT? (Cournoyer 5996).

That’s what I would gather from that, yes. (Grant 5996-7).

Okay. And you knew that that was not done in that order? (Cournoyer 5997).

Yes, I knew that. (Grant 5997).

So you would agree that for somebody who has not seen the tape the written account that we see there is not totally in tune with what took place? (Cournoyer 5997).

That's correct. And the assumption was that anybody who wanted to investigate it in detail would have the tape to review....(Cournoyer 5997).

"On page 3 of the report, the statement is made at the bottom of the page that the Board reviewed all written material and files pertinent to this issue. And assuming that what I have suggested to you about the files they didn't have, including ones they knew about, you'd agree that that is a significant inaccuracy? (Jackson 7907).

Based on what you tell me, yes. (Edwards 7907).

"I am going to make reference now to Exhibit P-3 at page 8. And this is a report of the Correctional Investigator and it says in bold print, in reference to the Correctional Service of Canada's responses, that the Correctional Service of Canada's approach could be characterized as: Admit no wrong, give as little as possible and time will eventually resolve the matter. (O'Conner 6212).

....

Okay. The judgement call that you just made -- you made, rather, on Friday in suggesting that your report [Board of Investigation Report] was complete and conclusive betrays an attitude that tends to support what I just read as being the conclusion of the Correctional Investigator? (O'Conner 6213).

That's, that is an opinion. I will admit that it is not complete; however, I am certainly willing to stand by my conclusion in the report." (Grant 6212).

"If you turn to page 28 - this is on the 27th of April - at 1265 hours - 1245 hours it's written:

Security blankets given to all inmates in Dissociation except Accuse, who refused blankets.

Did you see that entry --" (Doody 6031-2).

Yes. (Grant 6032).

-- before you wrote the report? Well, ma'am, if you saw these entries surely you must have come to the conclusion that they had no blankets until 12:45 on the 27th day of April; is that not true? (Doody 6032).

Yes. (Grant 6032).

So we can conclude from that that when you write the report to say that all inmates were supplied with a security blanket you knew that that was not so? (Doody 6032).

No, you cannot. I told you we made a mistake." (Grant 6032).

"Would you agree with me that this paragraph, it continues, and I'll quote:

She is stripped by female staff and a paper gown is put on by female staff. Restraint equipment is applied by IERT, cell effects are packed by P4W staff and tagged.

Did that portion that I just read suggest that the gown was on her before the restraint equipment was applied by the IERT? (Doody 6039).

Yes. (Grant 6039).

Would you agree with me that it would be reasonable for the reader to conclude that the IERT did not see her naked? (Doody 6039).

Yes. (Grant 6039).

Was that the intention of the Board when they wrote this report, that the reader would come to this conclusion? (Doody 6039).

No. (Grant 6040).

Can you give me an explanation why the Board chose to express what happened in the chronological order set out in this paragraph? (Doody 6040).

No. (Grant 6040).

NOT PROVIDING AMENITIES TO WOMEN

“Do you recall any discussion about what would happen if the inmate did not consent to a body cavity search? (Jackson 4103).

To the best of my recollection, the restraint equipment would not be removed.” (Hilder 4103).

“Now, moving to the bottom of the page, there’s a note beside the date 94-7-27, and that is a note that appears to have been written by you? (Thomas 4740).

That is right. (Pearson 4740).

And I am going to read it and ask you if you agree that I have read it correctly.

Vaginal and rectal done - nil found. D/C... And, again, that means discontinue....CPZ... That is chlorpromazine...Arrow - she was abusive toward me.

Do you agree that that is what the note says? (Thomas 4740).

Yes. (Pearson 4741).

Now, does that note indicate that Chlorpromazine was discontinued because she was abusive to you? (Thomas 4741).

No. It was discontinued because she told me it wasn’t working. (Pearson 4741).

“And do you remember at any point during your discussion with respect to obtaining the consent of the inmates with respect to the body cavity search, if it -- there was any discussion about the fact that the inmate would receive cigarettes after, as an incentive if all went well. (Cournoyer 5185).

There was a discussion of having -- of offering the inmates a cigarette as an incentive if all went well. But that wasn’t specific to the body cavity searches, that was to the entire procedure of searching and removing the shackles, showering and returning to the cell. (Morrin 5185).

But you remember that that element was part of the global context surrounding the taking of the body -- the restraining equipment and the performance of the body

cavity search? (Cournoyer 5185-6).

And the other issues I mentioned, yes. (Morrin 5186).

And, to your knowledge, were you provided with any information that led you to believe this information was provided to the inmates? (Cournoyer).

That -- (Morrin 5186).

The information that they would receive cigarettes was provided to the inmates? (Cournoyer 5186).

Yes, it was, to my knowledge" (Morrin 5186).

The memorandum from Mr. Reed [Acting Unit Manager] continues to say, and I quote:

Dissociation offenders will be allowed one cigarette each at the end of each shift which must be lit by the offender at the time being distributed, depending on individual behaviour as decided by the in-charge of Segregation, i.e., only those inmates displaying disruptive behaviour will be deprived of a cigarette.

Do you recall that subject being discussed in your protocol group? (Doody 4346).

CSC NOT TRAINED/UNAWARE OF ABORIGINAL CULTURE

I saw an incident, and I might be wrong about this, but I remember several years ago when some of this hubbub was coming around, and it was around when Creating Choices came about, and there were some intermediary things brought in regarding programming for women and especially Native women. And one was, they brought in a Native psychiatrist.

The Native people were to get a psychiatrist to come in one day a week in the evenings, and I remember the man. I will never forget being in Social Development one evening at a program and this man came up, and he wore the traditional Jewish skull cap called a yarmulke. And I looked at him and I thought, oh, my God. They've brought me a rabbi. (Laughter) You know, I'm Jewish.

