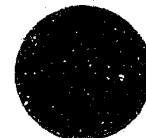


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U.S. Department of Justice
Federal Bureau of Prisons



The June 7, 1991 Forum on Issues in Corrections

NCJRS

JAN 8 1993

ACQUISITIONS

A Record and Proceedings

"Female Offenders"



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THE JUNE 7, 1991
FORUM ON ISSUES IN CORRECTIONS
"FEMALE OFFENDERS"

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FOREWORD

Since December 1986, the Federal Bureau of Prisons has experienced a 75 percent increase in female offenders. The confined female offender population has increased from 2,771 (6.6% of the total population in 1986) to 4,563 (7.5% of the total confined population in 1991). As you read the proceedings, it will become clear that correctional administrators must become sensitive to the gender-specific issues of female offenders if programs for these offenders are to be meaningful.

I would like to thank the distinguished guests who attended this forum for their interest in and commitment to identifying strategies that more effectively meet the needs of women in prison. It is through the sharing of ideas that we learn and grow. The presentations by Dr. Nicole Hahn Rafter, Ann D. Bartolo, and Jane Miller-Ashton have heightened our awareness: we must view the female offender in a new light, and structure our programs accordingly.

J. Michael Quinlan
Director

INTRODUCTION

This publication, A Record and Proceedings, follows the events of the 1-day Issues Forum on Female Offenders. The meeting began with a brief introduction by J. Michael Quinlan, Director, Bureau of Prisons. Director Quinlan pointed out that there are many issues involving female offenders to which we need to be sensitive. He welcomed the participants and encouraged their full participation as the Bureau looked forward to the perspectives of individuals outside of the agency. Director Quinlan then introduced Patrick R. Kane, Assistant Director, Correctional Programs Division, Federal Bureau of Prisons. Mr. Kane also emphasized the importance of group participation for healthy discussions.

Three speakers made presentations at the issues forum. *Dr. Nicole Hahn Rafter, Professor at the College of Criminal Justice at Northeastern University, Boston, Massachusetts*, presented an overview of the origin and development of women's prisons in the United States. *Ann D. Bartolo, Chief, Female Offender Section, Federal Bureau of Prisons*, presented a profile of the female offender in Federal custody, addressing the program and service needs of the female offender. *Jane Miller-Ashton, Directrice, Native Female Offender Programs, Correctional Service of Canada*, shared Canadian initiatives in connection with the focus on creating choices for the female offender.

Three Bureau of Prisons employees, Lucy Williams, National Health Services Administrator, Marlene Aponte, Attorney-Advisor in the Office of General Counsel, and Ann D. Bartolo, Chief of the Female Offender Section, made a presentation entitled "Are We Asking the Right Questions?" This presentation outlined many controversial issues, including security classification, bonding, victim/victimization cycle, self-esteem, and so on. A stimulating group discussion followed.

During the afternoon, participants separated into four work groups to discuss treatment programs and services needed at our facilities and Community Corrections Centers. Results as well as recommendations are included in the appendix to this report.

Director Quinlan concluded the issues forum by extending his appreciation to the participants for their contributions.

ISSUES FORUM

Female Offenders

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Alderson, West Virginia

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Dave Wollner, Administrator
Community Corrections Branch
Correctional Programs Division

Mr. Robert Ashton
(*C. Jane Miller-Ashton's husband*)
Visitor - Canada

FEMALE OFFENDERS ISSUES FORUM

WELCOME

J. Michael Quinlan

Mr. Quinlan, Director, Federal Bureau of Prisons, welcomed the participants to the issues forum to discuss issues of concern to prison administrators, specifically the subject of women in the prison system. He noted that the percentage of female offenders in prison was increasing rapidly, from about 5 percent in the early 1980's to 7.5 percent today. He noted the concern of the Bureau, as evidenced by the appointment of the first female offender coordinator, Ann Bartolo.

OPENING REMARKS

Patrick R. Kane

Mr. Kane added his welcome, made administrative announcements, and explained the format of the issues forum -- a series of speakers, a general discussion, and an opportunity to break into informal work groups to discuss issues.

THE ORIGIN AND DEVELOPMENT OF WOMEN'S PRISONS IN THE U.S.

Dr. Nicole Hahn Rafter

Dr. Rafter presented an overview of the history of the incarceration of women in the U.S., noting that in the first period (1790 to 1870), women were treated much the same as men. There were few women in prisons; they were basically isolated, subject to sexual exploitation in the all-male environment (both prisoners and prison employees) of the time, and subject to a discrimination that basically focused attention on the male majority.

Uniquely female conditions, especially birthing, received little attention and, as populations of female prisoners increased, they became even more isolated.

In the 1870's, prison reform (moving toward a rehabilitative philosophy) and the women's liberation movement of the day, changed prison policy; separate facilities began to appear. A characteristic of the reform movement was that women were treated similar to juveniles, "rehabilitated" to roles of subservience in society -- domestic service, waiting on tables, and menial industrial tasks such as weaving. Serious felons, mostly blacks, still went to the male institutions.

The women's movement of the sixties reversed the situation, and "equal" treatment was demanded. Aspects included a move to litigate unequal sentencing, the development of additional equal law libraries plus special training in the use of the references available. Special emphasis had been placed on the need for children of women inmates to have access to their mothers, apparently more important for the children than contact with incarcerated fathers. This is an example of recognition of the difference in gender needs.

Currently, there is a move toward a new approach to the separation of males and females, to enhance the ability of females to develop skills that will serve them when they are no longer in the justice system.

THE FEMALE OFFENDER IN THE BUREAU OF PRISONS

Ann Bartolo

Ms. Bartolo began by presenting a profile of the female offender in the Bureau of Prisons and describing the programs and services offered to these women. The Bureau houses 4,563 (7.5%) female offenders. The average woman is 36 years old, white (58%), and typically incarcerated for a drug-related offense (62%). She will be in prison for approximately four years. Usually, she is not married and has dependent children (88%), and has a 50 percent likelihood of having a high school diploma. She has more medical needs than her male counterpart, but is less aware of good basic health practices. There are parenting programs to help her cope with the separation from her children -- parenting from a distance. The prison system must be sensitive to differences in her medical, recreational, spiritual, and psychological needs. Additionally, there are different needs for different types of women -- for instance, the chronically ill and dying mother who may need to arrange for the care of her dependent children prior to her death.

Ms. Bartolo emphasized that women are generally more willing than male offenders to participate in programs that will enhance their self-awareness and personal growth. Because of this willingness, it is important to tailor programs to address women's needs and not to just implement male programs in female facilities. The female offender typically has a history of physical or sexual abuse. Her self-esteem is low and she views her inability to become independent as insurmountable.

According to Ms. Bartolo, studies show that women who participate in occupational rehabilitation programs earn more and stay outside of the prison system longer than those who do not.

THE CANADIAN INITIATIVES: "CREATING CHOICES"

C. Jane Miller-Ashton

Ms. Miller-Ashton discussed the Canadian experience with female offenders, noting that the system is a shared responsibility with the provinces. Short sentences, two years less a day, are usually served in provincial prisons, longer terms in Federal institutions. She pointed out that women comprise approximately 2 percent (presently 458 in number) of the total offender population in the Canadian Federal system and 7 percent of the provincial population. A number that is growing more slowly than in the U.S.

In Canada there is one federally operated Prison for women and an eleven bed minimum security house in Kingston, Ontario, which causes serious dislocation concerns for those women who are transferred to these facilities from all over the country to serve their sentences. In addition, the main facility is maximum security, resulting in over-classification of many of the women who are minimum or medium security. Effective pre-release planning, family visitation and appropriate programming are also significantly limited.

Several commissions and studies have recommended the closure of the Federal Prison for Women and the development of alternate accommodation plans for women. Attempts have been made to address the dislocation factor by implementing

Exchange of Service Agreements, whereby Federal female offenders are transferred to provincial jails to serve their sentences. There are however, shortcomings with such arrangements as provincial authorities may reject serious offenders and often the programs offered within their facilities are geared towards short term offenders.

In 1989, the then newly appointed Commissioner of Corrections, Ole Ingstrup, established a Task Force to develop a plan that would respond comprehensively to the needs of federally sentenced women. The Task Force membership included federally sentenced women, community, Aboriginal and women's groups and a variety of government agency representatives.

Research commissioned by the Task Force included interviews with federally sentenced women, an international study of exemplary programs for female offenders, and an overview of programs available to the women within federal and provincial facilities. A research paper was also completed by two native women who had served federal sentences and who conducted interviews with Aboriginal women on conditional release. In addition, supporting research has been completed on self-injury among incarcerated women. The commission visited every institution housing females and held hearings for the public at which over 300 contributed.

Ms. Miller-Ashton noted that one of the most poignant needs that surfaced was the need of mothers to have contact with their children (47% were active mothers of children under the age of sixteen and half of these women had at least one pre-school age child). That was the overwhelming

need identified by long-term inmates. The studies also showed that prior abuse (sexual, physical, emotional) is very common -- 80 percent in the general population, 90 percent in the native population.

