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# Canadian Women in Prison: A Racial and Gendered Discursive Analysis

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Running head: CANADIAN WOMEN IN PRISON: A RACIAL AND GENDERED  
DISCURSIVE ANALYSIS

Eva Osazuwa

Canadian Women in Prison: A Racial and Gendered Discursive Analysis

September 30, 2015

Completed in Partial Fulfillment of the requirements for the Master's in Social Justice and  
Community Engagement at Wilfrid Laurier University

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**Dedication**

This work is dedicated to Canadian women in prison whose voices are constantly silenced and to my amazing grandmother whom I will forever miss, Patricia Imadojemu.

Indeed, it is clear that it is the law that is increasingly coming into conflict with people, especially poor, racialized, and disabled women, rather than women who are coming into conflict with the law

*-Sudbury, Global Lockdown Race, Gender, and the Prison-Industrial Complex*

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## **Chapter One: Introduction to the Study**

Research shows that women are the fastest growing prison population worldwide, and this trend proves no different in Canada (Balfour, 2008; Pate, 2006; Pollack, 2003; Sudbury, 2005). According to the Canadian Association of Elizabeth Fry Societies of Manitoba (n.d.) (CAEFS), this past decade has seen a 50 percent increase in the number of women who are federally incarcerated in comparison to the 15 percent increase for men. More specifically, Sudbury (2005) argued that poor, young, racialized women and girls are amid the fastest growing population in Canadian prisons. That said, the goal of this paper is to examine government documents in order to determine whether the overrepresentation of racialized Canadian women in prison are documented by the federal government. Chapter one of this MRP will consist of a general background of the problem including the significance of a racial analysis, women's pathways to crime, the reasons behind the drastic increase in the incarceration of women, in addition to my research question. In chapter two, I will outline current literature on my guiding frameworks which are critical race theory (CRT), feminism and intersectionality theory. Chapter three will contain a description of my project parameters, starting with my theoretical and methodological framework, my data source and method (discourse analysis), then ending with my ethical considerations. In chapters four and five respectively, I will present my research findings and discussion. Finally, in chapter six, I will draw my conclusions.

### **Background/Problem Statement**

In the last ten years, the number of women admitted to federal jurisdictions has increased by almost 40 percent (Office of the Correctional Investigator, 2010). And according to the Office of the Correctional Investigator (2013), this drastic increase has resulted in the overcrowding of five of Canada's regional women's facilities like Grand Valley and the Edmonton Institution. Between March 2010 and March 2012, women in federal custody increased by 21 percent historically surpassing 600 inmates, and this drastic increase resulted in conversations about using common spaces, such as gymnasiums and private family visiting units as temporary accommodations (Office of the Correctional Investigator, 2013). Due to the lack of information specific to racialized women in prison, below is the information about visible minorities who are incarcerated. According to Statistics Canada (2015), visible minorities are "persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour" including but not limited to, Chinese, South Asian, Black, Arab, West Asian, Filipino, Southeast Asian, Latin

American, Japanese and Korean people (para. 1). According to the Office of the Correctional Investigator (2013), while the total population of offenders saw a 7.1 percent increase in the last five years, the visible minorities offender population saw a 40 percent increase. Of those in federal prisons, 8.6 percent were black, 5.4 percent were Asian, 0.9 percent were Hispanic and Latin American and 3.4 percent were from other visible minority groups (Office of the Correctional Investigator, 2013). At a time where Caucasian offenders decreased by 466 people, the Aboriginal community saw an increase of 793 people, the black community saw a 585 person increase, and the Asian community saw a 337 person increase (Office of the Correctional Investigator, 2013). Thus, there is a significant difference between the number of Caucasians and black people who are incarcerated, and this disparity rises when comparing Caucasians and Aboriginals. Overall, visible minorities now constitute 18 percent of the total federally sentenced offender population (Office of the Correctional Investigator, 2013). The information provided above shows the necessity for my research by outlining the significant difference between the number of Caucasian and racialized prisoners.

Pollack (2003) and Balfour (2006) argued that while there is a paucity of literature on black women prisoners in Canada, the little information that exists demonstrates that black women are overrepresented in prison. Pollack (2003) established a correlation between offending and systemic racism among black female prisoners because systemic blockages made it difficult to succeed as law-abiding citizens. The Office of the Correctional Investigator (2013) stated that “women offenders now account for close to 5% of the total offender population. It is a growing and increasingly complex and diverse population” (para. 1). That said, there is no doubt that women in prison are unique and multifaceted, so when the concept of race is added, their experiences are bound to change drastically. Yet, there is very little literature on Canadian women in prison, and of those women, racialized women receive even less attention. Thus, it is crucial that research(ers) continues to explore this topic, create data and advocate with and for racialized women.

### **Women’s Pathways to Crime**

**Family Background.** Generally, women offenders come from dysfunctional and traumatic family backgrounds filled with domestic violence and physical and sexual abuse (Office of the Correctional Investigator, 2013; Pollack, 2004; Tyagi, 2006). According to Tyagi (2006) and Pollack (2003), in most cases these women experienced violence in their childhoods

and also reported having been victims of violence as adults: 61 percent of women who have been incarcerated reported childhood abuse, and more specifically, 67 percent reported having been sexually abused as children, and as adults, 58 percent reported being abused, 81 percent reported being victims of physical abuse, 48 percent reported having been sexual abused, and 82 percent reported emotional abuse (Tyagi, 2006, p. 133, 134). Tyagi (2006) stated that “violence and victimization play a significant role in the women’s trajectories of offending. Women’s pathways to crime most often involves running away from physical and sexual abuse or abusive relationships” (p. 134). Thus, being victimized both at a young age and as an adult plays a fundamental role in the lives of women offenders. As indicated by the statistics provided, in most cases, significantly over half of all women offenders have been and continue to be victimized.

**Substance Abuse.** Another common trait among women in prison is substance abuse. According to researchers, overall, the majority of women offenders are young, drug and/or alcohol addicts, unemployed, uneducated, poor or homeless minority mothers who have committed non-violent crimes (Elizabeth Fry society of Manitoba, n.d.; Pollack, 2003; Pollack, 2004; Raeder, 1995; Rocco, Bernier, & Bowman, 2014; Sudbury, 2005; Tyagi, 2006). Specifically, the Office of the Correctional Investigator (2014) stated that 60 percent of women in prison are between the ages of 20 and 39, and in comparison to men, women are twice as likely to be sentenced for drug offenses. Specific to black offenders, they are also likely to be young, with the majority of this population being 30 years or younger, approximately half being incarcerated for violent offences and 18 percent for drug offences (Office of the Correctional Investigator, 2013). Tyagi (2006) stated that approximately 75 percent reported having problems with substance abuse, with 60 percent specifically using drugs. The Office of the Correctional Investigator (2014) similarly specified that eight in ten women had a history of substance or alcohol abuse. According to Tyagi (2006), substance use is closely linked to the victimization of women as it serves as a connection to both criminal subcultures and male abusers.

**Mental Illness.** Mental illness is another common trait among women in prison. The Office of the Correctional Investigator (2014), stated that female offenders are twice as likely to be diagnosed with mental health issues at the time of their admission with almost one in four women offenders being diagnosed with mental health. CAEFS of Manitoba (n.d.) argued that women in prison generally suffer from mental illnesses including schizophrenia, anxiety disorders and depression, with women being twice as likely to be diagnosed with mental illness

at the time they were incarcerated as compared to men. Tyagi (2006) argued that “the intersection of substance use, violence from partners, and resulting marginalization is a significant factor in why women continue to offend” (p. 134). Similarly, in its study, the Office of the Correctional Investigator (2014) found that 94 percent of women had symptoms of psychiatric disorder, with 63 percent being prescribed medicine for their symptoms. So, women with mental illness who have been and continue to be victimized and suffer from substance abuse have an enormous probability of ending up in prison.

### **Reasons for Incarceration Increase**

In Canada, decreasing social support and tough on crime measures like mandatory minimum sentencing and the war on drugs can be credited for the increasing incarceration of women, especially racialized women.

**Economic needs.** Economic needs, poverty, and unemployment combined with responsibilities such as parenting significantly contribute to women offending (Pollack, 2004; Tyagi, 2006). Pollack (2003) and Balfour (2006) found that the increase in the incarceration of women is not connected to more serious offences but is connected to the criminalization of poverty. For example, in order to survive, these women may turn to criminal activities such as prostitution, drug trafficking, fraud, and under the table activities (Tyagi, 2006). According to Sudbury (2005) and Pate (2006), the federal government eliminated the Canada Assistance Plan (CAP) in 1996 which dictated our social, educational and medical resources. And shortly after CAP was eliminated, the conservative provincial government exploited the ability to decrease welfare and social programs funding which negatively affected the lower class therefore increasing criminality (Pate, 2006; Sudbury, 2005). According to Sudbury (2005), “the neoliberal destruction of social safety nets—from social and health services to economic and education standards and availability—is resulting in the increased criminalization of the most marginalized and vulnerable members of our communities” (p. 27). Thus, there is a causal relationship between economic and social policies and the increase in the criminalization of marginalized members of society. Similarly, Pollack (2003), Balfour (2006), and CAEFS of Manitoba (n.d.) have all argued that the increase in women who are incarcerated is directly associated with decreases in or elimination of social services, health care, and education as those most reliant on those services (which fits the bill of women who typically end up in prison) suffer the consequences. For example, women amount to 77 percent of those accessing social

services like public housing, daycare, and income assistance and with a decrease in funding these women are forced to supplement their income through illegal activities (Balfour, 2006).

According to the Office of the Correctional Investigator (2014), at the time women offenders were arrested, approximately two-thirds were single caregivers, and over half reported having had past contacts with Children's Aid for mental health distress, substance abuse, or accusations of child abuse and/or neglect. In addition to being young, three in four women in prison were also mothers to children under the age of 18 suggesting that they have mounting responsibilities, which may result in criminal acts in order to survive and provide for their families (Office of the Correctional Investigator, 2014).