And I was so excited because I didn't have one at that time and I walked up to him and introduced myself. I said, 'Are you here for me? I am Harriet Lynch. I am a Jewish woman.' And he goes, "No". And I can't remember his name. I know his name, too. I can't remember it.

But he goes, "I am the new Native psychiatrist." I started to laugh. I just couldn't help it; not that he isn't qualified, not that he -- I looked at him and he said, "I'm an Orthodox Jew."

APPENDIX I:
CATEGORIES, CODES AND CORRESPONDING FREQUENCIES¹⁹⁴

¹⁹⁴ Note that when a category is over saturated frequency calculation is no longer continued. Such categories in this research are self-evident.

**PHASE I: Public Hearing Proceedings of the Commission of Inquiry into Certain
Events at the Prison for Women in Kingston, Ontario
Volumes 1 - 41**

1. (118) OPEN TO CHANGE / POLICY & PRACTICE

- (31) continuing to progress forward
- (53) learn from experiences/lessons learned
- (34) open to change in policy/practice in future

**2. (301) COMMUNICATION WITH OTHERS / (OTHERS) CONTROL &
REGULATION OF CSC**

(39) Inmate

- (20) hear inmate voice
- (19) not hear inmate voice

(159) Staff

- (18) communication among management (national level)
- (26) lack communication among management (national level)
- (16) communication among management (institutional level)
- (20) lack communication among management (institutional level)
- (42) communication among management and line staff
- (47) lack communication among management and line staff

(93) General

- (24) open to information share
- (69) not open to information share

3. (53) CSC CONTROL & REGULATION OF SELF

- (7) self-regulation is effective
- (16) self-regulation is ineffective
- (30) P4W limited resources

4. (608) CSC AND RULES

(417) CSC and rules in general

- (112) follow the rules
- (147) not follow the rules
- (158) follow guidelines, not rules

(191) Staff and rules

- (17) follow the rules
- (75) not follow the rules
- (99) follow guidelines, not rules

5. (107) CSC HIERARCHY

- (63) hierarchy of authority
- (44) Warden ultimate responsibility (top of hierarchy for running of institution)

6. (78) INSTITUTION

- (14) mini society - order
- (26) security/safety concerns
- (38) adverse environment effects behaviour

7. (126) WELFARE REGARDING INCIDENT

(5) Inmate

- (4) CSC and staff concern for inmates
- (1) inmates stressed

(138) Staff

- (18) CSC concern for staff
- (5) no concern for staff
- (115) staff stressed/distraught

8. (178) STAFF

(100) Training

- (15) staff qualified
- (38) staff not qualified
- (27) learn on the job

(34) Attitude toward inmates in general

- (20) respect women/care and concern for them
- (14) not respect the women

(32) Conduct toward inmates in general

- (21) professional
- (10) not professional
- (1) give in

(23) Use of force toward inmates in general

- (11) use when require control

- (12) reasonable amount

9. (603) CSC VIEW OF WOMEN INMATES

(132) *IN GENERAL*

(67) Women as inmates in general

- (28) specific (high) needs/background
- (1) not have specific needs
- (16) acting-out behaviour
- (17) cannot be trusted
- (5) can be dangerous

(65) Women's conduct in general

- (54) can predict behaviour of inmate/patterns
- (11) need to take responsibility for conduct

(471) *REGARDING INCIDENT*

(62) Women as inmates regarding incident

- (51) respect women/care and concern for them
- (11) not respect women

(25) Women's attitude regarding incident

- (18) defiant/angry
- (6) intimidated/upset
- (1) not intimidated/upset

(81) Women regarding violence

- (23) assumptions about violent women
- (3) women not bad, behaviour is
- (5) specific needs/background
- (1) no specific needs/background
- (23) cannot be trusted
- (14) can be violent/dangerous
- (8) adverse environment effects behaviour
- (4) take responsibility for conduct

(303) Violent defined (re: incident & women's conduct regarding incident)

- (86) noisy
- (3) threaten

- (23) verbal abuse
 - (1) verbal abuse acceptable
- (22) assault
 - (2) physical assault not typical
- (12) dangerous
- (5) psychotic
- (13) volatile
- (39) out of control
 - (12) not out of control
- (2) emergency
- (59) acting out behaviour
- (22) women misbehaving/bad

10. (95) CSC CONDUCT TOWARD WOMEN

(95) *REGARDING INCIDENT*

- (80) if good/bad then...
- (15) staff discretion

11. (103) SEGREGATION IN GENERAL

(90) Why

- (54) cannot supervise in general population/safety
- (27) not believe in segregation
- (9) aim to reintegrate

(13) Atmosphere

- (13) negative

12. (244) ERT/CELL EXTRACTION

(105) Aim IERT

- (37) intimidate
 - (3) women not intimidated
- (68) (re)gain control

(109) Conduct of IERT

- (22) professional/follow rules
- (19) not professional/inhumane
- (28) gender neutral/not woman sensitive
- (32) paternalistic
- (5) IERT embarrassed

(30) Women's attitude/conduct toward IERT

- (25) afraid
- (1) angry
- (3) quiet down
- (1) flirt

13. (72) FEMALE/MALE DISTINCTION IN GENERAL

- (15) male = female
- (30) male not = female
- (13) gender exclusive language
- (2) female sensitive
- (5) not female sensitive
- (7) paternalistic

14. (8) ABORIGINAL INMATES/CULTURE

- (5) aware of Aboriginal culture
- (3) unaware of Aboriginal culture

APPENDIX J:
CORE VARIABLES AND MAIN CATEGORIES

Within the core variable of **CONTROL** are the categories which comprise it:

MATERIAL CONTROL

**(234) USE FORCE TO MAINTAIN/INDUCE CONTROL
(SAFETY/SECURITY)**

- (11) use when require control
- (12) reasonable amount used

Segregation

- (+) (54) cannot supervise in general population/safety
- (-) (27) not believe in segregation
- (9) aim to reintegrate
- (13) negative atmosphere

Cell Extraction/IERT

- (+) (37) intimidate
- (68) (re)gain control
- (-) (3) women not intimidated

INEFFECTIVE

CSC INEFFECTIVE (NOT FAIR) AT CONTROLLING SELF

(593) Rules

- (147) not follow the rules
- (158) follow guidelines, not rules
- (75) staff not follow the rules
- (99) staff follow guidelines, not rules
- (15) staff discretion regarding incident (conduct toward women)
- (80) if good/bad then....
- (19) conduct IERT - not professional/inhumane

(95) Training/Resources

- (38) staff not qualified
- (27) learn on the job
- (30) P4W limited resources

- (16) Self-regulation is ineffective

EFFECTIVE

CSC EFFECTIVE (FAIR) AT CONTROLLING SELF (FOLLOW RULES, ETC.)

(151) Rules

- (112) follow the rules
- (17) staff follow the rules
- (22) conduct IERT - professional/follow rules

(15) Training

- (15) staff qualified

- (7) Self-regulation is effective

IDEOLOGICAL CONTROL

(107) CSC HIERARCHY OF CONTROL

- (63) hierarchy of authority
- (44) Warden ultimate responsibility (top of hierarchy for running of institution)

(59) CSC ATTEMPT TO EXERCISE ABSOLUTE CONTROL (SAFETY/SECURITY)

- (19) not hear inmate voice
- (14) institution mini society - order
- (26) institution security/safety concerns

INEFFECTIVE

CSC INEFFECTIVE (NOT FAIR) AT CONTROLLING SELF

(162) Poor Communication

- (26) lack communication among management (national level)
- (20) lack communication among management (institutional level)
- (47) lack communication among management and line staff
- (69) not open to information share

EFFECTIVE

CSC EFFECTIVE (FAIR) AT CONTROLLING SELF (FOLLOW RULES, ETC.)

- (120) *Good communication - Allow/open to others' input*
- (20) Hear inmate voice
- (18) communication among management (national level)
- (16) communication among management (institutional level)
- (42) communication among management and line staff
- (24) open to information share

- (118) *Open to progressive (effective, move forward) policy/practice change*
- (31) continuing to progress forward
- (53) learn from experiences/lessons learned
- (34) open to change in policy/practice in future

Within the core variable of ***VIOLENCE*** the categories which define it are:

(305) Violent defined (re: incident & women's conduct regarding incident)

PHYSICAL

- (22) assault
 - (2) physical assault not typical
- (39) out of control
 - (12) not out of control
- (2) emergency
- (59) acting out behaviour
- (22) women misbehaving/bad

NOT PHYSICAL

- (86) noisy
- (3) threaten
- (23) verbal abuse
 - (1) verbal abuse acceptable

DESCRIPTIVE

- (12) dangerous
- (5) psychotic
- (13) volatile

Within the core variable of ***HUMANISM/HUMANMISTIC*** the categories which define it are:

INMATE

NEGATIVE VIEW

(137) CSC NOT RECOGNIZE UNIQUE NEEDS OF WOMEN IN GENERAL (Not that not recognize it as unique, but rather, treat it as paternalistic)

- (1) women not have specific needs
- (1) violent women no specific needs/background
- (28) IERT conduct - gender neutral/not woman sensitive
- (32) IERT - paternalistic
- (5) IERT embarrassed
- (15) male = female in general
- (30) male not = female in general
- (13) gender exclusive language
- (5) not female sensitive
- (7) paternalistic

(60) *Violence Specific*

- (23) assumptions about violent women
- (23) cannot be trusted
- (14) can be violent/dangerous

(41) *Incident Specific*

- (11) not respect women
- (30) Women's attitude/conduct toward IERT
 - (25) afraid
 - (1) angry
 - (3) quiet down
 - (1) flirt

(38) *General*

- (16) acting-out behaviour
- (17) cannot be trusted
- (5) can be dangerous

(24) CSC NO CONCERN FOR INMATE

- (14) not respect the women
- (10) not professional conduct towards inmates

POSITIVE VIEW

(51) *Incident Specific*

- (51) respect women/care and concern for them

(45) CSC CONCERN FOR INMATE

- (4) CSC and staff concern for inmates
- (20) respect women/care and concern for them
- (21) professional conduct towards inmates

(35) RECOGNIZE UNIQUE NEEDS OF WOMEN

- (28) women have specific (high) needs/background in general
- (5) violent women specific needs/background
- (2) female sensitive