The Task Force also found that there was a high need for educational and vocational training geared to the development of marketable skills. Self-sufficiency and community responsibility should be fostered through daily opportunities for living skills acquisition, and through the positive support of staff recruited for skill in counselling, communications, and negotiation, and sensitivity to women's and cross-cultural issues.

The Task Force recommended closing the central facility for women and dispersing them to regional facilities, providing native women the option of a separate facility (called the "Healing Lodge," where their cultural beliefs and values would be put into practice and strengthened).

Other recommendations included providing alternative post-release rehabilitation programs, and designing all programs with a strongly woman-centered philosophy. The study revealed that there is a minimal need for high security, that most women in prison are more a threat to themselves than to society, and that they need programs to enhance self-esteem, self-awareness, promote community involvement and adherence to community norms, and provide programs responsive to the needs of women in supportive environments with less emphasis on static security measures.

The Task Force also recommended that the facilities and programs should be designed and operated so as

to encourage maximum contact between mother and child(ren). Possible options for facilitating these relationships include a supportive foster home network, enhanced family visiting, after-school visiting, and a residential program for preschool children in the facilities with their mothers. Participation in all of the programs would respect the best interests of the child. Finally, there was a recommendation that new facilities be placed near metropolitan areas, where most of the individuals previously lived.

Ms. Miller-Ashton was pleased to note that the Government had accepted the recommendation to close the single facility and establish five regional facilities by the fall of 1994. As implementation proceeds there is a continuing link to the private sector through an External Advisory Committee, and female offenders are being consulted through a series of workshops.

The Healing Lodge committee is comprised of representatives from Native women's organizations and the Correctional Service of Canada, and is assisted by several Native advisors.

There is a new Solicitor General and he is expected to make a location announcement for the new facilities in the near future.

DIALOGUE ON: ARE WE ASKING THE RIGHT QUESTIONS?

Lucy Williams, Ann D. Bartolo, Marlene Aponte

Based on the assumption that the questions one asks rely on personal beliefs about the subject, Ms. Bartolo introduced a scripted dialogue concerning the rights of women offenders. During the dialogue, differences between men and women were noted -- physical differences, medical and health differences, and differences in family relationships when prisoners have children before or after incarceration. The incidence of physical, mental, and sexual abuse is far greater for women, which apparently results in a greater rate of "family/acquaintance" assault in the crimes women commit.

Questions arose -- should there be equal or separate programs rehabilitation for men versus women? Why are women more reticent than men in prison to aggressively seek change, pursue litigation, demonstrate a self-empowered condition? Are women more likely to accept the role of victim than men? And should the prison system help them achieve self-determination?

GENERAL DISCUSSION

During general discussion, Mr. Chamlee noted that the Federal system had not developed community-based facilities for women, which adversely affects probation programs.

Judge Restani suggested that the visitation afforded families in the local jurisdictions is not mirrored in any Federal programs, and that dislocation is a very serious problem. In response to a comment that the average distance from home for men and women in Federal prisons is very similar, Judge Restani strongly responded that the needs of the primary caregiver in the society -- the mother -- are far different than the needs of the more independent men.

Mr. Stana agreed that programs could be developed, since the women require far less security than men. Ms. Branham observed that the ABA was considering a model that would recommend community-based sanctions for nonviolent crimes.

Dr. Morton explained that few states had bonding programs for mothers, even for those serving short sentences. Ms. Sullivan noted that legislation was in the mill for pilot programs to allow mothers to serve sentences in the community with their children. Ms. Jeffers pointed to two New York City facilities with nurseries, and suggested some analysis of the impact on post-release offenders. Dr. Hahn Rafter agreed that, with more than 33,000 women in prison, the study might well look even further, at the social impacts and the longer-term impacts on children. The results may suggest differential treatment of primary caregivers.

Mr. Workman described the New Zealand system, in which the majority of caregivers are in community-based programs rather than in the prison system (19,000 versus 4,200). He noted a cultural difference, in that the families were more indigenous and more locally concentrated. He described a program of visitation that extended over days, included a larger part of the family, and focused on resolving the issues that brought the offender into the system to begin with.

Judge Marshall related an experience in Yugoslavia, where pregnant women may not be sent to prison until the child is a year old -- pointing out the cultural differences that exist in various places.

In response to a question about violence and risk within the prison population, Mr. Hayes offered his opinion that typically women populations do not have the need for higher security, that the risk of violence in these institutions is relatively low, even among the more serious felons, and that there even may be more nurturing among women populations.

Sr. Heffernan noted that one area in which the Bureau does have control is in classification. From her observations, security levels don't particularly link to behavior, and classification has essentially been set up using the male model -- simply because there are more men. She wondered if that may not be a critical area in which something can be done without being caught in statutes, sentencing, and so forth. She felt it would make a big difference, including the possibility of more women going on to community

status. She raised that as a question to be dealt with.

Ms. Fleming agreed that building high security women's prisons might be a poor use of funds, and that the much cheaper electronic monitoring would be more effective in keeping women in their homes with their children.

Mr. Tom Kane explained that the classification system is equal in the sense that criteria are exactly the same for men and women, based on the probability of intra-institution violence or escape.

Judge Murphy asked about the profile of women related to prior criminal history. It was noted that in Canada, 83 percent were first-term inmates, but no firm figures were available for other history.

Noting that most women are in prison on drug-related charges, Ms. Hambrick noted her experience of rehab programs in all-female institutions being well received. When populations are mixed, she said, female participation drops dramatically. Ms. Robinson agreed, suggesting that the programs involving family are more effective for women than men. Ms. Bartolo noted that the involvement of parents in drugs affected men and women differently. Other home factors, she said, included spouse abuse.

Ms. Aponte asked about Federal legislation concerning abortion counseling, especially for HIV-positive women. Dr. Morton agreed that medical advice for women in the prison system is inadequate and their choices are limited. Dr. Moritsugu noted that women in prison, after appropriate counseling, have been able to obtain

abortions using local community services.

Mr. Wollner explained that the Bureau has focused outside contracting on the halfway house environment, and immediate post-release. But, he noted, the Bureau is very limited in the types of offender who can be put in such facilities. Electronic monitoring is now available only during the last 10 percent of a six-month sentence.

Judge Bilby criticized the Bureau for some of the "farming out" contracts, which remove inmates mainly for overcrowding reasons. Mr. Wollner agreed, noting that it was an appropriate topic for discussion at the issues forum.

Judge Bilby added that experience shows the majority of criminals derive from broken homes, and that keeping children in the family unit, even with Federal funds, should be explored. Dr. Morton noted that the family caregiver was often an addict or a non-provider. Would the court be required to make judgments in each case?

Ms. Jeffers noted that screening devices could determine whether the biological mother was the appropriate custodian of the child, and if that was determined, perhaps the resources that are directed into the foster home community could be redirected to programs to support the natural mother.

Judge Restani noted that, although nurseries were a benefit, longer sentences result in the child being separated at age 2 or 3, perhaps for as much as 10 years. Mr. Chamlee agreed, suggesting that the new Federal sentencing requirements have made early community release less likely.

REPORT FROM WORK GROUPS

Work groups focused on the treatment and program needs of female offenders. The following questions were discussed:

- *How do the program needs of females differ from those of males?*
- *What programs should be offered at institutions, and what programs and services should be offered within Community Corrections Centers?*
- *Are there other areas of concern that need to be identified to assist the female offender for a successful return to her local community?*

Judge Bilby reported on Group A.

The group suggested scrapping the male classification model and building a female system from scratch. The group agreed that a woman serving 2-3 years is in a different situation from a 10-20-year felon and that the classification system should address that.

Post-release, the group agreed that much more public involvement in probation programs is needed, as well as more education, especially in life skills and self-esteem. The education must begin while incarcerated.

Finally, the group addressed who goes to prison -- starting with the classification system, changes should be made at the Federal level, where there are some funds available. Because the men in their lives typically abandon them, women should be incarcerated near their children.

Judge Bilby offered a suggestion -- that prison administrators sponsor a "family bonding day," in which prison employees bring in their own children and play with them, perhaps mixed with the prisoners and their children, to demonstrate how to bond and the value of bonding.

Mr. Rauch reported on Group B.

The group felt that psychological counseling and education should be expanded, especially family counseling. Programs to teach effective parenting should be expanded; programs to teach work skills should be realistically geared to the kinds of jobs that women typically hold, and include skills such as time management and working with others.

The group agreed that continuing efforts should be directed at resolving the dilemma of women offenders who have children, especially those serving short sentences; and also agreed that the classification system needed additional research.

Ms. Branham reported on Group C.

The group agreed that independent living skills training was important, as was some training in literacy skills. The group also agreed with others that the present job training programs, which emphasize job skills that are technical or vocational, might be more effective if the training was more practical for the kinds of jobs women will really find available when released.

