"Women Don't Belong to Prison, They Belong to Communities": Governing the Criminalized Mother under the Auspices of Canada's Institutional Mother-Child Program

By

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AUTHOR'S DECLARATION

I hereby declare that I am the sole author of this thesis. This is a true copy of the thesis, including any required final revisions, as accepted by my examiners.

I understand that my thesis may be made electronically available to the public.

ABSTRACT

Since its inception in 1996, the institutional mother-child program has suffered from a lack of funding, increased restrictiveness in eligibility for participation, and in some cases has been cancelled entirely. Over the past two decades, the program has been criticized by its supporters for its lack of standardization and rigor and by its opponents because prison is seen as an inappropriate place to raise a child. Mother-child programming represents a highly controversial topic, dividing groups according to how they align themselves with the issues of women's rights, the rights of the child, and public safety concerns. This study explores the relationship between the social welfare and criminal justice systems and the various interpretative frameworks and logics used to govern the incarcerated mother under the program. Specifically, the analysis explores how local service providers at community-based agencies mediate state power and translate program objectives. Furthermore, rehabilitation programs are investigated to identify how incarcerated and formerly incarcerated women are framed in relation to the standard of the "best interests of the child" and the construct of community. Over a two-year period, in-depth interviews were conducted with CSC staff, child welfare, and local community-based organizations across four Canadian provinces and six municipal regions. Broader findings from this study suggest that despite its identification of women's empowerment as its stated objective, the mother-child program is upheld by a set of logics that generate new modes of exclusion. Three main findings are revealed. First, the way that the community construct is idealized by state and local actors, as empowering and healing, is inconsistent with how criminalized mothers experience community in their day-to-day lives. Secondly, CSC and CPS differ in their interpretation of the "best interests of the child" standard and what that means for program applicants. The deployment of a community standard to assess children's interest and to evaluate for risk produces tension within the partnership. Third, I uncover that precarious patchwork funding models enhance organizational reputability even though they detract from direct client service with incarcerated mothers, intensifying the exclusion of mothers and their children from accommodation and vital services.

Keywords: mother-child program (s), reintegration, community, empowerment, best-interests of the child

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It would be remiss of me not to include a heartfelt "thank you" to the participants in this study. This dissertation would not exist without their involvement. I am particularly grateful to the mothers who graciously offered their time to share their personal stories with me. Their contributions are what made the narratives chronicled in this work possible.

Finally, I want to express my appreciation to my close friends and immediate family for their endless patience and emotional support. Their unconditional love and continued encouragement gave me the strength to achieve this goal. And last, to my daughter, Gabriella, you are the reason I persevered. I want this dissertation to be a reminder to you of the importance

of education and knowledge for young women. Even more, I want you to understand and appreciate the value of discipline and hard work.

DEDICATION

This dissertation is dedicated to my mother and father, John and Gabriella Leroux, my husband and partner in life, Cihan Demir, and our beautiful daughter, Gabriella Irmak Leroux-Demir. All of you are the driving force in my life. Forever and always.

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LIST OF ABBREVIATIONS

APR – Accelerated Parole Review
AT – Attachment Theory
AT-MDH – Attachment Theory – Maternal Deprivation Hypothesis
ATIP – Access to Information and Privacy
BCCLA– British Columbia Civil Liberties Association
BIC – Best Interests of the Child
BSWH – Buffalo Sage Wellness House (located in Edmonton, Alberta)
CAEFS – Canadian Association of Elizabeth Fry Society
CCRA – Corrections and Conditional Release Act
CD – Commissioner Directive
CPS – Child Protection Services
CRF – Community Residential Facility
CSC – Correctional Service Canada
Efry – Elizabeth Fry Society (local chapters)
ETA – Escorted Temporary Absence
IH – Institutional Head
IP – Institutional Protectionism
MCP – mother-child program (s)
MCU – mother-child unit (s)
NHQ – National Headquarters (CSC National Headquarters located in Ottawa, Ontario)
NWAC – Native Women's Association of Canada
P4W – Kingston Prison for Women
PA – Parental Agreement (s)
PCA – Parental Capacity Assessment (s)
PFV – Private Family Visit (s)
PP – Parallel planning
PSC – Public Safety Canada
PTSD – Post Traumatic Stress Disorder
TA – Thematic analysis
TFFSW – Task Force for Federally Sentenced Women
UNCRC – United Nations Convention on the Rights of the Child
WOS – Women Offender Sector

LIST OF CASE LAW

Bennett v. Jeffreys[20 N.Y.2d 543, 387 N.Y.S.2d 821, 356 N.E.2d 277 (1976)]
Canada (Attorney General) v. Whaling, 2014 SCC 20, [2014] 1 S.C.R. 392
Tinio v. Canada (Attorney General), 2015 S.C.R.

Chapter One

An Introduction to the Study

As quoted in the CBC news article, *"Moms and babies actually do very well together in prison, researcher says,"* Amy Salmon from the Center for Health Evaluation Outcome Sciences at UBC argues that when women are allowed to keep their babies while imprisoned, the well-being of mothers and their children are protected, and recidivism rates are reduced.

> Children are much more able to meet their developmental milestones. They often have access to very good healthcare, often at a frequency that is much greater than they might have received in the community. They're also more likely to be vaccinated and breastfed and the benefits are two-way. (Britton, 2016)

The Salmon article was released on the heels of another article, titled "*Family of Reena Virk reacts to news of killer's prison pregnancy*" (Omand, 2016). Convicted killer of 14-year-old Reena Virk became pregnant through conjugal visits with her then-boyfriend, Darwin Dorozan, in 2015. According to the Times Colonist, Kelly Ellard, 34, told the parole board at her last hearing that,

> [s]he sees the world through different eyes after becoming a mother. She said she needed to bond with her baby, adding she has 'big plans for their future and wants to start now. It's kind of amazing how much this child has calmed me,' she said before breaking down in tears. 'It's the best therapy I could have hoped for.'

Controversy arose over whether or not Ellard would be allowed to keep her baby in prison under the auspices of Canada's mother-child program. Conservative MP Tony Clement was fast to respond to the case by demanding a policy review of conjugal visitation legislation and mother-child program eligibility.

The media also contacted Reena Virk's grandfather, Mukan Pallan, soon after the article's release. Pallan commented that the Virk family was moving forward but understood that the child could increase the likelihood of Ellard's early parole. Virk's mother has maintained civility with the news of Ellard's pregnancy and request for release. The victim's mother

concludes, "hopefully with this new life coming she also changes and starts to value life…

[further]… I hope she appreciates the role of a mother and sees how valuable life is." Both

statements made by Salmon and Reena Virk's mother, Suman Virk, underline prevailing

assumptions about the protective function of the maternal bond and transformative potential of

motherhood. As of February 28th, 2017, Ellard has been granted temporary escorted releases for

supervised visits with her infant son by the Parole Board of Canada.

Indirectly, the tragedy of Reena Virk's murder by a group of six teenage girls –

colloquially dubbed the *Shoreline Six*—in 1997 prompted a renewed interest in Canada's

controversial mother-child program when the news first broke about Ellard's pregnancy. Ellard's

case is not the first to highlight the misgivings that surround the program despite recognition by

the courts that infants have a legal right to form an attachment to their mothers, and that

incarcerated women have reproductive rights (Kanaboshi, Anderson, & Sira, 2017; Sufrin,

Kolbi-Molinas, & Roth, 2015).[1] [2]

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[1] In 2013, the British Columbia Supreme Court ruled that incarcerated women had the constitutional right to care for their newborns and, second, that the removal of a child as a result of the cancellation of the provinces mother-child program contravened Section 7, Security of the Person under the *Canadian Charter of Rights and Freedoms*. The British Columbia Civil Liberties Association (BCCLA), a third-party intervener in the case, argued that the MCP "respected the family unit and the bond between mother and infant [leading to] better health outcomes for babies" (CBC, 2013).

[2] In *Tinio v. Attorney General of Canada (2015)*, the plaintiff claimed that Section 18.1 of the mother-child programs directive, that restricts violent offenders from eligibility without risk assessment, is discriminatory and punitive. The Federal Court of Appeal of B.C. ruled in favour of Tinio on the grounds that Section 18.1 "runs counter to its [Directive's] purpose, it contradicts the overarching objectives [that are] intended to promote stability and continuity for the mother-child relationship." The appellant judge declared that: "Exclusion has negative effects on rehabilitation as well as deleterious emotional and psychological effects on mothers. Furthermore, it perpetuates the cycle of disadvantage and trauma experienced by many incarcerated women by needlessly depriving children of a bond with their mothers. These harms are not balanced by any documented benefits to public safety." The presiding judge noted the ineptness of Correctional Service Canada (CSC) in their failure to conduct sufficient research on the potential impacts of stricter candidacy criteria. Thus, the misguided practice of relying on anecdotal evidence provided by guards at program application hearings, according to the courts, signaled the potential exclusiveness of the program through the systematic elimination of certain types of offenders deemed too dangerous or risky to mother. Thus, the *Tinio* verdict provokes an analysis of the constitutionality of the policy by scrutinizing risk classification strategies that may ignore the heterogeneity of the female offender and maternal rights.

From an international perspective, global treaties such as the *United Nations Convention on the Rights of the Child* (1990) (UNCRC) firmly pronounce the social, legal, political, and cultural rights of the child, particularly in cases when children reside in prisons. In addition to the UNCRC, several commissioned reports over the past decade have attempted to delineate children's rights in prison in order to inform on how those rights are best protected through standards of good practice (see Bangkok Rules, 2010; Guidelines for The Implementation of Mother-Child Programs Units in Canadian Correctional Facilities, UBC, 2015; Quaker United Nations Office, 2005).

In concert with global treaties, CSC has developed a program and policy manual that incorporates similar normative principles. Drawing from the narratives of program coordinators, CSC, and local community-based organizations, one can conclude that the program is endorsed on the basis that it mitigates the hardships of maternal separation and curbs recidivism rates of female offenders. Longitudinal studies have concluded that women who participate in mother-child programs, known as prison nursery programs in the U.S., have a 50 percent chance of remaining crime-free five years after release (Carlson, 2009; Hoffmann, Byrd, & Knightlinger, 2010; Kauffman, 2002). Longitudinal research to measure the success rates of Canadian programs is not yet available. Hence, Canada has relied on U.S. statistics and international reports to inform its policy and practices.

Program Description

The mother-child program is federally operated by CSC with the objective to "provide a supportive environment that fosters and promotes stability and continuity for the mother-child relationship" (CSC, 2007, para. 1). The foundation of the program promotes the best interests of

the child (BIC) with the aim to enhance maternal bonding, develop parenting skills, and to reduce recidivism through strategies that encourage positive lifestyle choices (Villaneuva, From, & Lerner 2009).

Central to the program's mandate is child safety. Section three of Commissioner's Directive 768 states, "[t]he best interests of the child shall be the preeminent consideration in all decisions relating to participation in the mother-child program. The best interests of the child include ensuring the safety and security as well as the physical, and emotional and spiritual well-being of the child" (Section 3). Any violation of the standard results in the mother's immediate termination and removal of the child from the institution.

Mother-child program policy is contained within the *Institutional Mother-Child Program* under *Commissioner's Directive 768*. The directive outlines 28 guidelines for staff. Sections include, but are not limited to, institutional responsibilities, offender case reviews, managing children's personal effects, and program evaluation criteria. This research project pays particular attention to Section 80, *Continuity,* which states: "community support networks shall be established at the beginning of the mother's participation in the institutional program to ensure that support (including financial considerations) continues throughout her incarceration and when she is on conditional release" (para. 1). The main goal of the program is to help prepare the inmate for community reintegration on release through the joint development of a formal release plan that includes input from the inmate, program director, parole officers, and local community agencies.

A compendium of rules outline eligibility. Women classified as minimum and medium security offenders are eligible to participate. Exemptions to participation include high-risk

offenders and women convicted of committing crimes against children. For example, Kelly

Ellard was denied residency because she was classified as high-risk.[3]

Participation can be divided according to full-time residency, part-time residency, and

family visitation. Children up to the age of four are permitted to reside full-time with their

mothers in a mother-child programs Unit (MCU). The age limit for part-time residency

programs, however, (evenings, weekends, holidays, school vacations) is six years. Children over

the age of six are eligible for private family visitation in designated units. The age for part-time

residency was drastically cut from 12 to six years as part of Stockwell Day's revamping of the

eligibility criteria back in 2008 when Public Safety Canada ordered a review of the mother-child

program policy. As a result of the review, changes were made to eligibility to preclude high-risk

offenders citing concerns around child safety. As part of a conservative, "tough on crime"

approach to crime control, participation eligibility was radically narrowed. Public Safety outlined

the following exemptions:

- Excluding offenders from the program who have been convicted of serious crimes involving violence, children or those of a sexual nature;
- Requiring the support of local Child and Family Services before the participation of an offender is approved; and,
- Re-evaluating the participation in the program of any offender who refuses to allow her child to be searched for drugs or other contraband before entering an institution. (Government of Canada, 2010)

What is problematic is Public Safety Canada's third stipulation regarding searches of children if

the matter is viewed from a children's rights perspective. Since 2001, a series of thematic

consultations on the impacts of penal regimes on children by the United Nations have explored

the use of upper and lower body cavity searches deployed upon children in youth facilities, for

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[3] In very few cases, high risk offenders may be eligible for the program if a staff psychiatrist writes a formal assessment, stipulating that the inmate is not a threat to her child. The letter will be taken into consideration by the program board during the application review process.

example. Child advocates and human rights organizations have criticized the use of searches of children, suggesting that this constitutes a forms of institutionalized child abuse (Office for the Commissioner for Human Rights in United Nations, 2005; United Nations Committee on the Rights of the Child, 2002) However, in the case of mother-child programs in Canada, the issue of institutional searches of children has yet to be raised as a concern by child welfare agencies, specifically, even though the use of invasive bodily searches contravene international guidelines. As it stands today, despite the potential impacts of tighter eligibility guidelines on the rights of applicants and their children, the stipulations afforded under the candidacy process remain unchallenged.

Eligibility to determine candidacy is informed via two processes: CSCs risk assessments and the determinations made by a mother-child program Board. Each applicant must submit an application form along with a signed parental agreement. The program board reviews several key factors before deciding whether or not to move forward on the application. The board must consider the custody status of the child, the quality of mothering skills as evaluated by child welfare authorities, and the wishes of the child (if possible). Children's welfare is cited as the most critical consideration. The institution must assess the child's mental and physical health and any potential risk as a result of the disruption of the child's life. In cases where children are too young to provide consent, Child Protective Services (CPS) will act on behalf of that child's best interests.

The mother-child program is a federal correctional program; however, some provincial institutions adopt similar practices and protocols to enhance health services in the treatment and care of pregnant mothers on remand or serving a provincial sentence. Contrastingly, at the federal level, mother-child programs include the following components: full-time and part-time

residency and family visitation options, mother-child programs Units (MCU), indoor/outdoor

play areas for children, and visitation rooms for family days.4 At the local level, mother-child

programs operates formally and informally depending on the community residential facility

(CRF). A portion of CRFs may also offer designated mother-child programs satellite apartments

where women can complete their sentence while residing with her child (ren) in the community.

Funding at the local level for mother-child programs is contingent upon the allocation of state

per-diems and in-kind donations.

Federal facilities and CRFs vary in the number of services that are available to mothers.

Some of the services cover reading programs, video visitation services (CHILD LINK), public

health sponsored programs such as Healthy Babies, Healthy Lives, family days and private

family visits, pre and post-natal planning, breastfeeding pumping and storage, doula birthing

services, lectures, and parenting programs. Given the current fragmentation of the program, it is

difficult to generalize about the size and range of those services. There is no standard profile of

programming across the five federal institutions and Okimaw Ohci Healing Lodge, that was the

first to run a mother-child program pilot program in 1996.5 The lack of standardization is

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4 Federal institutions are operated by the Canadian Government, managed by Correctional Service Canada, and are designated for female inmates serving terms of two or more years. The five federal institutions were built according to the residential women's multi-level design model that houses residential suites, a residential living unit, and observation unit. It is one of five federal prisons for women with a total capacity for 180 inmates, with 50 or more units to be built by 2014. It is a multi-security level institution. The Government of Canada commissioned one of Canada's leading architecture firms to design and build the institution. The institution cost ten million dollars to construct, is situated in what once was a rural setting, and is 75,000 square feet. The building won several notable awards for its architectural significance. Based on recommendations from the TFFSW, prison architecture for the five new regional facilities must combine several key design elements to embrace a community-based, spiritual, and interactive environment instead of the traditional designs, that can be characterized as harsh and sterile. The institution, therefore, was built according to a village model with a shared frontal exposure to greenery, soft lines (conical formations), an emphasis on natural lighting and neutral colors (TFFSW, 1990, pp. 115-116 and Correctional Service Canada, 2012).

5 Okimaw Ohci Healing Lodge ran a pilot program of mother-child programs in 1996. The institution had a nursery, a daycare, lodges to accommodate children, and a nurse to supervise children during the day. The goal of Okimaw was to create an institution that was reflective of the ethnocultural practices of Aboriginal people given their belief that children are inextricable to the healing process of Aboriginal mothers. Unfortunately, shortly after the program began, security heightened and inmates began to notice changes in how programs were operated. For example, it

attributed to multiple factors such as discretionary practices that work outside formal program protocol, socio-political and economic regional differences, diversified spectrum of criminal justice partnerships, and, defunding of services at the institutional and local level. These factors are discussed in greater detail in chapters four, five and six.

The Research Problem

Despite its lack of standardization, the mother-child program presents itself as comprehensive, intelligible, and for all intents and purposes, logical policy approach given the exponential increase in Canada's female incarceration rate. Policy principles align with the goals of women-centeredness, empowerment, and meaningful choices. These principles were first promulgated in *Creating Choices* (1990), a report developed by the Task Force for Federally Sentenced Women, that recommended a holistic correctional strategy to redress the inequalities that federally sentenced women face. The extent that these principles, however, become remodified through institutional and local practices in the governance of incarcerated mothers is under-investigated.

The mother-child program is rooted in the principles that are espoused in the infamous *Creating Choices Report*. When institutional and local organizational logics are examined, however, the MCP generates new modes of exclusion. These modes of exclusion result from competing logics and diverse interpretive frameworks adopted from different corners of the social welfare and correctional systems. As such, the data suggest an incongruence between logics, as they are folded into the "best interests of the child" standard and community construct,

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was noted that counselors were imposing values and belief systems that were inconsistent with the Circle of Life philosophy. Hayman (2006) provides a detailed overview of the shift in language and logic that deprioritized maternal relationships and healing principles since mother-child programs was first implemented at Okimaw Ohci Healing Lodge.

convolute the program, thereby de-prioritizing the maternal relationship. Based on an examination of the mother-child program, I argue that we must be sceptical of empowerment strategies when they are used to govern women offenders (for an in-depth overview of the topic area see Haney, 2004, 2010, 2013). The support for empowerment strategies requires extensive reflection in light of a series of criticisms made by scholars over the years.

A segment of the literature on gender and punishment has explored the concept of empowerment to investigate the norms and standards that underpin gender-specific programs. In particular, these studies highlight the complex interplay between the social welfare and criminal justice systems in upholding conventional ideals of motherhood (Derzken & Taylor, 2013; Goodkind, 2005, 2009; Haney, 2010; Hannah-Moffat, 2000, 2001, 2004, 2010; Kilty, 2011; Kilty & Dej, 2010; Kerrison, 2017; McCorkel, 2003; McKim, 2008, 2014; Pollack, 2005, 2007).

Working from this conceptual framework, I investigate how local community-based organizations shape penal power. Additionally, I consider how the mother-child program obscures subtle forms of punishment, produces subversive taxonomies of incarcerated subjects, and constrains women's identity through traditional feminine ideals and stereotypes. In particular, I explore how criminalized mothers are socially constructed by prescriptive courses of action that are idealized by CSC, CPS, and social justice agencies. Part of the examination includes a discussion around a key finding, the category of the community-mom. The category emerges from a historical legacy of normative prescriptions generated by the child welfare and correctional systems and the public health sector to rationalize intervention policies that govern marginalized mothers and families.

Interventionist policies remain uncontested due to disparities in program operation and infrastructure that arguably complicate empirical assessment (Clarke, 2013; Derzken &Taylor,

2013; Kauffman, 2002). The vast majority of research evaluating mother-child programs are firmly engrained within psychological and normative gendered discourses— women-centeredness, gendered needs, empowerment, community healing, and, connection, that are rarely questioned. Therefore, it is key to inspect the ways in which mother-child policy and practices regulate women's sexuality and parenting behaviour, acknowledging that institutional and re-entry focused programming possess gendered logics. These logics produce and re-produce bias against women, in particular, mothers (Bosworth, 2000; Farrall, 2002; Mills & Codd, 2008; Kauffman (2014); Singh (2017); Turnbull & Hannah-Moffat, 2009).

Recent studies have interrogated the effects of gendered logics on the lives of female offenders. For instance, Erin Kerrison's (2018) ethnographic study of community residential facilities reveals that risk profiling rubrics deployed by re-entry programs prioritize heteronormative values in assessing the relationships of LGBTQ clients. The author's findings reveal that correctional supervisors view non-traditional home plans as a risk factor that could threaten successful reintegration. Kerrison's study is part of a growing body of research that reveals the various ways in which normative values materialize in community-correctional practice. Adopting a similar orientation, I endeavour to draw out how a legacy of moral judgement of maternal capacity shapes the social construction of the criminalized mother and her experience of the correctional system.

Competing Logics and Diverse Interpretive Frameworks within the Community-Criminal Justice Nexus

Over the past 100 years, the Canadian correctional system has embarked on a trajectory that combines blended approaches to criminal justice. This includes a mixture of punitive interventions and community-based sanctions, self-enterprise, and surveillance strategies through

risk profiling (Brown, 2000; O'Malley, 1999). Within that spectrum, women's correctional

strategies have similarly incorporated a diverse range of technologies to punish female offenders.

Such technologies have evolved from and transformed according to the needs of the state and its

citizenry. These transformations are visible across community terrains, where a distinctive

political language and value system supports local normative practices and strategies of crime

control. The objectives of these practices and strategies are to contain and regulate offending

groups through methods that are independent of the state (Miller, 2014; Rose, 1996).

Thus, the community has been re-fashioned as a crime control technique directed towards the

goals of social justice, self-regulation, and community-building (Rose, 1996).

Deploying a governance framework, the broader question posed in the study becomes,

how does the community mediate state power? According to Garland (2001), modern responses

to crime result from shifts in cultural and political ideologies where civil society partners with

the state on the problem of crime. Garland (2001) surmises:

> In a sharp reversal of the long-term tendency towards monopolization of crime control by
> specialist government agencies, the state has begun to make efforts to 'de-differentiate'
> the social response—that is, to spread out the crime control efforts beyond the specialist
> state organizations that previously sought to monopolize it. (p. 17)

Described by Garland as the "declining autonomy of criminal justice," the state-centric

regulation of crime is replaced by an emerging philanthropic sector that deploys a series of non-

custodial, community-based options (Garland, 1997, pp. 170, 189; Phelps, 2013). Garland (1996,

2001) additionally argues that the modern criminal justice system is ineffective at controlling

crime due to the inherent "tension and contradictions" of the late modern period. This period is

marked by uncertainty and doubt around rules of conduct across various aspects of social,

political, and economic life, resulting in a breakdown of crime control policies and subsequent

dispersion of crime control logics across state and quasi-state agencies. This includes local philanthropic organizations (Garland, 2000, 2001; Lynch, 2002).

Consequently, the contradictory nature of the late modern period enhances social exclusion as marginalized groups are stripped of their status as citizens, restricting their access to social welfare services (Garland, 2001; Wacquant, 2009, 2010). Re-entry politics, thus, becomes part of a larger state effort to isolate problematic groups and impose restrictions on the poor and dispossessed (Garland, 2001, p. 195 and Wacquant, 2009).

In downgrading the task of crime control, civil intervention is enlisted to manage the crime problem and contain deviant groups (Garland, 1996, 2001; Rose, 1996; Simon & Feely, 1992, 2002, 2008). Thus, the involvement of the community, as an administrator of justice, increases the span of carceral networks across different domains (Foucault, 1995; Miller, 1995). We can, thus, use the case of the mother-child program to analyze the complexities born from late modern political rationales through an examination of criminal and community justice partnerships. Included in the analysis is an investigation of the role of the child welfare system that has historically had a torrid relationship with incarcerated mothers (Beckerman, 2017; Mignon & Ransford, 2012; Seymour, 2017).

Throughout each of the findings chapters, I question the perceived benefits of the program and the safeguards within the policy to protect the rights of the criminalized mother, and by extension her child. Additionally, I expose the social transformation of criminalized mothers into disempowered, rather than empowered subjects. I use the case of the MCP to challenge the notion that criminalized mothers have the freedom to mobilize parental agency on the basis that bureaucratic needs and interests eclipse her power. I also identify how CSC deploys local service providers to strengthen correctional objectives, under the veil of empowerment discourses.

Empowerment as a (Semi) Penal Strategy

Empowerment discourses have been explored in a variety of contexts; race and identity studies (Collins, 1999; Cummins, 1996), workplace studies (Spreiter, 1995), social work (Babbie & Rubin, 2013), and cognitive and behavioural studies (Thomas & Velthouse, 1990). For the purpose of the research study, I explore how the mother-child program deploys empowerment as a method to govern the criminalized mother.

Empowerment is significantly tied to the idea of agency and self-government wherein the woman is constructed as capable of managing her own change (O'Brien, 2001). Concomitantly, an empowerment discourse is built around the concepts of self-esteem, self-confidence, and self-sufficiency. Empowerment can be said to occur "when individuals or groups become active agents, more effectively directing their lives in keeping with their own needs and purposes" (Kondrat, 1995, p. 414).Within carceral settings, empowerment techniques used in group work, for example, are operationalized to "mobilize critical reflection and introspection" in order to address poor self-esteem, increase awareness of personal strengths, and establish better decision-making and lifestyle choices (Malloch & McIvor, 2011; Pollack, 2000; Travis & Waul, 2003; Van Wormer, 2001).

