

# Criminalized Women Advocacy Guide

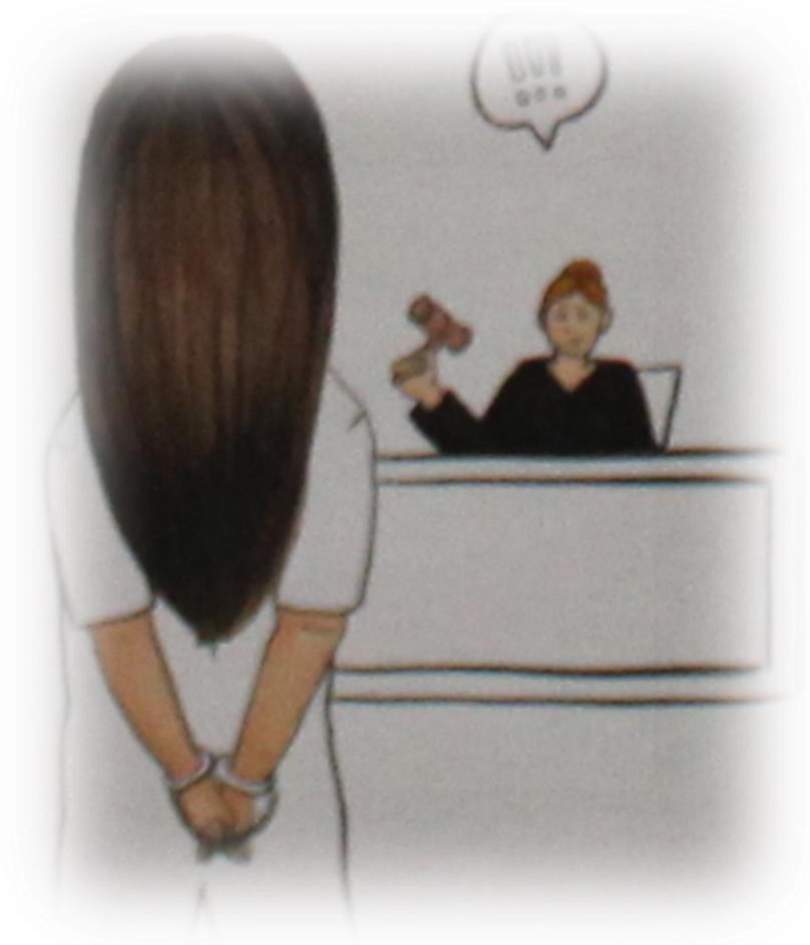
*“Prisons do not disappear human beings. Homelessness, unemployment, drug addiction, mental illness, and illiteracy are only a few of the problems that disappear from public view when the human beings contending with them are relegated to cages.”*

-Angela Davis

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*“By and large it is not those who pose the greatest risk to public safety who are being imprisoned for longer periods of time. It is our most vulnerable, our most marginalized, our victimized.”*

-Senator Kim Pate



Artwork by Bria Miller

By:  
Students in the Women's Studies Senior  
Seminar  
MSVU  
March 2018

“If you have come to help me, you are  
wasting your time. But if you have come  
because your liberation is bound up with  
mine, then let us work together”

-Lilla Watson

Special Thanks to  
El Jones

## References & Acknowledgments

*All quotes and artwork from women in prison have been used with their direct consent except those retrieved from an online source*

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## Books & Films

Compelled to Crime: The Gender Entrapment of Battered Women by Beth Richie

Arrested Justice: Black Women, Violence and America's Prison Nation by Beth Richie

Killing the Black Body: Race, Reproduction and the Meaning of Liberty by Dorothy Roberts

Breaking Women: Gender, Race, and the New Politics of Imprisonment

Policing the National Body: Race, Gender and Criminalization in the United States

Race, Gender and Punishment: From Colonialism to the War on Terror by Jeanne Flavin

Class, Race, Gender and Crime: The Social Realities of Justice in America by Gregg Barak

Resistance Behind Bars: The Struggles of Incarcerated Women by Vikki Law

Our Bodies, Our Crimes: The Policing of Women's Reproduction in America by Jeanne Flavin

Captive Genders: Trans Embodiment and the Prison Industrial Complex by Nat Smith and Eric A. Stanley

