Landscapes of Violence
Women and Canadian Prisons

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I first acknowledge the Indigenous and non-Indigenous women and the many others in the penal system. Their courage and resilience are humbling. I would like to thank Nicolas Carrier and Justin Piché for their ongoing feedback. I am also grateful to the blind reviewers for their thoughtful comments.

...justice no longer takes public responsibility for the violence that is bound up in its practice. (Foucault, 1977, 8)

On December 3, 1988, at the now closed Prison for Women (P4W) in Kingston, Ontario, a nurse finds Marlene Moore dead with a sheet fashioned as a noose around her neck. Marlene’s body was already scarred through years of cutting herself with glass, pieces of plastic and other sharp objects she could find (Kershaw, Lasovich, 1991).

On the evening of April 22, 1994, an all male Emergency Response team was called into the Prison for Women (P4W) to subdue eight women sleeping in segregation cells. The women were illegally and forcibly strip-searched, shackled, and left naked for 12 hours on concrete in solitary confinement cells (The Fifth Estate, 1995).

On the morning of October 19, 2007, prison staff watched on for 30 minutes as Ashley Smith – a 19-year-old held at the Grand Valley Institution in Kitchener, Ontario – tied a ligature around her neck and self-asphyxiated in her segregation cell. Ashley was on suicide watch at the time of her death. Prior to this, Ashley had been on many occasions illegally transferred, forcibly injected, tasered, and duct taped among other things (The Fifth Estate, 2010).

Sergeant Steven Desjordy was acquitted of sexual assault charges in relation to the arrest and strip search of Stacy Bonds at the Ottawa police lock-up on September 6, 2008. A video shows Stacy being kneed several times, forced to the ground, pinned by four officers, and then having her bra and shirt cut off (Yogaretnam, 2014).

On September 2, 2011, just before she was to be transferred from the Sarnia Jail in Ontario to another facility, Helen reported she had been choked and punched by a prison officer (Marin, 2013).

Julia Bilotta’s son was born prematurely on a cement floor in the Ottawa-Carleton Detention
Introduction

When taken alone, the above events might appear random, isolated, or episodic. And although they do not reflect the range, level, or rates of violence, collectively they highlight how women are routinely subject to violence in Canadian prisons, inclusive of federal and provincial institutions and local police lock ups. Largely outside of public scrutiny, these and other events of prison violence are routinely trivialized, treated as isolated incidents, and are either legitimated as necessary for security purposes or attributed to the women who are depicted as deserving of such treatment (McCulloch, Scraton, 2009). When prison violence is given systematic consideration such as in Coroner’s inquests or public inquiries, it is often investigated individually or explained in a narrow framework, outside of a context of the institution, systems, and practices in which the violence occurs. For example, in the death of Ashley Smith, a teenager who self-asphyxiated in front of guards while on suicide watch, the news media accounts, Ombuds reports, and the Coroner’s inquest focused on Ashley’s disruptive behaviour throughout her two years in prison and largely framed the event as a mental health issue without much consideration of how her ongoing experiences were a reflection of institutional violence. As a result, recommendations for the Correctional Service Canada (CSC) in the case of Ashley Smith mostly focused on improving the conditions of confinement, including the provision of mental health training of prison officers and refraining from using solitary confinement for women with mental health concerns. The systemic and institutional framework of the prison itself remained largely unquestioned. Similarly, the 22 April 1994 Prison for Women incident, where eight women were illegally and forcibly stripped searched by men and with one woman having her clothes hand-torn from her body, was largely discussed as human and legal rights infringements as opposed to criminal code violations of assault and was devoid of any investigation of the ongoing systemic violence at the facility. An examination of violence in this case would have been even more germane given that in the three years leading up to the event, seven women had committed suicide at the prison of whom six were Aboriginal women (Pollack, 2008, 6).

It is widely documented that in many industrialized countries across the globe, women’s prison population have significantly increased. While their imprisonment grows, women are said to pose less of a security concern and are more often imprisoned for what are referred to as “crimes of survival” that are linked to lifestyles of substance use, struggling with mental health concerns, coming from poverty, and having histories of sexual abuse, trauma, and violence (CSC, 1990; CHRC, 2003; Corston, 2007). It is also argued that women in prison experience higher levels of self-harm and suicide, which are often associated with feelings of a loss of control, isolation, and abuse (see also Dell et al., 2009).
According to the Office of the Correctional Investigator (OCI), the rates of self-harm in Canadian federal prisons have tripled since 2008 and women account for a disproportionate amount of that increase.

The number and prevalence of prison self-injury incidents has tripled in the last five years. The most prolific self-harmers continue to be female, particularly Aboriginal, although male self-injury rates are also climbing. In 2011-12, Aboriginal offenders accounted for 45% of all self-injury incidents in federal custody (OCI, 2013d, 3).

Women in prison are said to be subject to more punishment and with higher rates of disciplinary proceedings compared to men (Currie, 2012). Women are also more likely to receive institutional charges such as refusing to stand for count, swearing at staff, or for being involved in physical altercations with other women (OCI, 2013e, 10). It is also argued that women are often unable to conform to prison rules as a result of stress and mental health concerns that also lead to forced confinement and institutional charges (CSC, 2010). Within the prison system there is significant staff burn out where fatigue, exasperation, even resentment and anger exists (CSC, 2010).

Inmate assaults and injuries are up. The use of segregation is increasing, as are use of force interventions. Half of all use of force interventions last year involved the use of pepper spray. Exceptional searches, lockdowns and staff refusals to work on health or safety grounds remain high. A recent survey reported that staff found their prisons to be a “toxic” work environment. Preventable and premature deaths in custody continue to remain a concern in Canadian penitentiaries (OCI, 2013d, 3).

