

**Taking Risks: Incorporating Gender and Culture into the
Classification and Assessment of Federally Sentenced Women
in Canada**

Kelly Hannah-Moffat
and
Margaret Shaw

The research and publication of this study were funded by Status of Women Canada's Policy Research Fund. This document expresses the views of the authors and does not necessarily represent the official policy of Status of Women Canada or the Government of Canada.

March 2001

Status of Women Canada is committed to ensuring that all research produced through the Policy Research Fund adheres to high methodological, ethical and professional standards.

Specialists in the field anonymously review each paper and provide comments on:

- the accuracy, completeness and timeliness of the information presented;
- the extent to which the methodology used and the data collected support the analysis and recommendations; and
- the original contribution the report would make to existing work on this subject, and its usefulness to equality-seeking organizations, advocacy communities, government policy makers, researchers and other target audiences.

Status of Women Canada thanks those who contribute to this peer-review process.

Canadian Cataloguing in Publication Data

Hannah-Moffat, Kelly, 1967 -

Taking Risks [computer file]: Incorporating Gender and Culture into the Classification and Assessment of Federally Sentenced Women in Canada

Issued also in French under title: Oser prendre des risques : Intégration des différences entre les sexes et entre les cultures au classement et à l'évaluation des délinquantes sous responsabilité fédérale
Includes bibliographical references.

Issued also in print format.

Mode of access: WWW site of Status of Women Canada.

ISBN 0-662-65432-3 [print format]

Cat. No. SW21-66/2001 [print format]

1. Women prisoners — Canada.
 2. Female offenders — Canada.
 3. Correctional institutions — Canada — Security measures.
 4. Risk assessment.
- I. Shaw, Margaret.
 - II. Canada. Status of Women Canada.
 - III. Title.

HV9507.H36 2001 365'.43'0971 C2001-98133-5

Project Manager: Julie Cool, Status of Women Canada

Publishing Coordinator: Mary Trafford, Status of Women Canada

Editing & Layout: PMF Editorial Services Inc. / PMF Services de rédaction inc.

Translation: Ginette Lévesque-Houle

Comparative Read: Christiane Ryan

Translation Coordinator: Monique Lefebvre, Status of Women Canada

Translation Quality Control: Société Gamma inc.

For more information contact:

Research Directorate

Status of Women Canada

123 Slater Street, 10th Floor

Ottawa, Ontario K1P 1H9

Telephone: (613) 995-7835

Facsimile: (613) 957-3359

TDD: (613) 996-1322

Email: research@swc-cfc.gc.ca

ABSTRACT

This report is based on an 18-month study (June 1998 to February 2000) funded by Status of Women Canada. Its purpose was to assess critically the underlying assumptions and current practice of classification and assessment in federal women's prisons, and their implications for gender and diversity; and to contribute to the development of more gender-specific and culturally sensitive approaches. The study included a review of the literature, consultations with Correctional Service of Canada headquarters staff and with stakeholders outside the correctional system; an interdisciplinary workshop, and site visits and interviews with 70 staff members working in eight federal institutions.

The study raises the complex theoretical, legal, methodological and practical issues involved in classification and assessment processes to encourage further research and debate and the development of less discriminatory practices. Most jurisdictions employ gender-neutral classification systems; a few have attempted to add on female-specific items. There is growing evidence that risk is gendered and racialized, and this cannot be accounted for by adding on to existing male-derived scoring systems. Despite acceptance of the recommendations of the task force report, *Creating Choices*, the gender-neutral classification system developed for men has been applied to women in Canada. Staff in the women's prisons have variable training and experience of classification and risk assessment, and there is a clear need for them to communicate and train together on a regular basis.

The report concludes that the Deputy Commissioner for Women should have greater autonomy and power, replacing the current regional reporting structure. The legal requirement for security classification should be reconsidered for women in light of section 15 of the *Canadian Charter of Rights and Freedoms* and the *Corrections and Conditional Release Act* requirement of specific provision for women and Aboriginal detainees. The report also recognizes that the security and assessment needs of Canadian federal women's prisons and the Healing Lodge are different from those of the men's institutions by virtue of gender, minority heterogeneity, size and varying population characteristics, and require a separate assessment system to be developed. Cross-disciplinary and external research should be undertaken to assist its development, to expand knowledge of women's pathways into, and out of, offending, and to take account of the knowledge and experience of staff and inmates in women's facilities, as well as external stakeholders.

There is a general methodological rule that studying the borderline cases of a system provides insights into the principles of the system itself. *Since the system of classification depends upon exclusion...one looks at what is apparently marginal to the system in order to understand the system.*

- Jonathan Culler quoted by Kulka (1996).

TABLE OF CONTENTS

LIST OF ACRONYMS	iii
PREFACE.....	iv
ACKNOWLEDGMENTS	v
EXECUTIVE SUMMARY	vi
INTRODUCTION.....	1
Description of the Project	3
Description of Research Methodology	4
1. LITERATURE REVIEW HIGHLIGHTS.....	6
The Evolution of Modern Classification Systems.....	6
Classifying Women: International Developments	9
Gender and Cultural Differences in Crime	13
Correctional Research Initiatives	18
2. CLASSIFICATION IN CANADA AND FEDERALLY SENTENCED WOMEN	21
Legal Requirements	21
Federally Sentenced Women	21
The Federally Sentenced Women’s Program: Attempting to Construct a Woman-Centred Classification System	24
Current State of Research	27
3. FEDERALLY SENTENCED WOMEN’S FACILITIES: INSTITUTIONAL VISITS AND CONSULTATIONS	29
The Context of Practice	30
The Classification and Assessment Process	30
Staff Views on the Assessment Process	33
4. NON-INSTITUTIONAL CONSULTATIONS	42
The Workshop Report	42
Office of the Correctional Investigator	49
Canadian Association of Elizabeth Fry Societies	50
Local Elizabeth Fry Societies	51
5. OTHER ISSUES	54
Pressure to Be More Like Men’s Institutions	54
Maximum Security Women and Mental Health	54
Burnaby Correctional Centre for Women	56
Methodological Issues: Validating Tools for Women	56

6. UNRESOLVED ISSUES: CONSIDERATIONS FOR DEVELOPING AN ALTERNATIVE	60
7. CONCLUSIONS	63
A Need for a Gender- and Ethno-Culturally Sensitive Alternative.....	64
Institutional Processes, Training and Systemic Concerns	65
Organizational Structure.....	66
Healing Lodge, Aboriginal Women and Diversity.....	67
<i>Corrections and Conditional Release Act</i> and Legal Framework	67
APPENDIX A: WORKSHOP ON GENDER DIVERSITY AND RISK.....	68
REFERENCES	72
ENDNOTES	85

LIST OF ACRONYMS

APAC	Assessment Programme Assignment Committee
APR	Accelerated Parole Release
BIFA	Black Inmates and Friends Assembly
CAEFS	Canadian Association of Elizabeth Fry Societies
CCJA	Canadian Criminal Justice Association
CCRA	<i>Corrections and Conditional Release Act</i>
CEIP	Comité des évaluations et d'identification des programmes
CMS	Case Management Strategy
CNIA	Case Needs Identification and Analysis
CRS	Custody Rating Scale
CSC	Correctional Service Canada
EIFW	Edmonton Institution for Women, Alberta
GAO	General Accountancy Office (United States)
GVI	Grand Valley Institution, Kitchener, Ontario
HL	Healing Lodge
IAO	Intake Assessment Officer
LEAF	Legal Education Action Fund
LSI	Level of Service Inventory
NAC	National Action Committee on the Status of Women
NWAC	Native Women's Association of Canada
OCI	Office of the Correctional Investigator
OIA	Offender Intake Assessment
OMRB	Offender Management Review Board
P4W	Prison for Women, Kingston, Ontario
SIS	Strength in Sisterhood
SOP	Standard operating practice
WCA	Women-Centred Assessment

PREFACE

Good public policy depends on good policy research. In recognition of this, Status of Women Canada instituted the Policy Research Fund in 1996. It supports independent policy research on issues linked to the public policy agenda and in need of gender-based analysis. Our objective is to enhance public debate on gender equality issues, and to enable individuals, organizations, policy makers and policy analysts to participate more effectively in the development of policy.

The focus of the research may be on long-term, emerging policy issues or short-term, urgent policy issues that require an analysis of their gender implications. Funding is awarded through an open, competitive call for proposals. A non-governmental, external committee plays a key role in identifying research priorities, selecting research proposals for funding and evaluating the final reports.

This policy research paper was proposed and developed under a call for proposals in August 1997 on *factoring diversity into policy analysis and development*. Researchers were asked to identify new questions and new policy solutions with a strong emphasis on policy relevance.

Status of Women Canada funded four research projects on this issue. They examine the situations of Canadian women in need of housing options, women with disabilities, women affected by First Nations' land claims and women in correctional institutions. A complete list of the research projects funded under this call for proposals is included at the end of this report.

We thank all researchers for their contribution to the public policy debate.

ACKNOWLEDGMENTS

A project of this size requires the support and assistance of many people. It would not have been possible without the financial support of Status of Women Canada. We appreciate the guidance and assistance provided by their administrative and research staff, in particular, Beck Dysart, Joanne de Lepper and Nora Hammell, as well as their patience with our deadlines.

The support of the Correctional Service of Canada, and the Federally Sentenced Women's Program was crucial both in agreeing to an external research project and in allowing us access to the institutions. In particular, we would like to thank Nancy Stableforth and Hilda Vanneste for their time and reflection, and for their help in facilitating our institutional visits as well as other consultations. We would also like to thank the research staff at National Headquarters. Many staff in the institutions spent considerable time with us discussing their experiences and views, and answering our endless questions. Understanding a process as complex and changeable as classification is not easy. We hope this report reflects their perspectives and concerns, and that, overall, it can be seen as contributing to their work.

We are grateful to those federally sentenced women we talked to, and to all the other individuals and organizations who gave us their time. This includes the Office of the Correctional Investigator, the Canadian Association of Elizabeth Fry Societies and individual societies, and many others who gave us their views on security classification and risk assessment. We particularly appreciate the time and energy of those who prepared papers and participated in our lively and thought-provoking workshop in May 1999.

We would like to thank those who helped in the development of the project at various stages, including the literature search, preparation of the workshop, interview transcription, review of the papers and work on the many reports which ensued. Dr Julia McLean, acting as a research consultant, brought both her own knowledge of women's federal corrections and her language and interviewing skills to our assistance in Quebec. Madeleine Weiler provided tireless administrative support. Chris Atchison, Brian Hogeveen, Dawn Moore and Kellie LeClerc all provided excellent research assistance over the course of the project. Finally, we would like to thank our families for their support and understanding.

EXECUTIVE SUMMARY

This report is based on an 18-month study (June 1998 to February 2000) that Status of Women Canada funded. Its purpose was to assess critically the underlying assumptions and current practice of classification and assessment in federal women's prisons, and their implications for gender and diversity, and to contribute to the development of more gender-specific and culturally sensitive approaches. The study included:

- a review of the literature on classification and risk, and on gender and diversity, in women's corrections;
- consultations with Correctional Service of Canada (CSC) headquarters staff, the Office of the Correctional Investigator (OCI) and stakeholders outside the correctional system;
- an interdisciplinary workshop on risk assessment and its implications for women and diversity; and
- site visits and interviews with 70 staff in eight institutions housing federally sentenced women and in two men's penitentiaries, as well as some federally sentenced women.

The literature review confirmed that risk-based classification systems in corrections have been concerned with the control of male populations, and have rarely considered their implications for minority ethno-cultural and female populations. This has often resulted in systemic discrimination against minorities both within and on release from prison. Risk-based classification systems using actuarial scales derived from prediction studies of large (male) populations are now widely used. They claim to be more objective, efficient and effective than earlier methods relying on clinical judgment and subjective assessment. No viable gender-specific and culturally sensitive method of security classification or risk assessment was found in practice. Most jurisdictions use gender-neutral systems that do not differentiate between women and men, or modified systems that make some attempts to add gender-specific items. None appear to consider ethno-cultural diversity adequately. The rapidly growing body of literature on gender and diversity underlines the considerable differences among correctional populations, which have not been taken into account in classification and assessment.

In Canada, the security classification of all prisoners (as maximum, medium or minimum security) is a legal requirement. A risk/needs classification and assessment system which assesses security risks *and* treatment needs was developed by CSC in the 1990s, based on predictive research on the much larger male population, not on women, Aboriginal or other minority groups. The federal female population is much smaller than the male population, less criminally involved, and more heterogeneous. Aboriginal women and those with mental health concerns are particularly likely to be classified maximum security. The Task Force on Federally Sentenced Women (TFFSW 1990) recommended assessment not security classification, and individual treatment and sentence planning, given that women generally had high needs but were low security risks. From 1990, attempts were made by CSC to develop a separate assessment system and tools for the new women's facilities, but these were superseded by the

generic male-based Offender Intake Assessment (OIA) introduced for men in 1994. Subsequently, CSC attempted to validate the male-based tools on women but without much success and, in general, this work ignores the literature on gender and diversity differences. It also uses a “social-learning” perspective that individualizes behaviour, ignores the context of institutional management, and the systemic barriers affecting women and minorities.

Visits and on-site interviews found that the classification process in women’s institutions has been subject to constant changes, including personnel responsible for security classification and assessment, and the tools used. There are now considerable differences among the institutions in who completes the process, how it is completed, and levels of staff knowledge and training. Staff had a number of concerns about the subjectivity and inapplicability of questions in the OIA, the absence of items relevant to women, and problems of cultural misunderstanding. There were clear differences between working in men’s and women’s institutions. Some staff felt recent changes in classification and assessment procedures were incompatible with the philosophy of *Creating Choices* (TFFSW 1990). Many staff considered specific training for women’s institutions, links with staff in other women’s institutions and specific guidelines for women’s classification as necessary. Increasingly, programming appears to conform to the patterns established for the male population.

Consultations with external stakeholders and workshop participants raised a number of issues:

- the absence of comprehensive community programs and services for women, including Aboriginal and other minority women, resulting in delays to release;
- the absence of minimum security conditions for women;
- the heavy overrepresentation of Aboriginal women in maximum security and their over-programming;
- the classification as, or housing of, women with mental health needs, in maximum security conditions and the requirement to take intensive therapy programs; and
- the medicalization of incarcerated women, and the use of intrusive security which can exacerbate behaviour.

Current classification and assessment tools could be in breach of the *Canadian Charter of Rights and Freedoms*. Federally sentenced women in British Columbia are subject to a provincial classification system which is even less responsive to gender and diversity issues. A number of technical and methodological concerns were raised about the use, validation or adaptation of male-based classification tools for women, given the heterogeneity and small size of the federal female population, the subjectivity of items, and race and class biases. Good predictive classification schemes require large and representative populations, not criteria meant for the federal female population. The development of a model based on the diverse needs of the federal women’s populations in Canada would be preferable.

Overall, the study raises the complex theoretical, legal, methodological and practical issues involved in classification and assessment processes, in the hope of encouraging further research and debate, and the development of less discriminatory practices. It concludes:

- Most jurisdictions outside Canada use gender-neutral systems which do not differentiate between women and men, or modified systems which make some attempts to add in gender-specific items.
- There is growing evidence that risk is gendered and racialized, and this cannot be accounted for by “adding on” to existing male-derived scoring systems.
- Despite acceptance of the differential nature of women’s needs and experiences, the gender-neutral classification system developed for men has been applied to women in Canada.
- Staff in the women’s prisons have variable training and experience of classification and risk assessment, and there is a clear need for staff working in women’s facilities to be able to communicate and train together on a regular basis.
- The Deputy Commissioner for Women should have greater autonomy and power replacing the current regional reporting structure.
- The legal requirement for security classification needs to be reconsidered for women in light of section 15 of the *Canadian Charter of Rights and Freedoms* and the *Corrections and Conditional Release Act* (CCRA) requirement of specific provision for women and Aboriginal people.
- The security and assessment needs of Canadian federal women’s prisons and the Healing Lodge are different from those of the men’s institutions by virtue of gender, minority heterogeneity, size and varying population characteristics, and require a separate assessment system to be developed.

Cross-disciplinary and external research should be undertaken to assist its development, to expand knowledge of women’s pathways into, and out of, offending, and take account of the knowledge and experience of staff and inmates in women’s facilities, as well as external stakeholders.

INTRODUCTION

Since the 1970s, studies of women's classification (most of them American) have continually maintained that women are over-classified, that risk-based systems ignore the differential experiences of women from men and their treatment needs in prison. They have argued that most female prison populations are too small and the incidence of events, such as violence or escape, are too low to undertake the appropriate predictive studies. There is more recent concern with the implications of the spread of system-wide classification across institutions, and the application of actuarial scales for women. Three overall approaches to women's classification appear to exist.

- Do nothing.
- Attempt to adapt existing male systems for women.
- Develop women-specific classification models.

A number of Western correctional systems, including the federal system in Canada, have acknowledged the need to consider classification for women prisoners, but there is little agreement on the best ways of doing so. Few studies examine the implications of classification procedures for women prisoners, and they have often failed to consider the importance of gender and cultural issues. This has resulted in inequitable practices of classification and risk/need management for women and minorities, compared with men and majority populations.

Classification and assessment have major implications for prisoners. They affect the conditions of their confinement, their entitlements to goods and services, and the likelihood and timing of their release. They are about protecting the public and managing prison populations. During the last 10 years, Correctional Service of Canada (CSC), which is responsible for federally sentenced prisoners,¹ has increased its reliance on actuarial-based classification and assessment tools that assess the risks and needs of offenders. While these tools are used for all prisoners, they have been developed—and validated—on the predominantly White male population. This report examines some of the gender and diversity issues that emerge from the use of these risk assessment tools on federally sentenced women. It identifies theoretical, methodological and practical difficulties linked to current methods of classification, and to attempts to create gender and culturally sensitive risk assessment tools for federally sentenced women. It is based on a two-year research project (June 1998 to February 2000) funded by Status of Women Canada, and is intended to provoke a thoughtful debate on the theory and practices of risk assessment as related to female and non-White correctional populations. We argue that despite efforts during the last 10 years to restructure Canadian federal women's corrections to reflect the cultural and gender-specific needs of women in prison, a *gender-neutral system* of classification is being used to assess and classify women, including Aboriginal, Black and other minority women prisoners.

This system of classification (which includes the use of the Offender Intake Assessment, Custody Rating Scale and security reclassification tools) was *not* explicitly designed to classify federally sentenced women, a very heterogeneous population housed in multi-security level institutions (minimum, medium, maximum). Attempts to revise and adapt these tools for women do not recognize or integrate the vast amount of feminist and non-feminist research on the differences between men and women, and among women. In general, Canadian correctional research does not question the underlying assumptions of classification instruments and the extent to which they are based on subjective interpretation. It ignores the growing body of work which points to the importance of gender and ethno-cultural differences for women's corrections, the contextual differences in pathways into, and out of, crime, and reactions and needs within the institution.

Women consistently comprise only five percent of the total provincial and federal population (Finn et al. 1999). For many years, women have represented only two percent of the federal population—around 350 women compared with some 12,600 men. A further 500 federally sentenced women are on conditional release in the community.² Around 55 percent of the federal prison population is White. Aboriginal women are heavily overrepresented in both provincial and federal prison systems (20 percent and 23 percent respectively), and an increasing number of women of colour are now found in both provincial and federal prisons. Many incarcerated women are identified as having high levels of need for programs and services, including mental health needs. Women in the federal population come from a wide range of backgrounds and experiences in terms of their age, social and economic position, culture and ethnicity, and sexual preferences. They include women who have spent much of their life on the street or in institutions, older first-time offenders, those with families and children, single women, and those with special physical and health needs. As a whole, the population is very diverse—more so than the much larger male population.

For 65 years, federally sentenced women have been centrally housed in the Prison for Women (P4W) in Kingston, Ontario. After several decades of scrutiny, and many governmental and non-governmental recommendations for change, CSC adopted a new approach to the management of federally sentenced women in 1990. This followed the recommendations of the report of the Task Force on Federally Sentenced Women, *Creating Choices* (TFFSW 1990). *Creating Choices* argued for the adoption of a women-centred vision of corrections guided by five principles: empowerment, meaningful and responsible choices, respect and dignity, shared responsibility and supportive environments. More significantly, the report recommended the closure of P4W and the construction of six new regional prisons including an Aboriginal healing lodge. Five new regional facilities opened between 1995 and 1997 (Edmonton, Alberta; Kitchener, Ontario; Joliette, Quebec; Truro, Nova Scotia; and the Aboriginal Healing Lodge in Maple Creek, Saskatchewan). No new federal institution was built in British Columbia, and federally sentenced women there remain under provincial jurisdiction.

Following the 1994 events at P4W, which led to the Arbour Inquiry (1996), and a series of walk-away escapes, slashings and other incidents at the newly opened prisons, significant changes were made to prison policy for women. All women classified as maximum security

were transferred to co-located units in men's maximum security facilities, or remained at P4W. Thus, while most women were transferred to the new regional prisons, the small number of women classified as maximum security, or as having mental health problems, have been excluded. P4W remained open during the course of this project, but was finally closed in July 2000. The location and size of this small female population fluctuates. In August 1999, 31 women were incarcerated at Nova Institution in Truro, 60 at Joliette, 72 at Grand Valley Institution (GVI) Kitchener, 25 in the Ochimaw Ohci Healing Lodge and 69 at Edmonton Institution for Women (EIFW). A further 13 women remained at P4W, and 11 at the only minimum security institution for women, Isabel McNeil House in Kingston. Forty-eight women were held in co-located units in men's institutions: 13 at Saskatchewan Penitentiary, 3 in Spring Hill Institution, 12 at the Prairie Regional Treatment Centre, and 7 at the Regional Reception Centre Ste-Anne-des-Plaines, Quebec. Finally, 33 women were housed at the provincial Burnaby Correctional Centre for Women in British Columbia (CSC 2000).

In theory, the implementation of the recommendations of the Task Force was to include the development of programs based on women's experiences and learning styles, as well as a women-centred assessment system to gauge individual needs for security, treatment and release plans. The Task Force had explicitly argued that women should be assessed separately from men and, in terms of their needs, individual treatment plans developed. Some initial progress was made to develop a women-specific assessment system; however, the generic male-based system developed over the last 10 years has, in fact, been applied to women. While the use of actuarial-based assessment tools for the male population are also of concern, this report argues they should not be generically incorporated into women's corrections. The insufficient quantitative or qualitative information on the nature or context of women's offending, and the gaps in our knowledge of incarcerated women in Canada and of the particular differences between men and women, and among women in prison, make it difficult to develop a gender or culturally sensitive risk assessment tool. Given the small size of the women's federal population, this may not be a feasible option. Furthermore, in spite of existing legal criteria³ requiring all prisoners to be classified on the basis of their security risk, it remains questionable whether a risk-based approach to the management of women prisoners is the most appropriate.

We have outlined a series of issues that require further consideration before one can undertake the development of an alternative system of assessment and classification for federally sentenced women. The findings of this project should be used to inform the development of more gender and ethno-culturally sensitive classification and assessment policies and processes. Such a project would be a considerable undertaking that should include independent research on gender, diversity and crime in Canada, to explore fully the appropriateness of risk-based assessment and classification.

Description of the Project

The study was undertaken to explore and analyze the assumptions, research, policy and institutional practices related to risk assessment and security classification for federally sentenced women. Most of the methods of assessment and security classification used by

Correctional Service of Canada were developed for male offenders using theoretical and empirical research on male offending. The objectives of the project, therefore, were:

- Assess the current state of the literature relating to both the classification and assessment of women, and gender and diversity issues.
- Examine the recent development of such practices in the new federal women's prisons.
- Seek the views of staff in the institutions on how far those practices are appropriate for women or could be modified or changed.
- Consult with other groups in and outside the correctional system on options for change.

The project examined the practices of security classification (allocating prisoners to minimum, medium, maximum security levels or institutions), the Offender Intake Assessment (OIA) process (which assesses risks and needs) and the development of the correctional plan which allocates treatment and programs, as well as the processes of reclassification. The overall purpose was to contribute to the development of procedures which are sensitive to the needs and experiences of women and, in particular, women from diverse ethno-cultural backgrounds.

Description of Research Methodology

Four major sources were used: a literature review, consultations with correctional headquarters staff and stakeholders, site visits to institutions and staff interviews, and a multidisciplinary workshop.

At the onset, we conducted a comprehensive, multidisciplinary literature review. This looked at risk assessment, risk management and classification in contemporary women's corrections and for culturally and ethnically diverse correctional populations. We searched for alternative practices and gender or culturally specific methodologies. The search covered several fields including female offenders, female crime, risk, classification, security, special needs, violent women, disruptive, dangerous prisoners and mental health. The coverage was international and used a number of relevant databases (e.g., Criminal Justice Abstracts; National Criminal Justice Reference Service, Sociofile, Psychlit, Social Science Citation Index, Correctional Service of Canada documents) as well as the Internet. This initial search produced a large number of abstracts and citations (an estimated 400 journal articles, books, policy documents and government reports), which were vetted, reviewed and analyzed and formed the basis of the literature review.

The project involved consultations with organizations and individuals inside, and stakeholders outside government concerned with federally sentenced women. The purpose of these consultations was to document the views and experiences of those individuals and groups. Our discussions focussed on current practices, the strengths and limitations of existing methods of assessment and classification, alternative approaches and suggestions for reform/research.

During the project, we undertook a series of visits to all the regional facilities for women including the Healing Lodge, most of the maximum security units for women (Prison for Women in Kingston, the Regional Reception Centre in Quebec, Springhill in Nova Scotia) and two men's institutions (Millhaven and the Regional Treatment Centre, both in Kingston). Due to time and financial constraints, we were unable to visit Saskatchewan Penitentiary, the Regional Psychiatric Centre in Saskatoon and Burnaby Correctional Centre for Women in British Columbia.⁴

We conducted formal interviews with 70 correctional staff, and had extensive informal discussions with other staff and with some federally sentenced women. Interviews with staff were individual, except in a few cases, and followed an interview guideline. We consulted senior managers in Correctional Service of Canada and several program and research staff at National Headquarters. While we recognize that the perspectives of federally sentenced women are critical, the major focus of the project was on current practices. We consulted some women who were available and interested in speaking to us about assessment and security classifications. The comments of those women are not representative of all federally sentenced women and further efforts should be made to ascertain their views. Correctional Service of Canada recently published two studies Morin (1999) and McDonagh (1999), which document, in detail, the views of Aboriginal and non-Aboriginal women classified as maximum security. We relied, in part, on the findings of these studies as a secondary source of data. These studies are significant, but they are limited to the views of a small portion of the population designated maximum security and, therefore, do not reflect the views of those who are classified as either minimum or medium security. This group of women may have different concerns, and a comparable effort should be made to document their perspectives.