There was discussion about more liberal visitation policies, especially contact visits, and mixed opinions about the extent to which children should be a part of the prison scene.

The group recommended more post-release follow-up and development of volunteer programs after release.

The group discussed the need for more specialized training for prison staff, especially since women differ emotionally from men -- often more verbal and less reserved. More efforts should be made to develop corrections programs in the community, since so few women are convicted of violent crimes.

Residential facilities should be developed, private contractors should become involved, and pooling of resources (Federal/State/local) should be encouraged.

Ms. Anderson reported on Group D.

The group recommended a needs assessment, involving both the administration and the inmates. It was supposed that some of the needs that would arise from the study would include greater opportunities to develop self-independence and self-esteem, job and living skills, and the ability to create effective relationships and enhance the family bonding process. The group felt women needed special training in developing decision-making skills and the ability to set goals.

Classification was also on the agenda, as was greater community sanctions programs and an increase in the number of research and pilot programs supported by Federal funding.

CLOSING COMMENTS

Director Quinlan was impressed with the range of the discussion, noting that community-based programs might have been the most significant topic of the day. There was also substantial discussion of the possibility that more women offenders might be placed in camps. That raises the question of enhancing the programs available in camps for women, since current programs in BOP prison camps for men and women typically concentrate on enhancing work skills and habits. Also, programs in general should be reviewed in light of the high level of previous abuse and the low level of self-esteem typically found among women offenders.

Judge Marshall suggested that, in looking at community-based programs, the eligibility might be increased from the present standard of six-months to perhaps a year or so.

Director Quinlan noted that the Federal sentencing guidelines had reduced the incidence of probation substantially.

Mr. Schoen expressed the opinion that some of the recommendations would result in a relative inequality in the treatment of men and women, but that such differences would be acceptable, just as in the case of consideration for elderly inmates.

Director Quinlan briefly discussed a pilot program to study expanding the criteria for intensive confinement, a study that would be made using a female population. He then expressed appreciation for the contributions of the participants and adjourned the meeting.

**Issues Forum
on
Female Offenders**

Agenda

9:00 - 9:15 a.m.	Morning Gathering (Coffee & Pastry)	
9:15 - 9:20 a.m.	Welcome	J. Michael Quinlan
9:20 - 9:30 a.m.	Opening Remarks	Patrick R. Kane
9:30 - 9:50 a.m.	Speaker #1: The Origin and Development of Women's Prisons in the United States	Nicole Hahn Rafter
9:50 - 10:10 a.m.	Speaker #2: The Female Offender in the Bureau of Prisons	Ann D. Bartolo
10:10 - 10:25 a.m.	Break	
10:25 - 10:45 a.m.	Speaker #3: The Canadian Initiatives: "Creating Choices"	C. Jane Miller-Ashton
10:45 - 11:00 a.m.	Monologue: Are We Asking the Right Questions?	Lucy Williams Ann D. Bartolo Marlene Aponte
11:00 - 12:00 p.m.	General Discussion	Patrick R. Kane
12:00 - 1:00 p.m.	Lunch	
1:00 - 2:15 p.m.	Work Group Tasks	Patrick R. Kane
2:15 - 2:30 p.m.	Break	
2:30 - 3:00 p.m.	Report From Work Groups	Group Reporters
3:00 - 3:30 p.m.	Final Discussion and Closing Remarks	J. Michael Quinlan

APPENDIX

PAPERS:

1. Briefing Materials for Issues Forum
Presented by: J. Michael Quinlan, Director
Federal Bureau of Prisons
2. Equal Treatment or Different Treatment? The Origins of Today's Policy
Dilemma in the Care of Incarcerated Women
Presented by: Nicole H. Rafter
Northeastern University
3. Task Force on Federally Sentenced Women
Presented by: C. Jane Miller-Ashton
Directrice
Correctional Service of Canada

Briefing Materials

U.S. Department of Justice

Bureau of Prisons Issues Forum

June 1991

J. Michael Quinlan, Director

Federal Bureau of Prisons

Population Issues

The Bureau's population is 62,283, representing an increase of more than 37,000 inmates since the beginning of 1981. With a design capacity of 38,624 beds in 67 locations, this equates to an overcrowding rate of 161 percent of capacity. Prison overcrowding is a serious problem, but not only because it taxes staff and facilities beyond intended capabilities. It also endangers internal institutional security, places staff and inmates in environmentally unsafe, potentially life-threatening conditions, and jeopardizes public safety.

Based on updated projections in the 1992 budget request, the Bureau now expects that the Federal inmate population will continue to increase, growing from the present level to about 100,000 by 1995. This estimate includes the expected effects of the Anti-Drug Act of 1988, but does not include the additional impact of the Administration's Anti-Crime Package. The Bureau's goal through 1995 is to not only keep pace with growth, but reduce overcrowding to 130 percent of capacity. The Bureau's population is approximately 27 percent non-U.S. citizens, a 600 percent increase since 1980.

Capacity Expansion

The Bureau of Prisons has taken several steps to ensure that new prison construction is as cost-effective as possible. These actions include the use of Federal surplus property, donation of land to the Government at no cost, and the use of already proven prison designs and new construction techniques. The design of Federal correctional facilities and use of new security technology are also responsible for prison staffing requirements that are less than in most State correctional systems.

To contain new prison construction costs as well as future operating expenses, particularly for medium security Federal prisons, the Bureau of Prisons unveiled several important prison design changes in the FY 1990 budget, which were continued in the FY 1991 budget request and in the agency's long-range plan. Briefly, a complex of as many as four correctional facilities of different security levels (e.g., a maximum security U.S. Penitentiary, medium and low security Federal Correctional Institutions, and a minimum security Federal Prison Camp) will be constructed at one site, with anticipated savings through shared services and staff. In another change, the basic design capacity of Federal Correctional Institutions will be increased from the current level of approximately 500 to approximately 750. This will be accomplished by modestly increasing the cell size and initially designing two-thirds of the prison's cells for two inmates each. Furthermore, increased use of modular and precast concrete technologies will help reduce costs in appropriate areas.

New construction will be the primary but not the only answer to the prison bedspace problem; a multifaceted approach is vital in meeting the Nation's correctional needs in coming years. The Bureau is pursuing the expansion of existing facilities, community corrections strategies, and the use of converted

military facilities, schools, and other sites for low security housing for non-violent, non-dangerous offenders.

Expansion of Facilities. The Bureau has tried to maximize the use of existing facilities by constructing additional housing units. Through this effort, capacity at most of the Bureau's existing institutions has been increased to the greatest extent possible. This approach, though cost-effective, has limits because at a certain point the core facilities that serve the entire institution, such as food service and water and sewer systems, cannot sustain further expansion. Most existing institutions have reached this point.

New Construction. The Bureau currently has approximately 37,000 beds funded, under design, nor under construction. The FY 1992 budget alone includes a request for 3,600 beds, at a total cost of nearly \$315 million. Twenty-six major facility construction projects are already underway, but further expansion will be necessary. Through this program, the Bureau intends to reduce overcrowding to a more acceptable 130 percent of capacity.

Military Sites. The use of surplus and active military bases is a useful, cost-effective strategy for housing some low security inmates, and the Bureau is actively interested in any suitable land or facilities that may be available through the Base Closures Act. Military base locations such as Eglin AFB, FL; Maxwell AFB, AL; and Ft. Bliss, TX are but a few of those already in use or being actively pursued for minimum custody facilities. However, these locations are not generally suitable for higher security operations without costly renovation and construction, so they do not constitute an across-the-board solution.

In addition to its effort in connection with the Base Closure Act, the Bureau has undertaken a major initiative, with the help of U.S. Attorneys, U.S. Marshals, the Federal judiciary, and others, to identify additional surplus sites that would be suitable for low or medium security conversion. Director Quinlan also is a member of the Commission on Alternative Utilization of Military Facilities, which is charged with identifying potential sites for minimum security prisons, drug treatment centers, and facilities for the homeless.

Conversions/Acquisitions. The Bureau has had considerable success in recent years in acquiring other types of sites for conversion to detention space. The Federal Correctional Institution at Loretto, PA, the Federal Medical Center at Rochester, MN, and the Federal Prison Camps at Duluth, MN, and Yankton, SD are examples - a former seminary, mental hospital, military base, and college campus, respectively. Schools and hospitals are particularly promising sites as demographic shifts produce many underutilized facilities. As surplus military bases become available because of the Base Closures Act, the Bureau intends to actively pursue this issue.

Community Acceptance. Community acceptance must be a part of the process of acquiring new prison sites, whether on military bases or in the public domain. For that reason, a well-developed site acquisition and public information program has been under way in the Bureau for a number of years.

and resources can be brought to bear in this important area, as necessary, to locate and secure the additional sites needed in the next decade.

Private Sector Interface. Currently, via intergovernmental agreements, some low security inmates (primarily short-term aliens) are being held in non-Federal facilities, which are managed, via a separate contract, by private sector correctional organizations.