Overall, the OCI (2013c, 17) concludes that there is an over-reliance on the use of force and control measures, such as physical restraints and restrictions on movement and association to manage self-injurious prisoners along with inappropriate monitoring and inadequate oversight in the use of physical restraints. While these above documented trends highlight the violent character of the prison system, they do not, however, capture the different ways that women are subject to prison violence or the violence that goes unreported or undocumented. Given this, it is difficult to assess the rate and extent of which women are subject to violence in prison.

Without acknowledging or exploring the prevalence and systematic character of prison violence or how the prison itself is implicated in producing, routinizing, or hiding violence, recommendations are often made in favour of more penal reform. This is evident with the various reports and Commissions that call for better prison management and accountability, addressing human rights violations, improving the conditions of confinement, or increasing personnel training (e.g. Arbour, 1996; OCI, 2013a; see also Russell, Carlton, 2013). If violence is acknowledged, the recommendations made nonetheless rely on the prison to address and remedy a violence that is arguably endemic to its character. As Rodríguez (2006) argues, prison violence is associated with technologies that assume a central place in the lives of prisoners and in seemingly legitimate and invisible ways. Without understanding the diverse multiplicities of violence as endemic to the prison, we will paradoxically continue to rely on a system that makes violence a routine aspect of its exercise.

Drawing from the above noted events and related Canadian news media, Commissions of inquiry, Coroner’s inquests, OCI and other Ombuds reports, correctional studies and reports, and women’s testimonies, I consider how the gendered and security language and practices of Canada’s prisons, particularly the federal system, but also provincial and
local police lock ups, legitimate and disappear violence. It is important to note that this work does not capture the unpublicized, day-to-day, and unreported violence that occurs for women in prisons across the country, particularly given that many incidents go undocumented or do not make their way to the public eye. For example, Kinew James, who died of a heart attack after her distress call was ignored for an hour, was initially reported to have died of natural causes by CSC, despite her emergency call button having been deactivated 25 times by staff (Pate, 2014). Similarly, no incident reports were made after Ashley Smith had her head forced against a cement wall by a guard. The alleged event only surfaced in the Coroner’s inquest by an advocate who had questioned Ashley about the bruises on her face. As estimated by the OCI (2013b), many incidents of violence go unreported either by prison personnel and administration or the media. Despite this limit, the scarce body of information available nonetheless highlights how women are routinely subject to violence in prison.

I argue that violence is endemic to the regulation of women in Canadian prisons through the security and gendered language and practices of the prison. I further argue that the violence of the prison is routinely justified, trivialized, or minimized and therefore largely made an invisible requirement for prison operations. As a normalized aspect of the prison system, recommendations for penal reform will not address the conditions that facilitate or heighten a context of violence, but will only contribute to its necessity and further legitimate what is inherent to its character. Without considering violence in relation to the landscape in which it occurs, the possibility of exploring other forms of accountability and justice are lost. I conclude that this work lends itself to an abolitionist framework that rejects the use of penal and carceral systems of control as the solution to what are largely social conflicts and issues (Christie, 1977; Saleh-Hanna, 2008).

I. Theorizing Violence

With the emergence of modern democracy, there is a general assumption that violence, and particularly corporeal violence enacted by the state, is on the decline such as with the fading of spectacle through torture, public executions, and banishment. More recently, however, theorists have argued that violence did not necessarily lessen or dissolve in intensity, but rather shifted its modalities to other areas and was made less visible or identifiable (e.g. Agamben, 1998; Esposito, 2012; Foucault, 2004; Shinkel 2013, 312). Malešević (2013) argues that violence never disappeared, but rather that the modern state maintained a monopoly on the kinds and uses of violence to be used, thereby legitimating some violence while condemning others. From the Jacobin guillotining of traitors to the revolution, through Nazi concentration camps to the killing fields of the Khmer Rouge and many other genocides of the twentieth century to the Soviet gulags, it is in the modern age when inter-group violence has escalated to unprecedented proportions (Malešević, 2013, 282). Part of what hides or masks violence today is that it is often understood as motivated by an interpersonal hostility and a wilful intent to cause physical harm. The Criminal Code of Canada, (1985, c. C-46) largely defines violence as acting against a person, the state, or state representatives. Associated to this understanding of violence is the underlying belief that violence rarely occurs at the hands of the state, and is something that is legally and morally abnormal from the mainstream of human activity (Jackman, 2002). A prescriptive framework thus fails to capture violence more broadly and the multiple forms and spaces that it occupies and can be routinely experienced, particularly
when it is enacted by the state in the name of security, freedom, or democracy. This unacknowledged violence is evident in the case of Ashley Smith who, after two years of solitary confinement, began to repeatedly self-asphyxiate to the point where guards eventually stopped intervening and watched on as she died under suicide watch; or Julia Bilotta whose son eventually died of respiratory problems after she nearly gave birth to him on the cement floor in a prison cell; or Kinew James who eventually died in hospital after the emergency button call in her cell was routinely ignored for one hour. While the violence may not be intentional or interpersonal, the conditions for violence to occur are made more possible through a failure to act or intervene within the confines of a prison system (see also Chartrand, 2014b). Within the prison and other systems of control, violence has thus shifted its modality in a way that minimizes and trivializes its occurrence through a security logic and routine practices. An understanding of violence requires a contextual framework that takes into consideration how violence is legitimated, neutralized, or undermined in the name of democratic principles of security, along with the associated technical and bureaucratic routines and reasoning. Violence is thus not only interpersonal and foreign, but can be routinely enacted by the state.