**Tough on Crime Measures.** According to researchers the tough on crime regime in Canada is one of the reasons for the increasing incarceration of women (Mangat, n.d.; Sudbury, 2005). Crime rates in Canada are at an all-time low since the 1970s, still, the Canadian government continues to respond to crime in harsher manners (Mangat, n.d.). Gabor and Crutcher (2003) and Mangat (n.d.) outlined the financial damage caused by tough on crime legislation in addition to affecting offenders and their families. According to Mangat (n.d.), Bill C-10, The Safe Streets and Communities Act is a great example of Canada's tough on crime measures. Bill C-10 reduced instances where pardons could be utilized in addition to reducing the use of conditional sentences and finally it added new mandatory minimum sentences. Researchers argue that the use of mandatory minimums are problematic and especially harmful to [racialized] female offenders (Gabor and Crutcher, 2003; Mangat, n.d.; Raeder, 1995; Sudbury, 2005).

Mandatory minimums are standard sentences which judges must abide by when sentencing offenders accused of a particular crime; today there are 50 offences in the Canadian criminal code which require a mandatory sentence (Mangat, n.d.). Historically, Canadian judges were entrusted with discretion when sentencing offenders, however, with the introduction of mandatory minimum sentences, judges' ability to use discretionary practices have been significantly limited (Mangat, n.d.). Supporters of mandatory minimums argue that it: deters new and old offenders from reoffending, removes offenders from society, reinforces societal norms, ensures consistencies, creates a transparent, certain and fair justice system and advocates for safer communities (Gabor & Crutcher, 2003; Mangat, n.d.). However, according to Gabor and Crutcher (2003) and Mangat (n.d.), mandatory minimums have resulted in harsher penalties and

increased recidivism rates. Still, the introduction of new offenses which recommend mandatory minimum sentences continues to receive government endorsements (Gabor & Crutcher, 2003; Mangat, n.d.).

Mangat (n.d.) argued that mandatory minimum sentences negatively affect specific members of society. According to Gabor & Crutcher (2003) and Mangat (n.d.) mandatory minimum sentences disregards offenders' unique circumstances and by ignoring women's different realities racialized women are disproportionately affected. Mangat (n.d.) argued that the only time judges can deviate from a mandatory sentence and exercise discretion is if an offender is able to successfully challenge the constitution. However, exercising discretion leaves room for judges to be influenced by race, plus, racialized women or generally women in prison are normally from the lower class and so likely do not have the financial means to challenge the constitution, thus creating a cycle where these women are unjustly affected.

Racialized women unlike their white counterparts are also excessively affected by the war on drugs. According to the Systemic Racism in the Ontario CJS report (1995), the war on drugs plays an instrumental role in the overrepresentation of black people in prison. Similarly, Sudbury (2005) argued that the war on drugs and gender neutral policies have given rise to the incarceration of racialized women. For example, the Office of the Correctional Investigator (2013) found that black women were most likely to be incarcerated for drug trafficking which they carried across international borders in desperate attempts to escape poverty or due to threats of violence. According to Sudbury (2005), "it is the law that is increasingly coming into conflict with people, especially poor, racialized, and disabled women, rather than women who are coming into conflict with the law" (p. 27). Thus, it is the law which systematically incarcerates [racialized] women.

In Canada judges are impartial, disregarding an offender's sex and race. However, in citing Kathleen Daly, American researcher, Raeder (1995) argued that "the problem with gender neutral policies is 'that they are not neutral but male centered'" (p. 158). Neutrality in this case is sexist; thus, in order to truly create equality, mandatory minimums should be eliminated in order to permit "rational sentencing polic[ies]" (Raeder, 1995, p. 161). In a Canadian context, Sudbury (2005) similarly stated that Canada's gender neutral tough on crime policies fail to recognize women's experiences with violence. So in cases where female victims charge their violent men abusers, they are counter charged and jailed. Raeder (1995) argued that the prison system is male

centered and since male offenders are more likely to be violent, it is more equipped to serve that group and thus has a hard time housing the often non-violent female prisoners, many of whom are mothers. According to Raeder (1995), judges should be sensitive to the fact that if female offenders are mothers, they are usually the primary care giver. Furthermore, Raeder (1995) argued that judges should not be impartial to female offenders because in most cases, the women who are sentenced for drug offences are usually the girlfriends or wives of the defendants, thus explaining their affiliations which could be in response to coercion, battery and or economic burdens. Thus, touch on crime regimes like mandatory minimum sentencing and war on drugs should not apply to women because such methods of responding to crime only results in harsher penalties for women.

### **Research Question**

Using critical race theory, feminism and intersectionality theory, my research will focus on racial and gendered discrimination in prisons on a structural or systemic level. Thus, my research question is as follows: In cases of incarcerated Canadian women, are the racial and gendered issues of incarceration evident in government documents? Are issues such as racial overrepresentation in prisons or the criminalization of poverty apparent in these documents, and if so how are they treated? To address these questions, I am proposing a discourse analysis on government documents.

### **Limitations**

According to the Office of the Correctional Investigator (2010), approximately one third of the female offender population in prison are Aboriginals (First Nations, Inuit, or Metis) and in the last ten years there has been an increase of about 90 percent in the Aboriginal female population in comparison to the 17 percent increase of Aboriginal male offenders. And overall, Aboriginal women are the fastest growing federal offender category (Office of the Correctional Investigator, 2010). Clearly Aboriginal women in Canada and especially those in prison continue to face injustices and overrepresentation that far exceed that of racialized women due to colonization. While I recognize this fact and will continue to do so throughout this paper, I will not focus on the overrepresentation of Aboriginal women in prison. The reason for their exclusion is that first, I cannot focus on the two demographic categories of Aboriginal women and visible minority women in the time and page numbers provided without being forced to exclude critical information. These two categories are defined as distinct groups with some

distinct needs by the government. Second, this topic area does not fit into my research question.

This paper mostly uses black women in prison in exemplary formats (instead of women from other races), still, I choose to use the umbrella term “racialized” women throughout my paper since first, I am examining the presence of race in government documents and not discussing their specific experiences, so, I see it fit to use the inclusive term race as oppose to specifying a particular race. And second, while I was looking to be more inclusive of other racialized women in prison within the exemplary context, the lack of literature on other racialized women in prison made it difficult to do so.

### **Chapter Two: Literature Review**

The theoretical frameworks for this research project are CRT, feminism, and intersectionality theory. A major tenet of CRT is that society is racialized, permitting the systemic oppression of specific groups of people (Hylton, 2012). Likewise, a major tenet of feminism is the recognition of the systemic oppression women experience (Duarte, 2012). Still, I believe that my analysis would be incomplete if I exclude the complex and numerous ways systemic oppression can affect a single individual. Thus, I will use intersectionality theory which allows me to draw connections and analyze the impact of both race and gender interconnectedly (Crenshaw, 1995).

#### **Guiding Framework: Critical Race Theory**

CRT provides a conspicuous way of critically analyzing the racial inequalities that exist in laws along with the hierarchies of gender and race (Alfred & Chlup, 2009; Crenshaw, 1995). According to Alfred and Chlup (2009), CRT examines the connections between race, racism, and power. This perspective helps us understand the lives of racialized women whose experiences are altered by racism, prejudice, and oppression in a capitalist system. Crenshaw (1995) and Aylward (1999) argued that the law plays a fundamental role in perpetuating racism as it upholds white dominance as opposed to promoting equality and liberating citizens. And Rocco et al. (2014) argued that the existence of racism, sexism, and discrimination is a problem that affects many members of society. Aylward (1999) stated that racism may be worse in Canada in comparison to other countries due to Canadians’ denial of the existence of racism and how the law further perpetuates it. For example, the overrepresentation of black women in the prison system demonstrates the law’s failure to create justice for those that it is meant to protect, yet this topic still receives very little research or media attention (Aylward, 1999; Pollack, 2003).

**Race as a Social Construct.** According to Fredrickson (2002) and Alfred and Chlup (2009), race is a social construct because it stems from social thought and creation permitting the categorization of people according to physical differences leading to distinctions and alienation between groups. According to Alfred and Chlup (2009), the social construct of race is not stagnant but rather consists of “categories that society invents, manipulates, or retires when convenient” (p. 242). Unfortunately, these categories create a hierarchy where some groups are regarded as being inferior, unintelligent, barbaric and all things terrible while another group is believed to be superior and more worthy, ultimately leading to competition between groups (Fredrickson, 2002). For example, the prison system creates a class divide where the lower class or those whom society deems useless or unintelligent end up in prison while the upper class remains unrestricted and benefiting from their incarceration. Thus, members of racialized groups that are considered inferior (non-white) are more likely to end up in prison as compared to others who are members of the dominant white race.

**Prison as a Capitalist Tool.** CRT is a tool used to analyze the ways in which our neoliberal capitalist society perpetuates systemic discrimination resulting in the overrepresentation of racialized women in prison (Alfred & Chlup, 2009). Wakefield and Uggen (2010) argued that the prison population is a reflection of the inequality that exists in society where race, social class and gender can end in individuals experiencing marginalization or injustices. For example, American researchers argued that prisons serves as a tool for removing African Americans from white society in addition to creating less competition in the labour market (Smith & Hatter, 2008; Wakefield & Uggen, 2010). Additionally, Wakefield and Uggen (2010) argued that incarceration is a capitalist tool used to exploit the racialization of labour similar to that found during the slave plantation era as it reproduces and reinforces social inequalities while still creating profits for white society. So, those members in society who are considered to be without value are made valuable by exploiting their labour power while they are in state custody. Equally, Alfred and Chlup (2009), reference Delgado and Stefancic’s “interest convergence” or material determinism (p. 242). This refers to the fact that “because racism advances the interest of both white elites (materially) and working class people (physically), large segments of society have little incentive to eradicate it” (p. 242). For example, while it may seem as though adults who possess low literacy (according to social standards) receive low paying jobs for the sake of perpetuating stratified economic system, CRT permits an analysis that

showcases how these neoliberal policies in fact solely benefit the white capitalist system which not only dictates who can participate in the job market but also controls the agenda and benefits from the systematic exclusion of the lower class (Alfred & Chlup, 2009). In the context of crime and capitalism, Alfred & Chlup (2009) stated that the tough on crime policies and the criminalization of poverty in the US contribute to the prison industry which houses non-violent female offenders for economic crimes. The same idea can be applied to Canada's tough on crime design, mandatory minimum sentencing and the criminalization of poverty which ultimately benefits the white capitalist system that owns and therefore profits from such institutions. Still, according to Aylward (1999) and Pollack (2003) the racialization of the prison system is mostly discounted in Canada.

