

Pathways Not Prisons: The Call for Decarceration of Women in BC

The Problems with How BC Incarcerates Women – and How We Can Improve

Imprisonment is the harshest punishment our society has. By law, it is to be used as a last resort, when no alternative sanction is sufficient to protect public safety. In BC, 92% of women in prison are serving sentences of six months or less. Such short sentences demonstrate these women are not deemed threats to the public. In fact, during the pandemic increased use of alternatives to prison and early releases did not impact community safety. So the question is, why are women being incarcerated and what can be done about it?



Alternatives to Incarceration Are Underused

Problems:

- Prison is being used for crimes not related to public safety. The resulting short sentences destabilize women's lives, which in turn increases the likelihood they will commit a survival crime within the first 72 hours of release.
- Women serve proportionally more time in jail while awaiting trial (no bail) than men, despite committing fewer and less severe crimes.
- Pre-sentence reports aren't structured for gender considerations like sexual exploitation or unpaid work.

Improvements:

- Public safety can improve when we support women to live stable lives in the community. Alternatives to incarceration must become the norm for minor crimes.
- Grant bail without other conditions as the default, unless there are public safety or grievous harm concerns.
- Revise pre-sentence reporting to be gender-sensitive and trauma-informed.
- Provide court personnel real-time information about what sentencing alternatives are available.

Health Issues are Punished, Not Treated

Problems:

- More than half of women charged with a crime have mental health and/or substance use challenges that lead them into conflict with the law.
- Moms are not permitted to live in addictions treatment with their children, leaving women vulnerable and having to choose between caring for their children or themselves.
- People on probation or awaiting trial are not allowed to access most treatment programs.

Improvements:

- Change treatment models to enable women to continue to parent, so they can get help earlier and without breaking the parent-child bond.
- Allow people on probation or awaiting trial to enter drug treatment.
- Provide online counselling and treatment, with options for parenting and working women.

Imprisoning Mothers Punishes Children

Problems:

- Half of incarcerated women are single mothers. Incarceration causes children to lose their caregiver, and usually their home, school and access to friends.
- Children whose mothers go to prison have poorer life outcomes than any other group of children who experience traumatic events. Reportedly, over half will themselves face a similar future.
- Canada signed international agreements to put the needs of children first and consider them when sentencing their mothers.

Improvements:

- Use community-based sentences for mothers instead of jail, so they can continue to care for their children. This will improve children's life outcomes and enhance future prospects for all.
- Unless a mother poses a risk to public safety, put the needs of children first when sentencing.

Systemic Racism

Problems:

- Indigenous women are 6% of BC's population but 42% of female inmates.
- Government and judicial systems have policies and procedures entrenching racism.

Improvements:

- Do not keep women awaiting sentencing for minor crimes in prison.
- Bail and probation conditions should not address housing or substance use. Neither are illegal.
- Use and lend technology to provide small communities with culturally appropriate, gender-responsive, accessible ways for women to address conflicts with the law.

Poverty Drives Many Women's Crimes

Problems:

- Sex industries, theft, fraud and drugs are tied to most women's crimes.
- Poverty is not fixed by incarceration.

Improvements:

- Develop gender-responsive bail and pre-sentencing reports that identify gender issues, particularly those tied to sexual exploitation or women's unpaid/caregiving work.
- Provide community initiatives that help women leave sex industries and/or enter addictions treatment without requiring a referral agent.

Flawed Risk Assessments at Bail and Sentencing

Problems:

- Women who are racialized or have unstable housing often face harsher sentences by failing to meet bail conditions. This is partially because the list of standardized wording used to set conditions for bail and probation encourages multiple restrictions that don't always link to the crime committed.
- While women generally commit less serious crimes than men, they are usually poorer, less educated, and more socially isolated, which makes them less likely to be able to receive bail. Money should not drive who is released on bail.

Improvements:

- Ensure court ordered conditions link to the criminal charge thereby reducing likelihood of breaches of conditions, further charges, and harsher sentencing.
- Stop using bail for minor crimes. Release women on a Promise To Appear for their scheduled court hearing.

How You Can Help

Join EFry in championing the call for Pathways Not Prisons. Visit www.pathwaysnotprisons.ca to send your MLA a message with your support and asking them to pursue the necessary change.

Help us spread the word. Contact us at pathwaysnotprisons@elizabethfry.com for tools your group or organization can use to help raise awareness of how decarceration will help criminalized women and their families build brighter futures that can benefit us all.

*Dignity
Equality
Opportunity*

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