

On Segregation

Renée Acoby

I am a Métis woman serving a 21-year sentence. I have been imprisoned for eight years so far and I would like to share my experiences of segregation in various penitentiaries.

There was a period of time in which federally sentenced women were held in small sectors within men's penitentiaries (see Mayhew, 1988). Administrative and disciplinary segregation seemed relatively simple when I first came to federal. You received your institutional offence report, went before the Segregation Review Board and were sanctioned accordingly. It was only during my second year down when I noticed a palpable change in the segregation process for federally sentenced women.

After months and years of isolation, a series of incidents erupted in the women's sector of Saskatchewan Penitentiary. This led to medium and maximum security women being labelled "high risk requiring a highly supervised environment". One would expect that a structured routine and detailed Correctional Plan would have been implemented to reduce the high risk the women allegedly posed, but this was not the case. Essentially, the monotony of the Enhanced Security Unit (ESU) was the same as every other segregation unit across Canada. The only differences were the upgraded title and the two levels of confinement the Correctional Service of Canada (CSC) imposed before release could be considered.

1. Indefinite Confinement: increased privileges within the ESU would be determined according to a woman's behaviour. No time-frames were given as to when a woman could expect to progress to the next level (or phase).
2. Transition: a woman is slowly reintegrated into the maximum security population via school or spiritual gatherings. No time-frames were given during the transition level (or phase). After a substantial period of stable behaviour, a woman was then released from the ESU to a regular range in the general population (CSC, 2004; Hayman, 2007).

Given that I had been incarcerated in three men's penitentiaries across Canada over a period of four years, I had the unfortunate opportunity to get acquainted with the segregation units in each pen. After my experience in the ESU at Saskatchewan Penitentiary, I was sent to Springhill Institution

in Nova Scotia due to “efforts within the ESU having been exhausted in Ms. Acoby’s Case”. I was immediately placed in segregation once I arrived at Springhill pending a “Management Plan”. Although staff maintained similar practices in the segregation unit as those in the ESU, it can be opined that the Management Plan was more detailed and time-frame oriented. Therefore, a woman in segregation knew what was expected of her and in turn could expect an estimation of progressing to the next phase. The phases were similar to the model of the ESU.

1. Segregation: increased privileges within the segregation unit would be determined according to a woman’s behaviour.
2. Reintegration: a gradual plan was developed by the woman’s Case Management Team to allow increased interaction with other inmates and program staff. After a period of stable behaviour, a woman can be released to the general population (CSC, 2004; Hayman, 2007).

It was during my fourth year down when I was the first federal female to be placed on the “Management Protocol” for a fight that allegedly involved a weapon. The Management Protocol was developed by a group of women within CSC for “high risk women that pose a significant threat to the security of the Institution”. The Union of Canadian Correctional Officers had been urging CSC to construct a Special Handling Unit (SHU) for Women. However, the Management Protocol was developed “as an alternative to a SHU for women”. There are three steps that govern the Management Protocol.

1. Segregation: the guideline states that although there are no fixed time-frames, it should take a minimum of 6 months for a woman to complete all three steps of the Protocol.
2. Partial reintegration: a woman still resides in the segregation unit but is given increased privileges and gradual interaction with others.
3. Movement to a regular cell: a woman is moved onto a range and retains all privileges of a regular maximum security inmate. Movement off the max unit is not permitted (CSC, 2004; Hayman, 2007).

The third point is the only step of the Management Protocol that has a fixed time-frame – three months of stable behaviour along with a

recommendation from a woman's case Management team is required. The recommendation is then sent to the Warden who decides whether or not to discharge a woman from the Protocol. Although the Management Protocol states that "all policies, procedures, and legal entitlements of the administrative segregation commissioner's directive will be adhered to" (CSC, 2004), this is not the case. The Management Protocol and the administrative segregation directive overlap and contradict policies, procedures, and entitlements (CHRC, 2003; Parkes and Pate, 2006). For example, the administrative segregation directive states that inmates retain the same privileges and entitlements as those in the general population, with the exception of security requirements. The Management Protocol states that all items / privileges will be considered based on risk assessments. CSC officials have used this guideline in the Protocol to control items such as toilet paper, basic hygiene items (soap, toothpaste, etc...) and rights such as confidential legal calls and the right to contact family. Some institutions take the "observation" aspect of the Protocol literally by posting female guards to observe women taking a shower and during recreation.

