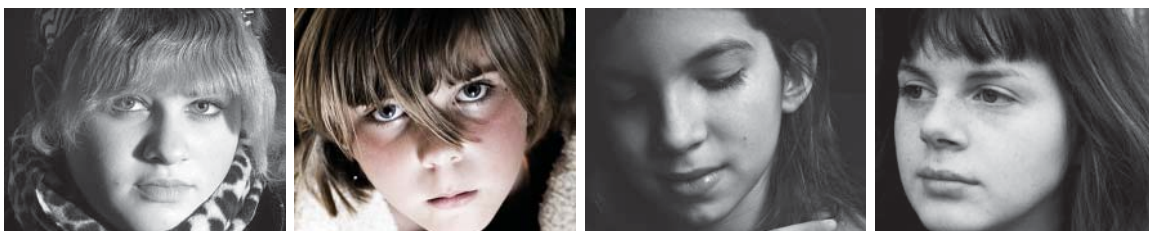


# **Girls in Custody in the Province of B.C.**

**Programming, Policy, Training, and Development Recommendations**



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Presented July 8, 2008 to the Ministry of Children and Family Development,  
Barry Lynden, Executive Director, Youth Custody Services.

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# Executive Summary

**T**he Elizabeth Fry Society of Greater Vancouver is a registered not-for-profit charity founded in 1939. It has worked within the youth correctional system for over 50 years. The Elizabeth Fry Society is recognized for its expertise in gender-sensitive services.

The Society was contracted by the Ministry of Children and Family Development (MCFD) to provide a review of the programmes available to female youth in custody based on the principles of gender-responsive programming. This report will include recommendations regarding suggested improvements to programmes, services, and policy pertaining to female youth in custody in B.C. Our review is predicated upon a gender-specific framework of analysis. In the course of preparing this report, over 80 individuals were consulted, inclusive of girls (both presently and previously in custody); contractors and staff in all three custody centres; community agencies; and those currently working in gender-specific services in Canada and the United States. Written materials, including standard operating procedures, programme manuals, and Youth Custody orientation manuals, were examined. Programme descriptions

were reviewed. Gender-specific policies and procedures were found explicitly in health care and on a more limited basis elsewhere in the custody centres.

The Elizabeth Fry Society of Greater Vancouver and MCFD Youth Custody Services differ on certain philosophical points and perspectives; however, dialogue has continued towards our mutual commitment to girls in custody in B.C. Girls are placed in Burnaby, Victoria, and Prince George. Each centre has its own culture and protocols. Thus, there is variance in the way in which services are delivered and the conditions under which they are delivered. Where there are significant differences it is noted in the body of the report.

In general, girls interviewed expressed that the reason for their placement in custody involved an administrative breach, a minor offence, or as a safety measure. They advised that while listed, a significant numbers of programmes were not offered. Those programmes that were offered were inadequate to meet their needs. Girls advised that they were “recruited” by boys while in the custody centre to become involved in prostitution and drug running upon release.

Girls reported concern for their well-being in the community because they did not have the resources they needed there, and that housing was their most imperative need. In such a context, custody provided them a respite from the struggles of day-to-day existence.

In general, staff interviewed expressed support for programming to meet the needs of girls, and that they needed training to do so. Staff advised that they did not understand the differences between boys and girls in their pathways into criminal justice involvement, nor what would be gender-sensitive practices, inclusive of assessment, screening instruments, and intake practices. The difference between girls-only programming and gender-specific programming was not clear to staff. Staff wanted to know what appropriate programmes were and to have consistent core programmes identified. Those staff who articulated clear understanding of gender-specific services expressed concern regarding the application of policies and procedures to girls, the programmes that were provided, and the need to create an environment of emotional safety for girls that is free from harassment and verbal abuse.

Recent accomplishments of Youth Custody Services for gender specificity include establishing female-only units in all three centres; increasing the number of female staff hired; and changing their staffing practices to ensure females on staffing teams, with a preference, where possible, of women only on the living units. A Girls in Custody Provincial Working Group was established to provide advice concerning improving services to young women in custody. A female-only classroom in Victoria is being piloted, and the current risk/needs assessment tools will be reviewed to include gender specificity. Additionally, a programme review, inclusive of a gender-specific component, has commenced.

Based upon our findings, the Society believes that: a) the needs of girls are not being met; b) girls receive substandard treatment to boys; c) girls are being incarcerated because of the lack of community resources to provide an appropriate alternative; and that d) the Province has a responsibility to meet the needs of these children. Further, if B.C. did so, still fewer girls would be incarcerated “for their own protection” or “to keep them safe,” which both staff and girls stated was the reason why certain girls were incarcerated.

In a society that incarcerates young women to keep them safe, there is an inherent danger in creating a gender-articulated prison system that responds to the lack of community programmes by replacing them. It supports and reinforces the practice of imprisoning girls because there aren’t community resources and alternatives. Youth custody is not, and should not be, the solution to a lack of resources, particularly mental health resources. Equally so, girls don’t deserve to have their needs ignored because of their limited numbers within custody. And thus there is a tension between the two.

We hold that the solution is twofold and our recommendations are so organized. It lies in the application of the United Nations’ conventions and protocols that speak not only to youth conditions of confinement and programming but also to the respon-

“Youth custody is not, and should not be, the solution to a lack of resources, particularly mental health resources.”



sibility of the state to provide community resources and sentencing alternatives.

Within Custody Services itself, the solution lies in application of our general recommendations, which can be summarized as follows:

- the use of community programming where possible;
- specialized gender-specific programming;
- holistic programming;
- individualized counselling to girls;
- culturally sensitive models for the Aboriginal girls, particularly regarding addictions; and
- staff training and updated policy.

There is clear research and practice regarding gender-specific needs of girls, inclusive of increased victimization, familial disruptions, and needs, and the development of gender-specific services for girls only. Youth Custody Services' policy sets forth the preference for girls-only units and staffing but does not make it the requirement. It thus diminishes the entitlement of girls for such.

Having established the benchmark for girls-only units and staff where possible, the Society recommends that the next step forward is to establish the clear entitlement of girls to such and address the experiences and programmes provided for girls.