Within the context of the prison, violence occurs under a complex rubric of security and institutional order that is not necessarily assessed or documented as such. Dylan Rodríguez (2006) speaks extensively to how violence is hidden and yet remains at the heart of a penal regime through technologies of bodily immobilization and disintegration.

Silence, absence, paralysis, and death come to permeate – and reproduce – the everyday of civil society through the production of its carceral underside/outside. The spectacle – here of the socially and civilly disappeared punished/tortured body – persists in its transmutation through the contemporary regime of the prison (Ibid., 186).

Such technologies of bodily immobilization and disintegration are evident in the case of Ashley Smith who was repeatedly placed in segregation for long periods, restrained with devices such as with “the wrap” or duct tape, and forcibly and illegally injected with tranquilizers. Other mechanisms of bodily immobilization and disintegration within the prison include maximum security classifications, involuntary transfers, strip searches, segregation, solitary confinement, dry cells, special handling units, transfer to men’s prisons, lack of medical attention, self-harm, and suicide (see also Carlen, 1983; George, 1993; Goulding, 2007; Kilroy, 2002; Hannah-Moffat 2000; Scraton, Moore, 2005; Moore, Scraton, 2014). Such techniques are at the core of prison practices to eliminate or eradicate the threat from within, and not necessarily through exceptional sovereign spaces, but rather through everyday routines that facilitate a bio-political function of “letting die” take effect (Chartrand, 2014b).

In thinking about violence within a contextual framework of the prison and as central to the regulation of prisoners, we also consider how routine practices can constitute violence. For example, former prisoner and lawyer Debbie Kilroy (2002) describes how incarcerated women experience strip and cavity searches as a form of sexual assault, while strip searches constitute a normal and routine aspect of women’s imprisonment (see also Davis, 2003; McCullogh, George, 2009; Simmering, Diamond, 1993). Records obtained under the Queensland Freedom of Information legislation by the Australian advocacy group Sisters Inside (2005), shows that out of 41,728 strip searches carried out over three years at the Brisbane Women’s Correctional Centre there were only two instances of an unspecified contraband drugs being found. Similar research by the same group has
shown that between 2002 and 2004, 35,228 strip-searches were carried out on women at the Dame Frost Correctional Centre, that only 20 items of unspecified contraband were detected. These findings are consistent with other studies that found strip-searching to have low contraband detection rates (Aretxaga, 2001). According to George (1992, 2006), one has to question the effectiveness of strip-searching as a security strategy that ignores the effects it has on women’s well-being and psychological health, especially when a less intrusive pat down search could be used. Routine practices or organizational protocols in a prison setting might not be considered as violent through official security discourses or by the rule of law, but can nonetheless be experienced in violent ways.

Authors writing about the penal field frequently argue that women experience the prison in regulative, punitive, and controlling ways (Allspach, 2010; Maidment, 2006; Kruttschnitt et al., 2013; Pollack, 2005). Notwithstanding the importance of this work, there is often little consideration of how such punitive, regulatory, and controlling practices constitute acts of violence enacted by the state. Historically, a reconceptualising of harm against women has occurred in other cases in Canada, such as through rape shield legislation or the provocation defence (i.e. battered women syndrome) as based on R. v. Lavallée. Similar approaches need to be applied to the prison. Stanko (2003) points out that part of the problem with current frameworks for understanding the experiences of women in prison is partly a result of the victim-offender dichotomy. This polarity provides a simplified victim and perpetrator relationship that naturalizes a framework of evil and innocence whereby the perpetrator is in an endless tension of redemption and punishment and the victim a passive and innocent recipient. As a result, it is hard to see women in prison as the victims of any kind of violence given their offender title. Within such a framework, violence is not only obscured through routine practices legitimated by the state, but administered against a prison population who are hidden from public view and seen as more deserving.

There is a growing body of literature exploring how violence is normalized, routinized or hidden in the prison system (Carlton, 2007; Rodríguez, 2003, 2006; Sugar, Fox, 1990; Toch, Kupers, 2007). Linda Moore and Phil Scraton (2009) reveal some of the more prevalent and hidden aspects of penal violence in their work on self-harm, suicide, and deaths in custody for women in Northern Ireland. The authors show how occurrences of violence and death are undermined, minimized, and ignored by prison administration and staff, as well as by the public and the media through the vilification of women in prison. The same authors define prison violence along a continuum that extends to prisoner-on-staff and staff-on-prisoner violence. It includes acts of emotional, psychological and deeply personalised harm as well as physical or sexual assault. It extends from verbal abuse to beatings and death. It also encompasses self-harm and suicide as consequences of being institutionalized (Ibid., 2009, 124). Bree Carlton (2007) outlines the violent and crisis producing character of Jika Jika High Security Unit in Victoria, Australia through a prioritization of security and control. She points out that it is the highly controlled prison atmosphere with coercive disciplinary objectives, unaccountable power, and institutional secrecy that are integral to such regimes, which create an intensifying cycle of violence, resistance, and security. Based on interviews with women in South African prisons, Vetten and Bhana (2005, 265) highlight the similarities between imprisonment and abusive relationships with prisons characterized by authoritarianism, a marked power imbalance, violence, enforced restriction of movement and activities, lack of freedom of association, and enforcement of arbitrary and trivial demands (see also Pollack, 2008, 20). Similarly,
Carlton and Segrave (2011, 559) argue that the prison punishes women in a way that emulates the prison, entrenching their experiences of control and victimization while on the outside. As made evident by these authors, prison violence has a diverse character and is exercised through the everyday protocols, routines, and language of the prison system that legitimate or hide its occurrences.