(3) *Violence Specific*

- (3) women not bad, behaviour is

STAFF**NEGATIVE VIEW****(5) CSC NO CONCERN FOR STAFF**

- (5) no concern for staff

POSITIVE VIEW**(115) STAFF WELFARE**

- (115) staff stressed/distraught

(18) CSC CONCERN FOR STAFF

- (18) CSC concern for staff

APPENDIX K:
ROUNDTABLE WITNESSES

A: **PHASE II: WITNESSES ROUNDTABLE: PROGRAMME AND TREATMENT NEEDS OF FEDERALLY SENTENCED WOMEN**

<u>WITNESS</u>	<u>ORGANIZATION</u>
1. Shelley Gavigan	Moderator
2. Hon. Louise Arbour	Commissioner
3. Patricia Jackson	Commission Counsel
4. Guy Cournoyer	Commission Associate Counsel
5. Tammy Landeau	Commission Senior Research and Policy Advisor
6. Kelly Hannah-Moffat	Commission Research and Policy Advisor
7. Jill Atkinson	Resource Person
8. Marie-Andree Bertrand	Resource Person
9. Louise Biron	Resource Person
10. Bonnie Diamond	Resource Person
11. Heather McLean	Resource Person
12. <i>Marie-Andree Cyrenne</i>	<i>CSC</i>
13. <i>Hilda Vannste</i>	<i>CSC</i>
14. <i>Lynn Ray</i>	<i>Union of Solicitor General Employees</i>
15. <i>Linda McLaughlin</i>	<i>Union of Solicitor General Employees</i>
16. Gail Stoddart	Inmate Committee
17. Harriet Lynch	Inmate Committee
18. Tracy Armstrong	Native Sisterhood
19. Joey Twinns	Native Sisterhood
20. <i>Nathalie Spicer</i>	<i>Correctional Investigator of Canada</i>
21. <i>Ed McIssac</i>	<i>Correctional Investigator of Canada</i>
22. Kim Pate	CAEFS
23. Pam Anderson	CAEFS
24. Jocelyn Pollock	LEAF
25. Harriet Sachs	LEAF

NOTE: *Italic denotes CSC representatives.*

(Arbour 1996:277)

B **PHASE II: WITNESSES ROUNDTABLE: LONG TERM INMATES**

<u>WITNESS</u>	<u>ORGANIZATION</u>
1. Marie-Andree Bertrand	Moderator
2. Hon. Louise Arbour	Commissioner
3. Patricia Jackson	Commission Counsel
4. Guy Cournoyer	Commission Associate Counsel
5. Tammy Landeau	Commission Senior Research and Policy Advisor
6. Kelly Hannah-Moffat	Commission Research and Policy Advisor
7. Louise Biron	Resource Person
8. Bonnie Diamond	Resource Person
9. Shelley Gavigan	Resource Person
10. <i>Ted Bannon</i>	<i>CSC</i>
11. <i>Jim Vantour</i>	<i>CSC</i>
12. <i>Lynn Ray</i>	<i>Union of Solicitor General Employees</i>
13. <i>Linda McLaughlin</i>	<i>Union of Solicitor General Employees</i>
14. Connie Turner	Inmate Committee
15. Harriet Lynch	Inmate Committee
16. Tracy Armstrong	Native Sisterhood
17. Joey Twinns	Native Sisterhood
18. <i>Nathalie Spicer</i>	<i>Correctional Investigator of Canada</i>
19. <i>Ed McIssac</i>	<i>Correctional Investigator of Canada</i>
20. Kim Pate	CAEFS
21. Pam Anderson	CAEFS
22. Harriet Sachs	LEAF

NOTE: *Italic denotes CSC representatives.*

(Arbour 1996:278)

C**PHASE II: WITNESSES ROUNDTABLE: HEALTH ISSUE FOR
FEDERALLY SENTENCED WOMEN**

<u>WITNESS</u>	<u>ORGANIZATION</u>
1. Shelley Gavigan	Moderator
2. Hon. Louise Arbour	Commissioner
3. Patricia Jackson	Commission Counsel
4. Guy Cournoyer	Commission Associate Counsel
5. Tammy Landeau	Commission Senior Research and Policy Advisor
6. Kelly Hannah-Moffat	Commission Research and Policy Advisor
7. Louise Biron	Resource Person
8. Bonnie Diamond	Resource Person
9. <i>Lucie Poliquin</i>	CSC
10. <i>Ted Bannon</i>	CSC
11. <i>Lynn Ray</i>	<i>Union of Solicitor General Employees</i>
12. <i>Linda McLaughlin</i>	<i>Union of Solicitor General Employees</i>
13. Gail Stoddart	Inmate Committee
14. Harriet Lynch	Inmate Committee
15. Georgia Davis	Native Sisterhood
16. Joey Twinns	Native Sisterhood
17. <i>Nathalie Spicer</i>	<i>Correctional Investigator of Canada</i>
18. <i>Ed McIssac</i>	<i>Correctional Investigator of Canada</i>
19. Kim Pate	CAEFS
20. Pam Anderson	CAEFS
21. Harriet Sachs	LEAF

NOTE: *Italic denotes CSC representatives.*

(Arbour 1996:279)

D**PHASE II: WITNESSES ROUNDTABLE: WORKPLACE ISSUES**

<u>WITNESS</u>	<u>ORGANIZATION</u>
1. John D. McCamus	Moderator
2. Hon. Louise Arbour	Commissioner
3. Patricia Jackson	Commission Counsel
4. Guy Cournoyer	Commission Associate Counsel
5. Tammy Landeau	Commission Senior Research and Policy Advisor
6. Kelly Hannah-Moffat	Commission Research and Policy Advisor
7. Katherine Swinton	Resource Person
8. Glenn Thompson	Resource Person
9. <i>Ted Bannon</i>	<i>CSC</i>
10. <i>Marie-Andree Cyrenne</i>	<i>CSC</i>
11. <i>Lynn Ray</i>	<i>Union of Solicitor General Employees</i>
12. <i>Linda McLaughlin</i>	<i>Union of Solicitor General Employees</i>
13. Harriet Lynch	Inmate Committee
14. Tracy Armstrong	Inmate Committee
15. Brenda Morrison	Native Sisterhood
16. Wendy Fontaine	Native Sisterhood
17. <i>Nathalie Spicer</i>	<i>Correctional Investigator of Canada</i>
18. <i>Ed McIssac</i>	<i>Correctional Investigator of Canada</i>
19. Kim Pate	CAEFS
20. Elaine Ash	CAEFS

NOTE: *Italic denotes CSC representatives.*

(Arbour 1996:280)