To facilitate the Youth Custody Services moving forward, we noted significant strengths. All three centres have some degree of girls-only programming. Youth Custody Services have the necessary infrastructure framework and a body of committed staff to provide gender-specific services for girls. Youth Custody Services are accredited through the Council on Accreditation, which is a framework for continuous improvement and review of services. On the whole, the men and women who work for Youth Custody Services are committed to the care and needs of youth versus solely confinement. The female staff required to staff the living units are committed and willing to provide for girls. Youth Custody Services are implementing the data collection methods to support their commitment to planning, reviewing, analyzing, and responding to provide for the needs of girls. Medical health care practices are gender sensitive. Youth Custody Services have relationships with researchers to enable them to undertake gender-specific programme development.

In order to move forward with gender-sensitive services, the Society recommends that Custody Services utilize an ongoing framework of analysis such as that developed for the State of Oregon.

**R**ecommendations are separated into three categories: policy, management, and programming. Those related to policy deal with the establishment and codifying of gender-specific services. Those related to management deal with the hiring and training of staff, and the integration of Youth Custody services with community

resources to plan and provide for the return of girls to the community. Those related to programming deal with the services that girls be provided.

The recommendations for programming include:

- provide gender-specific programming that is research based;
  - provide programming that is holistic in nature:
    - such as the Voices Program for Girls by Barbara Bloom and Stephanie Covington or the Girls Circle program by the Girls Circle Association; and
    - inclusive of physical and sexual health rather than just contraception and pregnancy avoidance.
  - use community resources
    - expand links with community resources
- through custody centre Volunteer Services;
  - provide skill building that enables girls to plan for the future and that provides opportunity to practice the skills. In the skill modules include Essential Skills and parenting skills such as *The Incredible Years* curriculum.
  - utilize strategies such as those used by the Province of Ontario, and provide programming for girls that includes open and closed-custody girls so as to have increased numbers of girls to enhance group experiences and economies of scale;
  - provide girls with girls-only schooling;
  - provide programmes that are relationally focused such as through service-learning models, mentoring, and peer groups;
  - provide Aboriginal gender-specific addictions programming.

## Key Recommendations

1. Entrench female-only living units and classrooms in policy.
2. Utilize a gender-specific assessment tool.
3. Implement consistent core programming within all three centres. We recommend the programming include: a gender-specific holistic group programme; Essential Skills; a parenting-interpersonal skills programme; gender-specific classrooms in all locations; and gender-specific counselling.
4. Deliver gender-specific physical education/sports.
5. Resolve the concerns that exist for staff to consider voluntary permanent assignment of female staff to the girls' units (related to seniority and career progression).
6. Expand the mandate and membership of the Girls Working Group, inclusive of expertise in gender-specific programming and key Ministry stakeholders, to serve as a provincial advisory board regarding the programming and conditions of confinement for incarcerated girls.
7. Initiate an annual third-party consultation and evaluation of gender-responsive programming.
8. Develop gender-sensitive training modules and include them in all Youth Services' personnel training and upgrading.
9. Include mediation techniques in staff training.
10. Provide clinical supervision for girls-unit frontline staff to support the provision of effective services for girls in custody.



# Context and Findings

## The Reviewer and Context of the Review

The Elizabeth Fry Society of Greater Vancouver is the founding agency of an organization which has grown into a national movement. It is a not-for-profit registered charity that has served the Province of B.C. for almost 70 years. The Society was founded to improve the rights, conditions of confinement, and programming for women and youth. It is a women-centred organization. As such we believe that service frameworks must:

- contextualize the lives of women and girls;
- recognize that females have differing biological, psychological, social, economic, life-style, legal, and ethical issues than males;
- respect culture and diversity;
- involve users of services as active participants in the development of programmes and services designed for their use or needs;
- recognize self-agency through use of the least restrictive, intrusive, or intensive interventions possible; and

- provide fairness of equality and fairness as equity in the face of injustice.

We have lived these values since 1939. We are nationally recognized for our gender expertise in programme development and service delivery. In B.C., services for youth are not generally gender-specific; consequently the Society services youth as a whole while addressing the unique needs of girls within a specific programme structure. Our programmes and services are delivered throughout the Lower Mainland and Fraser Valley. We assist clients who are marginalized and struggling with poverty, addiction, homelessness, limited education, and coping skills.

The Society has worked within the youth correctional system for the past 50-plus years. Our role as a service provider has enabled us to gain familiarity with institutional programming, staffing, regulations, and procedures. We are aware of the challenges of providing service for small numbers of women and girls. Similarly, these issues are addressed in our services, such as housing, family intervention, socio-recreational, and addictions treatment programmes. The Elizabeth Fry Society's expertise in gender-sensitive services is

community based, and, as a community provider working within institutions, we offer a framework for discussion and implementation rather than exacting prescriptions.

To undertake and complete this report, we were funded by Ministry of Children and Family Development Youth Custody Services. The process has been open and ongoing. Virtually everyone we have asked questions of, or information from, has been helpful and willing to assist us in this process. Custody staff are commended for being open to having their processes reviewed without knowledge of the outcome.

This report recognizes a point in time. In the process of the report there has been discussion and debate. Custody Services have held themselves to the commitment to improvement that began a few years ago. We are pleased to see changes in response to the process of this report and the recommendations made. We hope to see them all implemented since we have held ourselves expressly to what can be achieved.

Joan Winchell, the principal investigator, conducted this research, assisted by Shawn Bayes. The report was prepared under the following conditions: that it address programming versus the broader conditions of confinement; that the Province did not agree to the inclusion of a literature review in the report, although references are included; and that it be written for Youth Custody supervisors in a format of approximately 10 to 15 pages.

The report is written as a first step in the process of movement towards gender-responsiveness programming to provide Youth Custody Services a starting point from which to begin the processes. It is not a comprehensive document. The Society was asked to make specific recommendations regarding current programmes pro-

vided within the custody centres. A review of supporting literature regarding recommendations was conducted by the Ministry through their policy analyst, and sources were provided to the Ministry for such consideration. Further reports—inclusive of a literature review and review of gender-responsive programming, including the needs of Aboriginal girls and other specialized sub-populations of girls—are forthcoming and contracted with Simon Fraser University.