There are several noteworthy criticisms of empowerment strategies, however. Hannah-Moffat (2001) argues that empowerment, once articulated through penal power, functions as a coercive tool rather than a strategy to support women. It is posited that empowerment strategies place the onus of rehabilitation and reform on the criminalized mother, through a form of self-policing (Hannah-Moffat, 2000, p. 511). Furthermore, empowerment strategies attempt to re-feminize women as part of the "neoliberal abduction of feminism" (McKim, 2014, p. 453). Women offenders unwilling or unable to subscribe to correctional program philosophies, that are

predicated upon normative values and belief systems such as inner work, are regarded as risky, less likely to successfully reintegrate, and therefore, deserving of harsher punishment (Hannah-Moffat, 2001; McKim, 2014**).**

In addition, empowerment strategies are contested because they are viewed as superficial solutions that "downplay power relations," overlooking structural conditions such as poverty and systemic discrimination that precipitate crime in the first place (Hannah-Moffat, 2001, p. 191 and Haney, 2004, pp. 347-348). Barbara Cruickshank (1999), in *The Will to Empower: Democratic Citizens and Other Subjects,* questions the effectiveness of "tireless" applications of self-governance strategies as solutions to a variety of social problems that stem from social inequality (p. 1). The use of empowerment strategies is part of a longer history of self-help that grew from second-wave feminism. Cruickshank notes that the "revolution within" is invoked as a new technique of citizenship and self-governance in which individuals can "act upon [them]selves so that the police, the guards and the doctors do not have to" (p. 230). The assimilation of feminist principles by punitive logics highlights a significant shift in how empowerment, today, is mobilized. That CSC claims to be "women-centred" situates the incarcerated mother's self-identity as feminist – which is problematic for the feminist movement and for feminist scholars who widely critique carceral logics, policies and practices. Bearing in mind the following criticisms within the following collections of scholarly work, I have developed a set of research claims to guide the analysis.

Research Claims

Unlike male-centred models that locate the source of deviance and recidivism in poor problem-solving skills, women-centered strategies are predicated on empowerment discourses.

Built into re-entry programming, empowerment is a type of transformative activity of personal reflection on poor decisions, with the goal of redeeming the self. Arguably, empowerment is a gendered process. Here are the following claims that guide this analysis.

Claim 1: Contemporary empowerment discourses involve re-configurations of traditional forms of feminized strategies of punishment. Under the mother-child program, empowerment is achieved through the transformative nature of the maternal bond. Claim one is substantiated by Carol Smart (2013: 22) who argues that the justice system replicates and reproduces inequality by capitalizing on the mother-child bond as a means to control women. The overarching structural oppression that may interfere with capacity to mother is, thus, overlooked (Smart, 2013, p. 22). Because I explore the interconnected role of CPS and the "best interests of the child" standard, this research is interested in uncovering how the child becomes part of the economy of punishment and is used to invoke self-regulation of the maternal incarcerated subject.

Claim 2: As an extension of claim one, the emergence of the MCP is symbolic of the paradigmatic shift in women's correctional programming, post *Creating Choices*. Traditional maternal reform strategies are replaced by a mix of feminist objectives and governed through criminal justice partnerships. The deployment of an empowerment discourse by CSC and community-based organizations conjures an image of the empowered mother as distinctive from the "fallen woman." It was believed that fallen women were redeemable through bonds to traditional institutions of marriage and family (Boritch, 1997; Hannah-Moffat, 2000, p. 29). Despite a change in language, I argue that correctional logics remain the same. The modalities of discipline that are used to transform the incarcerated mother are modified, however. Her reform is guided and achieved through her connection to community in a continuum of care that

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includes the "best interests of the child" and a family preservation model. The continuum of care involves experts whose attitudes and value systems have the potential to re-produce narratives that are entrenched in maternal stereotypes of the "good wife" and the "good mother" (Hannah-Moffat, 2000).

The Present Study

This project used a multi-method qualitative research strategy that triangulated in-depth interviews, textual analyses of government policy reports and CRF in-house documents, and direct observation to investigate the range of mother-child services offered across four Canadian regions (Western, Prairie, Central, and Eastern). Triangulation ensured corroboration of and consistency in data and sources.

Methods of data collection. In-depth interviewing was the primary method of data collection. This method was chosen because it permits flexibility and allows researchers to reformulate propositions during the research process (Kvale, 1996). Furthermore, in-depth interviewing encouraged fluidity, evolution, and dynamism and provided subjective interpretations of behaviour.

The second method of data collection involved a textual analysis of government reports and policies related to mother-child programming in Canada. At the preliminary stage of research, I located the majority of documents through CSC websites. In a few cases, internal documents were provided post- interview (e.g., internal memo regarding candidacy rules for program participants and CRF house rule guidelines). For the project, I relied on the following for document support: MCP *Commissioner's Directives 768* (old and revised), National Strategy Reports, and the *Creating Choices Task Force Report* (1990). These documents were available

directly through the CSC website. The CSC website also provided background information

(history, statistics, auditor general reports, and research articles) and links to commissioned

reports from non-government organizations such as the Canadian Association of Elizabeth Fry

Societies (CAEFS) and the Native Women's Association of Canada (NWAC).

Certain documents were unobtainable, however. For example, I had requested a copy of

the Parental Agreement and Discipline Protocol through my contact at the NHQ in Ottawa, but I

did not receive anything in return. To compensate, I relied on anecdotal information from

interviews to provide details on the form and manner of those documents. I did not deploy an

Access to Information and Privacy request (ATIP) to obtain those documents for three main

reasons: I was unfamiliar with the process; I was unsure of the direction of my research at that

particular point; and, I was worried about the time it would take to receive approval. My

concerns are substantiated by Watson & Yeager (cited in Watson, 2015) who comment that the

ATIP process can be time-consuming, costly, and the documents may be severally redacted by

the institution. Regrettably, not having access to policy documentation for analysis is a limitation

to the study.

I also encountered barriers to access to documentation throughout the research process.

Statistical information was available through the Women Offender Sector (WOS) but according

to Ottawa, it is both unreliable and unverifiable (NHQ Institutional Mother-Child Program

Portfolio Manager, telephone communication). Apparently, a standardized tracking system that

provides program participation rates was in the development stages at the time of my research,

according to NHQ. It is, therefore, difficult to know the exact number of women that have

participated in the residency component. According to CSC, in 2013, only six women used the

program. Other reports suggest upwards of 13. CHILD LINK was another program that had

dismal participation rates. As of 2013, only one woman was reported having used the service. Reports detailing CHILD LINK were also unobtainable. Ottawa noted that the program was still in its development stage and, therefore, any documentation would be only in the form of a working draft (NHQ Institutional Mother-Child Program Portfolio Manager, telephone communication).

It is difficult to say whether or not the barriers I experienced were the result of a genuine lack of documentation because of the de-commissioning of the program since 1995 or a matter of institutional protectionism. My guess is that it may have been a case of both. Regardless, Piché's (2011) discussion of institutional access is important to consider as part of a broader discussion around the challenges faced by researchers when investigating government agencies and practices. Based on what I observed from my own dealings with CSC, I would concur with Piché that research dilemmas result from an entrenched political climate of government-withheld information where a lack of transparency on part of the government is commonplace.

The third method of data collection I deployed was direct observation of three mother-child units: one federal institutional and two community residential facilities (CRF). Direct observation allowed me to draw comparisons between physical layouts, décor, quantity, and quality of children's items (i.e., highchairs, toys, and books), indoor and outdoor play space, and child safety features. Other observations recorded communicatory interactions between staff, inmates, and CRF clients.

The research sample and process. A total of 56 semi-structured depth interviews were conducted with five main participant groups: Correctional Service Canada, child protection services, community residential facilities, social justice agencies, and formerly incarcerated mothers. Snowball sampling techniques were effective for obtaining contacts and referrals.

At the state level, interviews were conducted with the mother-child programs portfolio manager (Ottawa), prison management at the federal level, mother-child program coordinators, and former Task Force Manager. Interviewers were also conducted with community and institutional parole officers and social workers from three regional child welfare agencies. The total number of interviews conducted with state actors was 27. At the community level, I interviewed 29 staff and completed a total of seven follow-up interviews. Interviews with community-based organizations comprised the following participant groups: executive directors of grassroots, philanthropic social justice agencies (contract and non-contract with CSC), program coordinators, intake and relief staff, volunteers, activists, and chaplains. The majority of community service provider participants were CSC contract, at one time or another, until their subsidy was cancelled. The second sample group included formerly incarcerated mothers, consisting of eight women between the ages of 26-48, with an average of two children under the age of 18.

I developed separate interview schedules to account for the variations in the background between each sample group. Each schedule began with basic demographic items. Questions were asked relating to education and employment background, the number of years in the field or job role, the initial motivation for entering into the field of employment and day-to-day work responsibilities. The questions went from general to specific as the interview progressed.

A set of guiding interview questions were developed beforehand to serve as a roadmap. I also developed questions *in situ.* For interviews with institutional program coordinators and managers, I asked about the policy and logistical challenges the program has faced since its inception. More broadly, I enquired about the goals of the program and to what degree those goals have been realized based on the current status of the program. I was interested in

understanding how CSC rationalizes the program, how the community is defined and legitimized as a partner within the program, and I gathered opinions on the future of mother-child programs. Explicit questions were designed to capture greater depth on matters such as searches of children, the granting of institutional access to outsider agencies such as CRFs, CPS, and social justice groups.

Questions designed for interviews with CRF staff focused on the influence of penal power on local organizational mandates and practices that facilitate the reintegration component of the program. I asked about funding allocations, the client intake process, determinations of eligibility, the status of current program operations, other affiliated community partners, quality and quantity of services available to clients, and client supervision and reporting mechanisms. Through open-ended questioning, I was able to elucidate how these local organizations self-identify as partners of the state.

In particular, I was interested in understanding more about how institutions and CRFs perceive the presence of children on-site. For example, I wanted to uncover information on service delivery, safety, and liability. One question I had for CRF staff was, "how do you manage diverse client needs when you have a child in the house?" I was also fascinated by the role of child welfare. Very few studies, if any, have described the responsibilities of CPS under the program. In order to provide a description of CPSs mandate to the reader and gain a deeper understanding of their relationship to CSC, I asked, "how would you characterize your relationship with [name of institution]?" and "how does your agency define risk?" How CPS interpreted its partnership with CSC became a central focus of the study.

In my second sample group, I interviewed eight formerly incarcerated mothers. I added the subsequent sample group to broaden the scope of the analysis. My goal was to compare and

contrast their interpretations of the community against those of the state and local agencies. As part of my agreement with CSC, I could not interview incarcerated mothers, therefore, I narrowed my search to mothers on full release. CRF and local social justice organizations kindly agreed to solicit current and past clients on my behalf. Only a small number came forward—all of whom I am eternally grateful to. On average, each interview took approximately 25 minutes and was conducted through Skype. Six of the eight referrals were from non-profit agencies; the other two mothers were referred through my own personal contacts with prison activists.

Stages of Data Collection

To assess the feasibility of the project, I began by developing initial contacts with different individuals and stakeholders in order to gather information on the status of the program, and how to gain entry into penal and semi-penal settings.

Once I was satisfied that this project was feasible, I applied for internal ethics clearance from my academic institution, CSC, and the Ministry of Community Safety and Correctional Services (MCSCS). For internal and provincial clearance, the University of Waterloo Office of Research Ethics (ORE) and the Ministry, granted approval for my project within days to weeks. I had to submit a criminal background check to the Ministry before I could tour one provincial institution. Ethics approval from CSC involved a lengthier process. Clearance took approximately eight months to receive and required an application form and vetting process. While awaiting CSC clearance, I conducted interviews at the local level with social justice and child welfare agencies.

At the second stage of data collection, once CSC approved my research, I initiated contacts with CSC, using chain referrals. Chain referrals were useful for immediately identifying

key people in the program at the systems-level. My institutional gatekeeper provided referrals and direction on how to begin the application process, but I also drew from own set of contacts to initiate interviews with CRF staff. Berg (2009) highlights the significance of utilizing a gatekeeper that has a level of authority or leadership role to expedite entry and contacts. The availability of a gatekeeper is especially critical for research involving government institutions, in particular, correctional facilities where there is an institutionalized resistance to outsiders.

At the final stage of the research process, I re-applied for ethics clearance at my institution in order to interview formerly incarcerated mothers. Again, I drew from my own pool of connections to activists and frontline workers to obtain those referrals. Interviews took place through Skype to accommodate participants' personal schedules. Because the sample group constitutes a vulnerable population, I was cautious and considerate in my line of questioning.

All participants in the study were provided an information letter, consent form, and a confidentiality agreement (refer to Appendix B). These are crucial in order to establish a trusting working relationship between the researcher and researched (Fontana and Frey, 1994). In any conversations held at the preliminary stage, I made full disclosure of my research intentions and later provided the information letters and consents, upon request and once ethics clearance was granted.

Confidentiality and anonymity were critical to the project to eliminate risk to research participants. Mother-child programming is a politically contentious issue. I used pseudonyms to ensure anonymity and removed all personal identifiers. Pseudonyms protect against over disclosure or accidental disclosure by participants. The potential for over disclosure is common given the interpersonal nature of qualitative research (Wiles et al, 2006). In some cases,

participants fear that exposure may hamper their efforts within the program, whereas others may desire exposure to further their cause (Swain and Gillman in Clark, 2010).

For data management and analysis, I transcribed each interview from its digital recording into word documents and placed each transcript into its own separate MS word file. All but two interviews were digitally recorded. Two participants had asked that I refrain from using any recording device. In lieu of digital recording, I handwrote responses and later typed them into a word document. I also had off-record conversations with two interviewees. I agreed that anything off-the-record would be omitted from the final dissertation. Respecting individual privacy and maintaining complete confidentiality safeguarded my working relationship with participants in the study. Having transcribed on my own, I familiarized myself with the data and engaged in my own interpretative process.

Once I completed transcribing the interviews, I used open-coding procedures to identify core themes and patterns in the data (Berg, 2009 and Saldana, 1990). Coding is fundamental to the data analysis process as it is a means to connect data with concepts and ideas in order to formulate broader conclusions about the phenomenon under investigation (Coffey and Atkinson, 1996). At this stage, I highlighted the transcripts using markers to identify meaning units and I coded the transcripts for abstractions in interview participants' accounts.

In this study, I deployed manual coding procedures, as opposed to the use of popular electronic methods such as NVIVO. I justified this approach on the basis that computer software programs, although they are effective at organizing large sets of data quickly, are unable to replicate the act of applying disciplinary knowledge and innovative thinking (Coffey and Atkinson, 1996). Despite the laboriousness of manual coding procedures, I argue that this

method produces greater theoretical insights (Basit, 2003) as it involves an interplay between inductive and abductive analysis of data (Thornberg & Charmaz, 2014).

As I coded the interview and observational fieldnotes, I kept a notebook with memos to record my thoughts during the data analysis process. This was an effective way to reflect on the selection of codes and categories, document emerging patterns, themes, and hunches, and record significant concepts (Saldana, 2015). For example, in one excerpt I note:

July 16, 2014 – Interview with CPS senior manager
Senior manager discusses the importance of breastfeeding and providing colostrum at birth. I remember this discussion when I had Gabby and the nurses were in the room trying to advocate BF practices. I remember the pressure I felt. I wonder how an incarcerated mother feels. If this takes on any new meaning or different set of emotions given that she is surrounded by guards, everyone knows she is coming from prison to give birth. BF practises are a biological component of the program; community expectations around birthing practices.

In addition, memos kept me focused on the research questions and research goals. For example, I wrote on August 26, 2015 the following:

Remember, this study is asking: how is the criminalized mother governed? I am not focused on evaluating the program but rather how is the incarcerated mother regulated, supervised, monitored within the program. What are the types of strategies that are used to make her comply?

The process of creating memos during the data collection and analysis stage is a reflexive one. Saldana (2013) argues that formulating memos is an opportunity for researchers to reflect on how they relate to the participants and or phenomenon under study.

Reading, coding, and reflecting on the research process through the use of analytic memos fall under the umbrella of thematic analysis (TA). Thematic analysis is the data analysis method I employed in order to capture and analyze patterns and themes across various data sets (Braun & Clarke, 2016). Using TA, I was able to classify, compare, label, and relate the emerging themes to established knowledge within the field of study. From here, I could develop

the narrative or storyline for this thesis and connect each of the major defining themes in this study.

Managing Institutional Protectionism (IP) and Negotiating Access

Negotiating access in order to recruit CSC staff for interviews required a lengthy application process. As confirmed by Feldman, Bell, and Berger (2003: 26) access is both dynamic and relational, often requiring researchers to develop a "hook" to elicit interest from government institutions. For instance, I framed my research according to a "best practices" approach which proved successful in gaining clearance.

At the beginning stage, I completed a Research Application and Undertaking Form CSC/SCC 0954 that included a project description and a list of primary and secondary researchers (refer to Appendix C). The Director-General of Research approved the project in January 2014. Stipulations were included in the approval. From August 2013 to January 2014, I corresponded with a Senior Research Manager from the Women Offenders Sector in Ottawa. One of the concerns raised by CSC was the scope of the project. The Research Proposal Committee cautioned against drawing any generalizations about the program because of its de-standardization. In addition to concerns related to generalizability, the research manager was concerned about my wording. I had to clarify or completely withdraw particular terms. For example, I had to remove the word "prison" and replace it with "institution" because the former denotes punitiveness and is, therefore "unreflective of CSCs mission" (Senior Research Manager, Email Correspondence)

Negotiating access to institutional settings required flexibility, adaptability, and perseverance. Scholars researching correctional institutions have begun to document the

presence of access regimes and institutional protectionism over the last few years (Hannah-Moffat cited in Bosworth, 2014, p. 447; Luscombe & Walby, 2014; Watson, 2015). Institutional protectionism acts as a form of "reputation management" wherein organizations "police" knowledge to protect against public scrutiny (Bosworth, 2014, p. 447). This reputation management often leads to the reproduction of correctional knowledges (Watson, 2015). Watson's (2015), for instance, chronicles CSCs lack of transparency and insular character in the author's study of access-denied cases. Based on the findings from interviews with former CSC employees, the author observes an institution-wide aversiveness to external research and range of techniques to discourage researchers from applying for access, such as disclosure agreements. Surprisingly, only six of 66 applications to CSC were approved under the 2010-11 Research Plan (CSC, 2010: 5), according to Watson.

Similarly, the application process undertaken in this study highlights the broader implications of institutional opacity and the sanitization of penal language. To keep the application process moving forward, I made the decision to abide by the terms set out by CSC, knowing that the majority of CSC research applications are denied. This meant agreeing to correctional research mandates that included disclaimers around rigour, interview questions, and wording. Admittedly, I had to trade an aspect of my academic autonomy for access which comes with its own set of repercussions. On a positive note, however, this has forced me to engage in a more in-depth critical reflection of these issues and I have chosen to document this experience as a way to contribute to a growing body of literature on the lack of institutional transparency in Canada.

Contributions to the Field of Study

The institutional mother-child program is an exemplary case example of the re-organization, not necessarily the refutation *per se*, of the relationship between social welfare and criminal justice systems. This relationship involves diverse trajectories of penal practice wherein gender and contemporary forms of punishment intersect.

This thesis is precisely predicated on foundational works within the fields of sociology of the community, post-structural and postcolonial feminism, and penology to examine how maternal incarceration is problematized. The value of the work is that it has investigated a circumscribed area within the area of women's correctional programming that has been overlooked by critical scholars. Moreover, the evidence offers support to and an extension of research examining how community partnerships act as regulatory projects of discipline to constrain mobility and agency (Quirouette et al., 2015).

I also show how the traditional totalitarian notion of state power, advanced by Marx, is dispelled through an investigation into the inter-government agency turf wars that emerge around candidacy protocol when there are multiple interpretations and operationalisations of standards and principles at play. The findings suggest that there is a lack of uniformity and consensus between state agencies involved in administering the mother-child program.

My findings have also contributed to an emerging niche of scholarship that is pursuing greater theorizing around how the penal volunteer sector differentiates itself from government institutions. The findings substantiate and extend the arguments highlighted in Tomczak and Albertson's (2016) preliminary analysis into the perceived value of service provision that is physically and psychologically distant to penal regimes.

Furthermore, deploying micro and macro analyses, I introduce CSC's latest formulation of the female offender—the community-mom. The category is a conceptual extension of traditional normative prescriptions that are aspirational in nature. It connotes maternal potential but more precisely exposes a hybridity of penal welfare and neoliberal political rationale that produces a fascinating re-configuration of the incarcerated mother wherein mothering becomes spatially and temporally contingent.

Principal Areas of Investigation

Chapter two outlines current empirical research on criminalized mothers and mother-child programs in the United States and Canada. There are two objectives: first, to provide a snapshot of the criminalized mother based on an overview of demographic and criminological research, and second, to examine the knowledges produced that frame the incarcerated or criminalized mother as a victim to addiction, poverty, and family dysfunction.

In chapter three, I map the evolution of the mother-child program, tracing the rise and fall of correctional, feminist, psychoanalytic, and rights-based logics. Specifically, I explore how Attachment Theory (AT), a theory traditionally criticized by feminist groups for subjugating women by upholding conservative ideologies, is, ironically, deployed to lend support for the program.

Chapter four examines how the incarcerated mother is governed through the best interests of the child. Referencing studies within the field of family law and social work, I set out to explore how the standard and test is operationalized in the context of inter-agency state power and re-defined according to diverse state interests, and political turf wars. Through close

inspection of how state actors operationalize the standard, I reveal the various ways it is bureaucratized, decentering the maternal relationship.

In chapter five, I draw from traditional sociological works and (i.e., Karl Marx, Max Weber, Emile Durkheim, and Ferdinand Tonnies) and contemporary community scholarship (i.e., Anthony Cohen, Robert D. Putnam, and Michel Foucault) to spotlight how the construct of community has evolved and emerged as part of a crime control logic to regulate female offenders through the use of community empowerment models. I examine how the construct is subjectively interpreted and idealized by state and local actors.

In the quest for greater depth, formerly incarcerated mothers were interviewed to understand how community is experienced. Largely assumed as benign and characterized as safe and empowering, the community is contrasted against that of the prison setting, which is viewed as repressive and restrictive to mobility and maternal agency. In this chapter, I present the most significant finding uncovered during the data collection process, the discovery of the community-mom category. The state-inspired category draws our attention to how the incarcerated mother is re-fashioned through the abstraction of the community,

Moving forward, the third principal area of investigation is concerned with the suitability of funding models that shape the program. Drawing from "Third Sector" scholarship, chapter six explores the complexities of funding for local service providers. Critical to the analysis is to explore how neoliberal political rationales merge, modify, and co-opt feminist objectives within self-described women-centered organizations (WCOs). Specific attention is paid to the strategies that community-based organizations use to remain visible in the eyes of the state, negotiate power and access, balance organizational mandates, and maintain survival in the face of tenuous funding cycles.

In the final chapter, I provide a summary of the major findings. Included is a brief but significant discussion of Indigeneity. Early on in the project, it was apparent that Aboriginal mothers would experience the program in different ways than non-Aboriginal mothers because of Canada's historical treatment of this particular cultural group and the disproportionate number of Aboriginal women incarcerated in provincial and federal correctional facilities. Not to dispense of the gravity of the impact of colonization by simply leaving this as a cursory note, I have taken the matter of Indigeneity up in a separate discussion. I fully acknowledge that the preliminary findings deserve further analysis and contemplation to better understand the cultural interpretations of community and motherhood. I, thus, respectfully ask of the reader to consider this acknowledgement as a foreshadowing to that discussion that is addressed in the final section of the work.

Chapter Two

Imagining the Criminalized Mother

Research evaluating mother child programs provides a starting point for understanding the demographics of criminalized mothers and the construction of their criminogenic needs. These studies play a role in producing the criminalized mother as a victim-subject who is empowerable through the maternal bond. The guiding objective of the review is two-fold. The first objective is to examine how current scholarship conceptualizes mother-child programs as beneficial to the well-being of mothers and their children. The second objective is to think about how mother-child programming generates feminized-victim and empowered subject positions. How narratives that support dominant images of motherhood and heteronormative values reproduce victim and empowerment discourses requires extensive interrogation, yet rarely interrogated in the field of criminology. Thus, the review is divided according to four thematic strands of scholarly inquiry: the demographic profile of incarcerated mothers and their criminogenic needs; the deleterious effects of maternal separation on child development; and, the pains of imprisonment as a result of parental anxiety. In the final section of the discussion, I examine a budding area of critical scholarship that is exploring the punitive effects of mother-child programming that contest mainstream narratives.

A Portrait of the Incarcerated Mother

Government statistics provide a picture of the general demographics of incarcerated mothers. Based on recent reports, there are 693 women serving federal sentences in Canada (CSC, 2019). Over half of the adult female offender population is between the ages of 20 and 34 years of age, 64% are single mothers, and 75% have one to four children under their primary

care (Barrett, Allenby, & Taylor, 2012). By comparison, women still represent only a fraction of the total federal male-female inmate population at six percent based on 2016-2017 data (CSC, 2016-2019). Although comparatively small, the seven percent is disproportionately comprised of Aboriginal women. According to CSC, Aboriginal women represent 43% of total custodial admissions into the correctional system, while non-aboriginal women accounted for 57%. Total aboriginal admissions are trending upwards since 2006-2007 (CSC, 2019).

Furthermore, 83% of women are first-time offenders (CSC, 2012). Combined, the majority of crimes that women are sentenced for are listed as schedule I and schedule II offences under the *Corrections and Conditional Release Act* (1992). Twenty-seven percent (26.7%) of women are serving sentences for drug-related, schedule II offences and 37.6% are sentenced to Schedule I offences (which exclude first and second-degree murder but include all sexual offences) (CSC, 2012). A consolidation of these statistics shows that the majority of the adult female prison population are young, single mothers who belong to a visible minority group, and are first time offenders.

Building off basic demographic information, evaluative studies frame the criminalized mother as having particular criminogenic needs. Incarcerated mothers have similar histories and suffer from the same spectrum of conditions as the general federal female offender population (Borelli, Goshin, Joestl, Clark, & Byrne, 2010). An overview of studies reveals that the vast majority of incarcerated mothers are victims of childhood physical and sexual abuse, have a family history of alcohol and drug addiction, have themselves been separated from a parent one or more times during their childhood, and are involved in abusive relationships (Barrett, Allenby, & Taylor, 2012; Bloom & Steinhart, 1993; Chesney-Lind, 1997; Snell & Morton, 1994). For instance, it is estimated that between 50-85% of female offenders have been the victim of some

form of sexual abuse throughout their childhood and adult lives (Byrne & Howells, 2002).

Additionally, criminalized mothers experience unstable living conditions as a result of poverty

and periods of homelessness. Criminalized mothers are also more likely to engage in sex work

and drug trafficking to supplement their household incomes (Blanchette, 1997; Greene, Haney &

Hurtado, 2000).