**Systemic Oppression.** According to research, the topic of women in prison is individualized where the women themselves are blamed for their imprisonment instead of society recognizing that there are structural barriers systemically targeting them (Alfred & Chlup, 2009; Maidment, 2006; Pollack, 2003; Sudbury, 2005; Tyagi, 2006). For example, Pate (2006) discussed how governments strategically decrease welfare rates and then blame individuals when they turn to crime. In discussing Canadian women in prison, Pate (2006) stated:

It is these laws and policies that are causing human suffering. It is these laws and policies that effectively criminalize poverty, disabilities and resistance to colonization. It is these bureaucrats, parliamentarians, welfare and police officers, as well as their friends in the universities who come along and develop classification schemes, methods of assessment and correction tools. These are the folks pretending that the poor people who have been grabbed, sucked, or thrown into criminal and correctional systems are there because of their own wish and will power. p. 82

Alfred and Chlup (2009) argued that prisons are in response to social problems faced by those in cycle of poverty, and Pate (2006) argued that the poor should not be held responsible for systemic problems. Additionally, Pate (2006) and Sudbury (2005) argued that in order to address the problem we must prosecute those in control such as members of parliament, bureaucrats, welfare officers and police officers who pass and enforce the bigoted laws. They suggested that instead of blaming women who are forced to join illegal activities and use drugs because of abuse, devastation and hunger caused by reduced social assistance, we should address the root of the problem. Sudbury (2005) stated that instead of investing resources in social programs and

welfare support the government is senselessly directing resources to creating and operating new prisons.

CRT recognizes the systemic issues that target specific individuals rather than perpetuating the individualization of a given social problem (Alfred & Chlup, 2009). According to Crenshaw (1999) CRT does not look to simply understand the link between laws, racial segregation and exploitation, but looks to change that relationship. Thus, Rocco et al. (2014) stated that CRT advocates for systemic and organizational changes critiquing powerful racialized structures that provide and maintain inequality and marginalization. CRT provides tools to assist members of society understand oppressive social structures in order to help these individuals demand progressive change (Delgado & Stefancic, 2001).

### **Guiding Framework: Feminism**

According to Duarte (2012), feminists criticize the inequality experienced by women in our political, economic and legal system. In the past, this meant equal rights for white middle class women; however, feminists now emphasize “a new vision of the social order in which women’s experiences and ways of knowing are brought to the fore, not suppressed” (Daly and Chesney-Lind, 1988, p. 498). Duarte (2012) argued that hierarchy can be blamed for the subordination of women by reinforcing the role of women as self-sacrificing, passive, and submissive. Furthermore, Daly and Chesney-Lind (1988) argued that feminism is fixated on how the social construction of gender (which impacts our interactions and identities) ultimately regulates the power inequality between men and women.

Canada’s correctional system which is male centered is a reflection of its white male-dominated society. By creating a correctional facility that is specially designed for white male offenders, Canada’s correctional services further marginalize women offenders and makes it much more difficult for their rehabilitation. Thus, Tyagi (2006) argued that the specific needs of women should get equal focus. Considering that the women offender population is smaller than men’s, that the majority of women are non-violence offenders, and considering the high costs of incarceration, Tyagi (2006) argued that, that may be the reason Canada’s correctional services give women considerably less focus and provide significantly less women centred programs. However, the reasons provided above should not be grounds for discrimination as a population being smaller is not an excuse for the state to treat them as though they are non-existent. That

said, it is vital that feminists continue to demand that the voices of women in prison be heard and that the government respond to the distinctive needs of women in prison.

Specific to racialized women, American researcher Harnois (2005) argued that race plays a significant role in women's distinctive experiences. While white women experience the privileges that come along with their skin colour, women of colour face further marginalization (Harnois, 2005; Pease, 2010). Harnois (2005) argued that for white women, sexism is often "pointed out for them," perhaps in school, and marginalization is related to particular life events such as higher education, marital status, and involvement in the paid labour force. However, racialized women are aware of their racial and gendered oppression at an earlier stage due to daily exposure (Harnois, 2005). Thus, while gender is an influential factor in how women are treated, race plays an even more dominant role.

**Feminization and Criminalization of poverty.** According to Tyagi (2006), the feminization of poverty is very present in Canadian society: 40 percent of single women, 56 percent of families headed by single mothers, and 93 percent of single mothers under the age of 25 live below the poverty line with approximately 41 percent of racialized minorities living in poverty (p. 135). In order to understand the complexity in the experiences of incarcerated women, Balfour (2006) urges a shift away from a cause and effect explanation where victimization (domestic violence, rape, sexual exploitation) causes criminalization (prostitution, fraud, violence, addiction). Pollack (2004), Balfour (2006) and Pate (2006) argued that instead of understanding black women's varying reasons for resisting poverty through criminal activities, society institutionalizes and punishes them. For example, black female prisoners are most likely to commit crime in order to gain financial independence; however, society labels them as rebellious and dangerous individuals instead of attempting to understand the complexity behind their decisions (Balfour, 2006). Thus, Pollack (2009a) argued for anti-oppressive approaches to counselling that is representative of women's systemic and interpersonal oppressions.

### **Guiding Framework: Intersectionality Theory**

Intersectionality theory permits the study of intersecting systems of oppression and discrimination, thus allowing us to examine how biological, social and cultural classifications intersect simultaneously on multiple levels leading to systemic prejudices that individuals experience (Crenshaw, 1995). Accordingly, an individual can experience discrimination based on their race, gender, class, sexuality, religion and so on. According to Calavita (2010), critical

race theorists would argue that we all “exist at the intersection of our race, gender, sexual orientation, class, and other such status,” which at times can be conflicted and/or overlapping (p. 61). In regards to racialized Canadian women who are incarcerated, their experiences exist somewhere between their race, gender and class among other intersecting points. So, racialized women are more likely to be incarcerated because we live in a society which favours white women; a sexist system which favours men; and a capitalist system which exploits and intentionally imprisons the lower class for profitable gain.

### **Gaps in Literature**

There are two main gaps in the literature. First, there is limited literature on Canadian women in prison. While looking for literature on women in prison, there is abundance which disappears once “Canada” is included in the search bar. Unfortunately, literature on racialized Canadian women in prison is even less. For example, the statistics provided on the pathways to crime are not particular to racialized women because of the lack of literature specific to them. Consequently, I have been forced to generalize and combine the experiences of Caucasian and racialized women and also to rely on older articles. Second, Canadian literature usually does not have strong theoretical support and those that do, usually do not use CRT, feminist and intersectionality theory. Thus, the angle with which I approach this topic is significantly different from what is currently available.

## **Chapter Three: Methodology and Research Design**

### **Project Parameters: Theoretical/Methodological Framework**

CRT and feminism provide the separate and interwoven epistemological and ontological frameworks for my analysis of racial and gendered oppression. While race and racism should be central to all social debates for critical race theorists, feminists argue that gender discrimination should be the focus; however, these theories recognize how different social labels can intersect and affect an individual (Duarte, 2012; Hylton, 2012). Ontologically, CRT requires that “activist-scholars remain conscious of the crucial social processes that structure their worlds and that they are prepared to consistently look to the bottom for answers as well as questions” (Hylton, 2012, p. 24). In addition to believing that we must look to those most affected for questions and answers, critical race theorists believe that the world is racially divided (Hylton, 2012). Similarly, I believe that our society is structured in a way where there are racial, gendered and class divides. Consequently, racialized women from the lower class experience extreme

marginalization. By recognizing that the world is filled with conflict and inequalities which need to be abolished, both CRT and feminism take a social justice and social change approach (Cancian, 1992; Hylton, 2012). These ontological perspectives align with mine. I believe in an anti-oppressive approach, while looking to those directly experiencing marginalization for questions and answers, in order to challenge the dominant way of seeing and understanding the world and in order to create a more just society.

According to Hylton (2012), CRT “implies a critical epistemological root, though knowledge development has suffered from mainstream agendas that have neglected and negated new and emergent forms of research” (p. 25). This shows that CRT is an emergent framework for research that challenges a hegemonic way of knowing. Unfortunately, the dominant hegemonic way of conducting research is scientific positivism (Brown & Strega, 2005). Scientific positivists argue that there is only one truth and one path to conducting valid research and created a neutral, objective, empirical, measurable, and falsifiable way to produce valid knowledge. Fortunately, CRT rejects this notion (Brown & Strega, 2005). A CRT methodological approach should “avoid the passive reproduction of established practices, knowledge and resources that make up the way types of research have been traditionally carried out,” in other words, eliminating the positivist approach (Hylton, 2012, p.26). Furthermore, scientific positivism rejects storytelling (an essential method of conducting research in CRT) and other similar methods that require the (minority) individual’s truth of reality (Bernal, 2002). Bernal (2002) argued that epistemologically, CRT acknowledges marginalized groups as producers of legitimate knowledge, where Eurocentric epistemologies have consistently failed them. Additionally, CRT opposes apolitical research and researchers as it stresses that we must “take sides” aiming to change or challenge current racialized and gendered systems (Hylton, 2012, p. 24). Thus, in using CRT, epistemologically, I approach my valid research using a non-Eurocentric method and research agenda.

#### **Data Source and Method: Data Collection**

I conducted a discourse analysis on government documents from Correctional Service Canada (CSC) and Public Safety Canada (PSC). CSC is a Canadian federal government agency responsible for managing, supervising, and rehabilitating persons who have been convicted of a crime and sentenced to prison for two years or more, as well as persons on conditional release situated in the community (Correctional Service Canada, 2012). Similarly, PSC, exists to

mediate and coordinate all federal government departments, plus community groups, private sectors and other nations in order to ensure national security and citizen safety (Public Safety Canada, 2015). Thus, their job is to keep Canadians safe from risks such as natural disasters, crime and terrorism (Public Safety Canada, 2015). My reasons for using these specific organizations are, they are both different branches of government agencies, their key areas of focus are on incarceration and public safety, and moreover, these two organizations are key players in this subject matter.

My reason for using government documents stems from the fact that the research is supported by the Canadian government, and thus it is important for the public to know whether these documents are delving into topics that are important and affecting citizens, and if so, in what context this is being done. These documents will shed light on whether government agencies are reporting on the overrepresentation of racialized women in prison and if so, whether the problem is being individualized. Also, I specifically used documents that are available to the public for my analysis because I would like to know whether the government's recognition of this problem is documented publicly. The government's public recognition of these problems may be important to racialized individuals and especially racialized women who have suffered the consequences of the systemic problems that lead to their incarceration.

