

# Women's Incarceration in Alberta

Backgrounder  
Elizabeth Fry Society of Calgary



# About this document

## Purpose

This document is a literature review intended to provide information concerning women's incarceration in Alberta. The purpose is to inform the 2018 internal evaluation of the Prison Community Outreach Program (PCOP) at the Elizabeth Fry Society of Calgary by providing relevant, up-to-date information on the state of women's corrections in Alberta.

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## Methods

A comprehensive scan of the literature was conducted to identify the current state of women's incarceration in Alberta. Particular attention was given to provincial institutions in Alberta, as well as to resources local to the Calgary area, as these are the settings in which case managers at the Elizabeth Fry Society of Calgary work. However, literature concerning both federal and provincial/territorial corrections was reviewed to ensure that a well-rounded, robust understanding of women's incarceration was developed.

Government databases, academic articles, and grey literature were all incorporated into the review to identify a variety of perspectives. The review makes use of data from Statistics Canada, the Canadian census, the Government of Alberta, the Office of the Correctional Investigator of Canada, the MacDonald-Laurier Institute, the Canadian Institute for Health Information, the Public Services Foundation of Canada, Alberta Health Services, the Public Health Agency of Canada, Health Canada, Public Safety Canada, and Correctional Service Canada, among others.

The academic articles used in this document were retrieved from peer-reviewed academic journals. Literature published by third-party entities (e.g., non-profit organizations, social service agencies, registered charities, municipal governments, local newspapers, etc.) was also consulted to fill gaps in information.

All statistics referenced in this report are based on most recently publicly available data.

## A note on data availability in Alberta

While conducting this literature review, a significant gap in Alberta corrections data was identified, compared to the rest of Canada. Although there is a wealth of corrections data available at both the federal and provincial/territorial levels in Canada, much of the data excludes Alberta "due to the unavailability of data" on behalf of the province [1]. Alberta has not released corrections data comparable to the other provinces and territories since 2012 [2, 3].

In the MacDonald-Laurier Institute's 2018 *Report Card on the Criminal Justice System*, Perrin and Audas state that Alberta's lack of corrections reporting is "particularly troubling" [2: 29] and that "lack of reporting has been problematic for Alberta" [2: 42]. This unavailability of data in Alberta posed a significant challenge to the literature review, as the province's outdated corrections data may provide an unreliable, incomplete, or inappropriate picture of the current incarcerated population in Alberta.



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# Who is in our provincial

In Canada, individuals who receive sentences of two or less years of custody serve out their sentences in provincial or territorial correctional institutions (i.e., institutions managed and operated by the provincial or territorial government in which the sentence is carried out). Individuals who are sentenced to more than two years of incarceration are placed in federal institutions, which are managed by Correctional Service Canada. This means that all individuals in provincial custody will eventually be released back into the community.

In Alberta, there are four provincial remand centres and four provincial correctional centres for adult offenders. Remand centres are located in Edmonton, Calgary, Medicine Hat, and Red Deer, while correctional centres are located in Calgary, Fort Saskatchewan, Lethbridge, and Peace River. All of these institutions house both male and female inmates, though male inmates comprise the majority of the population in all cases [3]. Women account for roughly 15% of admissions to provincial/territorial correctional services and 13% of admissions to provincial/territorial custody [4].



There are significant financial costs associated with incarceration. At the federal level, the average annual cost of incarcerating a female inmate is estimated to be \$222,404, twice the cost of that for male inmates [5]. At the provincial level, the average daily inmate cost in Alberta for 2015/2016 was \$142.00 [1]. This number is significantly lower than the provincial/territorial average of \$203.00 per inmate per day for the same time period [1, 6]. However, since 2003, the cost of correctional services at the provincial/territorial level has risen by 47.9%, totalling approximately \$2.4 billion in operating expenditures in 2015/2016 [1, 5-8]. Of that \$2.4 billion, Alberta spent \$239.6 million, accounting for roughly 10% of total spending [1]. The Government of Alberta's 2018-21 Fiscal Plan allocated \$288 million to the Ministry of Justice and Solicitor General for correctional services spending in 2018-19 [9].

The cost of community-based options such as probation, bail supervision, and community supervision work orders range from \$5 to \$25 per day [10]. Alberta has one of the lowest numbers of breaches of probation per 1,000 crimes of anywhere in Canada, and has higher than average conviction rates for such violations [6].

The majority of crimes in Alberta are property crime violations, with minor theft (non-motor vehicle theft under \$5,000) and mischief accounting for nearly two-thirds of those violations [11]. The most prevalent charges against women are minor theft, usually correlated with shoplifting [12]. Women are less likely than men to be charged and convicted of violent crimes, and generally receive shorter sentences if convicted [13].



# institutions?



## The number of individuals held in remand exceeds the number held in sentenced custody.

In Canada, the majority of individuals in provincial/territorial custody are held on remand, meaning that they are either awaiting trial for their charge(s) or awaiting sentencing for their conviction(s). Over the past decade, the remand population has consistently exceeded the sentenced population in provincial/territorial adult corrections [1, 14]. This trend is particularly prominent in Alberta; in 2015/2016, 70% of the custodial population was in remand versus sentenced custody, the highest among the provinces and territories [1]. The total number of individuals in remand in Alberta has consistently risen since 2008 [15].

Since 1995/1996, the number of women in sentenced custody at provincial/territorial institutions has declined, while the number in remand has more than doubled [13]. In 2015/2016, women comprised 14% of admissions to remand in provincial and territorial corrections, and 11% of admissions to sentenced custody [1].

Nationwide, the length of time spent in provincial/territorial custody tends to be short. In 2015/2016, 51% of adult offenders released from remand were held for one week or less, and 76% were held for one month or less [1]. However, between 2005 and 2010 in Alberta, the average stay for remanded inmates was 18 days [3].

Remand poses a number of challenges to individuals, given the uncertainty regarding the length of time that they will be incarcerated [1]. According to the *Criminal Code*, the conditions under which an accused individual can be detained in remand include: to ensure attendance in court; for the protection and safety of the public, including any victims of or witnesses to the offence; and to maintain public confidence in the justice system [16]. The uncertainty associated with detention in custody can significantly affect detained individuals' housing arrangements (e.g., through inability to pay rent or renew a lease while incarcerated) and employment status (e.g., through inability to continue working while incarcerated) [1, 14]. Other challenges for those held in remand include separation from family, need to secure emergency childcare, and missed medication or medical treatments as a result of incarceration [14]. Because the length of time spent in remand is not predictable, remanded individuals are also often ineligible for, or do not have access to, rehabilitative or recreational programs that are available to sentenced inmates with secured release dates [14]. In Alberta, personal development and employment readiness programming is available only to sentenced inmates [3]. Given the strong correlation between correctional programming and reduced rates of reoffending in the literature [17], it is problematic that the majority of individuals in the custodial population in the province are not able to access this resource.





## Women in provincial custody are younger on average.

Nationwide, younger adults account for the majority of admissions to correctional facilities in Canada. In 2016, adults under 35 years of age accounted for 58% of custodial admissions to provincial and territorial corrections [1]. Given that individuals between ages 18 and 34 represent just over 20% of the adult population in Canada [18], this finding indicates that younger adults are overrepresented in admissions to adult correctional services, compared to the general population.

Women in provincial adult corrections tend to be younger than those in both federal corrections and the general population. In 2009, 56% of women in provincial institutions were between the ages of 18 and 35, compared to 53% in federal institutions and 28% in the general population [19].

## Indigenous women are disproportionately represented in provincial institutions.



Historically, Indigenous people have been disproportionately represented in both federal and provincial institutions across Canada. The term “Indigenous” refers to individuals who identify as First Nations, Métis, or Inuit [20]. Although Indigenous people represent 4.3% of the total Canadian population [20], Indigenous adults accounted for 26% of admissions to provincial and territorial correctional services and 28% of admissions to federal correctional services 2015/2016 [1].

The overrepresentation of Indigenous adults is more pronounced for women than men. In 2015/2016, Indigenous women accounted for 38% of all female admissions to provincial/territorial custody, compared to 26% for Indigenous men [1]. At the federal level, Indigenous women accounted for 31% of female admissions to federal custody, while Indigenous men accounted for 23% of male federal admissions [1].

In the context of Alberta, Indigenous people represent 6.2% of the provincial population [21]. Current Indigenous incarceration rates in Alberta are unknown, as the province has not released such data since 2012 [2, 6]. It is the only province in Canada that has not made this information publicly available. At last reporting, Alberta had the most disproportionately high level of Indigenous incarceration, surpassing all other jurisdictions in Canada [2]. This trend of Indigenous overrepresentation has been consistent over time; a 1996 report from the Department of the Solicitor General of Canada indicated that Indigenous admissions to provincial institutions in Alberta were 5.5 times higher than would be expected from the provincial Indigenous population [22].

