

\_\_\_\_\_ **Research Report** \_\_\_\_\_

**A profile of women in segregation**

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## Executive Summary

**Key words:** *Segregation, Women offenders, Aboriginal women*

Segregation is among the most restrictive measures available to correctional institutions. Given this, some argue that segregation should not be used, while others argue that the use of segregation is an operational necessity; however, many can agree that the ability to minimize the potential for placement in segregation is, at minimum, preferred. Previous research indicates that women who have been in segregation have greater criminogenic risks and needs at intake, poorer institutional adjustment, and greater challenges associated with reintegration than those who have not experienced segregation. The current study aims to update our knowledge of the characteristics and experiences of women in segregation, and provides an opportunity to further understand the risk factors that may lead to segregation and the possibility to mitigate these factors to avoid segregation events.

This study included 2,718 women who were admitted to a Federal Penitentiary between April, 2002 and March, 2012. Of those, 844 women had been segregated and 1,858 had not been segregated. The factors examined include demographics and incarceration characteristics of the women in the sample, security classification information, intake assessment information, institutional adjustment, and release outcomes. Two types of information were examined: 1) event-centred data – the focus is on the event of segregation and 2) person-centred data – the focus is on the similarities and differences between women who were and were not segregated.

Overall, although the use of segregation was growing, it was not increasing at the same rate as population growth. The majority of segregations were involuntary in nature, with voluntary and disciplinary segregation being used infrequently. Although most regions used segregation in similar amounts, there were some differences in the type of segregation used regionally. Most segregation events were under 10 days in length and involuntary segregation occurs much earlier in a sentence than voluntary or disciplinary segregation.

Overall, Aboriginal women were more likely to be involuntarily segregated and have longer segregations than non-Aboriginal women. Women who have been in segregation were more likely than those who have not been to have a higher level of security, a rating of high static and dynamic risk, higher rates of involvement in institutional incidents and charges, lower rates of successful completion of correctional programs, and have a revocation of a supervision period. Additionally, women who have been in segregation were less likely than those who had not been in segregation to be rated as having high reintegration potential or motivation to participate in their correctional plan, to have completed some programming, and have been granted discretionary release. There was some variation in these findings by Aboriginal ancestry; however, it was generally minimal.

Overall, an examination of the demographic and incarceration characteristics, assessments of risk, and the involvement in certain events, programming and correctional outcomes among women who have and have not been in segregation sheds light on potential factors that could be used to minimize the potential for segregation through the development of interventions.



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## **Introduction**

Segregation is among the most restrictive measures available to correctional institutions (Jackson, 2006; Ten-Year Status Report on Women's Corrections, 2006). Accordingly, the use of segregation is a widely debated topic in the field of corrections. Although some argue that segregation should not be used, others argue that the use of segregation is an operational necessity; however, many can agree that the ability to minimize the potential of placement in segregation is, at minimum, preferred. The goal of the current report is to examine the characteristics and experiences of women who have been segregated in Federal Penitentiaries across Canada. Echoing Wichmann and Taylor (2004), "[T]hese characteristics may act as risk factors and vulnerabilities that could be attended to at the beginning of a woman's sentence, and could reduce her likelihood of subsequent placement in segregation" (p. 25).

### **Regulating the Use of Segregation**

In Canada, the two forms of segregation, administrative and disciplinary, are regulated by the Corrections and Conditional Release Act (CCRA) and Commissioner's Directives (CD). Broadly, the purpose of segregation is "...to keep an inmate from associating with the general inmate population" (CCRA, 31(1)), whether administrative or disciplinary in nature. In the case of disciplinary segregation, however, the specific purpose of segregation is a sanction for "an inmate who is found guilty...of a serious disciplinary offence..." (CCRA 41 (1)) (see Appendix A for further details on the CCRA's legislative provisions on administrative and disciplinary segregation).

Administrative segregation can be applied involuntarily or voluntarily. Involuntary segregation can be applied for any of the reasons outlined in CCRA 31(3). In contrast, voluntary segregation occurs when an "inmate requests placement in administrative segregation for his or her own protection and the Institutional Head believes on reasonable grounds that the continued presence of the inmate in the general population would jeopardize the inmate's own safety (CCRA 31(3-C)) and there is no reasonable alternative to placement in administrative segregation" (CD 709). Although the inmate-initiated aspects of this form of segregation result in the label of "voluntary segregation," Zinger and Wichmann (1999) argue that this is simply a legal construct as "most offenders would prefer to remain in the general offender population if the threat to their personal safety was to be removed" (p. 13). Consistent with this argument,

Motiuk and Blanchette (1997) found that very few characteristics distinguished voluntarily and involuntarily segregated male and female offenders. Some exceptions to this were that voluntarily segregated offenders had higher rates of previously served provincial terms, were more likely to have a history of sexual offending, and increased reporting of having been victimized in social relations.

Since administrative segregations are at the discretion of the Institutional Head, there is no time limit on their duration. To ensure that this form of segregation is appropriate, a hearing must be held five days after segregation commences and every 30 days that the offender remains in confinement. However, the independent adjudication and judicial supervision of women with longer segregations remains a contentious issue (CSC, 2007a).

In contrast to administrative segregation, inmates in disciplinary segregation can only be confined for a maximum of 30 days. In addition to this distinction, disciplinary segregation is applied based on a disciplinary hearing, conducted by an independent chairperson, when an offender has been charged and found guilty of a serious disciplinary offence. Given the independence of this adjudicator, procedural safeguards, such as regular reviews over the course of segregation, are not conducted. Disciplinary segregations can include harsher conditions than administrative segregation if sanctions arising from the disciplinary hearing include a loss of privileges. In contrast, an inmate in administrative segregation is given the same rights, privileges, and conditions of confinement as the general inmate population, except for those that can only be enjoyed in association with other inmates or would be prohibited based on limitations specific to the administrative segregation area or security requirements (CCRA 37).

### **The Segregation Debate**

Despite these regulations governing the use of segregation, a debate around the appropriate use, impact, and effectiveness of segregation persists. Opponents of segregation argue that there is a lack of evidence to suggest that segregation reduces violence in the prison system (Mears, 2008) or that successful community reintegration can occur directly after segregation without a step-down process to facilitate the release (O'Keefe, Klebe, Stucker, & Leggett, 2011), and that conditions of solitary confinement are inhumane and do not offer adequate treatment, human contact, and activities to engage the mind (Dowker & Good, 1993; Weidman, 2004). Of note, much of this research is conducted with male inmate samples and stems from the United States, where long-term segregation is more common than Canada.

Focusing more specifically on a female and Canadian context, researchers and advocacy groups have raised particular concerns with regards to the segregation of women offenders. For example, the Canadian Human Right Commission (CHRC, 2003) has identified concerns related to the overuse of, length of stays in, and questionable admissions to segregation. The CHRC argues that the effects of separation from the general inmate population have more profound effects on women than men (see also CSC, 1997). Further, citing the observations of Correctional Service officials and women inmates, the CHRC raised concerns about the greater frequency and length of Aboriginal women's segregation, relative to non-Aboriginal women. This disparity is an important one to examine as it has been argued that segregation may have greater hardship on some Aboriginal women because of increased challenges in delivering programs and services to Aboriginal offenders while in administrative segregation (CSC, 1997).

Echoing some of the CHRC's concerns, critics have pointed to the inappropriate use of segregation to respond to mental health issues. The use of segregation with mentally ill offenders has been criticized as being overly restrictive and an inappropriate tool to use in response to institutional misconduct when these behaviours are an expression of mental illness (O'Keefe, 2007). Dell, Fillmore, and Kilty's (2009) interviews of correctional officials identified the use of segregation as a way to reduce the likelihood of a woman self-harming. The CCRA (Section 87-a) requires that the offenders state of health and health care needs be taken into consideration in all decisions relating to administrative segregation.

### **Women in Segregation**

In 2004, Wichmann and Taylor completed the first quantitative report focusing on the segregation of federal women offenders in Canada. The impetus for their study was largely centred on Justice Arbour's (1996) concerns over the use of administrative segregation with women. Although prior Canadian research had been conducted in response to recommendations made by the Task Force on Administrative Segregation, these studies focused on the characteristics of segregated male offenders (Motiuk & Blanchette, 1997; 2001) including basic demographics, intake assessment, and criminal history characteristics of men and women in segregation (Wichmann & Nafekh, 2001), and the psychological effects of men in administrative segregation (Zinger, Wichmann, & Andrews, 2001). In contrast, the Wichmann and Taylor (2004) report was unique in its focus on federal women offenders.

Using data from a three-year period (January 31<sup>st</sup>, 1997 to January 31<sup>st</sup>, 2000), Wichmann

and Taylor (2004) provided a description of segregation use, a profile of segregated women and a comparative analysis of women who had been involuntarily segregated and a matched group who had not experienced involuntary segregation. Through this comparison, they found that, although these two groups were demographically similar, women who had been placed in involuntary segregation demonstrated higher risk and needs at intake than those who had not been segregated (see also Wichmann & Nafekh, 2001). In addition, the segregated group had criminal histories that involved greater contact with the youth justice system, more prior adult convictions, histories of more violent behaviour, and displayed more continuous criminal behaviour than women who had not been segregated (see also Motiuk & Blanchette, 1997). In addition between distinctions in intake characteristics, women in involuntary segregation demonstrated poorer institutional adjustment (i.e., greater involvement in institutional incidents), lower levels of success in discretionary release, and lower success in their reintegration efforts as evidenced by having had a greater number of releases than women who had not been placed in involuntary segregation.