Qualitative information was generated through visiting girls incarcerated at the custody centres. To discuss their experience with girls, we visited all three institutions: four days were spent in Prince George, six days in Victoria, and 12 days in Burnaby. To expand the number of interviews with girls and elicit girls formerly in custody, we approached community programmes such as alternative schools and sentencing alternative programmes. Custody staff who were working with girls during the visits to the custody centres were interviewed, inclusive of professionally contracted staff such as teachers, nurses, forensic personnel, Elders, and senior personnel.

“Girls were asked to share their stories and experiences of being in custody....”

Interviews with girls occurred in groups within living units and individually. Girls are in custody sporadically in Prince George, and on one occasion only one girl was in custody when a visit occurred. Girls were asked to share their stories and experiences of being in custody, inclusive of interactions with staff, and their experience of being released to the community. Interviews generally lasted 45 minutes to an hour, and girls were provided refresh-

ments and donuts as a means of fostering a welcoming environment. All girls approached in custody participated in the review. Custody personnel working with girls were asked to share their understanding of gender-responsive programming, their experiences of working with girls, and what training they might need to feel comfortable working with girls or providing programming.

A brief description of the open-ended interview format used is included in the end notes on page 29 of the report.

## Summary of General Findings

**T**he Society was contracted by the Ministry of Children and Family Development (MCFD) to provide a review of the conditions of confinement of girls in B.C. Our review is predicated upon a gender-specific framework of analysis. In the course of preparing this report, over 80 individuals were consulted, including girls (both presently and previously incarcerated), contractors and staff in all three institutions, community agencies, and those currently working in gender-specific services in Canada and the United States. Written materials, inclusive of standard operating procedures, programme manuals, and institution orientation manuals were examined. Programme descriptions were reviewed. Virtually all Youth Custody Service staff responded to offers to discuss their perception of programming and the manner in which services to girls are provided within the institution. Gender-specific policies and procedures were found explicitly in health care, and on a more limited basis, elsewhere in the custody centres.

The Elizabeth Fry Society of Greater Vancouver and MCFD Youth Custody Services differ on certain philosophical points and perspectives. However, dialogue has continued towards our mutual commitment to



girls incarcerated in B.C. Girls are incarcerated in Burnaby, Victoria, and Prince George. Each centre has its own culture and protocols. Thus, there is variance in the way in which services are delivered and the conditions under which they are delivered.

In general, girls interviewed expressed:

- that the reason for their incarceration involved an administrative breach, a minor offense, or as a safety measure;
- that significant numbers of programmes listed had not been offered (two of three centres);
- at the new Burnaby site, they felt more isolated, restricted, controlled, and less able to exercise free will than at the previous site;
- that programming and services offered were inadequate to meet their needs, and were inappropriate for those drug sick, with mental illness, or with cognitive impairment;
- that because of their small numbers they were provided fewer programmes than boys, and that in order to access them they had to be with the boys;
- that boys at the Burnaby site, because of their greater numbers, had access to

a far less restrictive option for open custody than girls (Whistler);

- concern for their safety upon release, with many having no other plan or choice than to return to their former existence;
- that confinement was a “respite” from their day-to-day struggle to exist;
- that they were “recruited” by boys while in the institution to become involved in prostitution and drug running upon release;
- that they did not know their long-term care plan, where they would live after they were released from the institution, or that their wishes were being taken into account in the plans being made for them; and
- that housing was an urgent, persistent need.

In general, staff identified:

- support for programming to meet the needs of girls;
- a need for training regarding female pathways to justice system involvement;
- a need to understand what a gender-specific framework is;
- a need for the provision of programmes and services within a gender-specific framework above and beyond girls-only programmes;
- a need for programmes to translate from potential availability into scheduled offerings;
- a need for enhanced coordination of case management and the application of a continuous quality improvement cycle to services for girls;
- a lack of awareness of gender-sensitive assessment tools, screening instruments, and intake practices, inclusive of the elimination of cultural bias; and
- a need for consistency in core programming in all three centres.

Prince George staff requested clinical supervision be provided for girls’ and youth supervisors to support their work in the unit and assist with the challenges involved.

Youth supervisors understood the need for gender-specific services. They identified: a) concerns regarding the application of policies and procedures to girls; b) the framework of programming available; c) the need to create an environment of emotional safety for girls and an environment free from harassment and verbal abuse.

Senior institutional staff identified recent accomplishments towards gender specificity, such as:

- female-only living units established at all three centres;
- negotiations with BCGEU regarding changing auxiliary staffing call board practices to ensure female staff on living units;
- realignment of staffing teams to ensure the presence of regular female staff on all teams;
- establishment of a Girls in Custody Provincial Working Group to provide an avenue for change and specific advice concerning improving services to young women in custody,
- funding for a pilot female-only classroom at VYCS;
- contract secured for a review of the current risk/needs assessment tools to include gender specificity; and
- contracted global programme review with SFU, which includes a gender-specific component.

**B**ased upon our findings, the Society believes that: a) the needs of girls are not being met; b) girls receive substandard treatment to boys; c) girls are being incarcerated because of the lack of community resources to provide an appropriate alter-

native; and d) the Province has a responsibility to meet the needs of these children. Further, if B.C. did so, still fewer girls would be incarcerated “for their own protection” or “to keep them safe,” which both staff and girls stated was the reason why certain girls were incarcerated.

**I**n a society that incarcerates young women to keep them safe, there is an inherent danger in creating a gender-articulated prison system that responds to the lack of community programmes by replacing them. It supports and reinforces the practice of imprisoning girls because there aren’t community resources and alternatives. Youth custody is not, and should not be, the solution to a lack of resources, particularly mental health resources. Equally so, girls don’t deserve to have their needs ignored because of their limited numbers within custody. And thus there is a tension between the two.

We hold that the solution is twofold. It lies in the application of the United Nations’ convention and protocols that speak not only to youth conditions of confinement



and programming but also to the responsibility of the state to provide community resources and sentencing alternatives.

Within Custody Services itself, it lies in:

- the use of community programming where possible;
- specialized gender-specific programming;
- holistic programming;
- individualized counselling to girls;
- culturally sensitive models for the Aboriginal girls, particularly regarding addictions; and
- staff training and updated policy.