## Two-thirds of incarcerated women are mothers. 70% of those are single mothers [12-13, 23-24].



The majority of women in prison have children. In 2003, it was conservatively estimated that at least 20,000 Canadian children are separated from their mothers because of incarceration every year [25]. One year later, the same authors increased their estimate to 25,000 children [26]. Given that women are one of the fastest growing populations in Canadian prisons [13, 18, 27], it is likely that this number has since increased again.

Evidence suggests that separation through incarceration negatively affects the health of mothers and their children, particularly when the children are under the age of four [28-29]. Conversely, evidence indicates that both mothers and young children have better health outcomes when children have access to their incarcerated mothers. Children who are permitted to live with their incarcerated mothers are more likely to meet developmental milestones, have access to quality health care, and be vaccinated and breastfed than if separated from their mothers [30-31]. Mothers are less likely to become reoffenders, and women with addictions who regain or retain custody of their children after being released from prison are more likely to maintain sobriety [30]. In light of these findings, Correctional Service Canada has added mother-child units in all six federal women's prisons in the country as part of the Institutional Mother-Child Program. The program allows eligible women inmates to reside full-time with their children until the child turns five years old [32].

Only one provincial facility in the country contains a mother-child unit [33]. The Collaborating Centre for Prison Health and Education has published a set of comprehensive guidelines for the implementation of such units in all Canadian correctional facilities [34]. However, provincial correctional institutions in Alberta have yet to utilize them, despite the fact that provincially-sentenced women serve shorter sentences.



## Women's incarceration is strongly correlated with poverty-related crimes.

The literature on incarceration rates in Canada suggests that criminal acts committed by women are generally connected to poverty. The Canadian Association of Elizabeth Fry Societies reports that 80% of incarcerated Canadian women are imprisoned for poverty-related crimes, nearly half of which are for failure to pay a fine [35, 12]. A survey of women in the provincial correctional system found that 74% of them did not have enough money to meet their basic needs at the time of their arrest [12, 36]. As McFarlane and Milaney point out, this number is significantly higher than the number of women with reported addictions (54%), problems with alcohol (42%), and past experiences of abuse (54%) [12, 36].

Poverty-related crimes have often been referred to as "crimes of desperation" or "crimes of survival," wherein women justify criminal activity as an alternative to hunger or homelessness for themselves and for their dependents [12: 6, 37-38]. Out of all Canadian provinces, Alberta has the most charges and incarcerations for failure to pay a fine [12]. In addition to the economic cost poverty-related incarcerations place on the corrections system, there are also personal and social costs. Rather than punishing and rehabilitating women for committing an offence, poverty-related incarceration punishes women for their poverty and ultimately increases the potential for further poverty [12].



# Besides poverty, addiction is the major reason for the criminalization of women in Canada.



## Prevalence

The vast majority of incarcerated women in Canada report either past or current struggles with substance use and addiction [36, 37]. The literature indicates that problematic substance use is higher among incarcerated women, especially among those who are Indigenous [38]. Research from Correctional Service Canada shows that approximately 75% of individuals admitted into Canadian federal institutions have a serious substance use problem [39]. However, 94% of female Indigenous offenders have an identified substance use problem, compared to 71% of non-Indigenous female offenders [38, 40]. Alcohol is the most common substance used by women, and alcoholism among women aged 20 and 24 has been on the rise since 1994 [37, 41].

Problematic substance use is strongly correlated with involvement in criminal activity and the justice system. Women who report alcohol and drug use issues are more likely to be convicted of a violent offence, have served a previous federal sentence, be placed in segregation, and be returned to custody after their release, compared to women who do not report substance use problems [42]. A study conducted by Correctional Service Canada found that 63% of offenders reported using alcohol or drugs on the day of their offence, and approximately one-third of those reported committing the offence to support their substance use [43].

## Barriers to Treatment & Implications

Compared to the United States' "war on drugs" criminalization model, Canadian correctional systems tend to embrace more of a harm reduction model by viewing addiction as a public health issue rather than a criminal behaviour [36-38, 44]. However, women continue to face significant barriers to overcoming their addictions, including inability to pay for treatment that is readily available, lengthy waitlists for public treatment facilities, lack of culturally appropriate treatment, inability to secure childcare, loss of income when unable to work or be given leave, and stigma arising from societal attitudes towards women's substance use [36-39, 44-45]. As a result, many women who engage in criminal behaviour as a result of their addictions are forced to confront their addictions in prison. Treatment programs and therapeutic supports are available at federal correctional facilities to women with substance use issues.

Although much research has been done concerning substance use among women offenders in Canada, nearly all of the research has focused on federal offenders, thereby neglecting women offenders in provincial and territorial custody. This is concerning, as more women offenders serve provincial/territorial sentences than federal sentences, and the majority of those in provincial/territorial custody are being held on remand, rather than serving sentences at all [1, 36]. Given that provincial/territorial institutions are "infamous for their lack of programming and support" [36: 15], one study found that some women were willing, and indeed requesting, to serve longer prison sentences at federal institutions that offer treatment programs, rather than serving shorter sentences at provincial institutions that do not provide the same level of support [36].

History of addiction and problematic substance use has also been identified as a significant risk factor for reoffending [38]. One Canadian study indicated that up to 70% of offender release suspensions involve alcohol and other drugs [46]. Among Indigenous offenders, those with severe substance use problems are more than twice as likely to reoffend, compared to those without substance use problems [38, 47]. Generally, offenders with more serious substance abuse issues are more likely to be readmitted to custody following release, particularly if they do not receive treatment while incarcerated [36, 42, 46].





## Mental health issues are common among women offenders.

The literature indicates that as many as 1 in 5 Canadians experiences a mental health issue in any given year, and that 1 in 10 Canadians meet the criteria for a mental disorder diagnosis [48-49]. Among female Canadian offenders, this number is much higher. At the federal level, almost 80% of women offenders meet the criteria for a mental disorder diagnosis [50], with alcohol and substance use disorders having the highest prevalence rates. However, after these disorders are omitted, roughly two-thirds of women (67%) still meet the criteria for a different diagnosis [50].

Current rates of mental illness at the provincial level are unknown in Alberta, and there is a lack of data regarding provincially incarcerated women. A 1995 study of Alberta provincial corrections identified a higher prevalence of mental illness among remanded inmates than in the general non-incarcerated population [51-52]. More recently, a 2016 study found that 62% of women had chronic medical or mental health conditions while in remand and 76% had current drug and/or alcohol addiction [53]. Another study found that health care services provided to inmates during short-term incarceration are focused on crisis management of mental health needs rather than on long-term or preventive care [54]. Both studies also indicated that incarceration can provide a source of stability for women with chaotic lifestyles, and that women who may not prioritize their health while outside of prison are sometimes more invested in doing so while incarcerated:

*“When they [women] are out there, they are too focused on trying to live, trying to get by, trying to find somewhere to sleep at night. [...] Their focus out there is survival. [...] When you are out, you don’t think about your health [...] Here [in remand] it is good, you have basically everything under one roof and it’s important for you to maintain a routine and look after yourself” [53: 66].*

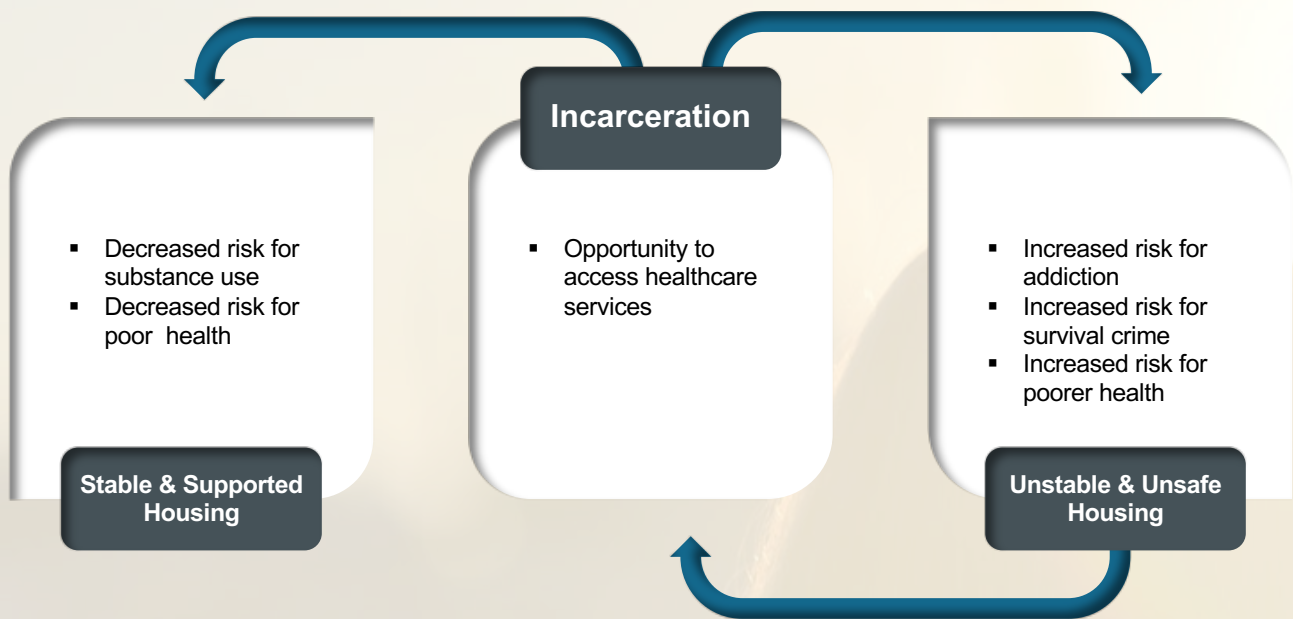
## Homelessness is chronic and cyclical.



