

Victimization, Adversity and Survival in the Lives of Women Offenders

Implications for Social Policy and Correctional Practice

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Cet article aborde les expériences de violence et de victimisation vécues par les femmes incarcérées dans les prisons provinciales et fédérales au Canada, et la trajectoire de leur délit. L'auteure aborde les points saillants tels la pauvreté, la marginalisation, l'insécurité, les drogues et le traumatisme qui empêchent les femmes de se réhabiliter ainsi que le besoin de traiter ces problèmes par des pratiques correctionnelles et sociales.

Women comprise approximately eight per cent to nine per cent of all offenders sentenced to imprisonment in the provincial system, and approximately 3.5 per cent to five per cent in the federal system. The majority of women offenders are young, poor, unemployed, are mothers, and commit predominantly non-violent crimes such as property theft, fraud, and drug offences. According to the Canadian Association of Elizabeth Fry Societies (2005), Aboriginal women are over-represented in federal prisons, representing two per cent of the population but 29 per cent of women who are incarcerated.

Violence and Victimization in the Lives of Women Offenders

Canadian studies reveal high prevalence rates of violence and victimization in the lives of women offenders. Kelley Blanchette found 61 per cent

were victims of childhood abuse and 58 per cent were victims of abuse in adulthood, while in Margaret Shaw's study 71 per cent of women offenders reported physical victimization as adults and 48 per cent reported sexual abuse in their lifetime. Similarly, James Bonta, Bessie Pang and Suzanne Wallace-Capretta found 62 per cent of women offenders had experienced physical victimization and 54 per cent sexual victimization in their lifetime, with over 14 per cent reporting that the victimization started before age 12.

Other Canadian studies have reiterated these findings. Lynn Lightfoot and Lise Lambert found 81 per cent of women offenders reported physical abuse and 82 per cent emotional abuse while Jane Laishes found 69 per cent had experienced domestic violence, 19 per cent adult sexual violence, 47 per cent childhood sexual abuse and 36 per cent childhood physical abuse. These findings were echoed in a 2004 study by the author, which found that 85 per cent of incarcerated women reported adult sexual victimization, 81 per cent a history of childhood abuse and 67 per cent experiences of childhood sexual abuse.

In Canada, more than one woman a week is killed by her partner (Beattie) and the most recent findings (from the General Social Survey 2004) estimated that seven per cent of women

in the general population experienced partner violence of which 39 per cent reported serious violence such as being beaten, kicked, choked, threatened with a weapon or sexually assaulted (Mihorean). The GSS has been criticized on several methodological grounds for not reflecting an accurate picture of violence against women in Canada (Jiwani). In fact, specialized studies such as the 1993 Violence Against Women Survey, have found that 51 per cent of women in the general population have been assaulted by their partners, and 39 per cent of women had been victims of sexual assault (Johnson). It has been estimated that the prevalence of childhood abuse in the general population is as high as 40 per cent (Tjaden and Thoennes), while for partner violence it is approximately 30 per cent (Johnson and Sacco). In the aboriginal community, rates for spousal abuse range from 54 per cent (Mihorean) to 80 per cent (Ontario Native Women's Association) and it has been reported that 75 per cent of all sex crimes were against females under 18 (McIvor and Nahnee). While these rates of violence in the general population are high, the rates of violence experienced by women offenders are often twice or even three times higher, ranging from a low of 59 per cent (Blanchette) to a high of 85 per cent (Tyagi).

Prevalence rates of childhood

physical and sexual abuse among women offenders are significantly higher than those in clinical and community populations. It is important to note that women are involved in the justice system more as victims than offenders. In 1996, women were charged with 19 per cent of all crimes committed in Canada, whereas women offenders represented 49 per

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cent of all victims of violent crime (Besserer and Pottie-Bunge).

Violence and victimization play a significant role in women's trajectories of offending. Studies have repeatedly shown that women's pathways into crime most often involve running away from physical and sexual abuse or abusive relationships. The trajectory into criminal behaviour is motivated by survival and as a response to victimization.

Childhood sexual abuse, childhood victimization and adult victimization play a significant role in women's entry into crime. Women's vulnerability to male violence is an important factor in how women get driven into illegal activities, and is linked not just to entry into crime but also to how women continue to stay involved in criminal activity.