Taken together, Wichmann and Taylor's (2004) findings of greater criminogenic risks and needs at intake, poorer institutional adjustment, and reintegration difficulties suggest that women placed in involuntary segregation are a group that experience greater challenges and pose greater risks than those who do not require involuntary segregation. Despite this, Wichmann and Nafekh (2001) suggest that "the nature of the segregation environment can impose limits on offender programming, while in custody" (p. 32). This possibility creates particular challenges for the Service's ability to rehabilitate these women.

### **The Current Study**

The current study is a follow-up on previous research to examine whether there have been changes in how segregation is applied. This report will allow for a longer-term examination of women's segregation in Federal Penitentiaries. Through the use of ten years of segregation data (2002-2012), results will indicate whether the use of segregation has changed, particularly with respect to the increased number of women admitted to federal jurisdiction (Public Safety, 2011). Therefore, an updated profile on the experiences and characteristics of women in segregation is essential (Bottos, 2008).

Furthermore, this study explores whether the type and extent of differences between women who have and have not been segregated have remained consistent or become more

evident over time. Specifically, differences between these two groups will be examined through a comparison of offender and sentence characteristics, criminogenic risk, institutional behaviour, and release outcomes. Given the findings of previous research (see Motiuk & Blanchette, 2001; Taylor and Wichmann, 2004; Wichmman & Nafehk, 2001), it is expected that women who have been segregated are less likely than women who have not been in segregation to have a high school diploma, to have social attachments, to be assessed as having low static and dynamic risk, to be assessed as having high motivation or reintegration potential, to complete programming while incarcerated, to be granted discretionary release, and to be successful upon release to the community.

## **Method**

### **Sample**

Two types of data were collected for the purpose of this study: 1) event-centred data and 2) person-centred data. The focus of the event-centred data was the segregation. In this case, segregations were counted and aggregated to obtain annual and regional breakdowns of the types of segregation events occurring during the ten-year period. Moreover, the length and reason for the segregations and time to segregation were also examined.

In total, 2,718 women were admitted at least once to a Federal Penitentiary on a warrant of committal with a federal jurisdiction between April 1, 2002 and March 31, 2012. This group consisted of 844 women who had been segregated and 1,858 women who had never been segregated. These two groups form the “segregation event” and “no segregation event” groups, respectively. Of the 2,718 women, 748 were Aboriginal women and 1,970 were non-Aboriginal women. Information for these women was extracted from databases of the Offender Management System (OMS), which holds all computerized offender records pertinent to federal sentences. The data extracted for the person-centred analyses contained information related to the demographic and incarceration characteristics of the women in the sample, security classification information, intake assessment information, institutional adjustment, and release outcomes. This information was extracted for the first sentence in the ten-year period for women who did not have a segregation event and for the first sentence in which a segregation event occurred for women who had been segregated in the ten-year period.

### **Measures**

In the person-centred data, we examined the similarities and differences between women who were and who were not segregated. Comparisons were completed by examining many aspects of an offender, sentence, risk, institutional behaviour, and release outcomes. More specifically, an examination of demographic and incarceration characteristics included: relationship status, educational level attained prior to incarceration, region, age at admission, length of sentence, offence type, and security level (for specific descriptions of how these and all other examined items are defined see Appendix B). With regard to risk, several measures were included. These measures were taken from the Offender Intake Assessments. First, assessments of overall static risk (e.g., criminal history) and individual items such as: having previous youth

court offences, having previous adult court offences, past failure on conditional release, past reclassification to a higher security level, no crime free period of more than a year, and a period of less than six months since prior incarceration were examined. Motivation to participate in a correctional plan and assessment of reintegration potential are also part of the OIA process.

Events occurring during the period of incarceration were also examined. The types of events included institutional incidents, institutional charges, program or interventions completions and involvement. Finally, an examination of two types of release outcomes was completed: whether a woman was granted a discretionary release and whether she has had her supervision in the community revoked.

### **Analyses**

In this report, analyses were conducted largely focussing on both the event of segregation (i.e., event-centred) and the women who did and did not experience segregation (i.e., person-centred) over the time period examined. Event-centred event analyses examined the number and type of segregations over the ten-year period, while considering regional and Aboriginal ancestry<sup>1</sup> distributions of these events. Moreover, the event-centred analysis examined the number of days spent in segregation as well as the reason for the segregation event. Finally, the number of days until a first segregation occurred from admission was also examined. All of these analyses took into consideration the role of region and whether or not the event involved an Aboriginal or non-Aboriginal woman. Examination of the distribution of sentences with segregations for the period examined were also conducted (sentence-centred perspective).

The person-centred analyses have been conducted separately among Aboriginal and non-Aboriginal women to compare women who did and did not experience segregation.<sup>2</sup> Given that a specific population of women was examined rather than a sampling of women, the use of inferential statistics, statistics which estimate the probability that a drawn sample actually reflects the population, is not appropriate. Thus, the results of the current study were interpreted where practical differences exist and insight into these differences also took into consideration

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<sup>1</sup>Aboriginal (includes all women with Inuit, Métis or First Nations ancestry) and non-Aboriginal women (includes all women not of Inuit, Métis or First Nations ancestry)

<sup>2</sup>Attempts to also compare whether differences existed between the women who experienced voluntary or involuntary segregation only or women who experienced both voluntary and involuntary segregation were also made. Generally, there were too few women who experienced voluntary segregation only, and both involuntary and voluntary segregation to come to any firm conclusion regarding the differences between these groups with regard to the factors examined in this profile; however, where differences were large, footnotes have been added in the results.

the magnitude of differences as assessed by Cramer's Phi. Cramer's Phi ranges from 0 to 1.0 and this statistic is interpreted in the following way: values under 0.20 are considered to be a small difference, values between 0.20 and 0.60 indicate moderate to relatively strong differences, and values above 0.60 indicate a strong to very strong difference (Rea & Parker, 1992).

In the case of events experienced while incarcerated, rates per 100 person-years were calculated for each group under examination (i.e., Aboriginal women who had not experienced segregation, Aboriginal women who had experienced segregation, non-Aboriginal women who had not experienced segregation, and non-Aboriginal women who had experienced segregation). For each group, the rate is calculated by taking the sum of events being examined and dividing it by the total sum of the years spent incarcerated for the sentence being examined<sup>3</sup> (i.e., person-years at risk; Last, 1995). For ease of interpretation, this rate<sup>4</sup> is then multiplied by 100 and expressed as the rate per 100 person-years. With regard to total sum of time incarcerated, each individual only contributes their amount of time incarcerated. For example, a person with only one year in an institution contributes one person-year to the denominator, whereas a person who has spent 10 years incarcerated contributes 10 person-years. This manner of calculating a rate allows for greater precision because it combines information about both the quantity of events and the total amount of time that each individual was at risk of experiencing an event, thereby enabling the use of variable periods of follow-up rather than standardized periods. To provide an example of how to express this rate, consider a rate of institutional misconducts of 5.2 per 100 person-years. This rate can also be expressed in the following manner: if 100 women offenders were followed for a period of a year, we would expect a total of 5.2 institutional misconducts to occur. As in the case of the other estimates, differences will be interpreted in terms of practical importance. All analyses were conducted using SAS 9.2.

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<sup>3</sup> The focus here is on only one sentence in the time period. However, for those who have experienced multiple sentences in the period, their time-at-risk could be argued to be total time incarcerated. Given low percentage of women who had both experienced and not experienced segregation with multiple sentences in the time period, it was not expected to have large impact on rates.

<sup>4</sup> Rate per 100 Person – Years =  $\left( \frac{\text{total number of events}}{\text{Total person time at risk in years}} \right) \times 100$ ;

where the Total Person Time is the sum of all time in a year that all offenders are at risk within a particular period of interest. The sum of the total risk days is divided by 365.25 to establish person-years.