E **PHASE II: WITNESSES ROUNDTABLE: MANAGING VIOLENCE AND MINIMIZING RISK**

<u>WITNESS</u>	<u>ORGANIZATION</u>
1. Anthony Doob	Moderator
2. Hon. Louise Arbour	Commissioner
3. Patricia Jackson	Commission Counsel
4. Guy Cournoyer	Commission Associate Counsel
5. Tammy Landeau	Commission Senior Research and Policy Advisor
6. Kelly Hannah-Moffat	Commission Research and Policy Advisor
7. Helene Brochu	Resource Person
8. Grant Coulson	Resource Person
9. Karlene Faith	Resource Person
10. Joan Lavalee	Resource Person
11. Elaine Lord	Resource Person
12. Margaret Shaw	Resource Person
9. <i>Lary Motiuk</i>	<i>CSC</i>
10. <i>Marie-Andree Cyrenne</i>	<i>CSC</i>
11. <i>Lynn Ray</i>	<i>Union of Solicitor General Employees</i>
12. <i>Linda McLaughlin</i>	<i>Union of Solicitor General Employees</i>
13. Harriet Lynch	Inmate Committee
14. Tracy Thornbury-Cook	Inmate Committee
15. Joey Twinns	Native Sisterhood
16. Brenda Morrison	Native Sisterhood
17. <i>Nathalie Spicer</i>	<i>Correctional Investigator of Canada</i>
18. <i>Jim Hayes</i>	<i>Correctional Investigator of Canada</i>
19. Kim Pate	CAEFS
20. Maurine Gabriel	CAEFS
21. Harret Sachs	LEAF

NOTE: *Italic denotes CSC representatives.*

(Arbour 1996:281)

F **PHASE II: WITNESSES ROUNDTABLE: CRISIS MANAGEMENT IN**

WOMEN'S PRISONS

<u>WITNESS</u>	<u>ORGANIZATION</u>
1. Rosemary Garter	Moderator
2. Hon. Louise Arbour	Commissioner
3. Patricia Jackson	Commission Counsel
4. Guy Cournoyer	Commission Associate Counsel
5. Tammy Landeau	Commission Senior Research and Policy Advisor
6. Kelly Hannah-Moffat	Commission Research and Policy Advisor
7. Helene Brochu	Resource Person
8. Karlene Faith	Resource Person
9. Michael Jackson	Resource Person
10. Joan Lavalee	Resource Person
11. Elaine Lord	Resource Person
12. Patricia Monture	Resource Person
13. Marnie Rice	Resource Person
14. Margaret Shaw	Resource Person
15. <i>Jan Fox</i>	<i>CSC</i>
16. <i>Ted Bannon</i>	<i>CSC</i>
17. <i>Lynn Ray</i>	<i>Union of Solicitor General Employees</i>
18. <i>Linda McLaughlin</i>	<i>Union of Solicitor General Employees</i>
19. Veronica Brown	Inmate Committee
20. Harriet Lynch	Inmate Committee
21. Gail Stoddart	Inmate Committee
22. Joey Twinns	Native Sisterhood
23. Brenda Morrison	Native Sisterhood
24. <i>Nathalie Spicer</i>	<i>Correctional Investigator of Canada</i>
25. <i>Ed McIssac</i>	<i>Correctional Investigator of Canada</i>
26. Kim Pate	CAEFS
27. Maurine Gabriel	CAEFS
28. Carissima Mathen	LEAF
29. Heather McLean	LEAF

NOTE: *Italic denotes CSC representatives.*

(Arbour 1996:282)

H: **PHASE II: WITNESSES ROUNDTABLE: FEDERALLY SENTENCED
ABORIGINAL WOMEN IN PRISON/THE HEALING LODGE**

<u>WITNESS</u>	<u>ORGANIZATION</u>
1. Scott Clark	Moderator
2. Hon. Louise Arbour	Commissioner
3. Guy Cournoyer	Commission Associate Counsel
4. Tammy Landeau	Commission Senior Research and Policy Advisor
5. Kelly Hannah-Moffat	Commission Research and Policy Advisor
6. Michael Jackson	Resource Person
7. Sophia Kleywegt	Resource Person
8. Carol LaPrairie	Resource Person
9. Joan Lavalee	Resource Person
10. Patricia Monture	Resource Person
11. Brenda Restoule	Resource Person
12. <i>Heather Bergen</i>	<i>CSC</i>
13. <i>Norma Green</i>	<i>CSC</i>
14. <i>Sonia Collins</i>	<i>Union of Solicitor General Employees</i>
15. <i>Linda McLaughlin</i>	<i>Union of Solicitor General Employees</i>
16. Tracy Armstrong	Inmate Committee
17. Harriet Lynch	Inmate Committee
18. Wendy Fontaine	Native Sisterhood
19. Brenda Morrison	Native Sisterhood
20. <i>Nathalie Spicer</i>	<i>Correctional Investigator of Canada</i>
21. <i>Ed McIssac</i>	<i>Correctional Investigator of Canada</i>
22. Kim Pate	CAEFS
23. Sue Hendricks	CAEFS
24. Wendy Whitecloud	LEAF

NOTE: *Italic denotes CSC representatives.*

(Arbour 1996:283)