Policing Black Lives by Robyn Maynard

The New Jim Crow by Michelle Alexander

Out in the Night, directed by Blair Doroshwalther

Thirteenth, directed by Ava DuVernay

## Indigenous Women

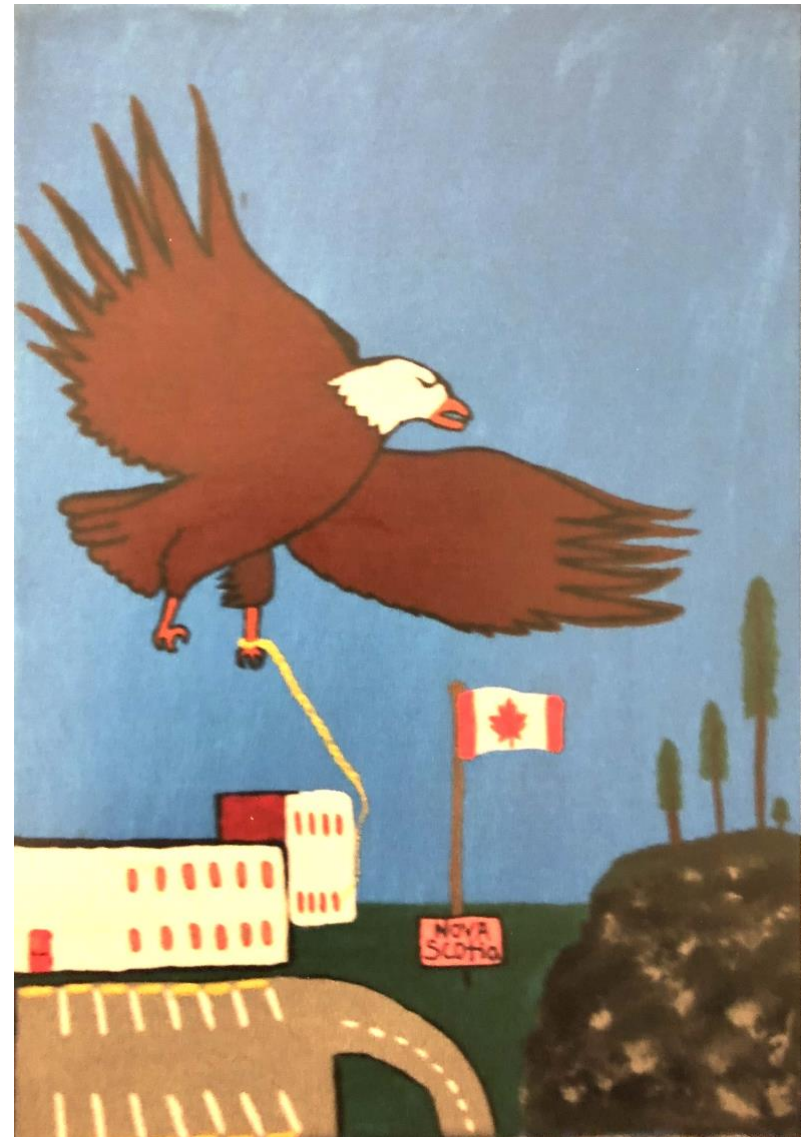
- Indigenous Women are overrepresented in the Canadian prison system
- Their imprisonment is rooted in the historical systemic discrimination that is our racist and sexist legacy of colonization
- 63% of all incarcerated women in Canada are Indigenous
- There has been a 85.7% increase over the past decade
- Indigenous prisoners account for 31% of segregated prisoners
- Indigenous women are more likely than non-Indigenous women to be denied parole
- The violence experienced by Indigenous children in residential schools continues in a cycle of intergenerational trauma
- Approximately 48% of all children in state care today are Indigenous
- Approximately 36% of First Nations, Métis, and Inuit women live in poverty
- Racial profiling and over-policing is a principal cause of the criminalization of Indigenous women and girls in Canada