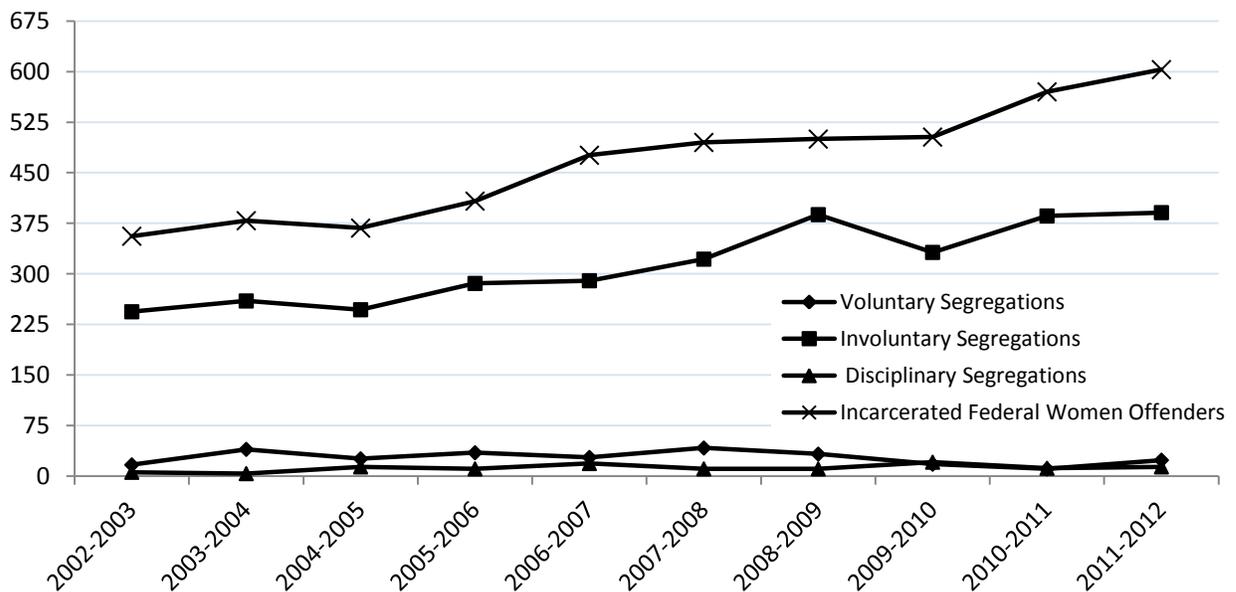
## Results

Records of segregation were examined from three perspectives: (1) event-centred, (2) sentence-centred, and (3) person-centred. To provide greater context, the first approach explored the details related to each segregation event occurring in the period. Although used minimally, the second approach examined occurrences within a sentence. Finally, a person-centred approach synthesized information occurring over the course of incarceration. As a result, each individual is represented once whether they have been convicted for multiple sentences with the period.

### Segregation Event-centred Analyses

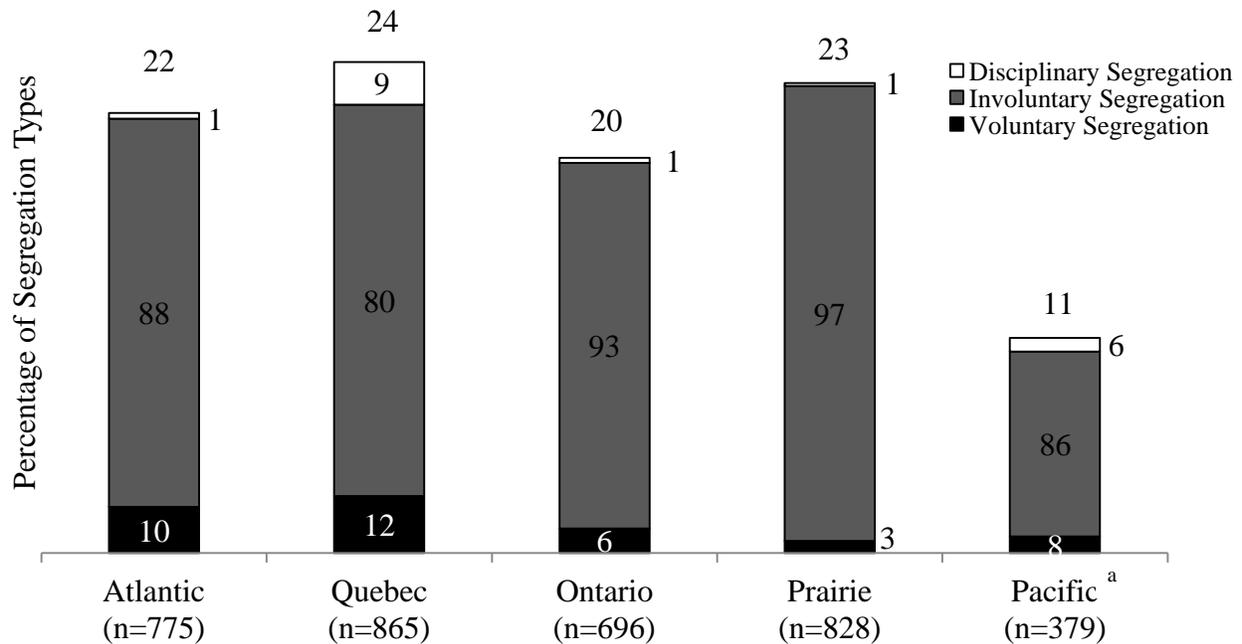
In total, there were 3,543 segregation events between April, 2002 and March, 2012. Figure 1 shows an increase in the number of women being placed in involuntary segregation, although this increase was lower than the growth of the incarcerated women offender population. Over the period, the women offender population grew by 69%, whereas the use of involuntary segregation and use of any type of segregation increased by only 60% and 61%, respectively. Additionally, the use of both disciplinary (3%) and voluntary (8%) segregation was relatively stable over time, and each is used infrequently compared to involuntary segregation (89%).

*Figure 1. Number of Incarcerated Women, and Voluntary, Disciplinary, and Involuntary Segregations From Fiscal Year 2002-2003 To 2011-2012*



Although most regions had similar patterns of use of segregation for women (ranging from 20% to 24%, excluding Pacific region<sup>5</sup>), there was variation in the type of segregation being used in each region (see Figure 2). For example, unlike other regions, the vast majority of segregations in the Prairie regions were involuntary (97%); whereas, disciplinary segregations were notably higher in the Quebec and Pacific regions than in other regions. Finally, the Atlantic and Quebec regions had higher use of voluntary segregation than the other regions. In addition to regional differences, there were also some differences in the types of segregation by Aboriginal ancestry. For example, non-Aboriginal women were twice as likely as Aboriginal women to have a voluntary segregation (10% vs. 5%). As such, Aboriginal women were more likely to be involved with an involuntary segregation than non-Aboriginal women (93% vs. 87%).

Figure 2. Type of Segregation by Region



Note. <sup>a</sup> Limited segregation records exist for Federal Women Offenders in the Pacific region because prior to March, 2004 all women incarcerated in that region were housed in provincial facilities through Exchange of Services Agreements.

<sup>5</sup> Limited segregation records exist for Federal Women Offenders in the Pacific region because prior to March, 2004 all women incarcerated in that region were housed in provincial facilities through Exchange of Services Agreements.

Overall, the total number of days spent in segregation per event ranged from zero (i.e., offender entered and exited segregation on the same day) to 764 days (see Table 1). Seventy-five percent of all segregations were 10 days or less (Less than 5 days: 45%; 5 to 10 days: 30%). However, a greater proportion of involuntary segregations exceeded 10 days than do voluntary and disciplinary segregation (26% vs. 13% and 12%, respectively).

Given the influence of a few extreme cases, which had a large impact on the mean, the median number of days is discussed here. The shortest stays were in voluntary segregation (Md: 3 days) followed by disciplinary segregation (Md: 4 days) and then involuntary segregation (Md: 7 days). Although the median number of days spent in any of the three types of segregation did not vary greatly by Aboriginal ancestry, on average, Aboriginal women spent about 7.5 days more in involuntary segregation compared to non-Aboriginal women. This finding suggests that Aboriginal women were spending longer periods of time in involuntary segregation compared with non-Aboriginal women.

Table 1 *Days In and Reasons for Segregation Event by Type of Segregation.*

Type of Segregation	Days in Segregation			Reason for Segregation <sup>a</sup>				Total
	Mean (SD)	Median	Range	CCRA 31(3-A)	CCRA 31(3-B)	CCRA 31(3-C)	CCRA 44(1-F)	
<b>Voluntary</b>	6.04 (10.42)	3	0-101	0	0	274	0	274
<b>Involuntary<sup>b</sup></b>	12.75 (33.16)	7	0-764	2,640	77	427	2	3,146
<b>Disciplinary</b>	5.41 (5.03)	4	0-22	0	0	0	123	123
<b>Total<sup>d</sup></b>	11.98 (31.47)	6	0-764	2,640	77	701	125	3,543

*Note.* <sup>a</sup>CCRA reasons for segregation are presented in Appendix A. <sup>b</sup>Two cases are missing information and therefore not captured in the mean, median or range statistics.

Table 1 also depicts the reason for segregation, by type of segregation. The only reason an inmate would be selected for placement in voluntary segregation is if the inmate's safety could be jeopardized if she continued to be present in the general inmate population (CCRA 31(3-C)). Approximately 14% of the time, this same reason was given for involuntary segregation placements. Otherwise, women were generally (84% of the events) involuntarily segregated because presence in the general inmate population could jeopardize the security of the penitentiary or the safety of any person (CCRA 31(3-A)). All disciplinary segregations were given because an inmate was found guilty of a disciplinary offence (CCRA 44(1-F)).