The literature indicates that while homelessness is a predictor for involvement in the criminal justice system, incarceration is similarly a predictor of homelessness [55-56]. Homeless individuals often engage in criminal activity as a means of survival [12], which is compounded when those individuals also experience co-morbid conditions such as substance addiction and mental health issues [53, 55-57]. Individuals with no fixed address are more likely to be denied bail and be remanded into custody than their housed counterparts [56].

Conversely, incarceration raises one’s risk of becoming homeless by preventing individuals from working or making payments (e.g. rent, mortgage payments, etc.) on existing accommodations [56]. Individuals serving longer sentences are particularly at risk for social isolation, thereby eroding social connections that may be beneficial in securing employment or housing upon release [56, 58-59]. In 2001, it was estimated that as many as 30% of incarcerated Canadians will have no fixed address upon release [60]. The result is a cycle of homelessness and incarceration (Figure 1) whereby many homeless individuals in Canada are “trapped in a revolving door between prison and the street” [56: 20].

With respect to the local population, the 2002 Calgary homelessness study indicated that 77% of homeless individuals had been incarcerated at some point during their lives [56, 61]. A more recent Calgary study that surveyed 300 homeless people found that 23% of respondents had been incarcerated in the past 12 months [57]. In October 2016, the Calgary Homeless Foundation’s biennial Point-In-Time Count revealed that 3,430 people were experiencing homelessness in Calgary [62].



**Figure. 1.** The relationship between incarceration, health, and housing [adapted from 56: 66].

## The majority of incarcerated women have experienced abuse.



The literature overwhelmingly indicates that the majority of inmates at all levels of corrections in Canada have experienced adverse events in childhood, such as witnessing family violence, having one or more parents absent, or being involved in the child welfare system [25, 63-64]. At least half of those in custody report a history of physical, sexual, or emotional abuse in childhood [63].

Women offenders are more likely to have been exposed to trauma and abuse than male offenders, and are more likely to both develop and experience more intense symptoms of posttraumatic stress disorder (PTSD) [12, 64]. PTSD resulting from exposure to a traumatic event has been linked to other psychiatric disorders, including major depression, lifetime substance use disorder, and self-injurious behaviour [64-65]. Although a causal link cannot be drawn between exposure to trauma and subsequent criminal behaviour, there is a strong association between trauma and women's offending behaviour [42, 64].

Given incarcerated women's disproportionate experiences of abuse and trauma, many sources have called for specialized, trauma-informed treatment that addresses the unique and complex needs of women offenders [5, 8, 13, 23-25, 27-28, 35-38, 40, 50, 53-56, 64-79].



## Factors that contribute to incarceration are complex, dynamic, and intersect with one another.



In examining the characteristics of women offenders, and the factors that led to their incarceration, it is important to note that these characteristics rarely occur in isolation. Rather, co-morbidities (having two or more characteristics simultaneously) are common [40, 50, 64-65, 82-85]. While any single factor (e.g. homelessness) can put a woman at greater risk of being incarcerated, the presence of multiple factors (e.g., homelessness, a history of abuse, and an addiction to opiates) can significantly increase that risk.

Similarly, the presence of any one risk factor can put a woman at risk for other risk factors for incarceration. For example, a woman may develop PTSD after being exposed to trauma and abuse in her childhood. She may begin self-medicating with drugs or alcohol, due to barriers in accessing mental health treatment for her PTSD. The self-medication may become a substance addiction, which may prevent her from being able to secure or maintain employment, and she may consequently experience poverty. To support her addiction, she may resort to criminal activity such as shoplifting, sex work, or drug trafficking, which is likely to eventually land her in prison. In this example, the initial risk factor was exposure to childhood trauma and abuse. However, that risk factor triggered a number of additional risk factors that ultimately resulted in incarceration.

In the 1980s, Crenshaw put forward the term “intersectionality” to explain the phenomenon by which different aspects of one’s existence can affect one another [80-81]. She explains the term by using an analogy:

*Consider an analogy to traffic in an intersection, coming and going in all four directions. Discrimination, like traffic through an intersection, may flow in one direction, and it may flow in another. If an accident happens in an intersection, it can be caused by cars traveling from any number of directions and, sometimes, from all of them. Similarly, if a [woman of colour] is harmed because she is in the intersection, her injury could result from sex discrimination [as a woman] or race discrimination [as a person of colour] [80: 149].*

Crenshaw’s theory of intersectionality is helpful in the context of women offenders, as it acknowledges the complex and dynamic ways in which different factors may intersect to ultimately contribute to incarceration. Given that the vast majority of women incarcerated in Canada report having two or more intersecting risk factors [40, 50, 64-65, 82-85], the literature appears to support the theory, as evidenced by excerpts on the following two pages of this report.



“ The causes of crime are complex and multifaceted and can be found at the individual, family, peer group, neighbourhood, community, and societal levels.”

- [25: 21].

“ It's extremely hard for us to get out of jail. Because we have so many things going against us.”

- Woman Offender [53: 69].

“ They [women] don't have a home. [...] They get caught and they come in here [jail] because they didn't have a place to begin with and they don't have a place to go to when they leave. It's just like an endless circle. Because the fastest way to make money is what you were doing to get you into jail is an illegal way, to begin with. It's kind of like banging your head against the wall. It's really hard to get through the door when you keep walking into the wall.

- Woman Offender [53: 68].

“ The seeds of chronic homelessness, with the addictions and mental illness that often accompany it, are sown frequently in traumatic childhoods.”

- [57: Summary].

“ Children are scarred by the loss of their mothers [to incarceration], whose sentences often sentence their children to a shifting series of foster-care arrangements. Thus, an entire generation of children becomes at risk; in some real sense, the sins of the mothers are visited on the sons and daughters, and the potential for re-creating a new generation of inmates is great.”

- McQuaide & Ehrenreich [25: 8].

“ The average incarcerated Aboriginal woman is “27 years old, with a limited education (usually grade nine), is unemployed or under-employed, and the sole support mother to two or three children. She is usually unemployed at the time she is arrested. She has often left home at an early age to escape violence. She may be forced to sell her body because she needs money and is unable to obtain a job. She is likely to have been subjected to racism, stereotyping, and discrimination because of her race and colour. However, her experience on the streets becomes violent as she continues to experience sexual, emotional, and physical abuse. She is likely to become involved in an abusive relationship. There are usually children born from this relationship and the social, emotional, and economic struggle continues. The cycle of an unhealthy family continues.”

- Canadian Association of Elizabeth Fry Societies [26: 12].

“ Low-income women in Calgary face difficult choices every day. Today’s tough call: Should she take the chance and ride the C-Train without paying or call in sick because she doesn’t have transit fare, and lose a day’s pay?”

- [12: 8].

“ It’s connected to the feminization of poverty, the ways in which the state cuts back on social services, on education and health care. Women bear the brunt of that because they tend to be the ones who still take full responsibility for families [and are] put in the situation of making more serious choices about how they can actually support their families..”

- Julia Sudbury [24: 21].

“ Indigenous women in our prisons. They are often victims of a toxic combination of racism, violence, sexual assault, and other forms of abuse. In addition, their difficult past means they are often suffering both physically and psychologically – a suffering that was often a contributing factor to their incarceration. [...] These Indigenous women, many of whom are victims of abuse and who may be living with depression, post-traumatic stress, etc. find themselves isolated and deprived of all human contact – perpetuating a destructive cycle that Correctional Services Canada seems incapable, and even unwilling, to stop.”