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*"S," an indigenous woman, is currently the longest serving woman prisoner. She and I are the same age, but our opportunities and consequent life circumstances are not at all the same. After 10 years of horrendous physical, sexual and psychological abuse in residential school, she was rendered easy prey for a number of abusive men. Initially jailed as an accomplice to her abusive partner's drug trafficking, in prison she accumulated many more convictions and has spent most of the past three decades in segregation in many different prisons, in torturous isolation that generated her now disabling mental health issues" -Kim Pate Senate speech 2016*

## Black Canadians

- Over the last 10 years, the number of federally incarcerated Black inmates has increased by 75%
- Black prisoners account for 9.3% of the total federal prison population but only represent 2.9% of the Canadian population
- 4% of Black inmates incarcerated Canadian federal prisons are women
- The number of incarcerated Black women is rising quickly
- In 2011/12, Black women were most likely to be incarcerated for Schedule II (drug) offences (53%)
- Black women, indicate a lack of access to hygiene products specifically designed for their hair/skin type through prison canteens
- Many Black inmates report never having seen, spoken to, or met with anyone from a Black community group though most expressed a strong desire to have these
- 2014-2015, about 16 per cent of youth sentenced to a youth correctional facility were African Nova Scotian
- Black (and Aboriginal) kids are far more likely to be investigated and taken into care than white children
- Black children are 40 per cent more likely to be investigated for abuse or neglect than white children
- Black Haligonians are 3.1 times more likely to be street checked
- In the first 10 months of 2016, 41 per cent of street checks done by the RCMP around Halifax involved subjects who officers identified as black



*Artwork submitted to Correctional Services Canada Cover Art contest: Gender Responsive Corrections for Women in Canada by an Indigenous woman and prisoner in Nova Scotia*

## Community Agencies and Projects Working with or for Criminalized Women

- Canadian Association of Elizabeth Fry Societies (National Organization)
- Elizabeth Fry Society of Mainland Nova Scotia/Elizabeth Fry society of Cape Breton
- John Howard Society of Canada / John Howard Society Nova Scotia
- Stepping Stone Society (Halifax)
- Coverdale Courtwork Society (Halifax)
- Shelter Nova Scotia, Nehiley House
- Avalon Sexual Assault Centre (Halifax)
- Mi'kmaq Legal Support Network
- Native Friendship Center
- West Coast Prison Justice Society
- East Coast Prison Justice Society
- Justice Behind the Walls
- PASAN
- Women's Wellness Within
- Legal Information Society Nova Scotia
- Prison Health Now
- Prison Fellowship Canada
- Books Beyond Bars
- Canadian Families and Corrections Network
- Prisoner Correspondence Project

(not an exhaustive list)

## LGBTQ2\*

- The research, literature and data on queer experiences and identities in Canadian prisons is deficient
- LGBT prisoners face an intensification of many of the issues faced by all prisoners: exposure to violence and sexual violence, mailroom surveillance and censorship, medical neglect, lack of safer sex information or materials, and a profound isolation from friends, families, chosen families, and other networks of support
- Trans individuals are frequently misgendered in the criminal justice system by lawyers, judges and sheriffs
- Under a new Correctional Service Canada (CSC) policy, transgender inmates can be placed in an institution of their preference, "regardless of their anatomy (sex) or gender on their identification documents, unless there are overriding health or safety concerns which cannot be resolved."
- Queer and Trans youth are overrepresented in the homeless population
- Fallon Aube was the first trans person to be transferred to an institution based on gender identity rather than physical anatomy
- Some prison guards at the Women's Federal prison in Truro, NS spoke out in the media about their "concerns" with having Trans prisoners

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Prisoner Correspondence Project

<https://prisonercorrespondenceproject.com/about-us/>

*The Prisoner Correspondence Project is a solidarity project for gay, lesbian, transsexual, transgender, gendervariant, two-spirit, intersex, bisexual and queer prisoners in Canada and the United States, linking them with people a part of these same communities outside of prison*