As Rodríguez (2006, 47) further points out, the penal regime in its power to punish enacts mini spectacles of violence that are an aspect of what he calls the prison’s strategically sited technologies and everyday regime of punishment. In the case of Stacy Bonds who was illegally detained, stripped, and left half-naked in a police cell for three hours, the presiding judge of the trial for Sergeant Steven Desjourdy concluded that cutting off the clothes of a volatile and assaultive woman was justifiable. Given the limited frameworks and definitions of violence and its organizational and bureaucratic entrenchment in the prison, it is challenging to describe or define what constitutes violence in a prison setting. To make prison violence more visible, an understanding of violence must go beyond traditional and official definitions and understandings, and look at the local context in which violence can be experienced. In this article, I seek to contribute to an important growing body of literature that recognizes how violence within a prison context masks itself through security and gendered discourses and assumes a natural place in prison.

II. Institutional Security and Order

According to the Canadian Corrections and Conditional Release Act (S.C. 1992, c. 20, S.3), the stated purpose of corrections is to promote a “just, peaceful, and safe society”. Within a penal setting, to achieve this purpose, custody translates into a prioritization of security through what is often referred to as the good order of the institution (CSC, 2009b; Bérard et al., 2013). With security as the dominant feature of the prison, any emergent concerns are secondary to securing order – an order that is often difficult to achieve in a prison environment (Horii, 2001). According to the OCI (2013c, 12) the good order and discipline of the Correctional Centre is a vague, discretionary and catch-all provision that has exceptional latitude for correctional authorities to justify just about any correctional decision. It is therefore within security discourse and practices of the prison that violence occurs to regulate behaviour and achieve order.

Pollack (2005, 81) points out that adaptive strategies commonly exhibited by women in prison such as angry outbursts, substance use, and self-injury – strategies that were not used previous to their imprisonment – are often cultivated in response to the prison environment and compounded by histories of abuse, violence, and trauma. Mandaraka-Sheppard (1986, 104) in her study on the nature and extent of rule violations in women’s prisons concluded that we can more successfully predict situations in which violence will occur than to predict those persons who will act violently. The author found that fights and arguments between women or with staff were the result of mundane boredom, provocation, and unreasonable or unfair treatment. Women's coping or survival strategies are also the very behaviours that the prison targets as problematic and as a form of non-compliance. Rene Acoby, a resistive Aboriginal woman from Manitoba, had accumulated an additional 18 years of charges in prison, spent more than half of her time in segregation, and was eventually given a dangerous offender designation effectively keeping her in prison for life (Botsford-Fraser, 2012).
So, you soldier up and tell yourself to deal with it...until you find yourself in a tangled web of carceral politics and loopholes that rendered [your] indefinite solitary justifiable... Ten squares of toilet paper? Fuck you. One book for four hours? Fuck you, I have my imagination. So it goes. (Acoby, 2012)

20 The prison targets those who fail, refuse, resist, or cannot manage, cope, or adapt to the prison order. As stated in the Secure Unit Operational Plan [t]here will be zero tolerance for any aggressive behaviour (physical or emotional) (CSC, 2003, 70). Cursing, swearing, insubordination, challenging authority, refusal to work, failure to obey guards instructions and, malicious allegations against guards are each examples of offensive and offending behaviour that lead to offence reports, charges, segregation, and additional prison time (Moore, Scraton, 2014, 15). Women’s responses and adaptations to the prison order are thus met within a lens of security to gain what is often a forced compliance and institutional order.

21 The use of segregation is a common response to serve the security functions and good order of the prison. This includes segregation for suicidal thoughts, self-harming, slashing, banging your head, or placing instruments under your skin or in orifices of your body. This was evident in the case of Marlene Moore and the many other women who frequently self-harm as a way to cope or resist and who subsequently and repeatedly find themselves in extensive periods of segregation. Women who are placed in segregation, whether administrative (involuntary) or clinical, are typically considered a danger to staff, other women, themselves, or the security of the institution, even though there may not be any or few documented incidents of actual violence. In the case of Ashley Smith, the majority of her time spent in segregation was the result of self-harming and non-compliance as opposed to directing violence towards staff. As noted above, self-harming is often cultivated in response to a prison system that enforces compliance and order and immobilizes any perceived threats to such order.

22 As a mechanism to deal with what is considered problematic behaviour in women, CSC developed what is called the Management Protocol – a form of segregation that provides an increase in structure, monitoring, and supervision which ensures the safety of staff, other inmates, and the public (CSC, 2003, 4). Addressing what is considered problematic behaviour results in high levels of isolation for the women and intensive control.

The security driven approach of the Management Protocol status is strikingly similar to the Special Handling Unit (SHU) for men and in some regards it is even more regimented than the SHU. The women’s movement and human interactions are so intensely controlled that in order for her to leave the secure unit she is required to be accompanied by three staff members and will typically have physical constraints applied to her in the form of handcuffs and leg irons (Wesley, 2012, 27).

23 The CSC notes that some of the women managed under the Management Protocol demonstrate difficulties relating to institutional adjustment, such as by chronically being disrespectful to staff (CSC, 2010, 11). One woman managed under the Management Protocol observed that when subject to its typical level of scrutiny, virtually no one is capable of demonstrating the expected behaviour for any period of time (CSC, 2010). Women’s resistance to the institutional order or inability to adjust to a prison regime is interpreted as non-compliance, perceived as a security threat, and met with intensive control through segregation. This is particularly germane for Aboriginal women whose resistance to control or violence is a part of their survival or for women experiencing mental health concerns, thus resulting in higher levels of segregation (Neve, Pate, 2005).