In addition to consulting individuals who work for CSC, we talked with several external stakeholders including the Canadian Association of Elizabeth Fry Societies (CAEFS), local Elizabeth Fry societies (by mail survey), representatives of various ethno-cultural and Aboriginal organizations, the Office of the Correctional Investigator (OCI) and academics. In our second round of consultations, we discussed our preliminary findings and observations with stakeholders, and the feasibility of potential recommendations aimed at creating a system of classification that accounts for gender and ethno-cultural diversity, and recognizes the multi-faceted needs and challenges of federally sentenced women.

The consultation process included a two-day multidisciplinary workshop in Toronto (May 1999) for Canadian and international academics, researchers and practitioners (see Appendix A for an outline). Its purpose was to gather together a diverse group of individuals concerned with, or working in, the area of risk assessment or risk management, to discuss how such practices affect women offenders and, in particular women from diverse ethno-cultural backgrounds. It also considered the impact of correctional classification on individuals with acute mental health problems who are socially disadvantaged, and examined a variety of legal, technical, sociological, psychological and policy concerns. This report summarizes the main findings of this study.

1. LITERATURE REVIEW HIGHLIGHTS

This section of the report summarizes our review of the literature, which traces the historical evolution of contemporary correctional classification. This includes risk-based correctional management, recent attempts to develop systems that take account of women and culturally diverse prison populations in a number of countries, as well as critiques of those attempts. It also outlines specific developments in Canadian corrections. Very little existing literature addressed concerns specific to the classification of sentenced women; even less material considered ethno-cultural diversity.

Most early classification systems were designed to manage, control and treat the larger (usually White) male prison population. Most modern classification systems have not considered the independent significance of gender and diversity. This has often resulted in systemic discrimination against women and minority prisoners compared to the male population, and to the creation of management and reintegration barriers for them. Some contemporary Western correctional systems, including Canada's, now acknowledge the importance of integrating gender and diversity into classification strategies. However, there is little agreement on the best method. Three dominant approaches to the classification of female prisoners seem to have emerged.

- Do nothing.
- Append women and diversity to existing practices.
- Develop a women-specific classification model.

To understand the issues, it is necessary to trace the development of modern classification systems as a whole.

The Evolution of Modern Classification Systems

Separation and Suitable Treatment

Modern classification systems have evolved continuously over the last 100 years in terms of the purposes as well as the methods of classifying prisoners. In the 19th century penitentiary, classification was used to maintain order and facilitate moral reformation, through physical separation and crudely identifying reformable offenders (Sparks et al. 1996; Morris and Rothman 1998). Length of sentence, offence, criminal history, age and gender have been variously used to classify prisoners. In some 19th century women's prisons, inmates were separated on the basis of age, criminal history, sanity and "reformability" (Zedner 1995). For the first half of the 20th century, there was little change in classification procedures. From the late 1930s, a renewed emphasis on treatment and reformation in many countries led to the use of more elaborate techniques of classification and assessment using batteries of standardized clinical tests and checklists. These were administered by behavioural scientists employed in prison systems to undertake classification and provide treatment.

Security-Based Classification

In many Western countries, in the 1960s and early 1970s, the emphasis in classification shifted more firmly to concerns about security and public safety from dangerous or escaping prisoners. In Canada, while treatment plans were still an aspect of classification, the *Penitentiary Act* required all prisoners to be allocated to one of three security levels: maximum, medium or minimum, and allocated to institutions with the appropriate security level (Ekstedt and Griffiths 1988).

Risk-Based Classification

From the late 1970s, and in part because of the loss of faith in the effectiveness of treatment programs to change prisoners, there has been a further shift. The primary purpose of many prison classification systems shifted to risk and its management (e.g., of escape, risk to the public, to other prisoners, to staff, to institutions, to themselves). More significantly, the methods of assessing risk and predicting risky behaviours have also changed.⁵ Clinical checklists and assessments are now seen as subjective and discretionary methods of classification, to be replaced by objective tools and actuarial measurements that created standardized responses and risk profiles derived from research on large population samples (Gottfredson and Tonry 1987; Dallao 1997). These tools are seen to eliminate arbitrary decision making, bias and prejudice, leading to more efficient and impartial classification, and rational, just institutions. Thus, it is argued that these tools are better at predicting risk and recidivism than earlier measures. Actuarial risk prediction is now being developed in many Western prison systems apart from Canada and the United States (e.g., England and Wales) (Clark et al. 1993; Ditchfield 1997; Mair 1997); Australia (Brown 1996; Daley and Lane 1999; Dawson 1999).

Risk/Need Classification

In the 1990s, there was a renewed emphasis on treatment and rehabilitation. Actuarial tools are now being used to classify prisoners in terms of their security risks and their criminogenic needs. Psychologists working in the correctional field have undertaken much of this work in Canada (Andrews et al. 1990a, 1990b). The view is that only specific types of treatment (based in cognitive psychology) can reduce re-offending, when they are targeted to particular groups of offenders. Risk and need classification, therefore, results in a security classification, as well as an allocation of level of treatment or supervision. More recently, the terminology has changed with risk being referred to as static (unchangeable factors, such as age or offence history) and need as dynamic (factors capable of being modified by treatment programs). Criminogenic needs, therefore, are explicitly defined as problems, which influence the chances of recidivism, rather than a statement of entitlements (Hannah-Moffat 1999). Significantly, not all needs are seen as criminogenic in the Canadian literature. Such a strong emphasis on criminogenic need and rehabilitation is not found in most other Western correctional systems (Garland 1996).

Thus, actuarial measures are enhancing individual decision making, judgment or clinical decisions. It is argued that they reduce ad-hoc decision making and result in greater uniformity and fairness in decisions. They are more efficient in fitting individuals to appropriate institutional settings and in the delivery of services and programs. They also

satisfy accountability and management concerns for correctional staff. A good classification scheme is generally seen as one, which is reliable and valid, based on a representative sample, relevant to large populations and easy to administer. However, these systems rely on large-scale prediction studies. The problem for small populations, such as women, is that many of those requirements cannot easily be met. If the primary requirement of a system is based on expectations about the majority population, this may be inappropriate for minority populations with diverse backgrounds and experiences, and where there is greater heterogeneity (Hannah-Moffat 1997).

Critiques of Risk

A number of writers have been critical of the emphasis on risk and the use of actuarial measures. In the 1980s, concerns were raised about the impact of these measures on minorities, particularly Black American males, but there was almost no discussion of gender issues. Some argued that rigid and mechanical applications of assessment tools could lead to inequitable and unjust classifications (Petersilia and Turner 1987). Others warned that they could institutionalize the disadvantages experienced by minority groups (Gottfredson 1987). Actuarial measures have also been seen as part of an increasing focus on “managerialism,” efficiency and accountability in correctional systems and a move away from concern with individual cases (Feeley and Simon 1994; Garland 1996). More recently, scholars have argued that “risk” is gendered and racialized (Dawson 1999; Hannah-Moffat 1999; Bhui 1999).

McHugh (1997) has suggested that the concept of risk focusses on something within the individual, leading to an oversimplified categorization and overlooking wider systemic concerns. Staff, for example, may contribute to “high risk” by their reaction and treatment of “risky” individuals. He argues that a focus on the climate of an institution and the support systems available are more important ways to reduce risk than relying on “better tools” and computer-led programs. Ditchfield (1997) argues that actuarial predictors are tables about “normal” populations, but that unusual cases require more individual assessment because such populations are often unstable, while “national” samples may mask local differences by under- or over-predicting risk. Regime differences and specific institution procedures affect risk, and where the pool of individuals included is small, it is much more difficult to make predictions. He also suggests that risk prediction instruments, which incorporate risk and need, do not add greatly to predictive power and are difficult to collect and quantify. For Ditchfield, the scores in actuarial risk prediction should be “an aid to judgement only and never a substitute” (1997: 12).

An Australian study raises the problems entailed in borrowing a system from elsewhere, of small samples which only enable variables to be tested in a limited way, and with concerns over the moral, ethical and empirical issues involved in relation to Aboriginal background (Daly and Lane 1999). They also stress that the assessment of dynamic factors is much more subjective than that of static risk, and that discretionary decision making cannot be eliminated. Dawson (1999) similarly demonstrates the methodological problems of applying tools from other countries to Aboriginal prisoners.

In Canada, Price (1997: 2) has suggested “the enthusiasm of the practitioners of the craft of risk assessment design borders on the cult. Notably absent...are persons speaking to issues of ethics, law or systemic implications.” Others have suggested that the concept of risk in relation to release decisions has moved from “reasonable risk” to that of “no risk,” while case managers now spend more time behind computers than in interaction with individual inmates or parolees (CCJA 1998).

Given the range of institutions in the United States in terms of architecture, size, financial and program resources, structure and management style, Glaser (1987: 345) concluded in the 1980s that “no single classification solution is appropriate for all correctional populations nor can one system meet a diversity of needs.” More recently, Clements (1996: 139) has suggested that no correctional administrator should buy a “one-size fits all approach” and stresses the importance of the context of decision making.

Classifying Women: International Developments

The Emergence of a Literature on Female Offender Classification

The contemporary literature on classification is predominately American, and most major discussions of prediction and classification there (as elsewhere) have ignored women as a specific group (e.g., Gottfredson and Tonry 1987). No substantive discussion of the classification of women prisoners emerged until the 1980s when a number of small studies of female populations appeared. Initially, Adler and Basemore (1980) argued that parole guidelines, based on large, homogeneous populations of males, were not valid for much smaller and more diverse female populations. Resnick’s (1983) review of women in U.S. federal prisons in 1978 found that while 70 percent met the criteria for minimum security camps, they were housed in higher security institutions. A survey of all federal and state prisons by Nesbitt and Argento (1984) found that classification systems used for women were based, overall, on male populations. They recommended that a series of variables specific to women be added to male classification instruments, and more emphasis placed on the assessment of program needs. A 1989 Delaware study found that 64 percent of women prisoners were routinely over-classified (National Centre on Institutions and Alternatives⁶).

An international review of women’s prisons by Axon (1989a) revealed that, in many countries or states, there was only one female facility. All women, whatever their security rating, were housed in that institution, usually a maximum security prison. The primary classification basis was sentence length and/or offence. She also confirmed that most existing classification schemes were based on male populations, did not consider the specific issues relating to women and tended to over-classify women. This affected their access to programs, and other decisions such as work release.

An Australian task force (NSW 1985: 86) stressed that most women prisoners required “medium, lower medium or minimum security.” The report stressed that women rated poorly on classification systems developed on male populations, because such systems failed to take into account the different circumstances of women’s lives, and women were likely to be rated poorly on items such as work patterns or substance abuse. They also noted that Aboriginal

women were particularly likely to be over-classified by tools developed on male and White populations, and that most programming was irrelevant to their cultural background and needs. Summarizing the situation at the end of the 1980s, Axon (1989b: 72) reported:

Some correctional authorities interviewed...noted that risk classification is generally a very simple undertaking for female offenders: “you can generally tell as soon as you get to know the inmate”, and therefore does not require a highly sophisticated classification system (which usually have poor predictive capacities in any case).

Such conclusions were also supported by the limited number of reconviction studies comparing men and women which showed that women prisoners had generally fewer previous convictions, were better parole risks and had lower reconviction rates than men (Canfield 1991; Shaw 1991). These studies provide evidence of the different characteristics and experiences of female populations. This includes their child-care responsibilities, health needs, extensive histories of physical and sexual abuse, and the fact that much violence committed by women—unlike men—was in the context of abusive family relationships (Jones 1980; Browne 1987). Other research with implications for classification decisions focussed on the disparities in how prison staff treated women prisoners compared to men, with respect to the use of disciplinary charges for minor infractions, and the over use of medication (e.g., Rafter 1982; Mandaraka-Sheppard 1986).

By the end of the 1980s, a number of correctional systems in the United States had produced guidelines for classifying women prisoners which attempted to adapt or validate male instruments to female populations (e.g., Alexander 1988; Murphy 1988; Quay and Love 1989; Robinson and Gilfus 1991; Burke and Adams 1991). They highlighted:

- the very low incidence of escape or institutional violence in women’s prisons;
- the difficulties associated with predicting risk with small populations;
- the need to consider the context of women’s violence in the community; and
- the fact that security concerns dominate classification decisions and overshadow program needs while treatment needs were more important than security for women prisoners.

Alexander (1988), for instance, recommended different tools for assessing women, and the inclusion of the category “isolated personal violence” to recognize the context of violence resulting from battering situations. He also argued, based on the high rates of incarceration of Black women, that measures of stability outside the institution, such as school completion, marriage or full-time employment, should not be used to predict risk because they correlated with race. This could lead to higher classification levels for young, non-White women, and to ethical and legal problems.

In a major review, Burke and Adams (1991) examined systems of classification used for women, and set out detailed guidelines for their development. Most states used no special system for women, but different approaches were used in four states. These included:

- systems which used the same security classification as men, but a separate management system inside the prisons;
- behavioural systems which allocated prisoners to a low level of security on entry; and
- those which based classification and housing security level on behaviour and progress, rather than prediction of future risk.

They argued that habilitation should be the focus of classification and assessment in women's prisons, and highlighted two trends, which they saw as problematic for women's classification: the movement toward system-wide classification across states and toward empirically based predictive systems. They concluded that each institution should develop its own classification system to adapt to its legal requirements, population and physical restraints. Reflecting the views of administrators in the prisons, they also argued that they should be gender neutral to avoid legal challenges.

Recent Literature on Women-Centred Classification Systems

Over the last 10 years, there has been a much stronger emphasis on the program, rather than the security needs of women, often based on surveys of women prisoners themselves (e.g., Crawford 1988; Owen and Bloom 1995; Acoca and Austin 1996; Sugar and Fox 1989; Shaw et al. 1991; Morris and Wilkinson 1995; Koons et al. 1997; Morash et al. 1998). Much of the literature continues to be American, spurred on by legal challenges and the huge increase in female (and male) prison and jail populations (Koons et al. 1997; Brennan and Austin 1997; Brennan 1998; GAO 2000). Such legal issues apply to prison programming. For example, Maryland has developed women's programs to meet the legal mandate and promote parity with men's corrections (Flanagan 1995).

In spite of the guidelines developed by Burke and Adams (1991), work on classification systems for female prisoners is limited. Generic male-based systems (e.g., Maine 1991; Austin et al. 1993; Forcier 1995; Cook County 1997; Harer 1999) continue to be adapted. Attempts to modify classification systems designed for managing male correctional populations for use in women's institutions or to make adjustments through the use of overrides have revealed several distinct problems. For example, an Indiana study found the application of new objective tools required the excessive use of overrides to avoid over-classifying women (Austin et al. 1993). A classification system for women piloted in six Massachusetts prisons uncovered several difficulties. These included a lack of information in files about the backgrounds of women, and a scale that was unable to differentiate sufficiently between the custody and program needs of the women (Forcier 1995).

Comparing men and women in three states, Acoca and Austin (1996) concluded that a significant proportion of women should be decarcerated. They found that women have less serious criminal histories, lower levels of institutional misconduct, greater child and family responsibilities and connections, specific medical requirements, low vocational and educational levels, and high levels of substance and physical and sexual abuse. Another review (Brennan and Austin 1997) of the classification of women in U.S. jails lists, as continuing problems, inadequate housing options, the lack of standardization, the excessive

use of overrides, inadequate assessment for, and provision of, community programs, over-classification, invalid (male-based) risk factors, inappropriate policy priorities, legal challenges and a general lack of research on women. Tools based on male risk and behavioural norms are not validated for women, have very poor predictive validity, tend to over-classify and do not adequately assess or meet the treatment needs of women (Brennan and Austin 1997; Brennan 1998). They often fail to account for differences between male and female crime. For example, Harer (1999) argues that modifications to risk scales for women should consider their much lower levels of violence in or out of prison.

Classification systems specifically based on, and designed for, women are still rare.⁷ Morash et al. (1998) surveyed the views of staff, administrators and women prisoners in prisons and jails. They found that male-based systems were still used for women in prisons in 39 U.S. states. In seven states, the instrument was adapted to women, and in only three states was there a special instrument. Fifty of the 54 jails surveyed used the same instrument for men and women. Classification and assessment were the most commonly mentioned management problem (in 11 states), and they were unrelated to women's risk profiles, needs or circumstances, and to housing and program needs. Women were perceived as needing different management styles from men.

Farr (2000) summarizes recent trends in the United States and concludes, as before, that women present little risk, risk predictors for men are invalid for women and current classification systems have led to an excessive use of overrides for women. She similarly stresses the importance of a needs-based classification system for women, and an emphasis on the differences posed by women's pathways into crime. A National Institute of Corrections project to examine classification systems for women and develop some innovative pilot projects has just begun.⁸

An emphasis on the program needs of women also appears elsewhere. In England, Morris and Wilkinson (1995) found that the generic classification system, based on sentence length, limited access to programs and services for women in prison. Most programs were provided for women serving long sentences, but there was little evidence that severity of needs, or the likelihood of re-offending, was linked to sentence length. They argued that it was necessary to target, and respond to, women's needs proactively. In South Australia, a standard risk and need assessment system is used for men and women, although specific issues such as child-care provisions are to be added (Clay 1998).

New South Wales, however, introduced a female-specific classification system in 1997, in response to the recommendations of the 1994 *Women's Action Plan*⁹ (Rist 1997). While a very small population, the majority of women incarcerated in New South Wales are classified as minimum security and serve very short sentences—three months on average. They also have high levels of drug and alcohol use, violence and abuse, and are primary caregivers of children. The needs-based classification system allocates women to institutions on the basis of specific programs rather than security risks, and all women are normally classified as requiring minimum supervision (Category 2 of four security levels). A case management team completes the classification and must provide strong reasons for overriding the minimum allocation.

More recently, Brennan (1998) and others are questioning the central emphasis on risk prediction in the classification and assessment of women. Brennan argues:

Achieving equal validity may require the use of additional or different risk factors that are objectively and statistically demonstrated to be salient for females. Additionally, if “risk prediction” is technically impossible, given the very low base rates for women offenders, then we may conclude that this approach may be simply less relevant for females than males. It may thus be arguably misguided to impose this unworkable goal as the central purpose when classifying female offenders (Brennan 1998: 198).

Brennan (1998) suggests that some current classification/assessment alternatives for U.S. correctional administrators may include:

- developing a separate classification system for women;
- modifying and fine-tuning existing male systems to fit women;
- using a behaviourally based classification in which all women would be initially classified at the lowest level, and reclassified upward in the event of behavioural problems; and
- replacing risk with the concept of habilitation, which makes needs assessment and programming the central principles of classification.

Gender and Cultural Differences in Crime

In spite of the increasing concern to develop classification systems suitable for women, many studies and discussions of classification and risk prediction throughout the 1990s still fail to deal with women or diversity. Some do not distinguish women from men, others fail to even mention the gender of their (male) subjects (e.g., Dhaliwal et al. 1994; Clement 1996; Holt 1996; Aubrey and Hough 1997; Quinsey et al. 1998). For a while now, some Canadian work has maintained that gender and race are unimportant. Much of the work on women’s classification discussed in the previous section has been conducted by, or for, correctional systems. While it recognizes the need to change or adapt systems for women, there is little questioning of the underlying assumptions on which classification is based or its objectivity, nor of the concept of risk itself. Classification systems designed for male populations and evaluated and validated on men are often referred to as gender neutral¹⁰ implying neutrality, but in fact using a male normative standard (Burke and Adams 1991; Brennan 1998). In arguing that systems be adapted to, and validated for, women, such writers still support the goal of objective classification. In contrast, gender-specific systems, which take account of differences between men and women in their learning and relationship styles, and in their life circumstances and experiences, might look rather different. This section is concerned with more theoretical concerns about the concepts of classification and risk and their application to women.

As a group, women are underrepresented in the criminal justice system. Researchers and policy makers have often overlooked female crime because women comprised such a small portion of

offenders and were involved in less serious crimes than men (Boritch 1997). Practically, this oversight has resulted in fewer options for dealing with the gender and culturally specific problems of sentenced women. Theoretically, this neglect resulted in the marginalization of gender as well as cultural diversity from criminological theory (Heidensohn 1985; Morris 1987; Boritch 1997; Gelsthorpe and Morris 1990; Rice 1990; Rafter and Heidensohn 1995; Daly and Maher 1998). Consequently, most theorizing about crime and offenders focussed on men. Those theories addressing the question of female crime either ignored the differences between men and women or relied on stereotypical constructions of women's sexuality and femininity, and pathologized their behaviours.

Over the last 25 years, many of these concerns have been addressed. Increasingly, theorists, researchers and practitioners are aware of, and concerned about, gender differences and how they relate to the problem of female crime and the management of sentenced women. A considerable body of literature on the treatment of the woman offenders in the criminal justice system in Canada and elsewhere has emerged. (For Canada see, Bouchard et al. 1999.) It is generally accepted that women present many different needs and have different patterns of offending than men. The importance of developing methods of assessment that reflect both gender and, to some extent, cultural differences is generally acknowledged.

While there has been a tendency to stress the relatively minor and non-violent character of most offences by women, and to see the women primarily as victims, in the 1990s there has been greater focus on women as agents rather than just victims. There has been a transition from a liberal feminist critique arguing that information on women prisoners is missing, or that there is an inappropriate use of techniques based on male offenders, to a broader number of concerns.¹¹ These have included differences between women particularly in terms of ethnic and cultural backgrounds, class backgrounds, sexual preferences and victimization.

To develop effective program interventions that meet the needs of women offenders and ultimately reduce their risk of re-offending, some argue that we need to consider the demographics and the history of the female population, as well as how various life factors impact on their offending (Bloom and Covington 1998; Abbott and Kerr 1995). The characteristics of the female population are relatively well established. Some of these are shared with men; others are not. For example, women offenders are often victims of physical, sexual or other forms of abuse at the hands of intimates or others known to them. They are often mothers and primary caretakers. They have limited education and are more often (than men) unemployed at the time of their offence.¹² Many are financially dependent. Many have addictions to drugs or alcohol as well as physical and mental health concerns.

The quantitative differences between the number and types of offences committed by women are also fairly well understood. It is now common knowledge that women are more likely to be convicted for property, drug or morality offences (prostitution) than violent offences. For example, the April 1999 *Juristat* reports that three quarters of the charges laid against women by police are for shoplifting or fraud, or for violations of drug or liquor offences (Boritch 1997, Johnson 1986 as cited in Finn et al. 1999: 2). Incarcerated women are often convicted of fewer offences for their current term of incarceration than men. This difference is even

greater in federal facilities, where more than half (55 percent) of female inmates had one current offence compared to one quarter of male inmates (26 percent) (Finn et al. 1999: 5). Further, women tend to have much less extensive criminal histories than men in provincial/territorial facilities.¹³ They also tend to have shorter aggregate sentences,¹⁴ partly due to the fact that they have less serious offences than men do and less extensive offending histories. The characteristics of the current federal population in Canada underline the huge discrepancies between both the size of the male and female populations, and their offending patterns. Some 350 women are incarcerated, compared with around 12,600 men. Sixty-nine percent are serving a first federal term, compared with 52 percent of the male population. While 18 percent are serving a sentence for murder, convictions for robbery are much lower than those for men, and there is a high percentage of women serving a first federal sentence for a drug offence (CSC 1999). In addition, the small population of women is very heterogeneous in terms of ethno-cultural background. Fifty-eight percent are Caucasian, 21 percent Aboriginal, seven percent Black and three percent Asian.

Contextual Differences

The substantive contextual and qualitative gender differences between offences and offenders are not as well understood. While there are few comprehensive studies of female offending (and even fewer Canadian ones), current evidence suggests that the nature of women's offending is qualitatively different from men's even if the charges are similar. The following summarizes some of the differences discussed in recent studies of women's criminality.

Criminal activities

- Many studies show that when women commit violent crimes they are often committed against intimates not strangers, and that many of those women were reportedly abused by their victim. Johnson's (1996) research shows that police are more likely to report a history of violence (against the victim) in cases in which husbands are killed by their wives than in cases where wives are killed. Pollock (1999) argues that there is often a different relationship between women offenders and their victim. Charges of robbery are often in association with male partners, and robbery and assault charges often with prostitution-related activity.
- Other studies suggest that women who commit violence are often not at risk of re-offending violently against the general public (Browne 1987; Denborough 1996; Phillips and Harm 1998; in Bloom and Covington 1998, Steffensmeier and Allan 1998: 14).
- Research by Shaw and Dubois (1995) argues that while not all violence by women is in the context of violent relationships, women are not socialized to use anger and aggression in the same way as men, and tend to use it in response to frustration rather than instrumentally. Reactions to their use of violence also tend to be different. Thus, the context in which behaviour takes place needs to be considered, in terms not only of the immediate actors, but also of preceding experiences and events.
- Current research on qualitative gender differences between men and women charged with assault in Winnipeg confirms that women are much less likely to be charged with assault.

When they are, the type of harm resulting and the type of weapons they are alleged to have used are different. Women's actions appear to be more defensive than men's (Comack 1999).

- Research on theft and fraud suggests that women tend to be charged with less serious property crimes, and their frauds generally involve writing bad cheques and credit card fraud. It is also argued that men and women commit property crimes for different reasons. Men, for instance, tend to steal items like stereos and tools, whereas women tend to steal items that are lower in value but useful to them such as groceries, clothing for themselves or their children, and make-up (DeKeseredy 2000; Chesney-Lind 1997; Messerschmidt 1993). The higher tendency for women to live in conditions of poverty is believed to contribute to their involvement in property-related offences.
- Canadian research on welfare fraud suggests that the offence of welfare fraud is gendered. Carruthers (1995) argues that women who perpetrate this type of fraud do so for different reasons, and are treated differently from male fraud offenders. Faith (1993) argues that poverty contributes to women's involvement in government frauds. The ghettoization of women's labour makes it difficult for them to support themselves and their families on minimal welfare payments or through minimum wage employment.
- Very little is known about women's involvement in white collar and organized crime (Pollock 1999).
- Prostitution-related offences are highly gendered with women more often charged (Lowman 1992, 1995; Shaver 1993; Brock 1998).