The criteria I was looking for in a document are:

1. It had to be written by a government agency and endorsed by the federal government;
2. It had to be publicly available;
3. It had to be at least 10 pages long in order to provide me with enough information for my analysis;
4. Its title had to have suggested the inclusion of a racial or gendered analysis;
5. The documents had to be written within the last 10 years; however, I had a difficult time finding documents that met this criteria so I had to settle for documents that date as far back as the 1990s.

The first article I found was *Long-Term Federally Sentenced Women: Literature Review* (1994), and still I had a difficult time locating the others until I found *Ten-Year Status Report on Women's Corrections 1996-2006* (2006) which lead me to the other reports. Together I have four documents as my data: *Ten-Year Status Report on Women's Corrections 1996-2006* (2006) (Ten Year Report); *Protecting Their Rights A Systemic Review of Human Rights in Correctional*

*Services for Federally Sentenced Women* (2003) (Protecting their Rights); *Long-Term Federally Sentenced Women: Literature Review* (1994) (Long Term FSW); and *Creating Choices: The Report of the Task Force on Federally Sentenced Women* (1990) (Creating Choices). The reasons there are only four documents are the data became saturated and the themes and discussions became repetitive. These four documents provided sufficient information to explore my topic and support my research question, while still keeping in mind my short time frame for research completion. Finally, the four chosen documents are prominent in this line of research.

While I briefly scanned the chosen documents to ensure that race or gender is mentioned, my decision to include these specific documents as data was strongly based on the title. For example, the Ten Year Report (2006) was discussing women's incarceration in the last ten years, and so, I expected that it would discuss the incarceration of racialized women, their growth over time, and how things may look different for them now as compared to 1996. Similarly, in the Protecting their Rights report (2003), I also expected that racialized women would be included in the analysis since their experiences with the criminal justice system and human rights violation is a reoccurring issue. In the Long Term FSW (1994) and Creating Choices Report (1990) I expected substantial information on racialized women since it was a report entirely on federally sentenced women.

With that said, my method does not specifically align with CRT and feminism's suggested methods of research. However, Hylton (2012) concluded that while there are preferred methods aligned with CRT, there is no right method, but rather researchers using a CRT methodology must embrace its "spirit," practicality, and transformative elements (p. 36). Researchers using a CRT methodology are expected to have a social justice focus, challenge oppression, subordination and racism, research for and not on the participants, and incorporate class, gender, and other oppressive social categories (Hylton, 2012). Similarly, feminist methodologies must focus on gender inequality, raise awareness of marginalized women's issues, promote co-production of knowledge, aim for social transformation, empower women, challenge power dynamics and promote reflexivity (Cancian, 1992). These principles are especially important to my research because my method is not directly informed by my methodological framework, since I conducted a discourse analysis. By abiding by the spirit of CRT, which informs my epistemology and ontology, I am using my research to investigate our

social world and challenging the oppression of racialized women. I not only hope to empower these women, but to inform public perceptions of their struggles (Hylton, 2012).

### **Data Analysis**

I read my data literally, interpretively, and reflexively. I conducted a literal reading during the coding of my data. As I assigned information to themes, I took it at face value. With that said, reading data literally suggests objectivity and neutrality, which is impossible.

My reason for wanting to organize my data categorically was because the four documents were primarily text based and categorical organizing permitted an in-depth analysis (Mason, 2002). Additionally, categorical organizing provided me with an overview of the documents, what they discuss and what they do not cover while still allowing me to locate and retrieve information and themes which were otherwise too difficult and scattered (Mason, 2002). Furthermore, this technique allowed me to systematically and rigorously analyze my data in order to address my research question. Overall, I believe this process of organizing informed my methodology because it allowed me to see whether government documents were reporting on the racial and gendered issues that exist in Canada's correctional system and within what context, where the gaps remain and where future research is required.

Post coding, I provided an interpretive reading. The questions I asked myself to assist me in reading my data are as follows. Did the government documents discuss race? Was racialization and racism only a small section of the document? Were racialized individuals mentioned only in comparison to the dominant white race? Was the over representation of racialized women in prison individualized? In terms of gender, were women mentioned only in comparison to men? Did the gendered analysis only take up a small section? Generally, I was looking at the framing of these issues, whether the problem was individualized or whether racism and gender discrimination was seen as structural issues. Also, I paid close attention to the wording used to describe and discuss these topics.

As previously mentioned, it is difficult to be objective because my ontological and epistemological perspectives informed my research area and question, and thus everything that followed. Hence, from the moment I began thinking about my research, deciding on the specific words to aid me in searching for my data, choosing my data, coding, and interpreting my data, I am influenced by my experiences, beliefs, and overall assumptions, which in turn affect my findings and conclusion(s). For example, CRT and feminism influenced my decision to include

race and gender in my research and analysis. Overall, the decisions I made in relation to my research project were informed by my world view and my understanding of what constitutes valid knowledge, in other words, my theories. Still, I worry whether my research will achieve the most important goal: to create a more just society for [racialized] women in prison.

Unfortunately, my research currently favours me (completing my master's) more than it will benefit this population. However, I am hoping to publish this research as an article making it available to the public and I plan on continuing to work on research in this topic area and continue advocating with and for these women.

To organize my findings, I created a table for each theme. Each table covers a specific theme with excerpts from each document that are specific to that theme. Table 1, which is labeled "Exclusion of Race," is self-explanatory in that as suggested by its title, it contains quotes that showcase the exclusion of race when discussing women in prison. Table 2, labeled "Gender Discrimination," encompasses the discrimination women experience being a part of the prison corporation that devalues and disregards women. This table will also include excerpts that showcases the individualization of the systematic incarceration of women. Table 3, "Maintaining the Status Quo," consists of information that perpetuates the racist and power inequality both in the prison systems and in our society.

### **Ethical Considerations**

I was mindful when conducting my research since I relied on other researchers' accounts and interpretations as I did not conduct primary research. This means that I did not have the women's input to ensure that I was capturing the essence of their experiences when coding and analyzing. I recognize my power as a researcher in producing information; thus, I was/am critical during every step of this research ensuring to remain systematic, rigorous and accountable for what I produce because whatever I say may in turn affect readers' understand of this topic and the lives of these women (Brown & Strega, 2005).

Since I have never been imprisoned, I cannot directly identify with incarcerated women, however, while I can somewhat identify with these women because I too have experienced systemic oppression, the major factor of incarceration is missing. It is especially vital that I continue to recognize this fact because it shows that I still do not understand a major aspect of these women's lives. Secondly, I identify as a racialized woman. Being an African-Canadian woman, I have experienced both racism and gender inequality which influenced my desire to

research this topic. Still, I am a black woman, so I cannot claim to understand the experiences of Hispanics, Asians or any other racialized women who have been incarcerated, nor can I claim to understand the experiences of all black women.

#### **Chapter Four: Presentation of Results**

In order to examine whether the racial and gendered issues of incarceration are documented in reports supported by the Canadian government, I categorized four documents according to the primary categories of, Exclusion of Race and Gender Discrimination. In addition, I used the category Maintaining the Status Quo, to see how discrimination is systemically perpetuated. This chapter outlines the detailed results of my study.

##### **Exclusion of Race**

A common theme among the documents was the exclusion of race when discussing topics specific to women in prison. For example, in some cases where race was mentioned, like in the Creating Choices Report (1990), it was discussed only in relation to Aboriginal people. For this section, please refer to Table 1, Exclusion of Race.

**Table 1.**  
**Exclusion of Race**

<b>Exclusion of Race</b>	
<b>Ten-Year Status Report on Women's Corrections 1996-2006 (2006)</b>	<ul style="list-style-type: none"> <li>• Phase II of the Arbour Commission of Inquiry was dedicated to policy consultations and roundtable discussions on selected topics in which CSC participated. ....these submissions included detailed overviews on the work to date in implementing the operational plans for the regional women's institutions, as well as cross-gender staffing issues, Aboriginal Women, gender-informed program development, security classification and crisis management (p. 13)</li> <li>• Programs must use an approach that addresses the multi-faceted needs of women. Women need to address emotion regulation issues which may underlie other needs (p. 37)</li> </ul>
<b>Protecting Their Rights A Systemic Review of Human Rights in Correctional Services for</b>	<ul style="list-style-type: none"> <li>• The men and women who become offenders tend to be people who are at risk of becoming marginalized even before their contact with the criminal justice system. But the very factors that set these people at a disadvantage in the first place-lack of education, low employability-tend to be disproportionately prevalent among women inmates, Aboriginal inmates and inmates with disabilities, and when these factors are present, their impact can be even more acute on women than it is on men (p. 2)</li> </ul>

<p><b>Federally Sentenced Women (2003)</b></p>	<ul style="list-style-type: none"> <li>• They have the right not to be discriminated against or harassed because, for example, they are Aboriginal or have cognitive limitations (p. 13)</li> <li>• Women, particularly Aboriginal women, are vulnerable not only because they lack power in the prison context, but also because of the economic, social and political realities of women’s lives... The disadvantage they experience is multi-layered both in the society and the correctional system (p. 16)</li> <li>• The first step is to look for differential treatment, including lack of access to or denial of correctional services, or the failure of correctional services to meet the needs of individuals or groups. A lack of access to programming for federally sentenced women that is available to federally sentenced men may indicate differential treatment (p. 16)</li> <li>• Federally sentenced Aboriginal women classified at the maximum security level and a disproportionately low percentage of Aboriginal women at the minimum level... Women with mental health issues, cognitive limitations and substance dependency are also disproportionately classified as maximum security (p. 28)</li> <li>• The St. Leonard’s Society of Canada indicated that this policy has a disproportionately negative impact on Aboriginal offenders since they are more likely than non-Aboriginal offenders to be given a harsher sentence for charges based on similar facts (p. 32)</li> <li>• The Report of the Cross-Gender Monitor raised concerns about using informal conflict or complaint resolution systems to resolve complaints about staff because of the power imbalance between inmates and staff. It notes that many federally sentenced women feel coerced by mediation because there is no neutral third party, or the person acting as mediator is not trained in conflict resolution... the Correctional Service’s duty to provide a grievance system that fairly and expeditiously resolves offenders’ grievances, our review indicates that women inmates perceive the system as ineffective (p. 62/63)</li> <li>• Service for 2002–2003, almost 10% of the complaints filed by women dealt with harassment or discrimination compared with 2.5% of the complaints filed by men (p. 64)</li> </ul>
<p><b>Long-Term Federally Sentenced Women:</b></p>	<ul style="list-style-type: none"> <li>• It is paramount that the needs of this group be clearly articulated, as many needs will undoubtedly overlap with those of all women being housed in these facilities. The identification of such will aid in the development of program strategies and in areas such as staff training (p. 1)</li> </ul>