- [86].

# What affects reintegration

Reintegration is a complex process that poses many challenges to women offenders. "Reintegration readiness" refers to one's desire, belief, and ability to make positive life changes once released from prison [87].

Correctional Service Canada has identified several interconnected factors that encompass the notion of reintegration readiness. These factors are: (1) desire to change, (2) self-esteem, (3) access to institutional treatment, (4) family and professional supports, and (5) continuity of care [87].

Reintegration readiness can be understood as the presence of person-specific conditions (i.e., factors 1 and 2) and context-specific conditions (i.e., factors 3 through 5) that support one's transition from prison to the community [36, 38, 87].

Addiction, mental illness, and past experiences of trauma can act as barriers to reintegration readiness. A holistic approach to release planning can help to address the complex needs of reintegrating women offenders while simultaneously acknowledging and working to mediate the impact of trauma and addiction on reintegration readiness [75, 87].

Continuity of Care

Access to Institutional Treatment

Family and



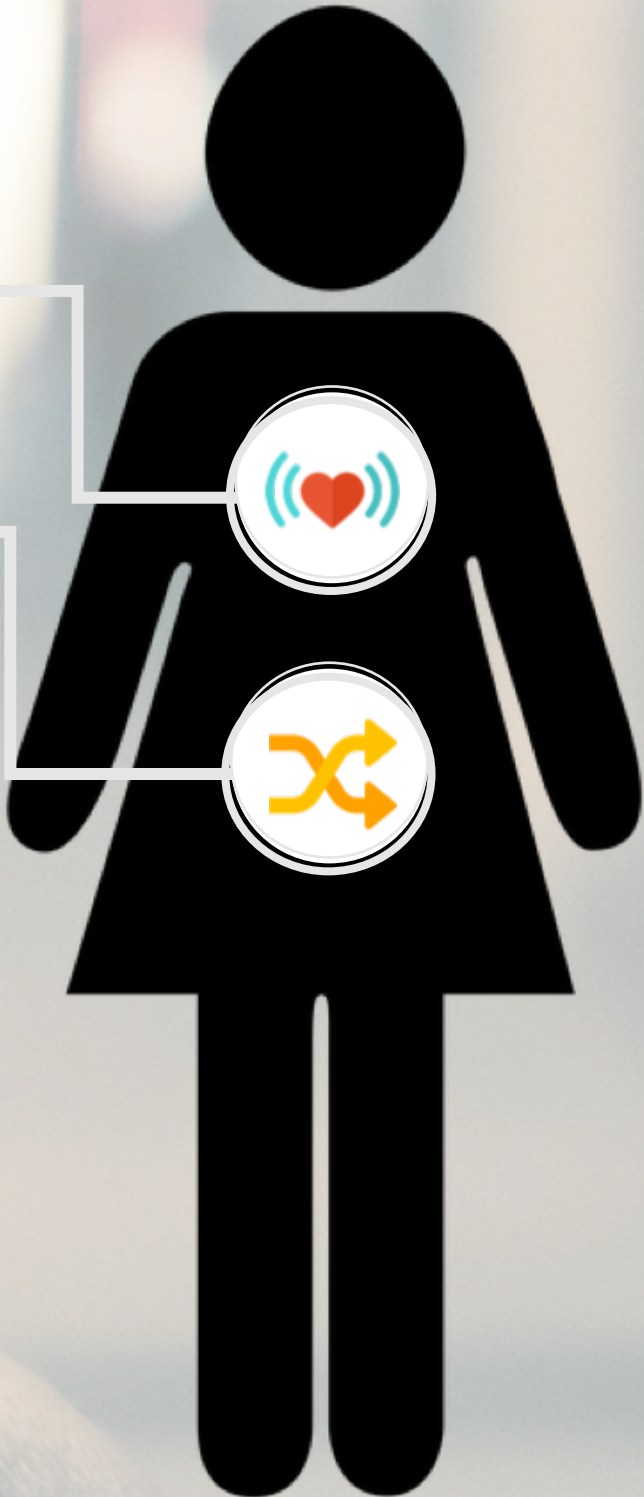


# readiness?

Self-Esteem

Desire to Change

Professional Support



# What challenges do women



**48%**

do not have  
access to  
transportation



**37%**

do not have  
references for a job



**3%**

do not have a  
current telephone  
number



**27%**

have difficulties  
accessing  
a family physician



**63%**

have  
financial debt



**47%**

cannot afford a  
residence

# face after release from prison?



**39%**

do not have references for housing



**66%**

have no credit history



**22%**

do not have a history of employment



**24%**

do not have proper identification documents



**50%**

have active psychotropic prescriptions to treat mental illness



**67%**

have not completed high school, or do not have any educational qualifications beyond high school



# Challenges to Re-

Women offenders face a number of challenges to successful reintegration after they are released from prison [35-38, 53-56, 87-89]. The majority of these challenges are centered around finances, employment and housing [88].

## Pre-Release Planning

Numerous studies suggest that pre-release planning is an effective means by which these challenges can be mitigated [36, 38, 53-56, 67, 75, 87, 89]. However, studies have also shown that pre-release planning poses its own set of challenges to women offenders [36].

In a 2008 qualitative study, women federal offenders identified the following needs associated with pre-release planning:

1. Acquiring or regaining identification documents, such as a driver's license, and a provincial health card;
2. Obtaining a physician in the community they will be living in;
3. Knowing the times and locations of Narcotics Anonymous and Alcoholics Anonymous meetings in their area;
4. Acquiring navigational and transportation resources, such as bus route maps;
5. Knowing the locations of employment centres and receiving support finding jobs;
6. Receiving assistance with banking and budgeting;
7. Receiving emotional support in dealing with the stigma of criminalization and a criminal record;
8. Receiving support and ongoing treatment to refrain from drug use, and;
9. Ability to access vocational or educational opportunities [36].

Some of the challenges that women identified to meeting these needs while incarcerated include:

1. Over-worked correctional officers who are unable to provide assistance with individual release plans;

2. Insufficient correctional staff to take inmates out on temporary passes to complete pre-release tasks, such as acquiring ID. Women also identified an unwillingness on the part of correctional institutions to train citizen escorts who are willing to take women out on Escorted Temporary Absences to complete these tasks.
3. No Internet access while incarcerated to develop community contacts or locate resources and services themselves. This creates reliance on correctional workers to obtain information, rather than building self-sufficiency skills.
4. Difficulty accessing culturally-specific supports, such as spiritual leaders and Elders, and;
5. Lack of job skill development while incarcerated, thereby reducing employability upon release [36].

The literature indicates that challenges to effective release planning while incarcerated can lead to decreased reintegration readiness [36, 38]. This, in turn, can make women offenders more susceptible to the challenges associated with reintegration after they are released [87, 89].

## Continuity of Care

One challenge to successful reintegration that is consistently identified within the literature is a gap in continuity of care [36, 38, 53-55, 67, 75, 87-89]. As previously stated, continuity of care is a critical factor that affects reintegration readiness, which can, by extension, affect whether an offender reintegrates successfully [87, 89]. Women frequently prioritize their health and wellbeing while incarcerated, and are often able to access treatment and care in prison that they might otherwise be unable or unwilling to access outside in the community [36, 53-54, 63].

Given that one's health status directly correlates with one's social conditions [90] and level of self-



# integration

esteem [91], it is crucial that women's access to health-promoting resources is maintained after they are released from prison. In addition to being a condition of reintegration readiness, healthy self-esteem (i.e., having a positive attitude about and towards oneself) is strongly correlated with resilience (i.e., one's ability to handle life challenges, cope with stress, and adapt to changing situations) [91]. Evidence suggests that higher levels of resiliency may help to reduce levels of offending and reoffending among women [92]. Given this, continuity of care for women offenders after they are released from prison is an essential mitigating factor for the challenges that women experience to successfully reintegrating into their communities.

A 2017 report from the Canadian Centre on Substance Use and Addiction outlines best practices for continuity of care in corrections:

*Access to needed services as well as to the development of a positive support network should be prioritized during reintegration. To ensure the individual's progress is maintained, aftercare provided to him or her must be informed by the care provided in the institution. For reintegration to be successful, services must be integrated and accessible, as well as flexible to meet diverse needs of the participant. Those working in the correctional system should maintain open communication with those working in the community so they can keep up to date on what services are available and communicate information about incoming offenders [38: 3].*

## Limited Window for Intervention

Reintegration literature suggests that the transitional period from a correctional facility into the community is a pivotal time for intervention [38]. Evidence suggests that the closer an intervention takes place to one's release from prison, the more likely it is to be successful in mitigating the challenges associated with successful reintegration [38, 53].