Pathways to crime and criminal involvement

- The pathways to crime are not gender neutral, as previously assumed.¹⁵ Many studies of women's and girls' crime in the 1980s and 1990s argued that offences, such as those involving prostitution, as well as substance abuse, are motivated by survival (Bloom and Covington 1998; Daly 1992, 1994). Others argued that young females often drift into criminality as a consequence of running away from a physically and sexually abusive home (Steffensmeier and Allan 1998: 14; Belknap and Holsinger 1999).
- With respect to drug offenders, research indicates that female offenders do not play a substantial role in drug trafficking and that women's drug convictions often relate to drug use (Phillips and Harm 1998). Other Canadian researchers argue that women and men use different drugs (e.g., prescription drugs, alcohol), have different drug use patterns and use drugs for different reasons (McKenzie and Single 1997; see also Faith 1993; Boritch 1997). There is a considerable amount of American research exploring this issue.
- Patterns of desistance from crime are also gendered. Graham and Bowling (1995) found that young women cease offending as they reach their late teens and 20s, and a more stable lifestyle. With young men, stable relationships and economic independence did not

result in desistance from crime if they were still drinking heavily and associating with other male offenders.

- Case studies and interviews with serious female offenders indicate that they often have no serious commitment to criminal behaviour (Arnold 1989; Bottcher 1995; Miller 1986, all cited in Steffensmeier and Allan 1998). This finding sharply contrasts with the “commitment and self-identification with crime and the criminal lifestyle that is often found among male offenders” (Steffensmeier and Allan 1998: 14). It is argued that long-term involvement in crime—an extensive criminal career—is extremely rare or virtually non-existent within the female offender population (Steffensmeier and Allan 1998: 14).
- Joe and Chesney-Lind’s (1998) research on girls and gang membership indicates that there are gender and ethnic variations in youth gang participation. Canadian research has explored the links between abusive family experiences and the use of violence among teenage girls (Artz 1998).

Institutional adjustment

- Much American research on women’s imprisonment continues to confirm that women experience prison differently from men (Negy et al. 1997; McClelland et al. 1997) and that staff respond differently to female and male prisoners (Muraskin 2000; Rashe 2000). This research shows that the experience of imprisonment and institutional adjustment is linked to a wide range of gendered and racialized concerns (Richie 1996). For example, McGee (2000) suggested that Black women are less likely to experience emotional difficulties in prison than others, mainly because they have better social support from their extended family networks than White women.
- A prominent issue for women in prison is their children. Many studies in the United States, Canada and elsewhere have shown that children are of central concern to women in prison, and that women have more child-care responsibilities than their male counterparts (Pollock 1999; Morris 1987; Axon 1989; Shaw et al. 1991).

In short, recent research on female offending suggests that crime is a highly gendered activity and that the motivation for crime, the context of offending and access to criminal opportunities, as well as prison responses, are shaped by differences in men’s and women’s lives (cf. Steffensmeier and Allan 1998). Since very few studies have addressed these differences in Canada, our knowledge of the etiology of women’s offending is limited. It follows that given the absence of both qualitative and quantitative studies of patterns of women’s offending, our assessment tools and our ability to develop programs are also inherently limited. In terms of initial offences and recidivism, and given the wide variations in populations of women offenders as well as justice systems, research conducted in North America has not established a pattern of causation that yields consistent results.

Ethno-Cultural Differences

This problem is magnified when cultural or ethnic differences are considered. For the most part, such differences are not well understood or documented. If little is known about

women offenders, even less is understood about the qualitative differences between White and non-White offenders. There is a large segment of research that critiques the concept of a “universal woman” and argues that racial oppression and cultural differences contribute to further qualitative and quantitative differences among women offenders.¹⁶ While there is some information about the dynamics and contextual differences between the experiences and histories of Aboriginal women¹⁷ and non-Aboriginal women, considerably less is known about the experiences of Black and other minority women in the Canadian criminal justice system, and the contextual patterns of their offences. However, recent government reports, such as the Report of the Ontario Commission on Systemic Racism (1994) and the 1988 Report of the Task Force on Aboriginal Peoples, reveal that the particular needs of these groups are often overlooked, and they experience various forms of systemic and direct racism and discrimination.

These quantitative and qualitative differences are critical and affect our ability to assess women effectively and to provide meaningful programs that target the needs of women. What does this research mean for our understanding or interpretation of women offenders’ relationship with others (including their children, partners, friends and family who may or may not be linked to a criminal subculture) and their potential for recidivism?

If it is acknowledged and accepted that men and women offenders and their offences are different, then it seems logical that the causal variables that lead to initial patterns of offending as well as re-offending are also different. To determine, empirically and reliably, if the same factors are relevant for women and in the same ways as for men, we need further research.

Correctional Research Initiatives¹⁸

Many security classification and assessment instruments are based on social learning theory, which has been extensively critiqued within criminology for:

- decontextualizing and individualizing offending, while ignoring wider systemic and structural barriers;
- the ability to test basic behavioural learning principles;
- tautological claims; and
- issues of temporal sequence of differential peer association and delinquency.

However, there is also substantial empirical evidence that supports some of the main premises of social learning theory (Akers 1994). We would like to raise a number of gendered and ethno-cultural considerations about social learning that require further exploration, rather than debate the merits of this theoretical perspective.

Notwithstanding the scepticism within criminology and other social sciences about our ability to make accurate and reliable predictions of dangerousness and recidivism, Canadian correctional researchers maintain that there is a consistent relationship between the type and number of needs offenders present and the likelihood of recidivism. Further, the combined

assessment of both risk and needs will improve our ability to predict who is likely to re-offend and who is not (Motiuk 1993). We are sceptical about the degree to which one is capable of predicting the future behaviour of individuals and have many reservations about the underlying assumptions of most risk–need assessments. However, we also acknowledge that effective assessments can play an important role in correctional and conditional release planning and decision making. Even if one accepts the main premise of social learning theory, there is an extensive range of feminist scholarship that suggests learning is gendered and racialized as a result of differential socialization on the basis of gender and, most likely, race, ethnicity and culture (Morris 1987). Researchers suggest that there may be differences in how men and women learn and approach the social world and interact with others (Bloom and Covington 1998).

Much of the research on gender discussed above has also addressed the methodological problems, which arise when gender is ignored. The problems of using gender-neutral categories for women have been examined in relation to violence (Dougherty 1993; Campbell 1993; Shaw and Dubois 1995). These include the inconsistency of definitions of violence in the literature, the diverse range of behaviour that is seen as violent, and the limitations of official categories, which lump together such diverse behaviours. Other problems relate to sampling. The mainstream literature on mental health or violence, for example, relies on highly selected samples and very small numbers of women. Comparisons between men and women are also confounded by differential treatment of men and women by the police and courts. More significantly, most of the literature on treatment, as with classification, has been developed on the basis of studies of men, and generalized to, or even ignored, women entirely. Third, different disciplines tend to explain and interpret behaviour in different ways, with sociological explanations taking account of the broader influences on behaviour, and psychology placing an emphasis on individual development or pathology. The focus of correctional systems on individual pathology tends to restrict consideration of context. None of the existing assessment scales used in Canadian corrections was developed for women or based on research about the etiology of women's crime. They are derived from research and theories of male crime. The Canadian literature on risk assessment and classification uses a social learning model of crime that claims to "validate" current security classification and risk assessment models. Almost none of it has engaged with the literature or research on gendered differences and ethno-cultural populations. Further, there is little discussion or analysis of how wider institutional responses and staff actions affect prisoners' behaviour or the structural variables of women's crime and recidivism.

Gender Neutrality and Tinkering with Criteria

While some researchers and practitioners are now attempting to accommodate differences between male and female offenders, there is a continued reliance on assessment tools designed principally for the White male population (Loucks and Zamble 1999; Motiuk and Blanchette 1998; Blanchette 1997a,b,c; Motiuk 1997; Coulson et al. 1996). While such an acknowledgment of difference is to be welcomed, we argue that the general practice of "validating" pre-existing risk and need assessment scales based on research and theories about men's crime for their validity and reliability on female offenders is theoretically and empirically problematic.

Research also suggests that the focus on gender goes beyond adding another variable to a risk scale or needs assessment. Gender neutrality or gender blindness is not necessarily eliminated by the adaptation of male-derived actuarial measures. Adjusting risk and need assessment scales to include gendered criteria does not accurately reflect the extent of differences between men and women, or among women. It takes for granted that all but a few assessment criteria are the “same” for men and women, without challenging the gendered and racialized components of empirical data on which the scale was originally constructed. For example, risk assessment instruments are sometimes adjusted in areas, such as employment, to account for differences in child- and elder-care responsibilities, but other areas of assessment remain unmodified. This may or may not be accurate, but the point is that we do not know because we lack empirical data on women offenders and non-White offenders, and differences in terms of pathways into crime and recidivism.

Classification assessment systems are presently limited by their:

- failure to recognize the differences of gender and race;
- inability to view problems holistically or in the broader context of women’s lives;
- restriction of information to apparently objective “facts” which do not consider the context of events or situations, particularly regime factors;
- underlying subjectivity; and
- the dominance of particular subjects and explanations.

2. CLASSIFICATION IN CANADA AND FEDERALLY SENTENCED WOMEN

Legal Requirements

In Canada, security classification has been a statutory requirement of the federal correctional system since the *Penitentiary Act* of 1889 (Grant and Luciani 1998). The *Corrections and Conditional Release Act* (CCRA 1992) requires all prisoners to be similarly classified as maximum, medium or minimum security and recognizes public safety as the “paramount consideration in correctional and conditional release decisions” (CSC 1998a: 7). The accompanying Regulations outline three risk dimensions: institutional adjustment, escape risk and risk to public safety. This is a gender-neutral legal requirement, which must be applied to men and women. Nevertheless, the Act also requires programs to respect gender, ethnic, cultural, spiritual and linguistic differences. This legislative framework is supported and interpreted by an extensive range of additional instructions including commissioner’s directives.¹⁹ In addition, each CSC region has sets of regional instructions and, within each prison, there are standing orders, post orders (relating to specific posts), memoranda and policy manuals (e.g., on security or case management). Finally, there is what is known as operational policy, referring to the “usual practices and procedures” of each institution.

Classification performs a number of roles responding to the legal requirements, and the current overall emphasis on security in the correctional system. However, it is also a management tool. It is a means for handling a large number of prisoners, of ensuring order within the prison, of allocating resources and assessing release risks. The key decisions linked to initial classification and reclassification now include security placement, work placement, unescorted temporary absence, transfer, supervision level, work release and conditional release. For these reasons, the practice of classification needs to be closely scrutinized.

Federally Sentenced Women

The Evolution of Classification Relating to Women

A number of government reports and commissions have considered classification but primarily on the basis of the male population. The number of women has always been small, and there has only been one women’s penitentiary for much of the last 100 years (since 1934, the Prison For Women). While men could be classified as maximum, medium or minimum security and allocated to prisons of the appropriate levels, P4W, effectively a maximum-security institution, was designated multi-level. Both men and women were found to be subject to over-classification in the 1970s.

Three reports specifically considered women’s classification in the 1970s but made no substantive recommendations (Clark 1977; Needham 1978; Chinnery 1978). They were concerned with the absence of classification at P4W and the need to separate criminally experienced women from others. A number of male-based classification systems were applied to the population, all assessing a very small proportion as maximum security, and indicating that offence seriousness or length of sentence was not a good indication of

security or program needs. This situation was the subject of a legal challenge by Women for Justice in 1981, and resulted in the use of a modified version of the federal male classification system by CSC.

In the 1980s with a growing recognition of the special needs of women, research on parole risk assessment suggested that the application of the male-derived guidelines was not appropriate to women (Canfield 1988). They were a diverse and atypical group, very small in size, with quite different characteristics from men, and posing distinct operational problems. Similarly, the parole guidelines developed on the White male population could not be validated for Aboriginal men in the federal population, underlining the importance of diversity (Hann and Harman 1989).

Creating Choices

The recommendations of the report of the Task Force on Federally Sentenced Women (TFFSW 1990) endorsed a women-centred model of corrections that responded to the specific needs of women, as well as cultural and ethnic diversity. It placed an emphasis on the high needs of women, their low risks and the importance of a holistic approach to treatment that recognized women's overlapping needs. Three major issues relating to classification were discussed in *Creating Choices*.

- It argued that women present low risks compared with men, have high needs and require support rather than security. Risk was more likely to entail self-injury than risk to others in prison or to the public. The small number of women who needed greater security would “respond well to a more supportive environment” (TFFSW 1990: 110). The risk–security basis of correctional management should be replaced by the notion of risk–support with varying levels of (dynamic) staff support in the new prisons.
- The adoption of a women-based security classification system was rejected because such systems still placed too much emphasis on security and because the criteria used in such models were not culturally appropriate for Aboriginal women. The latter were much more likely to receive high security ratings with existing systems compared with non-Aboriginal women. A process of assessment “to gain a better understanding of women's needs and experiences” was recommended instead of classification (p. 112). The existing CSC process for assessing treatment needs and supervision (Case Management System) was also criticized for prioritizing types of needs rather than seeing them as interrelated and holistic.
- The report recommended a holistic individual treatment plan for each woman to be developed by a team of correctional staff and community workers as well as the woman herself (p. 114). The process was to ensure:
 - planning based on the needs of the individual, not driven by resource availability in the correctional setting;
 - aggressive recruitment or creation of new resources to meet an individual's needs;
 - a comprehensive initial assessment for each individual addressing the socio-economic and psychological contexts;

- work done in equal partnership with each woman;
- the individual planning approach as an integral aspect of the institutional operational plan, not a minor function;
- case management that remains focussed on people rather than paper;
- case management actively oriented toward release; and
- case management based on a holistic approach.

In accepting the Task Force report, CSC undertook to operationalize a women-centred and culturally sensitive model of correctional policy that recognized the differences between men and women and responded to women's needs on an individual basis. It replaced the male model of static security and prioritizing of treatment needs with a more individual dynamic security model. Some preliminary steps were taken to develop a gender- and ethno-culturally sensitive method of classifying and assessing women (discussed below). However, this process did not result in the development and use of such a system.

The Arbour Report

The Arbour Report (1996) reiterated the view that women and cultural minorities have needs and characteristics, which are different from those of men and thus require a different approach. The need to consider cultural diversity beyond Aboriginal women including Black women and foreign nationals was stressed in her report and in the policy hearings (p. 247). In relation to Aboriginal women, the report stressed six specific problems (p. 218-219):

- their overrepresentation in the prison population;
- their cultural, linguistic and social distinctness from other women in the federal population;
- personal and social histories that were significantly different;
- offending histories that were significantly different;
- geographic dispersion that was a particular burden for them; and
- a holistic approach to healing and reintegration that was at odds with the conventional philosophy and culture of prison environments.

It argued that these problems have been embedded and hidden within a penal environment, which is at odds with many Aboriginal cultures (p. 220). The cumulative effect of their longer offence histories, with more violent offences and more previous incarcerations than non-Aboriginal women, is generally a higher security classification and risk assessment, which "is heightened by the tensions and misunderstandings between Aboriginal cultures and that of criminal justice and penal settings" (p. 221). The report concluded that while women have some things in common with men offenders, there are more differences. "Their crimes are different, their criminogenic factors are different, and their correctional needs for programmes and services are different. Most importantly, the risks that they pose to the public, as a group, is minimal, and considerably different from the security risk posed by men" (Arbour 1996: 228).

The Federally Sentenced Women's Program: Attempting to Construct a Woman-Centred Classification System

A number of specific attempts were made by CSC to implement the recommendations prior to the opening of the new regional women's prisons. A review by CSC of the literature on classification systems confirmed there were few existing models for women (CSC 1994). The women-centred model of classification in operation at Shakopee women's institution in Minnesota formed the basis for the development of a security management system for the new regional prisons (CSC 1995). This system responded to Task Force concerns, within the confines of the legal requirements of the CCRA, by categorizing all prisoners at maximum, medium or minimum security levels. The new security management model proposed a six-week dynamic/holistic assessment involving a woman and her primary worker. Unlike past male-centred models of classification, this system tried to incorporate some gender specificity and cultural diversity into its analysis of women's risks and needs.

Women would be allocated to one of five security/management levels on the basis of a range of background information, assessment and observation. Security classification used the three statutory factors of public safety, escape risk and institutional adjustment, but the individual factors used to rate each of these areas incorporated some women-specific factors. (For example, a custody battle could increase escape risk.) The proposed system stressed that program participation "aimed at meeting offenders' needs significantly reduces the risk they present" (CSC 1995: 4). Encouraging and reinforcing appropriate behaviour, and regular participation in programs would increase privileges as women progressed up the management levels.

In 1994, a women-centred assessment (WCA) tool was designed at the Edmonton Institution for Women. Women themselves could complete this. It would allow them to identify and think about issues that had affected their life, both positively and negatively. The tool used techniques and approaches developed in family therapy and casework, including ecomaps and genograms. Questions about residential school experience, and the suggested use of the medicine wheel for some women, were attempts to respond to the different experiences and cultural backgrounds of the many Aboriginal women in the Prairie Region.

At some point prior to the opening of the new women's prisons, however, a decision was made to adopt the classification system being used for men's prisons. Developed and validated on the male (predominantly) White population, the Offender Intake Assessment was launched in 1994 in eight penitentiaries, including P4W (Motiuk 1997).

The OIA is described by CSC as:

a comprehensive and integrated assessment process where in an offenders *risk* (factors which lead to criminal behaviour and the criminal record) and *needs* (areas in the offender's life/lifestyle which, if changed can reduce the risk of reoffending) are identified, at the beginning of the sentence, so that treatment and programming can be appropriately focused.²⁰

The OIA is seen as a multidisciplinary, multi-method and multi-source approach to classification, which consists of an assessment of both static (risk) and dynamic (need) factors for individuals.

The risk portion of the assessment is used to determine security classifications; the needs assessments (of education, employment and abuse history) are supposed to be independent of security classification, but central to the development of an appropriate correctional plan. The correctional plan should define a series of programs that, if taken, may reduce the likelihood of recidivism. At the end of the assessment process, ideally, correctional officials should have a thorough understanding of the risk the offender poses to the community and the factors that led the offender into criminality. Areas that need to be addressed to reduce risk of re-offending and the most appropriate institution in which the offender should be placed have been identified. (As noted previously, the range of accommodation options that exists for men is not the same as for women. Institutional multi-level placement options for women are restricted to regional prisons.)

The needs assessment component of the OIA includes seven areas or domains: employment, marriage/family, associates, social interaction, substance abuse, community functioning, personal/emotional orientation and attitude. Information on each domain is collected through responses to 200 questions that further operationalize these variables. To date, these questions have not been modified to reflect gender or ethno-cultural concerns or socio-economic contexts.

A woman's security classification is established using the Custody Ratings Scale, a component of the Offender Intake Assessment process. A community parole officer may apply the initial preliminary classification using the CRS. The CRS was introduced in 1991²¹ to provide "objective" assessment criteria and standard protocols for the initial penitentiary placement of offenders. The CRS uses numerical values to assign the lowest suitable security classification based on current legislation and on criteria outlined in CSC regulations. These criteria include an evaluation of factors related to institutional adjustment, escape risk and public safety. The CRS is not based solely on any single mitigating factor, but on a combination of these factors. The CRS consists of two independently scored sub-scales:

- Institutional Adjustment, which considers history of involvement in institutional incidents, escape history, street stability, substance abuse and age at the time of sentencing; and
- Security Risk, which considers number of prior convictions, most severe outstanding charge, severity of the current offence, sentence length, street stability, prior parole and statutory release, and age at the time of admission.

The CRS considers many sources including offender interviews, official criminal history record, discipline and dissociation files, security information reports, provincial records/files, police reports, pre-sentence reports, community assessments, suspension reports, sentence administrator admission forms, warrants of committal and CSC inmate admission forms.

A review of the woman's security classification occurs periodically (every 6 to 12 months) or prior to major decisions about transfer, temporary absences, work release or parole.²² The reassessment of the security classification, similar to the initial assessment, is based on institutional adjustment, escape risk and public safety. Initial classification, however, is based on static factors and only occurs at admission. Reclassification stresses in-custody behaviour and program progress to identify changes in security risk. This is where a woman's needs can indirectly affect her security reclassification. For example, if a woman is addressing her needs by attending programs, such as vocational training, to deal with her poor employment history, this act would positively influence her rating under institutional adjustment. Conversely, if a woman is seen as lacking program motivation, behaves in a disruptive manner or is not believed to have internalized the skills taught in programs, this would negatively impact her institutional adjustment score.

A specific set of guidelines for completing the OIA for women was produced in 1996, based on the existing case management manual and input from staff of women's institutions (CSC 1996). This appeared to incorporate some of the women-centred assessment. Specific information contextualizing women's circumstances was to be recorded in a free text space allowing the classification officer to comment on a particular item or rating. Sex trade work, for example, was to be separated from illegal income sources, and explanations for a lack of work history or dropping out of school given (e.g., pregnancy or physical/sexual abuse). This timely and systematic analysis gives the significant information needed to predict risk and needs. Apart from rating security level and penitentiary placement, it determines risk and treatment needs, which are prioritized based on reducing the risk of re-offending (CSC 1996).

Thus, rather than the development and implementation of an independent women-centred model envisaged by the Task Force, the computer-based classification and assessment system developed for the male population is now used in all the women's facilities housing federally sentenced women. Almost all the classification and assessment literature on which these tools are based and which the models of risk and need assessment were designed for, and validated on, is the much larger Canadian male correctional population.

In the last few years, there have been attempts to validate some of the male-derived tools on female populations (e.g., Bonta et al. 1995; Blanchette and Motiuk 1995, 1997; Blanchette 1997a).²³ While it is claimed that some have now been validated on women (Motiuk and Blanchette 1998), the evidence appears patchy. (See Chapter 4.) Some modifications to existing tools (e.g., scoring full-time child care or prostitution as employment) help in taking account of gendered life experiences. Other factors, such as rating adult history of abuse, self-abuse and suicide attempts as risk factors for violent re-offending, have serious implications for women (Blanchette 1997b,c) and need to be contextualized. More discussion of some of the issues occurs later in the report. The content of the OIA is being reviewed, and a security reclassification tool is being developed for women.

Current State of Research

In summary, it is evident that our present system of classification is a historical artifact, which evolved with little consideration for either gender or diversity. Historically, correctional systems either ignored these issues or attempted to develop gender-neutral systems of classification. Few contemporary classification systems adequately deal with gender and diversity. A lack of attention to gender and diversity can result in various kinds of systemic discrimination and disadvantage, ranging from over-classification, to lack of attention to program and service needs. The development of risk-based actuarial classification systems has been the subject of some criticism in their application to men, and raises further issues for women and minorities when their predictive utility is based on male majority populations.

To date, there is little consensus and few empirical studies that offer guidance on how to classify women, while simultaneously accounting for diversity. Developing separate classification systems for women, modifying existing male-based systems, using a behavioural classification system and replacing the concept of risk with that of habilitation have all been suggested. The majority of work has been conducted in the United States, but there are major legal and practical differences (apart from prison populations) with the Canadian federal system, suggesting that this may not be the most appropriate source of inspiration. Nevertheless, a growing body of research justifies the use of an entirely different approach to women's classification on the basis of their different pathways into and out of crime, as opposed to modifying systems and criteria used for, and based on, White male populations.

A lack of consensus is apparent in Canadian corrections. There has been an attempt to implement the recommendations of the Task Force and acknowledge gender and diversity in institutional practices within the Federally Sentenced Women's Program of the CSC and at the new women's regional facilities. In spite of these practical efforts, the system developed for the male population has been applied, while correctional researchers stress a more gender-neutral approach that relies on the validation of male-driven classification schemes. Some attempts to consider their applicability to women have taken place, but primarily in terms of manipulating existing scales and tools.

Overall, it seems important to consider the specific context and population of federally sentenced women in Canada. Some of the differences include:

- There are major sentencing, statutory and population differences between U.S. and Canadian prison populations (e.g., the two-year rule), and Canada has not experienced the huge population increases seen in U.S. women's prisons.
- Women represent a very small population in relation to the much larger male federal population (i.e., a much bigger ratio difference than usual).
- Canada has accepted the notion of difference (*Creating Choices*). Many American states have not accepted this notion and some experience legal challenges on equality grounds.

- There are a significant number of Aboriginal women in Canada, and they are overrepresented as high risk/need women. A small number of women diagnosed with mental health issues are also classified as a high risk/need.
- There is a strong predictive drive underlying the Canadian system, which may not be appropriate for the small women's population.

3. FEDERALLY SENTENCED WOMEN'S FACILITIES: INSTITUTIONAL VISITS AND CONSULTATIONS

Since the overall purpose of the study was to contribute to the development of assessment procedures that are more sensitive to gender and diversity in the population of federally sentenced women, visits to institutions had a number of objectives.

- Understand the process of classification in practice and at different sites.
- Examine any changes from past practice, and differences from the processes used in men's institutions.
- Seek the views of a range of staff on issues of risk and how far the current assessment system is useful for women, particularly minority women.
- Seek the views of staff on the tools available to them, the usefulness of these tools, any difficulties they might experience in their use with women and minorities, and the extent to which they employ overrides, etc.
- Seek their views on whether/how the process might be improved or modified to suit the experiences and characteristics of women and minority women, and the particular realities of their population.
- Seek their views on training and experience that would be helpful to staff with primary responsibility for the initial intake assessment process.

During these visits, a wide range of staff talked about their views. Seventy staff took part in formal interviews, usually on an individual basis. This includes visits to Millhaven Penitentiary and the Regional Treatment Centre, in Kingston, to compare classification and assessment practices with men's institutions. The interviews followed a guideline. Primarily, the staff included those directly responsible for classification and assessment, as well as, (depending on their availability), wardens and deputy wardens, reintegration officers, team leaders, program managers, psychologists, chaplains, Native liaison workers, primary workers and elder sisters. They represented a wide range of experience in working in corrections and with women. Some had fairly limited experience of corrections, having entered as primary workers at the opening of the regional women's prisons, or subsequently. Others had up to 20 or 30 years of experience in men's institutions. Some had worked in both men's and women's institutions, and were able to compare practices. Except where there are clear procedural differences, this account does not indicate "who said what" and at which institution. We assured all those we talked with that we wanted to understand procedures and practices, and to collate their views as a whole.