Other promising strategies include lease options and continued use of private contractors for selected programs for specialized groups of offenders. Leasing of correctional facilities on an annual basis promises some cost and management advantages. Such a facility, if authorized, would be staffed and operated by Bureau of Prisons employees. The Bureau currently has the authority to do this for one facility, and a project is under way for such a facility at the airport in Oklahoma City, Oklahoma, but has not been finalized. In light of total institutional cost and management efficiencies, the Bureau does not endorse the full-scale privatization of Federal correctional institutions or camps.

The Bureau already contracts with the private sector for services such as medical care and education programs in some institutions, for the operation of halfway houses for prerelease inmates, and for the housing of Federal juvenile offenders. UNICOR will be piloting private management of the industrial operation at its new facility in Fairton, NJ, and the Bureau as a whole is examining the applicability of other forms of private institutional operations.

Life Cycle Costs. One important factor to consider in construction is the ongoing operational costs generated by a prison. Over the typical life cycle of an institution, construction costs are only 5-7 percent of the total expense. This means that from 15-20 times the construction costs will have to be budgeted over the life of each prison now being built, for its actual operation. For this reason, it is especially important to focus on optimizing designs for security and staff efficiency.

Detention Issues. The Federal detainee population has exploded over the past decade, from 4,000 in 1981 to more than 15,000 today. This unprecedented growth has resulted in a crisis for the agencies involved. It has stimulated a close working relationship between the Bureau of Prisons (BOP) and the U.S. Marshals Service (USMS), which have worked together to prepare a detention plan. The Immigration and Naturalization Service (INS) has also been involved in the planning process, concentrating on their need to detain criminal aliens.

Solving the detention crisis will be a complex endeavor. No one agency can resolve this problem; all three agencies must use all the detention resources at their disposal. The Bureau plans to follow a policy of increasing capacity through a costeffective, sequential process, using the following resources: (1) additional State and local beds whenever available; (2) the USMS Cooperative Agreement Program; (3) private sector contract space; and (4) expansion of BOP detention capacity.

Staffing Issues

Workforce Growth. Expansion of the Nation's prison capacity, while a major issue, is not the only one that needs to be confronted now. With this tremendous expansion in physical plant will also come the need to recruit, train, and manage a far larger workforce. Moreover, this will have to be done at a time when the demographics of the country actually reflect a shrinking pool from which to recruit. The Bureau currently employs more than 19,500 staff; by the time the present expansion program is complete, as many as 43,000 employees will be needed. In addition, the next decade will see the retirement of a high percentage of the agency's present mid- and upper-level managers, making it even more critical to enhance the efforts already under way to identify, train, and develop a new, vastly expanded generation of Bureau administrators.

Training Needs. Because of retirements and normal turnover, this expansion actually means that up to 45,000 new line employees and 1,200 managers may have to be trained in the next 6 years, greatly straining existing training resources. To meet this challenge, the Bureau has developed a new training infrastructure, which will enhance development opportunities for employees.

Drug-Free Workplace. The Bureau has established a Drug-Free Workplace program, carefully designed in conjunction with DOJ guidelines and the U.S. Public Health Service, and in accord with the requirements of current case law, ensuring that the testing process is as unobtrusive as possible, and that maximum safeguards are in place for confidentiality and accuracy. Currently, the Bureau tests all applicants, upper-level managers (GM-13 and above), and those reasonably suspected of illegal drug use for the presence of illegal drugs in their urine.

Program Issues

Work, self-improvement activities, education, vocational training, and other programs not only reduce the debilitating idleness of an overcrowded institution, but offer important security management benefits such as supervised time out of cells, and enhanced security – and consequently public safety.

Inmate Classification. Inmate classification is a little understood facet of managing overcrowding. To the degree that inmates can be properly separated into groups with like security needs, they can be managed more easily, and institutional resources can be apportioned more efficiently. The Bureau has a well-regarded system for categorizing inmates so that they are placed in facilities with the appropriate degree of perimeter security and internal supervision. This classification system ensures that inmates are confined with only that level of security needed to protect the public, at the lowest possible cost, and in a way that makes necessary programs and services available.

Inmate Work. Employment, particularly industrial jobs, is the key factor in combating the adverse impact of overcrowding in a prison setting. Federal Prison Industries (trade name UNICOR) is a wholly owned Government corporation whose mission is to employ inmates and to provide them with training

opportunities. UNICOR presently employs about 13,000 inmates (approximately 20 percent of the available working population), a factor considered to be one of the major, positive features of the Federal system in managing severe overcrowding.

However, to avoid adverse impact on any single portion of the private manufacturing sector, UNICOR provides an intentionally diversified range of products and services - from executive and systems furniture to electronics, textiles, and graphics/signage. Services performed by UNICOR's inmates include data entry, printing, and furniture refinishing. These products and services are available to all Federal agencies.

Industrial jobs have been a critical factor in enabling the Bureau as a whole to cope with the present overcrowding rate. Moreover, the corporation funds selected preindustrial, vocational, and experimental training programs that further benefit the Bureau. Not only are these training programs essential to the successful operation of prisons, but they operate at no cost to taxpayers.

However, a problem faces UNICOR on the immediate horizon. Based on the anticipated rapid growth of the Bureau's inmate population, UNICOR must also expand rapidly to meet the demands of effective prison management. UNICOR would be unable to fund such expansion, in terms of construction or equipment, with its current cash revenue or limited borrowing authority.

The Bureau has worked closely with the Department of Justice in response to a serious threat to UNICOR's prime source of business. UNICOR may, by law, only sell to agencies of the Federal Government, greatly limiting its market. In addition, 1988 legislative guidelines require that, prior to adding any new product lines or significantly expanding a current product line, UNICOR must publish its intent to do so in the Commerce Business Daily, as well as notify affected trade associations. UNICOR must also complete a thorough market analysis - determining the available market, identifying the intended portion of that market that UNICOR would anticipate producing, and estimating the impact on private industries of UNICOR's entrance into the market. Last year, an amendment was introduced to the Department of Defense Authorization Bill that would have given small business firms a priority over UNICOR for Defense contracts, which now represent 55 percent of UNICOR's business. After a major DOJ education effort with members of the Armed Services and Judiciary committees, the amendment failed.

Education and Literacy. The Bureau has long recognized the importance of educational programming as a management tool for confined offenders. Beginning in the early 1980's, these programs began to focus on literacy as one of the keys to better equipping many offenders to function lawfully in society. Today, with minor exceptions, all Federal prisoners who test below the 12th grade level on the Adult Basic Level Examination (ABLE) must enroll for 90 days in a basic education program. Inmates may opt to withdraw from the program after 90 days. However, all promotions in Federal Prison Industries and institution assignments beyond the entry-level grade are contingent on successful completion of a literacy program.

Vocational Training. The Bureau provides a wide range of vocational training programs to confined male and female offenders. In addition to traditional job training activity, UNICOR provides extensive preindustrial training to prepare inmates for employment in the Corporation's industries.

Furloughs. Inmate furloughs are a sensitive issue with the public at large, although they are generally considered to be an effective way of reintroducing low custody inmates with a firm, proximate release date to their home communities. The Bureau's furlough program has been in effect since the mid-1960's.

An inmate may be authorized a furlough to facilitate release planning, to strengthen family ties or to be present during a family emergency, to participate in selected educational, social, civic, religious, or other bona fide programs, to transfer directly to another minimum security facility, to obtain medical services not available in the institution, or to appear in court on civil matters. Furloughs are not used to shorten sentences, nor are they a population "relief valve."

The Bureau has always considered its responsibility to the public to be the top priority in administering the furlough program, as well as any other inmate program. This includes ensuring that the public is not endangered by the inappropriate placement of dangerous or sophisticated offenders in the community on furlough. Minimum eligibility requirements for consideration for a furlough require that an inmate must usually be within 2 years of a firm release date. The warden ordinarily may not grant a furlough to an inmate convicted of a serious crime against the person or whose presence in the community could attract undue public attention, create unusual concern, or depreciate the seriousness of the offense; and approves a furlough only after extensively reviewing all eligibility requirements and receiving input from the relevant U.S. Probation Office.

Recent furlough policy refinements formalize application principles embodied in well-established practice. Policy ordinarily precludes furloughs for inmates with a significant history of violence or drug involvement. In the more serious of these cases, the warden's discretion to grant furloughs is reduced, by instituting a further level of review by the Regional Director.

AIDS. AIDS is a potentially serious problem in the prison environment, but one which is proving to be administratively more manageable than originally thought. The underlying presumption in all training and operational procedures is that blood, semen, vaginal fluids, and any body fluids containing visible blood are contaminated, and both inmates and staff must be protected accordingly. Additional emphasis is placed on confidentiality, counseling, and education. The Bureau's approach is consistent with all contemporary advisories from the Centers for Disease Control in Atlanta, GA, and was used as a model for corrections in the report of the President's Commission on the HIV Epidemic.