Research also finds that incarcerated mothers experience high rates of borderline and

antisocial personality disorders, substance abuse issues, and symptoms of post-traumatic stress

disorder (PTSD). It is postulated that the rate of mental disorder is associated with exposure to

past traumatic events (Jordan, Schlenger, Fairbank, & Caddell, 1996). In Teplin, Abram, &

McClelland (1996), over 80% of their sample of mothers were found to exhibit one form of

psychiatric disorder.[6]

Further, female offenders suffer from high rates of addiction. Derzken, et al., (2013)

found that 80% of 88 women offenders surveyed reported having had a lifetime dependency to at

least one drug or to alcohol. Primarily used as an adaptation to cope with short and long-term

psychic pain of traumatic past experiences, addiction is a contributing factor to women's arrest.

In 79% of cases (N = 102), drug-use led to arrest and imprisonment, subsequently resulting in

separation from children (Greene, Haney, & Hurtado, 2000).

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[6] Koons, Burrow, Morash & Bynum's (1997) research reveals a positive correlation between high rates of depressive mood disorder and borderline personality disorder with an increased likelihood to engage in self-harming behaviour. Self-harming behaviour is also linked to a history of family dysfunction, abuse, and addiction (Snow, 1997). Coupled with drinking or drug abuse, Power, Brown, & Usher (2010) similarly found that substance abuse occurred simultaneously with self-harming behaviour. Ten of 17 women reported that alcohol and drugs increased the frequency and intensity of the act. A predominate coping mechanism among female offenders is to self-harm (Gavigan, 1993). Unfortunately, research on self-harm of women offenders overlooks motherhood as a factor that may influence the likelihood of engaging in non-suicidal self-injury.

Additional areas of criminogenic need for mothers are employment, transportation, housing, schooling, and childcare (Greene, Haney, & Hurtado, 2000). Post-prison research identifies employment retention and childcare as two main factors that are crucial in successful reintegration and family reunification. It is also noted that children's physical and psychological well-being are heavily impacted by economic deprivation as a result of poor employment opportunities for mothers (Duncan, Brooks-Gunn, & Klebanov, 1994).

Locating and sustaining employment is linked with reclaiming or retaining custody of children (Pollack & Byrne, 1990). Between half and three-quarters of women offenders are, or become, single mothers once they are released from prison. A competitive job market and a lack of education and skills reduces the likelihood of securing work (Chesney-Lind, 1997; Dodge & Pogrebin, 2001; Prendergast, Wellisch, & Falkin, 1995). Evans (2006) explores the connection between the lack of stable employment and custody retention, highlighting how insufficient employment decreases the likelihood of obtaining affordable and safe housing. Unstable employment aggravates the process of regaining full and part-time custody of children because of child welfare mandates that connect housing stipulations to the terms of custody (Beckerman, 1998; Evans, 2006).

The merging of demographic and criminological data reveals that the incarcerated mother experiences exponential rates of victimization, co-morbidity of psychological disorders, and poverty. Housing, employment, and childcare emerge as factors that can significantly reduce custody retention of children post-release.

The Deleterious Effects of Maternal Separation on Child Development

Canadian and U.S. research studies offer a set of consistent findings of the advantages of mother-child programs (Fritz & Whiteacre, 2016; Kotlar, et al. 2015; Mangia, 2015; Warner, 2015). Two major themes merge from this literature: the deleterious effects of maternal separation on child development; and, the benefits of expanding parental control reduce recidivism.

There are a number of published studies that describe the developmental effects of maternal separation on infants and children because of incarceration (Condon, 2017; Cunningham & Baker, 2004; Dallaire, 2007; Enos, 2001; Johnston, 1995; Murray & Murray, 2010; Poehlmann, 2005 (b); Sharp &Marcus-Mendoza, 2001). Research shows that children separated from their mothers at the time of incarceration are more likely to display significant developmental delays at different stages of their lives that may include difficulties in language, speech, and vision, and specific skillsets (i.e., motor, social/emotional, thinking/cognitive). Warning signs of one or more of the delays may appear between infancy and age two (Cunningham & Baker, 2004; Myers, Smarsh, Amlund-Hagan, & Kennon, 1999).

Effects of maternal separation reportedly extend beyond the infant years. Pollack (2003) observes that children between the ages of two and five may show signs of aggression, have poor verbal skills, and postponed toilet training. Between the ages of six and ten, children may display a series of overt behavioural issues that range from difficulty sleeping to hostility and aggression. School performance is affected, as well. Children suffer from poor concentration, have multiple absences, and are likely to avoid school altogether (Cunningham & Baker, 2004; Pollack, 2003).

Moreover, the effects of incarceration are visible during adolescence. Parke and Clarke-Stewart (2003) note that pre-adolescent children may experience a sleeper effect wherein

children appear to function normally at earlier ages, but then psychological and physiological problems manifest later on in their adolescent and adult lives. In Sharp and Marcus Mendoza's (2001) study of adolescent teens that experienced separation as a result of incarceration, the evidence points to poor school performance, truancy, a high dropout rate and an increase in high-risk behaviour such as drug and alcohol use. Teens also develop anti-social behaviour and negative perceptions of law enforcement and the criminal justice system. The findings bring to light the effects of parental incarceration on the future likelihood of children engaging in criminal behaviour.

A number of studies have also considered the effects of maternal incarceration on children's emotional development. Children experience feelings of shame and stigma, which are markers for future offending behaviour (Aaron & Dallaire, 2010; Besemer, van der Geest, Bijleveld, & Farrington, 2011; Braman, 2004; Heubner &Gustafson, 2007; Reed & Reed, 1997; Young & Smith, 2000). For instance, Mauer & Chesney-Lind's (2002) posit that there is a relationship between self-perceived abandonment and an increased likelihood of generational patterns of crime (Mauer & Chesney-Lind, 2002). Forty percent of incarcerated mothers were similarly separated from their own mothers at a young age because of incarceration. Criminological research is replete with longitudinal studies that report a positive correlation between maternal separation to generational cycles of crime.

Several scholars examine the generational effects of maternal incarceration on the family unit (Comfort, 2008; Harris, Graham, & Carpenter, 2010; Liebling & Maruna, 2013; Wakefield & Wildeman, 2013). In particular, Comfort (2008) argues that institutions act as "catalysts" to the disintegration of the family unit and that the process of disintegration is a gendered phenomenon (p. 11). For example, the economic consequences of male imprisonment are

deemed less damaging than the removal of the emotional and caretaking structure that women

provide as primary caregivers within the home. When women are forced to leave the home,

there are greater consequences to children because there are fewer supports in place to provide

care (Dallaire, 2007). The majority of children of incarcerated parents are in the primary care of

their mothers prior to their arrest and imprisonment (Fishman, 1983; Greene, Haney, & Hurtado,

2000; Johnston, 1995b; Kampfer, 1999; Myers et al. 1999; Sharp & Marcus-Mendoza, 2001).

When women are arrested, children are often forced into foster care settings and/or the care of

aging grandparents, in particular, the maternal grandmother figure (Bloom & Steinhart, 1993;

Engstrom, 2008; Ginchild in Gabel & Girard, 1995; Snyder, 2009).

Thus, the findings derived from evaluative research reveal the instability and detrimental

effects of maternal incarceration when women are separated from their children. Research

demonstrates that the removal of a mother from the home is correlated to short and long-term

psychological trauma for children, multiple changes in caregivers throughout their young lives,

separation from siblings, and changes in schools through the elementary and middle school years

(Acoca & Raeder, 1999, Comfort, 2008; Cunnignham & Baker, 2004). But, how is mother-child

programming framed as a way to mitigate these effects?

The Pains of Imprisonment

Research studies that examine the deleterious effects of maternal incarceration on child

development indicate that the disruption of the maternal bond has devastating long-term

consequences by perpetuating generational cycles of crime. Clearly, the narrative produced as a

result of these studies suggests that maternal separation should be avoided, if possible. In

addition to the reported effects of maternal incarceration on children, a number of studies have

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postulated a convergence between parental control and reduction in maternal anxiety. It is hypothesized that strategies to reduce maternal anxiety increase adjustment to prison life (see Carlson, 2001; Purvis, 2013; Van Wormer & Kaplan, 2006). Evaluative studies of mother-child programs demonstrate that women offenders experience a great sense of fear and anxiety when separated from their children, characterizing the experience as one of the "greatest pains of imprisonment" (Enos, 2001; Hairston, 1991; Loper, Carlson, Levitt, & Schaffer, 2009).

Current literature focuses on how the maternal bond can reduce maternal anxiety and improve mothers' ability to cope while in custody. The maternal relationship is central to Carlson's (2001) earlier work which concludes that mothers who have participated in mother-child programs have lower rates of institutional misconduct breaches compared to non-participants. In addition, VanWormer & Kaplan (2006) discover the number one reported concern for women offenders is the welfare of their children. According to self-reports with 35 institutional administrators, incarcerated mothers are worried about the quality of childcare placement and outcomes of pending custody cases (Baunach, 1985; Enos, 2001; Fogel & Martin, 1992; Hairston, 1991).

Maternal separation is believed to evoke a range of feelings such as stress, anxiety, and depression (Celinska & Siegel, 2010; Fogel & Martin, 1992; Houck & Loper, et al. 2002). Emotional stress may lead to hostility, cynicism and emotional despondency (Baunauch, 1985; Celinska & Siegel, 2010). When parental anxiety is ignored, the mental health of incarcerated mothers is negatively affected and can result in a poor adjustment to prison life and the inability to successfully re-integrate (Crawford, 1991).

There is consensus amongst a body of scholars that mother-child programs curb re-offending rates if mothers complete institutional parenting programs (Carlson, 1998; Carlson

2001). Institutional parenting programs are believed to enhance parental agency and esteem and reduce recidivism rates (Armstrong, Eggins, Reid, Harnett, & Dawe, 2017; Cassidy et al., 2010; Hoffmann & Byrd, 2010; Mulroy, 2012). A small-scale study conducted by Carlson (2009) found that in the case of Nebraska's mother-child program, only nine percent of the original sample (N = 42) had committed offences after release from prison (two of the four mothers had parole violations). Similarly, results were obtained in Tuerk & Loper (2006) wherein a similar recidivism rate was reported. Again, nine percent of participants who kept their infants while in the program ceased offending behaviour, compared to 33% of mothers who relinquished custody of their infants at birth. These studies conclude that giving women the opportunity to fulfill their parental role and offering access to parenting programs will reduce maternal anxiety and recidivism rates. Moreover, mother-child programs will improve custody retention and future custodial contact (Mignon & Ransford, 2012; Thompson & Harm, 2000; van Voorhis, Wright, Salisbury, & Bauman, 2010).

Mother-Child Programs: Protective or Punitive?

Since 2009, attachment studies within the fields of public health and nursing have argued that the psychological and developmental outcomes on infants and children who reside in prisons are negligible (see Borelli, Gosain, Joestl, Clark, & Byrne, 2010; Byrne, Goshin, & Joestle, 2010; Byrne, Goshin, & Blachard, 2012; Goshin & Byrne, 2009, 2012, 2014). Critical scholars, however, are skeptical about the protective function of these programs. Critical research posits that overcrowding and poor institutional designs that are void of child-appropriate space may have a negative effect on children's biological, psychological and emotional well-being (Bretherton, 2010; Burgess & Flynn, 2013; Cunningham & Baker, 2011; Goshin & Byrne, 2009;

Harmer, 2014; Mauskopf, 1998; Pojmon, 2001; Shaw, 1992). In addition, a segment of the

research explores how mother-child residency programs have the potential to limit the agency

and autonomy of women when it comes to parenting choices (Haney, 2010; Luther &Gregson,

2011).

In a study of two prison nurseries in the United States, Bedford Hills Correctional

Institution for Women (Bedford Hills, New York) and Taconic Correctional Facility (Bedford

Hills affiliate, New York), Gabel and Girard (1995) found that program participants experienced

difficulty parenting because of over-crowded conditions, variations in house rules, and

competing demands and expectations. For one, noise and constant people-traffic interrupted

infant and mothers' sleep. Second, house rules changed depending on the staff member who was

in charge at the time, leading to inconsistency in the application of rules and uncertainty around

violations. Third, mothers had trouble balancing conflicting responsibilities such as work,

childcare, schooling, and other mandatory conditions included in their sentence. Last, mothers

commented that correctional staff would question their parenting skills, for example, the food

choices for their children. Gabel and Girard (1995) findings offer a valuable starting position to

initiate further research on the unforeseen effects of mother-child programs. In particular, their

work presses us to think about how normative value and belief systems are ingrained in penal

and semi-penal practices. These findings contest the mainstream narratives that are used to

rationalize the benefits of the program to protect mothers and their children.

Summary

The first objective of this chapter was to explore how knowledges produced from the

research on incarcerated mothers and mother-child programming frame her as both a victim and

an empowerable subject through the maternal bond. Further, the second objective was to explore how the evaluative research on mother-child programs generates a set of consistent narratives to rationalize the benefits of the program. I overviewed three thematic strands: the demographic profile of incarcerated mothers; the deleterious effects of maternal separation on child development; and, the pains of imprisonment as a result of parental anxiety.

Evaluative research frames the mother-child program as beneficial to both mother and child. State literature represents the program as a progressive correctional response to the increase in women's incarceration across the world. Given that almost two-thirds of incarcerated women in Canada are mothers, the mother-child program is believed to possess the potential to curb recidivism through the protection of the maternal bond (Goshin, Byrne, & Henninger, 2014).

Mother-child programs, commonly referred to as prison nurseries in the United States, are constructed as valuable because they offer women the opportunity to parent and to access to parenting programs (Abramowicz, 2012; Campbell & Carlson, 2012; Carlson, 2001; Kauffman, 2002; Kim, 2000; Mason & Mbengue, 2008; Shamai & Kochal, 2008). Research also supports the belief mother-child programming fosters greater social capital in families and community by organising programming around a family reunification focus (Davis, 2012; Fearn & Parker, 2004; Gustv, 2012; Smith, Goshin, & Byrnne, 2009; Snyder, 2009).

The final section of the review explored a growing body of research that is calling into question the protective function of mother-child programs. A handful of studies are contesting the assumptions underpinning state research. Gabel and Girard (1995), for example, uncover that correctional staff are imposing their own value and belief systems around parenting by questioning certain food choices that mothers are making for their children.

In spite of the aforementioned benefits, penal scholarship has yet to explore how these programs have the potential to re-produce harmful narratives and perpetuate punitive practices towards incarcerated mothers. Thus, the current landscape of mother-child programs research remains entrenched in normative assessments; only a handful of studies are attempting to confront the harder questions.

Chapter Three

Mapping the Genesis of the Mother-Child Program in Canada

In chapter two, I examined how the knowledges produced from evaluative research frame the criminalized mother and generate a set of consistent narratives that are used to rationalize the benefits of the program. Building off that discussion, this chapter explores the rise and fall of Canada's mother-child program across federal correctional institutions, mapping its course from its inception to its current standing. I consider how traditional psychoanalytic frameworks, a global children's rights discourse, and gendered logics have influenced the development of the program and to some extent, led to its fragmentation.

Through an analysis of correctional reports, international documentation, and clinical research, I attempt to show how Attachment Theory (AT) is deprioritized by global policies that affirm children's rights over the rights of the parent, and how this is intertwined with gendered logics of empowerment and an embedded security focus. Within the parameters of this discussion, I investigate how AT, as it is discoursed by state and local actors, produces tensions for feminist groups and clinical experts.[7] In particular, I show how AT is ironically used as a feminist strategy to endorse mother-child programs, even though this model is contested by feminists as part of a neo-conservative rhetoric sustained by traditional normative assumptions of motherhood (Buchanan, 2017; Burman, 2016; Clearly, 1999; Contratto, 2002; Franzblau, 1999; Simonardottir, 2016).

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[7] A major criticism is that AT is used because it enhances efficiency in clinical determinations. The theory neglects, however, consideration of micro and macro contexts that limit clinical experts to formulate comprehensive determinations. Thus, it is suggested that AT remains a popular framework and model only because it is efficient (Buchanan, 2013; Contratto, 2002). Experts can rely on brief observations to assess mother-child interaction to compose generalizations about the nature of that relationship without having to dedicate extensive clinical time.

Rooting Mother-Child Programs in Biological and Psychoanalytic Explanations

      The framework of the mother-child program is based on key assumptions of AT, which in turn inform the policy objectives of the program. Heavily rooted in biological explanations, AT is applied when the objective of the intervention is to maintain the relationship between mother and child. According to this framework, attachments between parent and child are centered upon notions of safety, security, and protection. It is argued that a child's, in particular, an infant's, attachment to one caregiver is required for healthy physical and emotional development. Such notions are substantiated and supported within the literature on mother-child programming (Derzken &Taylor as cited in Bromwich & Eljdupovic, 2013).

      Attachment theory is the framework underlying early child social development programs and childcare practices. The theory postulates that secure attachments provide a protective function for the child and that the attachment of a child to its mother is unassailable.[8] Furthermore, mothers that develop attachments to children are more likely to experience self-efficacy and have better coping mechanisms to manage negative emotional feelings that lead to addiction and abuse (Reinert & Edwards, 2009). Central to mother-child programs is the argument made by state and local actors that by enhancing the attachment between the incarcerated mother and her child (ren) she is more likely to self-regulate harmful behaviour, warding off potential triggers that lead to relapse into addiction and crime.

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[8] The theory can be characterized as psychological, evolutionary, and ethological in orientation because it assumes that the primary attachment figure is the biological mother. The role of an alternate caregiver is minimalized there a biological father is involved. Attachment theorists argue that the quality of attachment is more important than the quantity of time spent between the child and caregiver. In terms of age range, attachments are critical between the ages of six months to two to three years. Children become attached to one parental figure during that time span (Bowlby, 1969, 1988). This process is referred to as monotrophy.

In particular, the preemptive consideration of the "best interests of the child" within mother-child programs policy parallels a key ancillary of AT—the Maternal Deprivation Hypothesis (MDH). The MDH states that children are negatively affected when they are unable to form and maintain secure attachments to the parent figure (Dallaire, 2007, p. 443). For example, the disruption of the maternal relationship predisposes children to future deviance, mental health problems, and substance abuse issues. Therefore, minimizing disruption and separation as a result of incarceration are cited as the most critical goals of the program and, in particular and are fundamentally connected to safeguarding the "best interests of the child."

Incorporating AT into Women's Correctional Programming

The analysis advances the claim that mother-child programs are rooted in cultural norms of maternalism that presume the natural capacity of women to mother, supporting the assumption that motherhood is central to women's lives and identities. Because of the centrality of this role, mothers are believed to possess an innate understanding of what constitutes her children's needs even if those needs are incommensurable with her own. The presumption is referenced in the CSC report *Twenty Years Later: Revisiting the Task Force on Federally Sentenced Women* (2010), wherein direct reference to the value of motherhood, as a driving force behind the program, is made.

> Central to the lives of many women offenders are their children and thus, their role as mother... Ultimately, the value of maintaining and encouraging the bond between mother and child cannot be underestimated… Women place great value on the relationships in their lives… Indeed, one woman in the mother-child program commented on how her having a young child live with her at the correctional facility had given her the strength to stay away from drugs while another woman related how important it was to her to have a relationship with her child. (Overview and Recommendations: Maintaining the Family Bond While Incarcerated, Chapter VI: para. 6)

Clearly, a relational component is built into the ethos of the program. The preservation of the maternal bond is part of a correctional strategy to prevent recidivism. Separation as a result of incarceration is perceived as an intensifying risk factor for parental anxiety and recidivism, disproportionately affecting women offenders because of the assumed natural biological attachment to their children (Dallaire, 2007).

Allowing women to parent while incarcerated is also believed to improve the adjustment to prison life (Park & Clark-Stewart in Travis & Waul, 2003). Permitting children to remain with their mothers while in prison is beneficial in terms of maintaining offender compliance by lowering the chances of emotional and physical outbursts resulting from parental anxiety. Thus, it is in the state's interests to endorse AT-MDH as a strategy to encourage female offenders to physically and mentally self-regulate through their respective maternal role. The idea of self-regulation is most clearly observed in the current and wide-spread use of gender-responsive frameworks where, "in theory, a focus on relationships can help women acquire the skills to identify risky settings, access resources, and avert situations that may result in criminal behaviour" (Hannah-Moffat, 2010, p. 197).   A drawback of relational frameworks is that they reproduce normative definitions of motherhood that become constrictive to and unreflective of women's lived experience.

Critical research theorizes that these relationships are part of a broader effort to promote political conservatism. Case in point, the deprivation thesis is heavily connected to the Freudian notion that all child emotional development occurs during infancy and early childhood years. The MDH was particularly salient during the first research wave in early childhood development studies circa the 1940s. This period marked the entrance of women into the workforce. Researchers were embarking on research studies that would measure the effects of daycare on

young children. Such studies hypothesized that children placed in daycare, in contrast to home-reared children, would experience developmental challenges later on in life (Farrell, Kagan, & Kay, 2016). Little, if any evidence has surfaced to support such claims.

One could argue that tenets of AT-MDH are replicated in criminal justice policy as a means to entrench normative prescriptions of motherhood. Carol Smart, for example, articulates that the construction of the "unassailable nature" of the mother-child bond places "exclusive responsibility" of the child in the hand of the mother (Smart, 2013, p. 22). This is connected to Smart's concept of "inescapable motherhood" (Smart, 2013, p. 196) where the role of motherhood is materially constructed as unavoidable and a consequence of heterosexuality. Further to this claim, Smart concedes that the law performs as a gendered strategy to separate-out "good mothers" from the "bad" who are then subject to forms of discipline (Smart, 2013, p. 197).

Smart's concerns are sustained by other critics that have difficulty reconciling AT as an effective framework to approach women's issues. The deployment of Freudianism is ironic considering the distaste feminists groups have for his collapsing of notions of sexuality and subjectivity. Freud completely disregards women's agency (England, 1989; Foxhall, 2016; Goldenberg, 1976; Moore, 2010; Tong, 2013). Moreover, because the MDH assumes a biological bond, it is argued that women suffer the greatest because they bear the emotional burden of childrearing. In addition, feminist groups are further skeptical of AT based on the timing of its popularity. The AT-MDH gained prominence when women began to enter the workforce. Thus, feminists argued that AT was an ideological framework designed to discourage women's emancipation.

There are other concerns, as well. It is argued that AT precludes alternative visions of mother-child relationships. Attachment theory overlooks the consideration of cultural values

because the theory is drawn from Anglo-centric middle-class visions of motherhood and family (Contratto, 2002). Neglect of the influence of culture is particularly problematic because of the disproportionate rate of incarceration of visible minorities (Bell, Trevethan, & Allegri, 2004). A final critique is that attachment-based research fails, methodologically. Few studies conduct a much-needed gendered analysis in order to examine *how* the motherhood role becomes culturally prescribed.

To conclude, the pervasive application of AT to promote a set of beliefs around the mother-child relationship is argued by feminist groups to further extend the subjugation of women by disregarding key factors. Attachment Theory overlooks the influence of systemic discriminatory structures (Buchanan, 2013; Contratto, 2002; Morris, 2005; Lapierre, 2010) and operates from a narrow lens that "categorizes the mother/baby relationship and situates potential problems within that relationship" (Buchanan, 2013, pp. 23-24). The framework also fails to probe the additional pressures placed on women to perform multiple roles at once (Buchannan, 2013). Ironically, however, feminist groups and program advocates draw from AT to promote the program on the grounds that it is empowering to mothers, despite prevailing criticisms.

AT, the Double Burden Thesis, and Child Fundamentalism

Attachment Theory is criticized because it is rooted in normative understandings of motherhood that may be especially harmful to marginalized groups such as criminalized mothers. Attachment Theory, as it informs a language and attitude, implicitly guides Canada's mother-child programs policy and other social policies that target the care of children in different contexts (Berlin, Zeanah, & Lieberman, 2008).

Dating back to the 1950s, parental advice targeted towards mothers has drawn upon themes of mother-child emotional bonding to align with capitalist ideals. Thornton (2011) theorizes that,

> More specifically, the motivating energies of freedom are channeled into entrepreneurial practices of emotional management, a process facilitated by neuro-scientific discourses that use images of infants' brains to constitute maternal emotion as a visible and calculable space for bio-political knowledge and intervention. Through the gentle persuasions of benevolent expertise, women are encouraged to carefully manage their emotions in order to realize their own freedom and, at the same time, reproduce entrepreneurial forms of self-governance by producing babies emotionally primed to navigate an economic system that prioritizes flexible, mobile, and adaptable workers. (p. 400)

Expanding from Thornton's thesis, Burman's (2008) work on the deconstruction of traditional developmental psychology highlights that there is a spurious linkage to attachment disorders that are combined with elements of child fundamentalism. Burman (as cited in Parker, 2015) writes that these linkages "escalate normative definitions of who is deemed fit to parent via claims to scientificity prompted by the technology, but paradoxically also in that process compromises the very theories that are said to inspire them" (p. 75).

Furthermore, Duschinsky, Greco, & Solomon (2015) argue that AT is part of a larger discursive construction that is illustrative of political conservatism that is deployed to police child-rearing practices that lead to "mother blaming" (p. 22). They remark, "the figure of the infant is a particularly powerful one for neoliberal politics in policing the boundaries and formations of acceptable citizenship" (Duschinksy et al. 2015, p. 229). The notion of mother blaming coincides with Carol Smart's (2013, p. 22) argument that the criminal justice system places responsibility solely on mothers as a consequence of their biology, producing a net-widening effect of social and criminal justice policies. These policies are imbued with subtle,

less obvious forms of punishment that curtail women's agency, in particular, the capacity to define their own roles as women and mothers.[9]

To end, AT-MDH is politically re-configured as a neoliberal feminist strategy to promote correctional mother-child programming in spite of criticisms that it constrains women's rights and freedoms. My contention is that the unquestioned application of AT in gender-specific correctional policy and programming is concerning. Furthermore, how it can be reconciled with the feminist ideals of women-centeredness, requires further unpacking.

Promoting "Women-Centeredness"

The notion of women-centeredness as a part of an uncontested correctional narrative is endorsed by feminist groups and enshrined in the language of gender-specific policies. What constitutes women-centeredness and the manner in which penal policies have historically reflected this ideal in practice remains a grey area. A growing number of studies, however, have converged around the examination of correctional responses to gender and diversity to redress systemic discrimination against marginalized segments of the prison population (women and minorities, for example) (Blanchette 2002; Bosworth, 2000; Hannah-Moffat, 2001; Hayman, 2006; Pollack, 1990, 2003, 2010; Turnbull, 2017; Turnbull & Hannah-Moffat, 2009). This body of research includes an examination of the unintended consequences of efforts by corrections to formulate seemingly progressive policies to reduce discrimination and mistreatment (Carlton & Seagrave, 2013). Such unintended consequences have both resulted from and produced tension

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[9] Refer to Smart's (2013) discussion of infanticide under English Law circa the 1800s.

within the correctional system amongst different groups. Hannah-Moffat (2001) provides a

poignant assessment of such efforts:

> One needs to acknowledge the continual tensions between feminists, political, and administrative and institutional agendas… These tensions are reflected in the inconsistent application of feminist ideas and can be attributed to the incompatibility of goals and responsibilities of often well-intended correctional administrates, who must control and manage daily operations and prioritize concerns. The result is a compromised version of the original form. (p. 524)

The progression in feminist logic as a guiding strategy in both the development of policy and

practice has led to programming initiatives that aim to satisfy particular gendered needs.