<b>Literature Review (1994)</b>	<ul style="list-style-type: none"> <li>• Staff training programs should focus on the unique problems of long-term inmates as well as problems faced by women offenders in general (p. 6)</li> </ul>
<b>Creating Choices: The Report Of The Task Force On Federally Sentenced Women (1990)</b>	<ul style="list-style-type: none"> <li>• One hundred and seventy women were interviewed, out of a total of two hundred and three women serving federal sentences in prison at the time of the study...The information collected through these interviews presents a picture of a diverse group of women with a wide range of multifaceted needs (p. 20)</li> <li>• For those federally sentenced women who have little or no opportunity to express themselves through their own language and culture at the prison in which they are serving their sentence, communication barriers, frustration, loneliness and alienation are common experiences. Federally sentenced women come from many different cultures and language backgrounds... "Women from other countries or from minority ethnic groups are often very isolated, having neither family nor friends to visit, nor language in common with those around them. A number of them said they would like to have visits from community or religious leaders from communities like their own in Canada" (p. 22)</li> <li>• Lack of opportunity to communicate in their language of origin with someone who shares their culture can increase anxiety and feelings of alienation and loneliness in the women. Aboriginal women said many times that they did not feel comfortable with non-Aboriginal people. They expressed the need to be able to communicate with people from their own culture and background in every area of their life in the prison (p. 23)</li> <li>• Race(ism) is sometimes mentioned but only in relation to Aboriginal people</li> <li>• Programs must be approached from a holistic perspective. That is, all programming must work together to respond to the multifaceted, inter- related nature of a woman's experience (p. 47)</li> <li>• The women also raised the need for cultural sensitivity among staff members (p. 48)</li> <li>• Mandatory training for staff in all positions will emphasize counselling, communications and negotiation skills and will also include training focused on sexism, sexual orientation, racism, Aboriginal traditions, spirituality, as well as issues relating to power and class (p. 66)</li> </ul>

Three of the four reports urged a “holistic,” “multifaceted” or “multi-layered” approach to responding to the needs of women in prison, but even with such a relevant statement all three documents proceed to exclude race from the analysis (Creating Choices Report, 1990; Protecting their Rights, 2003; Ten Year Report, 2006). The Ten Year Report (2006) outlined a variety of topics that were debated during a roundtable discussion between CSC participants and Arbour

Commission of Inquiry. The topics discussed were past operational plans for regional women's institutions, Aboriginal women, issues encountered due to cross-gender staffing, program development informed by gender, crisis management and security classification. However, in seeing the list of topics discussed, it is quite clear that except for Aboriginal women, racialized women was excluded from the discussion. Similarly, the Long Term FSW report (1994) advocated for the distinct needs of women serving federal sentences in Canadian prisons. Again, racialized women serving federal sentences were briefly mentioned leaving their unique experiences and struggles unnoticed. Also, the Creating Choices Report (1990) on page 20, listed the women who were included in the research and while Aboriginal women and French-Canadian women were particularly listed as participants, racialized women appear to be excluded throughout the interview process.

Moreover, when discussing the issues faced by federally sentenced women, these documents usually used certain groups of people in exemplary or explanatory formats, and in most cases, racialized women in prison were rarely used. For example, in the Protecting their Rights report (2003), when talking about an individual's right to not face discrimination and/or harassment, Aboriginal women and people with cognitive limitations were mentioned (p. 13). Similarly, when discussing the marginalization of women prior to being imprisoned, Aboriginal women and people with disabilities were used again as examples, disregarding the fact that racialized women are also marginalized (p. 20). In the same way, instead of using a racial analysis when discussing differential treatment of women, there was a redundant comparison between men and women, even though this comparison had been well established earlier on (p. 2). Additionally, in the Creating Choices Report (1990), even when discussing barriers such as communication, differential cultures and languages, and religions faced by women in prison, Aboriginal people and French speaking Canadians were used as examples, again excluding racialized women and disregarding the fact that it is highly likely they face similar obstacles.

Furthermore, the Protecting their Rights report (2003) discounted the experiences of racialized women in many other cases, the examples are as follows: when talking about the overrepresentation of minorities who were classified as maximum security, the report talked about women with mental health issues, cognitive limitations, Aboriginal women and women who were dependent on substances (p. 28); when talking about those given harsher sentences Aboriginal women were again listed in exemplary format (p. 32); and finally, when discussing

the lack of power in our society and thus in the prison context Aboriginal women were again mentioned (p. 16). On the other hand, according to the Office of the Correctional Investigator (2013), visible minorities were overrepresented in segregation; approximately one in four visible minority inmate immigrated from different parts of the world resulting in different cultures, religions and languages; and overall, black inmates stated that it seemed as though they had a “different set of rules” with nearly 100 percent of those interviewed having experienced blatant but mostly subtle forms of discrimination in the hands of staff (p. 10). Thus, it is not as though racialized women are not experiencing marginalization, but instead, they are simply not often publically discussed. With that said, I would like to clearly state that I am not suggesting that racialized women should replace Aboriginal women or women with cognitive limitations in cases like this, nor am I suggesting that the inclusion of these women should be blamed for the exclusion of racialized women, but rather, I am advocating for the addition of racialized women.

**Gender Discrimination**

There was a general consensus among all the documents that women in prison experience discrimination due to Canada’s male centered prison system. For this segment, please refer to Table 2, Gender Discrimination.

<b>Table 2.</b>	
<b>Gender Discrimination</b>	
	<b>Gender Discrimination</b>
<b>Ten-Year Status Report on Women’s Corrections 1996-2006 (2006)</b>	<ul style="list-style-type: none"> <li>• The opening of regional institutions, rather than maintaining one institution for all federally sentenced women, significantly alleviated a multitude of concerns that had been voiced over the years regarding the experience of incarcerated women. Primarily, there were concerns about most of the women’s geographical distance from their families, friends, and communities. As well, there was a lack of programs specific to women’s needs, no programs and services for francophone women, little in the way of programs and services...and the building and space were inadequate (p. 6)</li> <li>• Offenders, correctional staff and stakeholders have expressed deep convictions as to the role that men should have in the front line positions at women’s institutions. These views have at times been at opposing ends of the continuum, yet share a common belief in principles of fairness, dignity and individual rights (p. 18)</li> </ul>

	<ul style="list-style-type: none"> <li>• The CRS was developed based on a sample of men offenders but its reliability, validity and practical use has also been assessed favourably with women offenders...Despite this evidence, concerns have been raised that the CRS does not include variables specifically relevant to women such as relationships, abuse, mental health and parenting issues...The Canadian approach to corrections is based on the premise, supported by research, that people can and do change with appropriate programs and interventions (p. 27)</li> </ul>
<p><b>Protecting Their Rights A Systemic Review of Human Rights in Correctional Services for Federally Sentenced Women (2003)</b></p>	<ul style="list-style-type: none"> <li>• Historically, correctional philosophy, law and practice were developed to control and manage a predominantly male inmate population...In its report <i>Creating Choices</i>, the Task Force concluded, "[t]he ability of CSC to meet its responsibility for federally sentenced women has been eroded by trying to fit a small, diverse relatively low-risk group of women with multi-faceted needs into a system designed for a large, more homogeneous and high-risk population (p. 1)</li> <li>• Yet many of the underpinnings of a correctional system designed for white male inmates have remained unchanged and hinder its capacity to be truly gender-responsive (p. 2)</li> <li>• Women prisoners in particular tend to be invisible to society (p. 5)</li> <li>• These principles include using the least restrictive measures consistent with the protection of the public, staff members and offenders (p. 14)</li> <li>• These considerations raise questions about whether the Correctional Service's gender-neutral staffing policy strikes the proper balance between the right of male guards not to be discriminated against in employment and the right of federally sentenced women not to be discriminated against in correctional services relating to custody (p. 42)</li> </ul>
<p><b>Long-Term Federally Sentenced Women: Literature Review (1994)</b></p>	<ul style="list-style-type: none"> <li>• There was a significant degree of low self-esteem manifested among the women in the study, not only as a lack of confidence in themselves as people, but also feelings of being personally devalued as women (p.2)</li> <li>• Their study also showed that the officers' description of women were often contradictory: "on the one hand, the staff demonstrated concern for the women and compassion for their problem and, on the other, expressed cynicism and questioned their integrity" (p. 2)</li> </ul>
<p><b>Creating Choices: The Report Of The Task Force On</b></p>	<ul style="list-style-type: none"> <li>• Virtually every report since 1934 identified federally sentenced women as "a correctional afterthought" in terms of programming variety and quality (p. 14)</li> </ul>

**Federally  
Sentenced  
Women (1990)**

- Those women at the Prison for Women felt that the courses currently available to them are very limited and out of date, with the exception of those taken in the men's prisons. For women in the provinces, very little is available beyond basic education skills training (p. 23)
- These studies demonstrated that while the needs of federally sentenced women may be more dramatic, they are of the same nature as the needs of women in general (p. 33)
- The purpose of the Programs Task Force was "to develop and propose improvements to offender programs in order to contribute more effectively to protection of the public" (p. 35)
- One objective of programs is to support the development of self-esteem and autonomy; the element of personal choice, particularly in such areas as health care and nutrition, is critical; programs must be developed and provided in a culturally sensitive manner (p. 46)
- The Committee has indicated its support for victim-offender reconciliation and in particular its support for offenders accepting/taking responsibility for their criminal conduct by taking steps to repair the harm done. Hand-in-hand with this is the responsibility of the community to offer support to the offender to make constructive changes in her or his life which will reduce the prospects of further conflict with the law (p. 16)
- Building *self-awareness* and *self-esteem* through programs which help women deal with other needs was seen by the researchers as essential to help women become responsible citizens (p. 32)

Historically, Canada's correctional system in its philosophies, laws and practices existed to control and manage a predominantly male population (Protecting their Rights, 2003, p. 1). For example, the Protecting their Rights report (2003), cited the Creating Choices Report which stated that "[t]he ability of CSC to meet its responsibility for federally sentenced women has been eroded by trying to fit a small, diverse relatively low-risk group of women with multi-faceted needs into a system designed for a large, more homogeneous and high-risk population" (p. 1). This single quote embodies the reality for women in prison whose needs are second to the dominant male prison population. Similarly, the Ten Year Report (2006) discussed a time when there was only one prison for all women serving federal sentences. This resulted in a ripple effect of problems that negatively affected prisoners such as such as geographic separation from their families, friends and communities, inadequate building and space and even with just one institution there was lack of programming and services that responded appropriately to their unique needs (Ten Year Report, 2006, p. 6).