## Strengths

Custody Services have the necessary infrastructure framework along with a body of committed staff to provide gender-specific services for girls. Specific strengths include:

- commitment to a continuous quality improvement framework and the current and forthcoming data collection measures which will significantly assist Youth Custody Services in its commitment to gender sensitivity;
- gender-sensitive medical health care practices;
- human resource measures that resulted in a significant increase in the presence of female youth supervisors for girls in living units;
- the number of girls in custody in Burnaby and Victoria enables gender-specific group programming, while Prince George requires an individualized approach;
- pre-existing relationships with researchers and educational institutions provide the ability to undertake gender-specific programme development;
- staff commitment to the care and needs of youth; and

- training allocations provide the ability to provide gender-specific training.

In order to forward gender-sensitive services, the Society recommends that Custody Services utilize an ongoing framework of analysis. Guidelines exist, such as those prepared for the State of Oregon (1992) by Patton and Morgan, which are broad and inclusive and provide a framework of self-examination for Youth Custody Services.

## The Importance of Gender-specific Programming

Research on girls involved in the criminal justice system shows that:

- Girls have different pathways into delinquency and therefore need prevention, intervention, and treatment alternatives that address the root causes of their distinct delinquent behavior.
- Girls require programming that addresses the realities of their lives, inclusive of:
  - a history of victimization, abuse, and trauma;
  - mental health issues;
  - repeated running away, addictions, and substance use;
  - prostitution and sexual exploitation;
  - academic failure;
  - unstable family life (lack of connectedness; isolation; family members, particularly the mother, involved in the criminal justice system); and
  - a history of unhealthy dependent relationships, often with older males.
- Programming for girls is more successful when:
  - it focuses on relationships with other people and offers ways for girls to master their lives while keeping these relationships intact;
  - it is founded upon an understanding of girls' psychological and social develop-

ment and trauma treatment;

- it focuses on mental health; maturation and development; relationship building; sexual abuse and assault; violence against females; trauma; reproductive health; STDs; teenage pregnancy; single parenthood; and gender disparity in educational, vocational, and employment opportunities;

- it provides girls with an opportunity to develop a sense of efficacy and empowerment; and

- it is provided by female staff appropriately trained;

- All-female groups are more beneficial to girls with histories of abuse, victimization, and exploitation than mixed-gender ones;
- Professionals working only with girls, versus mixed groups, are much more focused on the unique needs and specialized training requirements of girls;
- Girls report that they feel safer with female staff, are more likely to bond and engage in therapy with women practitioners, and to view them as mentors.

## Gender-specific Staffing and Programming

Virtually all community agencies that provide services to girls and women with histories of trauma/abuse and exploitation have female-only staff. Most Northern Hemisphere democracies that are signatories of United Nations' conventions—including the United States, which is not a signatory—interpret them to hold that both women and girls should be held in separate facilities. Their practices also generally include female staff for females and care, protection, assistance, and training equal to that provided to male youth in custody.

Gender-specific standards are currently proposed by the Council on Accreditation

(COA) which accredits Youth Custody Services in British Columbia. The Youth Custody Centres in B.C. are the first to be so accredited by COA. As such, Youth Custody Services are negotiating with COA on the standards currently proposed.

The imperative for the Ministry to provide girls with separate facilities and gender-specific staffing is a point of difference. It is a preference for Youth Custody Services. It is an imperative for the Society. Youth Custody Services qualify their ability to provide such services based upon concern for the financial cost of doing so, as well as the small numbers of girls incarcerated.

The Society holds that the application of the law and interests of children must be recognized and that the Province must fund this responsibility rather than requiring managers to attempt to meet the practice without increases to the current funding allocation—which was not based upon recognition of the distinct entitlement of girls.

### B.C. Girls in Custody

To facilitate this report, Youth Custody Services provided statistical data and reports. Unless otherwise noted, all statistics are based upon the data provided by the Province of B.C. Youth Custody Services for the 2007-2008 fiscal year. Custody Services' demographic information on youth in custody that is currently routinely available was predominantly not differentiated by gender. In order to access this information, special requests for data must be made. The data collection system itself is currently being revised; a new system will be implemented shortly to meet the required needs. Over the past five years, on any given day, there are about 20 girls in custody. About 55 percent of the girls are held in Burnaby, 30 percent are held in Victoria, and 15 percent are held in Prince George. Proportionately, girls represented 23 percent of the total

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“It is imperative for the Ministry to provide girls with separate facilities and gender-specific staffing....”

individual admissions to custody for the calendar year 2007.

In addition to numbers, however, the average length of stay is also important, as it affects programming decisions. Generally speaking, the data showed that:

- sentenced girls held in open custody (a decision made by the sentencing judge) were held longer than those in secure;
- open custody-sentenced girls were held substantially longer in Prince George and Victoria than Burnaby;
- girls held on remand (an administrative placement made by Youth Custody Services), were held longer in open custody than in secure custody: and,
- remand durations did not, however, reflect the significant variance between centres that existed for sentenced girls.

More concerning is the overrepresentation of Aboriginal girls. Roughly one-quarter of girls in Burnaby are Aboriginal (23 percent in open custody and 29 percent in secure custody). In Victoria, over one-third are Aboriginal (open custody). In Prince George the overrepresentation is even higher—three-quarters of Aboriginal girls (open). It is difficult to match population regions to the three centres to compare the overrepresentation of girls to the proportion of Aboriginal youth in the area. A rough tool uses census 2001 data coupled with the geographically discrete area of Vancouver Island as an example. Vancouver Island has 17 percent of B.C.'s population, and five percent of the population is Aboriginal.



**A** boriginal girls, however, are over-represented in custody by six to 10 times that number. This does not include that secure custody girls are being sent to Burnaby. Further, the majority of girls in custody (particularly in Burnaby and Victoria) are under some kind of care agreement with the MCFD.<sup>i</sup>

The following information is provided through the survey of youth in custody in B.C. on May 12, 2007 that was conducted by the Elizabeth Fry Society of Greater Vancouver. All girls in custody at the three centers, a total of 20, participated in the study, as did 72 of 97 boys in custody.

The survey found that when comparing girls to boys:<sup>ii</sup>

- Girls were more than twice as likely to be incarcerated nine or more times;
- Girls were one-and-a half times as likely to have moved nine or more times; and
- Girls were two to three times more likely to have a mother arrested, incarcerated, and incarcerated more than once.