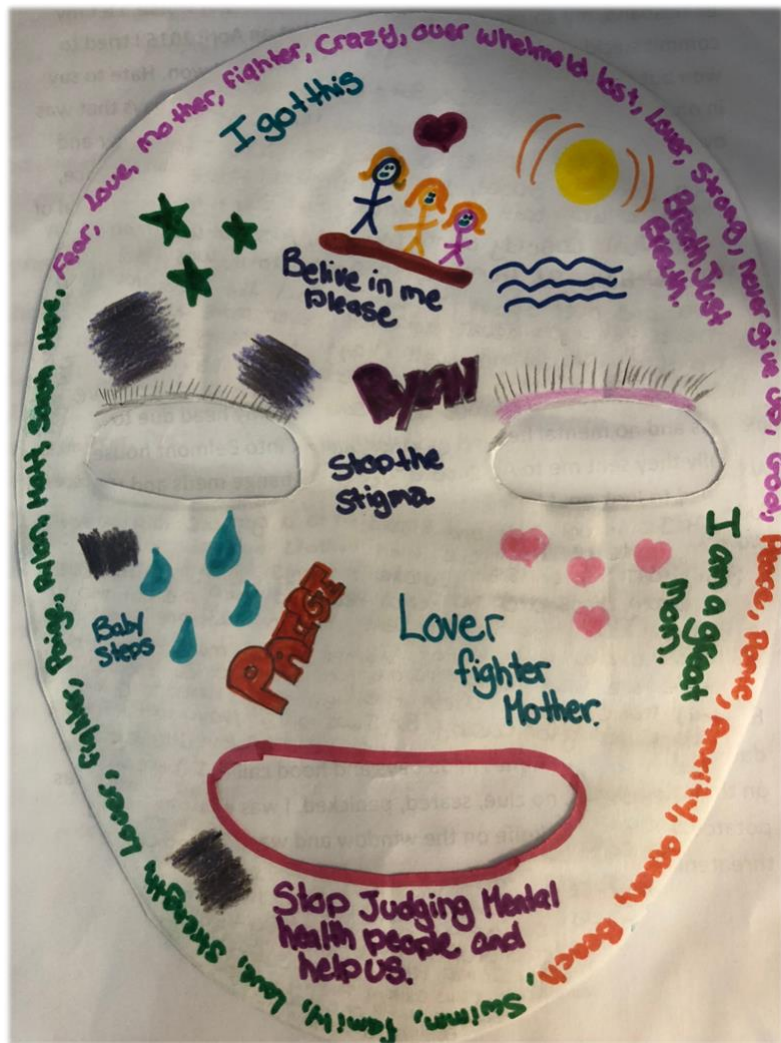
## Women & Poverty

- Around the world, 53 million more people are being pushed into poverty due to the global and economic conditions
  - Many women are trapped in abusive relationships because they simply have no place else to go in the context of a shortage shelters, much less affordable housing, lower wages for women, waiting lists for subsidized child care that impede women from finding paid employment and/or training and education to support themselves and their children
  - In Canada in 1996, the federal government eliminated the Canada Assistance Plan and therefore the essential nature of Canadian standards of social, medical and educational resourcing
  - In Canada, the programs and services in communities that aim to reduce poverty and assist people in need are only resourced to serve 20% of people that apply
  - Single-parent women are the „family“ category with the highest poverty rate of 48.9% as they have incomes of less than half of the amount deemed to be the poverty line
  - As of 2005, Aboriginal women were living in poverty at a rate of 36%, women of colour at 29%
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*Kim Rogers died in Ontario while under house arrest for welfare fraud. She was convicted because she was attending school while receiving social assistance. Although she was pregnant, she was sentenced to house arrest and not allowed to leave her apartment. When she was found dead one evening in the middle of a heat wave in the summer of 2001, at eight months pregnant, the police reported that the temperature in her apartment was over approximately 38 degrees celcius.*

## Prison Injustice

- Access to healthcare
  - No HEP C treatment in provincial jails
  - Barriers to Methadone access
  - Disability accommodations are lacking
  - Mothering in prison
  - Pregnant women in prison (For example, Julie Bilotta and Bianca Mercer)
  - Medication
- Telephone monopoly
  - The cost of making phone calls is high
  - Disconnects prisoners from family
  - Places financial burden on loved ones
- Photocopying of mail (recent)
  - All incoming mail will be photocopied and the copy provided to the prisoner
- Sexual assault in prison (#metoo)
  - Women in prison are victims and survivors of sexual assault too, they are not heard, believed or listened to
- Access to Justice
  - Women are often told to plead guilty and accept deals from the crown
  - Remand rates are some of the highest in the Country (in NS)
  - Women can't get a hold of their lawyers and often don't know what is happening with their case until their court date
  - Race, class and socioeconomic status impact who receives bail- prisons become shelters
- Mandatory Minimums
  - Stephen Harper's 'tough on crime' bill sent first time offenders to federal prison