Amount of time until a first segregation event occurred was also considered (see Table 2). Again, the median number of days to each type of segregation is discussed. Overall, 50% of women experienced their first segregation event in the first 235 days after admission (~ 7 months); however, there was some variation in time to experiencing segregation, especially for those experiencing voluntary or disciplinary segregation. Of those experiencing voluntary segregations, 50% had their first voluntary segregation event in the first 426 days of the sentence (~ 14 months). Half of those experiencing a disciplinary segregation did so within 464 days after admission (~15 months). Thus, the bulk of segregations, (i.e., involuntary ones) were experienced relatively early on in a woman’s sentence. The less frequent types of segregation occurred much later into a woman’s sentence. There were no large differences in the time to first segregation of any type by Aboriginal ancestry or by region.

Table 2 *Time Until First Segregation Event by Type of Segregation*

<b>Type of Segregation</b>	<b>Days Until Segregation</b>		
	<b>Mean (SD)</b>	<b>Median</b>	<b>Range</b>
<b>Voluntary</b>	1,109 (1,913)	426	5-10,868
<b>Involuntary<sup>a</sup></b>	514 (951)	236	0-9,648
<b>Disciplinary</b>	787 (807)	464	105-3,817
<b>Total<sup>d</sup></b>	521 (997)	235	0-9,709

*Note.* SD= standard deviation.

<sup>a</sup>Two cases are missing information and therefore are not captured in the mean, median or range statistics.

### **Sentence-centred Analyses**

Overall, in the ten-year period, the segregations occurred across a total of 1,115 sentences when examining segregation from a sentence-centred perspective. The vast majority of women (92%) were segregated during only one sentence. Only 8% of women were segregated over the course of two sentences, and less than 1% of women were segregated over three sentences. The number of women with segregations across more than one sentence did not vary by Aboriginal ancestry. Given that few women have segregations over multiple sentences, further examination of the distinguishing characteristics of those segregated during one sentence versus multiple sentences was not conducted. In total, 1,025 women contributed to the 3,504 segregations event

in period of interest.

### **Person-centred Analyses**

Women who have not been segregated during the ten-year period were compared to women who have been segregated on many factors. The total number of women in the sample was 2,718. In total, there were 748 Aboriginal women and 1,970 non-Aboriginal women.

As shown in Table 3, the majority of women had not experienced segregation (69%). The remaining women have four different types of segregation experiences: those who experienced only voluntary segregation (1%); those who experienced only disciplinary segregation (<1%); those who experienced only involuntary segregation (26%) and those who experienced any combination of the three types of segregation (5%). Given the small number of women who only experienced voluntary or disciplinary segregation and those that experienced more than one type of segregation experience, only two groups were examined in most analyses: women who had and had not been segregated. Overall, Aboriginal women are more likely than non-Aboriginal women to have been segregated (39% vs. 28%). Given the differences in prevalence of segregation among Aboriginal and non-Aboriginal women, all analyses were conducted separately for these groups.

Table 3 *Type of Segregation Experience*

<b>Segregation Type</b>	<b>% (N)</b>
No Segregation	69% (1,874)
Voluntary Segregation Only	1% (21)
Involuntary Segregation Only	26% (702)
Disciplinary Segregation	< 1% (6)
Both Voluntary and Involuntary Segregation Only	2% (63)
Both Involuntary and Disciplinary Segregation Only	2% (42)
All Three Types of Segregations	<1 (10)

### **Demographic and Incarceration Characteristics**

Four demographic characteristics were examined in this profile: relationship status, education level prior to incarceration, region of admission, and age at time of admission to the sentence. Overall, the majority of women reported that they were not in a partnership (i.e., married or in a common-law relationship). Relationship status did not vary by whether a woman

had been in segregation among Aboriginal women; however, among non-Aboriginal women those who had been in segregation were less likely than those who had not been segregated to report that they were in a partnership (29% vs. 38%;  $\Phi_c = 0.09$ ). A large majority of Aboriginal women and many non-Aboriginal women had not completed high school prior to the incarceration period under examination. Fewer non-Aboriginal women who had been in segregation indicated they had a high school diploma than non-Aboriginal women who had not been in segregation (30% vs. 45%,  $\Phi_c = 0.14$ ). No differences by segregation status and having a high school diploma were observed among Aboriginal women.

Table 4 *Demographic Characteristics of Federal Women Offenders*

	Aboriginal Women			Non-Aboriginal Women		
	No Segregation Events % (N)	Segregation Events % (N)	Association Between Variables $\Phi_c$	No Segregation Events % (N)	Segregation Events % (N)	Association Between Variables $\Phi_c$
<b>Relationship Status</b>						
Partner	33.85 (154)	31.01 (89)	0.03	38.12 (534)	29.04 (160)	0.09
Single	66.15 (301)	68.99 (198)		61.88 (867)	70.96 (391)	
<b>High School Diploma Prior to Incarceration</b>						
No	81.57 (332)	84.67 (232)	0.04	55.11 (604)	69.63 (353)	0.14
Yes	18.43 (75)	15.33 (42)		44.89 (492)	30.37 (154)	
<b>Region of Admission</b>						
Atlantic	4.59 (21)	8.97 (26)	-	11.23 (159)	23.65 (131)	-
Quebec	3.71 (17)	3.79 (11)		15.96 (226)	23.47 (130)	
Ontario	14.85 (68)	16.21 (47)		39.41 (558)	27.98 (155)	
Prairie	67.90 (311)	57.24 (166)		23.73 (336)	16.61 (92)	
Pacific <sup>a</sup>	8.95 (41)	13.79 (40)		9.68 (137)	8.30 (46)	

Note. Column totals may not sum to 100% due to rounding. The number of participants varies due to unknown or missing participants.  $\Phi_c$  = Cramer's phi.

<sup>a</sup>Limited segregation records exist for Federal Women Offenders in the Pacific region because prior to March, 2004, all women incarcerated in that region were housed in provincial facilities through Exchange of Services Agreements. Therefore, no Cramer's Phi were calculated.

Region of admission was also examined; however, due to shared provincial and federal custodial practices there was no information on segregations for women in the Pacific region before March, 2004. Thus, the information regarding region of admission was presented, but not analyzed further. Finally, age at time of admission was compared for the various groups<sup>6</sup>,

<sup>6</sup> Age at admission was also compared among the various types of segregation for all women: voluntary only, involuntary only, both voluntary and involuntary (all other types of segregation were excluded due to small numbers). On average, women in voluntary segregation (Mean: 37 years old) were approximately 5 years older than women in involuntary segregation only and women who had been in both involuntary and voluntary segregation (Mean: 32 years old).

although not presented in Table 3. On average, women placed in segregation were at least three years younger than women who did not experience segregation (Aboriginal women: 30 vs. 33 years; non-Aboriginal women: 33 vs. 37 years).

Several incarceration characteristics were examined including length of sentence, most serious offence on the sentence, initial security level, and final or most recent security level, as well as the percentage of women who experienced a decrease from their initial to their final or most recent security levels (see Table 5). The majority of women were serving determinate sentences of three years or less (~60%), followed by approximately one-third of women serving determinate sentences of three years or more, and a small percentage of women serving indeterminate sentences. Among Aboriginal women, those who had been segregated were more likely than those who had not to be serving an indeterminate sentence (6% vs. 2%,  $\Phi_c = 0.18$ ) and have a sentence of more than three years (40% vs. 30%). There were few differences between women who had and had not been segregated with regard to their most serious offence.

Moreover, the offence patterns were similar among Aboriginal and non-Aboriginal women, however, the differences were not quite as large among Aboriginal women. Women who experienced segregation were more likely than those who had not been segregated to have been convicted for the offences of robbery (Aboriginal women: 28% vs. 17%,  $\Phi_c = 0.13$ ; non-Aboriginal women: 25% vs. 9%,  $\Phi_c = 0.21$ ) and major assault (Aboriginal women: 23% vs. 14%,  $\Phi_c = 0.12$ ; non-Aboriginal women: 13% vs. 5%,  $\Phi_c = 0.14$ ). In contrast, women who experienced segregation were less likely than those who had not been segregated to have been convicted for the offences related to drugs (Aboriginal women: 12% vs. 27%,  $\Phi_c = 0.17$ ; non-Aboriginal women: 20% vs. 44%,  $\Phi_c = 0.22$ ). There was little difference between the segregated women and those who had not been segregated for the remainder of the offences.

With regard to security classification, women who had been segregated were more likely than women who had not to have started their incarceration at a higher security level (Aboriginal women:  $\Phi_c = 0.37$ ; non-Aboriginal women:  $\Phi_c = 0.45$ ) and to have their most recent or last security classification prior to release at a higher level of security (Aboriginal women:  $\Phi_c = 0.54$ ; non-Aboriginal women:  $\Phi_c = 0.53$ ). Notably, the proportion of women decreasing security level between their first and last placements differs when Aboriginal ancestry was considered. Among Aboriginal women, those who were segregated were less likely than those who were not to have been at a lower security level at their most recent or final security classification prior to release

(15% vs. 27%,  $\Phi_c=0.15$ ). The opposite pattern was observed among non-Aboriginal women, women who were segregated were more likely than those who were not segregated to have been at a lower security level at their most recent or final security classification (16% vs 9%.,  $\Phi_c=0.10$ ).