The following categories of inmates receive tests for the HIV antibodies:

- o A 10 percent random sample of all newly committed inmates.
- o All inmates prior to release.
- o All inmates who volunteer to be tested.
- o All inmates displaying clinical signs of HIV infection.
- o All inmates displaying predatory or promiscuous behavior.

Those who test positive for the presence of HIV antibodies receive state-of-the-art medical care, including AZT. Most HIV-positive cases are mainstreamed in the general population, except when acute care is needed. Inmates who display predatory or promiscuous behaviors are placed in administrative detention, because these behaviors violate institutional rules.

Before any conditional release (furlough, parole, halfway house), HIV-positive inmates are encouraged to notify any spouse or "significant other" person who may come into intimate contact with them of their condition. This affords the necessary degree of protection for those individuals while an offender is still under Government jurisdiction. The Parole Commission, the supervising U.S. Probation Officer, and Community Corrections staff are also notified.

Drug Abuse Issues. Overall, about 55 percent of all Federal inmates are drug offenders. As law enforcement agencies at all levels have dedicated an increasing proportion of their resources to controlling drugs, it is anticipated that this percentage will increase to 69 percent by 1995. Approximately 47 percent of new admissions are rated as having moderate to severe drug use histories.

The Bureau provides high-quality drug treatment services to committed offenders, operating typical institutional counseling and group activities to assist offenders with substance abuse problems. In addition, in 1989 the Bureau funded three residential drug treatment units with strong research components, and a commitment to long-term follow-up in order to assess program effectiveness (which extends from 1 to 2 years prior to release, into a community supervision phase for up to 6 months following release) and the program's impact on recidivism. The Bureau has signed a \$2.94 million interagency agreement with the National Institute on Drug Abuse, which is designed to evaluate the effectiveness of its drug abuse programs over the next several years.

Five additional residential treatment programs are also in use, which require several hundred hours of treatment and an extensive aftercare program. These residential programs will entail comprehensive assessment, group and individual therapy based on the individual's needs, life skills development, aftercare planning involving relapse-prevention components, and strong evaluation components.

The Bureau also operates programs to detect, deter, and provide treatment for illicit drug use, because of the impact such use may have on inmate and staff safety, institution security, and the community. Accordingly, a major element of the proactive effort to control drug use is the Bureau's inmate urinalysis program.

Under current procedures, at least 50 percent of inmates involved with community activities undergo urine testing. All inmates suspected of using drugs are tested monthly, and at least 5 percent of each institution's total inmate population is tested randomly each month. The urinalysis includes tests for morphine, methadone, codeine, other opiates, barbiturates, amphetamines, cocaine and cocaine metabolite, phencyclidine, and THC (marijuana).

During 1990, 71,000 tests were administered under this program. Results of the tests revealed a 1.9 percent positive rate for illegal substance use -- down from a 1885 peak of 7.4 percent.

Other drug abuse deterrence and detection efforts include:

- o Visiting surveillance/security procedures.
- o Inmate telephone monitoring.
- o Inmate financial monitoring.
- o Law enforcement liaison.
- o Inmate mail monitoring.
- o Physical searches of institution areas.

Intermediate Punishments

Intermediate Punishments. Implementing a balanced and cost-effective correctional management program necessitates use of a range of options, from maximum security institutions to programs that supervise offenders in the community. As a result, Community Correction programs and sanctions for non-violent, non-dangerous inmates are an important part of the Bureau's strategy for managing its overcrowding. The community-based residential programs available include the use of typical Community Correction Centers and local detention facilities.

Community Correction Centers (CCC). The Bureau has implemented two separate components or programs for inmates residing in a CCC, depending on their needs and commitment status. Inmates who are eligible for the Pre-Release Component (less restrictive program) are those being released from a BOP institution (typically within the last 180 days of their sentence) and some supervision cases who need added community support. The CCC provides a suitable residence, structured programs, job placement, drug testing and counseling, and alcohol monitoring - all while monitoring the offender's activities in the community. Inmates are granted a moderate amount of personal freedom, and may stay in the community after working hours, for recreation, family, and other casual activities.

The Community Corrections component is designed to be more restrictive, allowing the inmate to leave the CCC only for work and other approved activities, such as drug/alcohol counseling. This component is normally utilized for those serving short sentences (1 year or less) who do not present a threat to th

community. These inmates are provided a higher level of in-house services in the CCC, because of their restricted status.

Home Confinement. Home confinement (with or without the use of electronic monitoring) has been piloted by the Bureau to provide closer supervision for lower security offenders nearing release. These programs limit the offender's personal freedom without requiring the construction of additional, costly halfway houses for detention beds. They provide intensive supervision through centralized electronic monitoring technology in the form of an ankle "bracelet," which signals a computer-driven receiving or recording device. Home confinement programs for suitable low-risk offenders may eventually supplant a significant portion of the Bureau's current Community Correction contract operations, at considerable cost savings, and potentially provide, through pending amendment to the Sentencing Guidelines, an alternative for direct commitment to the Bureau of Prisons.

Intensive Confinement Center. Also known as shock incarceration or "boot camps," and based on the military induction camp model, these programs are a relatively recent innovation in corrections. Some of their attraction may be the image they project as no-nonsense operations. In States where they are already in use, these programs are often targeted at young, impressionable offenders early in their criminal careers, and involve a high-stress program of physical exercise, verbal confrontation, and other structured activities. Many of these elements, particularly mandatory work, are already in use in the Bureau, but the intense, short time frame would be unique. The Bureau is developing a pilot Intensive Confinement Program adjacent to the U.S. Penitentiary in Lewisburg, Pennsylvania, for those Federal offenders who may benefit from it. This program will involve a very intensive, highly structured program of early wakeup, calisthenics, a hard day's labor, basic services, and few amenities, all in a closely supervised, no-frills setting.

Bureau-Based Intermediate Punishments. The Bureau uses opportunities to assist other agencies by providing inmate labor, and these programs comprise another form of intermediate punishment. One such project involves inmates from the Federal Correctional Institution, Pleasanton, California, working in support of the National Park Service on Alcatraz Island, site of the former USP Alcatraz. The Bureau's Urban Work Camp program in Philadelphia, Pennsylvania, uses nondangerous Federal inmates to perform otherwise unfunded work for other Federal agencies in the city. A similar program operated at the Federal Correctional Institution, McKean, Pennsylvania, uses minimum security inmate work crews for trail and other maintenance jobs on National Forest lands.

These and other programs offered from camp-like settings serve as a form of intermediate punishment. The conditions of confinement are minimum security and low-cost in nature; inmates work in community settings, often under the supervision of civilian or military personnel; and the program provides valuable services to the community at large or other Government agencies.

Key Indicators/Strategic Support System

As the Bureau continues to practice and refine a proactive management style of anticipating problems before they develop, and planning for both the long and short term, the need for careful strategic planning and quality control is continually reaffirmed. For the Bureau of Prisons, the responsibility for managing and monitoring more than 62,000 inmates every day demands that quality control always be a priority. This is particularly true now, during this period of unprecedented growth and expansion within the Federal Prison System. By implementing quality control principles and monitoring the Bureau's compliance with these standards, the agency can manage the system's growth effectively, without sacrificing the quality of inmate care and custody, or the quality of services available to staff and inmates.

An excellent tool for applying strategic planning and quality control principles within the Bureau is the Key Indicators/Strategic Support System, a comprehensive and unique data management system that gives users access to a wide variety of BOP information. The Key Indicators system, a personal computer-based, menu-driven software program developed by the Office of Research and Evaluation, can assist in framing appropriate quality control standards and provide a monitor for determining conformance to policy and the amount of progress toward accomplishing policy objectives.

The system contains a wealth of information about the Bureau nationally as well as on each BOP institution, region, and security level, including information about rated capacity, admissions and discharges, average daily population, inmate demographics, security designation, custody classification, urine surveillance, assaults, escapes, disciplinary hearings, inmate grievances, education program enrollments and completions, staff demographics, staff perceptions of institutional social climates, and financial management. These data serve as "indicators" in the sense that they let the user observe and analyze system changes in areas such as crowding, inmate misconduct, educational program participation, and perceptions of staff safety and well-being.

For instance, regional administrators could make a variety of comparisons among the institutions in their region using Key Indicators to monitor characteristics such as population levels. With Key Indicators, administrators can monitor the average daily population of the institutions in their region, determine the percent that these institutions are above or below capacity, and make comparisons to other regions and other comparable security level institutions. Then, on the basis of these analyses, administrators can make recommendations to ensure more equitable assignment of inmates and allocation of resources among the institutions.

Administrators can also track the security levels of the inmates at their facilities through Key Indicators. By keeping informed of the inmate security levels on a monthly basis, staff can identify any changes in the inmate population that would affect institution operations (e g., increased or decreased custody requirements, levels of misconduct, or types of programming).