# Recommendations

**T**here is significant variance in the provision of services within the three centres. A significant contribution in the variance is the level of staff understanding regarding gender-sensitive programming and gender-specific needs.<sup>iii</sup> Female-only staffing in the living units and decisions regarding group facilitation should be made from a gender-sensitive perspective.

Given the variance, the Society reviewed policy to determine if there is a clear articulation of leadership and service provision to girls. To that end, we begin our recommendations from the point of policy and move to those that are more specific to data collection and analysis, quality improvement, hiring, training, and programme provision.

## ■ POLICY

### Legislation Related to Application of Custody

B.C., like Ontario, opted to invoke s.88 of the Youth Criminal Justice Act; thus several provisions from the former Young Offenders Act (YOA) still apply to level of custody determinations. Among these provisions is s.24.1(1), which defines open custody and

secure custody, and places the determination of placement to the level of custody with the sentencing judge.

The separation of girls into open and secure custody is a particular concern for the Province of B.C. Under the same provisions, Ontario provides gender-specific services for adjudicated girls both within the community and in custody. Ontario has a higher rate of incarceration and population and thus more girls in custody. Within this framework, Ontario has successfully argued that it can provide for secure custody within an open-custody setting through providing two levels of dynamic security. The Province of Ontario successfully advocates this position based upon the Youth Criminal Justice Act, emphasis on least-intrusive measures, and the need for cost efficiencies in providing services to girls.

We recommend the Province of B.C. review the Ontario model for application within Youth Custody Services.

### Specific Policies for Programmes Servicing Girls

Provincial Youth Custody Services policy references girls in Policy 5.0 regarding

Co-educational Programming, Policy 6.5 regarding Female Youth Offenders, and Policy 9.02 on Co-educational Centres. As it applies to these three policies:

- Create a policy for gender-specific services—versus the current Co-educational Programme Policy (Policy 5.0)—that outlines specifically that girls are entitled to programmes and services specifically designed to meet their needs, inclusive of their gender, ethnicity/culture, education, vocational training, mental health services, and addiction treatment services, and the training requirement for staff;
  - As it applies to “Aboriginal Offenders” and “Female Young Offenders,” revise wording of Policy 6.5 from “Specialized services which may be made available at a Youth Custody Centre may include, but are not limited to...” to indicate a clear entitlement to programmes;
  - Review the application of Policy 9.09 regarding Equality of Access to Programmes. We observed the understanding of the provision of access to be the provision of general programmes for boys and girls within one of three centres, particularly as it relates to sport/physical education and intervention programmes. All three of the centres were noted to hold mixed-gender sports activities together. In two centres, we observed a particular willingness to provide gender-specific programming but a lack of certainty as to how to do so. Mixed-gender sports in particular have been shown not to benefit the interests of girls.<sup>iv</sup>
- Review policies for gender sensitivity, inclusive of Resident Entertainment Materials (Policy 10), to provide for the prohibition of derogatory treatment of women and girls;
  - Have a gender-responsive programme specialist with detailed knowledge of gender-specific pathways to involvement in the criminal justice system. The specialist would be responsible for integrating gender sensitivity into the practices and structure of the custody centres inclusive of separate programming;
  - Use a gender-specific assessment tool (versus a classification tool), such as the Structured Decision-Making<sup>v</sup> tool in use in the Province of Ontario by the Elizabeth Fry Society of Peel Halton;
  - Advocate with community Youth Justice Services to create female specialist probation officers where practical; and
  - Review intake practices and procedures to identify gender and cultural biases. (This was outside the scope of review.)

This is an important point to highlight. The Ministry has professional staff who are committed to providing girls with gender-specific and sensitive programmes, and they require the resources to do this. To that end we have tried explicitly to make clear recommendations.

## Data Collection on Girls

The data collection is currently in transition and Youth Custody Services are working to increase data collection by gender. Gender information should be correlated to demographics, inclusive of age and racial background, and also provide programme measures that include girls in evaluating the service delivery of programme content and effectiveness.

“Girls are entitled to programmes and services specifically designed to meet their needs ....”



## ■ MANAGEMENT

### Design Programmes Specifically for Girls

Develop programmes that are gender responsive, inclusive of the current Drug and Alcohol Counselling and Forensic Counselling provided for violence. None of the centres has gender-specific programming in these areas. A contract has been secured with Simon Fraser University to provide a review of programmes based on evidence-based, best-practice research, which will include a review of outcomes measurement processes for existing programmes and suggestions for gender-specific programmes and assessment tools.

- Create programmes and write descriptions to include gender-specific programming or awareness. Changes recommended include:
  - Involve girls in programme design or redesign;

- Reference and review best practices or promising gender-sensitive programmes in programme descriptions and curriculum; and
- Build programmes on the traditional strengths and assets of girls in the justice system.

### Transition Planning and Aftercare

Review with staff the importance of integrating case management between the custody centre and the community. Significant variance was expressed in all three centres between the perceptions of management and youth supervisors regarding the mechanisms by which transition planning can occur.

- Ensure forensic staff are invited to case planning for youth with whom they have contact. Concerns were expressed by stakeholders for one particular centre.
- Medical personnel have important information that can apply to transition planning. However, in order for them to do so, issues related to privacy, age of consent to medical treatment, and informed consent by the youth need to be addressed. Potential instances where information that could affect planning is held by medical personnel could be reviewed and addressed, particularly as it applies to girls with diminished cognitive abilities, mental health issues, and potential incidences of chemical restraint through medication.
- Provide exit packages that identify emergency resources such as food, shelter, outreach, free clinics, social assistance, and emergency grants to enable youth to have “aftercare” services in the community. We identified concerns for two of three centres.

- Support community stabilization and re-entry through community bridging models:
  - Apply integrated case management principles to ensure the best possible transition for the girl. Given the extraordinarily limited resources for girls in the community, a girls-specific transition programme is recommended. The limited resources and dispersal of girls throughout the province challenge the ability to effectively plan for girls and develop the necessary supports, because virtually none are available. The transition team would specialize in assisting in the transition of girls into the community with their case plan. Develop case-specific plans for gender-specific addiction counselling, gender-specific groups, gender-specific or sensitive housing, and family counselling. The chaotic family backgrounds that girls have experienced necessitate providing a solution-focused approach to resolve familial issues and address safety planning for girls in the community.