One study suggests that for many women offenders, this transitional period is viewed as a crossroad that is highly dependent on the supports they have in place upon release, such as stable and secure housing:

*If the transition was to unstable or unsafe housing, women described increased transitional risks including relapse into addictions and criminal recidivism. This in turn increased the risk of poor medical and mental health. These factors then contributed to even more unstable housing and eventual return back into incarceration. However, if the transition was into stable and supportive housing, women believed that there was less risk for relapse into addictions, criminal recidivism, and poor medical and mental health [53: 66].*

The literature suggests that efforts to mitigate the challenges associated with reintegration are most effective immediately upon release. The time period immediately following release is when women are most susceptible to resorting to previous behaviours [53]. The importance of pre-release planning in ensuring that adequate supports are in place should therefore not be understated.



# The role of external agencies in reintegration

Qualitative studies suggest that organizations outside of the correctional system may play an influential role in determining whether or not women offenders will successfully reintegrate into their communities [36, 53, 55]. In one study, women identified barriers to being honest, open, and vulnerable with prison staff, and expressed receiving greater benefit from counsellors and agencies external to the correctional institution:

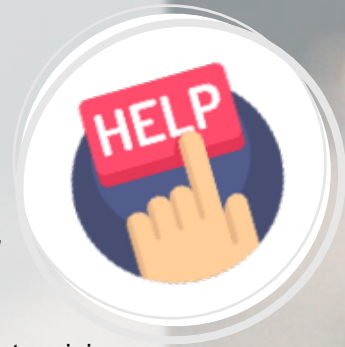
*There is another program run in CSC [Correctional Service of Canada], but not through CSC, which was very beneficial to me [36: 20].*

*The lady who runs it – unbelievable. She is not under their contract; she’s an outside contract. So she comes in and women feel more comfortable with her [36: 21].*

*I liked seeing her, because she was from the outside and she didn’t tell corrections what I said. Like, it was private [36: 21].*

All of the women expressed feeling that counselling delivered on a voluntary basis by an external agency had a significant positive impact on their post-prison lives, compared to the mandated “by the book” programming offered by correctional facilities:

*[It’s] voluntary as well, it’s not part of anybody’s correctional plan, so the people that were in that program wanted to be in that program, and that made a huge difference [36: 20].*



This aligns with the literature indicating that one’s desire to change is a key factor in determining an offender’s reintegration readiness [87].

Another study indicated that lack of access to community services can increase women’s likelihood of engaging in criminal behaviour [55]. One woman in Calgary, who had taken up selling drugs as a means of supporting herself financially, stated the following:

*Every single homeless organization would not allow me in their facility [...] So I mean banning me from every facility in the city [for selling drugs] isn’t gonna’ say, “I better not sell crack,” all it’s gonna’ make me wanna’ do is sell double so that I can go down the street and get a hotel. Which means I’m gonna’ really put my hustle on. [55: 26]*

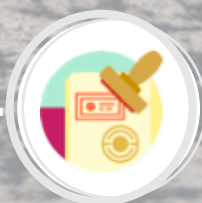
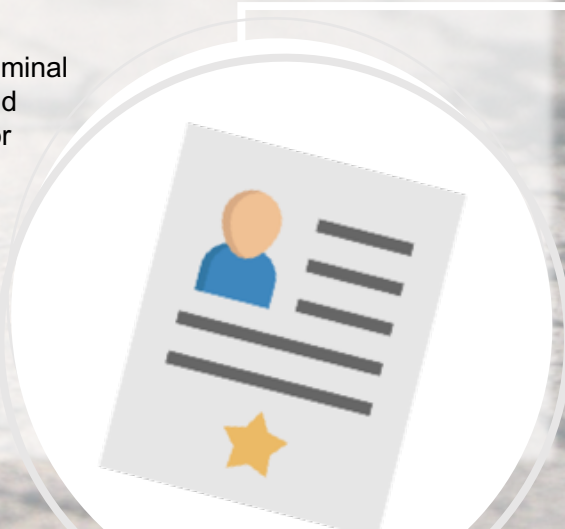
Studies such as these indicate that external agencies can play a significant role in either mitigating or exacerbating the challenges that women experience both within the corrections system and in the community after release.

# The impact of a criminal record



A criminal record is a government record of criminal activity that contains one's personal information and conviction history [93]. In Canada, anyone who receives a conviction under the *Criminal Code* receives a criminal record [94]. Having a criminal record can negatively impact one's life in a variety of ways including:

- **Employment.** Employers frequently require criminal record checks for their employees. Although some jurisdictions in Canada protect against employment discrimination on the basis of a criminal record [95], the *Alberta Human Rights Act* offers no such protections [96]. Those with criminal records are significantly more likely to be denied employment. Studies indicate that individuals with criminal records may shy away from seeking employment after numerous rejections, and may, in some cases, resort back to criminal behaviour as a result of their inability to secure employment [97-98].
- **Housing.** Neither the *Alberta Human Rights Act* nor the *Residential Tenancies Act* [99] offer protections against housing discrimination on the basis of a criminal record in Alberta. Applications for social housing can be declined due to the existence of a criminal record, and landlords reserve the right to require a tenant background check before proceeding with a tenancy agreement [95, 99-100].
- **Custody of children.** In Canada, judges are permitted to take into account the existence of a criminal record in decisions concerning child custody, visitation rights, and adoption [94]. Although having a criminal record does not automatically preclude one from gaining custody, a criminal record is a "negative statement of character" that may influence a judge's decision [94].
- **Education.** Education and employment in fields such as medicine, nursing, security, government, and childcare require a clean criminal records check, thereby excluding those with criminal convictions [94, 101-104].
- **Travel.** Each country has the right to refuse entry to any person with a criminal record [94, 104]. This creates significant barriers to travel for those with convictions.
- **Volunteering.** Most volunteer organizations require a clean criminal records check for volunteers, and many require a vulnerable sector search [94].
- **Canadian citizenship.** If an individual is applying for Canadian citizenship and has a Canadian criminal record, the citizenship application will be rejected, and the individual may face deportation [94].





# Recidivism & Reci

Generally speaking, the term "recidivism" refers to one's relapse of criminal behaviour [106-107]. In the context of incarceration, recidivism usually refers to one's re-offending after being released from prison. "Recidivism risk" refers to the likelihood that one will reoffend after engagement with the criminal justice system [108].



## Measuring recidivism rate

Much of the recidivism literature emphasizes the difficulty of defining what constitutes recidivism and how it can best be measured:

*What constitutes recidivism? Is it a new offence? Is it any return to the criminal justice system or to correctional custody? Does it include any breach of release conditions or does it only include breaches of the most serious conditions? [...]*

*How do we define and measure new offences? Should we use officially reported offences, such as arrests or convictions? [...] We can't say an individual committed an offence just because he or she was arrested for it. [...] We also can't say that an individual did not commit an offence just because he or she was not arrested for it.*

*But if we only look at convictions, we run into the problem of underreporting. We know, for example, that people who commit an offence are not always convicted of that offence. In addition, plea bargaining in court – whereby some charges are dropped in return for a guilty plea to another charge – often occurs. [...]*

*Charges may be reduced in exchange for a guilty plea. [...] This*

*causes problems when we try to evaluate the seriousness of new offences committed by offenders, because the seriousness of the convictions may not reflect the seriousness of the offences [109].*

Additional difficulties include uncertainty regarding length of follow-up ("How long should we track offenders to see if they reoffend? [...] Only when an individual dies do we know for certain that he or she has stopped reoffending"), and differences in recidivism rates across populations ("While the recidivism rate for one group of offenders may be 20%, it may be 60% for another group, and combining the two rates would reflect neither group accurately") [109].

Difficulties in measuring rates of recidivism are further compounded by a lack of reporting on the part of correctional services. A systematic review of international recidivism rates found that only two of the 20 countries with the largest prison populations in 2010-2011 reported recidivism statistics, and that definitions of recidivism were not consistent across countries [110, 111].

Given the challenges associated with measuring and reporting recidivism, it is difficult to make valid comparisons of recidivism rates within and between countries [110, 112-113].

# divism Risk

## Risk factors

Despite the challenges to accurately measuring recidivism, recidivism rates are commonly used in the criminal justice system. Assessments of recidivism risk are frequently used by judges in the sentencing process, and by probation officers and parole boards in their recommendations to the court [107-108].

Several risk factors for recidivism – or “criminogenic needs” – have been identified in the literature. Criminogenic needs can be understood as offender need areas (e.g., housing, addiction, employment, mental health, etc.) in which treatment gain will reduce the likelihood of recidivism [114]. Importantly, criminogenic needs are dynamic, meaning that they are amenable to change [115]. Other risk factors, such as age, prior criminal history, and history of abuse, are static and cannot be changed [116].