Recognizing the inappropriateness of a male-centered approach to manage female offenders calls

for redefining what "women need." This is visible in the emergence of gendered programming

and the re-designing of the prison environment to include healing circles, beauty salons, art

therapy programs, guest lecture and fitness spaces.

Critics within feminist sociology, law and criminology argue, however, that gendered

modifications do little in the way of mitigating obscured forms of women's oppression (Taylor &

Blanchette, 2009; Hannah-Moffat, 2011). Carol Smart (1995, 2002, 2013) provides a

comprehensive feminist critique of how the law masterfully implicates itself in less than overt

forms in the lives of women and mothers.

> The forms of social control to which women are subject vary from primary socialization within the family, and secondary socialization (by peer groups, education system, the media etc.), which reinforces the ways of acting, thinking and feeling 'characteristics' of the female role, femininity and womanhood to the more formal processes of institutional intervention through legislation by the state, the implementation of law, the penal system, and criminal process. (Smart, 1995: 2)

Smart (1995) posits that piecemeal legislation (and, by extension, gender-specific policies) is

limited in its effectiveness to tackle the root sources of women's oppression. The law punishes

women who fail to perform motherhood in acceptable ways and dichotomizes the rights of the mother and the rights of the child.

Scholars have paid particular attention to how the discursive formation of motherhood is bound to idealized forms of femininity that regulate criminalized mothers (DiLapi, 1989; Ferguson, 2010; Garwood, 2014; Goodkind, 2009, 2014; Kerrison, 2018; Kilty, 2010; Kilty & Dej, 2011; McKim, 1997, 2014). The practice of breastfeeding, as it is vigorously promoted under the program, exemplifies this. Allowing women to wean was symbolically reflective of larger socio-cultural trends in colonial Canada from 1850 to 1910. Although the length of time for breastfeeding (age maximums) was culturally dependent, breastfeeding existed out of necessity given the limited supplementary alternatives available to women (Nathoo & Ostry, 2009). While data on breastfeeding trends is scarce, data on breastfeeding in the context of Canada's penal history is noted in one policy. A CSC report entitled *The Early Years* (2000) explains that weaning practices were permitted at the Kingston Penitentiary during the early 1800s. Once an infant was weaned, the child would be placed with extended family members or in a children's orphanage. This is one historical piece of evidence to show how breastfeeding became constituted as a form of gendered penal practice.

Unlike Canada, the United States has a well-documented history of mother-child programming dating back to the 19th century. Eastern State Penitentiary, which opened in 1829, permitted women prisoners to nurse their infants up until age two. Bedford Hills Correctional Facility in New York State has one of the longest documented operating mother-child programs to date. Since 1901, Bedford has permitted children full-time stay with their mothers from the time of birth until their second birthday. Twenty-five years ago, the institution established The Children's Centre that offers extended child visitation. The Centre includes a child play area and

a host of programs geared towards early learning, literacy, and parenting skills. The site also includes a nursery for babies up until their eighteenth month birthday.

In the U.S., mother-child programs now constitute a national effort visible across nine states [e.g., Ohio Reformatory for Women (unit opened in 2001); Nebraska Correctional Centre (unit opened in 1994] (Haney, 2013). At the state level, mother-child units (MCUs) may house anywhere between 20 to 150 mothers and their children at one time. Women can keep their children up to 36 months (Villaneuva, From, & Lerner, 2009). At the local level, there are an estimated 100 mother-child programs operating through CRFs. These programs are contingent upon state per-diems and donations from charitable organizations. The pronounced role of social justice agencies fighting against mass incarceration reflects a broader anti-oppression movement across the U.S. (Haney, 2013).

Mother-child programs are also prevalent in other parts of the world with higher age limits for co-residency. In Argentina, mothers have the legal right to keep their children until age four whereas, in countries such as India and Kenya, children remain with their mothers up to the age of six. Kenya, through public money, supports 300 hundred children. Mexico leads the child-prison population, housing over 2000 children across its numerous institutions. In lieu of co-residency, some countries such as Algeria and Norway will postpone a woman's sentence until the child is older. In Algeria, after the child has reached 24 months, the mother is incarcerated. In the case of Norway, the judge may decide to allocate a community sentence that would allow the mother to remain in a *mødrehjem* (mother's home) until the baby is weaned (in and around the ninth-month mark).

Knowing what works in terms of producing a comprehensive, women-centered program is best described as a challenge when Canadian policymakers and researchers have little insight

into past practices. As a result, the construct of women-centeredness as part of a new correctional stream becomes difficult to define and articulate into practice at the institutional and local level. Minimal historical documentation to trace practices of the past that were used to regulate the incarcerated mother speaks to the general absence of historical penal research in Canada. This absence is noted by several scholars that examine the institutionalization of gender-specific programs within a Canadian context (Bosworth, 1999, 2000, 2014; Hannah-Moffat, 1999, 2000, 2001; Hayman, 2006; Pollack, 2000). Attempts to solidify a philosophy of "what works" in mother-child programs policy is further complicated by sets of international logics that decenter the tenets of AT. From an international perspective, we can observe a paradigmatic shift that prioritizes a children's rights discourse that affirms the "best interests of the child."

International Rights-Based Logics: "Children are Not Prisoners"

A review of children's rights literature since the adoption of the *United Nations Convention on the Rights of the Child* (1989) highlights how children's rights are socially constructed and fundamentally tied to the domain of child welfare practices both historically and presently. Furthermore, since the Convention's adoption, the call for greater child autonomy and participation rights is visible in legislation and social policies. Children are presented under the international policy as competent subjects of the state in stark contrast to their once passive, vulnerable status. The neoliberal political re-configuration of the child has produced tension between children's and parents' rights and allowed for greater state intervention when the "best interests of the child" are threatened (Reynaert, Bouverne-de-Biie, & Vandevelde (2009). Furthermore, this shift in political re-configuration of the child subject within the context of

international policies indicates a departure from the tenets of psychoanalytic frameworks towards a children's rights discourse.

The *Standard Minimum Rules,* the *UN Guidelines for the Alternative Care of Children and Bangkok Rules*. A confederacy of international policies providing rules and guidelines to assist prison management in the creation and regulation of mother-child programming have existed since the 1950s. The international community has generated sets of best practices to guide prison administration. One of the main criticisms is that these best practices are discretionary and are not constitutive of a formal legal framework. For example, some programs lack an official mother-child governing board.

Mother-child programs are governed according to sets of indeterminate rules and protocols. Wardens and assistant wardens have the ultimate authority to make decisions around program development upon consultation with child welfare experts and the mother-child program board. Decision-making, therefore, is left to the discretion of the institution. Formal legal bodies to govern the relationship between the state, community service providers, and incarcerated subject to ensure that civil liberties are safeguarded and that protocols adhere to the "letter of the law" are nonexistent. At best, institutions can look towards vague international guidelines to inform policy and sets of practices.

There are three prominent global policies that provide sets of guidelines for mother-child program development and general prison management of children: *The Standard Minimum Rules, the UN Guidelines for the Alternative Care of Children, and the Bangkok Rules.* These three policies are complementary in their aims and are self-described the building blocks to ensure that the best interests of the child are protected and the constitutional rights of incarcerated mothers are guaranteed.

Promulgated in 1955 by the United Nations General Assembly, the *Standard Minimum Rules* provided a starting point to establish sets of good principles and practices for prison management. Section 23 (1) and (2) specify a set of key requisites for developing and regulating mother-child programs. These requisites include the provision of prenatal and postnatal care, qualified staff to supervise nurseries, and that children are born in hospitals outside the prison to ensure they receive proper healthcare during labour. An emphasis on pre and post-natal care was rationalized on the basis that marginalized women would not likely have access to the same level of care in the community unless incarcerated. The lack of access to community healthcare support is disturbing.

Between the 1950s and late 1980s, a series of national child policies re-iterated children's protection under the law. In 1989, the *United Nations Convention on the Rights of the Child (UNCRC)* was adopted, signaling a momentous shift where children were now constituted as persons with rights. In the past, children were constituted as merely objects of international laws but are now afforded the right to have their "best interests" taken into primary consideration in matters concerning them (UN Resolution 64/142 section 41 and 82). Thus, the release of the UNCRC heralded a paradigmatic shift across various fields of expertise and practice: social work, child psychology, child custody, and corrections.

Since the promulgation of the UNCRC principles underscoring human development have emerged within international policies. These policies outline the constitutional rights of mothers and children and emphasize the primacy of the family. Under *UN Resolution 64/142* section 41 and 82 (*The UN Guidelines for the Alternative Care of Children* 2010) incarcerated mothers are to be afforded dignity and equality through the maintenance of her integral rights during pregnancy, birth, and breastfeeding. Section 41 also clearly affirms the significance of

empowering parents, especially younger parents that are at greater risk of losing custody of their children to the state. Section 82 upholds a broader policy aim, that is, to encourage the maintenance of parental and family contact in cases of incarceration on the basis that the international community views motherhood as a constitutional right irrespective of status.

In addition to the CRC, *The Bangkok Rules* (2010) (also referred to as *The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders*) generated guidelines for policymakers, judicial bodies, and prison management in the establishment of mother-child programs. Recognising that past policy has centred upon a male-model of corrections, *The Bangkok Rules* re-define the specific needs of women and mothers with the aims of locating alternatives to incarceration and broadening the scope of gender-specific programs. Adopted in 2010 by the United Nations General Assembly, the focus of the Rules are to help guarantee the humane treatment of women and children as part of an integral human rights paradigm. Integrity is upheld through a set of specific provisos such as rules against the segregation of pregnant women or breastfeeding mothers and rules against the use of restraints during pre- and post-labour.

The Bangkok Rules also provide an explicit body of rules around the treatment of children. Adopting the view that "children are not prisoners and therefore are not be treated as such," children are entitled to full and equal access to medical, physical and physiological services. Furthermore, the rules firmly set down the need to allow mothers to actively plan for their child's custodial placement if the child is unable to reside with her. It is important to note, however, that *The Bangkok Rules* offered a historic text and foundation for the creation of policies aimed at improving the treatment of women and children. The text was never intended to describe in detail a model system of penal policy, but rather to set out what is deemed generally

acceptable as being "good principle and practice" in the treatment of prisoners and the management of penal institutions (Barzano, 2013).

Good principles and practice: getting closer to a roadmap for action. The year 2010 represented a hallmark for international policy development. A continuation from past discussions brought the global community closer to a road map that would define best practices. Following the recommendations put forward by Working Group 1 from the Day of General Discussion, the *Committee on the Rights of the Child* concluded that the issue of children's rights in the context of parental incarceration required more investigation.

The committee drafted several noteworthy criticisms and recommendations to redress the challenges facing current institutional mother-child programs. For one, the working group surmised that age restrictions are unviable because depending on the set age for eligibility the standard protection of the child in some states could not be upheld (Section 15). Furthermore, the working group recommended that all prison staff require training in the area of children's rights to ensure the adequate provision of services and care (i.e., food, playground, healthcare, and education). Again, an emphasis was on making sure that children received fair treatment and equal access to services that would secure their best interests and needs (Section 14).

Weaning practices and a family preservation agenda re-surfaced during the working group discussions. The group declared that breastfeeding must be permitted for the optimal duration of nine or more consecutive months (Section 13). In addition, the working group affirmed that children remain connected to outside family and that context-adapted support be implemented to help mothers because of the foreseeable constraints and stresses of the prison setting (Section 12). According to the final recommendations in Section III - Working Group Two, with reference to children living with an incarcerated parent, it states:

37. The Committee recommends that State parties give due consideration to circumstances in which the best interests of the child may be better fulfilled by having him/her live with the incarcerated parent. In doing so, due consideration to the overall conditions of the incarceration context and particular need for parent-child contact during early childhood should be taken into full account. Furthermore, it is recommended that such decisions be made with the option for judicial review and with full consideration for the best interests of the child. (p. 7)

This section states that the maternal bond is to be considered but is not necessarily a decisive factor in rendering a decision of custodial placement. There is a clear push for a contextualized assessment in light of children's rights, and the requirement of experts to apply this recommendation purposively. Judicial discretion, arguably, undercuts the rights discourse.

The Rise and Fall of the Mother-Child Program in Canada

Although the principles espoused by the UNCRC and *Bangkok Rules* solidify a set of best practices, the lack of legal framework remains a significant limitation. There are no mechanisms for legal recourse, if a country fails to adhere to the policy. Further to this, government reports up until *Creating Choices* (1990) had not explicitly addressed the possibility of mother-child programming at the federal level in Canada. Until 1990, efforts were directed towards remedying broader issues facing the penal system such as equality rights, the improvement of prison conditions, and ways to enhance the reintegration process of female offenders. This included a focus on geographic dislocation imposed by Canada's centralized prison system (Hannah-Moffat, 2001; Hayman, 2006). Questions around the closure of P4W and the lack of adequate prison programming dominated the objectives of commissioned reports of that time: *Archambault* (1939), *Fauteux* (1956) and *Ouimet* (1969). In spite of the countless recommendations, CSC failed to initiate a comprehensive overhaul of the system and the issue of mother-child programming remained untouched for years. It was not until the late 1980s, with

the establishment of the Task Force for Federally Sentenced Women (TFFSW), that the issue of the mother-child program would re-emerge.

Creating Choices was a report developed by the Task Force for Federally Sentenced Women (TFFSW) that was established in 1989 in the aftermath of the Daubney Commission. Heeding the criticisms by the Canadian Association of Elizabeth Fry Societies (CAEFS) regarding the impact of geographic isolation, risk classification, and poor program provision for women, the Daubney Commission chided CSCs refusal to better fund CRFs. In addition to issues of isolation, classification, and programming, the commission was particularly discontented with CSCs prioritization of cost efficiency over the re-integrative needs of female offenders. Corrections justified its inaction on the basis that female offenders only represented a small percentage of the total offending population. The increasing scrutiny surrounding CSCs perceived ambivalence became the key rationale for the creation of the Task Force, which in turn would decide the fate of P4W and the future course of women's corrections.

In the years leading up to Creating Choices, proponents of various women's advocacy groups had advised closing the Kingston's Prison for Women (P4W), condemning the deteriorating conditions within the prison, and raising speculation that those conditions were factors in the high percentage of inmate suicides (Faith, 2011). Controversy swelled around the prejudicial policies and practices at P4W. The Task Force understood that as part of their mandate, that change was essential to encourage a new stream of corrections that offered intensified institutional and community-based programming, a re-classification of security and tailored risk assessments, increased work incentives, better staff training and diversion programs (TFFSW, 1990, Chapter IV).

The *Creating Choices Report* was established upon feminist logic that re-constituted the

female offender as unique by the nature of her gender. The intention was to foster a woman-

centered model of incarceration to address women's needs. The report promoted five guiding

principles of action: empowerment, meaningful and responsible choices, respect and dignity, a

supportive environment, and shared responsibility (TFFSW, 1990). The objective of creating the

Task Force was primarily to address the isolation caused by the locations of federal facilities as

highlighted by the *Daubney Commission*, noting that geographic distance and travel costs

hindered visitation between women and their children (MacDonald & Watson, 2001). At P4W,

of the 130 female inmates, only 60 were originally from Ontario (CSC, 2008). The relatively

small number of local women underscored the need to address the challenges of family

unification when facilities are geographically isolated. Out of this discussion grew a kinship

agenda.

The issue of kinship was raised as a significant factor for women offenders and was an

imperative consideration in the recommendations of the final report. The mother-child program,

thus, culminated from the debate over kinship as it pertained to the geographic location of federal

facilities. A central question for the Task Force was how to design facilities that would enhance

family unification. To accomplish this objective, the TFFSW identified that the physical

structure of the facilities and carceral practices within would have to work interdependently to

support a vision of women-centeredness. Having overcome political discord amongst committee

members, the Task Force agreed that they had to devise a way to articulate what constituted

"woman-centeredness" before the implementation of gender-specific programming could take

place, in particular, the mother-child program.

> At this point, the Task Force had to address what it wanted in terms of women-
> centeredness and how to merge that with the reality of women offenders. The force relied

heavily upon the expertise of each member to address these concerns and more importantly the force had to sift through the testimonies provided by the women themselves in order to create a plan that would encompass their needs with the structure of the institution. (Task Force Director)

Upon review of the testimonies by female inmates, family unification and kinship represented the greatest self-reported area of need. Based on this recognition, the Task Force sharpened its focus by taking a closer look at the impact of separation from children. The report notes that "[m]any of these women spoke of the intense pain and anxiety caused by the separation from their children and of their sense of powerlessness when their children are placed in foster homes" (Issues and Dilemmas, TFFSW, 1990, Chapter 9). According to the Task Force Director, this was the first time in history that the government acknowledged that improvements needed to be made to the system to include the needs of mothers and their children. The Task Force concluded, however, that the subject of the mother-child program was complex and would be ineffectively administered without proper consultation with experts and bureaucratic agencies. Hesitation mounted.

> [T]here is no one simple answer or formula. The Task Force recognized that the issue involves others besides mother, the child, and the Correctional Service Canada. The extended family and child welfare agencies also have a role to play, [furthermore], the Task Force further agreed that the environment at most of the current facilities for women in Canada is not appropriate for children […] and that the issue deserves further study. (Task Force Director)

Recommendations were tailored to permit future capacity for the program. The report cited the following key items: that correctional facilities would have to be designed according to a home-like environment and be flexible to the mobility needs of mother and child; that decisions to allow children would be made on an individual basis; and, that CSC would facilitate the eligibility and candidacy process, supporting women in their relationship with child welfare.

In cases where a correctional institution was unable to support the infrastructure to accommodate the residency of children, the Task Force poignantly asserted that "Correctional Service Canada must provide the necessary resources to enable regular and close contact between mothers and children" through alternatives (CSC, 2015, Chapter XI under Mothers and Children). Altogether, mother-child programming was one of the most controversial recommendations arising from *Creating Choices* (1990). The concept of maternal attachment became a part of a popularized correctional discourse. Unfortunately, to this day, interviews with members of E-Fry maintain that the mother-child program has never been fully articulated in policy and practice to the extent that is necessary to foster the objective of "woman-centeredness."

A Looming Security Focus

According to the *Forum on Corrections* (a CSC research journal), the idea of a mother-child program with a full-time residency component was met by "a sense of excitement, tempered with some prudence and forethought" (CSC, 1995, para. 1). Corrections was resistant to implementing the program without a security focus in the mandate. Oddly, the "best interests of the child" principle and standard ultimately became a security mechanism. From a correctional perspective, "[t]he over-riding factor and basis for all decision making in the program will be the best interests of the child [emphasis]." Until the logistics of employing a "best interest" standard within a correctional context could be ironed out, the mother-child program would remain tentative in the eyes of CSC (CSC, 1995, para. 7).

Four areas of development became the focus of CSC during the preliminary stages of the program's development: legal issues (health care, funding, partnerships with provincial child care

authorities and service liability), policy development (program framework, eligibility, management, child development education, impact assessment of children living in institution), and day-to-day operations (policies and procedures, inter protocols for pregnant women who will give birth prior to the opening of the facility). Other areas of that required development included establishing contacts with child-care agencies within the community, regional and municipal social services, daycare authorities and children's advocates. Parenting skills programs, screening processes for volunteer drivers for visitation transportation, and material resources: food, clothing, toys were also included as fundamental to the program's operation.

Apart from the abovementioned, concerns were raised by child welfare agencies about the socialization piece and the lack of suitable playmates for children. How would the effects of social and emotional development on the child be mitigated? How would CSC address the lack of facilities to accommodate newborns? Moreover, how would correctional staff manage interactions between mothers and housemates? Corrections expressed reservations, noting that, "being surrounded by 'would-be' surrogate mothers who may be quick to critique parenting skills would test the patience of most people, without the added pressure of incarceration itself" (CSC, 2015, N.P.). How this concern would be addressed through correctional practices was and is still undetermined.

At the policy development stage, corrections clarified that children were in no way to be negatively affected by living within a prison environment, or at the very least, CSC would have to work to mitigate those negative effects. Mirroring Section 13 of the *Day of UN General Discussion*, CSC (2015) notes that "[i]t must be recognized that the child is not in prison" and it is furthered cautioned that in severe cases where mother is placed in enhanced security a child

placement plan would be required to facilitate the safe transfer of the child to another caregiving setting.

> This would probably obligate the removal of the child to an outside caregiver, thus resulting in the child being 'punished.' However, if the Service is focused on empowering women, and on helping women take responsibility and to recognize the consequences of their actions, then women must also understand and live with those consequences and conduct themselves appropriately to avoid placing their children in such situations. (N.P.)

Furthermore, according to CSC (2015),

> The mother-child program is an enormous undertaking for the Service and there are certainly concerns to be addressed. However, the importance of such a program to federally sentenced women, their children, and their children's future is too great to ignore any longer. (N.P.)

Women and their children were ignored, however. One year after the Forum on Corrections was released, the *Arbour Report* provided a systematic overview of women's correctional institutions in Canada, concluding that the system was failing. One of the major contentions within the report was that women offender programs must be designed for women's needs rather than an adaption of male-centered models.

Additionally, the *Arbour Report* acknowledged that children are a part of women's social history—a term to denote the everyday lived experiences of ordinary women, and as such require consideration in policy and program planning. Only through a separate stream of corrections could this be made possible. Commissioner Arbour proclaims:

> It is beyond the scope of this inquiry to examine all viable alternatives to imprisonment for women offenders. The sparse literature on women in prisons is, however, eloquent about the failure of incarceration and the likely efficacy of alternative accommodations for women who presently are given a custodial sentence. I, therefore, think that the exploration of efficient alternatives should be pursued, particularly before endorsing too broadly the mother and child programs which bring children into prisons, rather than their mothers into the community. (The *Arbour Report*, 1996)

Arbour held the view that prison should not be constitutive of a best practice. Alternative community places were better suited to match the needs of women offenders. To satisfy the goal of women-centeredness, Arbour insisted on the need to re-direct state efforts to better understand how women respond differently to forms of correctional intervention. Justice Arbour was fighting for a community orientation, rather than custodial responses.

Akin to reports of the past, the Commission's recommendations based on Justice Arbour's review faded into the background. What Arbour had raised as the fundamental problem facing the system, the employment of ineffectual and inefficient custodial responses to women's offending and geographic isolation, was soon replaced by another circumscribed solution.

Falling Short: Recommendations by the Auditor General of Canada and *Glube Report*

In 2005, Anne Owers, the HM Chief Inspector of Prisons for England and Wales visited the Grand Valley Institution for Women located in the south end of Kitchener, Ontario, Canada. A key undertaking of the inspection was to examine a fully operating mother-child facility with a full-time and part-time residency component built in. As a result of the inspection, it was concluded that improvements had to be made with respect to provisions for basic necessities such as food and baby supplies. The second area of concern was the lack of aesthetic appeal and the need for children's décor. It was the view of the Chief Inspector that mother-child units and child visitation areas should be conducive to children. Two other issues were raised regarding infrastructure. At the time, separate washrooms for children did not exist, and women could not access government benefits such as the Canada Child Tax Benefit.[10]

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[10] For a full outline of findings from this inspection refer to "*HM Chief Inspector of Prisons for England and Wales Annual Report*" 2005-2006.

A greater issue that needed to be addressed, however, was low participation rates. While

the Auditor General report concentrated on design, *The Glube Report* focused on the scant

number of applicants. *The Glube and Penal Recommendation* was an independent review of

women's correctional planning based on suggestions made earlier in two other reviews.[11] *Glube*

identified the challenges that lay ahead for the mother-child program if it were to continue

operating. Three major areas of concern were highlighted. The report states:

> CSC is struggling to provide a mother-child institutional program that is meaningful. There
> have been very few participants in the program nationally for the past three years. Further,
> there is no tracking of data regarding how many women are reunited with their children
> when released to community accommodations, nor whether women are utilizing
> community resources to assist with the process.

When the *Glube Report* was released, none of the five institutions (including Okimaw Ochi

Healing Lodge) had program participants. Although Joliette had one program coordinator on site,

the other three institutions had little in the way of official capacity to host children on a full-time

basis. At the community level, there was a lack of information on the number of women and

children living at CRFs or independently. By all appearances, the program appeared to be failing

and this was before Public Safety Canada tightened its grip on eligibility criteria.

A Distancing from the Original Objective

According to CSC National Headquarters, only 61 part-time and full-time participants

have been enrolled in the mother-child program since 1995. The NHQ portfolio manager,

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[11] *Report of the CSC Review Panel: A Roadmap to Strengthening Public Safety* (2007) and "*Moving forward with
Women's Correction's: The Expert Committee Review of CSC Ten Year Status Report on Women's Corrections"*
(1996-2006) (Comité d'éxamen du Service correctionnel du Canada and Sampson, 2007; CSC, 2013).

cautions, however, that program statistics are unreliable because of periods of dormancy (i.e., program cancellation) and inconsistency in manual reporting measures throughout the years.[12] Despite the appearance of scant participation, interviews with program coordinators reckon that the mother-child program is "alive and well" (Institutional Mother-Child Program Coordinator). One program coordinator insists that "[t]he statistical evidence at the state level is not truly reflective of the program's scope and depth; it doesn't capture the women who are helped in a long process of awaiting placement" (Institutional Mother-Child Program Coordinator).

Coupled with the expansion of minimum-medium security wings that has generated between 40 and 140 new placements for women across two of the five institutions, including MCUs, stakeholders believe that there is a renewed interest by CSC to increase program capacity. In addition to the expansion, a revised CD-768 (April 18th, 2016), has been resurrected with an enhanced rebuttal and redress process (*Section 17 and 18 Rebuttal and Redress Process*), and the inclusion of non-residency alternatives with the aim to support the maternal bond.[13] These alternatives include escorted temporary absences (ETAs), private family visits (PFVs), storybook recording, lactation consultation services, and video visitation through CHILD LINK (Section 65 of CD 768). National headquarters acknowledges that the restrictiveness of mother-child programs eligibility limits the volume of participation. To combat this, CSC is attempting to develop alternatives, such as CHILD LINK, to buttress low participation rates.