Substance abuse has been observed as a common factor in women's involvement in criminal activity. Canadian studies indicate a high incidence of substance abuse among women offenders. The author found 65 per cent of women offenders re-

ported problems with addictions and 75 per cent reported that substance abuse had been involved in their getting into conflict with the law. In their study of offenders Donna McDonagh, Christine Noel, and Cherami Wichmann found 75 per cent of women offenders had significant substance abuse problems; similarly, Lynn Lightfoot and Lise Lambert found that 60 per cent of women offenders had problems with drug use. Margaret Shaw (1994) reported that 79 per cent of women in custody and 60 per cent of those in the community had problems with drugs or alcohol. Differences among Caucasian White women offenders and Aboriginal women offenders were also noted in some studies. Craig Dowden and Kelley Blanchette found that 93 per cent of Aboriginal women and 49 per cent of Caucasian women had problems with substance use while Colleen Dell and Roger Boe reported that 45 per cent of Caucasian women and 82 per cent of Aboriginal women had treatment needs around substance abuse.

Substance use has been linked to women's experiences of victimization and violence from abusive partners. Numerous researchers including Darrell Steffensmeier and Emilie Allan, Meda Chesney-Lind, Eleanor Miller, Mary Gilfus and others have pointed out that drug use is likely to initiate females into criminal subcultures and connect them to drug-dependent males who use them to support their addiction. Community studies have consistently demonstrated the link between childhood victimization and substance use in adulthood. Victimization in childhood has been identified as a key pathway to juvenile offending, which is intimately linked to drug use and criminal activity to support drug habits, all of which contribute to women's trajectories of offending in adulthood. Partner abuse and substance use are overlapping concerns for women and especially salient in the lives of disenfranchised women. The intersection of substance use, vio-

lence from partners, and resulting marginalization is a significant factor in why women continue to offend.

Poverty, economic need, unemployment, and having responsibility for children have been identified as important factors in women's criminal behaviour. Low income, lack of employment, drug relapse, problems in intimate relationships including violence are issues that frequently appear as salient factors in poor probation outcomes and re-offending in women. It has been pointed out that

in order to survive and support their families with insufficient resources many have worked under the table, prostituted themselves, and occasionally even carried packages across international borders for money. Such survival approaches all too often, have resulted in the criminalization of too many women for fraud, soliciting for the purposes of prostitution, trafficking and/or importation charges. (CAEFS, 2004).

That women offenders experience such high degrees of abuse and trauma, which often form pathways into offending, should not be assumed to translate into women's lack of agency. One should not infer that women offenders are simply the sum total of their victimization, addictions and traumatic life experiences, or that they are but unwitting "actors" on a stage not of their making and participants in actions over which they lack volition. This type of reductionistic thinking does disservice to women's resilience, capacity for survival, and choices in the face of adversity. It also aggregates and simplifies individual women's responses to life forces and the contexts that govern them. However, it does indicate that abuse and trauma play a significant role in women's offending. It suggests that in complex, inter-connected ways these experiences render women vulnerable to conditions under which offend-

ing continues to occur. Furthermore, it underscores the view that interventions and assistance for women offenders need to be considered within the broader context of Canadian social and economic policy, which has seen not only increasing support for putting people in prison, but a continued erosion of support for its most disenfranchised citizens, a group to which women offenders belong. It leads us to raise questions not only about law and imprisonment but also the role of the State in responding to its citizens, particularly those that have not been served by society's majority interests. Kathleen Kendall succinctly observes that if we don't look at systemic factors in women's criminal offending, individual women become the sole objects of inquiry, rather than the social, political, and economic structures which create conditions that modify and govern the behaviour of individuals as well as entire groups. Some issues in the latter category in relation to women offenders are discussed below.

Social Context, the Gendered Experiences of Women and Barriers to Successful Community re-Integration by Women Offenders

The "feminization" of poverty is not foreign to the Canadian landscape; 40 per cent of single women, 56 per cent of families headed by single mothers, and 93 per cent of single mothers under the age of 25 live below the poverty line in Canada (Duffy and Mandell; Lindsay). Since the mid-1990's, poverty has grown by 34 per cent in urban centres, and by 18 per cent outside metropolitan areas (Canadian Council on Social Development). Poverty rates for Aboriginal women are 43 per cent, compared to 20 per cent for non-Aboriginal women, 73 per cent of Aboriginal single mothers are living below the poverty line (Tait). Forty-one per cent of racialized minorities are living in poverty (United Way and

Canadian Council of Social Development).