I **PHASE II: WITNESSES ROUNDTABLE: CROSS-GENDER STAFF IN WOMEN'S PRISONS**

<u>WITNESS</u>	<u>ORGANIZATION</u>
1. Carolyn Strange	Moderator
2. Hon. Louise Arbour	Commissioner
3. Guy Cournoyer	Commission Associate Counsel
4. Tammy Landeau	Commission Senior Research and Policy Advisor
5. Kelly Hannah-Moffat	Commission Research and Policy Advisor
6. Marie-Andree Bertrand	Resource Person
7. Maeve McMahon	Resource Person
8. Bob Boucher	Resource Person
9. <i>Marie-Andree Cyrenne</i>	<i>CSC</i>
10. <i>Wayne Crawford</i>	<i>Union of Solicitor General Employees</i>
11. <i>Linda McLaughlin</i>	<i>Union of Solicitor General Employees</i>
12. Kas Fehr	Inmate Committee
13. Harriet Lynch	Inmate Committee
14. Veronica Brown	Native Sisterhood
15. Georgia Davis	Native Sisterhood
16. <i>Nathalie Spicer</i>	<i>Correctional Investigator of Canada</i>
17. <i>Ed McIsaac</i>	<i>Correctional Investigator of Canada</i>
18. Kim Pate	CAEFS
19. Leslie Kelman	CAEFS
20. Harret Sachs	LEAF

NOTE: *Italic denotes CSC representatives.*

(Arbour 1996:284)

J**PHASE II: WITNESSES ROUNDTABLE: REGIONAL FACILITIES**

<u>WITNESS</u>	<u>ORGANIZATION</u>
1. Anthony Doob	Moderator
2. Hon. Louise Arbour	Commissioner
3. Tammy Landeau	Commission Senior Research and Policy Advisor
4. Kelly Hannah-Moffat	Commission Research and Policy Advisor
5. Marie-Andree Bertrand	Resource Person
6. Helene Brochu	Resource Person
7. Bonnie Diamond	Resource Person
8. Jacqueline Fleming	Resource Person
9. Gayle Horri	Resource Person
10. <i>Marie-Andree Cyrenne</i>	<i>CSC</i>
11. <i>Ted Bannon</i>	<i>CSC</i>
12. <i>Wayne Crawford</i>	<i>Union of Solicitor General Employees</i>
13. <i>Linda McLaughlin</i>	<i>Union of Solicitor General Employees</i>
14. Jennifer Manuel	Inmate Committee
15. Harriet Lynch	Inmate Committee
16. Veronica Brown	Native Sisterhood
17. Gail Stoddart	Native Sisterhood
18. <i>Nathalie Spicer</i>	<i>Correctional Investigator of Canada</i>
19. <i>Ed McIssac</i>	<i>Correctional Investigator of Canada</i>
20. Kim Pate	CAEFS
21. Anne Derrick	CAEFS

NOTE: *Italic denotes CSC representatives.*

(Arbour 1996:285)

K**PHASE II: WITNESSES ROUNDTABLE: WOMEN'S IMPRISONMENT
IN CANADA - OVERVIEW**

<u>WITNESS</u>	<u>ORGANIZATION</u>
1. Allan Manson	Moderator
2. Hon. Louise Arbour	Commissioner
3. Patricia Jackson	Commission Counsel
4. Guy Cournoyer	Commission Associate Counsel
5. Tammy Landeau	Commission Senior Research and Policy Advisor
6. Kelly Hannah-Moffat	Commission Research and Policy Advisor
7. Jean-Paul Brodeur	Resource Person
8. Donald G. Evans	Resource Person
9. Jacqueline Fleming	Resource Person
10. Hon. Inger Hansen	Resource Person
11. Gayle Horri	Resource Person
12. <i>Marie-Andree Cyrenne</i>	<i>CSC</i>
13. <i>Larry Motiuk</i>	<i>CSC</i>
14. <i>Wayne Crawford</i>	<i>Union of Solicitor General Employees</i>
15. <i>Linda McLaughlin</i>	<i>Union of Solicitor General Employees</i>
16. Kas Fehr	Inmate Committee
17. Harriet Lynch	Inmate Committee
18. Wendy Fontaine	Native Sisterhood
19. Tracy Armstrong	Native Sisterhood
20. <i>Nathalie Spicer</i>	<i>Correctional Investigator of Canada</i>
21. <i>Ed McIssac</i>	<i>Correctional Investigator of Canada</i>
22. Kim Pate	CAEFS
23. Anne Derrick	CAEFS
24. Wendy Whitecloud	LEAF

NOTE: *Italic denotes CSC representatives.*

(Arbour 1996:286)

APPENDIX L:

**EXAMPLES OF MATERIAL AND IDEOLOGICAL CONTROL OF “VIOLENT”
FEMALE OFFENDERS THROUGH THEIR IDENTIFICATION AS
“UNNATURAL/EVIL”, AND OF ABORIGINAL WOMEN IN CANADA**

A. MATERIAL CONTROL

(a) “Violent” Female Offenders as “Unnatural/Evil”

The operation of the Canadian criminal justice system, in its support of the interest of the ruling class, condones the material control of those it identifies as “violent” female offenders through *physical violence*. One suggested example, and the focus of this research, was the treatment of female offenders as “unnatural/evil” on April 26 and 27, 1994, at the Prison for Women in Kingston, Ontario. The Kingston Penitentiary Institutional Emergency Response Team (riot team) was called into the institution to “extract” “rebellious”¹⁹⁵ prisoners from their cells following two days of “rebellious” conduct (Marron 1996:125). A video was taken of the actions of the riot team with the female offenders and it revealed “shocking images of female prisoners being stripped naked, shackled, prodded with batons and forcibly removed from their cells by male guards in riot suites and helmets” (Marron 1996:124). To illustrate:

A Native woman who had been stripped while she was apparently half-asleep looked disoriented and totally humiliated, as she was forced to back up against a wall with a transparent plastic riot shield against the front of her naked body. Another naked woman kneeled with hands behind her head, motionless as if in a yoga position, asking in vain for a gown, while a chain was fastened around her waist and two guards stood in front of her with their batons raised like erect penises. But perhaps the most disturbing images were of a woman protesting and struggling as two men pinned her, face-down on the floor, and helped a female guard rip her clothes and tear them from her body (Marron 1996:124).