The Context of Practice

Everything is constantly changing.

The prisons within each region began operations at different times between November 1995 and January 1997. They are located at considerable distance from each other, subject to regional decisions and directions (apart from the federally sentenced women's program at national headquarters), and varying populations and pressures. At the time of the study visits, there were 83 women at GVI, 71 at EFW, 52 at Joliette, 28 at the Healing Lodge, 25 at Nova, 13 at P4W, 6 at Spring Hill and 4 at the Regional Reception Centre, Ste-Anne-des-Plaines.²⁴ The decision, in September 1996, to exclude women classified as maximum security from the new regional prisons had a major impact on the classification and assessment process initially intended for completion within the new regional facilities. Subsequently, each region appears to have developed a slightly different intake and assessment process. In the view of staff in some of the institutions, the introduction of Accelerated Parole Release (APR) for day parole (in 1997) resulted in an influx of women serving a first federal sentence who must be assessed, assigned to programs and prepared for parole review within a very short statutory period.²⁵

Visits were made to the institutions over the two years of the project. During that time, a number of major changes occurred in the classification processes used throughout the CSC, which affected day-to-day activities in the women's prisons. Since the opening of the new women's prisons, staff have worked against a continually shifting and changing background. This has included changing language, titles, job descriptions, responsibilities, remits, procedures and protocols, to say nothing of staff changes.²⁶ Titles for posts, for example, seem to have been continually in flux. Titles, such as team leader, assistant warden programs, and program officer, reintegration officer, parole officer institution, supervisor, case management co-ordinator, have been used in different institutions and at different times.²⁷ Responsibilities for completing initial intake assessments have veered back and forth among primary workers, classification officers (now called parole officers) and case managers.²⁸ In February 1999, Operation Bypass, intended to simplify and reduce the intake assessment procedure, as well as integrate security classification and program plans for the entire sentence, resulted in a series of major changes to the process itself.

The Classification and Assessment Process

The classification process serves a number of purposes:

- ensuring safety and security;
- location and management of the woman within the institution; and
- sentence planning and reintegration through the allocation of treatment plans.

It takes place over time and involves an increasing range of individuals and information. The outcome is not only placement and associated privileges, but also the correctional plan which is now (since February 1999) intended to extend to warrant expiry. Although the Federally

Sentenced Women's Program attempted to construct a separate method of security classification and needs assessment for use in the new women's facilities, a gender-specific system has not been adopted. The process of classification and assessment used in women's facilities follows the same general format as that used in assessment units of men's prisons.

Based on the institutional visits and interviews, the major features of the classification and assessment process found in practice at the women's institutions or co-located facilities are outlined below.

- All women must have an interim security classification and be transferred within 15 days of their sentence. This classifies them as maximum, medium or minimum security and, since September 1996, determines the institution to which they are sent (their penitentiary placement).
- Women classified as maximum security were sent to the federal men's institutions: Spring Hill, Saskatchewan Penitentiary, the Regional Reception Centre at Ste-Anne-des-Plaines in Quebec, the Regional Psychiatric Centre in Saskatoon and, until its closure in July 2000, to P4W. Medium and minimum security women go to the new regional prisons.²⁹
- On arrival at the receiving institution, preliminary health checks must be completed within 24 hours.
- The Offender Intake Assessment process must be completed within 70 days from the date of sentence. This includes a more detailed risk assessment using the Custody Rating Scale and the needs assessment, and results in the development of a correctional plan.
- The recommended security rating is discussed with an internal assessment review board before a final decision by the warden.
- Medical, educational, psychiatric and psychological assessments are also made during this period—some by regulation, others at staff discretion.
- A correctional plan is developed, usually by a primary worker or parole officer, in discussion with a range of staff including those dealing with programs, case management, security, medical service delivery, psychology, chaplaincy, Native liaison, as well as the woman herself.
- The correctional plan is presented to the internal assessment review board before or after its completion depending on the institution. In some cases, the woman may be present too.
- The internal assessment review board also reviews all reclassifications (using the three categories of public security, escape risk and institutional adjustment) at statutory points in time, following an incident or in relation to requests for temporary releases, work releases, parole applications, etc.

Regional variations in this process include the numbers of women assessed, the personnel involved in the OIA, the location of the women during assessment and the extent to which they have access to programs during this period. (See Table 1.) For example, at EIFW, an average of seven initial intake assessments a month had been completed over the last year. GVI saw five to seven new cases a month; the Healing Lodge one or two a month. Joliette had only received two women in the previous three months. In the Atlantic, Ontario and Prairie regions, the initial assessment is completed at the local jail by a community parole officer; in Quebec at the women's provincial jail by an institutional parole officer from Ste-Anne-des-Plaines. There are some marked differences in the organization and input into the OIA process within each prison. In the Ontario Region, women are held in the enhanced unit for however long it takes to be allocated to a housing unit. This varies on a case-by-case basis. In the Prairie Region, it takes four to six weeks; in the Atlantic Region, four or five days; and in Quebec a few hours while physical and mental health checks are made. In the co-located maximum security units, access to programs is limited and variable, given the generally small numbers of women.

There has been considerable flux in terms of the personnel who complete the OIA. Apart from supervisory staff undertaking quality control (e.g., team leaders, case managers), the initial procedure required primary workers and older sisters to complete assessments as well as correctional plans. Pressures of time and staff shortages, as well as shift work, have resulted in the use of dedicated parole officers, but the regions appear to vary in their adoption of this approach.³⁰ In GVI, parole officers undertake all intake assessments. In Nova, primary workers, a parole officer and case manager are all used. Joliette uses primary workers acting as parole officers. In EIFW, there is a dedicated intake assessment officer, assisted by two primary workers, under the supervision of a case manager. The chaplain also sees and reports on all women on entry there, but not the elder. In most of the regional prisons, full psychological assessments are completed on all or most women.

How the OIA is completed also varied considerably within, as well as among, institutions. A number of questions are completed after file review and access to police, court or community sources. Subsequently, some parole officers sat in front of a computer screen and asked questions of the woman directly. Some completed a few questions, some much of the OIA, without directly talking with the woman herself. Others undertook one, or a series of long interviews getting women to talk about themselves, after which they (the parole officer) completed the OIA. Estimates of the time taken to complete the OIA were generally four to five days, with interviews with the woman lasting from two or three hours up to six hours over three or four afternoons. "It takes a lot of time when they are there because they talk a lot."³¹ In most cases, women are asked their opinions on the correctional plan being prepared. In Joliette, the community parole officer visits the institution to discuss each woman's correctional plan with her parole officer and the Comité des évaluations et identification des programmes (CEIP).

At EIFW, the five-level Security Management System, initially intended for use in all the regional prisons, is in place. This incorporates a series of rights and responsibilities relating to each security level, and the use of coloured name tags.³² It is also used, in a modified form, at

the Healing Lodge. The initial Security Management System devised in 1995 has not been used at Joliette where it was seen as unworkable for a small institution.

Table 1. Major Stages of Security Classification and Assessment in Regional Facilities

Region	Atlantic	Ontario	Quebec	Prairies
Interim security assessment	Parole officer community	GVI parole officer community	Parole officer institution	Parole officer community
Enhanced unit	4-5 days health checks	Depends on the case and institutional resources: health checks	Few hours for health checks	EIFW: 4-6 weeks ³³ for health checks, OIA and correctional plan. Healing Lodge: in housing units.
Who completes OIA?	Primary worker, parole officer	Parole officer	Parole officer	Intake assessment officer (IAO) + two primary workers to assist.
Who completes correctional plan?	Primary worker and parole officer/ case management	Primary worker and parole officer	Primary worker and parole officer	Primary worker with IAO input, older sister.
Review process	Institutional review board reviews security classification and correctional plan	Assessment Programme Assignment Committee (APAC) reviews security classification and correctional plan	CEIP reviews correctional plan	EIFW: APAC reviews security classification, management level and correctional plan. Healing Lodge: Offender Management Review Board (OMRB)
Reclassification	Institutional review board	GVI: APAC P4W: Reintegration Board	CEIP	APAC OMRB

The following sections summarize the variety of staff views on classification and assessment processes as they apply to women in the federal system.

Staff Views on the Assessment Process

Impact of Security Classification

In the two years since the opening of the maximum co-located units in men's facilities, very few women have been classified as maximum security directly after sentence (e.g., staff could remember only two cases in Quebec and in the Atlantic Region). Most women were either already classified as maximum, or have been reclassified from medium or minimum because of incidents in the regional prisons.³⁴ The major impact of security classification is on the maximum security women. In their current location in traditional prison environments with, in some cases, regular use of segregation, the small number often limits access to programs.³⁵ As one staff member put it, there is a "big jump to max." It is "an unhealthy climate for women." Many staff talked of struggling to keep women as medium security. The Quebec region had no women classified as maximum for six months. Women classified up to maximum were variously described as monopolizing the staff, as intimidating or potentially contaminating other women, as unable to manage their anger, constantly feeling paranoid or threatened,

needing 100 percent attention and relationships, as being unmanageable. (In comparison, men were classified up primarily for assaults on inmates or staff). Staff in the co-located units tended to see maximum security women as medium, and in no way equivalent to men classified as maximum security.

In the regional facilities, there is little effective difference between medium and minimum classification inside the institution. In Joliette, this means a separate house for minimum women, more freedom to visit other houses, longer hours on temporary absences; in Nova, glassware and unlocked cutlery in the minimum house, an extra hour before curfew and civilian escort priority; in GVI fence clearance, passes and civilian/non-security escorts. At EIFW, it meant more mobility within the institution. As one staff member suggested: “Minimum women are kept as mediums.” Women often prefer not to move to the minimum housing unit when they are reclassified. A number of staff pointed to the differences from minimum men’s institutions, which have no fence. It was also argued that more women would be classified as minimum security if there were accommodation outside the fence (eliminating pressures on them to bring in drugs). They also noted that those men’s medium institutions similarly built as housing units had staff in the houses, which afforded greater control.

For staff in one prison, reclassification to minimum was seen as a natural process, which went with a good reintegration plan. In another institution, it was seen as more difficult. “You have to come a long way to get to minimum—show that you can do your own time, have done programs, demonstrate strong emotional control.”

The Offender Intake Assessment

Views on the OIA were mixed, and often related to age and experience in corrections. Older staff relied on their experience and personal knowledge of individuals. Newer staff—often newly appointed or promoted—tended to accept the use of tools without much question. The OIA was seen by some as a good tool (e.g., when used together with the women-centred assessment). It is a national tool. “We have to use it.” It was also variously described as “a God-awful thing...so complicated, just horrendous”; as dictating policy in institutions, not the other way round, as not conducive to good corrections because it was too restrictive, and even more restrictive when they tried to fit women in, and only as good as the data put in. Many items were seen as just there for research purposes, but as better than before because they were based, to some extent, on feedback from the staff. “Tools never impact me.... I don’t know if we make better decisions now.” The major issues raised by staff in the interviews are summarized below.

Objectivity

Many staff felt the classification process was subjective. “The system is seen as objective but it relies on subjectivity.” The evaluative process “happens more subjectively and needs to be embedded in the process—not in an SOP” (standard operating practice). Some staff used discretion in interpreting questions. The objectivity of the reclassification tool applied in men’s institutions was similarly questioned on the basis of institutional practices. For example, using successfully completed ETAs as a measure of progress was questionable when they depended on factors beyond the control of the inmate, such as staff completion of paperwork or snowstorms.

Time and impact on casework role

Too much time was spent at the computer, or relying on outside agencies for information, to the detriment of time spent interacting with inmates. The CSC, in general, was seen as moving toward an analytical approach and objective, formalized need, and there should be a move back to more personal knowledge and interaction. The narrative sections and screens for further comments on the items scored were seen as very important. On the other hand, staff felt there were too many policies and documents reducing flexibility. Primary workers and older sisters did not have time to sit and talk, in part because of increasing security responsibilities and paper work. Constant auditing added to the workload with the need to document everything.

Automation

There was a concern that responses to specific questions automatically resulted in the completion of other related questions. This was the case with some substance abuse questions, for example, yet they did not always accurately affect a woman's situation or behaviour. Second, if an area was a "hit," this implied that a program must be completed, even though there may be no link with recidivism. For example, women convicted for drug importing whose children were in the care of the Children's Aid Society did not usually require substance abuse or parenting programs. Some also felt that the casework strategy group selected by the computer was often inappropriate.

Operation Bypass

This was instituted in February 1999 across all prisons in the federal system. It was intended to reduce repetition in the classification and assessment process and simplify the procedure. A number of staff, however, felt it had increased, rather than reduced, workloads. It was seen as geared to what happens in men's institutions. It had not affected one institution much, apart from retraining, since it already had strong community links, but the paperwork was still "heavy duty." There had been more time to talk with inmates in the past. The time line was now "locked in" with program start dates. Completing the monthly casework records, while forcing you to look forward, was time consuming and formalized.

Risk assessment

For most staff, risk in the institutions means institutional adjustment, disturbance of others, an inability to care for themselves, danger from self-injury. It was not risk of escape or to public security, and risk outside was not necessarily related to risk inside. In the view of one staff member, risk in the institution could be managed by dynamic security, interaction at all levels, quality meetings/less paperwork, fair discipline and control over who comes to the institution. Staff at the Healing Lodge felt they could exercise much more flexibility with security classifications.

Some staff felt the security categories in the CRS applied fairly well to women; others felt there were different factors contributing to women's offending. Their risk, needs and response to programs were all different. For drug offences, there was insufficient differentiation of women's role as drug mules or between hard and soft drugs. The financial problems of women sentenced for importing drugs tended to be overlooked. It was difficult judging risk of re-offending or

institutional adjustment when many women were first-time offenders. Women who escaped (primarily walkaways) usually went home, and were not a public danger. Security classification should be more women centred for mental health cases and related to needs not security. There were variations in taking account of provincial prison sentences rather than interpreting previous incarceration only as federal. The language used was seen to raise many questions of how to differentiate between a need, a want and a risk.

For release decisions, the risk was primarily of re-offending, not a “public danger,” and staff felt that risk assessments completed by psychologists “pulled the big weight” with the Parole Board. Some psychologists felt it was difficult to meet these expectations. These risk assessments were very time consuming—around 15 hours per case. Motivation was seen as the major issue: women needed to want to get out, to find something out there they wanted to do. Overall, many staff felt there had to be “an element of trust to promote what we are trying to do.”

Overrides

A number of staff referred to the need to take risks with classification decisions, with having a “battle between the guidelines and your human side.” Staff varied in the use of overrides. Some tended to classify down to minimum security, some up to medium. One estimate was that 30 to 40 percent of cases resulted in an override although the official overall rate for all prisons for 1999 was 16 percent. First drug offence cases (APR) were usually classified down to minimum.³⁶ Classification up to maximum had primarily been for behaviour within the institution (“difficult” behaviour as well as a few cases involving drugs, escape, or attempted escape, and assault). In a few cases, women were classified up for mental health reasons as “the only way to get them help” or because they might self-injure.

Applying Need Domain Questions to Women

How does it matter how the home is maintained?

Staff raised a number of concerns about the needs assessment questions in the OIA (the former Case Needs Identification and Analysis (CNIA)). Many of the contributing factors were seen to involve “someone’s values.” Some parole officers wanted to make inmates into “perfect neighbours.” For another staff member, the essential issue was not the questions themselves but “how you get your answers and what you do with them,” and the OIA not being used (directly) in developing the correctional plan or in reclassification. Such decisions were based on professional judgment.

Responses varied when interviewees were asked how relevant questions in the needs assessment section of the OIA were to women. Some felt it was much more difficult to complete than for men. Many indicated inappropriate questions, questions missed out, questions whose interpretation was extremely ambiguous and a focus on negative rather than positive issues. These related particularly to questions around employment, marital and family issues, personal and emotional factors, and community functioning. Parenting questions were described as “very shady.” The greater use by women, generally, of medical services in the community was seen as a major problem leading to misinterpretation of women’s histories. One staff member felt the questions were “highly dependent upon personal opinion” and “bland

of any gender consideration.” A number of questions, particularly around sexual behaviour were seen as inappropriate/irrelevant for women. A history of abuse and family violence often did not “come out” because there were no appropriate questions, and because it was the least likely issue to be traced and self-reported. The personal/emotional domain was seen as “too broad.” These two domains were so intertwined, it was not easy to separate them. Perhaps there needed to be a domain specifically for women. There needed to be a section for ethno-cultural difference. There was nothing on religious background. A number of staff never asked certain questions or tried to elicit information about them, because they felt these questions were too embarrassing or irrelevant to women.

Targeting specific domains was also seen as a problem. “Women may have the same criminogenic needs but the impact is different—men are more linear.” A number of staff specifically overrode domains selected because the questions did not reflect the seriousness of issues. Table 2 summarizes some of the major issues raised by staff.

Diversity

The minority population varied considerably between institutions. At GVI, a third of the population is Black; at EIFW around 40 percent Aboriginal. At GVI and Joliette, most APR women were Black, Hispanic and multicultural, and serving drug sentences. Interviews indicated that there was concern at GVI that much information was missed because APR women were rushed through the assessment process. At Joliette, their involvement in the intake process tended to be low, but they were not generally seen as having criminal life styles. Several staff felt cultural differences in attitudes, reactions, dialect and verbal exchange could all be used in discriminatory ways. Some Black women might be seen as manipulative or misunderstood, some Asian women as too submissive. The experience of Black women at school was often very negative because of discrimination, and responses in this OIA domain were seen as unfair to them. Family upbringing and community ties were often different from those of the majority population—sometimes tightknit. In some Asian cultures, there was strong parental control and sense of shame, and reserve about talking about personal issues. There were difficulties for those raised in two cultures.

These staff indicated that both backgrounds and needs were different. It was difficult to put down cultural differences on paper, and OIA questions did not get at the gist of what a person is saying. Nor was there uniformity of culture within broad groups. Not all Aboriginal or Asian cultures are the same. There are wide variations (e.g., between Caribbean cultures and Afro-Canadian women). Employment questions were seen as particularly discriminatory (e.g., for Aboriginal women living on reserves with no employment). Aboriginal teachings stress go slowly, care for your spirituality, slow down. This was at odds with CSC or National Parole Board assumptions about working on correctional plans. Aboriginal women did not feel comfortable telling a non-Native woman all their personal issues, emotions and experiences. Non-Native women could not really understand that experience. “Sometimes in an hour you can’t even get them to tell you their birth date, their children’s ages.”

These issues were seen as particularly relevant for needs assessment, although there were differences in offending patterns, which were related to ethno-cultural groups. Much depended

on the person using the tool. There was a need for a section on cultural background, more training on ethno-cultural differences and specific instructions. A number of staff stressed a need to develop culturally appropriate programs.

Table 2. A Sample of the Major Issues Raised in Interviews Concerning Dynamic Factor Domains

Domain	Staff Comments
Employment	<p>A huge issue for women, but most of them are mothers. Unstable job patterns not necessarily bad for women.</p> <p>Should be geared to the level of responsibility women have had. Being on mother's allowance rates as a risk factor.</p> <p>Pregnancy, working the streets, massage parlours seen as legitimate by many women.</p> <p>Seasonable under-the-table employment is still employment. Problems for Aboriginal women working on trap lines or living on a reserve where there is no employment.</p>
Marital/family	<p>What does "no parenting responsibilities" mean (e.g., if a child is in foster care)? Ask about relations with partners, parents but not with their children who are so important for women.</p> <p>Associates: Should be more positive questions such as awareness of your culture, involvement in cultural activities. Women should not be judged on their sexual preferences.</p>
Substance abuse	<p>If you put "no" for "abuses alcohol," they all come up no. No distinction between hard and soft drug use. Pathways to abuse are different for women—trauma and depression, not drinking and masculine aggression.</p> <p>Aboriginal families outside are often struggling with the same issues—there is no support outside.</p>
Community functioning	<p>How does the state of the home matter? It is rare to find women with stable accommodation. Women find it more difficult to get collateral than men. Of course they have no savings if they've been in jail for 10 years!</p> <p>Cultural factors need to be taken into account. In some areas, <i>everyone</i> is a criminal associate. Participate in organized activities? There's a lot of us that don't do that!</p>
Personal/emotional	<p>Many questions (especially sexual behaviour) are designed for men. Who decides if a sexual preference is inappropriate? Being on medication is open to misinterpretation; women tend to use medical and out-patient services in the community more than men.</p> <p>Difficult to ask sex questions—judge from their history.</p> <p>So many issues here stem from their abuse history but this is not picked up. What is "socially unaware," "ethnicity problematic?" "Feels especially self-important"—women get offended—low confidence or self-esteem would be more geared to women.</p>
Attitude	<p>Attitude to themselves and their family is important, because more positive. This would give a truer picture of the person.</p> <p>Negative attitudes toward those in authority, like the police, may reflect a past experience of racism.</p>

A Specific Tool for Women?

Many staff noted that tools had been developed and validated on male populations (in some cases such as the Level of Service Inventory or LSI, male young offenders). This included the old case management strategies, which were now incorporated into the OIA. The latter had "never been applicable to women, and had not been adapted for them." There was a lack of instruments "normed" for women, including many psychological tests as well as classification tools. Risk factors were very different for women, as were their need areas and responses to programs. The need areas came out of research on men, the connections were to male programs. This was seen as very damaging until we know "what works" for women. It was

important to differentiate between the constructs and how they are generated. For others, some adjustments would be helpful, but the major issue was training and institutional ethos.

Some staff felt there was a need for specific research-based needs analysis tools for women, although they recognized there was not a statistically sound population base for validation. As one person put it, so many of the tools came from the same source that there was a real concern about bias. The OIA used a “male frame of reference”—it was better to start from the ground up. It did not reflect the realities of women. The strongest objections to a women-specific tool were seen as coming from researchers/statisticians. Other staff were less concerned with research-based tools than with reflecting women’s characteristics and responses better. “The more we can have specific to women the better. Women value intimate relations, share secrets, talk, use physical contact and body language. Their issues are very different. They can spend their entire child-bearing years in prison. Men’s women stick by them; women are abandoned.” Women needed the language of success to see improvement. At one prison, it was suggested that women needed to be rated as high, medium or low need, rather than security. Women think very differently about release because they have children. On release, the biggest issue was revocation or suspension for substance abuse, because of stress and lack of support. There was “nothing out there” in terms of services for many women—another factor that differentiated them from men.

Working with Women and Men

In [a men’s prison] you need a panic button, [here] a box of Kleenex.

There were many differences between working in men’s and women’s institutions. Apart from the sheer differences in size, this included the rate of intake (e.g., 70 men a month at Edmonton Max, 96 a month at Millhaven, 100 at Ste-Anne-des-Plaines). Those staff with experience of men’s and women’s institutions outlined a number of differences. On the whole, they felt that assessment of women was much more individual because there was more time, but it also took longer, on average, because most women disclosed a lot more, they wanted help. “Women will disclose to anyone.” “When you’re doing a woman-centred assessment...start bringing up the family and the past...they actually fall apart. Men will sit down and say: ‘Yeah I did this or I did that, my dad was bad’ and that would be it.” Men “didn’t wear their emotional attachments in the institution on their shirt sleeves.” They would be embarrassed talking about such issues. It was important to be careful with women. “The place is set up for dysfunction.” Child care and custody issues also impacted women much more than men.

Rapport between staff and inmates was much more informal with women. There were far fewer incidents, fewer formal charges. But, problem solving among women was also different and more protracted. Most difficulties were in the housing units around issues such as relationships, food, intimate relations in public (“necking on the washer and dryer”). With men, they were likely to be about drugs. Men were easier to work with. Women were more often “very high maintenance” with trauma and abuse issues, very demanding and needy. Just talking helped calm them down. There was a crisis every day, especially on the enhanced unit. Working with high-need women, those who self-injured, was very draining for staff. It was felt that some regional staff were now beginning to recognize that working with women was very different.

Programming Issues

A number of staff at the regional facilities felt there was a danger of over-programming women, often because of their high needs. The women tended to “hit” all seven of the need domains. This could be overwhelming and very discouraging for those women. Some primary workers were “very psychologically minded.” “It reminds me of a giant treatment centre.” The small size and open concept meant everyone, staff and population, knew what was going on. “You can’t be too happy or too sad.” Elsewhere, women were seen to like taking programs (more than men), and to have fewer need areas identified than men. “We try to get them to reduce their risk of recidivism. We are not trying to make them virgin.”

In some institutions, staff said there was a lack of programs, which addressed specific needs including fraud and sexual abuse as well as intensive substance abuse programming.³⁷ In some of the co-located units, core programs were cancelled because of small numbers. The ability of psychologists to undertake clinical work with individual women was a problem. They did not want to do risk assessments on women who were their clients. In men’s institutions, there was much less demand on psychologists’ time for individual work. Aboriginal women found it difficult to relate to a non-Aboriginal psychologist.

Finally, the OIA was seen to impact program choice and provision significantly, particularly since Operation Bypass, which underlines that only the most important need domains must be targeted—“before it was holistic.” Some staff felt that the notions of holistic programming, on which the regional facilities and the Healing Lodge are premised, conflicts with the OIA’s emphasis on individual characteristics. Some programs did not count because they were not seen as meeting a criminogenic need, or rated only as vocational and not as dealing with emotional and personal issues as in the canine program at Nova. Educational needs were often left out. “We are offering no real vocational skills.” There was a strong pull to special needs. Thus, if parenting was not associated with criminality, it was not a program issue. This was seen as too cut and dried. Conflict resolution programs were also seen to help women a lot, but were not necessarily in the correctional plan. Staff had adapted some core programs to provide examples related to women’s lives, or to incorporate elders’ teachings. Yet the content still placed a heavy emphasis on past criminal history or compulsive, aggressive behaviour and fighting, neither of which were seen to characterize the backgrounds of most federally sentenced women. Some staff felt there was a tension between being told to maintain the integrity of the program, and not deviating from the manual, and the legal responsibility to develop programs which were sensitive to women and diversity.