Traditionally, administrators were limited either to making specific requests for information from those who could access it and waiting for the results, or making do with the Bureau's periodically published statistical summary reports. Key Indicators was designed to provide an alternative mode of strategic information delivery. Intended for use by and for BOP managers at all levels of the organization, it allows users to create reports and displays of data whenever they wish, based on their particular needs and interests. It requires no technical expertise in computer processing or reliance on individuals with technical computer processing expertise. It allows managers to become self-sufficient with regard to the acquisition of information required to plan, direct, monitor, and thereby attain quality control. It also eliminates lengthy information request queues that stem from centralized information distribution, and expedites and lessens the cost of information retrieval by and for the Bureau's managers.

All the data in the system have been drawn from existing automated sources such as JUNIPER and SENTRY. Reliance on existing automated sources is efficient, since the data are a byproduct of other data needs of the organization. It also permits greater confidence in the validity of the data.

Key Indicators presents mainframe computer management information system (MIS) data from a different perspective. MIS data provide information about individuals, for the point in time at which the query is made, for administrative purposes. Key Indicators, however, provides aggregate information (e.g., institutional, security level, regional, or BOP) for a specific point in time as well as for a span of time, for descriptive and comparative analytic purposes. Key Indicators facilitates comparison of different types of information, since it integrates data from a number of different sources into a single source, making it much easier to compare the information. Finally, the system will enhance the Bureau's ability to respond quickly and accurately to inquiries from the public, lawmakers, and the media, thereby increasing the agency's accountability.

Organizational Information

The Bureau is administered from its Central Office and six geographically based regional offices, located in Philadelphia, PA; Annapolis Junction, MD (near Baltimore); Atlanta, GA; Dallas, TX; Kansas City, MO; and Belmont, CA (near San Francisco).

The Bureau's Central Office contains the following components:

Correctional Programs Division

The Correctional Programs Division manages security, community programs, case management, unit management, female offenders issues, population management issues, immigration affairs, drug programs, and inmate monitoring, as well as religious and psychological services.

Administration Division

The Administration Division develops plans, programs, and policies covering acquisition, construction, and staffing of new facilities, as well as budget development, financial management, procurement, contracting, and information and inmate systems management.

Health Services Division

The Health Services Division has policy and oversight responsibility for all medical programs, environmental health and safety, sanitation, food services, farm operations, and inmate accident compensation programs.

Human Resource Management Division

The Human Resources Management Division has oversight responsibility for personnel, training, labor management, career development, affirmative action, and recruitment services, and manages a number of innovative programs that are tailored to meet the needs of a rapidly growing agency.

Program Review Division

The Program Review Division is responsible for agency program review and assessment functions, internal controls, program analysis, and coordination of the year-end assurance statement to the Attorney General.

Office of General Counsel

The Office of General Counsel serves as in-house counsel for the Bureau of Prisons, advising the Director and other Bureau staff on legal matters, developing and directing Bureau policies concerning legal matters and services, managing the inmate grievance (administrative remedy) program, and representing the agency to the courts, other Federal agencies, attorneys, and State and local officials.

Federal Prison Industries

Federal Prison Industries (trade name UNICOR), is a wholly owned Government corporation. Its mission is to provide employment and training opportunities for inmates confined in Federal correctional facilities. Inmate employment is essential to the Bureau in reducing idleness and minimizing other adverse effects of prison overcrowding. Organizationally, educational and vocational training programs are managed in conjunction with this component.

Community Corrections and Detention Division

This division incorporates the Bureau's community corrections operations, detention programs, contract services administration, and program development branches. Its activities represent one of the most rapidly growing segments of the agency.

Information, Policy, and Public Affairs Division

This division consists of the Bureau's information systems, policy review, research and evaluation, security technology, and public affairs branches. It brings together their related functions in a manner that supports more effectively the Bureau's increasingly information-driven operations.

National Institute of Corrections

The National Institute of Corrections (NIC) has a mission of providing advisory and technical support to State and local correctional agencies throughout the country. NIC provides its constituent agencies with nationwide programs and services that primarily entail technical assistance, training, and some grants. NIC also operates the National Academy of Corrections, the NIC Information Center, and the National Jail Center, all of which are currently located in Boulder, CO.

EQUAL TREATMENT OR DIFFERENT TREATMENT?
THE ORIGINS OF TODAY'S POLICY DILEMMA
IN THE CARE OF INCARCERATED WOMEN

Prepared for the Federal Bureau of Prisons
Issues Forum of Female Offenders

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Over time, women in U.S. jails and prisons have been incarcerated under enormously varied conditions. However, one issue has remained constant: the question of whether these women should be treated like male prisoners or differently.

Policies governing the care of incarcerated women evolved in three stages:

1. The first stage began about 1790, when the very first state prisons were founded, and ran to about 1870. During this period, women were subjected to essentially the same conditions as male inmates.
2. The second period covered the century from 1870 to 1970. During it, the emphasis fell on differential treatment--on providing care designed to meet what were thought to be the special needs of women.
3. The third period began in 1970 and continues into the present. It has been characterized by a reaction against differential treatment and a swing back toward the idea of equal treatment.

However, the current situation is complicated by the growing realization that outwardly "equal" treatment often means less adequate care for women. This is so because the standard is set on male terms that overlook important gender differences. Thus today, we are seeing a search for new policies that can achieve equality while taking gender differences into account.

First Period

Let me go back to the first period to clarify the problems inherent in the simple, straightforward, equal-treatment approach.

When the first state prisons were founded at the end of the 18th century, there were (as there are today) man fewer female than male convicts. With just 1, or 3, or 10 female prisoners, states had no need for a separate women's institution. They began by operating just one prison or penitentiary to which all felons were sent, regardless of sex.

In these early penal institutions, women were often celled next door to men. Outwardly, they received the same treatment. But this ostensible equality in fact spelled more difficult circumstances for women, as three examples will illustrate:

My first example concerns isolation. Alone in a sea of men, the women were surrounded by members of the opposite sex:

- this created privacy problems;
- it also meant that they were more lonely than their male counterparts;
- and it made them more vulnerable to sexual exploitation by guards and male prisoners.

A second example, concerning prison personnel, also shows how apparent equality created conditions that were in fact harsher for the few women in these early institutions. All the staff were male, not only the guards but also the physicians and chaplains. The visitors from the outside, like the guards on the inside, identified more closely with the male than the female convicts:

-- For visiting the physicians and chaplains, as for members of their broader culture, women belonged on a pedestal; thus if a women "fell," she fell farther than any man, and must be far more depraved.

-- The physicians and chaplains therefore steered clear of the women, giving more attention to the male convicts.

My third example concerns pregnancy and birthing: If a female convict in one of these early prisons was pregnant, infant death rates were very high. Male convicts did not have to contend with such problems of reproduction and infant care.

As the decades passed and more female prisoners accumulated, they were removed to separate quarters, perhaps a small cell block in a corner of the prison yard or -- toward the middle of the 19th-century -- to a separate unit just outside the wall.

Removal brought some advantages: the women convicts were no longer so isolated from other members of their own sex; and they were less vulnerable to sexual exploitation by the guards.

But removal also brought disadvantages: the further the women were distanced from the center of the prison, the less access did they have to whatever opportunities were available to the male convicts, such as medical advice, religious services, and opportunities to exercise in the yard.

Furthermore, the isolated women's unit had no kitchens. Food was carried to them from the men's quarters, often just once a day, usually cold.

And if the warden did not hire a matron to supervise the women's quarters, female inmates had no protection against one another. There are records of some wild fights in these early women's prison units.

In sum, during this first stage in women's prison history, from roughly 1790 and 1870, the policy was to treat female and male convicts alike.

But as the norms were set by male officers, and with reference to the needs of the far larger number of male convicts, outward equality in fact produced inferior conditions for incarcerated women.

Second Period

All this began to change about 1870, as the ideal of rehabilitating prisoners took hold.

Interest grew in reforming female as well as male convicts.

But due to the separate-spheres doctrine, according to which men are best fit for public work and women are inherently better at dealing with domestic tasks, children, and other women, the job of reforming female criminals was relegated to other women--middle-class reformers.

This was just fine with late 19th-century feminists, who threw themselves ardently into the task of establishing separate women's reformatories.

These middle-class feminists succeeded in the often very difficult job of persuading all-male legislatures to fund separate reformatory prisons for women. When

the new reformatories opened, they themselves frequently became the officers of these institutions.

It was these feminist reformers who established the principle that women in prison must be treated entirely differently from male prisoners.

Copy the model of the juvenile reformatory, they built the new women's prisons on the cottage plan. Inmates lived in relatively small "cottage," or individual units, where they could be supervised by motherly matrons.

Programmatically, the new women's reformatories were designed to inculcate domesticity -- that sure-fire cure for female criminality. While their programs included outdoor work, inmates were mainly trained to sew, cook, and wait on tables. At parole, they were sent to positions as domestic servants, where they could be supervised by yet other middle-class women.

In short, the regiment of the first separate penal institutions for women was infantilizing: inmates were treated as wayward children rather than responsible adults who, after release, would have to live independently. The reformers did not face the fact that most of their charges would have to support themselves. Alderson -- the first federal women's prison -- was built during this period. Like its state-level counterparts, Alderson adhered to the principle that women should be treated differently than men.