Women make up a disproportionate share of Canadians with low incomes, and have lower average incomes than men: twice as many women as men depend on transfer payments (e.g. Social Assistance and Disability benefits) from the government as their primary source of income (Lindsay). Similar to the trend in the United States, welfare reform in Canada has resulted in a 22 per cent decrease in Social Assistance since 1996 (Centre for Equality Rights in Accommodation), eroding the safety net for women in general, and in particular for women who are trapped in violent relationships. In Canada, the welfare payment for a single person in an urban setting is \$6,973 and for a two-person family is \$14,251 *per annum* (National Council of Welfare). However, the poverty line in an urban setting is considered to be \$20,101 *per annum* for a single person, and \$25,127 for a two-person family (National Council of Welfare). It is therefore no surprise that women offenders, many of whom rely on State assistance, are living below the poverty line, most often in extremely straitened circumstances. Jody Raphael goes so far as to suggest that in the United States the erosion of income security has actually exacerbated the domestic violence already prevalent in the lives of many women.

Barriers to economic survival are also seen in employment patterns for women. 28 per cent of Canadian women work part-time (compared to ten per cent of men), and although the rate of employment for women is 46 per cent (in Ontario, 56 per cent), it should be noted that 7 in 10 women are employed in part-time, often unskilled or low paying jobs (Zukewich). Employment related challenges are a salient issue for women in general and female offenders in particular, many of whom are in need of employment training and rely on transfer payments as a source of income. Additionally, for women living in poverty, violence in inti-

mate relationships plays a significant role in their ability to find and maintain employment in the long run. Tim Brennan and James Austin note that well over two-thirds of female offenders who end up in prison are on welfare. Kathryn Ann Farr has astutely commented that "the question is not so much about why is it that women on welfare do not work as it is about why do jobs not always help women get off and stay off welfare" (10).

The issue of economic survival is compounded by problems such as the growing lack of affordable housing in Canada, which has a disproportionate impact on women. It is reported that, between 1989 and 1998, rents rose by 42 per cent while real income fell by \$1,000 for single mothers (Centre for Equality Rights in Accommodation). There has been an increase in "hidden homelessness" attributed by the United Way and Canadian Council on Social Development to factors such as poverty, labour market restructuring, lack of affordable housing, mental illness, and addictions, amongst other things. David Hulchanski reports that rental

Interventions need to be considered within the broader context of Canadian social and economic policy, which has seen a continued erosion of support for its most disenfranchised citizens, a group to which women offenders belong.

housing has become increasingly scarce even as the disparities between homeowners has continued to widen; since 1984, the median income of homeowners has increased by \$2,100 (+5 per cent), while that of renters has decreased by \$600 (-3 per cent). The Mayor's Homelessness Task

Force in Toronto found that one third of people waiting for subsidized housing in Toronto reported incomes of less than \$800, and at the current rate of placement families would have to wait up to 17 years to obtain subsidized housing. The Task Force also noted that the numbers of women using hostels due to spousal abuse has risen from 6.5 to 10 per cent. It also observed that as a result of lack of beds in women's shelters, abused women were having to increasingly rely on an already hard-pressed general hostel system to find refuge for themselves and their children. For women, the majority of whom have childcare responsibilities, living on the street is an impossible option as they are almost certain to lose their children. According to Bruce Rivers, lack of affordable housing is a critical factor for 21 per cent of children who come into the care of the Children's Aid Society, particularly for those from female-headed households.

Correspondingly, food-bank use continues to increase at an alarming rate: 24 per cent since 1989, with 39 per cent of food banks reporting they were having difficulty meeting the growing demand. Low-income employed persons, welfare recipients, people with disabilities, and children constitute the majority of users (Canadian Association of Food Banks). Despite years of economic progress, the current poverty rate of 14.4 per cent is still higher than it was 15 years ago (National Council on Welfare). These are important factors in understanding the backdrop of women offenders' experiences of coping with everyday life circumstances, and a sobering reminder of survival struggles that are experienced by a majority of poor women as women's poverty grows.