Table 5 *Incarceration Characteristics of Federal Women Offenders*

	Aboriginal Women			Non-Aboriginal Women		
	No Segregation Events % (N)	Segregation Events % (N)	Association Between Variables $\Phi_c$	No Segregation Events % (N)	Segregation Events % (N)	Association Between Variables $\Phi_c$
<b>Length of Aggregate Sentence</b>						
3 Years or Less	69.65 (319)	54.48 (158)	0.18	62.36 (883)	60.29 (334)	0.09
More than 3 Years	28.82 (132)	39.66 (115)		35.95 (509)	35.02 (194)	
Life Sentence	1.53 (7)	5.86 (17)		1.69 (24)	4.69 (26)	
<b>Offence Type</b>						
Homicide	18.12 (83)	18.62 (54)	0.01	6.29 (89)	9.39 (52)	0.05
Sex	-	-	-	2.61 (37)	1.81 (10)	0.06
Robbery	17.25 (79)	28.28 (82)	0.13	9.25 (131)	25.09 (139)	0.21
Drugs	26.64 (122)	12.41 (36)	0.17	44.00 (623)	20.40 (113)	0.22
Property	8.73 (40)	5.86 (17)	0.05	20.27 (287)	17.51 (97)	0.03
Major Assault	13.54 (62)	23.10 (67)	0.12	4.87 (69)	12.64 (70)	0.14
Other Violent	5.02 (23)	4.14 (12)	0.02	3.18 (45)	6.68 (37)	0.08
Other non-violent	10.04 (46)	5.52 (16)	0.08	9.46 (134)	6.50 (36)	0.05
<b>Initial Security Level</b>						
Maximum	2.08 (9)	18.06 (52)	0.37	1.45 (19)	13.37 (73)	0.45
Medium	59.26 (256)	69.44 (200)		23.89 (312)	57.51 (314)	
Minimum	38.66 (167)	12.50 (36)		74.66 (975)	29.12 (159)	
<b>Final Security Level</b>						
Maximum	-	27.78 (80)	0.54	0.92 (12)	16.48 (90)	0.53
Medium	40.05 (173)	59.03 (170)		18.68 (244)	56.41 (308)	
Minimum	59.26 (256)	13.19 (38)		80.40 (1050)	27.11 (148)	
<b>Percentage of Offenders a Lower Security Level at Last Placement</b>	27.08 (117)	14.58 (42)	0.15	8.88 (116)	15.57 (85)	0.10

Note. The number of participants varies due to unknown/missing participants.  $\Phi_c$  = Cramer's phi, - indicates too few cases to present data.

### Offender Intake Assessment

Risk, both static and dynamic, reintegration potential, and motivation levels as assessed at the time of intake were examined in the current study.

#### Static Risk

With regard to static risk – several history indicators were included (see Table 6). Overall static risk is higher among those who had been in segregation compared to women who had not

been in segregation (Aboriginal women:  $\Phi_c = 0.24$ ; non-Aboriginal women:  $\Phi_c = 0.34$ ). The majority of women who had been in segregation were rated as having either high or moderate static risk, whereas the majority of Aboriginal women who had not been in segregation were rated as having moderate or low static risk and low risk in the case of non-Aboriginal women.

For both Aboriginal and non-Aboriginal women, generally those who were segregated were more likely than those who had not been segregated to have experienced each criminal risk history item. For example, Aboriginal women who had been in segregation were more likely than Aboriginal women who had not been in segregation to have a youth court record, a previous violent conviction for assault or robbery, a previous segregation for disciplinary infractions, and a previous reclassification to a higher level of security. Among non-Aboriginal women, women who had been segregated were more likely than those who had not been segregated to have a youth court record, an adult court record, a previous violent conviction for assault or robbery, a previous segregation for disciplinary infractions, a previous failure on conditional release, a previous reclassification to a higher level of security, and less than six months since their previous incarceration. Overall, the women in segregation<sup>7</sup> were presenting with higher static risk and more criminal risk indicators than women who had not been in segregation, although the criminal history items were not as important in differentiating between those who had and had not been segregated when considering Aboriginal and non-Aboriginal women.

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<sup>7</sup> Among women who had been in segregation, there were some differences in the presence of specific criminal history indicators. The three notable instances are: women who have spent time in voluntary segregation were less likely than women who have been in involuntary segregation or who have been experienced both types of segregation to have a youth record (22% vs. 45% and 61% respectively,  $\Phi_c = 0.12$ ), whereas women who have experienced both voluntary and involuntary segregation were more likely than those who experienced voluntary or involuntary segregation to have had a previous segregation (53% vs. 6% and 25% respectively,  $\Phi_c = 0.19$ ) or have had a previous increase in security level (30% vs. 12% and 9% respectively,  $\Phi_c = 0.18$ ).

Table 6 *Static Risk of Federal Women Offenders*

	Aboriginal Women			Non-Aboriginal Women		
	No Segregation Events	Segregation Events	Association Between Variables $\Phi_c$	No Segregation Events	Segregation Events	Association Between Variables $\Phi_c$
	% (N)	% (N)		% (N)	% (N)	
<b>Overall Static Risk Rating</b>						
High	29.93 (123)	50.19 (134)		10.48 (134)	25.00 (130)	
Moderate	41.61 (171)	38.58 (103)	0.24	30.49 (390)	52.50 (273)	0.34
Low	28.47 (117)	11.24 (30)		59.03 (755)	22.50 (117)	
<b>Has Previous Youth Court Offences</b>	33.82 (139)	57.66 (158)	0.24	15.07 (167)	37.62 (193)	0.25
<b>Has Previous Adult Court Offences</b>	78.10 (321)	84.06 (232)	0.07	58.15 (646)	81.71 (420)	0.23
<b>Has Previous Violent Conviction (assault, robbery)</b>	48.06 (198)	70.29 (194)	0.22	17.55 (195)	50.39 (259)	0.34
<b>Has Previous Segregation for Disciplinary Infractions</b>	10.89 (43)	28.85 (75)	0.23	5.64 (62)	26.40 (132)	0.29
<b>Has Previously Classified to a Higher Level of Custody</b>	2.70 (11)	13.16 (35)	0.20	2.00 (22)	11.71 (59)	0.21
<b>Previous Failure on Conditional Release</b>	33.50 (137)	42.07 (114)	0.09	20.33 (225)	39.26 (201)	0.20
<b>Has Been Less Than 6 Months Since Last Incarceration</b>	8.52 (35)	10.95 (30)	0.04	6.24 (69)	16.80 (86)	0.17
<b>Has Not Had a Crime Free Period of One Year or More</b>	8.07 (33)	13.14 (36)	0.08	6.32 (70)	11.67 (60)	0.09

*Note.* The number of participants varies due to unknown/missing participants.  $\Phi_c$  = Cramer's phi,  $n$  = sample size.

## Dynamic Risk

Dynamic risk was considered along with each of the criminogenic need domains (see Table 7). Largely, compared to women who had not been segregated, women who had been segregated were more likely to have an overall rating of high dynamic risk, whether they were of Aboriginal ancestry or not (Aboriginal women: 52% vs. 76%,  $\Phi_c = 0.26$ ; non-Aboriginal women: 24% vs. 58%,  $\Phi_c = 0.36$ ).

Table 7 *Dynamic Risk of Federal Women Offenders*<sup>8</sup>

	Aboriginal Women			Non-Aboriginal Women		
	No Segregation Events % (N)	Segregation Events % (N)	Association Between Variables $\Phi_c$	No Segregation Events % (N)	Segregation Events % (N)	Association Between Variables $\Phi_c$
<b>Overall Dynamic Risk Rating</b>						
High	51.87 (194)	76.05 (181)	0.26	24.32 (305)	58.06 (288)	0.36
Moderate	39.57 (148)	22.69 (54)		43.46 (545)	36.69 (182)	
Low	8.56 (32)	1.26 (3)		32.22 (404)	5.24 (26)	
<b>Attitude</b>						
No or Low Need	68.88 (301)	52.82 (150)	0.16	70.71 (951)	57.77 (316)	0.12
Moderate/High Need	31.12 (136)	47.18 (134)		29.29 (394)	42.23 (231)	
<b>Community Functioning</b>						
No or Low Need	70.48 (308)	56.14 (160)	0.15	73.36 (986)	66.73 (365)	0.07
Moderate/High Need	29.52 (129)	43.86 (125)		26.64 (358)	33.27 (182)	
<b>Associates</b>						
No or Low Need	23.06 (101)	18.25 (52)	0.06	41.75 (562)	37.29 (204)	0.04
Moderate/High Need	76.94 (337)	81.75 (233)		58.25 (784)	62.71 (343)	
<b>Employment</b>						
No or Low Need	18.95 (83)	15.09 (43)	0.05	44.28 (596)	29.80 (163)	0.13
Moderate/High Need	81.05 (355)	84.91 (242)		55.72 (750)	70.20 (384)	
<b>Marital and Family</b>						
No or Low Need	33.56 (147)	26.32 (75)	0.08	59.69 (804)	52.29 (286)	0.07
Moderate/High Need	66.44 (291)	73.68 (210)		40.31 (543)	47.71 (261)	
<b>Personal Emotional</b>						
No or Low Need	14.16 (62)	6.32 (18)	0.12	30.64 (413)	15.54 (85)	0.16
Moderate/High Need	85.84 (376)	93.68 (267)		69.36 (935)	84.46 (462)	
<b>Substance Abuse</b>						
No or Low Need	10.96 (48)	5.96 (17)	0.09	48.29 (650)	23.95 (131)	0.22
Moderate/High Need	89.04 (390)	94.04 (268)		51.71 (696)	76.05 (416)	

Note. The number of cases varies due to unknown/missing participants.  $\Phi_c$  = Cramer's phi, n = sample size.

