

The Lessons of History: prison reform and unintended consequences

Stephanie Hayman explores the problems faced by attempts to reform women's prisons in Canada.

It is now almost twelve years since a ground-breaking, 'woman-centred' document, *Creating Choices – the Report of the Task Force on Federally Sentenced Women*, was published in Canada. It focused on the needs of federally sentenced women; that is, women sentenced to more than two years of imprisonment, who are then automatically under the jurisdiction of the Canadian federal authorities. *Creating Choices* led to the building of five new prisons for federally sentenced women, one of which was a Healing Lodge for aboriginal women. These eventually replaced the infamous Prison for Women in Kingston, Ontario, known for its high rates of suicide and self-harm, whose prisoners were mostly held many hundreds of miles from their homes. For a woman from Vancouver, being held in Kingston was equivalent to a London woman serving her sentence in Baghdad, such was the distance.

Three of the replacement prisons opened in 1996, and the Prison for Women finally closed in July, 2000. The new prisons were: regionally-based; cottage-style; built in spacious grounds and expected to offer women the possibility of exercising choice through the provision of varied programmes. Levels of security, as epitomised by an initial absence of boundary walls, signalled

believed that a new environment would enable the others to live in less secure surroundings. In outlining their vision of the new prisons in *Creating Choices* the task force failed to be prescriptive about the type of accommodation this supposedly small group might need. The failure allowed the Correctional Service of Canada (CSC) subsequently to determine the style of accommodation for this small group and, at the same time, double the provision. Instead of separate 'cottages', all women thought to be 'hard to manage' were to be held in traditional concrete and steel buildings, euphemistically known as 'Enhanced Units'. By the time these new prisons opened the women held in maximum security conditions were ten per cent of the total federally sentenced women's population.

Within six months of the first three prisons opening (one of which was the Healing Lodge), Edmonton Institution for Women was closed because of a series of incidents, including an alleged suicide, which was later discovered to be murder. The closure had a profound affect on the other prisons; all maximum security women were removed to men's prisons; two prisons had their openings delayed; and all had their security increased. (The Healing Lodge largely escaped these measures, but had never

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to local communities that most imprisoned women were not 'risky'. Dynamic security was to be achieved through the interaction of the women and the guards and, importantly, women from all levels of security would be contained in each prison. Federally sentenced women were characterised in *Creating Choices* as having 'high needs', but presenting a generally 'low risk'.

The task force responsible for producing *Creating Choices* was unique, in that its membership was equally divided between civil servants and representatives from the voluntary sector. The more influential of the two committees making up the task force comprised: civil servants, who were part of the professional correctional enterprise; prison reformers from the Canadian Association of Elizabeth Fry Societies (CAEFS), most of whom were instinctively abolitionists; aboriginal women, who considered the disproportionate imprisonment of aboriginal women to be one of the consequences of Canada's colonial history. (At the time of the task force, aboriginal women comprised 23 per cent of all federally sentenced women, although only 2.5 per cent of the overall Canadian population.)

For many reasons, but largely to do with the profound influence of its aboriginal members, the working group found it almost impossible to label many of the federally sentenced women 'violent', or 'risky'. The working group finally conceded that five per cent of the total federally sentenced women's population might need higher levels of security. They

been permitted to hold maximum security women, although its aboriginal planners had always intended that it should.) CSC's initial response was to plan for more secure accommodation, rather than publicly question why Edmonton had so spectacularly failed to function as expected. Edmonton was far from ready when it first opened. Many of the buildings were unfinished; new staff were struggling to be both role-model and guard; the prison had to take many more maximum security women than it was designed to hold. These factors played a major part in contributing to the unravelling of Edmonton's supposed dynamic security. As these events impinged on the national consciousness, they gave the impression that a significant number of women did not 'fit' *Creating Choices*' new philosophy of choice and autonomy, and that the prisons were not adequately designed to cope with them. The public impression was that federally sentenced women were 'high risk', and that Edmonton's failure should be blamed on the women, rather than the correctional authorities. (For a fuller explanation of why this happened, see Hannah-Moffat and Shaw, 2000; Hayman, 2000; Hannah-Moffat, 2001.)

It took until 1999 for CSC's ultimate intentions regarding the maximum security women to be made clear, when an Intensive Intervention Strategy for the 'difficult to manage' women was announced. This envisaged the creation of more Enhanced Units, and Structured Living Environment (SLE) houses for those with mental health and/or learning disabilities.

By 2002 total bed capacity for federally sentenced women had increased by almost 98 per cent since the Task Force published its report in 1990. Moreover, 21 per cent of all bed space was provided in Enhanced Units and SLE houses. All of this happened in prisons which were meant to offer women choices and autonomy in less secure conditions. Because the Healing Lodge had been omitted from these plans it might be thought that aboriginal women were less adversely affected than the other women, but that was not the case. Aboriginal women were (and are) disproportionately likely to be classified as maximum security, or as having mental health problems, so were less likely to be eligible for the Healing Lodge.

These plans, however, were not the last word on these 'difficult to manage' women. A management protocol for maximum security women involved in major incidents is currently being implemented. This provides for even more stringent security conditions for some women, raising the question of where maximum security might end.

I have focused on one specific consequence of what was initially an overwhelmingly well-intentioned venture; the successful attempt to close the Prison for Women. The two largest non-government groups represented on the task force — CAEFS and the aboriginal organisations — suspended their instinctive distrust of imprisonment (and distrust of government, in the case of the aboriginal members), because of the overwhelming need to improve the lot of federally sentenced women. They also ran the risk of being used to legitimate a venture over which they might have little control, as has proved to be the case. Yet to participate in the task force — for the best of reasons — was also to accept responsibility for the possible consequences, and the closure of one dangerous prison did not mean that their solution would, in the long term, necessarily be a better one. The new prisons have proved themselves to be safer. They are undeniably better designed

and a proportion of women will benefit from the programmes on offer. However, the large numbers of federally sentenced women now classified as in need of extra levels of security would appal many of the task force members. Their good intentions have had unforeseen consequences.

The lesson that might be drawn for the United Kingdom from this Canadian venture is that penal history should never be ignored or forgotten. Many reformers have attempted to change the prison, but the prison always demonstrates an astonishing power to revert to its old image. The underlying discipline of the prison ensures that. The Canadians started off bravely and enterprisingly, but the fatal flaw at the heart of their plan — the failure to make provision prescriptively for women in need of extra security — enabled the correctional authorities to impose their own vision. The voluntary sector adds legitimacy to reforming ventures, yet runs the risk of being incorporated by government agencies when it cooperates with them. It is a fine, and fraught, line to tread.

Stephanie Hayman is a lecturer in criminology, London School of Economics.

References

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