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[12] To resolve this issue, CSC has employed an analyst to track participation using CSC archives and the Offender Management System, which is a database of casework records and offender history, in order to determine the exact number of participants.

[13] Inmates that are dissatisfied with a board decision regarding termination of participation or determinations of ineligibility may apply to have their case heard before the program board.

Celebrated by CSC as one of the smaller successes arising from the mother-child program, according to the *Glube Report*, CHILD LINK is a video visitation program that permits mothers to have access to a monitor and headset in order to communicate with her children through a CSC monitored computer for one hour, once a week. Depending on the infrastructure of the building, the mother is, ideally, placed in a separate room for privacy while in the adjacent room a correctional staff member oversees the system. National headquarters ran a pilot at Okimaw Ohci Healing Lodge, partnering with a Section 81 home, Buffalo Sage Wellness House (BSWH) which is located in Edmonton, Alberta.[14]

The objective of CHILD LINK is to expand the range of options for women with children who would not otherwise be eligible under the program or whose children are unable to visit regularly because of geographic distance. National headquarters recognizes that CHILD LINK is not the optimal solution to the problem of restrictiveness of the program, but that it is nonetheless viable.

> We are looking at other measures to increase mother-child programs by creating an umbrella of opportunities for mother and children, sort of under but not necessarily directly under the mother-child program, because of the eligibility criteria. That's why CHILD LINK came about. (Mother-child program portfolio manager, CSC-NHQ)

More to the point, the benefits of CHILD LINK are summarized accordingly:

> [t]he mothers do not need to fit the same eligibility program for the child program. While video visitation is not obviously as preferred as actually being with your mother, at least there is that opportunity to see each other, perhaps more often than they would normally have the opportunity to, due to distance and cost and that stuff.   That is how we are trying to improve visitation, and that connection piece between mothers and their children, to sort of balance the restrictiveness of the mother and child program criteria. (NHQ Institutional Mother-Child Program Portfolio Manager)

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[14] The Buffalo Sage Wellness House (BSWH) is an all-female, minimum security facility operating within the community and overseen by the Native Counselling Service of Alberta. For an outline of services and programs, follow the link: https://lte-ene.ca/en/features/buffalo-sage-wellness-house-relationships-between-all-things

Visitation is not the same as full-time or part-time residency. CHILD LINK has become a second-best option and a continuation of traditional policies that were focused on redressing geographic issues.

CHILDLINK is rationalized as a viable because it does not require an eligibility criterion, it is able to promote limited degrees of bonding and co-parenting, it solves the practical problems of transportation distance and costs, and, it has the potential to garner a greater number of participants than a residency component would. Unfortunately, to date, only one mother has participated formally in CHILD LINK (from February to June 2013). Ottawa admits that these types of alternative initiatives tend to have slow uptake due to public and child safety concerns and because it is difficult to secure community partners that support and monitor the site. In the case of CHILD LINK, children under the age of 18 have to be accompanied by a CSC-approved adult and the partner site must have security checks in place to control access. With only one participant, visions of expanding the program nationally are on hold. Altogether, CHILD LINK is a dismal solution to the larger problem of diminished program capacity due to the existing security logic. One-hour per week of talk time is arguably insufficient to promote the parent-child relationship or co-parenting, as each of these ideals are inextricably linked to the best interests of the child. Moreover, we must think about how conservative policies uphold initiatives such as CHILDLINK as an austerity measure to eliminate doubts around the riskiness of mother-child programs, while at the same time allowing them to take praise for their commitment to the principles underlining attachment theory and women-centeredness.

Summary

This chapter traced the trajectory of Canada's mother-child program, mapping its course from the days of the TFFSW up to now. The beginning of this chapter commenced with an examination of the clinical framework that promotes the mother-child bond from a psychoanalytic perspective. Few program supporters have contested the implicit inclusion of AT as a method to frame the benefits of the program. This is concerning because of the criticisms raised by feminist scholars that perceive AT as undermining maternal agency. Normative prescriptions and a lack of consideration of structural inequalities have raised doubt as to the suitability of AT to inform child policies within the context of incarceration.

One could also argue that children's rights discourse undermines AT. Incarcerated mothers only have the right to remain with their children as long as and up until it is determined by the governing program board that this is in the "best interests of the child." Based on an overview of policies, such as the *UN Declaration of the Rights of the Child* and the *Bangkok Rules*, global logics re-modify children from objects of international policy to persons with absolute rights. One could postulate that these rights are upheld against the rights of the mother.[15]

Although efforts have been made to reconcile AT with the ideals of women-centeredness, a looming security focus led to stricter eligibility criteria that significantly reduce participation rates. In response, CSC has developed a video visitation program to help mothers stay in contact with their children while they are incarcerated. Ironically, the goals of CHILDLINK compete

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[15] This spills out into related legal debates surrounding child custody, abortion, and reproductive rights of women. For instance, in the U.S. women have been criminalized for child endangerment, neglect and charged with attempted murder for using substances while pregnant. These types of cases aim to extend legal personhood to fetuses but are born from the same central logic of the rights of the child superseding the rights of the woman / mother. For further discussion see Lewis, Myrisha, S. (2016-2017). Criminalizing Substance Abuse and Undermining *Roe v. Wade*: The tension between abortion doctrine and the criminalization of prenatal substance abuse. *Wm. & Mary J. Women & L. 23* (2016), 185.

with the objectives of the mother-child program. CHILDLINK offers a short-term solution to the problem of geographic distance between family and correctional facilities but accomplishes little in the way of satisfying the core aims of the program.

Moving forward, the next chapter presents the first set of principal findings. Chapter four investigates how the incarcerated mother is governed through the "best interests of [her] child." Specifically, I uncover how standards to measure child well-being and parental capacity adopt an interesting form when inter-agency mandates and practices are guided by diverse interests and objectives.

Chapter Four

In the "Best Interests of the Child"?

Child welfare agencies ascribe to norms and standards that align with contemporary strategies of social regulation (Garland, 2001). To understand this phenomenon, this chapter examines the role of child welfare in determining how the incarcerated mother is governed through the "best interests of her child." Based on interviews with CSC staff and child welfare agents, I argue that the "best interests" standard is bureaucratized in a manner that de-prioritizes the mother-child relationship. This is due to political turf wars and competing interpretive frameworks.

In this chapter, I examine the principle of the "best interests of the child." Child protection agencies apply the same community standard to evaluate mothers for parental capacity as they do for mothers behind bars. The application of this broad standard, however, produces tensions between CSC and CPS. This finding calls into question Garland's (1985, 2011) assertion that social welfare and criminal justice systems reinforce one another through a complementary set of networks. In Garland's (2001) view, each system fundamentally shares similar "assumptions, harbour [s] the same anxieties, deploy [s] the same stereotypes, and use [s] the same recipes for the identification of risk and allocation of blame" (p. 201).

In contrast to Garland, McCorkel (2004) cautions that "analytically collapsing the systems into one another to make sense of their coordination is premature and detracts from a deeper understanding of their distinct features" (p. 390). In light of McCorkels's assessment of Garland, an important question drives this analysis: to what extent are correctional and child protection systems conjoined and coordinated in the regulation of criminalized mothers?

The misconception that inter-state partnerships are seamlessly connected in their objectives has not yet been interrogated in penal scholarship. Traditionally, scholarship has focused upon collaborations between government and local grassroots organizations (see the works of Bosworth, 2017; Corcoran, 2008; McCorkel, Mills, 2015; Tomczak, 2014, 2015, 2016). Moreover, there are very few examinations of the intersections of correctional policy and child welfare practices with one notable exception. Conceptual and empirical pieces chronicle the intermingling of rehabilitative and *responsibilization* strategies to regulate young offenders at the systems and practitioner level (see for example Clarke, 2000; Liddle & Gelstorpe, 1994; Mears, 2002; Muncie, 2004; Tonry, 2001).

Muncie (2005) delivers a sophisticated analysis of the hybridity of the youth justice system in North America and the U.K., as it is enmeshed in national and local modes of governance. The author comments:

> In every country and every locality, youth justice appears to be 'made up' through unstable and constantly shifting alliances between neo-liberal, conservative, and social democratic mentalities. In terms of policy, the authoritarian, the retributive, the restorative and the protection continually jostle with each other to construct a multiplicity (as well as uniformity), divergence (as well as convergence) and contingency (as well as determinism). This hybridity activates multiple lines of invention, contestation, and contradiction in policymaking and implementation. (Muncie, 2005: 57)

Aligning with Muncie, the mother-child program can be similarly conceptualized as a hybrid that combines multiple systems of governance. To examine these convergences, I explore how the candidacy process becomes a tool to test the working relationship between CSC and CPS and how the "best interests" standard is re-defined in a correctional context and juxtaposed with CPS's view. Furthermore, I further examine how both agencies adopt differing interpretations of risk.

Achieving Interagency Consensus Through the Candidacy Process

The partnership between CSC and CPS is a complicated one. The candidacy process

becomes one mechanism to test whether or not the two agencies can effectively "work together"

(CPS Senior Manager). The institutional program coordinator oversees the entire candidacy

process and navigates through a myriad of competing principles, standards of practice, and

political boundaries. The coordinator liaises with regional protection services, initiates and

facilitates the candidacy process, and serves on the offender's correctional case management

team. Program coordinators are responsible for developing and amending the policy,

collaborating in the creation and implementation of the program's various services, participating

in the assessment for candidacy, monitoring a candidate's progress, and informing

determinations of program termination. This all has to be accomplished with an eye to

correctional standards of practice that do not always align with child welfare mandates.

Above and beyond these seemingly conflicting responsibilities, the coordinator must

uphold the guiding preamble set out in the Commissioner's Directive. Noted a total of twelve

times within mother-child programs policy (*Commissioner's Directive 768*), the "best interests of

the child" standard is paramount to child safety. The Commissioner's Directive reads:

> The "best interests" of the child shall be the preeminent consideration in all decisions
> relating to participation in the mother-child program. The "best interests" of the child
> include ensuring the safety and security as well as the physical, emotional, and spiritual
> well-being of the child. (CD 768- Section 3)

Intended as a standard and legal test to determine the well-being of the child, the program

coordinator must operationalize the standard to assess candidacy. This requires a balancing act

between satisfying correctional objectives with principles of child governance that are rooted in

child welfare praxis. Unfortunately, there is a lack of canonical statement on how to go about

investigating this balance.

The candidacy process determines eligibility for mother-child program participation and is described by actors as a joint collaboration between child protection and correctional services. Representatives from child protection agencies and the correctional case management team conduct a pre-assessment to determine program eligibility for participation and residency. This includes an evaluation by protection services of the child's needs and interests. The process for eligibility begins with a referral from corrections to the regional child protection agency. The regional agency will meet with the institutional program coordinator to overview the candidates correctional file to evaluate for parental capacity and suitability in the program based on the number and severity of institutional charges (if any) and past criminal history. They will also investigate to see if a program candidate has had any previous interaction with child welfare. Based on a review of this information, the vetting process can begin.

Corrections assign a program coordinator, provides the physical facilities needed to support mothers and their children, and personnel to supervise mother-child programs Units. Services such as guest lecture series and parenting classes are also provided within the institution based on the availability of space. CSC provides the infrastructure, while child protection services consult on child welfare policy as a member of the institutional case management team. In addition, child protection services offer expertise on designing child appropriate program space (e.g., family visitation rooms) and child-specific protocols to ensure the protection of children. A major component of their role, however, is to guide the candidacy process.

Corrections is legally required to obtain consent and approval from child protection agencies to permit a child's residency at an institution, whether part-time (i.e., weekend visits) or full-time. Children under the age of four years old are eligible for full-time residency whereas children under the age of six are eligible for part-time residency. Both part-time and full-time

children reside in a designated mother-child programs Unit. Full-time residency spans Monday to Sunday, twenty-four hours a day. Children are permitted to leave to attend preschool, family events, and community services and programs. Part-time residency may also include escorted leaves into the community. A part-time residency schedule involves stays at the institution intermittently throughout the week (e.g., weekends, alternating weeks, and alternating days).

Initiation of the candidacy process begins with receipt of a prenatal referral from corrections to child protection services outlining the request by the inmate for participation in the MCP program. Once the referral is submitted, a standardized child protection risk assessment is completed. Child protection risk assessments are carried out by child welfare authorities in conjunction with the Institutional mother-child program board to determine potential disruption to the child, the ability to parent, the relationship status with child, the mental health and medical needs of child; and (if applicable) the wishes of the child (section 24 c-iv).

The candidacy process involves input from multiple stakeholders from members of the board. Once the CPS risk assessment is completed the board meets to discuss a recommendation. The CSC Institutional Head has the greatest amount of discretionary power to assess program eligibility based on recommendations from child welfare experts. The Head works in tandem with child welfare to make the final determinations for participation in MCP. Ultimately, however, the Head has the final say as to who is allowed participation. There must be substantial support from corrections in order to accept a candidate for the program. Terry, a Senior Manager for CPS highlights the value of internal support.

> It is there in name, but … having it in policy and really supporting it in practice and being behind it are different things. If you don't have the internal support from the warden, because they sign off on it, you got a problem. (Terry, Senior Manager for Child Protection Services)

Moreover, support from CSC union members is essential.

We presented mother-child programs to the [CSC] institution in conjunction with the clinical psychiatrists and other child experts. …We presented to a combination of professional staff there and uniformed staff, as well. There was a fairly clear dividing line there in terms of support… to the point where I think someone, I don't know if it was a union son, was speaking on behalf of the union saying, 'we've got a list of concerns and you'd better hear them.' (Terry, Senior Manager for Child Protection Services)

It was noted throughout interviews with CPS that prison unions are influential in the political process of developing correctional programming. Mixed support for the mother-child program is common amongst the union ranks. For one, a segment of correctional officers feel that prison is an inappropriate place for children because of the volatility within the environment. Second, correctional officers want to avoid personal liability if a child is hurt on their block. Unions are concerned with issues that may threaten a child's safety such as understaffing, overcrowding, mental health issues of inmates, lockdowns, an increase in the number of incompatible situations and disruptions. The Institutional Head (IH) must include full consideration of these concerns in their determination of whether or not to permit the program and in assessing applicants for candidacy.

Apart from internal support from the warden and political power of unions, the issue of institutional access was raised throughout interviews with senior managers. Child welfare clarified its position on access and vetting with CSC Ottawa National Headquarters (NHQ) during policy development. While it respects the partnership with CSC, child welfare agencies must be granted full power of entry in emergency cases such as an allegation of abuse. After a mother's discharge, the agency will continue to provide service for her, if it is requested by the mother and or deemed necessary to ensure the safety of the child. If mother and child relocate to another jurisdiction when discharged, the agency working on that file will facilitate a referral to another agency within that region. In an open case, protection services will participate in discharge planning for both mother and child.

In terms of vetting, protection services were adamant that they would operationalize a standardized community protocol. A Senior Manager for CPS explains:

> I apply the same standards that we use here [in the community]. So, if we have a child being placed somewhere, we look at criminal records, ironically and if the mother and anybody else in the home has issues, history for anybody that's living in the home, I said, 'why would we not apply the same thing there?' That's what we brought in and that's what we talked to Ottawa about when they came. We talked to them and said, if somebody's going to be living in a unit, a household for want of a better word, together we're going to apply the same stuff that we would do here. (Terry, Senior Manager for Child Protection Services)

When asked *why* protection services took such a strong position on the issue of adhering to a community standard, the same senior manager who worked with CSC closely on policy development commented that it was in the interest of preserving their agency's mandate and mission. She also noted that it is also part of a broader precautionary move to safeguard the rights and well-being of children who would be residing at the institution. For example, protection services would only allow searches of children by the institution if they were non-intrusive. For example, only upper body searches would be permitted as opposed to a full cavity or lower body search which would require the child to bend over and spread their legs apart and or have their diaper searched. Child protection services had to place a degree of trust in institutional administration and staff to ensure that the "best interests" standard was upheld to the fullest extent since the agency was not there to oversee the program on a daily basis.

For those who are eligible for participation in the program, child protection services contact the institutional program coordinator and provide a written recommendation to the correctional institution regarding their decision. It is important to note that the recommendation is made according to child protection standards, not correctional ones. A CPS manager explains that:

We look at eligibility in a more comprehensive light whereas, you could say that, they [CSC] are using a more linear process where they simply want to know if the mother satisfies PSCs stringent regulations and guidelines for participation. We are interested in knowing her past, her relationship at present, and future by looking at a spectrum of factors, this includes her family support, culture and a slew of other things that build a picture of 'who she is' and 'what kind of mother she is'. For us it is a question of 'can she parent?' Where for CSC it is a question of … 'is she a risk or danger to the child?' (Ellen, Senior Manager for Child Protection Services)

Once the recommendation is completed by protection services, it is presented to corrections. At this point, protection services will attend a case management team meeting to review the recommendations regarding the inmate's suitability. This meeting is at the request of the institution not at the demand of child welfare. The role of child welfare is to assist the institution and the team by conducting searches of child protection records of program candidates and the housemates residing in the mother-child unit. This information is obtained through a system called Fast Tracking, which is a province-wide database of all current and past protection cases. Fast-tracking is fundamental to the vetting process. Vetting includes background checks of the applicant and housemates. After corrections receive a candidate, protection services vets the file to ensure she satisfies program eligibility criteria and that the child's needs and interests will be sufficiently met. The mother-child program Coordinator, correctional staff where the inmate resides, and regional child welfare agency conduct the process. The vetting process includes reviewing the offender's file for offence type, risk classification, and institutional conduct or what CPS interprets as a type of "institutional performance overview" (Terry, Senior Manager for Child Protection Services).

An institutional conduct assessment evaluates the number and nature of institutional charges. CPS must also determine whether or not the program candidate has had previous history with child welfare and the circumstances around the case. If the program candidate is from outside a particular region, CPS conducts a cross-provincial search. A senior manager who works in tandem with the institutional program coordinator at a smaller federal women's correctional institution speaks to the significance of vetting. She remarks,

> There's a certain amount of faith on both ends. We're trusting [name of institution] to put somebody forward that meets a certain criterion per their offense and their issues and their conduct and all of that. I found that they [CSC] are quite thorough in that. It's not anything they would vet out as opposed to in. That's more anecdotal. I don't worry from their end that they're putting someone forth that they have concerns about. It would be stupid to do that, right? (Ellen, Senior Manager for Child Protection Services)

For child welfare, the vetting protocol is central in achieving interagency consensus. Vetting functions, first, as a strategy to mitigate the potential for disagreement during the candidacy process, and second, to assess an applicant's suitability.

Unfortunately, CPS is uncomfortable with vetting of housemates because of privacy issues. For instance, in order to legally permit a child to reside in a unit, child welfare conducts a security-check of all current and prospective housemates. A security-check involves the re-opening of the offender's case file, contacting other child welfare agencies, if there was a charge involving a child and contacting individuals related to the case (e.g., victims, family, and friends of the offender). Sarah, a social worker describes the indirect impact of vetting on housemates.

> Women just sometimes don't want to go down that road again. Plus, it means that people in their lives like my client's daughter is contacted and the details of the case are drudged up again, bringing back painful memories and unwanted stress and just when the daughter is ready to move forward. (Sarah, Caseworker for Child Protection Services)

For the majority of female inmates, family and children are viewed as "sacred territory" (Sarah, Caseworker for Child Protection Services). Again, Sarah illustrates this point by expanding on the inherent complexities around privacy for incarcerated mothers, in particular. She explains,

> The irony is that we are trying to help one woman keep her child while at the same time we have to disrupt the lives of other women. Not to say that the other women object to a child staying but it [vetting] creates a threat to privacy. It is a misnomer to think that all the women here are 'chatty Cathys' and talk about their lives to everyone. Some women are really very guarded when it comes to their clan [children, family, and community] and talking about what they did, what landed them there. (Sarah, Caseworker for Child Protection Services)

Concerns around the impacts of the vetting process are backed by literature on boundary construction when individuals seek to protect their self-concept when norms and values of inmate culture are threatened (Sibley & Van Hoven, 2009). Protection services acknowledge that vetting is invasive to the personal privacy of housemates who are involuntarily forced to submit to the protocol. Although it is unclear at this time as to how the process can be improved, the practice is justified on the grounds that children's safety is paramount. Therefore, the privacy and psychological well-being of prospective housemates are de-emphasized in light of more fundamental concerns regarding the working relationship between inter-state partners and political consensus around candidate selection.

Thus, the vetting protocol as it is connected to the candidacy process becomes a test in congruency to assess how well the objectives and goals of interagency partnerships align with one another. The vetting protocol also represents a sign of good faith between CSC and CPS. Ideally, by the time the candidate reaches the vetting stage a consensus between corrections and protection services that the residency plan will go forward, has been reached.

Follow-Up and Parallel Planning

Vetting presents particular challenges because of conflicting security concerns around child safety and different standards for assessing candidates between regional agencies. Tracking protocols to ensure follow-up of candidates and past program clients can undermine the "best interest" objective due to fragmented political boundaries. Closing a child protection file of a program client often results in the loss of follow-up of client progress and the welfare of the child. Moreover, jurisdictional boundaries between CPS agencies generate roadblocks that obstruct the tracking of client progress. If the mother and child relocate to a new region after release, follow-up is not guaranteed. Caseworkers reported that families become lost in the system because of case overload and disjuncture in inter-provincial agency-tracking procedures. The fast-tracking system only tracks and stores cases within the immediate province. If an agency suspects that there is involvement in another region or province, caseworkers can conduct a cross-national search of each region's and province's database system. However, this process is a challenge. Because of the lack of standardization across each individual agency and variations in practices, extensive out of province investigations are both timely and costly. Therefore, the selection of a suitable candidate as it intersects with the goal of the "best interests" standard becomes purposeless, if continuity through client follow-up at post-release is overlooked from the process.

Compounding the complications that follow-up of mother-child cases creates, CPS has concerns that the program is overly restrictive. Parallel planning becomes a default mechanism to compensate for this restrictiveness. A parallel plan is a type of alternative custodial plan for children that is designed and overseen by child protection services and is created with the input of the incarcerated mother when full or part-time residency is denied. Parallel planning involves

the creation of an alternative custodial placement wherein the child can be placed with a biological or adoptive parent or stepparent, an extended family member, or foster family. Parallel planning is a strategy that singles out those deemed too risky to mother. Child welfare agency participants in this study acknowledged that all too often the majority of referrals for part and full-time residency are denied based on risk classification. Therefore, parallel plans are a method to secure an alternative child placement at the earliest possible stages.

Candidacy is denied when there is on-going litigation regarding child custody, the child is required by law to reside with someone else, or the warden determines that program participation threatens the welfare of the child. For example, the warden may be receptive to the program and would permit residency of a child but denies eligibility because of structural problems within the institution that could compromise the child's safety (e.g., overcrowding which limits the number of beds).

Recommendations about the mother's level of access is decided as part of the parallel plan. Alternate access arrangements may include CHILD LINK (video visitation through Skype) or supervised weekend visits through Escorted Temporary Absence allowances. These alternative arrangements are considered non-residential components of the mother-child program. In the view of protection services, the use of parallel plans points to a much larger problem with how Public Safety Canada and Corrections define parameters around candidacy.

Taken together, the process to determine the "best interests of the child" is undercut by bureaucracy and a security logic which is evidenced in concerns over access and vetting, a defunct follow-up between jurisdictions, and default parallel planning to resolve program ineligibility. The candidacy process, thus, becomes a way to determine whether CSC and CPS can partner effectively, displacing the original objective which is to vet suitable applicants.

Re-Defining the "Best Interests of the Child" in the Context of Maternal Incarceration

For CPS, the purpose of the candidacy process and vetting protocol is to uphold the "best interests" of the child. The "best interests" standard or test involves a set of expert criteria to maximize child development where safety is paramount. The standard originated from U.S. colonial case law in the 1960s and is used by family courts internationally today. The standard is intended to test whether or not a mother is able to fulfill her day-to-day caregiving responsibilities and provide long-term care for her child(ren). The test is critical in determinations of parental custody (Spitko, 2000).

In the broadest of terms, the "best interests" standard aims to protect the welfare and happiness of children. The underlying assumption of the standard is that parental rights are secondary to the rights of the child. Children's rights, as opposed to parent's rights are thus absolute. When a conflict arises between the parent and child, the standard, in theory, prevails.[16] How the interpretation of this standard is modified and re-frames the criminalized mother requires further analysis, however.

According to the mother-child programs policy preamble, the "best interests of the child" include ensuring the safety and security as well as the physical, emotional, and spiritual well-being of the child (CD-768). The "best interests" standard is evaluated through a comparison of eligibility criteria and expert opinions of local child welfare authorities. Criteria are broken down by two eligibility spectrums. On one hand, a mother's eligibility criteria include assessment of the current state of the relationship with her child (ren) and her physical and mental health status

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[16] Legal precedent in the United States has firmly established that a child is a person and not a sub person of the parent. For instance, in *Bennett v. Jeffreys [20 N.Y.2d 543, 387 N.Y.S.2d 821, 356 N.E.2d 277 (1976)]* the Supreme Court ruled in favour of the non-biological parent on the grounds that the courts cannot deploy a "best interest" assessment without satisfying Parental Presumption. Under the law, parents have a fundamental right to raise their own child, unless evidence proves otherwise. In this case, after eight years of separation from his mother, the child told the judge that he wished to remain with his custodial family. The court ruled in favour of the custodial parents and the biological mother was permitted visitation only.

and requires the consent of the family court and child welfare agency. In addition, eligibility is based on the perceived willingness of the mother to encourage and foster her relationship with her child and to include other family members in that supportive relationship. On the other hand, a child's eligibility is determined by assessments of their mental and physical health, age, and disruption to the child's life, and the consent of the court and child (age permitting) (CSC Forum on Corrections Research, Annex B). In the context of the program, as part of this eligibility spectrum, incarceration alone is an insufficient condition to justify the removal of the child. CSC and CPS, however, diverge when it comes to how this standard is operationalized.

Both CSC and CPS agree that permanency and stability are central to "best interests" determinations irrespective of the quality of attachment or length of time in the mother's care prior to her incarceration. Their shared goal is to secure a stable, long-term home for the child through kinship, not necessarily a maternal tie. This produces an interesting paradox. The aim of the policy is to eliminate the potential for disruption of the maternal bond by providing a residency option for mothers. By contrast, the narrow eligibility often results in a default kinship, or foster care placement anyways. From both a correctional and protection perspective, the standard is heavily rooted in the assumption that any unnecessary separation of a child from its mother is disruptive to the child's emotional and physical well-being. There are concerns highlighted by CPS, however, that the residency option is unable to provide the stability required to satisfy the interests and needs of the child because of the short duration.