Differential treatment manifested itself in sentencing practices as well as in architecture and programs. The reformers who founded the state reformatories for women had

little interest in dealing with felons. Felons were serious offenders; they were also often black.

The reformers preferred to direct their rehabilitative efforts toward minor offenders with whom they could identify -- white women found guilty of misdemeanors or (more frequently) offenses against chastity.

The new women's reformatories held these minor offenders on long sentences -- terms equivalent to those imposed on felons in the state penitentiaries.

Thus differential treatment carried its own set of liabilities:

-- Women imprisoned in female reformatories were forced into a "true woman" mold of domesticity that infantilized and ill-prepared them for self-support in an industrializing society.

--Moreover, minor female offenders were now held on very long sentences--much longer than those to which male misdemeanants were subjected.

--And of course, males were never sent to state prisons for violations of chastity. The women's prison system became a means of enforcing the double standard of sexual morality.

Third Period

The ideal of differential treatment of male and female prisoners prevailed right through the 1960s. My favorite illustration of this persistence is a 1960s recommendation that a

certain women's prison develop a dairy industry. Milking cows, the formulator of this policy argued, is an excellent activity for women prisoners, since women have a natural affinity for udders!

But the women's movement of the late 1960s brought a reaction against such talk and demands for equal treatment of male and female inmates.

The tide began to turn against domestic training. Instead, advocates now insisted on programs that would prepare released women for real-world jobs and self-support.

Another signal of the shift back to the ideal of equal treatment was a wave of litigation against differential care. For example, in the 1960s female inmates began using the courts to challenge sentencing laws that made them liable to longer terms than men with similar records and conviction offenses.

We are all familiar with aspects of this drive toward equal treatment. But many people are unaware that it has been accompanied by a growing perception that equal treatment usually means less adequate treatment. Inferior care is the rule because today, as in the first stage, the ideal of equality does not take gender differences into account. Let me illustrate this new awareness with two examples.

One concerns law libraries. Incarcerated women are finally being given law libraries as adequate as those available to incarcerated men.

But due to the fact that women have no tradition of jailhouse lawyering, they are less skilled in using legal resources.

Thus several recent court decisions have ordered not only adequate law libraries, but also legal training for female prisoners, so that their level of access to the courts will in fact equal that of male counterparts. These decisions recognize that equality involves parity--actual as well as apparent equivalence.

A second, and very different, example of the need to recognize gender differences concerns children. Unlike incarcerated men, the majority of women in prison left behind children who had been solely dependent on them.

Every study of this matter concludes that separation from children constitutes the major hardship for incarcerated women.

The studies show that separation is devastating for the children as well. Children must be kept in contact with their primary parent if they are not to suffer severe psychological damage. Thus although male and female prisoners are both separated from their children, this situation affects them differently and has different social consequences.

Conclusion

I could give other examples illustrating the need to take gender differences as well as equality into account, but let me instead summarize the situation in which policy-makers now find themselves.

Today, the two major historical themes of equal and differential treatment are flowing together. Those involved on planning for female prisoners are trying to deal with both considerations simultaneously.

This confluence signals an awareness that neither approach works well on its own.

Outwardly even-handed treatment perforce produces inferior treatment for incarcerated women because the norm is still set by male administrators, working with male needs foremost in mind.

Deliberately differential treatment, alone, also inevitable spells inferior treatment, for it reinforces the gender division of labor.

Today, policy-makers are seeking ways to go beyond both the equality and difference models. I want to stress "beyond." The move is emphatically NOT toward trying merely to combine these two approaches, for the result would be to compound their individual disadvantages.

Rather, the search is for a way, or ways, to surmount the two traditional approaches by developing a new model. This new model will no doubt borrow the best elements of the two older approaches. But it will also have to find ways of avoiding their inherent drawbacks.

I don't know what the new model will look like, although some indications come from Canadian work, about which we will soon be hearing from Jane Ashton-Miller. I do know that if we merely extend the older approaches, we will perpetuate a

tradition which began to form on the day the first state prison received its first female convict. That tradition, whether based on the idea of similar treatment or different treatment, has been one of automatically condemning incarcerated women to inferior care.



background document d'information



TASK FORCE ON FEDERALLY SENTENCED WOMEN

Population

At the time of the completion of the Task Force Report there were approximately 260 federally sentenced women incarcerated in Canada, about 50% of whom were accommodated at the only federal Prison for women, a maximum security institution located in Kingston, Ontario. Most of the remainder were serving their sentences in provincial institutions by Virtue of Exchange of Service Agreements. In addition, since March 1990, 11 federal women have been housed in a new minimum security institution also located in Kingston. There are, as well, approximately 200 women under community release supervision. The number of women offenders is generally stable, and represents 2% of the total federal offender population.

Issues and Concerns

Due in part in their small numbers, there are several long-standing and unresolved issues which have placed women at a disadvantage in the correctional system:

- the geographic dislocation of many women from their families, cultures and communities;
- the over-classification of many women, and the lack of significant opportunity for movement within a range of both institutional and community facilities and programs;
- the lack of sufficient programs and services which respond to the needs of women;
- program inequities that result from placement in provincial institutions which are often not geared to the needs of the longer-term offenders;
- the difficulty of effective pre-release planning; and

- the unique disadvantaged situation experienced by federally sentenced Aboriginal women who, at about 14%, are over-represented in the prison population, and are particularly isolated from their cultures.

Over the years, these problems have been examined by a variety of task forces and commissions, and considerable effort has been made to improve the situation for federally sentenced women. Nonetheless, the major problems have persisted. Numerous and recent recommendations to close the Prison have emerged, challenges under the Charter of Rights have been launched, and pressures for substantive change have continued to mount from concerned lobby groups.

Introduction to the Task Force

In consideration of the above, and in keeping with the Mission of the Correctional Service of Canada (CSC), the Commissioner of the Correctional Service of Canada established a Task Force in collaboration with the Canadian Association of Elizabeth Fry Societies in March, 1989, to develop a plan which would respond comprehensively to the needs of federally sentenced women. The Task Force included membership from a broad base of community groups and government agencies.

Composition of the Task Force

The Task Force was composed of a Steering Committee and a Working Group. Both levels were co-chaired by representatives from the Correctional Service of Canada and the Canadian Association of Elizabeth Fry Societies. The Task Force membership included federally sentenced women, community, Aboriginal and women's groups and a variety of government agency representatives.

Mandate

The mandate of the Task Force was to examine the correctional management of federally sentenced women from the commencement of sentence to warrant expiry, and to develop a plan to guide and direct this process in a manner that was responsive to the unique and special needs of this group.

Findings

The Report of the Task Force on Federally Sentenced Women was based on the insights gained from extensive consultations and from the results of several research projects. Pertinent findings include the following:

- the hardship of mother-child separation as expressed by incarcerated women, two-thirds of whom are mothers, and many of whom are single parents of children under 5 years of age;
- the extensive histories of physical and/or sexual abuse experienced by 80% of federally sentenced women, and 90% of Aboriginal women under federal sentence;
- the high incidence of self-injurious behaviour among women at the Prison for Women, and its relationship to past histories of abuse;
- the relatively high incidence of substance abuse as part of the offence or offence history of the women, and their expressed need for more comprehensive substance abuse programs;
- the high requirement for educational and vocational training geared to the development of marketable skills;
- the paucity of community based services for federally sentenced women;
- the high need for culturally-sensitive programs and services;
- the high priority placed by federally sentenced women on their desire to be closer to home; and
- the evidence that successful program directions for women offenders include those which focus on self-awareness and self-esteem, promote community involvement and adherence to community norms, utilize tools validated for women and Aboriginal peoples, and provide programs responsive to the needs of women in supportive environments with less emphasis on static security measures.

Principles

The Task Force plan was developed with knowledge of the wider societal understanding of women's and Aboriginal people's disadvantaged experience. It was based on the belief that a holistic approach to the treatment of federally sentenced women is required to address the historical problems, and is predicated on principles of empowerment, meaningful choices, respect and dignity, supportive environments, and shared responsibility. The plan places high emphasis on the need for federally sentenced women to recover from past trauma, and to develop self-esteem and self-sufficiency through programs and services designed to respond to their needs. It stresses the need for physical environments which are conducive to reintegration, highly interactive with the community, and reflective of the generally low security risk of federally sentenced women.

Recommendations of the Task Force

The Task Force developed recommendations into a plan which includes the following:

1. Close the Prison For Women;
2. Create four Federally operated regional facilities for federally incarcerated women;
3. Create a Healing Lodge which would serve as an incarceration option for federally sentenced Aboriginal women; and
4. Develop a community release strategy which would expand and strengthen residential and non-residential programs and services for federally sentenced women on release.