We have adjusted to the deafening noises and screams coming from segregation when our Sister has just been stripped of her clothes and maced in the face. ... We
adjust to increasingly deadly conditions, and come to accept them as natural (Sugar, 1989, 98).

Kupers (1999), working as a psychiatrist for over 35 years, never saw more than the rare case of self-mutilation (e.g., cutting or self-inflicted cuts with either suicidal or other aims) among his clients until he began touring isolated confinement units in prisons. Despite noted significant maladjustments that would be experienced by anyone, segregation remains the primary response to women’s adaptive strategies, which includes self-harming and suicide attempts. The CSC acknowledges women’s self-harming activities as adjustment difficulties (Wichmann et al., 2002). This, according to a correctional framework, however, is the result of the individual cognitive problems, substance abuse, psychiatric difficulties, and dysfunctional family relationships as opposed to the prison environment. The context in which problematic behaviours are explained characterizes women as maladaptive, maladjusted, or threatening. Strategies used by the women to cope and survive the prison are treated as an aspect or reflection of the women’s character, while the conditions within the prison that foster the need to adapt and cope are ignored.

The more violent aspects of the prison apparatus (e.g. use of force, containment, and segregation) are hidden or made less visible not only through the prison walls, but through the prison’s procedural routines and norms of reasoning that trivialize its occurrence through a discourse of security and order. The less amenable and resistant a woman is to correctional authority and demands, the more likely she is to experience the use of force, segregation, and other forms of violence.

III. Gendering Violence

Beyond security discourses, the gendering effects of imprisonment contribute to the violence experienced by incarcerated women. Historically, it was often argued that women in prison were given very little consideration in analyses of crime and punishment (Smart, 1976; Naffine, 1997; Hudson, 2002; inter alia). Penal practices were considered to be gender-blind and the same regulatory frameworks, classifications, and programs used for men, also applied to women. Although no formal gendered policies existed, women have been subject to differing gendered constructions and treatments in the prison that continue to use gender as the point of modification (see Armstrong, Chartrand, 2008; Malloch, McIvor, 2013). It was further argued, however, that without a woman specific approach, penal practices enlisted women within norms of domestication, motherhood, and femininity that reified gender norms and penalized women for gender violations. Overall, it was therefore argued that a neglect of women specific realities resulted in poor management and treatment of women in prison.

To address concerns of gender neglect in the criminal justice system, a body of feminist and penal scholarship emerged to highlight the challenges and gendered disparities that exist for women in the prison system. As a result, detailed consideration was given to the various aspects of women’s lives, particularly women’s social disadvantage and the feminization and criminalization of poverty. Considerations were wide and varied and included concerns around children and single parenting, housing and homelessness, health and mental health, employment and poverty, education and literacy, HIV/AIDS, Hepatitis C and other diseases, alcohol and/or drug use and addiction, family violence and histories of abuse, sexual assault, death and rates of mortality, racialized and cultural
differences, victimization, poverty, non-violent offences, counseling and support needs, relations with correctional staff, cross-gender monitoring, unstructured or unsupervised time and associates, violence and self-harm, coping strategies, banking, budgeting, and transportation, disorientation and despair, stress, stigma, shame, self-esteem, and spiritual needs (Bloom et al., 2004; Chesney-Lind, Pasko, 2004; Daly, 1997; Dodge, Pogrebin, 2001; Galbraith, 2004; Gelsthorpe, Morris, 2002; Harm, Phillips, 2001; Morris, Wilkinson, 2000; Severance, 2004; Schrader, 2005; inter alia). Within this literature, gender thus emerged as a very distinctive category that required some form of supportive, rehabilitative, or corrective interventions.

In Canada, social and feminist critique with a commitment to gender equality both informed and developed penal thought and practice as outlined in the Creating Choices report (Task Force on Federally Sentenced Women, 1990). This report advanced a federal correctional model that was to address women’s social disadvantage and gendered disparities in their management. Although the prison was identified as part of the problem, it was also offered as the remedy to address gender specific experiences and disparities. According to CSC, prison operations for women today are said to be gender responsive, empowering women to make healthy lifestyle choices – or given their women specific needs, gender appropriate choices. Empowerment [is] the process through which women gain insight into their situation, identify their strengths and are supported and challenged to take positive action to gain greater control of their lives (Hart, 2000, 4). For example, incentives and earned privileges are based on compliance with the rules and demonstration of acceptable or institutionally approved behaviour (Serin, Hanby, 2009). As often cited in the literature, this focus has led to a whole new ensemble of gendered regulations based on risk management discourses (e.g. Fox, 1999; Hannah Moffat, 2001; McCorkel, 2003; Kendal, 2002; Pollack, 2005; Maidment, 2006). A gendered response also fosters a security logic that makes women more vulnerable to violence for those seen as incapable of or unwilling to take charge of their own lives.