Since the Protocol has officially been implemented, a total of six women across Canada have been placed on Protocol status (CSC, 2006; Parkes and Pate, 2006). Four of those women were of Aboriginal descent and some had serious mental health issues (Parkes and Pate, 2006; NWAC, 2007). At the time of writing, there are three women that remain on the Management Protocol and all three of us are Aboriginal.

Given that CSC claims the federal institutions for women do not have the proper infrastructure to house/manage women on the Protocol, plans have been made to expand upon the "security requirements".

In one institution, a Plexiglas interview room was built to accommodate "safe interactions" between state and Management Protocol women. Management officials have advised the Protocol women there are plans to build more of the Plexiglas secure interview rooms. These newly developed interview rooms conjure up macabre images of the new female "Hannibal" that CSC is essentially propagating.

Perhaps even more disturbing is the regular segregated status given to the women who are treated as Management Protocol prisoners. Though not on Protocol status (Sapers, 2009), tragically, a 19 year old first-time federally sentenced woman who was treated horrifically and similarly to a Protocol case, lost her life at the Grand Valley Institution in October 2007. As fellow

prisoners may be aware, several guards and managers were either fired or charged with criminal negligence in this young woman's death. It took a full six months after her demise for CSC officials to begin an inquiry into the segregation units in federally sentenced women's institutions (Sapers, 2009).

In the aftermath of all the interviews conducted pertaining to ways in which segregation and the Protocol could be improved, CSC has actually made the Protocol more oppressive and arbitrary. One need only look at the durations the women have spent on the Management Protocol to deduce it is not a successful or humane model of confinement. I find it reprehensible that the group of women who designed the Management Protocol with the "special needs of women offenders taken into consideration" (CSC, 2004; CSC, 2006) cannot even meet with us. Perhaps they do not want to confront the ghosts of women their brilliant Protocol has reduced us to.

It has been more than a decade since Madame Justice Louise Arbour released her scathing report on the failures of CSC to treat and rehabilitate federally sentenced women. We have yet to see many of Louise Arbour's recommendations on how the system can be improved come to pass.

Perhaps the public should contemplate the words of Fyodor Dostoevsky before electing to have more punitive rather than rehabilitative penal policies:

The standard of a nation's civilization can be judged by opening the doors of its prisons.

– Fyodor Dostoevsky (1821-1881)

REFERENCES

- Canadian Human Rights Commission (2003) *Protecting Their Rights: A Systemic Review of Human Rights in Correctional Services for Federally Sentenced Women*, Ottawa, retrieved from <http://www.chrc-ccdp.ca/legislation_policies/chapter5-en.asp>.
- Correctional Service of Canada (2006) *Ten Year Status Report on Women's Corrections 1996-2006*, Ottawa: Correctional Service of Canada, retrieved from <http://www.csc-scc.gc.ca/text/prgrm/fsw/wos24/tenyearstatusreport_e.pdf>.
- Correctional Service of Canada (2004) *Management Protocol*, Ottawa.
- Hayman, Stephanie (2007) *Imprisoning Our Sisters*, Montreal: McGill-Queen's University Press.

- Mayhew, Jo-Ann (1988) "Corrections is a Male Enterprise", *Journal of Prisoners on Prisons*, 1(1): 11-22.
- Native Women's Association of Canada (2007) *Federally Sentenced Aboriginal Women Offenders: An Issue Paper*, Ottawa: Native Women's Association of Canada, retrieved from <<http://www.nwac-hq.org/en/documents/nwac-federally.pdf>>.
- Parkes, Debra and Kim Pate (2006) "Time for Accountability: Effective Oversight of Women's Prisons", *Canadian Journal of Criminology and Criminal Justice*, 48(2): 251-285.
- Sapers, Howard (2009) *A Preventable Death*, Ottawa: Office of the Correctional Investigator, retrieved from <<http://www.oci-bec.gc.ca/rpt/oth-aut/oth-aut20080620-eng.aspx>>.

ABOUT THE AUTHOR

Renée Acoby is a Métis woman and mother currently serving a federal sentence in Canada. This piece was written in September 2008.