Although there is substantial literature on risk factors for recidivism, the majority of studies have focused exclusively on male offenders [117]. Among the studies that have focused on women, few studies have focused on the Canadian context, and those that have have predominantly focused on federal offenders [107, 112, 118]. As such, little is known about recidivism among women offenders in Canada, and even less is known about women offenders at the provincial/territorial level.

The available literature suggests that certain risk factors, such as criminal history, education, and substance use are “gender-neutral,” and can predict recidivism to the same degree in both men and women [79, 118-119]. However, other risk factors, such as low self-esteem, parenthood, and history of abuse are women-specific needs that can play a role in increasing one’s recidivism risk [119, 120]. As such, gender-specific treatments should be made available to women offenders [5, 8, 13, 24-25, 27-28, 34-36, 38, 50, 53-56, 64-79, 119-120].

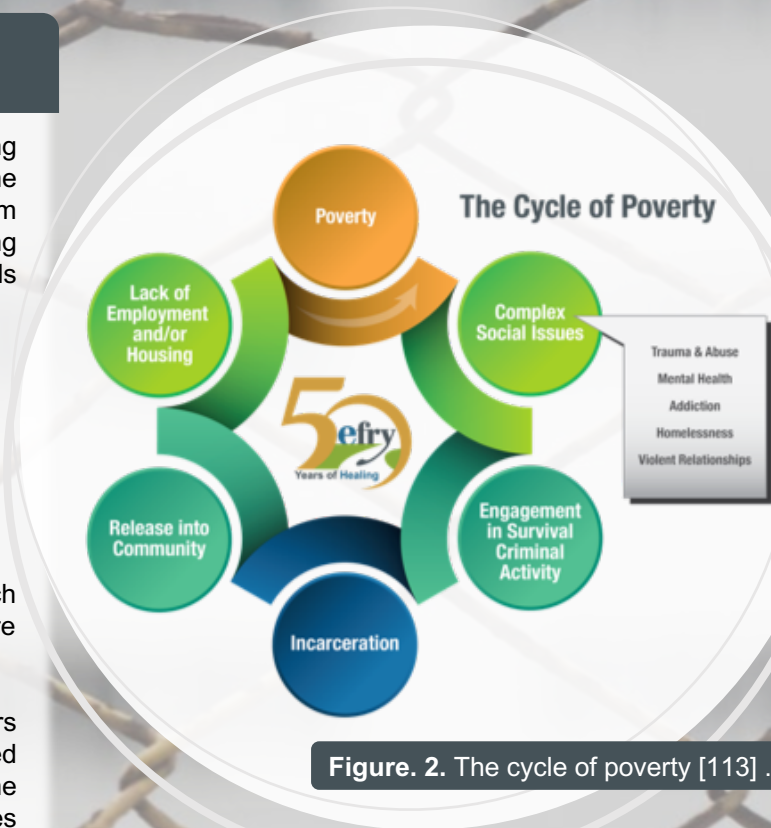


Figure 2. The cycle of poverty [113].

## Breaking the cycle

Many of the risk factors for recidivism overlap with characteristics of the incarcerated population. Much of the literature uses the term “cycle” to describe the relationship between these risk factors and incarceration [12, 25, 28, 36, 53, 55-57, 86, 113]. Successfully reintegrating women offenders and reducing recidivism requires breaking this cycle:

*For many, abuse and trauma in early childhood leads to addictions in their youth, and subsequent homelessness, poverty, and criminal engagement. This cycle needs to be addressed and broken so women and their families can create new lives [120].*



# Alternatives to Inc

In Alberta, adult offenders may be eligible for any of four programs that serve as alternatives to incarceration. These programs are: (1) Drug Treatment Court, (2) Mental Health Diversion, (3) Alternative Measures, and (4) Community Corrections (i.e., probation, conditional sentence, community service, etc.) [121-122, Appendix A]. These programs are intended to divert certain individuals away from the criminal justice system, and instead allow them to access treatment and services within the community [68]. Such programs reduce strain on the justice system, and allow individuals to receive rehabilitative support that may be more appropriate for their specific needs.

## Drug Treatment Court

Drug Treatment Courts are substance intervention programs that operate within the criminal justice system [123]. They provide court-supervised addictions treatment in lieu of incarcerating individuals who have substance abuse problems related to their criminal activities [123].

The Calgary Drug Treatment Court (CDTC) offers programming to adult offenders who are addicted to cocaine, heroin, other opiates, or methamphetamine (Schedule I substances under the *Controlled Drugs and Substances Act*) [124], and who have been charged with non-violent, drug-related crimes such as prostitution, possession with the intent to traffic, and minor theft (under \$5,000) [125]. Individuals are required to enter a guilty plea as part of the admissions process and must agree to delay sentencing until after program completion. Upon successful completion of the program, individuals can expect to receive a sentence for their charges that does not include incarceration [125].

In order to graduate from the CDTC program, an offender must: be drug- and alcohol-free and have clean drug and alcohol tests for a minimum of six months, including the three months directly prior to graduation; complete the treatment and educational components of the program; have safe and stable housing in the community; show stable employment or community volunteer service, or be enrolled in an education program, and; have a solid recovery plan in place, including a relapse prevention plan and network of support [125].

## Mental Health Diversion

The Alberta Health Services Mental Health Diversion Program is intended to divert offenders who have a mental illness from the justice system to the healthcare system [126].

Individuals who have a mental illness and who have been charged with a minor, low-risk crime may be referred to the program by a Crown Prosecutor [126-128].

Diverted offenders are assessed by service providers at Alberta Health Services to identify needs, establish individualized goals, and receive treatment or community support to better manage their mental health [126-128].

If an offender successfully meets their goals, Alberta Health Services informs the Crown Prosecutor's Office and recommends that the charges be withdrawn [128]. Individuals who are approved for mental health diversion are not required to enter a plea for their charges [128].



# arceration

## Alternative Measures

Individuals eligible for the Adult Alternative Measures Program [Appendix B] negotiate an “Adult Alternative Measures Agreement” with law enforcement, which specifies a number of conditions to be completed by the offender. These may include: return of property or restitution to the victim of the offense; an apology to the victim, community service work, counselling, participation in a victim/offender reconciliation program, etc. [129].

The Crown Prosecutor’s Office is notified by law enforcement if alternative measures have been completed within the agreed-upon timeframe, and charges against the offender are dropped [122, 129-130].

With respect to Community Corrections, a detailed description of the types of programs available can be found in Appendix A.





# Conclusions

Based on this review of the literature, two main conclusions can be drawn:



**The majority of work concerning women offenders in Canada has focused on the federal level of corrections.**

Much work has been done concerning the correctional system in Canada. However, the vast majority of studies focus either exclusively on male offenders, or on women offenders at the federal level. There is evidence of significant administrative differences between the federal and provincial/territorial levels of corrections, particularly with respect to programming and treatment opportunities available to offenders [36]. Likewise, the literature suggests that women offenders at the provincial/territorial level of corrections may have different needs or face different challenges than their federal counterparts [1, 10, 33, 36]. As such, there is a gap in the literature, particularly with respect to research studies, concerning women offenders in provincial/territorial correctional systems.

Furthermore, given that differences exist between correctional systems at the provincial/territorial level, it may be unreliable to extrapolate available corrections information from one province or territory in Canada to another. The literature gap is therefore significant, as there is currently no reliable way to fill it, given available corrections data.



**There is a significant lack of reporting at the provincial and territorial level of corrections in Canada.**

Across the provinces and territories, there is inconsistent and incomplete reporting of corrections data. Lack of reporting is particularly problematic in Alberta, despite evidence that the province routinely collects data from provincially incarcerated inmates. From personal communications with Alberta Justice and Solicitor General, it was found that information regarding demographic characteristics of inmates (e.g., age, sex, Indigenous status, etc.) is collected at system intake. It was also found that Alberta uses “Service Planning Instrument” (SPIn™), a risk assessment tool developed by Orbis Partners Inc., to identify the needs of inmates and predict their risk of recidivism [131-133]. SPIn-W™, a gender-responsive risk assessment tool, is also available through Orbis Partners Inc. [134-135].

Lack of available data in Alberta makes it difficult to identify the needs of women offenders at the provincial level. Furthermore, given the challenges outlined above, as well as the inconsistency in reporting between provinces, it may be unreliable to extrapolate from both federal-level data and aggregate provincial/territorial data.