<sup>8</sup> This table collapses information for the domain categories from the Dynamic Factors Intake Assessment and the DFIA-revised. Please see Appendix B for further discussion of collapsing strategy.

With regard to the seven criminogenic needs areas, there was variation in the level of need between the two different segregation groups and within Aboriginal and non-Aboriginal women. First, the level of need of women who had been segregated compared to those who had not been segregated varied little among Aboriginal women. Many Aboriginal women presented with needs in the domain areas regardless of whether they had experienced segregation or not; however, in three domain areas there was a higher proportion of women classified as having a need compared to women who have not been in segregation: criminal attitudes, community functioning, and the personal-emotional domain. A similar pattern was noted for non-Aboriginal women. More specifically, proportionally more non-Aboriginal women who experienced segregation compared to those who had not experienced segregation had a need in the domains of attitude, employment, personal-emotional, and substance abuse.

#### **Reintegration Potential and Motivation to Participate in Correctional Plan**

Both reintegration potential and motivation to participate in the correctional plan were examined (see Table 8). There was a moderate difference between the women who had been segregated and those who had not been segregated, regardless of Aboriginal ancestry, in their rating of reintegration potential. Women who had been segregated were more likely than women who had not to be rated as having low reintegration potential in the case of Aboriginal women (52% vs. 22%,  $\Phi_c = 0.33$ ). Among non-Aboriginal women, women who had been in segregation were more likely than those who had not been in segregation to be rated as having low or moderate reintegration potential at intake ( $\Phi_c = 0.36$ ).

With regard to motivational level to participate in the correctional plan, it was found that women who had been in segregation were more likely than women who had not been in segregation to be rated as having moderate or low levels of motivation.

Table 8 *Reintegration Potential and Motivation to Participate in the Correctional Plan of Federal Women Offenders*

	Aboriginal Women			Non-Aboriginal Women		
	No Segregation Events % (N)	Segregation Events % (N)	Association Between Variables $\Phi_c$	No Segregation Events % (N)	Segregation Events % (N)	Association Between Variables $\Phi_c$
<b>Reintegration Potential</b>						
High	41.45 (143)	18.35 (40)	0.33	69.71 (817)	33.41 (155)	0.36
Medium	36.81(127)	29.82 (65)		24.40 (286)	42.03 (195)	
Low	21.74 (75)	51.83 (113)		5.89 (69)	24.57 (114)	
<b>Motivation Level</b>						
High	64.06 (221)	35.32 (77)	0.30	66.21 (776)	36.64 (170)	0.27
Moderate	32.75 (113)	51.38 (112)		31.23 (366)	58.62 (272)	
Low	3.19 (11)	13.30 (29)		2.56 (30)	4.74 (22)	

Note. 25% of women did not have an assessed reintegration potential or motivation level on their first intake documents.  $\Phi_c$  = Cramer's phi,  $n$  = sample size.

### Rate of events occurring during period of incarceration

The rate of several institutional events and involvement in various types of programming were examined and included the following: 1) the rate of any institutional misconduct; 2) any institutional misconduct as an instigator; 3) any institutional misconduct as a victim; 4) any type of institutional charge; 5) employment assignments in institutions; 6) successful correctional program completion; 7) successful completion of educational program; and 8) successful completion of mental health programming. The rates per 100 person-years of each of these events are displayed in Table 9.

### Institutional Incidents and Charges<sup>9</sup>

Women who had been segregated had a much higher rate of institutional incidents compared to women who had not been segregated, regardless of role played. For example, if 100 Aboriginal women who had been segregated were followed for a period of one year, we would expect them to be involved in a total of 422 institutional incidents, whereas if 100 Aboriginal women who had not been segregated were followed for the same period, we would expect them

<sup>9</sup> Any incidents regardless of role and any incidents for which the woman was the instigator or the victim and any institutional charges are discussed here. Differences between women who have been segregated and women who have not been segregated were found in the rates for any minor, any major, minor incident as instigator, major incident as instigator, minor incident as victim and major incident as victim. Similar differences were found for minor and serious charges. Given that all the rates indicated similar findings, only the rates for any incidents or charges are presented in this report.

to be involved in a total of 102 events. The rate of any institutional incident among Aboriginal women who had been segregated was over four times that of the rate for Aboriginal women who had not been segregated. This same pattern was noted among non-Aboriginal women, however, the difference tended not to be as large. Institutional charges were also examined. Non-Aboriginal women who have been in segregation have a rate of conviction on any institutional charge almost six times higher than that of non-Aboriginal women who had not been in segregation, whereas among Aboriginal women who had been in segregation had a rate of conviction three and a half time more than the rate women who had not been in segregation. Overall, women who had been in segregation appear to have more significant issues with institutional behaviour than women who have not been in segregation regardless of Aboriginal ancestry.

Table 9 *Rate of Events while Incarcerated per 100 Federal Women Offenders*

	Aboriginal Women		Non-Aboriginal Women	
	No Segregation Events	Segregation Events	No Segregation Events	Segregation Events
<b>Institutional Incidents</b>				
Rate of Any Incident	102	422	137	405
Rate of Any Incident as Instigator	86	384	118	359
Rate of Any Incident as a Victim	16	38	20	46
<b>Institutional Charges</b>				
Rate of Any Charges	138	495	90	525
<b>Program/Intervention Involvement</b>				
Rate of Employment Assignments in the Institutions	141	117	184	181
Rate of Successful Correctional Program Completions	99	63	75	58
Rate of Successful Educational Program Completions	10	7	12	7
Rate of Successful Completions of Mental Health Intervention	7	17	12	14

### **Programming Involvement and Successful Completion**

As mentioned above, rates of program participation and success were also examined, however, the patterns relating to these rates were not as clear as those for involvement in incidents and charges (see Table 9). First, Aboriginal women who had been in segregation had a higher rate of successful completion of mental health interventions than their counterparts who had not been in segregation. With regard to the remainder of the programming, women who had

been in segregation tended to have lower rates of participation or success than those women who had not been in segregation. For example, Aboriginal women who had been in segregation had a rate of successful completion of correctional programs about 33% lower than the rate for women who had not been in segregation. Although the difference in rate was not as large, Aboriginal women who had been in segregation also had a lower rate of involvement in institutional employment in comparison to women who had not been in segregation. Among non-Aboriginal women, the rate of successful completion of educational programs was almost half of the rate for women who had not been in segregation. Thus, some rates of program/intervention involvement or success varied by whether or not the women had or had not been segregated and whether the women are of Aboriginal ancestry or not.

### Release Outcomes

Two different release outcomes were considered: whether or not a woman was released on discretionary release and whether after release, she had experienced a revocation of supervision (see Table 10). Women who had been in segregation were less likely than women who had not been in segregation to have been granted a discretionary release, regardless of Aboriginal ancestry; however, the difference was larger among non-Aboriginal women compared to Aboriginal women (Aboriginal women: 44% vs. 81%,  $\Phi_c = 0.38$ ; non-Aboriginal women: 53% vs. 91%,  $\Phi_c = 0.43$ ).

Finally, women who had been segregated were more likely than women who had not been segregated to have their supervision revoked; as noted with discretionary release this difference was larger among non-Aboriginal compared to Aboriginal women (Aboriginal women: 66% vs. 44%,  $\Phi_c = 0.21$ ; non-Aboriginal women: 56% vs. 24%,  $\Phi_c = 0.31$ ).

Table 10 *Release Outcomes of Federal Women Offenders with and without Segregation Events for Those Who Have Been Released*

	Aboriginal Women			Non-Aboriginal Women		
	No Segregation Events	Segregation Events	Association Between Variables	No Segregation Events	Segregation Events	Association Between Variables
	% (N)	% (N)	$\Phi_c$	% (N)	% (N)	$\Phi_c$
<b>Had a Discretionary Release</b>	81.22 (307)	43.84 (96)	0.38	91.29 (1080)	53.38 (245)	0.43
<b>Had Supervision Revoked</b>	44.44 (168)	66.06 (146)	0.21	24.12 (287)	56.22 (262)	0.31

*Notes.* 148 Aboriginal women and 305 non-Aboriginal women are excluded from these analyses as they have not been released as of March 31, 2012.  $\Phi_c$  = Cramer's phi.

## **Discussion**

The objectives of the current study were two-fold: 1) to provide an update with regard to the amount, length, reason for, and time to segregation events among federal women offenders incarcerated in Canadian Penitentiaries; and 2) to examine the characteristics and experiences of women who had been segregated in Penitentiaries in order to highlight any differences which may reduce the likelihood of segregation. The findings of the current study are discussed here in relation to previous research. Implications for institutional operations are also examined.