“Woman Behind the Mask”- artwork submission by a woman incarcerated in Nova Scotia

## Mental Health & Addictions

- Research compiled by the Canadian Association of Elizabeth Fry Societies indicates that there are significant connections between criminalization and mental illness and addictions. Women in particular are burdened by “the feminization of poverty, ... disproportionate experiences of physical and sexual violence,” and decreasing availability of “health, addictions and mental health services,” which increases vulnerability and potential for conflict with the law. Thus incarceration rates for women have gone up, and so has the percentage that is “diagnosed with mental health issues.”
- Mental health issues and addictions are often paired, likely due to the use of substances to “anaesthetize ... experiences of violence”; there are “more than 50% of women in prison report a current or previous addiction.”
- While “jails and prisons are increasingly the default for the lack of [community] treatment” options, the impacts of imprisonment can exacerbate mental health issues rather than improve them.
- The World Health Organization indicates that this is due to “overcrowding, ... violence, enforced solitude or conversely, lack of privacy, lack of meaningful activity, isolation from social networks, insecurity about future prospects (work, relationships, etc), and inadequate health services.” (except where specified, all quotes from EFRY health and mental health factsheets)

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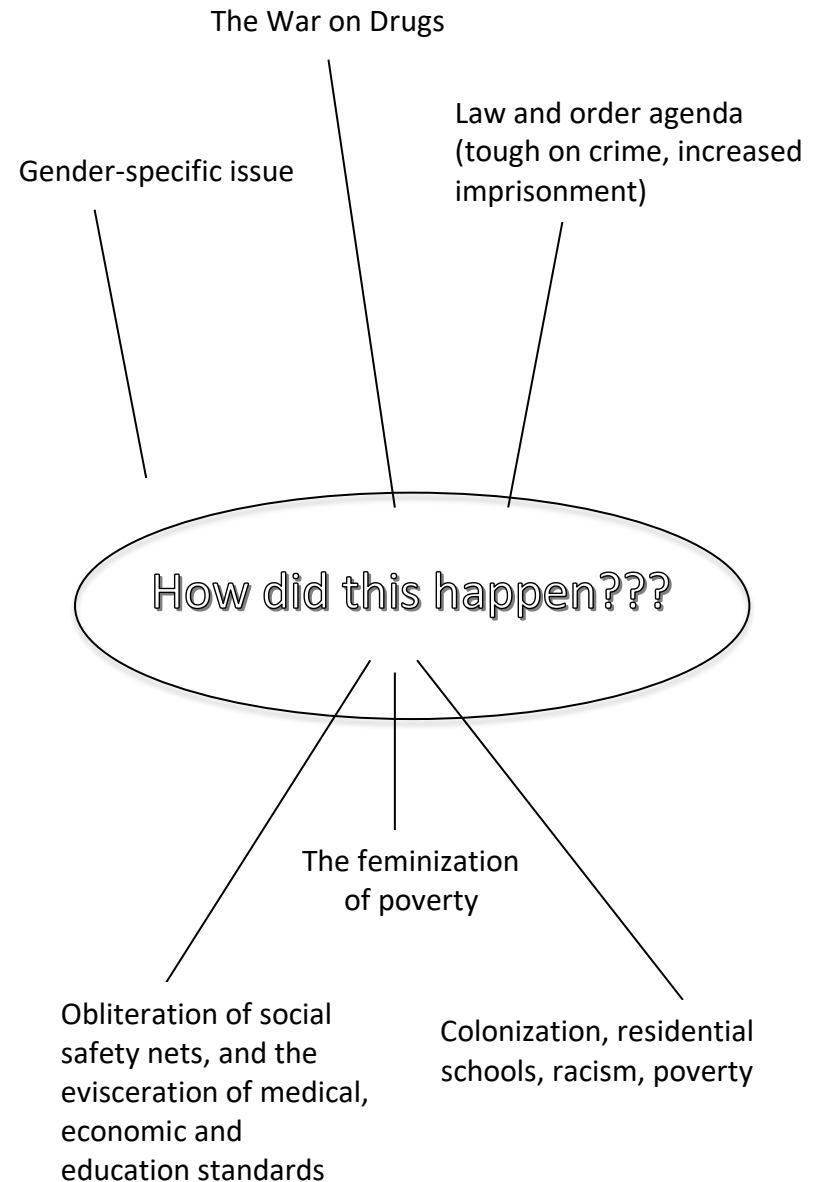
*Nova Scotia Mental Health Court Program  
 Is located in Dartmouth—it helps adults “who [have come] into conflict with the law because of their mental illness.” The aim of the court is to divert people from jail and decrease the “likelihood of reoffending,” by “improve[ing] participants’ well-being and living situations”*