Training

The OIA is a dangerous tool if the people using it are not properly trained.

The interviews indicated that the extent of training on the intake assessment process was highly variable within institutions. Those who had been appointed at the opening of the institutions generally had some good initial women-centred training and experience to draw on. Many of these individuals had left, and there was no collective memory or knowledge of initial expectations. Apart from core training and women-centred training, some new staff, including parole officers, had received only in-service training on the intake process. At least one had been self-taught.

Those staff attending regional training sessions had found all other trainees were from men's institutions, and the entire training focus and all case examples based on men. ("Sixteen items on the agenda with nothing to do with women, and two which had, but you had to ask: 'How does this impact women?'"³⁸) They felt the trainers were "old-guard" and did not know about, or how to teach in relation to, women's prisons. Operation Bypass training was "totally void of how it would apply here." Some staff in the co-located units had not received women-centred training because such units had been regarded as temporary.

Most staff felt strongly that training was not sufficient. There had been a heavy turnover of front-line staff and team leaders in some institutions. Some also felt community parole officers did not understand the security classification process sufficiently.³⁹ Some primary workers struggled with the paperwork and with the analysis required to complete assessments. Some did not have a solid understanding of case management. Adding more tools could be overwhelming. Many stressed the importance of age and life experience as well as correctional experience. Training was essential because the process was so subjective.⁴⁰ Some staff saw the process as a mindset. It was not just filling in forms, and required core training. It was also women-centred training, specific training on the OIA and in-service training. Cross-cultural awareness training was also needed.

A number of staff felt there was a need for specific and detailed guidelines for classifying women. Many still used old OIA guidelines because they were fuller than those issued for Operation Bypass. Few of those currently undertaking classification had seen or heard of the 1996 OIA Guidelines for the women's facilities.⁴¹ Only staff at EIFW and the Healing Lodge had used the women-centred assessment, which was found to be very helpful as a supplement to the OIA process and in the development of the correctional plan, or for individual work. Only a few staff members elsewhere were aware of its existence. "We were told to work with the region and the CSC system." Some staff felt there needed to be clearer guidelines about whether the WCA was an official document to be filed or a personal one for women to use themselves. At one prison, staff stressed that if you did not believe there are some intrinsic differences between men and women, tools and guides are obsolete. "It is not what questions you ask but how you weight the answers that is important." The management and institutional culture helps determine how people work; they had to "talk it out." Population differences among the women's facilities also had to be taken into account; there was not one way of weighting items. Trying to standardize would be difficult. Above all, you needed to be a good listener, to use your women-centred professional judgment.

Overall, most staff in all the regional prisons felt it would be very helpful to meet and train with other staff in the women's facilities responsible for completing and supervising the intake assessment process. This applied to other specialist staff too, including program personnel and psychologists.⁴² Some psychologists also wanted more local feedback on their risk assessments. A number of staff stressed that there needed to be much more support for them. A few felt isolated and alone. "Some meetings turn into talking circles."

4. NON-INSTITUTIONAL CONSULTATIONS

This section summarizes the main issues raised during the study in consultations with other groups and individuals outside the correctional system. They include the workshop held in May 1999, formal interviews, and informal meetings with organizations and individuals including the Office of the Correctional Investigator, the Canadian Association of Elizabeth Fry Societies (CAEFS), the Native Women's Association of Canada (NWAC), Strength in Sisterhood (SIS), Black Inmates and Friends Assembly (BIFA), the National Action Committee on the Status of Women (NAC) and the Legal Education Action Fund (LEAF). (Some of these discussions took place at stakeholder meetings in April 1998 and January 2000.)

Among the concerns raised was the lack of appropriate community residential accommodation for Aboriginal women and children. There was no real recognition of ethno-cultural women's need for special programs and services, a lack of sensitivity to their culture or the differences among Black cultures. Women with severe and long-term mental health needs should be in community health care. If institutional adjustment was a prerequisite for reducing classification, some of these women, who have been in prison for many years might never be able to achieve it, or to be considered for community options. There was a need to recognize the institutional barriers to release. These included staff completion of paperwork, a major component of classification and release decisions. Finally, there were concerns that research to develop a gender-specific reclassification tool being carried out by the CSC would not reduce problems of classification for maximum security women, and there needs to be a broader range of research.

The Workshop Report

What are you doing? What are you doing it for?

The May 1999 workshop informed a large part of the external consultation process and the overall study. An outline of the program and list of the participants are included in Appendix A. (A copy of the full report is available from the authors.) The workshop took place at the mid-way point of the project, following the completion of the literature review, and before many of the institutional visits took place. The general spirit of the workshop focussed on sculpting and framing appropriate questions about women's imprisonment, risk assessment and classification, and their implications for diverse populations. It did not seek immediate answers, nor expect to construct an actual system. Its purpose was to expand understanding of classification and risk in terms of gender and diversity, using interdisciplinary, international and multicultural frameworks and standpoints. These provide alternative ways of conceptualizing the issues to the psychological and gender-neutral framework used in correctional research, including that on federally sentenced women in Canada. Workshop participants represented a range of personal, practical, research and academic experience (although not all those invited were able to attend). Nevertheless, the goal of the workshop was not solely to theorize or critique the current status of women's imprisonment and the use of actuarial tools. It was hoped that some practical and constructive suggestions for alternative approaches might emerge.

The workshop focussed on the following issues.

- international perspectives on the classification of prisoners;
- the impact of CSC's emerging risk assessment tools on imprisoned women and visible minorities;
- the nature of assessment tools in comparison with the woman-centred discourse adopted by CSC as a result of the 1990 Task Force on Federally Sentenced Women (*Creating Choices*);
- preliminary observations on correctional staff's understanding and use of these tools;
- technical issues around evaluation and reconviction; and
- legal issues.

Overall, in presentations and discussions, participants generally agreed that while risk is gendered and racialized, most risk assessment tools are developed for, and use data mainly from, White male populations. As such, the use of these tools in minority and female prisoner populations raises many empirical and theoretical questions. Concerns about the use of actuarial methods of classification were raised, and some argued that rigid and mechanical application of actuarial assessments might result in inequitable and unjust classification practices.

There was widespread agreement among conference participants that:

- Current classification tools are not appropriate for certain marginalized or oppressed groups.
- Classification practices, in general, ignore the often subjective experience of individuals.
- Classification practices marginalize political factors associated with these groups.
- Classification practices adopt a hegemonic discourse intrinsic to psychology and psychiatry.
- Risk-based classifications obscure power balances.
- Classification practices individualize people's needs and fail to account for social structural limitations.

The importance of a sensitivity to the historical context in which women's imprisonment has occurred was raised. Kathy Kendall's presentation highlighted that the treatment of "mentally disordered" women prisoners has a long and complex history in Canada, and many of the mental health issues currently the subject of prison policy can be said to constitute "recycled problems of the past." Revisiting this history enables us to assess better the modes and patterns of control which are being invoked to contain unruly women—and also to acknowledge that, sometimes, the more things change, the more they remain the same.

Kendall's discussion of the recent CSC mental health strategy for responding to women offenders also raises the need to make connections between or across issues. One point she made was the way in which the mental health strategy effectively individualizes, pathologizes and decontextualizes a woman's situation. This is not an isolated phenomenon, but one, which resonates strongly with other efforts to "syndromize" women's experiences (like the use of the battered woman syndrome, rape trauma syndrome and pre-menstrual syndrome to explain women's actions and behaviour). Our understanding of the current CSC response to women prisoners could, therefore, benefit from an awareness of the ways in which women have been similarly pathologized in other contexts.⁴³

Risk assessment was also seen as contrary to Aboriginal principles. Patricia Monture-Angus argued that many of the categories of assessment used in the OIA were viewed as highly problematic for Aboriginal peoples and that the OIA translated social disadvantage into pathologies, for men as well as women. Elizabeth Comack urged us to make connections in terms of how we theorize or think about issues pertaining to risk management. While the focus in the workshop was on women offenders, it is easy to forget that gender is not the only "category" by which individuals are located or positioned in our society; race and class constitute two other important dimensions or axes of inequality. This came out most strongly in Patricia Monture-Angus' presentation, especially in terms of her sensitivity to the impact of imprisonment—and risk management schemes, in particular—on Aboriginal women and men. Just as individuals do not experience their gender, race or class as separate aspects of their identities or experiences, we need to maintain an awareness of how race/class/gender inequalities are involved and implicit in attempts to control and manage prisoners.

Comack argued that there was a need to draw out the connections within the state more generally. While risk management is more obvious or apparent in prison regimes, it also constitutes part of a much broader effort within the Canadian state as it moves to embrace neo-liberal programs and policies. This has involved a retreat from social welfarism (and a corresponding dismantling of social programs) in favour of increasing reprivatization, individualization and "responsibilization" for example. The net effect has been to hold individuals more accountable/responsible for their situations, while at the same time depriving them of access to the kinds of social resources they need to manage the problems, conflicts and dilemmas in their life. When placed within this broader context, it becomes easier to understand the utilization of risk management and classification schemes by state officials.

International differences in women's prison policies were instructive. Russ Immarigeon suggested that the purposes of classification and assessment should be reversed, and seen as a way of planning for the resources needed in the community. He also argued strongly that there should be a strength-based emphasis, instead of focussing exclusively on the offender as having problems or deficits. In her paper, Stephanie Hayman compared Canada with the United States and the United Kingdom, where there had been huge increases in populations of women in recent years, and little overall recognition of the uniqueness of women's needs. In her view, the original vision of the Task Force on Federally Sentenced Women, and its initial implementation, are astonishing achievements. It required great courage, but there was concern that the will to effect change was ebbing away. A major issue raised was that

security classification might not be relevant to women in multi-level institutions, while risk assessment was of greatest relevance for parole boards. It was important also to separate out critiques of the policy of risk assessment from its practice and implementation. Furthermore, there should be recognition of the distinction between re-offending and reconviction. According to George Mair, and others, experience in a number of countries, including the United Kingdom suggests an unseemly rush to adopt risk-assessment technologies, and cognitive skill-based programs, without recognition of their limitations and their male-based development. The claims of objectivity, of the appropriateness of the OIA for the management of women offenders and for the validation of assessment tools on women were all questioned. In Mair's view, actuarial approaches and tools were probably "here to stay" and, as always the case, it was essential to have clarity of aims and objectives, careful implementation and practice, good data and evaluation.

The history of the development of risk-based instruments in Canada was outlined and discussed. There was considerable interest in the use of the term "need" and its changing and competing definitions, as well as the ways needs are defined, identified and used to justify intervention. It was noted that while feminist discourse frames needs in terms of reduction of harm inflicted by society or the correctional system, the system itself defines needs in terms of criminogenic factors and emphasizes interventions that lower recidivism rates. This is particularly problematic for federally sentenced women who, historically, have been labelled as high need but low risk. Questions were raised about how risks differ from needs. It appears that risk and need have been used interchangeably in Canadian corrections.

Further, participants noted that the correctional system's focus on recidivism as a measure of treatment effectiveness is highly contentious when those individuals collecting this data also create and develop specific correctional programs for the government. These studies could become contaminated in an effort to present positive results. Concerns were also raised about the use of statistics to create knowledge in support of narrow political agendas. Two participants argued that such positivism contradicts feminist discourses.

Issues of privacy and confidentiality were also raised. Some participants noted that individuals who provide counselling to prisoners are the same people who complete need and risk assessments in the correctional system. It was felt that there was a need to separate those tasks. One participant observed that even Aboriginal elders working in the system are expected to report back to CSC with personal information provided to them by prisoners. This practice was equated to the experience of being strip-searched by one's therapist.

There was considerable discussion of legal issues relating to the current classification system used for federal women. Some of the criteria used to determine security classification are seen as suspect and are particularly vulnerable to constitutional challenge under section 15 of the *Canadian Charter of Rights and Freedoms*.

s. 15(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Section 17 of the Regulations provides that a prisoner's social history must be taken into account in determining the appropriate security classification. Social history is captured by CSC in the Needs Identification and Analysis component of the Offender Intake Assessment. According to that assessment instrument, a prisoner's experiential background prior to incarceration reflects certain needs. The greater the number of identified needs, the higher the security classification. According to the Needs Identification and Analysis, if any individual is assessed as having been the victim of spousal abuse or was unemployed at the time of arrest, she will be identified as having a need in those areas. Some criteria in the Needs Identification and Analysis measure the nature and degree of disadvantage experienced prior to incarceration. These include low educational level, poor employment history, a childhood that lacks family ties and physical problems, including those that interfere with work. Some criteria do not measure disadvantage at all. Rather, they reveal biases, in the form of middle class standards such as having no collateral, no hobbies, not participating in organized activities, use of social assistance, lack of a skill/trade or profession, residing in a criminogenic area, unattached to any community groups and a poorly maintained residence. Many of these criteria do not even identify a need, much less a risk.

Some criteria call for a subjective assessment of need which could be racist or homophobic (e.g., ethnicity is problematic, religion is problematic, inappropriate sexual preferences, problematic sexual attitudes). It is unclear whether these criteria measure the prisoner's perception that she views her ethnicity as problematic, or whether the staff member administering the test has that perception.

Section 17 does not mandate classification based on needs, but only on risk to escape, risk to the public (if an escape occurs) and the level of supervision and control required in prison. However, in requiring social history to be considered in determining security classification, it incorporates identified needs into the assessment of risk. Needs are equated with risk even though there is no demonstrated causal link between many of the needs identified as risks.

Many criteria in the Needs Identification Analysis target the disadvantage experienced by women prisoners as factors which increase their security classification, with the result that the most disadvantaged federally sentenced women prisoners are the most likely to be subject to the most restrictive conditions of confinement. Restrictions based on disadvantage, without proof that the proposed restrictions are necessary, contravene the equality provisions of the *Canadian Charter of Rights and Freedoms*.

Section 17 of the Regulations also requires that physical and mental disability be taken into account in determining security classification. Mental health concerns that are disabling may create real needs, but equating mental health disabilities with risk in the security classification process perpetuates the social construction of persons with mental disabilities as dangerous.

Many prisoners with mental health needs do not pose the kind of risk to which section 17 is directed (risk to escape, risk to commit an offence on escape, risk to the security of the institution if not closely supervised). Historically, women with mental health needs have been separated from the rest of the prison population because they are vulnerable. They may be targeted by other prisoners, and the CSC response has been to confine them more closely for their own protection.

It was argued that it is not clear what CSC considers to be a mental illness or disorder for the purposes of section 17 in deciding security classification. In its 1997 *Mental Health Strategy for Women Offenders*, CSC gives a clue as to how widely the net is cast. According to the 1997 Strategy (Laisches 1997), women will be identified as having mental health needs if they have had certain life experiences.

Programmes and services must be holistic insofar as they address the social context of women's lives and target those areas which have contributed to their criminal behaviour. Therefore, gender appropriate mental health service must respond to the experiences and related mental health needs of incarcerated women, which include:

- a history of relationships characterized by physical, emotional and sexual abuse;
- dependent children for whom the woman had primary care taking responsibilities prior to incarceration;
- low education attainment and limited opportunity for employment in adequately paid jobs; and
- significant long term substance abuse.

It was suggested that by translating social disadvantage into mental health needs, CSC has managed to pathologize almost the entire population of federally sentenced women.

An assessment of risk which includes mental illness infringes the quality provisions of the Charter without a demonstrated causal link between the disability and risk to escape, to public safety if an escape occurs, or to an increased requirement for control or supervision in the prison. Most participants concluded that social history and disability should be removed from the current risk assessment tools used on women. Above all other domains included in the current CSC risk assessment, social history and disability were the domains in which women's experience (as compared to men's) has the most markedly different meaning. Measuring women's experience against a male norm in this context, in order to make decisions about imprisonment, contravenes basic notions of equality.

This claim, it was argued, would be supported by the precedent set in the Supreme Court that states that all legislation must be interpreted in accordance with section 15 of the *Canadian Charter of Rights and Freedoms*. Thus, if these categories of risk assessment can be shown to contravene women's rights to equality, there is the possibility that they can be legally challenged.

The possibility of using section 77 of the *Corrections and Conditional Release Act* (CCRA) to challenge the use of gender-neutral risk assessment was raised. That section allows programs that are specific to federally sentenced women to be developed, in consultation with women's groups. Participants argued, however, that this section was specific to programming and that risk assessment could not be considered programming. As one participant pointed out, classification leads to programming and, thus, there is a connection.

In the final session, a number of practical suggestions and comments were made by workshop participants to address some of the concerns raised in the discussions about the use of risk classification tools on women and diverse groups of prisoners.

- Encourage development and refinement of women-centred and culturally specific uses of tools already begun by CSS.
- Revisit the Task Force on Federally Sentenced Women in an attempt to decipher how the sentiments expressed in *Creating Choices* were put into operation by the government and CSC. This should be done with Aboriginal women as a core focus.
- In relation to Aboriginal women, elders should be allowed to undertake their own versions of assessments, especially at the Healing Lodge.
- Calls for accountability should be approached with caution knowing that greater accountability often goes hand in hand with increased structural barriers and bureaucracy.
- Put a greater focus on how CSC employees, who use risk management techniques, apply and interpret criteria as well as their chosen methods of offender management.
- Advocate for additional and improved staff training that is woman-centred and culturally sensitive.
- Encourage a wider exchange of ideas (e.g., through broad-based discussion panels at meetings and symposiums on correctional issues, as well as conferences such as the American Society of Criminology).
- Continue to monitor and assess classification practices and research.
- Consistently draw attention to issues of diversity and gender to ensure these concerns are not marginalized by practitioners, policy makers or researchers.
- Insist on research that is multidisciplinary and engages with feminist and other critical scholarship.

Office of the Correctional Investigator

Our understanding of discussions with the Office of the Correctional Investigator was that there were a number of issues concerning the classification and assessment of women. Grievances within the prison system and to the Correctional Investigator from women tended to be quite different from those from men, and reflected interpersonal issues much more. Since the opening of the new institutions, there had been a general lack of grievances from women, and certainly about classification issues. This may indicate good conflict resolution in the new institutions or the fact that the women do not understand the classification system or did not believe the grievance system works well. It may also be about the possible negative consequences of grieving.

The lack of minimum security conditions for women compared with men and the limited number of women on work release were major issues. While the overall goal to reintegrate offenders into the community is important, there were no comprehensive community programs available for women. In relation to classification and assessment tools themselves, there appear to be some difficulties with the process of validating the tools to be used with women.

Women tended to be transferred up to maximum or medium security and to men's institutions for management problems. Aboriginal women were heavily overrepresented in the maximum and medium security populations held in some of the co-located facilities. There was a concern that length of sentence served (especially among Aboriginal women) may be lengthened because of the unavailability of programs, and because they were likely to have to take twice as many programs as non-Aboriginal women. This was partly because there are still problems in CSC with the acceptance of Aboriginal-based programs as legitimate alternatives to traditional correctional programs. For example, Aboriginal women may be expected to take a substance abuse program and see an elder. Seeing an elder alone is not seen as sufficient. As a result, many Aboriginal women are over-programmed. Because of the conditions of confinement, the current housing of Aboriginal women in men's facilities puts them at greater risk of incurring institutional adjustment reports.

The regions do not cover women's issues appropriately or sufficiently. This appears, in part, to be a result of the failure to fully implement Recommendation 4 of the Arbour Report.⁴⁴ This recommendation advocated and supported the position of the Deputy Commissioner for Women. This office would allow for centralized control of women's corrections including the budget. It would give the Deputy Commissioner direct line of authority over institutions. This change would allow women's institutions to have greater autonomy from the men's system, and more contact among themselves and with National Headquarters. The failure to implement fully Recommendation 4 has impeded the process of developing a distinct classification and assessment system for women. It has limited the research initiatives and policy reviews relating to women, and delayed the implementation of a comprehensive community release strategy. At the moment, there appears to be little continuity or consistency in programming for women. Women's issues are of secondary concern within the regions, which are consumed with managing the much larger male population.

Finally, the necessity for an elaborate security classification system for some 350 women, and its purpose, when all federally sentenced women were finally located in the new regional institutions, was questioned. An analysis of the CCRA's legal requirement for security classification as it relates to federally sentenced women (and Aboriginal women) and special provisions within the CCRA and its Regulations for these populations are required. The possibility of overriding the existing requirement should be considered.

Canadian Association of Elizabeth Fry Societies

The CAEFS has produced a detailed position paper on the classification and carceral placement of women classified as maximum security, which outlines their concerns about the current methods of classification and management.⁴⁵ In the CAEFS' view, federally sentenced women are often overclassified by the current system, which was not designed for women. Of particular concern is the overrepresentation of Aboriginal women and the number of women identified as having mental health needs, who are also labelled maximum security. In their view, no useful purpose is served by ascribing different security levels to federally sentenced women. They raise four major issues:

- negative social construction and labelling of women's behaviours;
- the decontextualizing and individualizing of women's institutional behaviour and offence;
- the medicalization of incarcerated women; and
- minimum security women.

Negative Social Construction and Labelling of Women's Behaviours

Women in prison have little power, and their behaviours and attitudes are scrutinized and carefully observed. A failure to comply with the wishes of correctional staff, or being identified as having a negative attitude can have severe consequences for incarcerated women. Behaviours that challenge the policies or views of CSC are constructed in a negative light and used as evidence to support the construction of a woman as non-compliant, difficult to manage or resistant to institutional authority. In turn, these constructions are used to support the institutional designation of an offender as maximum security. This pattern is believed to create a climate where women are fearful of filing grievances and of challenging correctional staff, because such behaviours would enhance the view of the prisoner as a problem.

The Decontextualizing and Individualizing of Women's Institutional Behaviour and Offence

Security classifications and assessments often fail to consider the wider context of women's offending. Simple calculations of the number and types of conviction and disciplinary charges incurred by an offender, and the severity of these charges, fail to appreciate the circumstances surrounding offences or to evaluate the facts of the case closely. Evaluations of offender behaviour often uncritically rely on official reports (e.g., police reports), which frequently portray offenders in a negative light and decontextualize their actions. For example, 30 percent of women prisoners identified as having committed robbery and, therefore, classified as violent, are Aboriginal women. Most of these women have lived on the streets and have

worked as sex trade workers. Their robbery convictions have most often arisen after they have demanded money they are owed, as payment for a sex act. This context is generally absent from the assessment. In addition, of all the women characterized as maximum security, at any given time, from 25 to 55 percent are Aboriginal women. Given that Aboriginal women represent less than one percent of Canada's population, the racism of the assessment and classification tools is clear. The social history component of the classification process accounts for a significant portion of the discriminatory components of the instruments and process.

The Medicalization of Incarcerated Women

Incarcerated women are more prone than men to being identified as having a mental illness and prescribed medication because of this diagnosis. If a woman resists taking prescribed medications, her refusal can become the basis of a disciplinary charge or of the label "difficult to manage." Women who refuse to take prescribed medication (for various reasons including undesirable side effects) are considered unpredictable and, in some cases, more prone to "acting out" behaviours such as self-injury. This perception justifies more intrusive security measures which, in turn, exacerbate the situation and may contribute to an incident.

Minimum Security Women

The decision by CSC to enhance security measures at the regional facilities and at the Healing Lodge as a result of incidents that occurred at EIFW in the spring of 1996 (e.g., the erection of fences, use of razor wire and new cameras) has created an inequitable situation for minimum security federally sentenced women. They now live in a more intrusive static security environment than many minimum security men. A reoccurring criticism of P4W was that all women regardless of their security classification were subject to the same static security measures. The initial design of the regional facilities was predicated on international and Canadian research that supported the use of dynamic security for women, the least restrictive environment and reinforced the fact that women offenders (particularly minimum security women) pose a minimal risk to the community. The CAEFS does not support the additional expansion of prison capacity, and argues that minimum security federally sentenced women should be provided accommodation outside the perimeter fence.

Local Elizabeth Fry Societies

Individual Elizabeth Fry societies were also asked their views relating to classification decisions on the basis of their experiences working directly with federally sentenced women, and in different regions of the country. Thirteen societies responded to the mail survey. They provided services to 10 to 75 women a year.⁴⁶

Initial Classification Process

There were concerns that women's needs for particular programs were not commensurate with the classification decisions made. They may be classified as low security and need when they had a greater need for programming than women assessed as higher risk or need. The process was seen as too generalized, and not sufficiently individualized to a women's situation and needs, nor did it reflect who they were. Women sometimes had to stay, for long

periods, in enhanced security because of the absence of places in the housing units. Interim security assessments were also a concern for some. Such assessments are often completed very quickly, but have major consequences. A particular instance was the case of a 19-year-old, first time federal offender classified as maximum security. This raised a number of issues concerning the extent to which adolescent behaviour should be treated in the same way as past adult offences, and the consequences of placing someone of that age in a men's penitentiary.⁴⁷

Reclassification

This was seen as a very lengthy process, with problems of waiting lists for programs inside and outside the institution, as well as a lack of programs for women outside. Too few women were classified down to minimum. When women were reclassified up to maximum, the 90-day limit before reassessment could be made was seen as far too long. Policies relating to reclassification were seen as unclear by the women themselves, and too subjective, in terms of what they had to do to reduce their classification. There were concerns that reclassification decisions included consideration of file information, which could not be seen or challenged by a woman (e.g., reports by informants, security), and that file reports were sometimes used to justify decisions after they were taken. Security level should be restricted to security concerns not needs.

Correctional Plan

Programs (including core programs) stipulated in the plan were not always available, had been cancelled for financial reasons or for insufficient numbers, or were not available in the community. This resulted in delays to passes and parole, apart from the fact that women's program needs were not being met. Financial restraint seemed to be a continual pattern. There was a need for better communication between women and their primary worker. It was suggested that parole decisions should not be tied to program completion. There was concern that women sentenced for trafficking offences had been required to take substance abuse programs and urinalysis when substance use was not an issue or contributing factor in their offence. There was concern with severe under-staffing. Staff were working double shifts.

Diversity

Language problems were raised by a number of societies, as were the lack of staff from minority backgrounds, the need for greater sensitivity to cultural background and to sexual orientation, and a euro-centric approach to counselling and problem solving. Finding housing, accessing counselling in the community and employment were all a problem for minority women. Many jobs required criminal history disclosure. There needed to be consideration of cultural background in the OIA, and recognition of the discrimination and racism in the criminal justice system. It was hard to measure some ethno-cultural issues. There needed to be clearer recognition of immigration and disability issues.