Another example is in relation to cross gender staffing, with many people from different professions debating on whether or not men should be permitted to work in women only prisons. In relation to this topic, the Ten Year Report (2006) stated that the principles of fairness, dignity and individuals rights should triumph (p. 18). But whose fairness, dignity and rights is this report referring to? Men or women? Then on page 27, this report discussed the discriminatory practices embedded in assessment methods for women. For example, the Custody Rating Scale (CRS) was developed for men and consequently excluded components like relationships, abuse, mental health and parenting issues that are uniquely relevant to women's experiences (Ten Year Report, 2006, p. 27). The CRS is a great example among others that showcases the ways in which women are further marginalized in the prison sphere. In the Protecting their Rights report (2003), when talking about protection, this report stated that one must consider the public, staff members and then offenders again suggesting that in order of importance offenders come last (p. 14).

Another common theme was the individualization of women's incarceration. Instead of recognizing the systemic issues leading to the incarceration of women, these documents continue to blame the individual. For example, the Ten Year Report (2006) stated that "the Canadian approach to corrections is based on the premise, supported by research, that people can and do change with appropriate programs and interventions" (p. 27). Stating that people can and do change suggests that women should take full responsibility for systemic blockages. Additionally, according to the Ten Year Report (2006), CSC's key principles in responding to women offenders are empowerment, meaningful and responsible choices, respect and dignity, supportive environment and shared responsibility (p. 5). However, stating that the individual should make meaningful and responsible choices is individualizing the problem because it is suggesting that the individual is choosing pathways that lead to prison. Although shared responsibility was revealed later, it was mentioned last suggesting that the onus is on the woman to make better choices even though the situations created by society make it impossible to do so. The Long Term FSW report (1994) stated that "there was a significant degree of low self-esteem manifested among the women in the study, not only as a lack of confidence in themselves as people, but also feelings of being personally devalued as women" (p.2). Due to the exclusion of an in-depth analysis on the systemic oppression leading to the development of lower self-esteem issues experienced by women in prison, the quote above implies that self-esteem issues could be the cause of their incarceration. This is further discussed in the Creating Choices Report (1990)

which stated that “building self-awareness and self-esteem through programs which help women deal with other needs was seen by the researchers as essential to help women become responsible citizens” (p. 32). Again self-awareness and self-esteem are credited for women’s offending and re-offending disregarding social issues like tough on crime measures and cuts in social budgets.

**Maintaining the Status Quo**

The third and final category is, Maintaining the Status Quo. CSC not only maintains power imbalance, but it also perpetuates sexism. These documents continue to perpetuate the power inequalities that exists in our society where the rules are skewed in favour of the ruling class while also ostracizing the working class. For this section, please refer to Table 3, Maintaining the Status Quo.

<b>Table 3.</b>	
<b>Maintaining the Status Quo</b>	
	<b>Maintaining the Status Quo</b>
<b>Ten-Year Status Report on Women’s Corrections 1996-2006 (2006)</b>	<ul style="list-style-type: none"> <li>• Five underlying principles were identified in Creating Choices as the foundation for a correctional strategy for women offenders, principles that continue to serve as the basis for our work: empowerment, meaningful and responsible choices, respect and dignity, supportive environment and shared responsibility (p. 5)</li> <li>• For those women offenders who spend a longer period of time in segregation, CSC is committed to examining approaches that will increase opportunities for out-of-cell activities and interaction with others while maintaining the safety of all concerned (p. 35)</li> <li>• CSC is conducting an Impact Analysis of mediation and alternative dispute resolution approaches used by designated mediators to address offender issues, complaints and/or grievances prior to and/or at any stage in the formal grievance process (p. 16 )</li> </ul>
<b>Protecting Their Rights A Systemic Review of Human Rights in Correctional Services for Federally</b>	<ul style="list-style-type: none"> <li>• Although Canada’s correctional system may not be particularly effective in addressing social disadvantage and exclusion, it tends, for the most part, to be gender neutral (p. 2)</li> <li>• The Correctional Service of Canada has a duty to accommodate individuals and groups up to the point of "undue hardship." Undue hardship is reached when the Correctional Service has done all that it can without unduly compromising the health or safety of staff, federally sentenced offenders or the public. Sometimes cost may be a factor justifying discrimination, but it is exceptional for cost to justify an infringement of human rights (p. 19)</li> </ul>

<b>Sentenced Women (2003)</b>	
<b>Long-Term Federally Sentenced Women: Literature Review (1994)</b>	<ul style="list-style-type: none"> <li>• Assist the inmate to accepting his [The Perron Report does not use inclusive language, although the findings are presumed to be applicable to women offenders.] sentence. Guide him and support him in his adaptation to his new life (p. 8)</li> </ul>
<b>Creating Choices: The Report Of The Task Force On Federally Sentenced Women (1990)</b>	<ul style="list-style-type: none"> <li>• But we began our work with the daunting knowledge that although the needs and situation of federally sentenced women had been studied on numerous occasions in the past, the problems experienced by these women, their victims and those who have tried to help them remained the same. How could we reduce the pain?...It was federally sentenced women themselves who gave us the energy and determination to create a new vision; a vision based on choices. It was these women, who, despite the pain of their present circumstances, despite their negative experiences with task forces and research, and despite their feelings of powerlessness and distrust, offered their ideas and their hope to the Task Force...The process itself was often painful. Throughout the Task Force, we struggled hard to work within a consensus model. This process taught us that only if people are treated with respect, only when they are empowered, can they take responsibility for their actions and make meaningful choices. We carried this insight forward to our work and to our vision for change. In the end, we understood the importance of choices in the lives of federally sentenced women and in the lives of all of us (p. 1)</li> <li>• Over the past decade, and particularly in the last year, our justice system has undergone careful scrutiny to ensure that it reflects the values and realities of our time (p. 2)</li> <li>• Since imprisonment generally offers the public protection from criminal behaviour for only a limited time, rehabilitation of the offender is of great importance. However, prisons have not generally been effective in reforming their inmates (p. 17)</li> <li>• There is no <i>ideal</i> solution to the problem of the female offender. The country is too vast and the number of women too small to permit anything but the compromise solution recommended in this report (p. 18)</li> <li>• The law speaks only to the protection of society and the humane and safe custody of those sentenced (p. 41)</li> </ul>

The Ten Year Report (2006) stated that “the protection of society be the paramount consideration in the corrections process; and that the Service use the least restrictive measures consistent with the protection of the public, staff members and offenders” (p. 29). This report is suggesting that offenders are inferior or second class citizens by stating that when managing crises, in terms of respect, safety and post incident support, staff needs should receive the most focus. Additionally, the Ten Year Report (2006) stated that female offenders were spending extended amounts of time in segregation, however, that “CSC [was] committed to examining approaches that will increase opportunities for out-of-cell activities and interaction with others while maintaining the safety of all concerned” (p. 16). CSC taking responsibility for ensuring offenders spend less time in segregation and that the safety of everyone is continuously considered reinstates current structures where the fate of unprivileged offenders is in the hands of privileged individuals in power further creating a power imbalance. For example, when considering the safety of all, women in prison come last on that hierarchical scale and that will likely continue with CSC employees controlling who goes to segregation. Similarly, according to the Ten Year Report (2006), CSC is responsible for mediating conflict resolutions which also perpetuates power imbalances by rendering the women helpless with no one to turn to but CSC employees when issues arise (p. 16). By failing to critic current structures or recommend other methods of conflict resolution that excludes CSC employees, the Ten Year Report (2006) further promotes power imbalance.

Canada’s correctional system further maintains the status quo by permitting gender discrimination through a sexist agenda. According to the Protecting their Rights report (2003), Canada’s correctional system inadequately responds to social exclusion and disadvantages and suffers from gender neutrality (p. 2). And as previously mentioned, gender neutrality is ultimately the marginalization of women. In discussing undue hardship, the Protecting their Rights report (2003) stated that CSC has to accommodate individuals up to a point which does not negatively affect the health and safety of others including staff and offenders (again staff is mentioned before offenders) and cost(s) is also grounds for discrimination. Again, who gets to determine undue hardship, and who gains from the greater good when undue hardship is imposed? Similarly, the Long Term FSW report (1994), mentioned the Perron Report which used “his” as an inclusive message to refer to men and women, however, this suggests that women are far too inferior to be directly addressed. Furthermore, in quoting the Perron Report,

the Long Term FSW report (1994) urged offenders to accept his or her sentence, accept the guidance provided and adapt into their new life. Again, this suggests that women as offenders should be weak, senseless and obedient individuals following and accepting the status quo without attempting to change it.

Page one of the Creating Choices Report (1990) stated that,

Although the needs and situation of federally sentenced women had been studied on numerous occasions in the past, the problems experienced by these women, their victims and those who have tried to help them remained the same. How could we reduce the pain?...It was federally sentenced women themselves who gave us the energy and determination to create a new vision; a vision based on choices. It was these women, who, despite the pain of their present circumstances, despite their negative experiences with task forces and research, and despite their feelings of powerlessness and distrust, offered their ideas and their hope to the Task Force...The process itself was often painful.

This entire quote showcases a divide (us against them mentality) where those in power and privileged situations have “studied” those less fortunate. Also, the researchers asked, “how can we reduce the pain” creating a divide where they as researchers come in to save the day and these women are perceived as helpless mute individuals. Additionally, the researchers stated that women in prison “gave” them the “determination to create a vision”. The word “gave” implies something is taken without something necessarily been given in return and then the researchers created a vision absent women in prison further detaching these women from their struggles and stories. Additionally, creating a “vision based on choice” is indirectly implying that these women are to blame for their incarceration. Moreover, this appears as a self-interest type project where the researchers are constantly benefiting from the project. The researchers state that the process of conducting their research has been “painful”, again putting them [researchers] and their emotions first.