Such an approach requires gender-specialized probation officers and the development of similar community resources. Planning should address the substantive re-incarceration of girls and the community development issues that are involved in transitioning Aboriginal girls into their community.

- Expand volunteer programming to provide a girls' mentoring group activity, for example, following girls into the community through options such as online mentoring, bringing a mentoring group from the community into the centre, or providing the opportunity through passes into the community.

## Hiring and Staffing

Include consideration of knowledge and awareness of gender issues and pathways

to criminal justice involvement in the hiring selection process.

- Hire enough female staff to enable female-only living unit supervision.

## Training

Staff expressed the need for training on gender-specific issues at all levels, from the point of orientation through to training opportunities for all staff and supervisors. The Society recommends a training programme be initiated and integrated into the training and quality improvement process.

Therapeutic Crisis Intervention (TCI) at Cornell University is the sole behavioural management programme recognized by COA.<sup>vi</sup> The TCI model integrates into a CQI process and is research-based and evaluated for effectiveness. TCI provides techniques such as the Communication and Life Space Interviewing strategies. It emphasizes preventing crises from occurring, de-escalating potential crises, effectively managing acute-crisis phases, and learning constructive ways to handle stressful situations to enhance safety for staff and clients.

- Have the Youth Supervisor Training component for female youth reviewed and updated to include but not be limited to:
  - understanding of the philosophy of gender-specific services to address the unique needs of girls;
  - the areas of training outlined in the recently revised Youth Custody Programs Policy 9.07 on staff training;
  - information on adolescent female development;
  - unique issues for Aboriginal girls;
  - recognition of sexual exploitation and human trafficking of youth;
  - parallels between institutional procedures and practices regarding the control and abuse of children/youth;<sup>vii</sup>

- updated information on why girls rather than women (current module) remain in violent relationships, inclusive of unhealthy dependent relationships, often with older males;
  - information and training on the girls' relational axis, thus providing staff techniques to enhance the environment as supportive and nurturing; and
  - the importance of ethnic and cultural identity in building resilience in youth and cultural sensitivity.
- A number of staff expressed personal biases regarding girls as being manipulative and exploitive in nature. Many of the described behaviours are, however, clearly recognized behaviours/coping mechanisms that are trauma-related, such as depression, sexual promiscuity, anxiety, conduct disorder, and aggression.<sup>viii</sup> Research indicates that staff report increased improvement and satisfaction when working with girls when there are female-only staff working on a girls-only unit.<sup>ix</sup> Girls deserve to work with youth supervisors who are able to view their behaviours within the rightful context of trauma. The custody centres can expect the benefit of employees with increased job satisfaction.

## ■ PROGRAMMING

### Girls-only Programming

- Girls-only programming holds within it the idea that what girls see should reflect themselves. We recommend that the living units, classrooms, and custody centres should increase resources and mixed media resources—inclusive of books, magazines, posters, and videos—that celebrate females' current and historical achievements and contributions to the world. We found all three centres to have Aboriginal art. We would encourage, however, that the role of women in Aboriginal communities and their contributions also be recognized.
- All three centres had some degree of girls-only programming. While there is often initial resistance on the part of girls to be isolated from boys or to participate in programmes with solely members of their own sex, girls-only programming is an important part of a gender-specific approach. It provides a period of reflection in which girls can explore opportunities and options for their lives without the constant lens that considers males and their disapproval.<sup>x</sup> Such time is particularly important from a programmatic and policy standpoint. It is recommended all centres provide girls-only programming.
- There is a clear link between victimization, trauma, and girls' delinquency. Girls-only programming provides the ability to contextualize violence in girls' lives and the violence they may express. Given the nature of violence and trauma in the lives of girls, the environment of custody, the relatively short length of stay in custody, and the length of time for effective counseling, custody centres are ill suited to deal with assisting girls with these issues. Custody centres can provide girls an opportunity to recognize the significant effect and pervasiveness of victimization and trauma in their lives as a first step. However, community resources are necessary to allow girls to address the issues when they are released into the community. Community linkages and community-based referrals during and following custody are recommended.
- The fact that trauma is strongly linked to girls running away from home and is thus correlated to the reason they are in custody (breaches and safety measures) strongly highlights the need for community mental health resources for girls, particularly trauma counselling and



mental health counselling. Where possible, it is recommended Youth Custody Services advocate for community-based mental health services specific to the needs of girls.

- Girls need increased access to medical services comparative to boys because of significant histories of trauma and abuse, body image concerns, eating disorders, birth control, and pregnancy issues. We found all three centres to have committed medical staff, female nurses and doctors for young women, and an understanding of girls' issues. Each had strategies to facilitate girls using their resources and feeling safe to do so. It is recommended all centres continue to provide gender-specific health care services.
- We observed that school, which is mandatory in all three centres, is mixed. Given the body of evidence that exists (particularly regarding those with increased educational needs, such as the lowered academic achievement typical of girls in custody), we recommend that education provision be separated by gender.

## Relational Focus

Within the confines of all three centres there are programmes that can be considered to be relationally focused. These programmes, which are gender specific, are predominantly socio-recreational, not formal. However, there is a need for further programmes that emphasize relationships and positive connections in the lives of young women—programmes such as those structured to enforce pro-social skill development, which fosters healthy relationships and interpersonal skills.

Examples of relational programming could include:

- Service-learning models to help girls learn about healthy relationships through supporting others while honoring themselves. To varying degrees all three centres had aspects of service-learning programmes. We recommend the expansion of meaningful service-learning models.
- In two of three sites, mentoring exists through shared lunch programmes. We recommend the expansion of this pro-

gramming option. In addition to including Youth Custody staff and contractors, we recommend that the programme be expanded to include those with a similar ethnic heritage, particularly given the significant overrepresentation of girls of Aboriginal descent. Secondly, we note that effective mentoring models include women able to model and support survival and growth, along with providing guidance on addressing gender bias, racism, and self-advocacy. In addition to the limitations of self-disclosure, this aspect may be a conflict of interest for custody staff.

“Girls need help in developing a plan for the future and an opportunity to practice the skills that will help them realize their goals ....”

Two of three centres have mentoring modules. One Youth Custody site has a particularly strong volunteer component, inclusive of individual mentorship/adult friendship opportunities, that could be used as a model for the other two centres.