The Task Force plan is well set within the federal government's commitment and ongoing efforts to achieve equality for women and Aboriginal people. It is fundamentally rooted in the principles of the Mission of the Correctional Service of Canada which respects the dignity of individuals, the rights of all members of society and the potential for human growth and development. It is consistent with the Service's strategic objectives to provide a safe, humane environment which promotes health and well-being and encourages positive interaction between staff and offender. Further it honours CSC policy to respect the social, cultural and religious differences of individual offenders and the need to ensure that the special needs of female and native offenders are addressed properly. Finally the plan brings a disadvantaged group within a long standing Service policy of regionalization which will enhance program opportunities for women and bring them closer to their families, communities and cultures.

The locations recommended by the Task Force Report for the regional facilities were determined based on proximity to the home communities of the majority of women from a given region, and on the availability of essential community resources generally found in larger urban centres. The potential locations selected were Halifax, Montreal, Central/ Southwestern Ontario, and Edmonton.

The recently concluded agreement with British Columbia, which will accommodate federally sentenced women from that province in the new Burnaby Correctional Centre, was acknowledged by the Task Force as part of the current plan.

The Task Force, however did state that the facility in British Columbia would be required if the federal/provincial agreement for the new Burnaby facility for women failed to meet the underlying premises of the Task Force Report. With respect to remote and Northern parts of Canada, where very few women receive federal sentences, the Task Force recognizes that a specialized response will be required. The establishment of regional women's facilities would not preclude the involvement of provinces/territories who might be interested in a joint venture.

With respect to the Healing Lodge, a Prairies location was suggested by the Task Force Report because 66.6% of federally sentenced Aboriginal women are from that region. The specific location will need to be determined by the Correctional Service of Canada in consultation with Aboriginal groups, and will need the support of a neighbouring Native community in order to be viable.

Regional Facilities

The Task Force recommended that regional facilities would be developed and operated premised on a program philosophy that approximates community norms, focuses on extensive utilization of the community expertise, and is geared to the safe release of federally sentenced women at the earliest possible point in their sentences. Program delivery would be based on individualized plans developed by each woman in conjunction with a staff person (primary support worker) and a community worker assigned from a private sector agency. Programs would be holistic in nature, culturally-sensitive and responsive to the needs of women. Primary programming would focus on counselling and treatment, including sexual, physical and substance abuse recovery, education, vocational and skill development, leisure activities, family visitation, and spiritual services. Self-sufficiency and community responsibility would be fostered through daily opportunities for living skills acquisition, and through the positive support of staff recruited for skills in counselling, communications and negotiation, and sensitive to women's and cross-cultural issues.

In order to promote the program philosophy, regional facilities would be situated on several acres of land and would be built to modern environmental standards which foster wellness, including natural light, fresh air, colour, space and privacy. The living areas would be cottage style, with accommodation for 6 to 10 women per cottage. A central core area would be designated for administration, and would contain flexible program space for recreational, social, spiritual and counselling activities. The facilities would be designed to maximize mother-child interaction and family visits.

The Task Force Report suggested dynamic rather than static security measures would be utilized wherever possible in order to reflect the support rather than security orientation of the facilities. An unobtrusive perimeter security (e.g., buried cable), for detection purposes only, may be added to what would otherwise be a boundary fence surrounding each facility, and built to community standards. One cottage or part of a cottage in each facility may require some enhanced static security features, but staff support to women of higher risk would be the preferred approach.

Healing Lodge

The Healing Lodge concept, as proposed by Aboriginal people, is an incarceration option for federally sentenced women. The Task Force Report recommended that it be situated in one of the Prairie provinces, operated according to Native traditions, and staffed by Aboriginal men and women. The Lodge would be designed in consultation with Aboriginal people, and would require, in addition to standard Correctional Service of Canada administrative requirements, a connection to a nearby Native community, and the support of an Elder Council.

The physical space and programs for the Healing Lodge would reflect Aboriginal culture. The needs of Aboriginal women under federal sentence would be addressed through Native teachings, ceremonies, contact with Elders and children, and interaction with nature. Program delivery, as in the other facilities, would be premised on individualized plans, a holistic approach, an interactive relationship with the community, and a focus on release preparation. The Healing Lodge, however, would at all times operate from a unique cultural perspective, placing high value on spiritual leadership, as well as on role modelling and the life experiences of staff, with more traditional professional expertise providing an important but largely supportive role.

Community Release Strategy

As envisioned by the Task Force Report, the community orientation of the regional facilities would facilitate the development of individualized release plans assisted by a community support team. The team, composed of Correctional Service of Canada staff and community workers, would work closely with each woman to ensure that needed services and support would be available on release. This effort would be supported by new and enhanced residential and non-residential opportunities for women. There would be an increased need for specialized services including Aboriginal halfway houses, community based treatment residences as well as alternate accommodation such as satellite apartment beds and private home placements. Services purchased from

community residential facilities would not only include accommodation, but also support services such as employment counselling, substance abuse treatment and living skills programs.

Regional Advisory Councils

The Task Force Report recommended that Regional Advisory Councils be established in association with each Regional Women's Facility to advise the Correctional Service of Canada on programming and services in both the facility and the community.

Councils would evaluate existing programs, identify gaps in services and recommend additional programs and services. They would also monitor the continuity of programs between the facility and community and make recommendations on how continuity can be improved. Finally, Councils would play an educative role in their local communities so that the Regional Women's Facility and the women released from it are seen as an integral part, and a responsibility, of their community.

Membership for the Regional Advisory Councils would be drawn from local private sector groups and individuals with expertise and interest in women's issues and criminal justice. With respect to the Healing Lodge, the Regional Advisory Council would take the form of both an Elders' Council and a connection to a local Native community.

National and Regional Administration

The Task Force on Federally Sentenced Women recommended that policy and program development related to federally sentenced women must be directed from a national perspective in order to ensure consistency and communication with respect to the implementation and operation of the Regional Women's Facilities. This would require additional functional expertise and resources at both the national and regional headquarters' level to address the various policy issues and program and to provide leadership to the federally sentenced women's initiative.



backgrounder document d'information



Implementation of Task Force Report On Federally Sentenced Women

In March 1989, the Commissioner of Corrections, Ole Ingstrup, established a Task Force on Federally Sentenced Women in collaboration with the Canadian Association of Elizabeth Fry Societies, in order to develop a plan which would comprehensively respond to the needs of federally sentenced women. The Task Force included membership from a broad range of community groups and government agencies.

The Task Force was one of five struck by the Correctional Service of Canada to review fundamental correctional issues such as substance abuse, mental health, and community and institutional programs. The results of these task forces are being used by the Correctional Service of Canada to more effectively address the needs of offenders in their efforts to become law-abiding citizens.

In April 1990, the Task Force On Federally Sentenced Women submitted its final report which called for a new approach to meeting the unique needs of federally sentenced women (refer to Backgrounder On the Task Force on Federally Sentenced Women).

In September 1990 the Government announced its acceptance of the major recommendations of the Task Force on Federally Sentenced Women. Included in the announcement were plans to close the Prison for Women, to establish the five new facilities, and to expand and enhance community services/ programs for federally sentenced women. The cost of this initiative is estimated to be approximately \$50 million.

In October 1990, the Commissioner of Corrections announced the creation of a National Implementation Committee to oversee the federally sentenced women initiative including all operational

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input to the planning and development of the regional facilities, the Healing Lodge and community strategy.

In December 1990, an External Advisory Committee was established to provide advice on the overall Initiative. The committee includes membership from Status of Women Canada (Kay Stanley, Coordinator), Canadian Association of Elizabeth Fry Societies (Bonnie Diamond, Executive Director), Native Women's Association of Canada (Sharon McIvor, Executive Member) and federally sentenced women. This advisory body has liaised with the CSC Implementation Committee and has provided advice on initial work under way.

During the months following the government's September 1990 announcement, an unprecedented number of communities came forward to indicate an interest in having the facilities in their area.

In July 1991, the Solicitor General, the Honourable Doug Lewis, indicated that the government had made significant progress toward achieving the closure of the Prison for Women, and establishing the five new facilities. A three step selection process was implemented, the first of which was the Minister's July 1991 announcement that the new facilities would be located within 100 kilometres of Halifax, Montreal, Toronto, and Edmonton or Calgary.

The Minister also announced that the second step of the location selection process would proceed under the direction of the Correctional Service of Canada. This second phase includes the careful assessment of all interested communities which fall in the announced geographic locations, based on the published correctional criteria. These assessments will assist the Correctional Service of Canada in recommending to the Minister which communities can best meet the needs of federally sentenced women.

The third and final step of the process is the selection of specific sites for the facilities. This will occur once the final geographic locations are determined.

The Minister also announced, in July 1991, that the location criteria for the Healing Lodge, a facility for Aboriginal women under federal sentence, had been approved. This facility is being developed in collaboration with a committee consisting of representatives from Native women's associations and Aboriginal Elders. The Aboriginal facility must be culturally sensitive and, therefore, the location selection process will proceed separately, and with the involvement of Native people.

July 31, 1991