### **Segregation Events**

In considering the segregation events as the point of analyses, three major findings were noted. Specifically regarding changes in the use of segregation, use of involuntary segregation did not increase at the rate of population growth suggesting that segregation was being used less over the ten-year period. This finding may suggest an overall trend in using segregation less which is relevant with respect to some of the criticisms noted earlier regarding the overuse of segregation in CSC. Moreover, there was an indication that some of the regions are decreasing the use of voluntary and disciplinary segregation when compared to the findings of Wichmann and Taylor (2004). Little change in the length of segregation was apparent over the period; the majority of all segregations were less than 10 days, which is consistent with previous research. However, the reasons for segregation changed from Wichman and Taylor (2004). In the current study, the only reason selected for placement in voluntary segregation was the inmate's own safety. Previously reasons included jeopardizing the safety and security of the institution. Additionally, the majority of involuntary segregations were due to the presence of the offender jeopardizing the security of the penitentiary or the safety of any person whereas in the past a higher proportion of these reasons included the inmates' own safety. These shifts in the use of segregation likely reflect changes in policy and practice that were enacted in response to several Taskforces and reviews of the use of segregation with women offenders.

Although the scope of the current study did not allow for an examination of factors related to the differences in likelihood and length of segregation by Aboriginal ancestry, Aboriginal women were found to be more likely than non-Aboriginal women to have been segregated, especially involuntarily. Moreover, the current study indicated that Aboriginal women spent about 7.5 days more in involuntary segregation compared to non-Aboriginal

women. This finding is consistent with previous criticisms of the CHRC. Given that risk and segregation are known to be associated (Wichmann & Nafekh, 2001; Wichmann and Taylor 2004), it is likely that the higher likelihood and longer length of segregation at least partially reflect the higher levels of assessed risk<sup>10</sup> for Aboriginal women. In this context, it may be that intrinsic differences in the risk profiles among Aboriginal and non-Aboriginal women result in differing segregation requirements to ensure safety and security. Further research into the use of segregation while considering Aboriginal ancestry, assessed level of risk, and other factors is required to fully understand the higher use of and longer segregation of Aboriginal women compared to non-Aboriginal women. For example, qualitative case reviews could be conducted to assess whether there are differences in severity of events leading to segregation between the two groups of women.

Third, the current study indicates a difference in the timing of the various types of segregation. Involuntary segregations tended to occur earlier in a sentence (50 percent of these segregations occur within 7 months); whereas voluntary and disciplinary segregations tended to occur later in a sentence (50 percent of these segregations occurred within 14 and 15 months of admission, respectively). Given the timing of these segregations, it may be possible with targeted interventions early on in a woman's sentence to divert some occurrences of involuntary segregation.

### **Comparative Analyses between Women Who Had Been In Segregation And Women Who Had Not Been In Segregation**

Overall, there were notable differences between women who have been segregated and those who had not, among both Aboriginal and non-Aboriginal women. Many of the findings of the current study are consistent with the findings of previous research (see Motiuk & Blanchette, 1997; Wichmann & Nafekh, 2004; Wichman & Taylor, 2004). Women who had been segregated were less likely than women who had not been in segregation to be older, to have a high school diploma, or social attachments, or to be convicted for a drug offence. Compared to their non-segregated counterparts, women who had been segregated were more likely to have been convicted for a violent offence, to be at higher levels of security, to have higher ratings of static

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<sup>10</sup> Typically, Aboriginal women are assessed having high higher static and dynamic risk than their non-Aboriginal counterparts. Moreover, there is an increased likelihood of being placed in segregation among those with higher risk levels. Thus, the higher rate of placement of Aboriginal women in segregation may reflect higher risk levels rather than a tendency to use segregation more often with Aboriginal women.

and dynamic risk, lower levels of motivation and reintegration potential. In addition, the women who had been in segregation were generally less likely than women who had not been segregated to have completed programming while incarcerated, to be granted discretionary release, and to be successful upon release.

Some subtle differences were noted with previous research. However, the differences in these findings and those of previous research likely reflect the changing demographic and incarceration characteristics of federal women offenders over the past decade. These changes include a decrease in average age and increases in the number of women serving drug sentences (see CSC, 2009). It is possible that changes in the use of segregation are making demographic and incarceration characteristics more evident. Moreover, there are some methodological differences between the current and previous studies that may account for an increased ability to detect differences between groups such as length of study period or differing definitions of factors.

Some differences by Aboriginal ancestry were apparent. For example, among Aboriginal women, there were no differences between those who had and had not been segregated regarding level of education obtained prior to incarceration and partnership status, and women who had been segregated were more likely than their counterparts to have longer or indeterminate sentences. Moreover, individual static and dynamic risk factors varied by Aboriginal ancestry. The static risk indicators of previous adult court offences, previous failure on conditional release, and having been incarcerated in the last six months at time of admission were proportionally higher among non-Aboriginal women who had been segregated compared to non-Aboriginal women who had not been segregated. With regard to dynamic risk, need for improvement in community functioning was higher for Aboriginal women who had been in segregation compared to those who had not. These differences were not as marked among non-Aboriginal women, though employment and substance abuse needs were notably higher among non-Aboriginal women who had been segregated. These differences by Aboriginal ancestry may indicate that different aspects of risk could be important in understanding the risk of segregation for each group. Given differences in social history, it is not surprising that certain indicators or needs may be more or less prevalent among each group and because of this, play varying roles in the likelihood of segregation. In the case where interventions may be created to minimize the potential for segregation, it is crucial that interventions consider Aboriginal ancestry and the

specific risk-factors associated with segregation among this group of women.

Generally, women who had been in segregation were less likely than women who had not been in segregation to complete some types of programming (this is did vary by Aboriginal ancestry). This finding is concerning, given that both Bottos (2008) and Wichmann and Nafehk (2001) note that segregation can limit an offender's ability to complete programming, which can have negative consequences on offenders' ability to be cascaded to lower security levels. To attend to these potentially negative outcomes, in late 2009, CSC implemented a new correctional program called the Women's Modular Intervention. This program is a one-on-one program that can be given while an individual is in segregation. An objective of this program is to increase successful completion of programming among women who often have the highest risk and lowest programming completion rates. Though the sampling strategy used in this analysis did not allow examination of whether program completion rates have increased since the implementation of the Women's Modular Intervention, the creation and implementation of this program is promising.

Although not considered in previous research, women who had been in segregation were assessed as having lower levels of motivation to participate in their correctional plan than those who had not been in segregation. Given this finding, the identification of factors to increase an individuals' motivation to participate may divert these individuals from segregation. Thus, future research could consider the role of motivation to participate in a correctional plan and how this motivation shapes the occurrences over the course of incarceration.

Given the link noted between having been in segregation, higher levels of security<sup>11</sup>, and lower likelihood of programming completion, it is not surprising that the current findings indicate that women who had been segregated were less likely than those who had not been segregated to be granted discretionary release and successful upon community reintegration. If interventions to minimize the potential for segregation could be developed and successful, it may well lead to increased ability for offenders to complete programming, obtain discretionary release, and ultimately successfully reintegrate to the community.

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<sup>11</sup> Security level has been correlated with obtaining discretionary release and successful reintegration (Motiuk, 2001), an offender's inability to be involved in activities leading to decreases in security level could in turn have a negative impact on later milestones in the correctional process.

## **Conclusion**

The current study updates our knowledge of the use of segregation among federal women offenders across Canada. Moreover, an examination of the demographic and incarceration characteristics, assessments of risk, and the involvement in certain events, programming and correctional outcomes among women who had and had not been in segregation sheds light on potential factors that could be used to minimize the potential for segregation through the development of interventions. As with all research, there are limitations in the current study, such as the use of the information from only the first sentence in the ten-year period for women who had multiple sentences in the ten-year period<sup>12</sup>, the difficulty in mapping changes to practices nationally and varying implementation of practices regionally, as well as not having complete information on all segregations that occurred in the period. Nevertheless, understanding the risk factors for segregation that have been highlighted in this paper has potential implications for minimizing the potential of segregation among women in the future.

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<sup>12</sup> The findings could have varied by the sentence; to minimize potential bias first sentences in the period were used, except for those women who were segregated, for whom the first sentence including a segregation event was retained.

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**Appendix A: Legislative Provisions for the Use of Administrative and Disciplinary Segregation.**

Section	Subsection	Legislative Provisions
		The Institutional Head may order that an inmate be confined in administrative segregation if the Institutional Head believes on reasonable grounds
31(3) <sup>13</sup>	a	(i) that the inmate has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person, and
		(ii) that the continued presence of the inmate in the general inmate population would jeopardize the security of the penitentiary or the safety of any person
	b	that the continued presence of the inmate in the general inmate population would interfere with an investigation that could lead to a criminal charge or a charge under subsection 41(2) of a serious disciplinary offence
	c	that the continued presence of the inmate in the general inmate population would jeopardize the inmate's own safety
44(1)		An inmate who is found guilty of a disciplinary offence is liable, in accordance with the regulations made under paragraphs 96(i) and (j), to one or more of the following:
	a	a warning or reprimand
	b	a loss of privileges
	c	an order to make restitution
	d	a fine
	e	performance of extra duties
	f	in the case of a serious disciplinary offence, segregation from other inmates for a maximum of thirty days

<sup>13</sup> The use of these legislative provisions assumes that the institutional head is satisfied that there is no reasonable alternative to administrative segregation.