Mental Health

Many societies felt that women with mental health concerns should not be classified as maximum security. It was essential to support the mental and emotional well-being of women while they were being classified. CSC's responsibility to provide a safe environment for women

was as important as ensuring safety in the institution. If treatment established before imprisonment was not respected, it could impact classification decisions. There was concern that some women had expectations established for them, which they could not meet, because some staff lacked the necessary mental health training. Women who experienced mental health problems should not necessarily be reclassified up and required to undertake the intensive therapy program. One-to-one counselling might be sufficient. Mental health issues always seemed to raise problems relating to classification, assessment and the correctional plan.

British Columbia: Burnaby Correctional Centre for Women

A number of concerns stemmed from the provincial classification processes. Most federal women were classified maximum or medium, and there was no consideration of gender or culture, nor were types of offence risk differentiated (e.g., prostitution, shoplifting). Most women were rated too high to get escorted temporary absences for counselling or treatment, but there was very little counselling available inside the institution. Only women serving life sentences go before the National Parole Board; all others go before the provincial board. Provincial parole boards were seen as very conservative decision makers. Parole should not be conditional on taking the intensive therapy program. Lifers were automatically seen as violent, and the nature of their offence, as well as the context of charges of assault and robbery associated with prostitution, were not taken into account. There appeared to be a firm acceptance of the links between mental health issues and violence, especially seeing self-injury as a predictor of violent behaviour. There was no formal plan on what women needed to do to reduce their classification. With a high proportion of Aboriginal women, there needed to be greater sensitivity especially within the intensive therapy program, (e.g., around sexual abuse questions, which were seen as very invasive).

The most important considerations for classification and assessment were women-centred issues, such as literacy, poverty, abuse, child-related areas, environmental realities (including the high proportion of Aboriginal women) and cultural linkages (including the development of supervision in Aboriginal communities). Finally, there needed to be increased public and justice system education to support the development of community options for women and minorities.

5. OTHER ISSUES

A number of issues raised during the project by the literature review and in the course of site visits, interviews, the workshop and the consultations are considered more specifically in this chapter. This includes the movement away from *Creating Choices*, the position of maximum security women, the situation of women in British Columbia, and technical and methodological issues concerning classification and assessment tools.

Pressure to Be More Like Men's Institutions

In interviews with staff in the regional institutions, many of those who had been at the institutions since their inception indicated changes and pressures to become more like the rest of CSC. They pointed out that many changes in policy and practice are designed to deal with problems arising in male institutions and populations. Regional decisions did not take account of the specific needs of the federally sentenced women's facilities or the Healing Lodge. The women's institutions may receive information, but there is rarely any consideration of applicability to women: "Women and Aboriginals are still add-ons." Many observers, as well as correctional staff, felt that the philosophy of *Creating Choices* was being eroded, and the federally sentenced women's facilities and the Healing Lodge are being pressured to be more like men's institutions. (See also the workshop report.) Some staff felt there was a shift away from the women-centred focus, holistic programming and local community-based programming. The shift in Operation Bypass to prioritize need domains was a prime example. Modular programs offered to all institutions across the country were replacing community-based programs.⁴⁸ While there was much more accountability in the federal system, it took away flexibility, personal knowledge and trust. Older staff at the Healing Lodge similarly saw a move away from the original principles. There had been resistance to the risk assessment profile introduced six months after the Lodge opened. There were increased reporting procedures and security protocols. Training, such as that associated with Operation Bypass, or on security classification and assessment, was geared toward the management of the much larger male population.

Maximum Security Women and Mental Health

Following walkaway escapes and other incidents in two of the new prisons (in 1996), CSC announced that all women classified as maximum security would be moved to separate units in men's penitentiaries (or remain in P4W). CSC subsequently commissioned a series of reports on the treatment and security needs of the maximum security population and those with acute mental health needs (Whitehall 1995; Rivera 1996; Laisches 1997; Warner 1998; McDonagh 1999; Morin 1999). These reports have proposed various strategies for the management of the women, and the regional prisons are being remodelled on the basis of the Intensive Intervention Strategy announced in September 1999 to accommodate both groups.⁴⁹ McDonagh (1999) argues that the community living design of the regional facilities was "not meeting their security or programming needs." The enhanced security units were not designed or equipped for long-term stays or intensive mental health treatment.

While these reports relate to a very small number of women (25 to 35) they provide some important qualitative data. Morin's report (1999) underlines the difficulties experienced by Aboriginal women in maximum security conditions. A significant conclusion of McDonagh's (1999: ii) report on non-Aboriginal, maximum security women is that this population is heterogeneous. She argues there are three identifiable and overlapping sub-groups:

- those with what are seen as anti-social behaviours and criminal attitudes;
- those with special needs resulting from serious emotional and mental health issues; and
- those with special needs resulting from cognitive limitations and basic skill deficits.

The needs of women in each of these sub-categories are high and, not surprisingly, different. Thus, they require different types of interventions and accommodation (McDonagh 1999). The responsibility for reducing one's security level is shared by the woman and CSC. She notes that changing behaviour/attitude and following one's correctional plan is seen as the responsibility of the woman. The provision of suitable programs, the appearance of being willing to alter one's perceptions of prisoners, and recognizing their efforts and attempts to change, are the responsibility of staff (McDonagh 1999). Some women also indicated that, at times, for a variety of reasons, they were not interested in lowering their security levels. McDonagh (1999) provides some concrete suggestions for further research and programming.

Some of the factors women prisoners cited as obstacles to lowering their classification include:

- systemic racism and discrimination;
- the cultural inappropriateness of some programs;
- the absence of Aboriginal programs and services;
- a lack of understanding of the correctional plan;
- the tendency of staff to record negative rather than positive behaviours;
- the unequal and sometimes hostile relationships between staff and prisoners;
- the minimization of self-injurious behaviours;
- the construction/interpretation of women's assertive behaviour as an indicator of "manipulation and aggressiveness"; and
- petty charges.

On the other hand, correctional staff indicated that the barriers to reclassification include:

- assaultive behaviour;
- the inability to "take no for an answer";
- being institutionalized;
- lack of willingness to partake in programs;

- alcohol/drug use;
- disregard for the institutional rules;
- escape concerns; and
- mental health problems.

Many of these issues were echoed in our consultations.

While a review of the security reclassification process for women is under way at CSC, the extent to which the wider structural and system factors outlined by McDonagh (1999) and Morin (1999) will be incorporated is unclear. Given the degree of heterogeneity in the maximum security population and its small size, can a meaningful security reclassification tool differentiate between sub-populations within a given security level, and could it be validated? Is such a tool needed for so small a population? In the case of Aboriginal women, a designation of maximum security continues to mean that they cannot be transferred to the Healing Lodge. Given that many of the federally sentenced women classified as maximum security are Aboriginal women and that the consequences of being a maximum security woman are severe, classification and reclassification tools must be scrutinized for their cultural relevance and validity. This means that such tools should consider the structural factors that may result in systemic racism. Again, given the small numbers of Aboriginal women and even smaller numbers of women in the sub-categories (minimum, medium, maximum), the creation of a reliable and valid tool presents immense problems.

Burnaby Correctional Centre for Women

At the beginning of 2000, some 33 federally sentenced women were housed in BCCW under an exchange of service agreement. Thirteen of them (40 percent) were classified as maximum security, a proportion that seems exceptionally high. All federal women are classified and assessed on intake with the same provincial checklist used for men. While similar to the federal system in assessing institutional management, escape risk and public safety concerns, the provincial checklist does not appear to be research based and is also gender neutral. The needs assessment form rates 10 areas (academic vocational skills, employment pattern, marital/family, etc.) as low, medium or high “need for improvement.” There is no reference to gender issues other than in the marital/family area which rates level of abuse in the relationship—a factor that is likely to have very different implications for men and women. As reported in the previous section, external stakeholders raised a number of concerns about the consequences of the exclusion of women in British Columbia from the overall Federally Sentenced Women’s Program.

Methodological Issues: Validating Tools for Women

A considerable number of technical and methodological issues have arisen in the course of the project.⁵⁰ These include general concerns about the use of actuarial risk assessments, the use of tools derived from male populations for women and ethno-cultural minority groups; and the appropriateness of attempts to validate or adapt existing tools for women.

Defining the variables under study accurately (conceptualization) and transforming those definitions into indicators that reliably measure the concepts (operationalization) are particularly important when the object of the research is to make causal or predictive statements about a specific group of people, in this case, female and Aboriginal offender populations.⁵¹ In the specific case of women's assessment, there are two options: either you choose to use a basic tool developed for men and modify it for women or you begin from the ground up, as many feminists researchers would advocate, and develop a gendered and ethno-culturally sensitive method of assessment based on contextual and empirical research about women's crime and women offenders' experiences that account for both quantitative and qualitative differences.

The majority of the Canadian research on women's classification and risk needs assessment uses the first option. This research is primarily concerned with validating existing gender-neutral tools, and with predicting recidivism. Few attempts have been made to examine external feminist research on women's crime or on gender/diversity and assessment.

The Case Management Strategy now incorporated into the OIA process—a tool developed in Wisconsin on male probationers—provides an example of this problem. First used by CSC in 1988, claims about its validity relate to a study of 81 federally sentenced women at P4W. The study argued it was predictive of general and violent recidivism and indicates that measures, such as the CMS can be “manipulated and tailored to specific groups such as federally sentenced women” (Blanchette 1997b: 40). The various factors that comprise scales, such as the CMS, CRS and OIA (all used federally), were not constructed on the basis of existing theoretical and qualitative knowledge of female or Aboriginal, or other ethno-cultural populations. An attempt to integrate existing knowledge of these populations is not apparent. Many of these scales are racial, ethnic, class and gender blind lists of possible factors related to need/risk. Scales should be based on informed understandings of the female or Aboriginal or ethno-cultural populations.

Our first concern is that while some of these gender-neutral tools may be considered valid and reliable, some wider methodological and theoretical concerns about validity are overlooked. The broader literature on gender and cultural diversity, and scale construction argues that predictive validity is not the same as content validity. A tool may score high in terms of its ability to predict risk to re-offend, but that does not necessarily mean that the tool has content validity in that it is capturing gender or cultural variations⁵² in recidivism.

There is a growing body of international research that questions the appropriateness of adopting tools developed on other populations. (See the summary of literature review and the workshop report.) The applicability of generic tools to minority populations (ethnic or gender) raises many questions about the ability of these tools, even when modified, to capture gender or culturally specific concerns. For example, variables, such as unemployment, cannot discriminate between indigenous populations in terms of re-offending, if levels of unemployment in their communities are much higher than in the majority population (Dawson 1999; Howells et al. 1999). Others argue that the absence of a contextual understanding of populations and the uncritical acceptance of generic risk assessment tools may result in a form of systemic discrimination

(Bhui 1999). Rarely are the theoretical assumptions that support these tools re-examined in light of the purpose of classifying federally sentenced women and of assessing their particular needs.

The validation of existing tools on women is a problem because of the small size of the federal women's population and its heterogeneity. Much of the Canadian research on women's classification and assessment is based on small non-random samples of between 50 and 150 women. The use of convenience samples, or extrapolation from other populations is also a problem. Samples are often subdivided to make comparisons among groups of substantive interest. While this itself is not a problem, when subdivision results in comparison groups that are very small or disproportionate, reliable statistical comparisons cannot be made. There is a general tendency among researchers in this area to compare a randomly selected sample of males with a convenient sample of females. While such a comparison has descriptive utility, when the goal of the research is to make generalizations or to determine predictive validity, such techniques produce statistically unreliable results. Burke and Adams (1991) argue that a population of at least 1,000 is necessary to undertake the appropriate statistical analysis to develop and validate tools. Recent attempts to validate the OIA for women were hampered by extraordinarily low reconviction rates, and correlation analysis was described as problematic (Motiuk and Blanchette 1998).

Third, claims to objectivity are problematic since many scales do not eliminate subjective assessment nor is that the intention. While tools, training programs and manuals may give the appearance of objectivity, they rely on multiple judgments by a range of criminal justice and correctional staff, some of which are quite moralistic. The questions and categories, especially in instruments such as the OIA, are evaluative and ambiguous. For example, use of terms such as "unstable," "dysfunctional," "predatory," "unrealistic," "unreasonable" and "inappropriate," all require value judgments by the evaluator. Often, such judgments carry a certain class, race/ethnic, gender and power bias with them, making it impossible for the resulting assessment to be completely objective or consistent across administrators. Classifications, such as "substance abuser," "unstable job history," "lives in a criminogenic area" and "drinks to excess," are all subject to agreement on behalf of evaluators about operational definitions of these terms. For example, the CRS is said to evaluate objective criteria. It is evident that some of the criteria are highly subjective (e.g., street stability, which is scored in both the sub-categories of institutional adjustment and security risk).

Correctional staff applying these tools have different interpretations of the meanings of questions and some modify the questions and their responses to reflect gender and ethno-cultural sensitivity. Others do not. Some have had women-centred training and mentoring. Others have not. These experiences differentially affect their interpretation of criteria and the perceived relevance of those criteria to the assessment. Consequently, the quality of data entered into the OMS is variable and prone to inter-rater reliability problems. While this information can be useful to practitioners, it is not a reliable source for researchers examining the validity and reliability of a particular instrument.

A final issue is that of treatment. Like research on risk assessment tools, that on treatment effectiveness in the Canadian federal system has been based on male populations, much of it

meta-analysis of American studies of young offenders (Andrews et al. 1990b). This research has argued for the effectiveness of programs using cognitive behaviour techniques, and specifically rejected others including “group counselling unless tightly controlled by the clinician, or psycho-dynamic or client-centred therapies” (Andrews et al. 1990b: 375). None of this research has proceeded from the literature on women’s needs and learning styles.

In summary, a good classification scheme is generally seen as one, which is reliable and valid, based on a large and representative sample and relevant to large populations. These are not criteria, which can easily be met for women, particularly federally sentenced women. Ten years ago, Burke and Adams (1991) suggested that people had been asking the wrong questions. Rather than asking how do we do better risk classification, we should be asking whether mainstream classification systems provide adequate tools for managing women offenders.

Current efforts to validate and modify these tools for women are commendable because they now indicate an acknowledgment of gender difference. However, such validation research fails to question the centrality of risk as a guiding principle. Classification systems that prioritize risk often give limited consideration to needs (Brennan 1998), and when needs are considered in the context of risk, they are often redefined as risk factors that must be addressed. If the current risk paradigm does not seem to work well for women, then why keep it? Why try to fit women into a pre-existing mould? For example, how useful is the Custody Rating Scale or a security reclassification tool for a small diverse group of women all residing in the same multi-level facility? This will be the situation in 2001 when maximum security women, and those to be housed in structured living environment houses return to the regional facilities. Clearly, the legal requirements of the CCRA, and the particular institutional management needs of the prison have to be addressed. The methods of accommodating these needs should be specific to the regional facilities and the heterogeneity reflected in their populations. Rather than adopting the model of security classification used for the much larger male institutional framework, or modifying one designed in the United States (as was the case with the security management model), an independent model that reflects their institutional management needs and populations should be developed.

6. UNRESOLVED ISSUES: CONSIDERATIONS FOR DEVELOPING AN ALTERNATIVE

This chapter outlines the issues policy makers should consider in developing assessments for women.

First, developing a valid and meaningful assessment process for women involves securing bureaucratic and institutional commitment and support for such a project (Brennan 1998). A successful transformation in classification techniques, particularly where traditional approaches are being challenged, requires a strong coalition of stakeholders.⁵³ Support for change needs to be reinforced by the establishment of a sufficiently powerful implementation and research team, because “resistance, scepticism, and inertia are endemic in corrections, and difficult obstacles and roadblocks are bound to emerge” (Brennan 1998: 197).

Second, a critical step in designing a gender-specific and culturally relevant process of assessment and classification is to define precisely the exact purpose and objectives of gender- or ethno-culturally sensitive assessment. As Bloom and Covington (1998: 6) note, “in order to develop effective gender-specific interventions and evaluation tools, a clear definition and statement of guiding principles is needed.” The security and assessment needs of the federally sentenced women’s population and of the Healing Lodge and regional facilities are arguably different from those of the larger, male facilities.

Third, the development and construction of any method of gender-sensitive assessment tool must reflect our knowledge of women’s crime. If the OIA is to be:

a comprehensive and integrated assessment process where in an offenders’ risk (factors which lead to criminal behaviour and the criminal record) and needs (areas in the offender’s life/lifestyle which, if changed can reduce the risk of reoffending) are identified, at the beginning of the sentence, so that treatment and programming can be appropriately focused

then research on women’s offending should be a central concern. There is now considerable knowledge about the patterns of female offending, of the general characteristics of federally sentenced women and some information on the qualitative and contextual differences between men and women’s crime, but less on women’s classification. A better understanding of the context of offending, of needs within the institution and the barriers to transition for women and minority groups, can assist practitioners and policy makers in designing meaningful interventions and reintegration strategies.

If we acknowledge that programs and services offered to male offenders are often not suitable or meaningful for women, then it follows that generic assessment practices developed for, and validated on, the larger male population are similarly unsuited. Fourth, additional research is required to determine empirically what factors are relevant for women and for men. Such research needs to examine diversity issues for Aboriginal as well as other minority

populations. One possible research strategy would be to develop a broader comprehensive project based on a large and more heterogeneous sample of women offenders, including provincially sentenced women, and women with non-custodial sentences. This would help to inform those working within federal corrections about women's pathways in and out of the justice system. CSC would benefit from working in partnership with external researchers concerned with expanding our understanding of Canadian women and crime. This research should examine the particular situation of Canadian women. While Canadians and Americans share many similarities, there are distinct cultural and systemic differences in our approaches to crime and punishment, and in our social structure.

This research and assessment should consider the wider systemic variables and how they affect immediate and future decisions and behaviours of women. The external research on these issues needs to be thoroughly evaluated and their practical implications considered. For instance, new approaches related to women's learning styles that are strength-based, or involve "wrap-around service" responses to identified problems are an interesting recent development. They see context and environment as critical, and encouragement as a central approach. Wrap-around models of service provision, for example, place a greater emphasis on strengths than compliance, and recognize the responsibility of systems to provide services collectively, rather than in isolation from each other (Reed and Leavitt 1998). These are issues, which the institutional staff themselves identified as important aspects of what works with women. Some staff already work in these ways.

Fifth, correctional research should continue to support federally sentenced women's facilities by considering and analyzing the impact of various policies and practices for women, Aboriginal women and other ethno-cultural groups. Bringing together researchers and staff in collective and equitable forums would enable reflection and the development of best practices, rather than being restricted to discussions of tool modification. Researchers could examine the specific needs of the regional facilities and develop research initiatives that respond to these needs. Such an approach is a valuable way of determining clear objectives for women's assessment and programs, and for maintaining a measure of independence from the much larger male system, reflecting the statutory responsibility to recognize gender, ethnic, cultural, linguistic and spiritual diversity. Similar to the Correctional Investigator, we feel additional research on the relationship between the CCRA's requirement for classification, and the special provisions for women and Aboriginal prisoners, is required.

A sixth step would include evaluating wider bureaucratic structures and the impact of over-arching policies like Operation Bypass, in terms of how they enable or inhibit the women's prisons. The impact of the OIA process on programs in the women's prisons, and recent changes such as Operation Bypass, are significant. These include the focus on prioritizing need domains, the adoption of more national, rather than locally based programs, a lack of programs in some institutions, and the absence of community services and programs for women in many areas. A balance needs to be struck between providing programs to meet a woman's identified needs without prolonging her institutional confinement. In addition, given that women tend to disclose considerably more in terms of personal and emotional issues than

men, this should not lead to further assessment of risks to be reduced before release can be achieved. Finally, it is unclear what effect the process of accreditation of programs will have when this is applied to women's prisons, if the assessment process itself is not sensitive to the specific needs of women and ethno-cultural groups, and their learning styles.

Attempts by the regional facilities to "do things differently" for women in terms of assessment and classification research, and staff training are complicated by the structure within CSC. All the federally sentenced women's facilities and the Healing Lodge report to regional deputy commissioners. In practical terms, this means that the particular training, programming and research needs of these institutions concerning classification, among other things, are marginalized. Reporting centrally to the office of the Deputy Commissioner for Women at National Headquarters, as envisioned in Recommendation 4 of the Arbour Commission, would provide greater strength and consistency, although this also has limitations.

A related concern here is that most staff felt that their training was not sufficient. Some felt isolated, and there was considerable variability in their approach to assessment. There was insufficient recognition of the personal strains of working in women's institutions. There was a tendency to see the regional facilities as resource-rich, but less recognition of the differences from men's institutions and populations. There is also a need for specific and detailed guidelines for the classification and assessment of women. Training sessions rarely incorporated gender-specific or culturally specific information. Given the high turnover at a number of the regional facilities, there needs to be a continuing focus on gender and ethno-specific training for parole officers and primary workers. Where possible, this training should occur with colleagues in other regional facilities, rather than only with staff from male facilities. There should be regular opportunities for them to meet to consider the specific problems they encounter and ways in which they can respond to the needs of their population.

Finally, we believe that regular review of the classification and assessment practices used for women is required especially during this developmental phase. Literature on maintenance of classification (Dallao 1997) argues that to ensure your system is current, addressing the needs of the population and being consistently and uniformly applied by well-trained staff, it must be regularly audited and fine-tuned. While this is characteristic of the overall CSC system, it is not specific to the women's facilities. Differences among the regional prisons in their populations, and the impact of APR cases, have had a significant effect on classification and assessment processes as well as staff time. External reviews of these practices should be considered.

7. CONCLUSIONS

This research project was concerned with three exploratory tasks:

- a review of the literature on classification assessment and risk as they relate to women's corrections including federally sentenced women, and of the growing literature on gender and diversity which critiques that work;
- an exploration of how classification and assessment have been undertaken in practice in the new federal women's prison system, given the commitment to developing a women-centred approach, and the views of staff on how that practice might be improved; and
- an examination of some of the practical and broader concerns raised by stakeholders and other interested individuals and groups on the appropriateness of current classification and assessment for women and minority groups, federally sentenced women in particular, and of alternatives to current practices.

The issues raised by the practices of classification and assessment are complex and include a range of theoretical, legal, methodological and practical concerns. In a short study, it was not possible to do more than raise many of the issues, to confront the taken-for-granted assumption that classification and assessment are only about fulfilling legal requirements or developing good management practices. Its overall purpose was not to prescribe, but to stimulate further debate and work, and better solutions, which have less discriminatory impacts on women and minorities in the correctional system. What is clear is that what may be appropriate for one correctional system may not be appropriate for another. Some overall conclusions can be reached about the need to develop specific gender- and diversity-sensitive systems, but the particular context of Canadian federally sentenced women—their diversity, location, very small numbers—all argue for the development of an assessment system tailored to their needs.

Overall, this project has allowed us to draw a number of conclusions about the current use of risk assessment and classification practices and their implications. (One warden has referred to balancing acts that must be performed.) There is the tension between what CSC set out to do in 1990, and what the Federally Sentenced Women's Program tried to do in operationalizing the new women's prison system, and the more recent return to conventional non-gendered mainstream CSC. There is the tension between recognizing the differences among and within the women's population, and in comparison with the male population, and treating them as essentially the same. There is the tension between developing programming specifically for women, or implanting generic, or adapted programs. There is the tension between developing a holistic approach to women's issues and the targeted, hierarchical one required by the OIA. There is also the tension between women's willingness to disclose personal and emotional issues, sometimes for the first time in their life, and the extent to which that willingness increases the length of their correctional plan. There is the tension between what women need to be able to survive outside and what is available in the community. There is the tension between the regions and the national reporting structure. Finally, there is the situation of

women in British Columbia who remain outside the federal classification and assessment system.

The recommendations that follow are not quick fixes but long-term approaches.

A Need for a Gender- and Ethno-Culturally Sensitive Alternative

It is evident from the literature review, workshop report and consultation in and outside the correctional system that further work, external research and policy development is needed to address a wide range of independent but related concerns. As those we consulted at National Headquarters stressed, the goal is to move toward a system which is fair in a context limited by the many practical, financial and legal issues that must be taken into consideration in running a correctional system for a small population.

Nevertheless, our research has not yielded evidence of a viable gender-specific and culturally relevant method of institutional security classification or risk assessment. Most of the jurisdictions reviewed use either a gender-neutral classification system, which does not differentiate between women and men, or a modified gender-neutral system that attempts to account for some of the etiological and contextual differences between men and women's offending. None of the systems reviewed appears to consider adequately ethno-cultural diversity among incarcerated men or women. There is however, a growing body of evidence that argues that risk is gendered and racialized. It cautions against trying to integrate gender and race blindly into pre-existing methods of classification and risk assessment.

In 1990, the federal government undertook to implement the recommendations of the Task Force on Federally Sentenced Women, establishing a series of women-centred regional prisons, which were specifically designed to meet the needs of women. This was to include the development of programs based on women's experiences and learning styles, as well as a women-centred assessment system to gauge individual needs for security, treatment and release plans. The Task Force had explicitly argued that women should be assessed separately from men, and in terms of their needs, to enable individual treatment plans to be developed.

Despite efforts during the last 10 years to restructure Canadian federal women's corrections to reflect the cultural and gender-specific needs of women in prison, a gender-neutral system of classification is being used to assess and classify women, including Aboriginal, Black and other minority women prisoners. Individual parole officers made some modifications to this system to better reflect gender and ethno-cultural concerns, and there is some research occurring at National Headquarters that attempts to modify and validate pre-existing tools. The Offender Intake Assessment, Custody Rating Scale and security reclassification tools were *not* explicitly designed to classify federally sentenced women, a very heterogeneous population housed in multi-level institutions (minimum, medium, maximum). Present attempts to revise and adapt these tools for women do not appear to recognize or integrate the vast amount of feminist and non-feminist research on the differences between men and women, and among women.