# Segregation

- In 2017 British Columbia Supreme Court Justice Peter Leask's ruled that indefinite segregation of prisoners is unconstitutional
- Impacts of Segregation include significant risk of serious psychological harm, including mental pain and suffering, and increased incidence of self-harm and suicide, specifically "anxiety, withdrawal, hypersensitivity, cognitive dysfunction, hallucinations, loss of control, irritability, aggression, rage, paranoia, hopelessness, a sense of impending emotional breakdown, self-mutilation, and suicidal ideation and behaviour.
- Indigenous peoples, especially Indigenous women, and those with mental-health issues, are significantly overrepresented in segregation
- When segregation is available, it is too often used as a default
- All Federally sentenced women classified as maximum security prisoners are segregated from general population
- We must call for the **elimination** of segregation

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*'Correctional officers discover Ashley Smith with a ligature around her neck in the early morning of October 19, 2007. According to the Correctional Investigator "correctional staff failed to respond immediately to this medical emergency". According to sources the guards were told repeatedly not to enter her cell if she was still breathing. At 6:57 a.m., a guard removes the ligature from her neck. She is still non responsive. By 7:10 a.m. correctional officers and a nurse perform CPR. Paramedics are called. By 8:10 a.m., Ashley is pronounced dead'*





## Voice From The Inside

“Growing up I never felt wanted by anyone in my family. I was bounced around a lot. By the time I got to grade 10 I changed schools 21 different times and I had never got to show or find who I am. My whole life I overdo things to make friends and have always done things that others were doing. When I was sent to a therapist at a young age, my guardians not to say anything, so I kept everything inside. All my life all I wanted was to be loved and would do anything to get it. I was born on crack cocaine and have some mental health issues. But I believe if I was given some time and patience for someone to help me get the tools to start NEW and have a semi-normal I would be ok. All I want is to live normal but feel wanted and needed, I want to be a mother and wife, but will never be”.

-anonymous woman: incarcerated in Nova Scotia

## Trauma & Abuse

- Between 51% and 98% of public mental health clients diagnosed with severe mental illness have trauma histories
- Child sexual abuse had come to be widely regarded as a cause of mental health issues in adult life
- Abuse in the home can drive women and girls into the streets, and lack of housing puts them at further serious risk of physical and sexual violence and early death
- From the 1800s to the early 1980s, Aboriginal children were often forcibly separated from their families and sent to residential schools where many were physically and sexually abused
- Aboriginal women also experience racially-motivated attacks and are harassed on the streets by the public and police at a far higher rate than non-Aboriginal women
- Most abused women use active strategies to maximize their safety and that of their children. Some resist the abuse and fight back, some flee, and others try to keep the peace by capitulating to their partner’s demands
- Federally sentenced women have high rates of childhood sexual abuse, commonly incestuous, violent, extended over a long period of time, and with multiple perpetrators
- Despite these numbers and women’s lived reality, there are very few programs or counselling services available to women prisoners that deal with sexual or physical abuse
- Women refugees can come to Canada for similar reasons as men: fleeing political persecution or war in their own countries