## Appendix B: Measures

### Demographic & Incarceration Characteristics

*Relationship status.* This variable divided women into two groups: (1) married and common-law and (2) single, which includes divorced, separated, widowed, and unknown.

*Education.* This variable indicates whether or not an individual attained a high school diploma prior to their current incarceration. This information is collected in the intake process; however, 16% or 434 women are missing this information.

*Region.* This variable represents CSC regional divisions to which women were released in the community on supervision: Atlantic, Quebec, Ontario, Prairies, and Pacific.

*Age at Admission.* This variable indicates the age of offenders at the time of their admission and is measured in whole years.

*Length of Sentence.* This variable indicates the total length of an offender's sentence in years. Offenders are divided into three groups: aggregate sentence length of three years or less, aggregate sentence length greater than three years, and indeterminate sentence.

*Offence Type.* Participants' most serious offence types on their sentences were classified using seven binary variables that include: homicide (e.g., murder or attempted murder), robbery, drugs (e.g., possessing drugs or trafficking/importing drugs), sexual assault, major assault, property (e.g., break and enter, fraud, theft, possession of stolen property or property damage/mischief), other violent (e.g., sexual abuse and moral-sexual offences, kidnapping, abduction, weapons and explosives, common assault or arson), and other non-violent offences (e.g., morals-gaming and betting, public order offence, criminal code traffic offence, offences of administration of justice, impaired driving, other criminal federal statutes, provincial offences for traffic, provincial offences or municipal by-law offences).

*Security level – include first, last and percent decreasing in their security level between first and last.* This variable indicates the security level of an offender: maximum, medium or minimum. This information is provided for the first and last level of security (which can either be prior to release or their most recent security if in an institution) in which an offender was placed. If the last security level is lower than the initial level, the person is considered to have decreased their level of security and will be counted as such.

## **Offender Intake Assessment**

The Offender Intake Assessment (OIA) is used to assess levels of static (i.e., criminal history) and dynamic risk (i.e., criminogenic need) as well as motivation to participate in their correctional plan and reintegration potential. In addition, the Dynamic Factor Identification and Analysis (DFIA) tool, which is a component of the OIA process, assesses seven dynamic factor domains that represent various criminogenic needs (i.e., dynamic risk). Use of the DFIA is to identify and prioritize factors linked to an offender's criminal behaviour that will inform her correctional plan (Brown & Motiuk, 2005). This information was taken at the time closest to admission to a Federal Penitentiary.

### **Static Risk**

*Overall rating.* Offenders are assessed as being of low, medium, or high risk based on an assessment of factors associated with their criminal history, offence severity and sex offence history. These static factors are fixed because they are historical and cannot be changed by attending programs and interventions (CSC, 2007b). Several individual indicators of criminal history are collected in the intake assessment. For the purposes of this report, six items have been included: (1) *having a previous youth court offence*; (2) *having a previous adult court offence*; (3) *past failure on conditional release*; (4) *past reclassification to a higher security level*; (5) *no crime free period of more than a year*; and (6) *less than six months since prior incarceration*. Each of these items indicates the presence or absence of any one of these events.

### **Dynamic Risk and Need Domains**

*Overall dynamic rating at intake.* Dynamic risk refers to an offender's needs, which have been traditionally correlated with correctional outcomes, and are used to determine the level of intervention an offender requires. These needs are considered modifiable through program participation. Offenders are assessed as low, medium, or high risk based on an assessment of these criminogenic needs (CSC, 2007b).

*Criminogenic need domains at intake.* This variable is comprised of seven dynamic factors that are assessed and monitored by CSC. Each domain is individually assessed and an offender is provided a rating of one of four response options: (1) Factor seen as an asset<sup>14</sup>, (2) No

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<sup>14</sup> An offender cannot receive a rating of 'factor seen as an asset' for the substance abuse and personal/emotional domains.

need for improvement, (3) Some need for improvement, and (4) Considerable need for improvement.

CSC recently implemented a new DFIA tool (DFIA-R) in September, 2009. The result was a change in the rating scale used to quantify the need in each domain area from the above four response options to five response options: (1) Factor seen as an asset to community adjustment, (2) No immediate need for improvement, (3) Low need for improvement, (4) Moderate need for improvement, and (5) High need for improvement in the revised version. For the purpose of this study, the revised rating scale was linked to the original four components. In order to collapse the revised scale, “no immediate need for improvement” and “low need for improvement” were coded as “no immediate need for improvement.”<sup>15</sup> These four categories were then collapsed into two final categories representing those offenders who have no need or low need and those who have moderate or high need. Those offenders who were considered to have an asset in this area were not considered as there were too few.

There are seven criminogenic need domains which include: *Employment* (values concerning education and work), *marital/family* (support derived from family and community), *associates and social interaction* (value of interacting with non-criminal peers), *substance abuse* (value of abstaining from substances), *community functioning* (the use of skills necessary for daily living), *personal and emotional orientation* (control exerted over one’s life), and *attitudes* (living in a pro-social manner).

### **Motivation and Reintegration Potential**

*Reintegration potential at intake.* This variable is assessed as low, medium, or high and assesses the probability of an offender successfully reintegrating back to the community. Women offenders’ reintegration potential is determined by their rating on the Custody Rating Scale (CRS), the static factor assessment rating, and the dynamic factor assessment rating from the OIA (CSC, 2003). This information was not available for all women, 25% of women were missing this information.

*Motivation level at intake.* This variable is assessed as low, medium, or high, based on an offender’s drive and willingness to complete the requirements of her correctional plan (CSC,

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<sup>15</sup> Initial analyses indicate that this was the most reliable manner in which to combine the responses from the two tools; however, most recent analyses indicate less compatibility between the two. The impact of this incompatibility is unknown in the current analysis. This combination will not be used in the future.

2007b). This information was not available for all women, 25% of women were missing this information.

### **Events occurring during period of incarceration**

Several types of events occurring during the period of incarceration were examined to assess whether those who experienced segregation experienced these events at higher or lower rates than those who did not enter segregation. The types of events included institutional incidents, institutional charges, program completions, and involvement. Further discussion of the calculation and analysis of rates is in the Analyses section.

*Rate of Institutional Incidents (Misconduct).* Several types of misconduct were considered. Incidents were classified as minor, major or any. Minor incidents include theft, being under the influence, minor disturbances, fire, damaging government or personal property, disciplinary problems, having unauthorized items, or an information technology incident. Major incidents include: murder, hostage-taking, major disturbance, inmate fights, physical assault, self-inflicted injury, the possession or transporting of contraband, any type of escape or attempt of escape, arrest of the offender, any type of sexual assault, forcible confinement, and making threats. Any incidents included all of the above-mentioned types of incidents as well as the following type of incidents: suicide or death, self-inflicted harm, hunger-strike, security breaches or intelligence, requiring protective custody, cell extractions, medical emergency, exceptional searches, accidents, interruption of overdose and other. In addition to this categorization, the role women played in the incidents was also considered. Three roles - perpetrators and associated, instigators, and victim - in particular were examined.

*Rate of Institutional Charges.* Institutional charges are classified as being major and minor, at the time that the charge is laid, and can be mutually exclusive of institutional misconducts. Only charges for which a conviction occurred are included.

*Rate of Program Involvement and Completion.* Women offenders can participate in several types of programs both within institutions and in the community during their sentence. For the current study, successful completion of educational, employment, correctional and community correctional programs were examined. The completion of an educational program was defined as completing at least one Adult Basic Education (ABE) level. The possible certificate/diploma types include: Adult Basic Education I completion (equivalent to grade 6), Adult Basic Education II completion (equivalent to grade 8), Adult Basic Education III

completion (equivalent to grade 10), Adult Basic Education IV completion (equivalent to high school), General Education Diploma, College of General and Vocational Education, Community College Diploma or University Degree. Additionally, assignments to institutional employment (including CORCAN) were examined.

Successful completions of Correctional Programming were also explored, which consists of nationally recognized programs that include, but are not limited to, the Women Offender Correctional Program, Violent Offender Programming, Sex Offender Programming, Substance Abuse Programming, and Living Skills Programming. Successful completion of mental health interventions were examined as well. These programs included: Women Offender Surviving Abuse and Trauma, Dialectical Behavioural Therapy (DBT), and Psychosocial Programming.

### **Release Outcomes**

*Had a Discretionary Release.* Among inmates who had been released on the sentence under examination, the type of release was categorized as discretionary (being granted full or day parole) or non-discretionary (being released on statutory release).

*Had Supervision Revoked.* Among inmates who had been released on the sentence under examination, an examination of those who had more than one term on their sentence were categorized as having a revocation and those who had only one term and were considered to not have experienced a revocation of supervision to date.