This disturbing image depicts the treatment of female offenders as “evil” when in

¹⁹⁵ In Judge Arbour’s review of the IERT event, she concluded the “rebellious” acts were not, in fact, rebellious. She asserted the women’s conduct did not pose a threat to the safety of the institution or its occupants (1996).

fact their conduct was later not deemed as such (see Arbour 1996). The Arbour Report (1996) concluded it was not necessary for the Institutional Emergency Response Team to have been called into P4W for CSC's identified "rebellious" conduct of the female inmates. The only revolt that may have occurred was the women's rebellion against the socially sanctioned patriarchal stereotype of femininity. On April 26 and 27, 1994, women at P4W had their power and autonomy stripped from them both physically and as inmates within a Canadian capitalist patriarchal system - the Correctional Service of Canada¹⁹⁶.

(b) Aboriginal Women

An illustration of a legislative form of material control of Aboriginal women in Canada is the Indian Act, which impacted the physical lives of Aboriginal women.

Johnson states:

Native women...suffer[ed] racial discrimination, gender discrimination and, until 1985, when Section 12(1)(b) of the Indian Act was amended, legislated discrimination that deprived some women of Indian status, forced them off reserves and denied them rights (1987:39).

With respect to the Canadian criminal justice system, the oppressive forces of the Indian Act are suggested to have contributed to a higher involvement of Aboriginal

women, in comparison to non-Aboriginal women, in the criminal justice system and for more serious offences (LaPrairie 1992). For example, a 1969 study conducted in

¹⁹⁶ It is interesting to note a personal experience of public support for the material control of female "violent" offenders with respect to the P4W incident. In the days following the public release of the video depicting the deplorable actions of the riot team at P4W (February 25, 1995), I was employed as the Executive Director of the Elizabeth Fry Society of Manitoba, a non-profit community agency committed to assisting women in conflict with the law. During this time, I responded to numerous public and media demands that "the women deserved what they got because they were violent women" and that there is "something wrong with these violent women: they are not feminine".

Winnipeg, Manitoba, which has a high representation of Aboriginal people, examined charges laid by the Winnipeg Police Service. It concluded that while Aboriginal people comprised three percent of the urban population, charges against Aboriginal women accounted for seventy percent of all charges against women (Johnson 1987:40). Similarly, in my MA research I concluded blue-collar Aboriginal female offenders received harsher sentences than non-Aboriginal blue- and white-collar female offenders in Winnipeg (Dell 1996). And last, examining incarceration rates in Manitoba for overall offences and violent offences in particular, Aboriginal females disproportionately comprise approximately 75% of the total female jail population (2000 Elizabeth Fry Society of Manitoba).

B. IDEOLOGICAL CONTROL

(a) “Violent” Female Offenders as “Unnatural/Evil”

How is it that the violent female offender identity is accepted and maintained among the Canadian public? How is it that members of the Canadian public supported the treatment of the female inmates at P4W by the Emergency Response Team in April, 1994? One response is the existing ideology of Canadian society: negative stereotypes and belief systems regarding female offenders in general and “violent” female offenders in particular. There are several suggested venues of support for this ideology, ranging

from media depictions¹⁹⁷ to educational systems, with one originating venue being the

¹⁹⁷ An obvious example is the portrayal of Karla Homolka from the commission of the crimes to her incarceration. For example, Burnside and Cairns (1995) bestselling novel, *Deadly Innocence*, states: “Paul Bernardo and Karla Homolka lived out an orgy of sex, murder and mayhem, holding their community hostage with terror...Here are the devastating details and the never before published inside accounts of a reign of terror worse than any violent Hollywood spectacle” (Book Jacket). For the most part Homolka was identified as unnatural/evil in the media. There was attention, however, also allotted to her role as a

Correctional Service of Canada. Two illustrations are CSC representative's identification of "violent" female offenders as "unnatural/evil" in media reports following CTV's public airing of the April, 1994 P4W event, and the alleged "escape"¹⁹⁸ of females from the newly constructed Edmonton Institution for Women in 1996.

(b) Aboriginal Women

According to Moffat, "Aboriginal offenders often experience racism, discrimination and a devaluation of their culture that is intensified and complicated by their involvement with the law" (1994:461). Rooted within Canadian history and continuing today, is negative stigmatization of Aboriginal people as "more violent" in comparison to non-Aboriginal people.

A clear example of ideological support of an oppressive Aboriginal identity is the shooting of J.J. Harper by a Winnipeg police officer. Although this example is not specific to the female, its candidness is an exemplary illustration. (A comparable female illustration is the murder of Helen Betty Osborne and the lack of police investigative

attention because of an existing ideology regarding the "worthlessness" of Aboriginal people (Crow 1992)).

The shooting of J.J. Harper is a clear example of how racist stereotypes become institutionalized in the minds of those who are closeted in an atmosphere of racism. Harper, a senior official in a Manitoba Aboriginal organization, was stopped on a Winnipeg street by Constable Robert Cross who was searching for

victim, due her battered woman legal defence. Either identity, as reviewed in Chapter Three, portrays a powerless identification.

