



Fast

FACTS

CANADIAN CENTRE FOR POLICY ALTERNATIVES – MANITOBA

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Why the Pain for Women in Manitoba Jails?

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The Free Press (May 23 and 26, 2018) recently reported on the case of an Indigenous man who served more than six months in jail after pleading guilty to a break and enter. It later came to light that the man was innocent of the crime because he was incarcerated at the time the incident occurred.

This story should give us pause to consider some of the factors leading people into the criminal justice system — and what happens to them when they get there.

Interviews I conducted at the Women's Correctional Centre with 42 women (most of whom were Indigenous) shed light on reasons why they become entangled in the criminal justice system. Most evident in their stories was the trauma and related pain they have experienced.

The women's early years were troubled by unsettled home lives, being taken into care, problems at school, pregnancy at an early age, and initiation into the world of street gangs and the drug and sex trades. Exposure to sexual exploitation and violence became part of their "normal."

As adults, the women encountered more trauma: abuse in their intimate relationships, losing custody of their children, and the untimely deaths of loved ones. Several had lost sisters and friends who are counted among the many missing and murdered Indigenous women and girls in Canada.

Turning to drugs and alcohol became a ready coping strategy for alleviating the pain generated by that trauma. This coping

strategy often brought them into conflict with the law.

Some of the women were either so high on drugs or blacked out on alcohol that they had no memory of the events leading to their charges. When Margaret's sister and father died, she turned to drugs to cope. She ended up being convicted on two robbery charges and a break and enter. Margaret told me: "I'm trying to remember what the [police] report said. 'Cause I, honestly, I barely remember what happened. I just remember blacking out and being on the ground at gunpoint and then coming to in the police station."

Once accused of committing a criminal offence the women were faced with onerous conditions — including abstaining from drugs and alcohol — if they were to be released on bail. In effect, they had to refrain from living the only life that they knew. This set them up to fail.

One review of Manitoba bail cases found that the requirement to abstain from alcohol was imposed in 46 per cent of cases and from drugs in 41 per cent of cases. As one Alberta judge has noted, "Ordering an alcoholic not to drink is tantamount to ordering the clinically depressed to just 'cheer up.'"

Breaching bail conditions leads to more charges. Administration of justice offences — such as failing to comply with conditions — were the most

there is an alternative.

CCPA-MB
205-765 Main St.
Winnipeg, MB
R2W 3N5

phone

(204) 927-3200

email

ccpamb@policyalternatives.ca

website

[www.policyalternatives.ca/
manitoba](http://www.policyalternatives.ca/manitoba)

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serious charge in 23 per cent of Canadian adult criminal court cases completed in 2013/14. Breaching also meant the women were likely to be taken into remand custody.

Despite declining crime rates, remand numbers across Canada are increasing. There are now more adults in provincial lockups on remand — i.e. not proven guilty of an offence — than have been sentenced. Manitoba has one of the highest remand rates. In 2014/15, 67 percent of adults admitted to provincial custody in Manitoba were being held on remand; Indigenous people represented 70 per cent of that population.

Once taken into remand custody — sometimes for months and even years — the women were motivated to plead guilty “just to get it over with.”

Most criminal cases are concluded with a finding of guilt. But very few cases actually go to trial. Researchers have found that Indigenous people are more likely to plead guilty than are non-Indigenous people, and women plead guilty at a higher rate than men.

For some of the women I interviewed, given their limited knowledge of the law and legal process, pleading guilty seemed to be the most expedient thing to do. In some cases, women even “took the rap” for offences they didn’t commit. Sometimes they made this decision due to loyalties to family or friends. Other times pleading guilty seemed the only option when the alternative was to “rat” on the person who was really responsible for the offence, which could have prompted even more serious consequences.

Natalie was staying at her friend’s house. The police showed up one night and found a cache of drugs. Natalie was charged with drug possession and trafficking. She chose not to contest the charges, as doing so would have meant naming her friend’s boyfriend, who happened to be a member of a biker gang. Natalie got sentenced to 30 months’ incarceration.

Clearly, drugging and drinking are implicated in the women’s conflicts with the law. Gabor Maté, a doctor whose work in Vancouver’s Downtown Eastside has

placed him into “close encounters with addiction,” notes, “All addictions always originate in pain, whether felt openly or hidden in the unconscious. They are emotional anesthetics.” So the question we need to ask is not “why the addiction?” but “why the pain?”

The stories told by the women at the WCC reveal their lived experience of trauma and the pain it generates. What logically follows is that we need to do more to find solutions to the underlying problems causing that trauma and pain. Unless we address the social sources of the trauma, women will continue to be caught up in the criminal justice system.

Elizabeth Comack is a professor of sociology and criminology at the University of Manitoba and a CCPA-MB research associate.

Her book, *Coming Back to Jail: Women, Trauma, and Criminalization*, will be launched at McNally Robinson Booksellers Grant Park on Thursday, June 7 at 7 pm.

CCPA-MB
205-765 Main St.
Winnipeg, MB
R2W 3N5

phone
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email
ccpamb@policyalternatives.ca

website
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manitoba

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@ccpamb

References available upon request.