On the question of how "best interests" are defined, social workers typically refrained from using legislative definitions because they believe that formal definitions fail to capture the breadth and scope of children's needs and interests. Instead, they define children's interests and needs as dynamic, evolving, and intertwined with the needs of the family, community, and

culture. Ellen, a senior manager working offers her own subjective interpretation of the standard:

> I could give you the stock answer. It's legislative. I'm not going to quote the Child and Family Services Act and their provincial eligibility spectrum. In my own words, you want a child that's going to thrive, that's going to be safe, that can grow up strong, healthy in all ways. Safe, loved, cared for, all of those kinds of things. No reason that that can't happen, even in the walls of the institution. (Ellen, Senior Manager for Child Protection Services)

Ellen's perspective highlights how the "best interests" standard is re-articulated within the context of incarceration as a set of guiding ideals. Interestingly, however, these ideals are juxtaposed with the standard in practice.

Caseworkers offer a less idyllic interpretation than Ellen's. From a frontline perspective, caseworkers measure the interests of the child by means of baseline expectations—the provision of food, shelter, medical care, education, and clothing (Sheila, Caseworker for Child Protection Services). Sheila, remarks that the prison environment, unlike the community, is able to provide the basic necessities. In the community, a child may be worse off in foster care because of the potential for multiple placements, and, in extreme cases, negligence or abuse. Therefore, Sheila's operationalization of the standard is understood according to a set of pragmatic criteria. The majority of the social workers interviewed in this study shared a similar view that prison in some instances is better suited for meeting a child's immediate, basic needs. Oddly, the community becomes modified as a risk factor.

In addition, the standard is paradoxically juxtaposed as an opposition to the rights of the mother. Through the advancement of family preservation, protection services believe that they are responding to the main criticism of this standard, which is that children's interests are thrust against the interests of the family unit and parental rights. Ellen, the senior protection services manager, boldly asserts,

> The best interests of the child are the best interests of the family. Actually, the framework we use a lot with Corrections and it is a correctional framework as well, it's a strength perspective; how do you strengthen the inmate and then look at how do you strengthen the whole family? Family support is number one for me. (Ellen, Senior Manager for Child Protection Services)

Ellen's statement alludes to a paradigmatic shift in child welfare logic whereby the family functions as a building block for children to become socially responsible, self-regulated citizens (Gillies, 2005b, 2008; Mayall, 2006). This modification in logics re-enforces the binary between children's interests and the right to parent.

Traditional theorizations of the "best interests" standard and the subsequent encroachment of children's rights discourse, as part of a marked shift in child governance, could eventually lead to damaged relationships between parent and child. Specifically, a children's rights discourse could negatively affect the rights of incarcerated mothers because they viewed as unfit (Milne, 2015, Goldson, 2012; Minow, 1986). What the evidence suggests here is that child welfare is working towards broadening the definition to break from the false dichotomy that the standard and ideal produce, while also aligning policies and practice with neoliberal political rationale. This re-alignment of logic, when fused with correctional aims, transforms the mother-child relationship in ways we had not predicted.

On the matter of stability, the "best interests" of the child standard is fundamentally invested in the permanency principle according to protection services and institutional program coordinators. The permanency principle is applied in child placement cases to maximize children's stability and is premised upon the belief that every child has a need for a continuous, affectionate, and stimulating relationship with an adult (Bush & Goldman, 1982). Moreover, a child should be placed where it is believed he or she will develop and maintain that relationship to the psychological parent (Bush & Goldman, 1982).

Brought to the forefront of the social work field by Goldstein, Freud, and Solnit in the

1970s, the concept of permanency was born from a psychoanalytic and child development theory

that emerged as a result of an increase in judges granting custody to non-custodial parents.

Recognizing the devastating effects on children, as they are shuffled between temporary

placements and foster care homes, the principle operates from the assumption that children are

incapable of managing two sets of parents (natural and surrogate). Furthermore, short absences

from the psychological parent may threaten or break the relationship entirely (see Goldstein et al.

1973; Goldstein, Solnit, Goldstein, & Freud, 1996).

Protection services work collaboratively with mothers to provide access to a broad range

of services to safeguard the stability of the mother-child relationship. These services include

connecting incarcerated mothers to parenting groups within the community and a variety of

counselling services to address family dysfunction. They may also advocate on behalf of

incarcerated mothers in custodial proceedings. Stability is an operational principle enshrined in

mother-child programs policy. The *CD-768* states that the "best interests of the child" are

constituted in terms of the program's capacity to provide a supportive environment that promotes

stability and continuity for mother and child. According to child custody experts, permanency is

evaluated according to the degree of an emotional tie between child and parent, the degree to

which parents can continuously fulfill their commitment to providing love and affection, and, the

ability to provide material needs. This also includes an evaluation of the amount of time the

child has lived in a stable environment, the nature of the relationship between mother and father,

whether or not parents demonstrate morality, the preference of the child, the ability for parents to

protect the relationship, and, the effects of the relationship on the physical being of the child (see

Bush & Goldman, 1982). But, how is the principle of stability interpreted and operationalized in the context of incarceration?

Bearing in mind the ambiguity around the policy's terms of reference, an objective of this study was to obtain a better sense of how the ideal of a stability is understood and applied in practice. In pursuit of this objective, I asked interviewees to explain stability in greater depth. Collectively, senior managers and caseworkers agreed that their respective agencies operate from the assumption that the maintenance of the maternal bond is correlated with greater stability for the child over the long-term. In addition, stability is enhanced when children are placed in kinship care environments (that is, with an extended family member) once the residency component expires or if residency is denied altogether, which it most often is. That being said, CPS questions how stability can be upheld given the restrictiveness of legislative timelines of family courts and age limit restrictions of the program. This point is elaborated on by Ellen, a senior manager.

Protection services are bound by legislative timelines that dictate the terms of permanency planning. A permanency plan must be implemented within one year of a woman's incarceration if the child is less than six years old. For children over six years of age, a plan is required within a maximum of two years. The objective of the permanency plan is to ensure that a mother demonstrates motivation to parent by adhering to mandated programming conditions handed down by the courts and that she "go above and beyond" by engaging supports in the community to help her and her children achieve stability (Ellen, Senior Manager for CPS). Above all else, the courts want to see that the mother has refrained from any criminal activity within that twelve-month period. If these criteria are satisfied, the courts will rule that the child

can be placed with the mother at the end of that one-year timeframe. Ellen explains further how the courts interpret these timelines.

> The courts have a one-year rule, which is that any child under the age of six, they would like to see mother showing some motivation and some success within that one year. Permanency planning for children is huge with us. To be able to have that child have a stable forever home is huge. In that first year, if I have an unsuccessful client, and the child's in foster care, we do conferencing at the agency level, as to what's happening with mom. If the child is born and is in foster care, it is my job to ensure that mom is doing whatever she can to gain her child back. I work with her very closely. (Ellen, Senior Manager for Child Protection Services)

Depending on the age of the child and the length of the sentence, and in combination with restrictive legislative timelines and judicial discretion, the majority of mothers will be exempt from residency. Furthermore, any institutional misconduct charges may impact the board's decision around child placement. In light of the precariousness of the misconduct review and hearing process, there is the potential for a violation of the participant's rights. Moreover, stability is undermined by a yearlong separation period between mother and child. Is this timeline by the courts embedding instability when this rule is applied in the context of the program? Maybel, a senior manager, explains the fall-out of incompatible timelines and program age limits.

> That's where there can be the potential for more disagreement [between mother, program coordinator, us and Corrections] and that means delivering some more difficult news to mom. It doesn't mean that they still can't be involved, but it does mean that they won't parent the child in there or when they get out. They can still plan for a relationship with the child in the future and that is why parallel planning is so fundamental. (Maybel, Senior Manager for Child Protection Services)

Parallel planning takes the place of residency because of the incongruence in the age of child, sentence, legislative timelines, and judicial discretion. A disjuncture in inter-state logics and rules (i.e., courts, CSC and CPS) often results in a defaulting to kinship or foster care placement. This finding reinforces an overarching criticism of child welfare policy and legislation in that the

"best interests" standard works in opposition to the concept of stability and permanency planning even though they are, in theory, conceptually intertwined (Kriz & Skiveness, 2012)[17] Maybel's explanation of the process spotlights the disjuncture in legislative, judicial, correctional, and child welfare logic.

The Age, Stability, and Socialization Problem: "You are Not in the Playground with Your Buddies"

In addition to incompatible and restrictive legislative timelines, CPS raise concerns about child socialization. The mother-child policy establishes that children up to the age of four are permitted acceptance into the full-time residency component of the program.[18] During the infancy years (0-1 years old), caseworkers and senior managers in this study were of the opinion that the effects of prison life on the child are negligible. As long as the child is loved and cared for, they are confident that the child's overall physical and mental development is not jeopardized. By the same token, social workers in this study reflected on the effects of the prison setting on children over two years of age based on their belief that beginning around age three, children would recognize the differences between the prison and community, especially if the child was transported to community events or daycare throughout the week. A senior manager, Lindsay, speaks to her fears around socialization and highlights her point using the imagery of a children`s playground.

> You are not in the playground with your buddies after school. There is a socialization piece to consider. To me, the issue -and I still stumble on this a little bit -is the normalization of it. I would struggle more with an older child being there who becomes

[17] Kriz and Skivenes (2012) further elaborate on how the permanency principle may conflict with the ideals of family preservation. In their comparative studies of three countries, Norway, England, and the United States, they found that Normandy and England had similar orientations; contrastingly, the United States prioritized the safety of the child over permanency and family well-being. Their findings conclude that North America continues to apply a child-centric focus in social work practice.

[18] For part-time residency, the age limit was lowered from 12 to six with the release of the 2016-revised 768 Directive.

aware of 'holy crap I'm going to …I'm in an institution' [emphasis added]. (Lindsay, Senior Manager for Child Protection Services)

Regardless of the aesthetic quality of the prison, which includes communal group home-style cottages and adjacent green space for playground equipment, there is "absolutely no denying the fact that it is still very much a prison" (Lindsay, Senior Manager for Child Protection Services). How the effects of prison on child socialization can be mitigated requires further consideration by CSC and CPS, respectively.

Compounding the issue of socialization, CPS are concerned with what they observe as the destabilizing effects of poor program continuity if and when a mother and child are discharged from the institution. Senior managers and caseworkers draw attention to two interconnected concerns: the lack of available accommodation of children at community residential facilities and the ineffectiveness of contractual release planning.

From a child protection standpoint, CSC has created an image of the program that is unreflective of the realities of re-integration. There is, in their mind, a lack of infrastructure in the community to ensure stability and permanency for mother and child. A primary concern for CPS is the availability of transition homes to safely accommodate children. Proactive placement planning for women and children is counterproductive if housing and supports are not available or are underfunded. The discourse of permanency planning and continuum of care, as noted in the policy, misrepresents the actual availability of community support services. For this reason, the notion of a seamless transition as a guiding ideal in mother-child programs discourse is a major point of contention. Rose, a CPS manager comments,

> We can be doing backflips, doing all kinds of nice things and boom you're released and you're going to a halfway house in another city. You can have all the plans you want but if you don't have the infrastructure in the community to accommodate that, what is the

point? You lose all efforts towards continuity. (Rose, Senior Manager for Child Protection Services)

The operationalization of permanency planning does not fail because the standard is flawed *per se*, but rather because community support is limited. As a consequence, the permanency principle operates under the misguided assumption that a child is being given up because the mother does not want the child or is unable to cope with the child. This assumption ignores the broader structural barriers in the community. Aligning with the argument set out by Bush & Goldmen (1982), the burden of the state to intervene and provide support to sustain the family unit is lifted.

A second point of contention for CPS is releasing planning. Contractual release planning is described under section 84 of the CCRA (CSC, 2014). The offender, correctional representatives, and staff from community organizations design a plan intended to identify the programs and activities that the offender will engage in order to develop a set of skills and attitude to decrease the likelihood of recidivism (CSC, 2014). The contractual release plan also sets out the responsibilities of community service providers to ensure successful reintegration.

Release plans are used as a strategy for parolees to engage in community supports and ensure successful reintegration (e.g., addiction and anger management counselling, residency restrictions). For case managers, these plans are criticized because it is believed that they are ineffective at protecting children against instability. Child protection services contend that although the prison environment can minimize certain triggers, structural barriers within the community cannot. CPS grapples with the question of, "how does a program client manage motherhood and release conditions if community supports are unavailable?" Tracy remarks:

Okay, you have had a healthy pregnancy, but it is because you have been institutionalized? The question is, can you do this when you leave? What happens when she leaves given that all that is taken away?' Yes, she has established a stronger

attachment than she currently would have now which is a good thing but what does that set her up for? I don't have an answer and I guess it is more of a question that I'm interested to know. That program is beneficial, but then what? (Tracy, Caseworker for Child Protection Services)

In Tracy's experience, mothers that have been paroled often relapse into their old life when the supports to buffer against the triggers fail. Tracy explains how one of her clients, Sasha, who had a substance abuse problem relapsed after a year in a community residential facility.

As for Sasha, she was at some kind of a mother-baby home. They were teaching these moms how to cook and care for their babies. She did really well there. She stayed there with the baby for the first year. When she moved out, she couldn't do it. (Tracy, Caseworker for Child Protection Service)

Tracy's point underscores how stability is undermined when mothers are released. In unfortunate cases, when a mother relapses into drugs or alcohol, child welfare will request that the mother sign over her child(ren) for voluntary placement until the courts deem that she is able to resume her role as primary caretaker. At this point, a mother will effectively lose custody of her child.

In light of the foregoing discussion, it can be argued that similar to the "best interests" standard, the permanency principle is reduced to a minimum standard that overlooks the systemic oppression of incarcerated mothers. The permanency principle is undermined by competing logics and a lack of community-based resources. Little attention, for example, is paid to the social and structural conditions that give rise to a woman's criminalization in the first place. This has the potential for colossal, long-term effects on children as a result of their separation (Bush & Goldmen, 1982). By not providing tools and resources to support mothers in their transition, permanency is, thereby, weakened. Tracy explains that once a child is apprehended it can be very difficult for a mother to regain custody of that child. As of 2016, Sasha had not re-established custody of her daughter even though she had participated in the mother-child program a few years earlier.

The Political Re-Configuration of the "Best Interests" Standard According to Interpretations of Risk

Child protection services commit to the "best interests of the child" standard by employing a diverse interpretation of risk. Protection services raise two core questions in their assessment of the applicant: is the level of risk manageable to the child, and can she parent?

From a child welfare perspective, social workers want to know if a child's basic needs are being met and that there is a solid safety plan in place should the child be removed from the program. Further considerations include a mother's level of insight to recognize her children's needs and potential risks to safety, and, the presence of untreated mental health issues. Interestingly, social workers noted that within the context of the program, risk is more likely to be mitigated by the restrictiveness of the prison environment, than the greater community.

Child protection risk assessments are used for cases involving allegations of abuse and neglect in the community to investigate and assess for future maltreatment. Child welfare risk assessments evaluate the following: nature and severity of past offences, family environment (e.g., domestic violence), caregiver characteristics (e.g., addiction), and child characteristic (e.g., special needs, behavioural problems) (Knoke & Trocme, 2004). Under the program, however, stringent restrictions around eligibility for dangerous offenders automatically eliminates the need to assess criminal background as a variable for risk. For those who are not classified as dangerous offenders, protection services candidly admit that they are less interested in a woman's criminality and more in her parenting capacity. In the eyes of child protection workers, there is less preoccupation with formal risk classification.

Beyond criminal history and offender classification, protection services investigate incidences of allegations of child abuse and neglect, also known as domestics, by applying the same principles and practices regardless of setting (i.e., in an institution or within the privacy of

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one's home). In their eyes, the prison is not a leading risk factor in determining risk. Another

way to measure future maltreatment is by identifying signs of substance abuse and addiction.

CPS participants commented that these are somewhat mitigated by institutional rules against

alcohol and drugs. Any violation of this would lead to an institutional charge and the immediate

removal of the child. Program participation would be effectively terminated.[19]

The last category evaluates behavioural problems and special needs of the child.

Protection services notes that supports would be pulled from the community to ensure that the

child is receiving the services they require in cases where there may be developmental delays. As

part of CSCs and CPSs joint continuity mission, a permanency plan must be developed for the

child before they are discharged back into the community. This would also include a clear

outline of strategies for managing mental health and physical and mental disabilities.

From the standpoint of protection services, risk to a child is decreased by the presence of

static dynamic security measures (e.g., searches, screening) and tight eligibility criteria, which

preclude high-risk offenders. Social workers admit that this may seem like a low baseline of

expectation to assess for future maltreatment, but in light of extreme cases of child abuse and

neglect in the community, this is the lesser of two evils.

Moreover, protection services believe that demonstrating a commitment to risk

assessment and minimization, even if it is a diversified interpretation, is crucial to the working

partnership. Laura expressed how a shared understanding of risk, affords CPS organizational

credibility.

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[19] Renee Acoby, Canada's first designated dangerous female offender, lost custody of her child, Anika, at Okinaw Ohci Healing Lodge after smoking marijuana and ingesting valium pills while her daughter was in daycare in 2010. Allegedly, Acoby's refusal to take a drug test resulted in the immediate apprehension of her daughter the following day and complete program termination (Stone, Calgary Herald, October 14, 2011).

We're quite comfortable with managing risk and having a solid risk management plan so we didn't really have to sell ourselves. We are in the business of risk. Most families that we deal with, we manage some level of risk, so I apply the same principles here. (Laura, Protection Services Senior Manager)

Laura, however, also notes that although CPS is comfortable with risk, Corrections is preoccupied with security agendas. The following excerpt from Laura clarifies this position.

CSC anticipates risk whereas protection services require substantial evidence to investigate an allegation. We draw from a different interpretation of risk according to our view of child safety and when it comes to investigating a report of abuse there is a formal protocol in place that determines the acts of the protection services workers. (Ibid)

Laura's interpretation of this difference is that Corrections actively monitors for signs of abuse and neglect, believing that a breach is foreseeable whereas CPS is concerned with her fitness to parent.

Clearly, based on the conversations with caseworkers in this study, CPS wants to sustain its relationship with CSC through collaboration on policy and practices but also must set clear guidelines around standards of child welfare practice.   A puzzle analogy summarizes this best.

They do their piece; we do our piece. I think it is a matter of putting the pieces of the puzzle together in the end. The same as we would work with the family here in the community. What are its strengths? What are the supports you have around you? What is the plan? And, building on that together with corrections and the mothers. (Laura, Caseworker for Child Protection Services)

In the mind of CPS, adhering to a community orientation accomplishes this. Caseworkers emphasized that the potential for dysfunction and violence transcend prison/community boundaries.

Domestics happen in the community, just the same as in the prison. Again, I'm not naïve to this. Well, we deal with fights in the community. There are domestics all the time. There are issues all the time. We get calls from the police. We respond. That kind of thing. (Ellen, Senior Manager for Child Protection Services)

Furthermore, a senior manager notes that risk is not exclusive to incarcerated mothers:

Yes, it's a very different setting. Is it manageable risk? Is that woman protecting her child? Are there others around that are supporting her to protect that child? Usually there is, or we wouldn't have entered into the agreement. It's the environmental kind of stuff. It's volatile, but again, I've had a version of this conversation with [name] and [name] and some others and there is volatility anywhere. There can be a fight. There can be an issue. If you drop your child and ignore them and jump into it, that's one. That's obviously an issue, but it can happen anywhere. (Senior Manager for Child Protection Services)

Altogether, CSC and CPS converge on the point that risk management models to approach the process of candidate selection are appropriate. However, CSC and CPS diverge on what risk looks like. To re-state, CSC expects risk to occur, taking a zero-tolerance approach to ensuring security as part of their risk management plan. In opposition, CPS adopts a risk normalization approach (that is, the reduced sense of unease about risk) through a community standard to measure risk across diverse settings.

Flexing Correctional Muscle: Monitoring Compliance through Parental Agreements and Parental Capacity Assessments

In addition to the competing interpretations of risk, another significant finding points to the use of parental agreements by CSC as a key component of the candidacy process.   Parental agreements, also known as domestic agreements, are used in divorce and custody proceedings within family law. Similarly, these agreements are adopted as a means to monitor a mother's compliance to program rules. Parental agreements function as a binding contractual agreement between the candidate and the institution. The institutional program coordinator implements this agreement once a candidate has been approved by the case management team in conjunction with CPSs consent. It must be signed by the candidate in order for her to be accepted into the program.

The parental agreement sets out a number of provisions connected to a candidate's parental daily responsibilities, case review, and grounds for termination. The establishment of

parental agreements is directly tied to the "best interests" standard in that the agreement becomes

a factor in decisions that require a "best interests" analysis. If adjudication proceedings over

child custody arise, for example, judges tend to defer to the parental agreements on the condition

that the "best interests" of the child are at risk (Jellum, 2004).

Despite a growing movement by child welfare and legal critics to ban the use of parental

agreements, these interventions continue to be employed as a line of defence in custodial

disputes and cases of liability.[20] [21] Critics hypothesize that the emergence of parental agreements

can be directly attributed to the rise in neoliberalism as a political ideology since the 1970s

(Glennon, 2016; Howe, 2010). They speculate that the replacement of welfarism with a

neoliberal style governance has meant an extension of the primacy of the contract in various

aspects of economic, political, and cultural life. More broadly, the primacy of the contract has

led to a de-stabilization of work economies and other spheres of social life in support of the

interests of the elite (Merino, Maypen, & Tolleson, 1988). A central question becomes, whose

interests are served by the development and implementation of parental agreements in the

context of the mother-child program?

An analysis of policy and interview data reveal that there are both instrumental and

expressive functions of mother-child programs parental agreements when activated in women's

correctional programming. The purpose of the agreement is to outline the institutional

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[20] Parental agreements are now employed by the education system to ensure student compliance with school rules. In Western Australia, public schools are implementing parental agreements in cases where teachers feel that parents are unable or unwilling to supervise their children. This becomes a method for managing student behaviour through the use of a signed contract that is believed to enhance good school discipline. The perceived benefits of parental agreements are: they augment student capacity; encourage positive socialization; increase attendance; and, reduce deviant or truant behaviour (Squelch, 2006: 251).

[21] Cotton & Young (2007) argue parental agreements are a method to protect against the potential for liability in the area of sports and leisure. Parental agreements exculpate the facility or program from any responsibility if a child is harmed as a result of their participation or access.

expectations of the program client. For example, does the client meet the child's basic physical

and emotional needs. For example, Section 28 states the following:

> Whether the mother attends the child's needs in a timely manner (e.g., diaper changes, feeding, clothing changes, bathing comforting and general hygiene); whether the mother spends quality time with the child (playing, reading…).

The agreement also outlines a discipline protocol.[22] For information on the particulars of the

protocol, I had to rely on the NHQ portfolio manager to read from her copy during a telephone

interview. She read the following excerpt:

> It says … and the mother has to sign … that the mother will not use any physical, abusive or violent methods to punish the child, that she won't verbally abuse the child, threaten to withdraw affection, or withdraw her affection as a consequence, and that she will try to set limits and restrict the consequences. (NHQ Mother-Child Program Portfolio Manager)

The portfolio manager continues by reading through the types of appropriate disciplinary

interventions that mothers engage when disciplining her child.

> She'll be consistent, and it sort of lays out the types of interventions that she should try like verbal instructions, negotiations, direct orders, time outs, forfeit of privileges … those kinds of things, rather than using the more physical or abusive type of discipline. (NHQ Mother-Child Program Portfolio Manager)

These are just a few examples of how the institution defines its expectations regarding parental

responsibility. In conjunction with these provisions, the parental agreements also become a

method to engage the process of periodic case review. This process involves a meeting between

the program coordinator and the mother to review her case file, the parental agreement, and the

contingency plan for child placement. Case review occurs once every 30 days. The objective of

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[22] The Parental Agreement and Discipline Protocol is located in Annex D of the CD and Infonet, which is an interdepartmental site that is not accessible to the public. CSC forms for public viewing are only available up to CSC/SCC 890. For information regarding these two items, I relied upon data from my combined interviews with NHQ and protection services.

the case review is to, according to Section 33 (d), evaluate "whether or not the mother responds to the child's behaviour appropriately."

Additionally, parental agreements are a method to engage the process of determining a breach and to justify program termination. In this case, if there is a suspected breach, Section 12 instructs prison staff to immediately advise the chair of the program board of the Institutional Head (IH) if any serious breach of the parenting agreement occur. Section 14 (d) of the policy directive affirms the power of the Program Board to re-evaluate the mother's participation if she fails to abide by the terms and conditions of the parenting agreement. Termination is up to the discretion of the warden based on recommendations by the program board following consultation with protection services (Section 69). Termination is approved when a) it is at the request of the child, b) when the child has failed to adjust to the program or c) when it is deemed in the "best interests" of the child to no longer participate.

Brian Bix's (2006) research on parenting agreements, also known as domestic agreements, highlights the modern state's involvement in the regulation and safeguarding of family and marriage—both of which were once governed solely by religious institutions. Bix remarks, "the current treatment of parental agreements can be understood in terms of the state setting boundaries on the ability of individuals to affect status by contract" (p. 1754). From an instrumental perspective, the parental agreement is a mechanism to ensure a participant's compliance with program rules. By signing the agreement, a mother is agreeing to the terms of the program, which includes consent to monthly case review (also termed interval reviews) and to assume accountability for termination. There is an expressive function, as well, however.

The mother-child program parental agreement operates as a "watchful eye" and technique of governance to monitor criminalized mothers (Foucault, 1980). The issue of legal

representation illustrates this point. Section 33 cites that "[t]he mother shall be given the opportunity to consult with legal counsel at her own expense prior to signing this agreement." It is commonly cited that access to legal representation to assist in apprising incarcerated women of their parental rights is inadequate (Morash, Hann, & Rucker, 1994). Thus, the use of parental agreements without proper legal counsel prior to signing, arguably, subverts the rights of the mother and further entrenches the discretionary power of the mother-child program board.

In addition to poor access to legal representation, a determination of abuse and neglect embodies a discretionary area for correctional officers and other staff who are responsible for monitoring parenting behaviour. The NHQ portfolio manager acknowledges that abuse and neglect allegations are a complex issue because institutional staff, in particular, correctional officers, are uncertain about what constitutes acceptable or unacceptable parental behaviour. To avoid liability, correctional officers may err on the side of caution and claim that they have witnessed abuse or neglect without having any standard measure available to them. The portfolio manager elaborates on the degree of confusion and discomfort surrounding determinations of good or bad parenting.