The Creating Choices Report (1990) also stated that the justice system is not static and has been strategically making an effort to create change that “reflects the values and realities of our time” (p. 2). This is problematic because each community has its unique needs and in most cases the justice system is representative of the white majority and their values and realities. Additionally, this report stated that “since imprisonment generally offers the public protection from criminal behaviour for only a limited time, rehabilitation of the offender is of great

importance. However, prisons have not generally been effective in reforming their inmates” (Creating Choices Report, 1990, p. 17). This statement suggests that this report supports longer sentences by placing the word “only” signifying that there should be more prison time and that the offender should receive rehabilitation not because it may be necessary for the offender but because it is necessary for the protection of society. The Creating Choices Report (1990) stated that, “there is no ideal solution to the problem of the female offender. The country is too vast and the number of women too small to permit anything but the compromise solution recommended in this report” (p. 18). Instead of saying the problem experienced by female offenders, the report stated that “the problem of the female offenders” again suggesting that female offenders are the problem. Also, I am certain if women offenders were asked to speak on possible solutions to the problems they would be able to come up with solid solutions, thus, for this report to state that there is no ideal solution suggests that they may not have spoken to the women themselves. And when the report stated that there are no ideal solutions, whose lens was being used to view the problem and solution? Should small numbers permit society/our government to ignore an entire population? Lastly, it is stated in this report that “the law speaks only to the protection of society and the humane and safe custody of those sentenced” (p. 41). Again, stating that the law protects society but can only guarantee humane and safe custody to those that are sentenced is not justice in that female offenders are receiving second class treatment.

A major problem I observed through analyzing these government documents is the exclusion of race from important discussions. How can Canada as a nation address a problem and find solutions plaguing its people if there is no recognition of the problem? These documents represent an important time in Canada’s correctional history, they were created in response to the damaging time women experienced in prison, yet racialized women were excluded in the analysis and therefore were not represented in their recommended solutions sections. Also, there was a general consensus that women in prison experience discrimination in a male entered prison system, however, the solutions provide while relevant, are simply band aid solutions because they further preserve systemic problems by individualizing the women’s incarceration.

### **Chapter Five: Discussion**

While exclusion of race when discussing topics specific to racialized women was a recurring problem in each document, there were instances where race was mentioned, so before the exclusion of race is analyzed, I will start by discussing sections in which race was included

and how it was executed. Then, I will analyze the exclusion of race and what being excluded means for racialized women. Finally, I will examine how the increasing incarceration of women is perpetuated by the individualization of their incarceration.

### **Inclusion of Race**

The Ten Year Report (2006) outlined the profile of women offenders in two categories: one is those who were “incarcerated” and the other for those who were on “conditional release.” In this particular case, of those who were incarcerated, 57 percent were Caucasian, 31 percent were Aboriginal, five percent were black, four percent were other and three percent were Asiatic (Ten Year Report, 2006, p. 12). And of those on conditional release, 61 percent were Caucasian, 19 percent were Aboriginal, ten percent were black, five percent were other and five percent were Asiatic (Ten Year Report, 2006, p. 12). As shown by the statistics above, although the numbers of racialized women in prison were significantly lower than their white and Aboriginal counterparts, they [racialized women] were present. Yet when analyzing the data and making recommendations, there were no discussions specific to the needs of any racialized women. Also, it is not specified what “other” means in this context. The report should have listed the specific race as opposed to further marginalizing racialized individuals by listing them as an “other”.

Furthermore, in the Ten Year Report (2006), race is mentioned a second time and in relation to program development. In preparing for the new regional women’s institutions, the Correctional Program Strategy for Federally Sentenced Women (1994) was designed to take into account the intersecting points which can alter women’s experiences such as racial, gendered, cultural, spiritual, and linguistic differences when creating programs meant for women offenders. While it is great that race is mentioned, this is ultimately the only time race is used in the analysis. By mentioning race only a few times (in such an enormous report), it suggests that it is not a worthy issue in the topic of women’s incarceration and permits the government to merely glance at or even disregard the issue. Additionally, since race is mentioned in relation to program development without many details of how to execute this recommendation, it makes its implementation much more difficult. Similarly, the Long Term FSW report (1994) lists the number of women serving long term sentences with 12 Aboriginal, six black, two Asians, and one other serving long term sentences. However, race does not occur in the analysis or recommendations section, thus creating the same issues listed above. Hence, even when race is

acknowledged as an influential factor in incarceration or women's experiences, it is often absent in the analysis and recommendation sections when it matters most.

In comparison to the other documents, the Protecting their Rights report (2003) was significantly more inclusive of information on racialized women. However, even though the report focused on human rights in corrections for women in federal prisons, it failed to effectively analyze race throughout the report. For example, when outlining the profile of women who are federally sentenced, while there was a section for Aboriginal people, there was no mention of racialized women, nor were their statistics specific to pathways to crime for racialized women. Also, even with a section dedicated to discrimination against women who are in federal prisons, it did not provide much information or statistics specific to racialized women. Instead when discussing discrimination, this report mostly used Aboriginal women or those with cognitive limitations as examples.

Similarly, in the Creating Choices Report (1990), race is mentioned, but only in relation to Aboriginal people. For example, on page five, an Aboriginal parolee, who was also a member of the Task Force Steering Committee, stated that prison is racist and will forever be a part of her memories and present in her surroundings making it impossible to "reconstruct [her life]" (Creating Choices Report, 1990). Directly above that comment, there is a quote which stated that "prison is 'living with labels and the violence of racism'" (p. 5). It is unclear whether an Aboriginal woman made that statement or whether it was a woman from a different racial background, but even if it was a member of a minority group, her voice is silenced because she is not given a name or title. If this was an Aboriginal woman, other racialized women may experience the same reality, but we will never know because their voices remain unheard. That said, in the rest of the report, whenever race is mentioned, Aboriginal women are subsequently mentioned. For example, in a section called "Freedom from Racism," this report only discusses Aboriginal people but then stated that: "federally sentenced women from other minority groups have no doubt also suffered the effects of racism. However, such information was not collected in the research studies commissioned by the Task Force" (p. 24). Once again racialized women are excluded from an important conversation for insignificant reasons.

### **Exclusion of race**

As previously mentioned, a common theme among all articles and reports is the exclusion of race from the topic of women and incarceration. For example, three of the four reports urge a

“holistic,” “multifaceted” or “multi-layered” approach to responding to the needs of women in prison, but even with such a relevant statement, all three articles proceed to exclusivity (Creating Choices Report, 1990; Protecting their Rights, 2003; Ten Year Report, 2006). Both the Ten Year Report (2006) and the Creating Choices Report (1990) argue that the creation of a program must be done in a “holistic” manner that recognizes and responds to the “multifaceted, inter-related nature of a woman’s experience” (Creating Choices Report, 1990, p. 47). Similarly, the Protecting their Rights report (2003), argued that “the disadvantage they [women] experience is multi-layered both in the society and the correctional system” (p. 16). However, while all three reports clearly state that recognizing the complex ways in which women’s experiences are unique is imperative, all three documents perform a poor job of including race throughout their report, suggesting that the topic is unimportant.

However, according to Alyward (1999) and the Systemic Racism in the Ontario CJS report (1995), racism is an influential factor in the criminal justice system and CRT permits an understanding of systemic racism (Crenshaw, 1995). The Systemic Racism in the Ontario CJS report (1995) argued that historically, Canadians have accepted racism and at a point even the law encouraged it. Similarly, Alyward (1999) argued that the law performs a poor job of creating a just society for black citizens both in Canada and America, and in Canada not only does the law perpetuate racism but it is continually excluding black people. Furthermore, Alyward (1999) argued that both countries have similar colonial histories which created an environment that was (and still is) anti-black and oppressive.

Today, under the law, everyone is equally protected against unjust or unfair imprisonment because “equality is a fundamental right,” but, even with formal changes that promise everyone freedom and equality, racism is still practiced with the current challenge being systemic racism (Systemic Racism in the Ontario CJS, 1995, p. ii). Accordingly, “racialization may be tolerated by the policies, procedures and norms of a system...the procedures of introducing, perpetuating, tolerating and transmitting racialization within social systems constitute systemic racism” (Systemic Racism in the Ontario CJS, 1995, p. iii ). Thus, the fact that racialized women continue to be overrepresented in prison due to laws that perpetuate racism and norms that leave it unnoticed sustains systemic racism, and CRT criticizes systemic structures urging for change within the system. For example, in the Protecting their Rights report (2003), when talking about the overrepresentation of minorities who are classified as maximum

security or overrepresented in segregation, women with mental health issues, cognitive limitations, Aboriginal women and women who are dependent on substances are discussed. However, CAEFS of Peterborough (2015) and the Office of the Correctional Investigator (2013) argued that racialized women (other than Aboriginal women) are also overrepresented in segregation in comparison to their white counterparts. Thus, not only is systemic racism contributing to the overrepresentation of racialized women in prison but the fact that it goes unreported re-establishes the norm where racialized women are always on the back burner and white women are the standard to which all women are measured. Essentially, equality in the books is a fundamental right, but in actuality, racialized women continue to experience marginalization.

**Exclusion of Racialized Women: So What?** Alyward (1999) stated that most Canadians would never compare racism in Canada to racism in America (where I believe it is more visible and hostile) and would even go as far as rejecting the existence of racism all together, which is what I believe these documents are doing by excluding race. The exclusion of race equals the silencing of racialized women. These documents are once again silencing racialized women and suggesting that their overrepresentation in the prison system and their unique needs are inferior to white women's presence and needs. Additionally, race and racism is real and by disregarding it these documents are perpetuating the continuous bad treatment of women of color. Thus, CRT is essential in showcasing the relevance of racial segregation in today's society in addition to its role in explaining how systemic barriers affect women of color.