### A poem by El Jones

Because it's 2018.  
And there's women in the cabinet  
But that might not seem so adequate  
To women in the custody of the state  
It might not seem that late for black women imprisoned at ever rising rates  
Positioned by the colour of her skin to be a criminal by definition  
Or it might just seem too soon for indigenous teen girls in Saskatoon  
Kicked out of school in the afternoon  
At night she's trafficked on the streets and arrested as suspicious  
Should we measure if our progress is finished  
By the number of women ministers  
Or maybe it should be the number of women prisoners  
Perhaps we should consider the condition of women denied tampons or  
conditioner  
Or something even simpler like extra squares of toilet paper.  
Her body on camera so demeaning  
In addition her visitors  
Can be turned away for no particular reason  
So pardon me if I save my celebrations for at least another season  
Because we've come a long way baby sounds a lot more sinister  
If you're a mother behind bars having her baby seized  
Without her signature  
And then she's punished for grieving  
We might not think then that we've achieved  
gender equality so easily  
Just ask Renee Acoby.  
Or you could if she'd ever be allowed to be freed  
Because indigenous women get labelled a social disease  
Would you believe that men who murder women are given regular sentences  
But women imprisoned for non-violent crimes end up as dangerous offenders  
When it was prison that created all their violent acts  
Or let me go back to the fact that 80-90 percent of women in prison  
Are victims of physical and sexual abuse  
And the men who commit violence against them remain on the loose  
Yet we take young girls and place them into custody as youths  
And we deliver them straight from care to adult institutions  
And maybe that only seems like a solution  
Compared to the execution of Tina Fontaine  
Seen by police in the company of her killer  
Only for her body to be found a week later in the Red River  
Does it make you shiver to think that the state  
Would rather pay to hold women in jail  
Than to pay half the cost to house and educate.  
And so many women become lost  
But let's debate  
Whether Sophie Trudeau should be granted a staff  
While women who need mental health care end up with an epitaph  
Can we grapple with the fact that Ashley Smith  
Was imprisoned only for throwing apples  
And in her battle with mental illness  
She was held in solitary confinement in shackles  
Until she strangled herself with her sheets  
But nobody beats down the doors for women  
Once they're serving time.

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Until she strangled herself with her sheets  
But nobody beats down the doors for women  
Once they're serving time.  
The guards who watched her die for 45 minutes  
but it was decided not to be a crime  
And the records were sealed  
A publication ban in place against revealing  
Never mind cracking the glass ceiling  
It's a cell of glass walls when you're on suicide watch  
With no chance of healing  
And most women are in prison for crimes of poverty like stealing  
Or because they have a boyfriend who's dealing  
And black women get convicted because we're seen to not have feelings  
We're just assumed to be more guilty at every point in the proceedings  
And it's so hard for women without money to get the help that they are needing  
Which is why there's so many women in the cells with cuts on their arms bleeding  
And there's bruised women appealing their sentences because they murdered their  
abuser  
And all people will say is why didn't she leave sooner  
Trans women housed with the men because her birth certificate doesn't prove her  
gender  
And let's remember there's still sex workers in the back of the cruiser  
And when the treatment facility for women isn't funded  
Is it any wonder that users cycle in and out of jail  
When all the systems fail her.  
We ignore women's pain and blame it on her behaviour  
And women are placed in provincial facilities that are overcrowded  
It's hard for the women to count when they're surrounded by men  
Women pray for long sentences just to get federal housing  
Shouldn't we be doubting that so much progress has been made  
When so many women aren't waving but drowning  
And we are rounding up refugee women for not having papers  
It's ironic that Canada has webpages for Americans who want to come to Canada  
If the election doesn't go their way but women from third world countries are  
deported without wages  
As if nannies and cleaners are really a danger  
To the same society that won't charge women's rapists  
But spends millions of dollars locking up blacks and natives  
And please don't think that prison makes her safer  
When male guards are allowed to see her naked  
Have we forgotten Kingston where the women were degraded  
We refuse to believe women when they give their statements  
But when they won't testify against gangs they end up with prison placements  
And we put women away for misrepresenting a few welfare payments  
Black women working for corrections in conditions like enslavement  
Making 5 dollars or less a day with 9 hours on the clock  
Native women in prison sew blankets in sweatshops  
For the same military that gave their ancestors smallpox  
And after work they go back to the range and then the doors are locked  
Oh tell me again at how inequality has dropped  
If you've ever mopped a cell with your facecloth you know it never stopped.