> What is acceptable and what isn't, and that's sort of something that the staff has said to us. 'What do we do? We can't have 100 people telling a poor woman what to do.' Obviously, if they were to see sort of physical violence like a slap, a punch, a push or whatever, they would have to intervene, as would anyone, really, if you saw someone shaking a baby. Otherwise, the staff is told to see the mother-child coordinator. They say, 'I saw so-and-so do this, and I'm not sure I'm comfortable with that, or I'm not sure whether that's something that's allowed.' The mother-child coordinator can then talk regularly with the mom. If she's really concerned about what she's seen, then she can go and talk to the mom and say, 'Well, we've noticed this type of behaviour,' and talk with the mom, and discuss with the mom the issue. (NHQ Mother-Child Program Portfolio Manager)

If an incarcerated mother refuses to sign the parental agreement, she is ineligible for participation. On the other hand, if the incarcerated mother signs the parental agreements, she is

susceptible to falsified or erroneous claims of abuse and neglect and her participation (and by extension her child's residency) in the program is threatened. Her signing of the agreement will also make her susceptible to discretionary determinations of what constitutes appropriate parenting behaviour according to institutional correctional officers. If she does not have access to legal representation, her power to appeal a program termination decision by the board is limited.

Parental Capacity Assessments for Program Applicants

The use of parental capacity assessments by CPS are a technique of governance to monitor mothering behaviour and are incorporated into the decision-making process by Corrections to permit candidacy.   The deployment of these assessments raises some critical questions around parental rights of incarcerated mothers and the imparting of normative mainstream values of motherhood onto hyper-marginalized subjects. Parental capacity assessments are implemented by protection services and corrections at the application stage of the mother-child program for determining eligibility. These assessments are included in a mother's correctional case file. Unlike standard child protection assessments that aim to predict future maltreatment, such assessments are concerned with parenting history and capacity to manage daily parental responsibilities. An assessment offers a starting point for early risk detection even though the assessment is not a risk assessment tool *per se* (Baobaid, Kovacs, MacDiarmid, & Tremblay, 2015).

The objective of the parenting capacity assessment is to gather information about the parent-child relationship from a variety of sources in order to establish recommendations that

promote and encourage the "best interests" of the child. [23] The recommendations are based on a

series of interviews and observations by child welfare experts of the incarcerated mother and her

child. The assessment may involve suggestions for placement options, long-term planning,

treatment, and services. If the program candidate has not had previous involvement with

protection services, a letter of recommendation written by a medical doctor is substituted in lieu

of the capacity assessment.

While on the surface an assessment as part of the candidacy process seems reasonable, in

light of the environment in which the child will be placed, caseworkers in this study did express

reservation regarding its value in terms of helping to make objective determinations. Objective

determinations are construed by case managers as an oversimplified tool to measure for capacity.

This point is validated in penal scholarship. Hannah-Moffat & O'Malley (2007) comment on the

fallibility of risk assessments in penal application:

> By design, statistical actuarial techniques cannot address a multiplicity and complexity of
> difference between, and among, groups of men and women primarily because they
> operate at the level of the aggregate [therefore] gender is abstracted and made invisible
> by risk assessment that govern individuals' and furthermore, investigators should
> 'always[s] question how the so-called 'objective' statistical risk categories are defined,
> interpreted, and used to govern. (p. 260)

Employing a diversified interpretation of risk, CPS operate from the position that criminality

does not warrant child separation or form the basis for determining capacity.

Alternatively, from a correctional standpoint, the incarcerated mother is constituted as a

risk subject who is required to demonstrate, through adherence to the parental agreement, that

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[23] A parenting assessment will overview the six key areas as the basis for a determination: the needs of the child or children, the parent's ability to meet those needs, the skills and strengths of the parent, the relative skills and strengths of parties proposed as caretakers, the quality of the parent-child relationship and supports available to the family (Centre for Children and Families in the Justice System, 2016). These same criteria are also included in the *Children and Family Services Act under* Section 54.

she will comply with the rules and norms of the institution in order to maintain program participation. Termination from the program is rationalized on the basis that she failed to comply with her agreement. This is interpreted by CSC as a disregard for her child's best interests. This is how the "best interests" standard is modified in light of a correctional understanding of risk.

Alternatively, CPS assessment of an incarcerated mother's capacity to parent takes a different form.

> Our sets of priorities are different, I guess. We have clients who have records and have been in jail who are parenting. We are just looking to see if they can parent. For my mom [the client represented by the social worker], she had assaulted a police officer, do I think that mom should be around her child? No, I don't think she's necessarily a risk to the child. (Tracy, Caseworker for Child Protection Services)

Child protection agents provided an overview, in their own words, of what constitutes baseline expectations for determining fitness or capacity to mother. These criteria include appropriate management of problematic behaviour, recognizing good behaviour and rewarding the child, accordingly, providing re-assurances, engaging in positive interaction, and, encouraging academic achievement. Baseline expectations offer a starting position from which protection services can build upon in their assessment of candidacy and "best interests."

Unfortunately, the operationalization of capacity assessments is critiqued for inaccurately measuring the parental fitness of hyper-marginalized groups. Studies have concluded that parental capacity is severely reduced by structural inequalities associated with factors such as poverty (Bobo, 2009) and incarceration (Ben-David, 2015). Similarly, CPS recognizes the importance of including mental health diagnoses and the stress of confinement in these determinations.

Limitations of PCAs: Mental Health, Prison Stress, and Predicting Outcomes

The following is an overview of factors that limit the perceived effectiveness of PCAs,

that include delays in clinical diagnoses of mental health conditions, the effects of prison stress,

and low predictive value. In determining the parental capacity for mother-child programs, mental

health was singled out as one of the most important areas to assess for program eligibility.

Complicating the parental capacity assessment, however, caseworkers observe that mothers

typically fall into two categories: (1) women who are undiagnosed; or, (2) women who have

outdated diagnoses.

> Often what I find as a challenge to assessing parental capacity is that most of the moms I
> work with, assessments of her mental capacity are done in high school and the
> assessment is done when they're like fourteen. You may still have some lower function
> now 'but is it enough that you can still care the child'? It is hard to determine this when
> you yourself are not an expert in that area and there has been so much time in between
> her last diagnoses. (Brenda, Caseworker for Child Protection Services)

Caseworkers will rely on anecdotal information provided by friends and family about the mental

health status of the prospective program participant. They noted that this process is time-

consuming because it requires cross-verification of facts by multiple parties related to the

candidate (e.g., family, friends, and experts).

The second critique of PCAs is that they overlook the gendered effects of incarceration.

Assessments do not take an inventory *per se* of coping mechanisms and unique maternal

anxieties correlated with confinement.

> It is a challenge to apply the same principles and criteria to a situation that is so unique
> like prison. So, if she is going to be assessed we need to think about how … her ability to
> cope. To be 100 percent the best parent may not be possible. Like you or I, and we aren't
> in jail or prison, do we not falter once and while, make mistakes with our kids, say the
> wrong thing, do the wrong thing, go back and think 'oh my god, I shouldn't have done
> that'? Now think about this mother who has the added stress of dealing, maybe, with an
> unhappy CO, misses her children, worries about her house, parents, or whatever. Think
> about how that just amplifies your stress level, under normal circumstances. These things

have to weigh in when we are assessing mothers in this situation. (Brenda, Caseworker for Child Protection Services)

Thus, according to CPS participants there are two main drawbacks of PCAs. Prison stress is unaddressed in the determination of capacity and, there is no standard profile to compare parental failure against parental fitness when incarceration, as a variable, is introduced into the equation (Ben-David, 2015).

In addition to mental health and prison stress, the third limitation identified by CPS was the low predictive value of PCAs because of the conflicting demands mothers face during the reintegration process. The ability for mothers to sustain capacity over the long-term and the ability of experts to effectively predict success is characterized as guesswork. Brenda, a caseworker, states that:

> She has established a stronger bond that she would have otherwise, but what does this set her up for? The program is beneficial but then what? Continuity is there on paper yes, but on the flip side, having a child is a 24/7 thing. Visitations do the same thing. It sets her up for false expectations. I won't be able to handle this in the real world or because I will relapse and again it depends on a woman's level of insight (Brenda, Caseworker for Child Protection Services)

The low predictive value of PCAs is influenced by degrees of personal insight, program continuity, and broader structural problems at the local level—all of which are treated as mutually exclusive. For instance, insight is often measured according to how well a mother places her child's needs above her own, how adept she is at identifying what her issues are and the facility to foresee consequences as a result of certain conduct. Insight is evaluated according to the following types of questions: "did she recognize concerns, resources, chronic issues in her life" and further "at the hospital when mom wants her baby but can't take her home, does that give her insight or did she miss her alcoholism problem when talking about her history" (Brenda, CPS caseworker)? Brenda admits that insight into one's own personal history, as a marker for

future parental capacity, greatly overlooks the interplay between factors such as delayed clinical diagnoses, a lack of treatment for mental health issues, and the psychological effects of confinement.

In conclusion, the limitations of parental assessments can be summarized according to the following major points. Assessments draw comparisons between an individual's parenting fitness to universal parenting standards, which according to child welfare critics, results in biased conclusions about parenting adequacy based only on indirect measures (Budd, 2005). Moreover, these instruments fail to adequately predict parenting capacity when there are mental health issues and when incarceration is a variable. Budd (2005: 436) identifies several factors that may influence the assessment process which would improve the quality of determinations: time limitations, demand characteristics, current stressors, and cultural issues. The level of future predictability of PCAs, similar to the "best interests" standard used in custodial determinations is, therefore, minimal. In addition, the effects of determinations of parental *incapacity* are far-reaching. Parental rights are extinguished, and children are thrown into the foster care system (Baneman, 2007).

Based on the evidence, I argue, that parental capacity assessments are a technique of governance to monitor compliance and promote self-regulation without the added burden for the state to develop solutions to the barriers that lead to diminished capacity in the first place. Wherein child protection agencies are focused on obtaining a better understanding of situational factors that would contribute to decreased capacity (e.g., prison stress and gaps in mental health evaluations), CSC is operating according to a narrow understanding of risk. Thus, measures to include mental health and incarceration as variables to explain diminished parental capacity assessment are necessary but remain underdeveloped.

Summary

The objective of this chapter is to explore *how* the incarcerated mother is governed through the "best interests" of her child based on in-depth interviews with senior managers and caseworkers based at CPS and CSC. I offer evidence to support the main contention that the BIC standard de-prioritizes the mother-child relationship because of competing logics between CSC and CPS, resulting in political turf wars. The following key points summarize the major findings from this chapter.

First, the candidacy process is a mechanism designed to ensure interagency consensus given CPS and CSC's diverse interpretations of risk and parental capacity. The candidacy process and its vetting procedures are problematic as a mother's housemates are also subjected to background checks to ensure the safety of the child. Vetting is highly intrusive and can be a very traumatic experience for housemates as their offence history and family background are revisited. In addition, mother-child case follow-up is challenging because of the unstandardized nature of the current CPS tracking system that results from jurisdictional boundaries.

Second, the "best interests" standard is meant to uphold the permanency principle, which paradoxically, produces a default system for child placement. Age restrictions, in combination with restrictive legislative timelines, often means that residency is denied. Kinship placement, through parallel planning, becomes the only option to keep children out of the foster care system. Furthermore, a lack of community-level support at transition increases the likelihood of mothers relapsing because of triggers within her environment. Relapse often results in the removal of the child, as in the case of Sasha, Tracy's client. The deployment of ineffective contractual release because of a lack of suitable re-entry programming in the community substantiated this point. All of this creates instability rather than stability for the child.

Third, the "best interests" standard is articulated according to diverse interagency interpretations of risk. While CPS maintains that they are in the business of risk, they do not approach risk in the same way as CSC. Corrections anticipates risk and adopts a zero-tolerance approach, whereas CPS deploys risk normalization. This is evidenced in the deployment of the latter community standard that measures for risk regardless of the setting.

Fourth, parental agreements and parental capacity assessments are techniques to monitor compliance of program clients. Parental agreements, however, become a disciplinary measure to rationalize termination, acting as leverage over the applicant. Capacity assessments are deployed to measure and predict for future risk but fail to incorporate undiagnosed mental health conditions and prison stress as variables in those assessments.

Based on a consolidation of these four main findings, the evidence from this analysis lends support to the current body of critical scholarship (Baneman, 2007; Baobaid et al., 2015; Ben-David, 2015; Bobo, 2009; Budd 2005) that theorizes the unintended effects of the BIC standard in its application to make determinations of fitness. Canada's mother-child policy is a solid case example and an extension of current theorizations of the complexities that arise when child welfare standards are operationalized through a correctional lens.

While this chapter broached the underexplored relationship between interstate agencies and the effects of multiple competing logics and standards of practice, the proceeding chapter explores the construct of community and the intersecting of gender, mobility, and incarceration.

Chapter Five

The Chimera of Community

"'Community' is one of those words…bandied around in ordinary, everyday speech, apparently readily intelligible to speaker and listener, which… however, causes immense difficulty."
(Cohen, 1985, p. 11)

The community is idealized as a "bastion of individual freedom" and performs as a site for surveillance and intervention to protect dominant ideologies around motherhood (Pavlich in Strang & Braithwaite, 2001, p. 56). This ideological dominance is achieved through regulatory projects and policies (Phoenix and Woollett, 1991). Few scholarly studies have investigated the relationship between community, motherhood, mobility, and understandings of space (Cattan, 2008). Although, mobility is a prominent characteristic of modern life, symbolic of notions of freedom, its conceptual use is often confined to studies of migration and commute-work travel (Cresswell, Uteng, & Cattan cited in Cresswell, 2008). In response, an emerging mobilities paradigm has begun to explore the relationship between mobility and parental capacity. Under this paradigm, it is contended that, for example, there are clear impacts of Western car culture on gendered spaces and identity. Mothers without motor vehicles must rely on public transportation systems, decreasing a child's access to and participation in community activities (Shellar & Urry, 2003; Sheller, 2004). Scholars posit that poor transportation infrastructure in the community is correlated to a perceived lowered maternal capacity because mothers are unable to provide the right types of opportunities to their children.

Expanding on this emerging area of research, I focus on the concept of disciplined mobility, a term coined by J. Packer (2003), that operates within the framework of carceral geography to examine how mobility is constrained by carceral practices. A rather nascent area of study, carceral geography is exploring the impact of red zones as a new form of socio-legal

mechanism to "regulate spatial practices" and confine deviant behavior to one corner of the urban landscape, such as sex work and drug use (see McNeil, Hannah-Cooper, Small, & Kerr, 2015, p. 70; McNeil, Kerr, Lampkin, and Small, 2015). This includes an analysis of the consequences to family reunification and maternal bonding, which are enveloped in community empowerment logics and the mother-child policy. For example, last minute residency restrictions and inadequate community service supports that prevent incarcerated mothers from returning home give rise to feelings of maternal failure and disappointment. Thus, the notion of community as a free space is brought into question because of the spatial and temporal contingencies of motherhood in the context of criminalization.

The previous chapter explored the "best interests of the child" standard and the role of child protective services in eligibility screening. In chapter four, we learn how CPS workers deploy a community standard to assess for risk and parental capacity of applicants. CPS raise concerns that the community is sometimes ineffective at warding off triggers that lead mothers back into drug addiction and crime. In their view, the community safety-net is not strong enough to support mothers in transition which results in a loss of custody. Branching off from that discussion, this chapter examines in greater depth the construct of community in light of its prominence in the program's reintegration clause. For the purpose of this chapter and my broader investigation of the mother-child program, I adopt Stenson and Edwards (2003, p. 206) definition of the community where the construct is not limited to geographic or demographic descriptors but is also part of politicized rhetoric. This rhetoric involves multiple meanings and interpretations by different actors in different contexts.

In this chapter, I explore how community, motherhood, incarceration, and mobility intersect. Based on findings from interviews with state and local actors, and a small sample of

formerly incarcerated mothers, I argue that the way the community is imagined, as a benign space and entity, is incongruent with the lived experiences of criminalized mothers. That is, I suggest that the construct of the community obscures the structures of oppression that criminalized mothers encounter, resulting in feelings of stigmatization, isolation, and vulnerability. Of key interest is, first, the way discourses of community are mobilized by state and local actors namely in developing a set of ideologies and practices targeted to *responsibilize* the incarcerated mother. My second point of interest is to explore how incarcerated mothers experience community at the reintegration stage and compare those experiences to state and local narratives. I draw upon Foucauldian and critical feminist scholarship to understand how criminalized mothers are governed by and resist mainstream notions of community. In particular, I draw attention to the formation of a new subjectivity: the community-mom. The community mom is an extension of normative prescriptions that function to regulate deviant mothers. On the surface, this ideal of the re-integrated mother is deployed by corrections and local community-based organizations to encourage mothers to engage their own supports in the community as a way to become better parents. I argue, however, that the category, in its attempt to rehabilitate and empower criminalized mothers, further isolates and marginalizes these women.

The Evolving Landscape of Community Scholarship

The community as the solution to the declining welfare state is fast becoming a best practice to *responsibilize* incarcerated women through the adoption of empowerment models. This is part of a growing trend towards a local-level solution that addresses crime and social disorder. This solution includes the establishment of partnerships and inter-agency agreements to improve community safety (Garland, 2001). Garland (2001) argues that this re-orientation of

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criminal justice goals and objectives that prioritize prevention partnerships over punitive responses is a part of traditional crime control logics. Within this paradigmatic re-orientation of criminal justice goals, discourses of community in the narratives of state and local actors are pervasive. Despite a growing consensus across various domains and its application in mother-child programs policy, the construct remains unexamined, conceptually ambiguous and unquestioned (Parpart, Shirin, & Staudt, 2003; Titterton & Smart, 2008). Keeping this in mind, I investigate how the community evolves as a technology of citizenship to engage incarcerated and formerly incarcerated mothers in their own reform through the MCP.

Macro-level theorizations of community. How the community is envisioned in social theory becomes a significant starting point to the analysis. Circa the 19th century, prominent sociologists such as Karl Marx, Max Weber, Emile Durkheim, and Ferdinand Tonnies developed macro-level theorizations of community. As community scholarship expanded, these traditional theories came under greater scrutiny. For instance, structuralists are critiqued for oversimplifying the causal relationship between the absence or decline of community and the rise in modernity. Durkheim postulated that as societies transitioned from mechanical to organic solidarity, community and other forms of social constraints eroded (Durkheim, 1964). Conversely, Weberian scholarship reduced the study of the community to demographics, subcultural and institutional characteristics (Weber, 1930). Weber's disenchantment of the modern world thesis contended that traditional life became replaced by individualism. Tonnies (in Tonnies & Loomis, 1957) work spoke to the same effect, proposing that community which was once defined by characteristics rooted in rural life (*Gemeinschaft*) were later usurped with the rise of capitalism (*Gessellschaft*).24 Marx on the other hand, argued that only through democratic community could

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24 A German term coined by Tonnies in 1887 and discussed throughout multiple edited versions. Based on the idea that social ties within the community are rooted in interpersonal relationships and common value systems. In this

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individuals realize themselves (Marx in Archard, 1987). The growth and rapid expansion of

capitalism in Western societies, however, further undermined the process of self-realization.

Marx held that a disequilibrium between social forces and individual development results in

alienation. As long as the state, as a tool to control groups less powerful exist, he posited that the

community is unable to survive (Marx in Megill, 1970, p. 391).

Departing from traditional theories of community in sociological scholarship,

theorizations of community in the 20th century re-framed the discussion. For example, the

Chicago School developed the theory of social disorganization. The theory contends that the

decline of community results in increased social disorganization, leading to poverty and crime in

working-class neighborhoods. Fast forward to the 1980s, Anthony Cohen's (1985) seminal work,

The Construction of Community, highlights the various theoretical debates around the notion of

community as the antithesis of the urban city and modernization. In the introduction, Cohen

(1985) remarks in his introduction the following:

> Over the years it [community] has proved to be highly resistant to a satisfactory
> definition in anthropology and sociology, perhaps for the simple reason that all
> definitions contain or imply theories and the theory of community has been very
> contentious. At its most extreme, the debate has thrown up ideologically opposed
> propositions, which are equally untenable. For example, it was claimed that modernity
> and community are irreconcilable, that the characteristic features of community cannot
> survive industrialization and urbanization. (p. 11)

Rather than define the community as resistance to modern life, Cohen offers an alternative

conception by deconstructing the community-modernity binary. Cohen (1985, p. 13) instead

proposes that the community be thought of as a collective of social processes of interaction,

involving social constructions of shared symbols. Cohen also argues that community scholarship

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sense, the community is homogenous. *Gesellschaft*, on the hand, represents a distinctly different set of social ties
that are akin to urban life- heterogeneity, impersonal relationships, and varied value and belief systems.

ought to be directed towards uncovering value and belief systems, and codes of morality that establish member identities within sets of boundaries.

Continuing from the works of Cohen, contemporary theorizations of the community have examined the impact of globalization (Albrow, Eade, Washbourne, & Durschmidt, 1994). Eade (2003) undertakes this by demonstrating how the community is re-constituted as involving sets of relational networks wherein individuals and groups vacillate in their movement in and out of boundaries. Within these boundaries, new connections are developed, and old ones sustained. Modern theorizations of community, therefore, would detract from traditional conceptualizations. Community, in this vein, is conceptualized as dynamic and fluid given the increase in migration of groups across political and geographic boundaries.

Modern conceptions of the community include an examination of the relationship to crime control logic, as well. Janet Jamieson (2008) asserts that community-laden discourses of the past were developed based on rehabilitative and reintegration ideologies. Whereas now crime control and community discourse are focused on policies that are exclusive and punitive. Thus, the construct of community emerges as an exclusionary strategy to reduce risk from offending groups that threaten the safety of the local citizenry (Evans & Jamieson, 2008). Furthermore, crime control logics that uphold a community discourse have become re-shaped by factors such as the distancing of the state from expensive social programs and a renewed anxiety of mass social disorder. Case in point, the evolution of youth correctional practices in the U.S. and U.K.

The implementation of alternative sentencing options for youth was intended to decrease incarceration rates and reduce the negative effects of criminalization on young people. The development of alternative sentencing options was in response to public concern over the rise in youth violence. Youth community sentencing orders, for instance, allowed a person under the

age of eighteen to serve their sentence in the community, as opposed to a juvenile correctional facility. Unfortunately, a lack of support services at the local level has resulted in a surge of supervision breaches, subsequently leading to higher arrest rates, and the expansion of youth custody facilities.

Garland (2001, p. 15) draws out how policies produce contradictory outcomes. The author argues that the community with its power to inculcate and uphold restrictions is now a modernized strategy of crime control that includes both a *responsibilization* and empowerment rhetoric (Stenson and Edwards, 2003). From one perspective, the community is socially constructed as a site for individual and group-based empowerment (Aiyer and Zimmerman, 2015). It is believed that individuals can re-affirm control over their lives through the use of positive social supports that are rooted in the local landscape (Manzo and Perkins, 2006, p. 68). On the other hand, community produces new modes of exclusion, as evidenced in the case of youth corrections where supports are absent, and rehabilitation is replaced by harsher sentencing practices.

Clearly, debates and theorizations surrounding the definition and function of the community construct abound. Deliberation over the power of community is attributed to the diversity and complexity inherent in the construct itself (Kingston, Mitchell, Florin, & Stevenson, 1999). Because the construct of community is re-constituted through different micro-political processes, and it is examined in so far as it is contested, the construct remains under-examined and highly ambiguous (Putnam in Everingham, 2003). Moreover, a pervasively held criticism of community scholarship is that it remains relegated to the absence of community hypothesis (ACH) which argues that the decline of community is a contributing factor to increases in mental illness, poor self-actualization, heightened social disorder and societal crises

(Sarazon, 1974; Maslow, 1954). A refusal to break-away from the community degeneration thesis limits community research to studies that predominantly focus on evaluating happiness, individual belonging, and social needs (Bishop, 1997; Davidson & Cotter, 1991; McMillan, 2011).

Despite the various paradigmatic shifts in community scholarship, academics, politicians and lay people engage in a community discourse that idealizes and promotes a particular way of thinking and speaking. This is in part due to the unassailable naturalness of the community construct that often precludes closer analyses of the influence and effect of class, gender and race (Parpart, Shirin, & Staudt, 2002; Titterton & Smart, 2008). In light of this preclusion, the need to be explicit about how the construct of community simultaneously acts as a technology to empower and rehabilitate incarcerated mothers is crucial.

The Community as a Strategic Category

The construct of the community over the last 20 years has emerged as a strategic category through the re-configuration of political rationales (Villasden & Karlsen, 2012). It is argued that the centralization of state power led to the decline of community-life. However, with the advent of neoliberalism, the local has re-emerged as a powerful governing force (Rose, 1996). The community constitutes a site for potential collective efficacy through the development of expert discourses and empowerment models, arguably, in response to the declining welfare system (Rose, 1996).

Community empowerment constitutes both a process and an outcome, which provides opportunities to increase collectivism and direct groups towards a social cause (McShane, 2014). Commonly employed in urban regeneration movements (Andersen & van Kempen, 2003), global development organizations (Craig, 1998), health service delivery sectors (Carr, McAuliffe & MacLachlan, 2014) and criminal justice partnerships (Jurick, Blumethal, & Smith, 2000), the aim is to re-direct individuals towards their own well-being.[25]

As one form of neoliberal political logic that grew from the antipoverty movements of the 1960s, community empowerment was evidenced in the development of Community Action Programs (CAP) aimed to address poverty through technologies of citizenship (Cruickshank, 1990). These programs had two aims; to govern the war on poverty and to function as what Cruickshank (1990) refers to as domains or small publics created by the poor themselves to address social problems. For example, the Mobilization for Youth program was created as a model for CAPs and was designed to prevent juvenile delinquency in an ethnic enclave of New York City. The program's objective was to redress issues of inequality and racism, which were believed to be the root cause of poverty. This was a concerted effort by community leaders to "get [youth] interested in their own empowerment" and a means to "help the poor help themselves" (Cruickshank, 1990, p. 74). Several noted studies have critiqued the effectiveness of CAP programs, suggesting that national policies of this kind inadequately address local-level conditions faced by marginalized communities which reduces citizen participation and thus

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[25] The ideological foundation of community empowerment is characterized as a social action process wherein individuals, communities and organizations "gain mastery over their lives in the context of changing their social and political environment to improve equity and quality of life" (Wallerstein, 2002, p. 73). Such models were first adopted in cognitive psychology as an alternative to paternalistic approaches to guide social work practices that dominated the 20th century. Synonymous with constructs of community capacity and community competency, community empowerment involves various dimensions and loci of power.

constrains democratic engagement (Bauman, 2014; Bowman, 2008; Cazenave, 2007; Marris, 2018; Naples, 2014; Nemon, 2007).