Twenty-four years ago, Lorraine Berzins and Sheelagh Cooper pointed out that women offenders have more in common with other women than with other offenders. The structural and systemic difficulties described here are realities for Canadian women, with particular relevance for female

offenders faced with navigating these structural barriers in their re-integration into the community. Substance abuse, violence in intimate relationships, poverty, lack of support systems, childcare, and psychological and health problems are core issues in women's survival in the community. The effects of criminalization on racialized groups and increasing police and prosecutorial backlash towards women attempting to leave violent relationships have direct impact on women coming into conflict with the law (CAEFS 2004). Employment, social assistance, and job training are important for women offenders, and have been implicated in women's offending as well as re-offending. Consideration of these issues is essential in understanding the barriers to successful re-integration for women offenders and in designing correctional programs to assist women in their efforts in crime desistance.

Implications of Theorizing Women's Offending on Correctional Policy and Practice

There is growing recognition that women offenders present unique issues for corrections, and that a clearly articulated and gender-responsive philosophy is required in order to respond to their diverse needs. The annual cost of incarceration per offender is approximately \$41,600 in provincial prisons (Carriere), and \$150,867 in federal facilities (Correctional Service of Canada). Given the high costs of incarceration and the relatively low risk women offenders pose to society, the practice of repetitive, short-term incarceration is not only ineffective but unnecessary. Instead, there has been an ever-increasing call for community corrections with a focus on providing programs and support for women.

Generally, the relatively smaller number of women offenders has often meant that programs and services are typically geared towards the majority male population. Most pro-

grams are not adapted for women or responsive to women's needs. Availability and accessibility of programs has also been an issue for women in the community. Substance abuse programs and life skills or employment counselling tend to be available for women in halfway homes, but are less often accessible to those on probation and parole. Links with Native or multi-ethnic community organizations that can serve a diversity of women do exist in some parts of the province but again, coverage is sporadic and projects are often affected by problems of short term funding. It has been pointed out that the rate of women who return to custody after release may be a reflection of the lack of institutional and community programs geared specifically to their needs (Correctional Service Canada).

In the past few years, as a result of increased advocacy for gender-responsive programming, there have been some concerted efforts to implement such programs in the correctional system. The Program Strategy for federally sentenced women includes programs such as the "Woman Offenders Substance Abuse Program" (WOSAP), "Spirit of the Warrior" (which addresses specific needs of Aboriginal women), Dialectical Behaviour Therapy Program and Survivors of Abuse and Trauma, and Community Integration and Parenting Skills. According to Catherine Maunsell of the Ontario Ministry of Community Safety and Correctional Services, the majority of provincially-sentenced women in Ontario have short prison sentences, an average of 48 days, which impacts on the length and type of programming that can be provided to women while they are incarcerated. Nonetheless, under the province's "Strategy for Women Offenders," programs are offered both in custody as well as in the community. According to Maunsell,

The Strategy endorses gender responsive programming and is committed to providing a con-

tinuum of care, where women can start programs wherever they enter the system and continue when their status changes through incarceration or release.

The province provides programs such as the “Skills for Better Living” and “Change is a Choice” series on violence awareness, substance abuse, anger and thinking/problem solving, as well as “Women Who Use” (a substance-abuse program which is not offered at the present time). Other programs scheduled to begin include “Pathways to Change,” as well as “Understanding the Journey,” an orientation-level program for Aboriginal women that has been piloted at three sites. The “Gender Responsive Community Supervision” initiative is looking at ways to enhance service delivery to women under community supervision.

The provision of gender-specific programs notwithstanding, it is important to understand that in the face of a changing penology, privatization of incarceration, greater use of actuarialism in offender management, increasingly punitive methods of carceral governance, cost cutting, and State withdrawal from public services, correctional policy that supports a rehabilitative philosophy would be well served to address the notion of the greater public good in how it deals with women offenders. Such thinking cannot occur in isolation from consideration of broader social policies relating to income security, affordable housing, welfare reform, living wage employment, economic accessibility to child care, and generally, women’s participation in the economic mainstream of Canadian society. A broader discussion of these issues is beyond the scope of this paper but merits thoughtful discussion, as it has a substantial impact on how we understand women’s offending as well as how we respond to the needs of women offenders in the community.

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