- Individual therapy, counselling, and mentoring focused on self-nurturing skills, self-esteem building, and positive “womanhood” development—which focuses on teaching girls to embrace their femaleness and honor and respect their identities—should be implemented as a programme.
- Group interventions targeting pro-social skills, positive peer relationships, and establishing and maintaining healthy relationships do not exist in the centres. In keeping with a gender-sensitive approach, the Society recommends holistic approaches that address the

whole girl within the social context of her life, her relationships, the systems she encounters, and the society in which she lives.

Such an approach offers particular benefit in addressing the issues related to Aboriginal youth within a framework of Native spirituality. Issues of health, sexuality, and well-being affect all adolescent girls, and are particularly persistent for Aboriginal girls. As such they provide girls with the language and framework of analysis to advocate for themselves and contextualize their own experiences. There are virtually no programmes for Aboriginal girls and none we are aware of that are formalized. Examples of programmes manualized and research based include:

1. The Voices Program by Barbara Bloom and Stephanie Covington. The programme advocates a strength-based approach that helps girls identify and apply their power and voices as individuals and as a group. The focus is on issues that are important in the lives of adolescent girls, from modules about self and connecting with others to exploring healthy living and the journey ahead. The programme has been used extensively within custody settings.
2. The Girls Circle Program by Girls Circle Association. The programme is a structured support group that addresses the specialized needs of girls aged from nine to 18 by integrating relational-cultural theory (RCT), resiliency practices, and skills training into a specific format designed to increase positive connection, girls’ self-efficacy, body image, and social support and competence.

Each of these programmes addresses the ongoing need for self-esteem-building programming, about which we heard an expressed need from contractors, staff, and, most importantly, the girls them-



selves. It is recommended Youth Custody Services explore delivery of the above programmes.

- We recommend addressing physical and sexual health in a holistic manner rather than just addressing contraception and pregnancy avoidance. Information should include female development; drug use and self medication by girls, to deal with abuse and depression issues; personal care, exercise, and physical health; as well as menstruation, pregnancy, sexually transmitted diseases, contraception, and sexuality. These issues fit within both models referenced above.

## Skill Building

Girls need help in developing a plan for the future and an opportunity to practice the skills that will help them realize their goals and provide them a sense of control in their lives.

Two particular areas have been identified: vocational skills and parenting.

1. Vocational training for girls was not noted in any of the three centres, and girls' attendance in school and other programmes, plus the nature of their confinement, limits the ability to address this

issue. The predictive future for these girls, however, emphasizes the importance of doing so. Essential Skills provide a bridge to employment. Essential Skills are the skills needed for employment, learning, and life. They provide the foundation for learning all other skills and enable people to perform the activities of daily life, enter trades, evolve with their jobs, and adapt to workplace change. Six of the nine skills can be taught in short, time-focused modules. Pre-and-post test TOWES can provide clear benchmarks of achievement and assist youth in career planning by matching skills to occupations. Further, they can be done in short, time-limited intervals as well as on an ongoing basis. The cost is minimal, as there is a mass of federally provided, free learning materials available.

2. Parenting skills are another need. *The Incredible Years* curriculum is a parent skill-building programme that focuses on strengthening parenting interpersonal skill competencies versus child-care abilities. It offers skills that girls can use in their own lives and potential future roles as parents, even to earning certificates for child minding.



## Key Recommendations

1. Entrench female-only living units and classrooms in policy.
2. Utilize a gender-specific assessment tool.
3. Implement consistent core programming within all three centres. We recommend the programming include: a gender-specific holistic group programme; Essential Skills; a parenting-interpersonal skills programme; gender-specific classrooms in all locations; and gender-specific counselling.
4. Deliver gender-specific physical education/sports.
5. Resolve the concerns that exist for staff to consider voluntary permanent assignment of female staff to the girls' units (related to seniority and career progression).
6. Expand the mandate and membership of the Girls Working Group, inclusive of expertise in gender-specific programming and key Ministry stakeholders, to serve as a provincial advisory board regarding the programming and conditions of confinement for incarcerated girls.
7. Initiate an annual third-party consultation and evaluation of gender-responsive programming.
8. Develop gender-sensitive training modules and include them in all Youth Services' personnel training and upgrading.
9. Include mediation techniques in staff training.
10. Provide clinical supervision for girls-unit frontline staff to support the provision of effective services for girls in custody.

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# Endnotes

<sup>i</sup> Province of BC, Youth Custody Services. Provided May 15, 2008.

## Care Status Distribution of Female Youth in Custody – f/y 2007-2008

Centre	Continuing Care	Family Service Agreement	Not in Care	Temporary Care	Unknown	Voluntary Care	Youth Agreement
BYCS open	40.8%	2.4%	30.4%	5.6%	16.0%	2.4%	2.4%
BYCS closed	36.5%	3.0%	33.9%	7.6%	10.3%	7.0%	1.7%
PGYCS open	34.8%	0.0%	56.5%	0.0%	0.0%	0.0%	8.7%
PGYCS secure	31.3%	0.0%	62.5%	0.0%	0.0%	6.3%	0.0%
VYCS open	23.8%	1.2%	28.6%	10.7%	23.8%	9.5%	2.4%
VYCS secure	21.9%	0.0%	28.1%	6.3%	25.0%	15.6%	3.1%

<sup>ii</sup> Elizabeth Fry Society Survey of Youth in Custody in the Province of BC, May 12, 2007. Data analysis is by April Beckmann, BA, MSc.

### Staff Report by Youth of the Number of:

	Times Incarcerated		
	All Youth	Girls	Boys
0	11.0%	0%	13.9%
1-2	24.2%	5.3%	23.6%
3-5	16.5%	5.3%	16.7%
6-8	18.7%	21.1%	19.4%
9 or more	29.7%	<b>68.4%</b>	26.4%

	Number of Moves		
	All Youth	Girls	Boys
0	4.5%	11.1%	2.9%
1-2	18.2%	11.1%	20.0%
3-5	23.9%	16.7%	25.7%
6-8	12.5%	5.6%	14.3%
9 or more	40.9%	<b>55.6%</b>	37.1%

	Mom Arrested		
	All Youth	Girls	Boys
No	67.0%	25.0%	63.9%
Yes	22.0%	<b>55.0%</b>	25.0%
Unknown	11.0%	20.0%	11.1%

	Mom Incarcerated		
	All Youth	Girls	Boys
No	67.0%	42.1%	73.6%
Yes	22.0%	<b>47.4%</b>	15.3%
Unknown	11.1%	10.5%	11.1%

Further, girls experienced parental incarceration more frequently: 47.1 percent of girls said their mother was incarcerated more than once versus 20.3 percent of boys. Given that women are less likely to be involved in the criminal justice system than men, and that women incarcerated are approximately 10 percent of those incarcerated, the incidence of girls with maternal criminal justice system involvement is significant.