Yúdice (1989) argues that a liberal notion of equality that attempts to de-marginalize groups by promoting equal rights, equal pay, and equal practices of recognition, also constructs such groups within identities that set them apart from those valued by the norm. As Cruikshank (1999) points out, through citizenship discourses, individuals who are considered as failing to act on their own behalf by acting in accordance with standards and procedural norms are more easily dismissed, de-politicized, or shifted to other regulative sites – participatory democratic discourse is preoccupied with the subjects who do not rebel against their own exploitation and inequality, who fail to act in their own interests; and who do not participate politically even though free to do so (Cruikshank, 1999, 3). In the prison, a failure to adopt normative and gendered expectations results in a denial of privileges, family visits, temporary absences, parole, as well as institutional charges and segregation. For example, sixteen years after the implementation of Creating Choices in the regional facilities, Ashley Smith was subject to a gendered correctional protocol that eventually led to her death. During her inquest, it was revealed that Ashley accumulated charges that increased her sentence from 18 months to two years, particularly as a result of her resistance to her confinement by uttering threats, resisting staff, grabbing a break away lanyard, and spitting in a guards mouth. She herself was assaulted on many occasions including being grabbed, lifted off the floor and called a “cunt” having her head stepped on, being struck with a flashlight, having her arm twisted for two minutes after she extended it through the food slot, having her fingers bent back in a move termed...
“pain compliance” and having her hair pulled. Valverde (1996) suggests that these practices reflect the illiberal and despotic tendencies of a government of the self that must be mastered in order to enjoy liberal citizenship and freedoms.

Women, who fail or are unable to act according to the norms expressed around their own gendered subordination, are promoted within discourses of social obligation or non-compliance and enlisted into localities and spaces of control, exclusion, and violence. In other words, women who exhibit deficiencies, instabilities, vulnerabilities, and criminal histories – exactly those women who have been identified as the ones who are sent to prison – are subject to a hidden violence to instil conformity. This is made evident with Aboriginal women who are exposed to longer periods of imprisonment, higher classifications and dangerous offender designations, are more often committed to segregation, less likely to receive parole or probation, and experience higher levels of violence, suicide, and death. Aboriginal women, who are coming from significant disadvantage, are more commonly considered unable to demonstrate pro-social attitudes and are resistant to correctional regime and instruction, and subsequently experience higher rates of segregation and violence. In their ground breaking work Breaking Chains, Sugar and Fox (1990) – both former prisoners – highlight the levels of violence Aboriginal women in Canadian prisons experience in their personal lives and throughout their time incarcerated.

The stories we heard to a large extent are about violence. In terms of the criminal justice system, many of us were convicted and sentenced to federal prison for crimes of violence. ...But, the prison regimen that follows, serves to reinforce that violence that it is supposedly designed to manage. (Ibid., 470)

The more socially and economically disadvantaged and less stable or certain the woman’s outside world and behaviour while in prison, the more prevalent a logic of security to enforce standards of citizenship or contain potential threats. The Special Report produced by the OCI (1995) in relation to the Prison for Women incident, noted that the video of the Emergency Response Team showed a massive display of force being exercised in the face of virtually no resistance. As Arbour (1996, 88) notes, the process was to terrorize, and therefore subdue. Women in the prison system are often classified or described as pathological liars, manipulative, abused, needy, aggressive, disadvantaged, unfortunate, conniving, complex, intimidated, vulnerable, anti-social, unadjusted, unstable, and cunning. They are considered to have diminished social capacitites and heightened potentials for transgression; they are too much women – too emotional, too destructive, too needy, and hard to handle, among others. This treatment of women was evident with Kinew James and Julie Bilotta who repeatedly had their calls for help ignored resulting in Kinew’s death and possibly complications leading to the death of Julie’s son one year later. Kilty (2012) discusses how women are heavily medicated to subdue comportment as an implicit security strategy to ensure women do not challenge or tax the system and personnel. Within the prison, gendered and criminal titles intersect to fashion an understanding of women as deprived and dangerous, vulnerable and unstable, and to treat non-gendered compliant women as a social threat.

There is often an assumption that in studying women we can develop better or more equitable prison management. In an attempt to offer a better account of women and subsequent treatment, social and feminist discourses have also helped create a gendered management for women in prison (see also Snider, 2003) that has legitimated violence against them when they fail or refuse to comply. A women-specific corrective regimen,
although now recognizing women’s social disadvantage, also creates a gender specific management that continues to enlist women within the same system that legitimates and hides the varying forms of violence they experience. Where security is installed to promote safety and order, feminist and social critique is used to develop a specific and expansive gendered ordering of women. As women find ways to cope, adapt, challenge, resist, counter, and reshape their experiences in prison, they are also governed within a security logic and gendered coercion. Efforts to improve the conditions in the prison management of women can produce the most hidden forms of violence.

IV. Disappearing Violence

Women in prison are regulated within security discourses that tend to target their adaptive responses to the prison and their social disadvantage. As such, women are brought into submission and compliance through a series of supervisory, corrective, and often violent interventions. This serves to further isolate, incapacitate, and otherwise neutralize those who are least amenable to their corrective management. Intersecting between gendered spaces and security routines and practices, violence is made necessary and subsequently less visible.

Within a prison setting, not only is violence removed from public view, but it is also harder to identify – hidden by security discourses and routine practices that trivialize, legitimate, and erase what would often be considered violence in any other context. In the Ontario provincial jail where Helen reported being choked and punched by a prison officer, the reports described Helen as violent, aggressive, and oppositional. Conversely, statements used to refer to the force used by staff were general and made in reference to their line of work and duties such as she was directed up against a wall, ...placed on the bunk, ...glided her to the bunk, ...gained some control, and used ...distraction to the face. Despite the visibility of violence from the marks and bruises on Helen’s body and face, she was made to appear as the aggressor and local police charged her with two counts of assault (Marin, 2013). As noted by the Ombudsperson investigating the event, the violence Helen experienced disappeared in the reports. Similarly, in the Prison for Women incident in the use of force reports filed by officers, Arbour (1996, 32) notes that the documents did not describe the complete range of the use of force employed in connection with the incident, nor did it contain any mention of a second macing of one of the women. Arbour also notes that there was no report from a health care officer, no proper reporting with respect to the use of mace, and no record of the prisoners being advised that they could provide their version of the extent of the use of force to the warden. Further to this, there were no police investigations or any determination if such practices were in accordance with the law. Violence is disappeared in a penal setting through a security discourse that minimizes or erases its occurrence and with little or no legal accountability or scrutiny.