¹⁹⁸ An individual incarcerated at a correctional institution is defined as having "walked away" when there are no physical barriers preventing them from doing so. When there are physical barriers (such as a barbed wire fence) the individual is defined as having "escaped". The incarcerated women at the Edmonton Institution simply climbed a 3 foot chain linked fence and "walked away", however, CSC publicly depicted them in the media as having escaped.

two suspected car thieves. Several factors suggest that Harper was confronted by police specifically because he was Aboriginal. First, it was obvious that he did not bear any physical resemblance to the descriptions of the suspects which were broadcast by the police. Second, evidence was uncovered to suggest that Cross was aware that the suspected car thieves had already been taken into custody by other officers when he stopped Harper....These factors underline the point that many police officers hold the view that all Aboriginal people are alike, and are probably guilty of something and thus should be randomly questioned on the basis of generalized suspicion (Crow 1992:433-434).

This is one, of numerous, examples of the existence of an oppressive and harmful ideology surrounding Aboriginal peoples in Canada.

APPENDIX M:
NUMERICAL SATURATION LEVELS:
CORE VARIABLES

IDENTIFICATION OF FEMALE OFFENDERS AS “VIOLENT”

IDEOLOGY

(How women are identified as “violent”)

DESCRIPTIVE (123)

- (44) child-like/paternalism
- (31) dangerous —> (24) Reluctance
- (30) patriarchal female stereotypes
(oppressive language and sexualization of women)
- (13) volatile
- (5) psychotic

MATERIAL

(Women’s conduct which identifies them as “violent”)

NON-PHYSICAL/VERBAL (142)

- (86) noisy
- (40) manipulative
- (23) verbally abusive
- (5) threatening

PHYSICAL (140)

- (55) acting-out
- (39) out of control
- (22) misbehaving/bad
- (22) assaultive

TREATMENT OF “VIOLENT” FEMALE OFFENDERS

(159) NON-PROFESSIONAL		
(Harsh)	(34)	Non-adherence to rules or a Humane standard regarding physical treatment
(Harsh)	(125)	Expressing non-concern or no concern expressed (psychological/emotional/mental)
(118) PROFESSIONAL		
(Harsh)	(43)	Adherence to rules regarding physical treatment
(Humane)	(60)	Expressing concern (psychological/emotional/mental) (10) female specific (5) child-like/paternalism
(30) GENDER NEUTRALITY	(30)	Insensitive

CONTROL: IDEOLOGICAL FOCUS

	IDEOLOGICAL	CONTROL	MATERIAL (See next page)
1.	Existence and constitution of rules (450)		
2.	Discernable hierarchy of authority within CSC (356)		
	* General existence of a hierarchy of authority (19)		
	* Warden ultimate authority/responsibility (44)		
	* Hierarchal communication patterns (254)		
	<i>Ineffective (154)</i>		
	- CSC not share information externally (73)		
	- produce an inaccurate Board of Investigation Report (41)		
	- not release information to the public/external others. (14)		
	- knowingly share inaccurate info. with the public/external others (10)		
	- not accepting of community input/criticism (8)		
	- CSC ineffective internal information share (89)		
	- Institution: (63)		
	- among management (20)		
	- among management and line staff (24)		
	- among line staff (19)		
	- NHQ and management (26)		
	<i>Effective (100)</i>		
	- CSC share information externally (24)		
	- CSC effective internal information share (76)		
	- Institution: (76)		
	- among management and line staff (25)		
	- among line staff (17)		
	- among management (16)		
	- NHQ: (18)		
	- among NHQ staff (9)		
	- among NHQ and institution (9)		
	* Hierarchal communication patterns with “violent” women		
	<i>Effective (20)</i>		
	- hear/acknowledge “violent” women’s voices		
	<i>Ineffective (19)</i>		
	- not hear/acknowledge “violent” women’s voices		
3.	Open to change in policy (and practice) (117)		
	- learn from experiences/history (47)		
	- currently progressing forward(41)		
	- open to future progressive policy/practice change (29)		

CONTROL: MATERIAL FOCUS

CONTROL

MATERIAL

IDEOLOGICAL

(See prior page)

4. Segregation (72)
 - To regain control (relation to security, order and safety) (45)
 - Not all CSC agree with it (27)
5. IERT & cell extractions (105)
 - To regain control (46)
 - Security, order and safety (22)
 - The use of intimidation (37)
6. Application of rules (796)
 - Ineffective (poor control) (645)*
 - A.. Disregard existing and outlined rules (244)
 - Not follow established rules (131)
 - Unaware of rules (81) (includes Warden)
 - Too many existing rules (15)
 - Absence of rules (9)
 - Ambiguous areas in rules which contributes to their inconsistent application (8)
 - B. Following general guidelines (316)
 - Staff discretion (98)
 - Staff interpretation of rules (95)
 - Not provide amenities (50)
 - Particular circumstances (40)
 - Account for emergency situation (33)
 - Limited training for staff/ Limited resources (85)
 - Not trained for P4W (38)...leads to... (*Learn on the job*)
 - Learn on the job (47)

Effective (151)

- Rule of law

ABORIGINAL CULTURE

- (20) Aware of Aboriginal culture
- (18) Unaware of Aboriginal culture

ABORIGINAL WOMEN'S VOICES, CSC, AND ALL OTHERS

(38) Aboriginal women's voices

- (13) CSC requires increased Aboriginal cultural sensitivity and training
- (11) CSC is disrespectful of Aboriginal culture
- (8) Aboriginal spirituality is an important component in Aboriginal women's lives
- (6) CSC requires Aboriginal specific programs

(42) All other's voices (excluding CSC)

- (14) Identification of Aboriginal women as "violent" by CSC
- (9) Aboriginal women's actions based within their cultures are different in comparison to the majority offender population
- (7) CSC discriminates against Aboriginal women
- (6) Aboriginal women are treated as "other"
- (6) CSC is not culturally sensitive and aware

(30) CSC voices

- (12) CSC recognizes that Aboriginal women are a "different" population in comparison to the majority offender population and addresses this
- (11) CSC requires Aboriginal staff/training
- (7) CSC requires increased funding

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