# Recommendations

From these conclusions, two recommendations can be made:

**1**

**More work should be done at the provincial/territorial level of corrections, particularly concerning remanded populations.**

Women offenders at the provincial/territorial level of corrections comprise the majority of the female custodial population in Canada [1]. They also serve shorter sentences than federal offenders, and are more frequently released back into their communities for reintegration [1, 33]. Little work has been done in the area of provincial/territorial offender reintegration, nor is there a great deal of literature concerning the unique challenges to reintegration and criminogenic needs of provincial/territorial women offenders. This gap in literature should be addressed, as it may be that programming and services specifically tailored to meet the needs of this population may have a more positive impact than those offered to federal women offenders [29, 115].

Among those women in provincial/territorial correctional facilities, the majority are being held in remand, awaiting trial or sentencing, rather than serving prison sentences [1]. Given the uncertainty associated with remand [1, 14], individuals in remand may have higher criminogenic needs and may face greater challenges to successful reintegration after release due to their limited capacity to engage in meaningful pre-release planning and access necessary treatment and resources.

While there have been a few recent studies in this area [53-54], more research is needed to identify the unique needs of remanded women and the specific challenges they face. In order to accurately identify these needs and challenges, research in this area should incorporate a qualitative component, such that women are able to identify and articulate their own needs and challenges. Incorporating qualitative inquiry, keeping in mind the power dynamics and history of vulnerability inherent in conducting research within prison settings [136-140], will provide a more robust understanding of what contributes to involvement in the criminal justice system, and what may be preventing rehabilitation.

**2**

**Provinces and territories need to make collected corrections data publicly available.**

Without adequate, up-to-date data regarding the characteristics and needs of women offenders in provincial/territorial correctional systems, it is difficult to identify both the current needs of incarcerated women (e.g., stable housing, access to addictions treatment, etc.), and trends in this population over time (e.g., incarceration rates of Indigenous women, types of offenses typically committed, etc.).

Importantly, these data should be made publicly available. Given the evidence that organizations external to the criminal justice system play a significant role in treatment, diversion, pre-release planning, and post-release reintegration [36, 38, 53, 55, 126-128], it is crucial that external organizations have access to consistent, current corrections data at the provincial/territorial level.

When confronted with its lack of corrections reporting, Alberta Justice and Solicitor General attributed its lack of reporting in 2015/2016 to a software turnover that resulted in the department missing the most recent Statistics Canada deadline [141-142]. The statement indicated the department's intention to provide corrections data to Statistics Canada in the future [142]. In addition to making these data available going forward, it is recommended that the department also release corrections data from previous years so that trends and issues may be tracked over time.



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# Appendix A

## Types of Community Corrections

Alberta Justice and Solicitor General provides the following information concerning Community Corrections [1]:

### Community corrections

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The Community Corrections and Release Program offers community based programs to adult and youth offenders through a network of 43 community corrections offices and two attendance centers located in 36 separate geographic locations in Alberta.

Staff supervise adult offenders involved in community based programs such as probation and conditional sentence order supervision, temporary absence, pre-trial release, fine option and alternative measures.

Community based programs are offered to young offenders who receive bail orders, probation, community service orders, or other community sentences are supervised by probation officers.

Offenders under the supervision of the community corrections offices are offered the opportunity to participate on a referral basis in rehabilitative programs that promote positive and productive behaviours delivered by agencies other than community corrections.

### Community Corrections Programs

Provincially funded agencies also offer programming for offenders convicted of various types of offences, including sexual offences and domestic/family violence.

Adult community corrections programs include:

- Attendance centre program
- Community work service program
- Fine option program
- Pre-trial release
- Probation and conditional sentence supervision
- Temporary absence program

## **Rehabilitation programs**

A variety of rehabilitative services are available. These include:

- Mental health
- Specialized treatment programs
- Education programs
- Life skills training

## **Attendance centres**

Attendance centres, located in Edmonton and Calgary were introduced as a cost effective strategy for the community supervision of low risk adult and young offenders.

## **Adults**

For adults, attendance centre programs provide intensive, structured, community based supervision to selected offenders considered appropriate to live in the community on temporary absence release.

Offenders are required to report daily to an attendance centre for participation in rehabilitative programming or to report for work on the community service work crews. Community sentenced offenders also report for direct supervision, programs and community service work.

Community service work crews are involved in numerous work projects for non-profit community groups. Activities include:

- Snow shoveling and lawn cutting for seniors
- Garbage pickup on local highways
- Special community event set up and clean up
- Painting for churches and community groups
- Playground construction for community leagues

## Calgary Legal Guidance provides the following descriptions for community corrections sentences [2]:

Conditional Discharge or Absolute Discharge: Where an accused is convicted of an offence, a discharge may be granted in some situations. Offenders who have committed crimes that wield no minimum sentence or that do not exceed a fourteen year imprisonment penalty may be eligible for a conditional or absolute discharge. In deciding whether to grant a discharge, a judge will often measure whether such a sentence would serve the best interest of the offender and the public interest.

Receiving a discharge will not result in a conviction on your criminal record. However, courts and police do keep records of the discharge. If you are granted an absolute discharge it will take effect immediately. A conditional discharge by contrast requires that offenders be placed on probation for a specified period of time in which they must follow certain conditions and restrictions before the discharge becomes absolute. Failing to adhere to these conditions during the probationary period will cause you to be convicted of the original offence and receive a sentence. If all conditions are successfully met the conditional sentence will be completely purged (removed) from all records after a three year period; an absolute discharge is removed from all records after a year.

Restitution: This form of punishment requires you to pay the victim for damages done to their property or other personal injury losses such as income or medical bills. It is targeted towards promoting responsibility in offenders and acknowledging the harm done towards the victim and community. Restitution may be imposed as a condition of probation or as a separate Order. If Restitution is imposed as a separate Order, it may be filed as a civil judgment in the civil Court and become a judgment that can be collected on section 718 (e) of the criminal code. If a victim wishes to apply for restitution they may do this by filling out an application at a police or victims' service unit. Restitution will only apply to costs that can be quickly and easily determined – a victim will not be awarded costs for emotional or psychological suffering.

Fines: Offenders who commit offences which wield (exercise) no minimum sentence may be fined for their transgressions (wrongdoings). Those convicted of a summary offence (i.e. those offences which are of a less serious nature) may not be fined more than \$2,000 dollars. There is no limit on the size of the fine for those guilty of an indictable offence (crimes of a more serious nature). The Judge will specify how and when the fine is to be paid. Those who are interested in participating in a Fine Option Program should inform Probation authorities. Fine Option Programs enable offenders to work off their respective fines by engaging in community work. Examples include cleaning up parks, shoveling snow or volunteering in a homeless shelter, elderly home or hospital. Participants are compensated at an hourly minimum wage salary for their efforts.

If you are incapable of paying off your fines by the date stipulated by the Judge you must contact the Provincial Court and book a Court date so that you can ask the Judge who sentenced you for more time to pay or work off your fine. Do ensure that you contact the Court prior to the Court determined dead line. It is highly recommended that you start to make payments as soon as possible and on a consistent basis since a Judge will be far more inclined to give you more time to pay off your fine if they see that some effort has been made on your part. Failure to pay or work off your fines may result in a prison sentence. The amount of the fine paid or worked off will determine the amount of jail time prescribed to the offender.



You must pay a 15% victim fine surcharge on all fines, which will go towards compensating victims of crimes. Those who are convicted of offences that do not require payable fines must also pay a victim surcharge; if you are convicted of a summary offence the required payment is \$50 while those convicted of an indictable offence will pay a \$100 surcharge. If you do not have a payable fine, you will be provided with a date as to when the surcharge is due. In the cases of fines, the surcharge must be paid by the same due date as the fine. The surcharge cannot be worked off through a Fine Option Program. If you feel that you cannot pay the surcharge, explain to the Judge giving reasons as to why it is a hardship for you to pay it.

Probation Individuals convicted of offences may be given a Probation Order. Probation Orders may be imposed on their own or in combination with a fine, imprisonment sentence not exceeding two years in length or a (conditional) discharge. If both a fine and imprisonment sentence has been imposed a probation sentence cannot be attached. In circumstances where the Probation Order is granted on its own, the Order will serve to suspend the sentence imposed by the Judge by imposing a set of conditions that must be adhered to by the offender once released into the community. In considering whether you are eligible for probation the sentencing Judge will factor in your age, the nature of the offence and the circumstances surrounding its commission. You will not be eligible for probation if you have committed an offence which has a minimum sentence laid out in the *Criminal Code*. The probationary period cannot surpass three years in length. If the probation period is successfully completed and there are no breaches of the imposed conditions or restrictions, you will be discharged. If the conditions or restrictions are breached or another offence is committed, the original sentence will be enforced along with any new sentence necessary in the circumstances. A breach of probation can warrant a maximum of two years in prison.

The conditions and restrictions imposed on your behavior while on probation include the following:

- You must always keep the peace and be of good behavior.
- Appear before the Court or your probation officer when required to do so.
- Include all the musts and then state; other possible conditions may also include;
- Advise your probation officer or the Court of any change in your name and address or employment.