<sup>iii</sup>A number of custody staff advised that having the girls with the boys “gentled down the boys” seemingly without considering whether the needs of girls were being sacrificed as a management tool for boys. Comments were also heard that girls enjoy physical team exercise such as basketball. It should be said, though, that when all-girl physical exercise/sports were discussed, that staff were open and expressed concerns about girls being verbally and physically harassed. Staff advised that girls are forced to participate in mixed- gender games simply because there are no gender-exclusive alternatives for them. Staff report numbers are too small for team sports, and there are no regulations that would encourage community participation.

<sup>iv</sup>Exploration on how sport is gendered and its impact on girls and women has been one of the most-researched areas in sports over the past 15 years. As Patricia Vertinsky from the University of British Columbia found in her milestone research, *Reclaiming space, revisioning the body: The quest for gender-sensitive physical education*, (1992, *Quest*, 44, 373-396):

- Girls were often less actively involved than in gendered settings and performed less well;
- Boys actively harassed girls, monopolized available space, and limited girls' participation in game activities;
- The behaviours and role play of boys and girls became more rather than less polarized, with boys dominating leadership roles and girls accepting subservient ones;
- Game rules [modified] in a coeducational strategy ... [sent messages] to the girls that they were not competent enough or strong enough to compete with boys without special assistance, and to boys, that playing with girls implied accepting extra rules and constraints;
- Teachers consistently gave more attention to boys than girls;
- [They] spent over two-thirds of their time with boys, who comprised less than half the class, or they consistently rewarded boys for their effort and good performance, while praising girls for neatness and criticizing them for being assertive... [and] explaining their achievement as luck rather than hard work. (378–380).

<sup>v</sup>Structured Decision-Making (SDM) refers to a series of assessment tools designed as a

framework to guide consistent decisions across agencies such as child protective services or juvenile courts. A single assessment tool can take forms such as a decision tree or a score sheet on which various criteria are rated. It is used extensively in the United States and specifically as gender-sensitive to girls. The Elizabeth Fry Society of Peel Halton, Ontario holds a license for the use of the copyrighted tool and uses it for case management of girls with community dispositions.

<sup>vi</sup>Information regarding Therapeutic Crisis Intervention is available through the Cornell University Residential Child Care Program, <http://rccp.cornell.edu/>.

<sup>vii</sup>Institutional practices can trigger or re-traumatize girls. Practices identified by Bonita M. Veysey, include:

- Cuffs, shackles, and restraints (such as those used to transport girls to court);
- Searches and clothing removal;
- Lack of autonomy;
- Lack of privacy;
- Isolation;
- Authoritarian control and threats of violence; and
- Critical incidents and institutional responses.

These behaviours can parallel the experience youth have experienced in the past such as in the example of incest:

INCEST	INSTITUTIONAL PRACTICES
Invasion of the child's bedroom	Lack of privacy
Forced disrobing	Forced disrobing
Penetration	Searches
Threats for disclosure	Perceived threats

**R**esponses vary widely from dissociation, fear, and withdrawal, to rage and assault. Thus, consideration of institutional practices needs to be taken from the viewpoint of developing an institutional environment of emotional safety.

<sup>viii</sup>Mallicoat, S. (2007). Gendered Justice. Attributional Differences Between Males and Females in the Juvenile Courts, *Feminist Criminology*, Vol. 2, No. 1, 4-30.

<sup>ix</sup>Research on the attitudes and experiences of professionals (males and females) who work with female young offenders in mixed-gender settings indicates that staff report girls are more difficult to work with, verbally aggressive, hysterical, and manipulative. The research found staff primarily discussed the concerns and progress of young male offenders to the exclusion of girls. However, female professionals who work only with young women are much more focused on the girls' unique needs and specialized training requirements, such as sexual abuse, parenting, and sexual health (Baines and Adler, 1996; Owen and Bloom, 1997; Freitas and Chesney-Lind, 2001; Bloom and Covington, 2001).

<sup>x</sup>Patton and Morgan (2002) and Totten (2004) highlight the importance of ensuring that girls receive single-gender programming, inclusive of girls' needs, continuity of care, and "treatment" success.

# Interview Format

## Interviews with Girls

The interview questions for girls dealt with 13 themes related to:

- Age and current sentence/reason for custody;
- Previous incarcerations and criminal justice involvement (compare and contrast within the centre environment);
- Living arrangements prior to entry into custody;
- Family, school, sports, or other community involvement and peer relationships;
- Health and access to health care; relations with staff; accommodations as required;
- Difficulties/challenges within the centre and in personal life;
- Experience within custody: relationships with staff—male and female; where encountered male staff in the institution; experience with programmes' staff and other staff and contractors; disciplinary issues—how dealt with;
- Cultural and spiritual needs; access to Elder and chaplain;
- Experiences of racism, bias, homophobia, etc;
- Needs: identification, employment, substance abuse, mental health, diagnosis, leisure, discharge planning;
- Institutional programmes involved in and experience of them: what, when, where, how many girls attend; secure/open custody or mixed; individual/group format; consistency of facilitators/staff; comprehension/accessibility to information provided; programme space; and
- Visits;
- Recommendations.

## Interviews with Staff

The interview questions for staff dealt with 11 themes related to:

- Position and classification;
- Route to current position (community, secure/open, adults/youth);
- Years involved with corrections and youth versus adult;
- Training and specific training upgrades;
- Gender-responsive training and female-centric practices;
- Experience working with girls, understanding of their needs;
- Staffing of units; adequacy of trained, qualified staff; union issues;
- Perspective regarding whether Ministry sufficiently responds to girls' needs;
- Staff issues related to girls-only living units and programmes;
- Work space, suitability;
- Recommendations and needs to respond to gender-responsive practices and programming.

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