In general, Canadian correctional research does not question the underlying assumptions of classification instruments and the extent to which they are based on subjective interpretation. It ignores the growing body of work that points to the importance of gender and ethno-cultural differences for women's corrections, the contextual differences in pathways into and out of crime, and reactions and needs within the institution. Recent attempts by CSC to validate the male-based instruments for women ignore this literature. In addition, such work is based on a social-learning perspective, which individualizes behaviour, and ignores the context of institutional management, and the systemic and structural barriers affecting women and minorities. Thus, current risk-based classification systems and that used by CSC, in particular, are limited in terms of gender and diversity by:

- their failure to recognize the difference of gender and race;
- their inability to view problems holistically/contextually;
- their restriction of information to objective facts;
- their underlying subjectivity;
- the dominance of one perspective on criminal behaviour; and
- the theoretical and methodological limitations of studies that seek to make claims about the validity and reliability of these tools for women.

Recommendation 1

In terms of research and policy development, we recommend that a correctional program of policy-based research in collaboration with external researchers familiar with the particularities of Canadian women's corrections and CSC be established and funded to examine and design a gender- and ethno-culturally sensitive method of assessment and classification. This research, unlike previous initiatives, should take women as a starting point and not simply attempt to adapt a male model for use with women in small distinct facilities for women that were designed as an alternative to the "male model." This research should include a serious analysis of existing research on women and crime in Canada and elsewhere. Such a project could build on the initial efforts of the Federally Sentenced Women's Program to develop a women-centred model of assessment and classification consistent with the objectives of *Creating Choices* and with the present and perceived future needs of the regional facilities.

Institutional Processes, Training and Systemic Concerns

In practice, there is a great deal of variance across institutions and within institutions in terms of the need for an alternative method, the application of available tools and their perceived usefulness. Classification in the women's institutions has been subject to constant changes, including personnel responsible for security classification and assessment, and the tools used. There are now considerable differences among the institutions in who completes the process and how it is completed, and the extent of staff knowledge and training. There is little effective difference between living conditions for women classified as medium or minimum, but substantial differences for maximum women who are barred from the new prisons. There were a number of staff concerns about the subjectivity and inapplicability of questions in the OIA, the

absence of information relevant to women and problems of cultural misunderstanding for different minority women. Some staff felt a specific tool should be developed for women as was originally intended. Recent changes to the OIA process, new tools and training for some staff were all based on the needs of the male. This is incompatible with the philosophy of *Creating Choices*. Specific training for women's institutions, links with staff in other women's institutions and specific guidelines for women's classification were seen as necessary by many staff.

Recommendation 2

In terms of correctional practice, we recommend that correctional staff (parole officers, psychologists, among others) at the federally sentenced women's facilities be provided with a regular forum to share their particular knowledge and experience of working with incarcerated women, which is different from that of working with men. These forums could facilitate the development of a policy and best practices. Such gatherings should also be used to provide staff at the regional facilities with gender-specific training in the area of classification and assessment.

At present, there is considerable variance among staff in terms of how they interpret assessment and classification criteria in a way that acknowledges gender and ethno-cultural diversity. Some staff members have not received the women-centred training, and most of the classification training in regions is based on the needs of the larger male population. Thus, we recommend the development of a specific training program for classification in women's institutions and specific guidelines for women's classification.

Organizational Structure

Attempts by the regional facilities to do things differently for women in terms of assessment and classification research, and staff training are complicated by the structure within CSC. All the federally sentenced women's facilities and the Healing Lodge report to regional deputy commissioners. In practical terms, this means that the particular training, programming and research needs of these institutions concerning classification, among other things, are marginalized. Reporting centrally to the office of the Deputy Commissioner for Women at National Headquarters, as envisioned in Recommendation 4 of the Arbour Commission, would provide greater strength and consistency, although we recognize this also has limitations.

Recommendation 3

The office of the Deputy Commissioner for Women and the Federally Sentenced Women's Program should play a stronger co-ordinating role and take responsibility for commissioning external and internal research, and for creating and implementing a uniform system of gender- and ethno-culturally sensitive classification and assessment practices. This requires that women be the starting point for research. The Deputy Commissioner should be given more direct authority over how women's institutions implement wider policy initiatives/reforms, and ensure consistent and gendered interpretations for implementing wider CSC initiatives (i.e., Operation Bypass) as well as considering the immediate and long-term impact of such initiatives.

Healing Lodge, Aboriginal Women and Diversity

Just as it is inappropriate to adopt or adapt a male model for women, it is equally problematic to use a White, European model of classification for Aboriginal and other minority women. Aboriginal women are very overrepresented in maximum security and often over-programmed. (They were often required to take Aboriginal and non-Aboriginal programs.) The security and assessment needs of the Healing Lodge are different from those of other institutions by virtue of gender, minority heterogeneity, size and varying population characteristics, and it requires a separate assessment system for Aboriginal women. The specific concerns and cultural differences of other minority groups, in particular Asian and Black women, require further research, as they may also have different needs.

Recommendation 4

We recommend that research and training initiatives continue to reflect and respect cultural differences of other minority groups, in particular Asian and Black women.

Corrections and Conditional Release Act and Legal Framework

One barrier to creating a separate system of assessment and classification for women and Aboriginal women appears to be section 30 of the *Corrections and Conditional Release Act*. It requires CSC to assign a security classification of minimum, medium or maximum to all offenders in accordance with the Regulations of the Act. What remains unclear and requires additional consideration and research is the relationship between section 30 and other sections of the CCRA that require a culturally sensitive approach and gender sensitivity in programs. Consideration should also be given to section 15 the *Canadian Charter of Rights and Freedoms*.

Recommendation 5

We recommend that the present interpretation of the legal framework for classification used by CSC be reconsidered, in light of competing requirements for gender and cultural sensitivity, and in light of section 15 of the *Canadian Charter of Rights and Freedoms*.

APPENDIX A: WORKSHOP ON GENDER DIVERSITY AND RISK

May 1999 Toronto, Ontario
Sponsored by Status of Women Canada

AGENDA

Papers written for, and presented at, this workshop can be obtained from the authors of this report.

SESSION ONE: INTRODUCTION AND FRAMING THE ISSUES

- A. Women and Risk: Aboriginal Women, Colonialism, and Correctional Practice – Some Preliminary Comments – Patricia Monture-Angus
- B. Mental Health Issues – Kathy Kendall
- C. Discussion

SESSION TWO: INTERNATIONAL PERSPECTIVES

- A. Classifying Female Prisoners: Too Little, Too Late – Russ Immarigeon
- B. Risk and the Implications for *Creating Choices*: Some Observations – Stephanie Hayman

SESSION THREE: COMMENTS AND DISCUSSION

- A. Elizabeth Comack - Discussant
- B. Don Evans - Discussant
- C. Discussion

SESSION FOUR: LEGAL ISSUES

- A. Legal Framework for Risk Assessment – Elizabeth Thomas
- B. Discussion

SESSION FIVE: TECHNICAL/EVALUATION/RECONVICTION ISSUES. WHAT IS RISK? HIGH VERSUS LOW? WHAT IS NEED?

- A. It's a Man's Man's Man's World: Risk/Need Assessment in England and Wales – George Mair
- B. Summary – Maeve McMahon
- C. Joan Nuffield – Discussant
- D. Discussion

SESSION SIX: CLOSING REMARKS AND SUGGESTED APPROACHES

- A. Closing Remarks and Calls for Action – Kelly Hannah-Moffat
- B. Discussion

SESSION SEVEN: CONSTRUCTIVE APPROACHES TO ASSESSMENT AND
MANAGEMENT OF RISK

- A. Constructive Approaches to Assessment and Management of “Risk” –
Margaret Shaw
- B. Suggested Approaches
- C. Conclusion

Workshop on Gender Diversity and Risk

Organizers

Kelly Hannah-Moffat
University of Toronto

Margaret Shaw
Concordia University

Presenters and Discussants

Elizabeth Comack
University of Manitoba

Don Evans
University of Toronto

Stephanie Hayman
Goldsmith College
University of London

Russ Immargeon
City University of New York

Kathy Kendall
University of Southampton

George Mair
John Moores University

Maeve McMahon
Carleton University

Patricia Monture-Angus
University of Saskatchewan

Joan Nuffield
Correctional Services of Canada

Elizabeth Thomas
Lawyer

Participants

Connie Braun
University of Saskatchewan

Lynda Goldberg
National Parole Board of Canada

Kevin Haggerty
University of Toronto

Kim Pate
Canadian Association of Elizabeth Fry Societies

Peggy Shaughnessy
Trent University

Smita Vir Tyagi
Ontario Institute for Studies in Education
University of Toronto

Scribes: Dawn Moore – University of Toronto
Bryan Hogeveen – University of Toronto
Kellie LeClerc – University of Toronto

Workshop Agenda

Saturday May 22, 1999

8:00 **Breakfast and Introductions**

9:00 **Session One: Introduction and Framing the Issues**

- Margaret Shaw
- Kelly Hannah-Moffat
- Patricia Monture
- Kathy Kendall
- General Discussion

12:00 **Lunch**

1:15 **Session Two: International Perspectives**

- Russ Immarigeon
- Stephanie Hayman
- General Discussion

3:00 **Break**

3:15 **Session Three: Comments and Discussion**

- Elizabeth Comack
- Don Evans
- General Discussion

4:30 **End of Sessions**

Sunday, May 23, 1999

8:00 **Breakfast**

9:00 **Session Four: Legal Issues**

- Elizabeth Thomas
- General Discussion

10:15 **Break**

10:30 **Session Five: Assessment - Technical / Evaluation / Reconviction Issues. What Is Risk? High versus Low? What Is Need?**

- George Mair
- Maeve McMahan

- Joan Nuffield (discussant)
- General Discussion

12:30 **Lunch**

1:30 **Session Six: What About Gender / Diversity Needs? A Constructive Approach**

- Kelly Hannah-Moffat
- General Discussion

3:00 **Session Seven: Constructive Approaches to Assessment and Management of “Risk”**

- Margaret Shaw
- General Discussion

4:30 **Close of Workshop**

REFERENCES

- Abbott, B. and D. Kerr. 1995. *Substance Abuse Program for Federally Sentenced Women*. Ottawa: Correctional Service of Canada.
- Aboriginal Justice Inquiry of Manitoba. 1991. *Report of the Aboriginal Justice Inquiry of Manitoba*. Winnipeg: Queen's Printer.
- Acoca, L. and J. Austin. 1996. *The Crisis. Women in Prison*. Women Offender Sentencing Study. San Francisco, CA: National Council of Crime and Delinquency.
- Adler, C. and G. Basemore. 1980. "Issues in the application of parole guidelines to females." In *The Female Offender*. Edited by C.T. Griffiths and M. Nance. Vancouver: Simon Fraser University.
- Akers, R. 1994. *Criminological Theories: Introduction and Evaluation*. California: Roxbury Publishing Company.
- Alexander, J. 1988. *Working Paper XVI: Initial Security Classification Guidelines for Females*. New York: Department of Correctional Services.
- Andrews, D., J. Bonta and R.D. Hoge. 1990a. "Classification for effective rehabilitation." *Criminal Justice and Behaviour*. 17: 19-52.
- Andrews, D., I. Zinger, R.D. Hoge, J. Bonta, P. Gendreau and F.T. Cullen. 1990b. "Does correctional treatment work? A clinically relevant and psychologically informed meta-analysis." *Criminology*. 28(3): 369-404.
- Arbour, L. 1996. *Report of the Commission of Inquiry into the Prison for Women in Kingston*. Ottawa: Public Works and Government Services.
- Arnold, R. 1989. "Processes of criminalization from girlhood to womanhood." In *Women of Colour in American Society*, Edited by M. Zinn and B. Dill. Philadelphia: Temple University Press, pp. 88-102.
- Artz, S. 1998. *Sex, Power and the Violent School Girl*. Toronto: Trifolium Books.
- Aubrey, R. and M. Hough. 1997. *Assessing Offenders' Needs: Assessment Scales for the Probation Service*. Home Office Research Study 166. London: Home Office.
- Austin, J., L. Chan and W. Elms. 1993. *Indiana Department of Corrections Women Classification Study*. San Francisco: National Council of Crime and Delinquency.

- Axon, L. 1989a. *Criminal Justice and Women: An International Survey*. Ottawa: Corrections Branch, Ministry of the Solicitor General. User report 1989-11.
- . 1989b. *Model and Exemplary Programmes for Female Inmates: An International Review*. Task Force on Federally Sentenced Women. Companion Report #4.
- Bottcher, J. 1995. "Gender as social control: A qualitative study of incarcerated youths and their siblings in greater Sacramento." *Justice Quarterly*. 12: 33-57.
- Belknap, J. and K. Holsinger. 1999. "An Overview of Delinquent Girls: How Theory and Practice Have Failed and the Need for Innovative Changes." In *Female Offenders Critical Perspectives and Effective Interventions*. Edited by R.T. Zaplin. Maryland: Aspen Publishers Inc.
- Bhui, Hindipal Singh. 1999. "Racism and Risk Assessment: Linking Theory to Practice with Black Mentally Disordered Offenders." *Probation Journal*. 46(3): 171-181.
- Blanchette, K. 1997a. *Risk and Need Among Federally Sentenced Female Offenders: A Comparison of Minimum, Medium and Maximum – Security Inmates*. Ottawa: Research Division, Correctional Service of Canada.
- . 1997b. "Classifying Federal Female Offenders for Correctional Interventions." *Forum on Corrections Research*. 9(1): 36-41.
- . 1997c. "Comparing Violent and Non-violent Female Offenders on Risk and Need." *Forum on Corrections Research*. 9(2): 14-18.
- Blanchette, K. and C. Dowden. "A profile of federally sentenced women in the community: addressing needs for successful integration." *Forum on Corrections Research*. 10(1).
- Blanchette, K. and L. Motiuk. 1995. "Female Offenders Risk Assessment: The Case Management Strategies Approach." Paper presented at the Canadian Psychological Association Annual Convention. Charlottetown.
- . 1996. *Female Offenders With and Without Major Mental Health Problems: A Comparative Investigation*. Report No. R-46. Ottawa: Correctional Service of Canada.
- . 1997. *Maximum-Security Female and Male Federal Offenders: A Comparison*. Report No. R-53. Ottawa: Correctional Service of Canada.
- Bloom, B. and S. Covington. 1998. "Gender Specific Programming For Female Offenders: What Is It And Why Is It Important?" Paper presented at the 50th Annual Meetings of the American Society of Criminology, November 11-14 1998, Washington DC.

- Bloom, B. and D. Steinhart. 1993. *Why Punish the Children? A re-appraisal of the children of incarcerated mothers in America*. San Francisco CA: National Council on Crime and Delinquency.
- Bonta, J., B. Pang and S. Wallace-Capretta. 1995. "Predictors of Recidivism Among Incarcerated Female Offenders." *Prison Journal*. 75(2): 135-164.
- . 1997. "Risk Prediction and Re-offending: Aboriginal and Non-Aboriginal Offenders." *Canadian Journal of Criminology*. April: 127-144.
- Boritch, H. 1997. *Fallen Women: Female Crime and Criminal Justice in Canada*. Toronto: ITP Nelson.
- Bouchard, J., S. Boyd and L. Sheehy. 1999. "Canadian Feminist Research on Law: An Annotated Bibliography." *Canadian Journal of Women and the Law*. 11(1&2).
- Brennan, T. 1998. "Institutional classification for females: problems and some proposals for reform." In *Female Offenders: Critical Perspectives and Effective Interventions*. Edited by R.T. Zaplin. Gaithersburg, Maryland: Aspen Publishers Inc.
- Brennan, T. and J. Austin. 1997. *Women in Jail: Classification Issues*. Washington DC: US Department of Justice, National Institute of Corrections.
- Brock, D. 1998. *Making Work, Making Trouble: Prostitution as a Social Problem*. Toronto: University of Toronto Press.
- Brown, M. 1996. "Refining the risk concept: decision context as a factor mediating the relation between risk and programme effectiveness." *Crime and Delinquency*, 42(3): 435-455.
- Browne, A. 1987. *When Battered Women Kill*. New York: Free Press.
- Burke, P. and L. Adams. 1991. *Classification of Women Offenders in State Correctional Facilities: A Handbook for Practitioners*. Washington DC: National Institute of Corrections.
- Campbell, A. 1993. *Men, Women and Aggression*. New York: Books.
- Canfield, C. 1991. *The Parole Process and Risk on Release for the Female Offenders*. Ottawa: Ministry of the Solicitor General.
- Carruthers, E. 1995. "Prosecuting Women for Welfare Fraud in Ontario: Implications for Equality." *Journal of Law and Social Policy*. 11: 241-262.
- Caswey, R., with L. Bear, C. Bertolin, C. Cooper, J. Franklin, A. Galet and M. Gallagher. 1991. *Justice on Trial: Report of the Task Force on the Criminal Justice System and Its Impact on Indian, Metis People of Alberta*. Alberta.

- CCJA (Canadian Criminal Justice Association). 1998. *Prison Overcrowding and the Reintegration of Offenders*. Ottawa. March.
- Chesney-Lind, M. 1997. *The Female Offender: Girls, Women and Crime*. Thousand Oaks: Sage Publications.
- Chinnery Report. 1978. Joint Committee to Study Alternatives for the Housing of the Federal Female Offenders. Ottawa: Ministry of the Solicitor General.
- Clark Report. 1997. Report of the National Advisory Committee on the Female Offender. Ottawa: Ministry of the Solicitor General.
- Clark, D.A., M.J. Fisher and C. McDougall. 1993. "A new methodology for assessing level of risk in incarcerated offenders." *British Journal of Criminology*. 33(3): 436-448.
- Clay, C. 1998. *Case Management File Documents*. Adelaide Women's Prison: Department of Correctional Services.
- Clement, G. 1996. *Care, Autonomy, and Justice: Feminism and the Ethic of Care*. Boulder: Westview Press.
- Clements, C.B. 1996. "Offender classification. Two decades of progress." *Criminal Justice and Behaviour*. 23(1): 121-143.
- Comack, E. 1999. *Locating Law: Race/Class/Gender Connections*. Halifax: Fernwood Publishing.
- Commission on Systemic Racism in the Ontario Criminal Justice System. 1994. *Racism Behind Bars*. Interim Report. Toronto; Queen's Printer for Ontario.
- Cook County. 1997. *Cook County Juvenile Female Offender Project - Female Youth Strengths and Needs Assessment and Risk Assessment*. Illinois Probation and Court Services.
- Correctional Law Review. 1988. *Correctional Issues Affecting Native Peoples*. Ottawa: Ministry of the Solicitor General.
- Coulson, G., G. Ilacqua, V. Nutbrown, D. Giulekas and F. Cudjoe. 1996. "Predictive Utility of the LSI for Incarcerated Female Offenders." *Criminal Justice Behaviour*. 23(3): 427-439.
- Crawford, J. 1988. *Nationwide Survey of Female Inmates*. Maryland: American Correctional Association.
- CSC (Correctional Service of Canada). 1994. Literature review. Federally Sentenced Women's Program. Ottawa.

- . 1995. *Security Management System*. Federally Sentenced Women's Program. Ottawa.
- . 1996. *FSW Facilities Offender Intake Assessment Content Guidelines*. Ottawa.
- . 1998a. *Corrections and Conditional Release Act Review*. Ottawa.
- . "Security Classification for Women Offenders: Fact Sheet." Federally Sentenced Women's Program.
- . 1999a. Unpublished statistical data on federally sentenced female offenders. Ottawa.
- . 1999b. "National Strategy for High Need Women Offenders in Federal Corrections Institutions." News release. September.
- . 2000. *Statistical Overview – Women Offenders*. Ottawa: Women Offender Sector.
- . nd. *Offender Intake Assessment and Correctional Plan: User Manual*. Ottawa.
- Dallao, M. 1997. "Keeping classification current." *Corrections Today*. July: 86-88.
- Daly, D. and R. Lane. 1999. "Actuarial Based Online Risk Assessment in Western Australia." *Probation Journal*. 46(3): 164-170.
- Daly, K. 1992. "Women's Pathways to Felony Court: Feminist Theories of Law Breaking and Problems of Representation." *Review of Law and Women's Studies*. 2: 11-52.
- . 1994. *Gender, Crime and Punishment: Is Justice Blind or Are Men and Women Treated Differently by the Courts?* New Haven: Yale University Press.
- . 1997. "Different ways of conceptualizing sex/gender in feminist theory and their implications for criminology." *Theoretical Criminology*. 1(1): 25-51.
- Daly, K. and L. Maher. 1998. *Criminology at the Crossroads: Feminist Readings in Crime and Justice*. Oxford: Oxford University Press.
- Dawson, D. 1999. "Risk of Violence Assessment: Aboriginal Offenders and Assumption of Homogeneity." Paper presented at the Best Practice Interventions in Corrections for Indigenous People Conference, Adelaide, Australia. Australian Institute of Criminology and Department of Correctional Service for S.A.
- DeKeseredy, W. 2000. *Women, Crime and the Canadian Criminal Justice System*. Toronto: Nelson.

- Denborough, D. 1996. *Beyond Prison: Gathering Dreams of Freedom*. Australia: Dulwich Centre Publications.
- Dhaliwal, G.K., F. Porporino and R.R. Ross. 1994. "Assessment of criminogenic factors, program assignment, and recidivism." *Criminal Justice and Behaviour*. 21(4): 454-467.
- Dickie, I. and L. Ward. 1997. "Women offenders convicted of robbery and assault." *Forum on Corrections Research*. 9(2): 29-32. Ottawa: Correctional Service of Canada.
- Ditchfield, J. 1997. "Actuarial prediction and risk assessment." *Prison Service Journal*. 113: 8-13.
- Dougherty, J. 1993. "Women's violence against their children: A feminist perspective." *Women and Criminal Justice*. 4(2): 91-114.
- Dowden, C. and C. Andrews. 1999. "What Works for Female Offenders: A Meta-Analytic Review." *Crime and Delinquency*. 45(4): 438-452.
- Dowden, C. and K. Blanchette. 1999. *An Investigation into the Characteristics of Substance Abusing Women Offenders: Risk, Need and Post-Release Outcome*. Report No. R-81. Ottawa: Correctional Service of Canada.
- Ekstedt, J. and C.T. Griffiths. 1988. *Corrections in Canada: Policy and Practice*. Toronto: Butterworths.
- Faith, K. 1993. *Unruly Women: The Politics of Confinement and Resistance*. Vancouver: Press Gang Publishers.
- Farr, K. 2000. "Classification for female inmates: moving forward." *Crime and Delinquency*. 46(1): 3-17.
- Feeley, M. and J. Simon. 1994. "Actuarial Justice: The Emerging New Criminal Law." In *The Futures of Criminology*. Edited by David Nelken. New Delhi: Sage Publications.
- Finn, A., S. Trevethan, G. Carrière and M. Kowalski. 1999. "Female Inmates, Aboriginal Inmates and Inmates Serving Life Sentences: A One Day Snapshot." *Juristat*. 19(5): 1-5, Ottawa: Statistics Canada.
- Flanagan, L.W. 1995. "Meeting the special needs of females in custody: Maryland's unique approach." *Federal Probation*. 59(2): 49-53.
- Forcier, M. 1995. *Development of an Objective Classification System for Female Offenders*. Final Report. (Massachusetts). Washington, DC: National Institute of Corrections.

- GAO (General Accountancy Office). 2000. *Women in Prison: Issues and Challenges Confronting US Correctional Systems*. Washington, DC: General Accountancy Office.
- Garland, D. 1996. "The Limits of the Sovereign State: Strategies of Crime Control in Contemporary Society." *British Journal of Criminology*. 36(4): 445-471.
- Gelsthorpe, L. and A. Morris. 1988. "Feminism and Criminology in Britain." *British Journal of Criminology*. 28(2): 223-240.
- . 1990. *Feminist Perspectives in Criminology*. Milton Keynes: Open University Press.
- Glaser, Daniel. 1987. "Classification for Risk." In *Prediction and Classification: Criminal Justice Decision Making*. Edited by D. Gottfredson and M. Tonry. Volume 9 of *Crime and Justice: A Review of Research*. Chicago: University of Chicago Press.
- Gottfredson, D.M. and M. Tonry (Eds.). 1987. "Prediction and Classification." *Crime and Justice* Volume 9 of *Crime and Justice: A Review of Research*. Chicago: University of Chicago Press.
- Gottfredson, S.D. 1987. "Prediction: an overview of selected methodological issues." In *Prediction and Classification: Criminal Justice Decision Making*. Edited by D.M. Gottfredson and M. Tonry. Volume 9 of *Crime and Justice: A Review of Research*. Chicago: University of Chicago Press.
- Graham, J. and B. Bowling. 1995. *Young People and Crime: Home Office Research Study #145*. London: Home Office.
- Grant, B. and F. Luciani. 1998. *Towards a Just, Peaceful and Safe Society: Security Classification Using the Custody Rating Scale*. Ottawa: CSC.
- Hann, R.G. and W.G. Harman. 1989. *Release Risk Prediction: Testing the Nuffield Scoring System for Native and Female Inmates*. User Report No. 4. Ottawa: Solicitor General Canada.
- Hannah-Moffat, K. 1997. "From Christian Maternalism to Risk Technologies: Penal Powers and Women's Knowledge in the Governance of Female Prison." Unpublished PhD thesis. University of Toronto, Centre of Criminology.
- . 1999. "Moral Agent or Actuarial Subject: Risk and Canadian Women's Imprisonment." *Theoretical Criminology*. 3(1): 71-94.
- Heidensohn, F. 1985. *Women and Crime: The Life of the Female Offender*. New York: New York University Press.