Other conditions of probation may include a nightly curfew and drug or alcohol counseling (treatment program). You may be restricted from certain areas of the city or town. You may also be prohibited from possessing firearms or weapons during your probation.

Conditional Sentence A conditional sentence of imprisonment means that the accused may serve time in the community under strict rules. This is a type of house arrest, and if the rules are broken, or there is another offence committed during the term of the conditional sentence, the accused is sent to jail for the remainder of the term. Only those who commit offences which require no minimum sentence may be eligible for a conditional sentence. The interests of the community, victims and offender will also be taken into consideration. Much like probation, a conditional sentence has a series of mandatory conditions that must be successfully adhered to. These include but are not limited to the following;

- Keep the peace and be of good behavior
- Stay within the jurisdiction of the court unless given permission to do otherwise
- Appear before court when requested to do so.

Conditional Sentences may also attach other restrictions including completing a drug or alcohol treatment plan, performing hours of community service and so forth. Failure to adhere to any imposed condition(s) will result in a breach of probation and an imprisonment sentence.

Intermittent Sentence: If you have been given a jail sentence of 90 days or less, the Court may order you to serve your sentence intermittently. In other words, offenders will be designated by the Court to serve only certain days, such as weekends, in prison while remaining on probation for the remainder of the period. Failure to comply with your probation conditions and restrictions may result in the probation being revoked. An outright refusal to comply with probationary conditions may result in a charge with breach of a Probation Order.

#### References:

- [1] Alberta Justice and Solicitor General. (n.d.). "Community Corrections," *Alberta Justice and Solicitor General*, Edmonton, AB [Online]. [https://www.solgps.alberta.ca/programs\\_and\\_services/correctional\\_services/community\\_corrections/Pages/default.aspx](https://www.solgps.alberta.ca/programs_and_services/correctional_services/community_corrections/Pages/default.aspx) [April 12, 2018].
- [2] Calgary Legal Guidance. (n.d.). "Criminal Sentences," *Calgary Legal Guidance*, Calgary, AB [Online]. Available: <http://clg.ab.ca/programs-services/dial-a-law/criminal-sentences/> [April 11, 2018].

# Appendix B

## Adult Alternative Measures Program

The following information from Alberta Justice and Solicitor General outlines the eligibility criteria and program delivery for the Adult Alternative Measures Program [1]:

### Adult Alternative Measures Program

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**EFFECTIVE DATE:** October 24, 2005

**REVIEW DATE:** December 6, 2014

Offence of obtaining, or communication for the purpose of obtaining, sexual services for consideration added to eligible offences; formatting changes, minor grammatical edits, updated to correct name of ACPS

**SUBJECT:** ADULT ALTERNATIVE MEASURES PROGRAM

### BACKGROUND

The use of this program must comply with the statutory requirements set out in section 717 of the *Criminal Code*. In particular, the measures may be used only if not inconsistent with the protection of society. The person who considers whether to use alternative measures must be satisfied that they are appropriate having regard to the interests of society, the needs of the alleged offender, and the interests of the victim. The alleged offender must fully and freely consent to participate in the program after being informed of the alternative measures and before consenting advised of the right to be represented by counsel. Alternative measures may not be used if the person expresses the wish to have any charge dealt with by the court. The person seeking entry to the program must accept responsibility for the act or omission that forms the basis of the offence. If the person denies participation or involvement in the commission of the offence, then the alternative measures program may not be used. There must, in the opinion of the Attorney General or the Agent of the Attorney General, be sufficient evidence to proceed with the prosecution. The prosecution must not in any way be barred at law. (See the [Decision to Prosecute Guideline](#).)



## OFFENCE CRITERIA

The following offences may be diverted from the formal court process to the Alberta Adult Alternative Measures Program:

1. All summary conviction *Criminal Code* offences excluding those relating to family violence or failing to comply with a court order;
2. The following *Criminal Code* hybrid offences where the Crown prosecutor would have proceeded by way of summary conviction:
  - a. assault (only simple assault in a non-domestic situation);
  - b. theft not exceeding \$5000;
  - c. possession of stolen property not exceeding \$5000;
  - d. obtaining by a false pretence not exceeding \$5000;
  - e. fraud not exceeding \$5000;
  - f. personation with intent;
  - g. mischief that is property related;
  - h. false fire alarm; and
  - i. obtaining/communication for the purpose of obtaining sexual services for consideration.
3. In exceptional cases, the police may, after considering the individual circumstances of the commission of the offence, and concluding that a minor criminal offence has occurred for which the Crown would have proceeded by way of summary conviction, recommend alternative measures for the following *Criminal Code* hybrid offences:
  - a. forcible entry;
  - b. obstructing peace officer;
  - c. failure to guard hole;
  - d. threats;
  - e. credit card theft, etc.;
  - f. credit card forgery, etc.;
  - g. computer service theft, etc.;
  - h. computer hacking device;
  - i. being unlawfully in a dwelling house;
  - j. forgery; and
  - k. uttering.
4. In exceptional cases, the police may, after considering the individual circumstances of the commission of the offence and concluding that a minor criminal offence has occurred, recommend alternative measures for the following *Criminal Code* indictable offences:
  - a. theft over \$5000;
  - b. possession of property over \$5000 obtained by crime;
  - c. theft from mail;
  - d. false pretence, property over \$5000;
  - e. obtain credit, etc by false pretence;
  - f. obtain execution of security by fraud;
  - g. possession of counterfeit money; and
  - h. uttering, etc. counterfeit money.

5. In exceptional cases, the police may, after considering the individual circumstances of the commission of the offence and concluding that a minor criminal offence has occurred, recommend alternative measures for offences under the Criminal Code involving the registration or licensing of non-restricted or non-prohibited firearms. Please note that matters under the *Firearms Act* are under the jurisdiction of the Public Prosecutions Service of Canada not the Alberta Crown Prosecution Service.

Under the Alberta Adult Alternative Measures Program, a series of offences that occur out of the same incident, e.g., a series of thefts on the same day is to be treated as being one offence for the purpose of determining program eligibility. Offences involving an attempt or being an accessory qualify if the substantive offence qualifies.

## **OFFENDER CRITERIA**

All first time adult offenders who are alleged to have committed any of the above eligible offences may be diverted by way of the Alberta Adult Alternative Measures Program from the traditional court system unless there is sufficient reason why program participation is inappropriate, or the offender has received a young offender custody disposition within the preceding 24 months.

All second time adult offenders who are alleged to have committed any of the above eligible offences may be diverted by way of the Alberta Adult Alternative Measures Program from the traditional court system if at least two years have elapsed since a previous finding of guilt or participation in the program, unless there is sufficient reason why program participation is inappropriate.

Particular attention shall be paid to the cases of Aboriginal offenders to ensure that no systemic barriers preclude Aboriginal offender program referrals. The individual circumstances of an Aboriginal offender should be considered in the context of the distinct situation of Aboriginal persons in Canada.

## PROGRAM DELIVERY

The Correctional Services Division, through the Community Corrections and Release Programs Branch, is solely responsible for the delivery of the Alberta Adult Alternative Measures Program, negotiating the Adult Alternative Measures Agreement, and ensuring compliance by the offender.

The goals of community awareness and involvement, victim restitution and involvement, rehabilitation, and protection of the public are an integral part of the program.

An intake interview will advise the offender of the program details. An Adult Alternative Measures Agreement will be negotiated with the offender with a view to the offender's ability to carry out its terms. The conditions of this Agreement will not be more onerous than those which it is expected would have been imposed by the court.

Every effort shall be made to ensure that the victim receives full restitution. The terms of Agreement shall consider any attendance in school or other program, and the employment status of the offender.

The Adult Alternative Measures Agreement may contain a number of conditions appropriate to the situation. These may include, but are not limited, to the following:

- return of property or restitution to the victim;
- an apology to the victim either personally or written;
- community service work;
- donation to a registered charity;
- personal service to the victim;
- take counselling;
- participation in a victim/offender reconciliation program (VORP);
- to be under the supervision of a probation officer; and
- participation in Aboriginal cultural/spiritual activities; and
- any other appropriate condition.

### References:

- [1] Alberta Justice and Solicitor General. (n.d.). "Adult Programs: Alternative Measures Program," *Alberta Justice and Solicitor General*, Edmonton, AB [Online]. Available: [https://www.solgps.alberta.ca/programs\\_and\\_services/correctional\\_services/community\\_corrections/Pages/adult\\_programs.aspx](https://www.solgps.alberta.ca/programs_and_services/correctional_services/community_corrections/Pages/adult_programs.aspx) [April 11, 2018].