Similarly, violence is also disappeared within a security logic that legitimates its necessity. In the Prison for Women incident, all actions carried out were made in reference to the “emergency” of the situation. This included the use of an all male Emergency Response Team or in describing the instrument used to strip-search the women as the “911 tool”. Emergencies, and its associated language, often justify extreme or exceptional measures. The more violent aspects of the prison system are hidden within the emergency and made more challenging to identify or contest through a language that cleanses and normalizes the practice of stripping, shackling, and holding women naked for hours.
Gayle Horii (2001), a former prisoner, refers to correctional language as euphemisms and double speak such as by calling a prison cell a home or segregation an environmental behavioural unit. The language of medicalism, psychologism, acronyms, and technobabble (Cohen, 1985) not only conceal violence, but also legitimate its use as a necessity for the management of the individual and institutional security. Actions are not recognized as violent or otherwise illegal where the purpose is legitimated as necessary. In the case of Julie Bilotta, a nurse was suspended with pay while only a professional investigation was carried out rather than a criminal investigation, despite the death of an infant. Should such activity be given legal consideration, such as in the case of Stacy Bonds who was stripped and left half naked for three hours by Sargent Desjourdy, it is measured in relation to the priority of carrying out one’s work. Violent practices remain a day-to-day aspect of prison work and any behaviour that requires action outside of regular duties is considered a security concern and overrides legal obligations.

In a landscape that creates and heightens the conditions for violence to occur, not only is it difficult to identify and name the violence, there is also less chance of success with the existing recourse mechanisms available to women to protest such violence. The available recourse procedures such as filing a complaint, using the grievance system, notifying the OCI, or appealing to the warden have little if any impact.11 As the OCI (2004, 11) states, [the] complaint and grievance process is so deficient, both in time and in substance, that it becomes itself a source of further frustration and resentment. Arbour (1996, 198) also notes that the two areas in which the Service [CSC] has been the most delinquent are the management of segregation and the administration of the grievance process. Any recourse mechanism or system of accountability is not only ineffective, but also precarious for the women who pursue such a route given the range of potential hostilities or retaliation by staff. This is clearly documented in the Coroner’s inquest in the Ashley Smith case where Ashley was repeatedly refused a paper and pen to file a complaint. On another occasion, Ashley’s advocate, along with two other lawyers, were also denied access to visit (Pate, 2014). In the Prison for Women incident, the prisoners were systematically refused their right to access a lawyer for over a week. The need for correctional accountability has been long recognized with calls for judicial review, independent prison inspector, and external tribunals (Parkes, Pate, 2006), but to no avail. An analysis of 163 Coroner’s inquests into jail or police custody suicides since 1994 in Ontario shows that the same jury recommendations are made repeatedly (Gillis, 2014). The OCI (2008, 19) reported that they are concerned about the number of similar recommendations made year after year by CSC’s National Board of Investigations, provincial Coroners and medical examiners reviewing inmate deaths. In a report on deaths in custody, the areas of ongoing concern include delayed response to medical emergencies, assessment of pre-suicide indicators, availability of medical resources, lack of information sharing between clinical and frontline staff, and care and custody of those with mental health concerns (Gabor, 2007). The same report further notes that CSC repeated the same practices during the five-year study period, with the same errors being made incident after incident12. Within the prison, violence persists despite inquiry after inquiry.

Many of the recommendations to address violence often suggest improving the conditions of confinement such as by removing anchor points and making cells ligature proof, rather than address the conditions leading up to violence. In a prison setting, recommendations are often translated into increased security. A report by CSC (2009a, 4) highlighted the improvement to their practices through an ‘increased security and
interventions including the use of administrative segregation as a tool to ensure the safety of staff and inmates, as well as the security of the institution’. In addition to this, recommendations made for independent oversight and accountability are unsupported by CSC (2009a). Recently, the Safe Streets and Communities Act (2012, C1) ended the “least restrictive” measures for prisoners to be used by correctional officers prior to imposing a sanction. OCI (2013e, 8) argues that this measure will likely result in more restrictive measures used: Combined with other policy changes, it means prisoners are serving longer periods in jail, in more violent environments than in the past. Given this, we have to not only question how oversight and accountability can be implemented in a prison setting, but whether the prison is at all an appropriate placement. The jurors of the Ashley Smith inquest highlighted the problematic nature of the prison to realize change and recommended the elimination of prison treatment for women with mental health concerns.

Following an abolitionist position that challenges a penal or carceral response to what are considered conflicts or social problems (Davis, 2003), we have to question the necessity of prisons given that not only are they deeply implicated in concealing violence, but also operate to routinely produce it. The question then is not a matter of improved prison conditions or even better accountability, but to remove women and others from an apparatus that produces state violence.

### Conclusion

Part of what gives prison systems the ability to disappear violence is an institutional logic and language and organizational and bureaucratic structure that largely legitimates and trivializes violence behind a combination of security, gendered regulation, and procedural necessity. In a prison context, a focus on women has only produced more divisions that paradoxically create the knowledge and conditions that facilitate a violent ordering, foreclosing any discussion of thinking outside of a penal or prison narrative. We cannot rely on oversight bodies to identify and regulate prison violence given that the prison system is deeply implicated in routinely producing, legitimating, and concealing violence and has an entrenched immunity to challenges.