Even though these articles are essentially denying that there is a race problem, according to the Systemic Racism in the Ontario CJS (1995), Ontario residents perceive race as an influential factor in the criminal justice system. When asked if people from minority backgrounds are treated worse than white people in the criminal justice system, 58 percent of black residents, 31 percent of Chinese residents and 36 percent of white residents in Metropolitan Toronto believed that black people received differential treatment from judges with 80 percent arguing that black people are treated worse in the criminal justice system (Systemic Racism in the Ontario CJS, 1995). Similarly, 40 percent of black people, 27 percent of Chinese people and 18 percent of white people believe that Chinese people get differential treatment with again 80 percent believing that judges treat Chinese people worse than their white counterparts

(Systemic Racism in the Ontario CJS, 1995). Thus, Canada's racist criminal justice system should not be treated as a myth.

**Race and Class.** When judges and lawyers were asked the same question (if people from minority backgrounds are treated worse than white people in the criminal justice system), most of them denied that systemic racism was a problem in Ontario courts (Systemic Racism in the Ontario CJS, 1995). But those who acknowledged differential treatment added that not only race, but class and poverty are all intersecting causes to differential treatment (Systemic Racism in the Ontario CJS, 1995). Similarly, Torontonians believe that judges in Ontario do not treat people equally because poor people were perceived to receive worse treatment in comparison to people from wealthy backgrounds (Systemic Racism in the Ontario CJS, 1995). According to Systemic Racism in the Ontario CJS (1995), individuals who have never experienced systemic racism deny its existence, while those affected continue to suffer. The authors of Systemic Racism in the Ontario CJS (1995), like the authors from the documents used as data for this paper are likely from privileged backgrounds with most of them being researchers (probably with a PhD) and working with the government. So chances are, like the lawyers and judges mentioned in the Systemic Racism in the Ontario CJS report (1995), they have likely experienced advantages of privilege and have not been imprisoned like their study population and so cannot identify with their struggles. Generally, there seems to be a divide where the public are jointly saying one thing while the professionals and those in power are mostly saying the opposite.

In addition, both the Creating Choices Report (1990) and the Long Term FSW report (1994) were written shortly before the Systemic Racism in the Ontario CJS report (1995) while The Ten Year Report (2006) and the Protecting their Rights report (2003) were written significantly after. Yet, while the Systemic Racism in the Ontario CJS report (1995) recognizes race and racialization and includes the topic all throughout the report, the Protecting their Rights report (2003) is the only one of the four documents to be slightly more inclusive of racialized women.

### **Individualization of Women's Incarceration**

The Ten Year Report (2006), Protecting their Rights report (2003), Long Term FSW report (1994), and the Creating Choices Report (1990) established that women in prison are consistently overlooked in favour of their male counterparts. However, what these documents have failed to do is shift away from individualizing the incarceration of women. Considering the

words used in these documents, these women are blamed for their predicament. For example, the Ten Year Report (2006) argued that people do change. The Long Term FSW report (1994) talked about women having low self-esteem, and the Creating Choices Report (1990) used the word “dramatic” to describe the needs of women in prison and women’s needs in general (p. 33). However, feminist activists and researchers have expressed great concern over the worldwide drastic increase in the number of women who are incarcerated and many have pointed to globalization and neoliberal policy changes as contributing factors (Pollack, 2009a, 2009b; Sudbury, 2005). Additionally, as previously outlined, the war on drugs and mandatory minimums are also reasons for the increasing incarceration of women (Raeder, 1995; Systemic Racism in the Ontario CJS report, 1995). Furthermore, increased policing of immigration, cuts to social services and assistance, the awful job market, and the treatments provided to women suffering from addictions and mental health all contribute to women offending (Pollack, 2009a, 2009b). Overall, these socioeconomic policies cause “the increased criminalization of the most marginalized and vulnerable members of our communities” (Pollack, 2009a, p. 84).

Research and policy on women in prison usually focuses on personal factors which include describing them as having low self-esteem, having the inability to cope or make rational decisions, and dependency on the state, men and drugs. This creates a separation between women’s psychological capabilities and environmental surroundings resulting in the individualization of women in prison (Pollack, 2004). For example, the Long Term FSW report (1994) stated that “there was a significant degree of low self-esteem manifested among the women in the study, not only as a lack of confidence in themselves as people, but also feelings of being personally devalued as women” (p.2). Also, the Ten Year Report (2006) stated that “the Canadian approach to corrections is based on the premise, supported by research, that people can and do change with appropriate programs and interventions” (p. 27). And finally, the Creating Choices Report (1990) stated that “building self-awareness and self-esteem through programs which help women deal with other needs was seen by the researchers as essential to help women become responsible citizens” (p. 32). These quotes are exemplary of cases where these individual documents participate in the individualization of the problem.

According to Pollack (2004), the individualization of women’s incarceration reflects a meritocratic vision that assumes the inherent freedom of all people to pursue their own goals, and which obscures historical, social and political realities that define the

availability of choices. Therefore, the individual who is unsuccessful in living independently has simply made bad choices. p. 696

So, members of society and societal structures must understand that these women are given limited options to begin with and are therefore forced to make decisions within a broken system. To Pollack (2004) while we should not blame dependency (on the state, men and alcohol) and cognitive limitations for the incarceration of women, this does not mean that the prison institution should shift away from rehabilitation and appropriate programming that address these very real issues women face. Instead of focusing on transforming the individual woman into a rational, independent law abiding citizen, CSC's philosophy and programs should be inclusive of interpersonal and systemic influences, including but not limited to poverty, social contexts, sexuality, violence, and racism (Pollack, 2004). Similarly, Sudbury (2005) stated that:

It is unrealistic to tell women and girls not to take drugs to dull the pain of abuse, hunger, or other devastation or tell them that they must stop the behaviour that allowed them to survive the multigenerational impacts of colonization, poverty, abuse, and disability without providing them with income, housing, and medical, educational, or other supports. We must absolutely reject the current tendency to jail women because of what they 'need' and then release them to the street with little more than psychological, cognitive skills or drugs abstinence programming, along with the implicit judgement that they are in control of and therefore responsible for their situations, including their own criminalization. p. 32

Thus, both Pollack (2004) and Sudbury (2005) are recognizing the systemic issues that cause and perpetuate the systematic incarceration of women and urging organizations to do the same.

Moreover, even though lack of self-esteem is cited for the imprisonment of women, the programs created and the philosophy of the prison industry recreates the low self-esteem issues these women experience (Pollack, 2004). Still, these articles fail to analyze the imprisonment of women from this perspective. Pollack (2004) argued that both prison and societal environment reconstruct a space where the cycles of low self-esteem and dependency continue, benefiting the capitalist system. She further stated that it is impossible to empower women in a system and environment built to disempower them. The prison systems exist to create law-abiding citizens by regulating, punishing and controlling prisoners until they are ready to be sent back into society, which perpetuates patriarchy racist and colonial practices (Pollack, 2004). For example,

women's prisons reinforce traditional gender roles where women are forced to conduct chores and their officers create power dynamics which could produce abusive interactions between the two groups (Pollack, 2004). And for members of racialized groups, prisons reinstate white supremacy as Caucasians are usually the ones who hold positions of power and enforce rules and regulations. With that said, CRT and feminism work to challenge and change such practices that systematically perpetuate the incarceration of women.

Specific to race, according to Systemic Racism in the Ontario CJS report (1995), some people may argue that the overrepresentation of black men and women in prison is directly connected to their being inherently criminals; that all white police officers, lawyers and judges are simply racists with the intention of putting black people in prison; or that certain cultures are prone to committing crime. However, the Systemic Racism in the Ontario CJS report (1995) refutes this stating that such reasoning is not factual. This report argued that there are no biological explanations which prove that black people are innately criminals because, for example, 96 percent of black people between 1992 and 93 were not in prison and the majority of those in prison are white. According to the Systemic Racism in the Ontario CJS report (1995), researchers have outlined two general explanations for the overrepresentation of black people in prisons. The first one is social and economic (systemic) inequalities which influence the individual's behaviours and choices; and the other is discretion, since the criminal law is enforced differently, and depending on the individual there is room for race to play an influential role in the decisions made by state officials (Systemic Racism in the Ontario CJS report, 1995). Ultimately, race matters both inside and outside the criminal justice system, and so when given discretion, race can influence everyone from victims to judges and this is tolerated by societal norms.

### **Chapter Six: Conclusions**

Using discursive analysis, this paper explored the topic of Canadian women in prison focusing on racialized Canadian women and whether or not their unique experiences are publicly recognized on a federal level. The results indicate that the experiences and overrepresentation of racialized women in federal custody were consistently absent from these documents, silencing and perpetuating their marginalization. While researchers argue that racialized women are overrepresented in Canadian prisons, the government documents used in this paper, failed to effectively acknowledge them. In a few cases, racialized women were mentioned; however, it

was usually very brief and therefore forgettable. In other cases, even when mentioned, racialized women were then excluded from the analysis and recommendation. Additionally, I discovered that when discussing the increasing rate at which women are incarcerated, the problem was mostly individualized by placing blame for systemic issues on the women. Thus, while these documents recognized that the criminal justice system is sexist, they failed to recognize the systemic factors which played a major role in women's incarceration. In most cases, they failed to take into consideration the socioeconomic turmoil that lead to women's criminal offenses and instead blamed women for being dependent and lacking self-esteem.

That said, a major limitation of this paper is the exclusion of Aboriginal women. Had this paper been more inclusive, I believe the Aboriginal women offender population could have benefited from the results the same way [racialized] women will benefit from the results of this study. Both groups share similar histories of segregation and systemic oppression which more or less continues to take place today, hence their overrepresentation in prisons. Thus, future research investigating how racialized Canadian women are publicly perceived by government agencies should be inclusive of Aboriginal women. Also, racialized women (including Aboriginal women) in prison and researchers in this field of study will benefit from future research that is specific to the experiences of racialized woman in Canadian prisons. As previously mentioned, the racialized women prison population is one that is severely ignored, so, research and statistics documenting their experiences is long overdue.

To conclude, I found that in cases of incarcerated Canadian women, the racial and gendered issues of incarceration are not evident in government documents. These documents treated racialized women as invisible entities and women in general as mindless bodies who are incapable of making good decisions in a more than perfect society. We need to encourage discussion about [racialized] women in Canadian prisons. The exclusion of racialized women from literature means that we are that much further away from providing racialized women with the appropriate assistance they require. To conclude, it is impossible to ensure that racialized women are equal under the law if we cannot admit that they are unequal in the eyes of the law. I encourage members of the media to report on racialized women in Canadian prisons, their overrepresentation and experiences and the systemic problems that lead to their incarceration in a way that challenges current social structure and misconceptions.

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