- Henriques, S.W. 1995. "Imprisoned mothers and their children: Separation-reunion syndrome dual impact." *Women and Criminal Justice*. 8: 77-95.
- Holt, N. 1996. *Inmate Classification: A Validation Study of the California System*. California Department of Corrections.
- Howells, K., A. Day, S. Byrne and M. Byrne. 1999. *Risk needs and responsivity in violence rehabilitation: implications for programs with indigenous offenders*. Paper presented at the Best Practice Interventions in Corrections for Indigenous People Conference. Adelaide October 13-15. Australian Institute of Criminology and Department of Correctional Services, South Australia.
- Joe, K. and M. Chesney-Lind. 1998. "Just Every Mother's Angel: An Analysis of Gender and Ethnic Variations in Gang Membership." In *Criminology at the Crossroads: Feminist Readings in Crime and Justice*. Edited by K. Daly and L. Maher. Oxford: Oxford University Press.
- Johnson, H. 1996. *Dangerous Domains: Violence Against Women in Canada*. Toronto: ITP Nelson.
- Jones, A. 1980. *Women Who Kill*. New York: Holt Rinehart & Winston.
- Koons, B.A., J.D. Burrow, M. Morash and T. Bynum. 1997. "Expert and offender perceptions of program elements linked to successful outcomes for incarcerated women." *Crime and Delinquency*. 43(4): 512-532.
- Kulka, Thomas. 1996. *Kitsch and Art*. Pennsylvania University Press.
- Laisches, J. 1997. *Mental Health Strategies for Women Offenders*. Ottawa: Mental Health Services, CSC.
- Lake, E. 1995. "Offenders' experiences of violence: A comparison of male and female inmates as victims." *Deviant Behaviour: An Interdisciplinary Journal*. 16: 269-290.
- Lipinski, S. 1991. "Adult Female Offenders in Provincial /Territorial Correctional Systems 1989-90." *Juristat*. Canadian Centre for Justice Statistics. 11(6), Statistics Canada.
- Loucks, A. and E. Zamble. 1994. "Some Comparisons of Female and Male Serious Offenders." *Forum on Corrections Research*. 6(1): 22-25.
- . 1999. "Predictors of Recidivism: In Serious Female Offenders – Canada Searches for Predictors Common to Both Men and Women." *Corrections Today*. February: 26-32.
- Lowman, J. 1992. "Street Prostitution." In *Deviance: Conformity and Control in Canadian Society*. Edited by V. Sacco. Toronto: Prentice Hall.

- . 1995. "Prostitution in Canada." In *Canadian Criminology: Perspectives on Crime and Criminality*. Second edition. Edited by M. Jackson and C. Griffiths. Toronto: Harcourt Brace.
- MacKenzie, D.L., J.W. Robinson and C.S. Campbell. 1995. "Long-term incarceration of female offenders: Prison adjustment and coping." In *Long-term imprisonment: Policy, science, and correctional practice*. Edited by T.J. Flanagan. Boston: Northeastern University Press.
- Maine, Department of Corrections. 1991. *Female Offenders. An Afterthought*. Report of the Task Force on Female Offenders. Augusta.
- Mair, G. "It's a Man's Man's Man's World: Risk/Need Assessment in England and Wales." Paper, presented at Workshop on Gender Diversity and Risk. Status of Women Canada.
- Mandaraka-Sheppard, A. 1986. *The Dynamics of Aggression in Women's Prisons in England and Wales*. London: Gower.
- McClelland, D.A., D. Farahee and B.M. Crouch. 1997. "Early victimization, drug use, and criminality: A comparison of male and female prisoners." *Criminal Justice and Behavior*. 24: 455-476.
- McDonagh, D. 1999. *Federally Sentenced Women – Maximum Security Interview Project – "Not letting the time do you."* Ottawa: Federally Sentenced Women's Program, CSC.
- McGee, S. 2000. "The Pains of Imprisonment: Long Term Incarceration Effects on Women in Prison." In *It's a Crime: Women and Justice*. Edited by R. Muraskin. New Jersey: Prentice Hall.
- McHugh, M. 1997. "Risk assessment and management of suicides in prison." *Prison Service Journal*. 113: 4-8.
- McKenzie, D. and E. Single. 1997. *Canadian Profile: Alcohol, Tobacco and Other Drugs*. Toronto: Canadian Centre on Substance Abuse.
- Messerschmidt, J. W. 1993. *Masculinities and Crime: Critique and Reconceptualization of Theory*. Totowa, NJ: Roman and Littlefield.
- Miller, E. 1986. *Street Women*. Philadelphia: Temple University.
- Miller, M.L. 1991. "Women Inmates and Recidivism." Wilmington Delaware: Council on Crime and Delinquency.

- Morash, M. and T. Bynum. 1998. *Findings from the National Study of Innovative and Promising Programs for Women Offenders*. Lansing, MI: Michigan State University.
- Morash, M., T.S. Bynum and B.A. Koons. 1998. *Women Offenders: Programming Needs & Promising Approaches*. Research in Brief. Washington DC: National Institute of Justice.
- Morin, Sky Blue. 1999. *Federally Sentenced Aboriginal Women in Maximum Security - What Happened to the Promises of Creating Choices?* Ottawa: Federally Sentenced Women's Program, CSC.
- Morris, A. 1987. *Women. Crime and Criminal Justice*. New York: Basil Blackwell.
- Morris, N. and D. Rothman. 1995. *The Oxford History of the Prison*. Oxford: University of Oxford Press.
- Morris, A. and C. Wilkinson. 1995. "Responding to female prisoners' needs." *The Prison Journal*. 75(3): 295-305.
- Motiuk, L. 1993. "Where are we in our ability to assess risk?" *Forum of Corrections Research*. 5(2).
- . 1997. "Classification for Correctional Programming: The Offender Intake Assessment (OIA) Process." *Forum of Corrections Research*. 9(1): 18-22.
- Motiuk, L. and K. Blanchette. 1998. "Assessing Female Offenders: What Works?" Paper presented at ICCA Arlington. Ottawa: Research Division, Correctional Service of Canada.
- Muraskin, R. 2000. "Disparate Treatment in Correctional Facilities." In *It's a Crime: Women and Justice*. Edited by R. Muraskin. New Jersey: Prentice Hall.
- Murphy, T. 1988. *Michigan Female Risk Prediction Study: Final Report*. Lansing MI: Michigan Department of Corrections.
- Needham Report. 1978. *Report of the National Planning Committee on the Female Offender*. Ottawa: Ministry of Solicitor General.
- Negy, C., D.J. Woods and R. Carlson. 1997. "The relationship between female inmates' coping and adjustment in a minimum-security prison." *Criminal Justice and Behavior*. 24: 224-233.
- Nesbitt, C. and A.R. Argento. 1984. *Female Classification: an examination of the issues*. College Park, Maryland: American Correctional Association.
- NSW (New South Wales). 1985. *Report of the New South Wales Task Force on Women in Prison*. Ministry of Correctional Services: New South Wales, Australia.

- Owen, B. and B. Bloom. 1995. *Profiling the Needs of California's Female Prisoners*. Washington DC: National Institute of Corrections.
- Petersilia, J. and S. Turner. 1987. "Prediction and racial minorities." In "Prediction and Classification." Edited by D.M. Gottfredson and M. Tonry. Volume 9 of *Crime and Justice: A Review of Research*. Chicago: University of Chicago Press.
- Phillips, S. and N. Harm 1998. "Women Prisoners: A Contextual Framework." In *Breaking the Rules: Women in Prison and Feminist Therapy*. Edited by J. Harden and M. Hill. New York: Hawthorn Press.
- Pollock, J. 1999. *Criminal Women*. Ohio: Anderson Publishing Co.
- Price, R. 1997. "On the risks of risk prediction." *Journal of Forensic Psychiatry*. 8(1): 1-4.
- Quay, H. and C. Love. 1989. *Behavioural Classification for Female Offenders: Research Report*. Columbia: South Carolina Department of Corrections.
- Quinsey, V.L., G.T. Harris, M.E. Rice and C.A. Cormier. 1998. *Violent Offenders. Appraising and Managing Risk*. Washington DC: American Psychological Association.
- Rafter, N.H. 1982. "Chastizing the unchaste: social control functions of a woman's reformatory." In *Social Control and the State: Historical and Comparative Essays*. Edited by S. Cohen and A. Scull. Oxford: Martin Robertson.
- . 1997. "Psychopathy and the evolution of criminological knowledge." *Theoretical Criminology*. 1(2): 235-259.
- Rafter, N. and F. Heidensohn. 1995. *International Feminist Perspectives in Criminology: Engendering a Discipline*. Buckingham: Open University Press.
- Rashe, C. 2000. "The dislike of female offenders among correctional officers: Need specialised training." In *It's a Crime: Women and Justice*. Edited by R. Muraskin. New Jersey: Prentice Hall.
- RCAP (Royal Commission on Aboriginal Peoples). 1996. *Bridging The Cultural Divide Report On Aboriginal Peoples In The Criminal Justice System*. Ottawa: Ministry of Supply and Service.
- Reed, B.G. and M. Leavitt. 1998. *Multiple Linkages and Wraparound Services: The Context of Community Corrections for Women*. Paper given at the ICCA 6th Annual Research Conference. September 27-30, Arlington, Virginia.
- Resnick, J. 1983. "Should prisoners be classified by sex?" In *Criminal Corrections; Ideals and Realities*. Edited by W.D. Jamieson. Toronto: Lexington Books.

- Rice, M. 1990. "Challenging Orthodoxies in Feminist Theory: A Black Feminist Critique." In *Feminist Perspectives in Criminology*. Edited by L. Gelsthorpe and A. Morris. Milton Keynes: Open University Press.
- Rist, L. 1997. "Gender difference-classified information." *Current Issues in Criminal Justice*. 8(3): 317-321.
- Ritchie, B. 1996. *Compelled to crime: The gender entrapment of battered black women*. New York: Routledge.
- Rivera, M. 1996. "Giving Us a Chance." *Needs Assessment: Mental Health Resources for Federally Sentenced Women in the Regional Facilities*. Ottawa: CSC.
- Robinson, R.A. and M. Gilfus. 1991. *Risk Classification and Needs Assessment of Female Inmates in Idaho Correctional Facilities*. Boise, ID: Idaho Department of Corrections.
- Shaver, F. 1993. "Prostitution - a female crime?" In *In Conflict with the Law: Women and the Canadian Justice System*. Edited by E. Adelberg and C. Currie. Vancouver: Press Gang Publishers.
- Shaw, M. 1991. *The Federal Female Offender: Report on a Preliminary Study*. User report 1991-3. Ottawa: Ministry of the Solicitor General.
- . 1994a. *Ontario Women in Conflict with the Law: Community Programmes and Regional Issues*. Toronto: Ministry of the Solicitor General and Correctional Services.
- . 1994b. "Women in Prison: A Literature Review." *Forum (Special Issue on Women in Prison)*. 6(1): <<http://198.103.98.138/crd/forum/e06/eo61d.htm>>.
- . 1994c. *Ontario Women in Conflict with the Law: Children and Parenting*. Ministry of the Solicitor General and Correctional Services.
- Shaw, M. and S. Dubois. 1995. *Understanding Violence by Women: A Review of the Literature*. Ottawa: Correctional Service of Canada.
- Shaw, M., K. Rodgers, J. Blanchette, T. Hattem, L.S. Thomas and L. Tamarack. 1991. *Survey of Federally Sentenced Women: Report to the Task Force on Federally Sentenced Women*. User Report 1991-4. Ottawa: Ministry of the Solicitor General.
- Sobel, S.B. 1982. "Difficulties experienced by women in prison." *Psychology of Women Quarterly*. 7: 107-118.
- Sparks, R., A.E. Bottoms and E. Hay. 1996. *Prisons and the Problem of Order*. Oxford: Clarendon Press.

- Steffensmeier, D. and E. Allan. 1998. "Nature of Female Offending: Patterns and Explanation." In *Female Offenders Critical Perspectives and Effective Interventions*. Edited by R.T. Zaplin. Maryland: Aspen Publishers Inc.
- Sugar F. and L. Fox. 1989. *Survey of Federally Sentenced Aboriginal Women in the Community*. Ottawa: Ministry of the Solicitor General.
- TFFSW (Task Force on Federally Sentenced Women). *1990 Report on the Task Force on Federally Sentenced Women - Creating Choices*. Ottawa Ministry of the Solicitor General.
- Warner, A. 1998. *Implementing Choices at Regional Facilities: Program Proposals for Women Offenders with Special Needs*. Ottawa: Correctional Service of Canada.
- Whitehall, G.C. 1995. *Mental Health Profile and Intervention Strategy for Atlantic Region Federally Sentenced Women*. Correctional Service of Canada.
- Wine, S. 1991. *A Motherhood Issue: the impact of criminal justice system involvement on women and their children*. User Report 1992-03. Ministry of the Solicitor General.
- Zedner, L. 1995. "Wayward sisters: The prison for women." In *The Oxford History of the Prison*. Edited by N. Morris and D.J. Rothman. Oxford: Oxford University Press.

ENDNOTES

¹ Federally sentenced prisoners are those receiving custodial sentences of two years or more.

² See CSC (2000) for a full description of the current population of federally sentenced women in prison or on conditional release.

³ *Corrections and Conditional Release Act (CCRA)*

Security Classification - SERVICE TO CLASSIFY EACH INMATE - 30.
(1) The Service shall assign a security classification of maximum, medium or minimum to each inmate in accordance with the regulations made under paragraph 96(z.6). (2) The Service shall give each inmate reasons, in writing, for assigning a particular security classification or for changing that classification.

Regulations - REGULATIONS - The Governor in Council may make regulations...96(z.6) respecting the assignment to inmates of security classifications pursuant to section 30, which regulations must set out factors to be considered in determining the security classification of an inmate;

⁴ Federally sentenced women in British Columbia are under provincial jurisdiction, and subject to provincial classification and assessment processes. Their situation is discussed briefly at the end of this report.

⁵ These followed the development of parole and sentencing guidelines.

⁶ As cited in Shaw (1991); see also Miller (1991).

⁷ Outside the prison system, risk assessment and strength/needs assessment tools for girls are being developed (Cook County 1997).

⁸ This is a two-year study funded by the National Institute of Corrections, conducted by Dr. Patricia Van Voorhis, University of Cincinnati.

⁹ The *Women's Action Plan* (1994: 81 as cited in Rist 1997) had concluded:

[F]or women inmates...the classification process is something of an anachronism...whilst it has value in assisting with the process of determining an inmate's program regime, the issues most critical to male inmates, namely security level and therefore institutional placement, is of marginal significance for women given that there are only two placement alternatives available.

Of the total population of 6,500 inmates in New South Wales, only 320 are women.

¹⁰ Feminist scholars have extensively criticized the term “gender neutral,” since it generally presupposes male normative standards.

¹¹ In essence, there has been a transition from demands for “formal equality” with men, to “substantive equality,” which emphasizes the differences between men and women, as well as differences among women.

¹² A substantially greater portion of female than male offenders were unemployed at the time of their admission to correctional facilities. The available data suggests that 64 percent of female inmates in provincial/territorial facilities and 80 percent of females in federal facilities were unemployed at the time of admission compared to 43 percent and 54 percent respectively of male inmates (Finn et al. 1999: 5).

¹³ One half (50 percent) of female inmates in provincial and territorial facilities had no, or one, prior adult conviction, compared to 36 percent of males. The proportion of males with five or more previous convictions was almost double that of females (21 percent compared to 12 percent). Comparable data are not available for federal inmates (Finn et al. 1999: 5).

¹⁴ The “aggregate sentence” refers to the total amount of time the offender must serve in custody. One half of females (51 percent) in provincial and territorial facilities are serving aggregate sentences of less than six months compared to 44 percent of males (Finn et al. 1999: 5).

¹⁵ As noted by Bloom and Covington (1998: 4) many pre-feminist theories of crime assumed that pathways to crime were similar and they failed to collect separate data on women and girls or omitted this data from various analyses.

¹⁶ For a detailed description of some Canadian research that critiques the concept of the universal women, see Bouchard et al. (1999).

¹⁷ Knowledge of these differences is critical given that Aboriginal women account for approximately 30 percent of all female admissions to provincial and territorial facilities (Lipinski 1991), and approximately 20 percent of the federally sentenced women’s population (Arbour 1996). It is astonishing, given that Aboriginal people comprise only about two percent of the entire population. Aboriginal women have different cultural and spiritual needs than White women and they tend to have a higher incidence of lone-parent homes, family difficulties and foster-home placements (Caswey et al. 1991; *Correctional Law Review* 1988; RCAP 1996) and a higher incidence of economic and social deprivation combined with experiences of racism (RCAP 1996).

¹⁸ While this report was being completed, the following research projects related to risk and federally sentenced women were under way in the research division of CSC pertaining to security classification and the assessment of federally sentenced women. At present, it is not possible to determine the degree to which the methodological and statistical problems outlined in this report will be incorporated into these research projects. These projects include:

- a retooling of the Offender Intake Assessment;
- development of a research-based security reclassification tool for women;
- validation of study of the Custody Rating Scale;
- descriptive study of the reintegration potential reassessment profiles of women in the community;
- evaluation of the newly proposed healing houses for women; and
- evaluation of the Dialectical Behavioural Therapy Model.

¹⁹ See Arbour (1996: 3-4) for a succinct account of the legal and policy framework.

²⁰ This information is taken from the *Offender Intake Assessment and Correctional Plan – User’s Manual* (CSC nd).

²¹ A February 1996 report validated its effectiveness in classifying (male) offenders as either minimum, medium or maximum (Grant and Luciani 1998: 2).

²² For more details, see CSC (1998b).

²³ This includes the OIA (Motiuk and Blanchette 1998); LSI (Coulson et al. 1996); CRS (Grant and Luciani 1998); CMS (Blanchette and Motiuk 1995; Blanchette 1997b).

²⁴ There were a further 17 women at Saskatchewan Penitentiary and 12 at the Regional Treatment Centre in Saskatoon, 33 at Burnaby Correctional Centre for Women under an exchange of service agreement and 12 at Isabel McNeil House in Kingston (minimum security).

²⁵ Accelerated Parole Release was introduced for full parole in 1992.

²⁶ This includes senior management changes. Nova Institution, for example, has had three wardens in 4.5 years.

²⁷ Other changes included language. For example, “risk and need” became “static and dynamic factors”; “criminogenic factors” became “contributing factors”; “rehabilitation” became “reintegration.” Separate processes, such as the analysis of the case management strategy and development of the correctional plan, have become integrated in the entire computer-based intake assessment process. The Reintegration Assessment Profile and Progress Summary Report have been replaced by the Correctional Plan Progress Report.

²⁸ An internal CSC report was being conducted in 1999 on the parole officer structure.

²⁹ This excludes federally sentenced women in British Columbia who are classified under the provincial system at the Burnaby Correctional Centre for Women.

³⁰ An internal review of the most appropriate approach is under way.

³¹ This compares with a reported 30 minutes to 1 hour for men at Millhaven or 1.5 to 2 hours at Stoney Mountain.

³² The EIFW inmate handbook itemizes all expectations, responsibilities and privileges for each level.

³³ EIFW was designated the regional classification centre in 1998. Before that, all intake assessment was undertaken by primary workers, and women were allocated straight to houses.

³⁴ One staff member in the Prairie Region had assumed that most women were overclassified prior to the opening of the new prison, but felt most maximum classifications were appropriate given the open concept of the regional facilities.

³⁵ For women with mental health issues, intensive mental health programming was established at P4W and the Regional Treatment Centre.

³⁶ This was also the case for APR men at Millhaven Institution.

³⁷ An intensive substance abuse program is being piloted at EIFW.

³⁸ This was also the experience of some staff in training for core programs, such as cognitive skills and anger management.

³⁹ In one case, a 19-year-old girl was sent to a federal institution to “open her eyes.” She would not speak, and was classified maximum security by the community parole officer.

⁴⁰ There were also general misunderstandings, such as confusing physical hospitalization with mental interventions.

⁴¹ One staff member was very familiar with them and had used them extensively for the initial classification of women prior to the opening of the facility, but threw them away after Operation Bypass.

⁴² In the course of the study, a half-day workshop for some staff from the women’s institutions was held by CSC as part of its overall review of the OIA. It was seen as a very limited occasion, structured around CSC’s immediate research requirements, and did not meet the needs of the staff. (Subsequently, a two-day consultation with staff from each of the women’s facilities and co-located facilities was held in May 2000.)

⁴³ The above two paragraphs are quotes from E. Comack’s synopsis of the morning discussion.

⁴⁴ Recommendation 4 of the Arbour Report

- (a) that the position of Deputy Commissioner for Women be created within the Correctional Service of Canada, at a rank equivalent to that of Regional Deputy Commissioner;
- (b) that the Deputy Commissioner for Women be a person sensitized to women's issues and, preferably, with experience in other branches of the criminal justice system;
- (c) that the federally sentenced women's facilities be grouped under a reporting structure independent of the Region, with the Wardens reporting directly to the Deputy Commissioner for Women;
- (d) that the Deputy Commissioner for Women take over the responsibility for the re-examining phase of the implementation of the Federally Sentenced Women initiative with respect to the new facilities;
- (e) that research and development on issues related to women's corrections be placed under the jurisdiction of the Deputy Commissioner for Women, with appropriate budgetary allocations;
- (f) that the Deputy Commissioner for Women initiate a revision of the law and policies applicable to the women's institutions with a view to simplifying the rules and ensuring that administrative directives comply with the law. More specifically, the Deputy Commissioner should consider by-passing the level of "Regional Instructions" and operating exclusively through Commissioner's Directives and Standing Orders pertinent to the local conditions of a given institution;
- (g) that the Deputy Commissioner for Women explore with each province and territory the desirability of cooperation in program delivery, transfers, joint staff training, and the like, with a view to achieving an administrative, if not legislative, unification of all correctional services for women offenders across the country. Failing that, Exchange of Service Agreements should be used to pursue that integration to the fullest possible level with each province interested in the enterprise;
- (h) that the Deputy Commissioner for Women consult with Women's groups, in particular those that have participated in these proceedings, with a view to developing appropriate programs for women offenders, pursuant to s.77 of the *CCRA*;
- (i) that in programming, priority be given to the development of work programs that (i) have a vocational training component; (ii) provide a pay incentive; or (iii) constitute a meaningful occupation;
- (j) that the first priority for the Deputy Commissioners for Women be the release and reintegration of women in custody. The Deputy Commissioner should immediately ensure the elimination of delays in case management which result in paperwork not being ready at the earliest opportunity for review by the Parole Board; that generous access be provided to community programs and that initiatives be pursued for placements

- pursuant to s.81 of the *CCRA*; and that other links to the community be cultivated so as to facilitate reintegration;
- (k) that the Deputy Commissioner for Women be specifically mandated to explore and implement progressive correctional techniques, even on an experimental basis, for the benefit of incarcerated women and, when properly adapted if need be, for the benefit of all prisoners;
 - (l) that the Deputy Commissioner for Women be given the discretion to implement family contact programs, including financially assisted telephone calls or family visits, even if the same are not available to incarcerated men, to recognize the different circumstances and needs of women, particularly, but not restricted to, their child care responsibilities;
 - (m) that complaints and grievance procedures be amended to provide that all second level grievances arising from an institution for women be directed to the Deputy Commissioner for Women, rather than to the Regional level;
 - (n) that the Deputy Commissioner for Women answer personally all complaints or grievances addressed to him or her;
 - (o) that the Deputy Commissioner for Women ensure that progress made through the Healing Lodge be shared, inasmuch as feasible, with incarcerated Aboriginal men;
 - (p) that the Correctional Investigator assign an investigator to deal specifically with issues related to women's corrections, and that any complaint emerging from the new regional facilities be directed to that person.

⁴⁵ CAEFS is a federation of autonomous community-based agencies that work with, and on behalf of, women in conflict with the law. Its paper can be obtained from the Canadian Association of Elizabeth Fry Societies, 701-151 Slater Street, Ottawa, Ontario (613) 238-2422 or from the CAEFS Web site <www.elizabethfry.ca>.

⁴⁶ There are 24 societies. Most of those not responding were in small cities and rural areas. Three of the societies likely to serve a number of federally sentenced women did not respond.

⁴⁷ In that case, detoxification problems and subsequent disturbances at the penitentiary have resulted in her continued classification as maximum security. This will have major consequences for all her future assessments.

⁴⁸ There were some advantages in terms of consistency and funding, but the links with local community colleges and the local community are lost.

⁴⁹ The Strategy has several components, including:

- Modify and expand the regional women's facilities so they can accommodate the approximately 30 women across Canada now classified as maximum-security.

- Construct special houses in the regional women's facilities to accommodate approximately 35 women classified as medium and minimum security with special needs and/or mental health problems.
- Close the women's units located in men's institutions.
- Close the Prison for Women in Kingston.

The Intensive Intervention Strategy calls for the upgrading of the existing security arrangements at each of the four regional women's facilities (Truro, Nova Scotia; Joliette, Quebec; Kitchener, Ontario; and Edmonton, Alberta) to accommodate approximately 30 women classified as maximum security. These maximum security units will be located within the existing perimeters of the facilities, but will be completely separate from the remainder of the facility. The secure units will have specialized staff to provide the high level of intervention and supervision required by these women.

The Strategy also calls for the construction of a structured living environment house at each of the four regional women's facilities. These houses will accommodate women, classified as medium and minimum security, whose mental health needs require more intensive support to manage them successfully at these security levels. There are approximately 35 women requiring this type of intervention. Specialized staff will be on hand to provide support and intensive supervision. Some of these women are part of the treatment program in the mental health units at the Regional Psychiatric Centre in Saskatoon (and the Prison for Women in Kingston until it closed in July 2000) while others are already at the regional facilities. These new houses will cost an additional \$5 million to construct and will be completed over the next 24 months. (This information is taken from CSC 1999b.)

⁵⁰ Many of the issues discussed in this section were the result of a more detailed review of relevant studies by Chris Atchison and the authors.

⁵¹ For example, it is often assumed that the category "Native" or "Aboriginal" is homogenous and that the term "non-Native" refers to Caucasian without considering other cultural, racial or ethnic differences. Many studies also make the assumption that gender and biological sex are substantively equivalent.

⁵² See literature that examines some of the difficulties associated with the measurement of gender and cultural differences in terms of socio-economic status.

⁵³ Brennan (1998) offers a detailed eight-step plan for transforming women's classification systems that includes various reform options.

Projects Funded Through Status of Women Canada's Policy Research Fund

Call for Proposals

**Factoring Diversity into Policy Analysis and Development: New Tools, Frameworks,
Methods and Applications ***

*If Gender Mattered: A Case Study of Inuit Women, Land Claims and the Voisey's Bay
Nickel Project*

Linda Archibald and Mary Crnkovich

Enabling Income: CPP Disability Benefits and Women with Disabilities

Tanis Doe and Sally Kimpson

***Taking Risks: Incorporating Gender and Culture into the Classification and Assessment
of Federally Sentenced Women in Canada***

Kelly Hannah-Moffat and Margaret Shaw

*Housing Policy Options for Women Living in Urban Poverty: An Action Research Project
in Three Canadian Cities*

Marge Reitsma-Street, Josie Schofield, Brishkai Lund and Colleen Kasting