Angela Davis (1998) points out that prisons attempt to obscure social problems such as homelessness, unemployment, drug addiction, mental health concerns, and illiteracy from view. The challenge is not about finding the right critique of prison practices and operations in order to liberate women and others from prison violence, but to liberate them from the prison system itself and other associated or equivalent systems of control designed to disappear social problems. As Davis (1998, 1) further points out, prisons do not disappear problems, they disappear human beings. The prison also disappears the routine practices of state violence – the state’s obligation to exert order on and extract security from the bodies of the unruly... the boundaries between terrorists and the terrorised often blur or dissolve, all the while reproducing a dichotomous relation of violence that reconstitutes the essential relation between master-slave, settler-native, guard-prisoner (Rodríguez, 2003, 185). As abolitionists argue, prisons should never be the default response.

Thinking otherwise and outside of the use of prisons and other systems of control is not to deny social harm, but to recognize it within a broader context whether that be street crime, misogyny, corporate profiteering, or any other social harms identified acknowledged or yet to be acknowledged. As de Haan (1990, 31) argues, a broad conception
of justice is lacking, and a ‘hidden message’ is transmitted which denies legitimacy to a whole series of alternatives which should, in fact, be taken into consideration. Given this, an abolitionist approach should be employed more frequently to identify the social harms that emerge from the prison and systems of control, including state violence that has remained largely hidden thus far.

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NOTES

1. See Chartrand (2014a) for a more thorough discussion of the limits of using a human rights approach against the prison system.
2. In the United States between 1977 and 2004, the number of incarcerated women grew from 11,212 to 96,215 (Greene, Pranis, 2006). Britain also saw an increase of women in prison by 115% between the years 1995 and 2010 (Prison Reform Trust, 2012). In Australia, women’s imprisonment rates rose 56% from 1993 to 2003 (AHRC, 2006). In Canada, the federal women’s prison population increased by more than 60% from 2003 to 2013 (Office of the Correctional Investigator, 2013a).

3. In 2013-2014, there were 559 incidents of self-injury among women with one-quarter of the incidents met with a use of force intervention compared to 2011-2012 with 243 incidents of self-injury and 15% involving a use of force intervention (Office of the Correctional Investigator, 2014, 46). Suicide rates for women in prison are also significantly higher from anywhere between 5 and 7 times the rate of the national average. Many suicides occur in segregation or observation cells where significant surveillance is said to take place (OCI, 2014, 3).

4. In a study of 185 randomly selected use of force incidents investigated between 2003 and 2007, it was more common in the women’s institutions that use of force occurred due to a woman initiating self-injurious behaviour (CSC, 2010, 30).

5. Of 172 incident reports in women’s regional facilities in 2013-2014, 32 resulted in reported injury, while federally sentenced Aboriginal women accounted for 24.3% of all reported incidents system-wide (OCI, 2014, 66).

6. The data for this research is inclusive of federal and provincial prisons and police lock-ups and is largely limited to publicly available reports, studies, Commissions, and news media reports. While the events I discuss do not reflect the range and levels of violence experienced by women in prisons, given the detailed focus and coverage they received in the media and public reports, they provide significant insight to the context in which prison violence occurs.

7. The same Correctional Investigator, Howard Sapers, was not reappointed by the federal government after 11 years of service where other Correctional Investigators have held terms of 25 years.

8. The Dangerous Offender designation is a provision of the Criminal Code (Part XXIV) where someone is considered to be a threat to the life, safety, or physical or mental well-being of the public and are given an indeterminate sentence. This designation can be applied after conviction, but before sentencing or, if deemed necessary, throughout a prison sentence.

9. In Canada, there have been several Commissions (see Fauteux, Ouimet, Gibson, Archambault) that have highlighted how the prison system continues to fail women, but none so scathing as the Arbour Commission, charged with the task of investigating the Incident at the Prison for Women (P4W), as outlined above. The Arbour Commission produced a comprehensive report on the systemic disadvantage and violence that women in federal prison experience and the defensive culture of CSC (see Arbour 1996, 176).

10. This is evident in the constructing of five new federal regional prisons for women across Canada and the closure of the Prison for Women.


12. This is similar to the case of Edward Snowshoe who, like Ashley Smith, killed himself in March 2010 as a result of mental health concerns, repeated lengths of solitary, and other prison practices that culminate into death.
ABSTRACTS

Drawing on findings from prison inquiries and commissions, correctional policies and practices, news media accounts and prisoner testimonies, this article reconsiders the prevalence of violence against women in Canadian prisons. By adopting a broader conceptualization of violence, particularly as enacted and legitimated by the state, the article reveals how the prison setting generates a landscape of violence through the languages of gender and security, along with routine practices that come together to facilitate and heighten the conditions for violence to occur in seemingly, normal, benign, and necessary ways. This can include high risk designations, higher classifications, involuntary and forced transfers, deportation, strip-searches, administrative segregation, suicide watches, dry cells, transfers to men’s prisons, lack of medical attention, and the denial of support or service – all of which are often experienced in violent ways and can culminate into self-harm, suicide, and death. The more violent aspects of the prison system are made less visible through routine practices and a normal politics that minimize, obscure, or ignore violence. Given its inherently violent character, we have to question the use, necessity, and relevance of incarceration to enact justice.

INDEX

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