Empowerment as a Strategy for Active Community Citizenship

A central focus of this chapter is to examine how empowerment is reconciled with the construct of community as a gendered logic. Intended to raise women's consciousness, feminist scholar Reinhelt (1994) writes, "empowerment [on its own] is a process through which women learn their own strength and recognize themselves as experts about their own lives, further, as a collective, women gain insights about the subtle ways in which power works to silence and distort women's experience" (p. 689). To the same effect, empowerment strategies within penal and semi-penal settings are employed to "mobilize critical reflection and introspection" (Malloch and McIvor, 2011, p. 147). Further, empowerment strategies, through a variety of programs, can address poor self-esteem and increase an awareness of personal strengths with the aim to establish patterns of better decision-making with respect to lifestyle choices (Pollack, 2000; Van Wormer, 2001). Feminist groups who support empowerment argue for its utility based on the belief that women who deny responsibility for their actions are further disempowered because a lack of accountability undermines self-determination (Hannah-Moffat in Kendall, 1993).

In contrast, critical legal scholars argue that empowerment has exacerbated the marginalization of women through harmful narratives (Kelly Hannah-Moffat, 2000; McKim, 2008; Haney, 2010; Goodkind & Miller, 2006; Goodkind, 2009). Several key criticisms of empowerment include the disregard for structural complexities, the pathologization of women's needs, and the inherent gender bias embedded in normative expectations of women's behaviour.

Empowerment as a technology of citizenship places the onus of rehabilitation on the subject, in turn, concealing the systemic inequalities that often lead women to come into conflict

the law. Structural complexities such as a lack of education, viable employment, housing, childcare, and poverty conflicts directly with a woman's capacity to gain self-confidence and engage in responsible decision-making. Therefore, empowerment strategies are critiqued because they overlook the impact and effect of power relations, further marginalizing women within the correctional system (Hannah-Moffat, 2001, p. 191; Haney, 2004, pp. 347-348).

Furthermore, women's needs become pathologized as a result of empowerment discourses (McKim, 2008). McKim's (2008) ethnographic study of non-profit treatment facilities for women reveals that staff workers perceive women who are incapable of self-regulation as lacking a sense of self, increasing their proclivity for deviance. In particular, a woman who focuses on the needs and interests of her child is viewed as unwilling to gain introspection. Experts perceive this as a sign of "weak self-commitment" (McKim, 2008, p. 310). McKim (2008) reasons, "If they become angered by an injustice they confronted, it was because they could not control their addiction to conflict. If they relapsed, it is because they could not resist their dangerous impulses" (p. 177).

In another ethnographic study, Haney (2010, p. 213) scrutinizes the widely held assumption that community-based involvement in regulating women genuinely addresses her criminogenic needs. Rather, Haney (2010) suggests that interventions stretch beyond the identification of needs by experts and instead contribute to re-fashioning of the female mind and body.

> As state power operates increasingly from a distance and as everything from workfare workshops to drug courts try to alter the psyches and souls of those they target…such projects do not simply extend the tentacles of social control; they also deepen the intervention. It is no longer enough to engineer female inmates' behaviour—the goal is to now get inside their heads and change their ideas about what is socially acceptable and pleasurable. (p. 213)

In conjunction with Haney's notion of deepened intervention, a third criticism centers on how empowerment technologies re-produce gendered notions of appropriateness and class bias. Groups with more power often define behavioral expectations. Women belonging to lower socioeconomic classes find it challenging to match those expectations because of the barriers that obstruct opportunities for personal advancement (Goodkind, 2009). Goodkind's (2009) study of juvenile justice programs for girls identifies that programs designed by the state and adopted at the community level are "sites for the imposition of gendered, raced, and classed expectations of girls but also sites for the construction of such expectations" (p. 419). In an earlier study, Goodkind & Miller (2006) revealed that counselors interpreted dissatisfaction with predetermined art themes as disobedience.

In summary, empowerment is contested as one form of commercialized feminism that neglects the complexities of structural barriers that marginalized women experience. Empowerment, as a neoliberal strategy, is criticized on the grounds that it legitimates harsher punishment of women who are perceived as un-empowerable and, thus, transforming it into a tool of coercion that further entrenches regimes of state power (Hannah-Moffat, 2000, 2001).

In the following section, I present my first substantive finding in this field—the category of the community-mom. The objective is to demonstrate how the development of this category further marginalizes the incarcerated mother, under the program. I also embark on a critical discussion related to the gendered politics of categorization and attempt to show how this particular categorization has the potential to negatively impact women's agency and self-identity.

Discovering the Community-Mom

The community-mom is a state inspired aspiration for incarcerated mothers. The term is born from a social work perspective and is rooted in the maxim, "women don't belong to prison, they belong to communities" (Mimi, Institutional Program Coordinator for the Mother-Child Program). Interview participants described a community-mom according to these core descriptors: unique, not one type of woman, reads poorly on paper, high risk, dangerous, empower-able, a poor decision maker, and a good mother who made bad decisions. Upon closer inspection of the language used by the coordinator, we can further unpack the symbolism of this turn of phrase. The use of the word "to" rather than "in" gestures ownership of the maternal incarcerated subject –which contradicts CSCs claim that they are trying to empower women.

Through an examination of the institutional and community-based language and logics when juxtaposed with the narratives of the mothers in this study, I argue that this aspiration inaccurately represents the lived experiences of incarcerated mothers. Instead, the community-mom category is another example of the political re-configuration of the female offender that is part of a broader maternal reform strategy rooted in traditional feminist ideals of motherhood.

Circa the early 1900s, female offenders were regarded by the criminal justice system as moral menaces. Strategies of reform were intended to re-instill the traditional feminine ideals of marriage and family. This strategy of reform was rationalized on the assumption that a return to domestic life would diminish the proclivity to deviate (Hannah-Moffat, 2000, p. 29). Today, similar strategies are deployed to re-fashion deviant mothers into moral mothers (Hannah-Moffat, 2000, p. 35) whereby having children becomes the "most important prescribed activity" (Green, 2008, p. 24). The mother's identity essentially takes "a back seat" to her child (Green,

2008, p. 71).26 The new mom-ism identity, a term coined by Kilty and Dej (2012), produces an "anchoring effect" that sets up a "fragile paradigm for success" that involves community-level surveillance and mechanisms of self-surveillance (pp. 10, 14).

Although the community-mom category is non-pejorative, it is presumptuous. First, the category presumes that belonging to the community will enhance maternalism. An Institutional Program Coordinator, Joanne, remarks:

> The point of it is to say that a community-mom is a person, not just a prisoner. You can't belong to prison, but you can belong to a community and that is what we are trying to build on in order to make her stronger and more aware of her role as a mother. (Joanne, Institutional Program Coordinator)

Similarly, the concept of a continuum of care is a philosophy that links community and belonging together. Program coordinators were emphatic that successful reintegration requires that the community-mom be part of her own continuum of care. The continuum of care principle is supported in the *Revised Community Strategy for Women Offenders*, which states that the continuum of care is intended to:

> [e]nsur[e] that a viable release plan is in place prior to a woman's release is essential if reintegration is to be successful and this will necessarily involve significant communication between the institution and the community as well as collaboration with multiple sources of community-based support.

As referenced in CD 715-5, *Community Supervision of Women with Children*, the significance of a woman's familial and parental role in the post-release period is deemed crucial to her transition to the community. Bridging services, through a continuum of care, is considered fundamental to the promotion of family reunification.

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26 Even those mothers who are not incarcerated face a type of "police-state." Green (2008, pp. 21-25) argues that mothers are heavily scrutinized through different technologies of surveillance such as reality shows and mommy blogs.

Furthermore, the community-mom category challenges the good mom-bad mom

dichotomy. A CRF intake manager, comments:

> A community-mom did something bad or criminal but that does not make her a bad
> mother. Most often times, she commits crimes to survive or to sustain a drug habit and
> remember that it is a disease. She needs help addressing those factors and triggers and if
> we can do that, she can be a mom, a wife, a caregiver, a productive community member,
> have a job and so on. (CRF Intake Case Manager)

By putting aside her criminality, a mother can focus on what is deemed important: making better

choices for her children, resisting triggers, and reinstating her citizenship in the community

landscape.

> She is like you or me basically. We all worry about our kids, love our kids, but what
> makes her different is that she makes poor decisions or gets caught up in a lifestyle for
> trying to keep her kids fed. We can't fault her entirely for that or take away the value of
> her motherhood role and her value in the community (CRF House Manager).

The category becomes constituted as a technique of normalization, but the extent to which this

produces a false equality trap, is unclear (Tillyard, 2018). Tillyard (2018) critiques the idea that

macro-level gender oppression is experienced the same irrespective of race and class. The way

the community-mom is conceptualized by state and local actors suggests that motherhood unifies

women across different social, political, and cultural terrains. To test this, I asked the women

how they felt about the category based on their own experiences of the justice system finding

that the degree to which criminalized mothers support this aspirational conceptualization of the

community-mom as a way to unify women is questionable. The mothers interviewed in this

study expressed ambivalence or dislike for the community-mom category. Lizzy, 41 and a

mother of two, says,

> I don't really care what I am called. But it seems to mean to the outside world that I am
> something other than what I am. I am a mother, but I did something illegal and I was put
> in prison for it. I am honest with my kids about my past and to put a label on what I am
> almost seems like we are covering up something that is part of me. (Lizzy, 41 and mother
> of two)

Other women, in particular, Megs, feels that this is a political tactic.

> So, I get what they might be trying to do but it sounds like just another label they are slapping on us to push an agenda. Am I a community-mom? What does that mean? (Megs, 35 and mother of one)

For all eight of this group of interview participants, there were varying degrees of resistance to the category. Similarly, Veronika shares Megs' standpoint.

> This has no impact on me and where I am with my kids. I guess you could say I am cold to everything that has to do with them [the correctional system]. You just feel fucked by them. So, it's like I stop listening to their side and what they have to say. Yeah, I just don't care about 'feel good' stuff like that because it means nothing to me at all. I just keep moving forward and listen to my own voice. (Veronika, 39 and mother of three)

Veronika's statement offers an excellent example of a woman doing what it expected of her, that is, becoming self-governing but what happens if she, and the other women, do not adopt the community-mom label? Does this mean that she is failing in her rehabilitation or reintegration, according to CSC? Collectively, Lizzy's, Megs', and Veronika's understanding of the category illuminates how the notion of the community mom is problematic for hyper-marginalized women. Feminist scholars posit that women's bodies are constituted as sites for social control, which are oppressed through political regimes and regulatory powers and norms that politicize the process of creating stereotypes of what constitutes femininity and masculinity (Butler, 1990). In particular, categories are built on aspirations that include definitions of good mothers (Kilty & Dej, 2012; McQuillan, Greil, Shrefller, Wonch-Hill, Gentzler, & Hathcoat, 2012: 1168).

For instance, Mohanty suggests that categorizations act as an oppressive tool to silence women (Mohanty, 1991 & O'Reilly, 2006). More precisely, McMullan (2004) argues that categories function to problematize or glorify a woman's experience and ignore diversity and gender disadvantage (Jackson, 1998; Mohanty, 1991; O'Reilly, 2006). In Cecil Jackson's work on impoverished women, Jackson (1998, p. 77) argues that when women are categorized as poor

without developing an understanding of how they view their own experience of poverty, gender disadvantage is misrepresented. To the same effect, when women are placed into categories that presume a belonging to community, we are misrepresenting the effects of the incarceration process on women's lives.

Thus far, this section has focused on how the community-mom category is interpreted by state and local actors, and formerly incarcerated mothers. Having discussed the feminist implications of categorization, I now turn to a detailed analysis of how normative understandings of the community, that are upheld by state and local actors, are resisted by the mothers in this study.

State and Local Discourses of Community

The community is envisioned as empowering through its transformative and regenerative capacity. Rose (2000), however, expresses deep reservations with regard to the power of community. For instance, Rose (2000) asserts that community, as it is imagined as a space of freedom and mobility, instead embodies a territory of security with a set of collective logics designed to manage the crime problem. Through careful inspection, we can see that there are collective logics observable in the language of the mother-child programs policy.

In the *Revised Community Strategy for Female Offenders Report* (2010), community is noted a total of 240 times. Throughout my discussions with interview participants, the terms community, levels of community support, and community as a healer described a way of thinking and speaking about the program and its mandate. For example, community in women's correctional policy is constructed as involving collaborative partners that provide relevant connections, supports to enhance family life, spiritual growth, and the implementation of various

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behavioural models to help community-moms self-regulate. Cognitive behavioural models, for

instance, are focused on increasing esteem and coping mechanisms, and the development of self-

management plans. Group session therapy, as part of this cognitive behavioural approach, is

encouraged in order for women to share their experiences and knowledge with one another.

Like all correctional programming, the mother-child policy subscribes to cognitive behavioural

models that emphasize relational networks as part of a holistic framework.

The mother-child program is idealized as a holistic approach to maternal incarceration.

CD-768, the *Revised Community Strategy for Women* (2010), includes holisticism as a guiding

principle. Moreover, *Principles and Concepts in Women's Corrections* (Part Two) declare that to

proceed holistically is vital for identifying women's needs. The section asserts the following:

> [M]ultiple needs cannot be addressed in isolation of each other. Attaining community
> stability often demands that various reintegration issues (health, substance abuse,
> associates, housing, etc.) be considered in an integrated fashion. They must address the
> social context of women's lives and target those areas that have contributed to their
> criminal behavior. (p. 10 subsection G)

We can use this section to great effect. We can observe how the construct of community is

embedded with value orientations and courses of action to root out causes of crime. Clearly,

relational networks are embedded in community-laden discourses. Another illustration of this

can be observed in in *CD-768* (2016). The glossary defines the mother-child program as,

> **mother-child program**: a continuum of services and supports that aims to foster positive
> relationships between women incarcerated in women offender institutions and units and
> their children and to provide a supportive environment that promotes stability and
> continuity for the mother-child relationship.

 When I asked a local program coordinator, Sara, "why community," she responded,

> The community agency as it is part of a wider community does not just include a
> strength-based approach to help moms, but *it is* [emphasis added] the strength if it is
> working properly. (Sara, Local Program Coordinator)

In Sarah's view, the community is seen as an ideal space for promoting healing through re-establishing personal relationships and a method to instill a sense of obligation and responsibility to others as part of the restorative process. Trish, a volunteer program coordinator elaborates on how the community is an active agent in the process of mending relationships with family:

> Women are a part of our community and I think it is important for the community to embrace that and to engage on that level with mothers. I also think with the restorative justice philosophies rather than having an 'us and them' mentality and by not having community as a passive bystander, the community can actively engage to repair the harm done to relationships. (Trish, Volunteer Program Coordinator)

A part of what makes community restorative is the perception that it fosters organic relationships. Community involves, "creating environments where women can connect *naturally* [emphasis added]" with service providers during the reintegration process (Connie, PACE staff member). In Connie's mind, natural connections are conducive to developing a sense of belonging and strengthening women's esteem.

What is more, communities are thought to cultivate good parenting. Through local parenting programs, Cara Lyn, a social justice organization staff member, proclaims that mothers can regain their power.

> At its best, we can help mothers put into operation positive parenting skills in the hopes of helping her be the best mom she can be. These mothers want to parent and be good parents and have some say in what happens to their children. In the community, this is most visible when we see mom back with her children and she is making appointments—taking charge again and feeling in control. (Cara-Lyn, Social Justice Organization Staff Member)

Cara-Lyn encourages positive parenting through connection-based leisure activities. These activities are affordable and give women a break from the stigma of criminalization by allowing them to participate in normal activities. Examples include scrapbooking, card making, a gift-wrapping at holiday time, reading books, and playing board games. Jasmeen, a community volunteer that works at one federal institution, articulates the benefits of leisure- based activities:

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We've had people come in and teach the women cake decorating workshops. Basically, anything that brings the community together and engages the women. It gives them an opportunity to have a night outside of the institution, an evening where they can drop that mentality of being a quote-unquote prisoner, where they are just a bunch of women hanging out with other women. (Jasmeen, Community Organization Volunteer)

Activities are designed according to "what women like," Jasmeen notes. Interestingly, similar types of programs and activities are often cancelled or simply disappear without any explanation. According to a CSC contracted hair stylist who had worked at a federal women's institution years ago, she noted that her contract was pulled after two years. Inmates can no longer have their hair styled. It is important to keep in mind that CSC often espouses that they have a host of programs and services despite not being available in years, let alone regularly. This was the same case for aerobics classes which were available at one federal prison, but later cancelled.

Aside from connection-based activities, the community is also constructed as a space for re-building families and preparing for the return home. Women can "work on themselves spiritually" and begin to organize themselves for their eventual transition to family-life (Beatrice, community program coordinator). A key part of the transition process is to allow mothers to get their lives back, reclaiming their maternal identity. Beatrice explains the symbolic function of homemaking:

What we see from moms is a genuine concern that she is able to provide the basics for her kids when she is back in the community. I get calls from moms asking me to help them clean their apartments so that the kids can have a nice place to stay. It is the home piece that signifies to me that she is eager to regain her role as mom. (Beatrice, Community Program Coordinator)

Tina, Beatrice's colleague noted the importance of a time out for the women to prioritize:

Our community-moms have access to parenting classes, lectures, and other programs and services that will help her along her new path. We recognize that she needs help and a time out in order to prioritize her needs and to make arrangements to provide for her kids once she is out on her own. When she is in the community, let's say at a transition house, she can take this time out and plan for everything without having to worry about a roof over her head or food in her mouth. (Tina, Institutional Program Coordinator for the

Mother-Child program)

Tina lists the number of services that are available to mothers that help to reduce anxieties such as stress reduction therapy programs, spiritual services such as meditation, circles, and prayer groups. In one residency program for mothers, quiet rooms are available for personal time to reflect and plan away from the commotion of the house. Quiet rooms are fast emerging as part of a greater initiative known as "healing hubs" that are incorporated into some transition facilities. The operational principles of Healing Hubs differ from prisons primarily because it is believed that "the noise and overcrowding in prisons does nothing for women's ability to experience peace [emphasis added] and develop into self-sacrificing mothers" (Maude, Community Stress Reduction Therapist).

Although the addition of healing hubs as an extension of quite rooms within penal and semi-penal settings is fast becoming a popular practice, it is problematic. It is common for women prisoners to undergo quiet time following each meal where they return to their cell or cottage for head counts. This practice is historically linked to earlier Quaker religious practices of praying in silence as a way to show penitence. Does this practice insinuate that women need time to calm themselves and or that they are hysterically unstable and need a time-out? Not that women and mothers are not wanting quiet time, but the use of this practice is significant in light of the fact that it is mandated within an oppressive, punitive environment.

Safe Places, Safe Practices

Narratives produced by state and local study participants reveal that the community-empowerment model is vital because it includes the development of safe places and safe practices. Arguably, the community landscape fosters esteem and skill-set development and, in

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particular, encourages women to engage in their civic duties through their involvement as clients in community-based organizations (Beall, 2007; Schneider, 2007). In this sense, safe places are intended to build individual capacity for personal flourishment and individual commitment to community life. Connected to civic engagement, creating safe places are essential to supporting open discourses required for understanding particular needs within communities. It is a method for addressing societal issues (e.g., homelessness, drug abuse, poverty) and mediating disputes amongst community members by "crafting strategies for action" (Domahidy, 2003, p. 10).

One executive director, Cornelia, comments on how community buffers punitive responses by the state. Cornelia uses the example of the duty to report clause to demonstrate her point.

> Where the greater challenge is, truthfully, for you is supporting a woman in a halfway house and seeing her really struggle to parent and believing that you're getting close to the place of a child being at risk and you are going to be compelled to involve the Ministry. That's much more awful. In those instances, we generally try to sit down with women and say okay, these are the things we see and you're pushing the envelope. We have a duty to report. This is what our duty is. (Cornelia, CRF Executive Director)

In this case, the executive director explains how they managed to avoid involving corrections. Cornelia says,

> This is what we can do. So, we met with them [Ministry for Aboriginal Social Workers] and we said okay, we're struggling here. We don't want to get to this point. What can we do? What ungated services do you have? Where can you give her access to? She started going to Moms and Tots because she was socially isolated. She wasn't coping that well. A few peers. A little informal networking and she was doing a lot better. That, I think is instead how we would see responding and supporting that woman and that child. (Cornelia, CRF Executive Director)

In this particular instance, community-based workers safeguarded the mother by re-routing her to a local program designed to increase interaction with other mothers. Moms and Tots is designed as a safe place where all types of women can interact, build relationships, and seek resources for parenting. Here, the community is thought to act as a protective factor.

In addition, the community, through its connective and healing function, generates safety nets around children. The community steps-in to identify and nurture the needs and interests of the children of incarcerated mothers, and to protect children through formal and informal monitoring and supervision. Kit, a staff leader at a social justice organization says,

> Our community creates a safety-net around children as well. We are all there to chip in and make sure that her children are safe and doing well. Although this is not our primary mandate, it comes with the territory. We become attached to the children throughout the years and it only is natural that we extend our care to them as well, as much as it is possible (Kit, Social Justice Organization Staff Leader).

"Stepping-in" or "chipping in" involved, for example, transporting children to appointments.

As an auxiliary of safe places, safe practices[27] are designed to improve the health outcomes of individuals and families (Baffour, Jones, & Contreras, 2006; Ridell, 2006; Tellerton et al. 2005). Safe practices are intended to operationalize community as a tool to "assume responsibility by highlighting ways in which the short and long-term benefits of […] improve safer acts" (Jana, Basu, Rotherham-Borus, & Newman, 2004, p. 412). Safe practices are common in the area of obstetrics. They are applied to local strategies to promote access to delivery services for pregnant women, especially in underdeveloped and developing nations where access to education and services is low (Ahluwalia, Robinson, Vallely, Gieseker, & Kabakama, 2010). Establishing safe places within the community landscape to enhance self-awareness and skills development around birth and parenting is part of a growing global movement towards safer motherhood initiatives (Portela & Santarelli, 2003; McFarlane & Fehir, 1994; Skinner, 2009).

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[27] The term "safe practices" is commonly applied in qualitative health research to connote a reduction in medical errors based on findings derived from evidence-based research that is directed towards new implementation strategies at the front line of health care (Leape, et al. 2006).

In the context of the MCP, the idea of safer motherhood includes an emphasis on breastfeeding as a best practice. Program coordinators note that this allows mothers to connect with their infants at birth and to take advantage of the direct health benefits.

> I can't tell you how important it is to give those babies a fighting chance. That is why we have the women or try to encourage them to breastfeed even if it is just for the few minutes after the baby arrives -- that colostrum. (Ellen, Senior Manager for Child Protection Services)

For expectant mothers, the mother-child program encourages women to hold their babies directly after childbirth in order to provide the first few drops of colostrum. This is an interesting biological component of the program, although an unstandardized practice. [28] Other practices may include the use of volunteer midwives and doulas. Prenatal vitamins, pumping of breast milk, nutritional information for pregnant women are also encouraged.[29] Regardless, all women are transported into the community to receive pre and post-natal appointments with CSC approved obstetricians. That CSC vets physicians according to correctional standards, raises eyebrows. As noted by Allen, Wakeman, Cohen, & Rich (2010), correctional physicians "face a variety of ethical conflicts," mainly,

> [s]ituations where physicians are complicit with unethical behavior that is sanctioned by the culture of the institution but not by official policy and those where they are complicit with institutional policies that are in conflict with established medical ethics. (para. 14)

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[28] Breastfeeding directly after birth is not a standardized practice across all mother-child programs. This is negotiated between the case management team and the mother during pre-natal planning. At one provincial facility, where residency options are not possible, the CPS coordinator encourages the practice in light of the infant's imminent removal.

[29] Healthy Babies, Healthy Children is often referred to as a key program that provides a comprehensive range of services to incarcerated and non-incarcerated women. The services include but are not limited to: pre-natal counselling, breastfeeding advice, and information for fathers, information on toddler development, managing the newborn stage, and labor and childbirth options. Several variations of this program exist across different regions throughout Canada and are part of the mother-child program at the institutional and community level.

Allen et al. (2010) highlight that competing pressures felt by prison doctors may result in risk to patients out of fear of being reprimanded by the institution.

To summarize, the first two sections of this chapter have focused on how the community is envisioned as a place for incarcerated mothers to take time out to work on themselves in order to become better parents. This is achieved through skills development and community interventions that place heavy emphasis on domesticity, gendered activities and opportunities to practice self-care. What if mothers, however, do not welcome these types of interventions? How are they treated by the experts that service them? These questions are taken up in the works of Allison McKim.

In Allison McKim's (2017) "governing through addiction" thesis, the author uncovers that counselling staff discouraged activities that detracted from inner work (p. 85). A mother's failure to focus in on herself is regarded as pathological. McKim (2017) notes,

> It is certainly the case that there are cultural pressures on women to meet unreasonable mothering standards. But rather than focusing on how women could negotiate these relationships while also finding time for themselves or helping women learn to resist unfair expectations from family members or lovers, WTS [abbreviated name of program] simply asked women to disconnect themselves from these relations. (p. 85)

McKim's statement speaks directly to the contradictory logics that de-prioritize racial and cultural values around family and the reproduction of harmful narratives. Central to McKim's argument is the idea of negotiation and resistance. These two concepts are analytically significant in setting up the proceeding discussion of how the maternal subject resists mainstream notions of the community.

Resisting Categorization by Contesting Community: "This is Not My Home"

In the preceding discussion, I explored how the community construct, as a benign construct, is conjured by state and local actors as protective, organic, and safe. Moving forward from that discussion, I analyzed the construct of community from the subjective perspective of the criminalized mother, recognizing that she experiences community in a different way.

Interestingly, the mothers in this study expressed varying degrees of resistance or uneasiness about the notions of the community and community connection. For all but one mother, home was different than the community of release. **30** Annie says,

> Where I got released was not where I was from. This is not home to me, but it is where I am right now. I want to go back to my family where I feel good. We have traditions that are not here in the community or are not that available for me and I want to pass down those traditions to my kids, but it is hard. (Annie, 44, mother of one)

Traditions ranged from sets of cultural customs to family routines, which were connected to the physical landscape. Mothers lamented the loss of connection with their children and the activities they enjoyed together before they were incarcerated. One mom commented on how she missed going out to the local McDonald's for a happy meal with her daughter. In her mind, the McDonald's trip was a chance for she and her daughter to "share stories, talk about school, and share laughs" (Annie, 44, mother of 1).

For the children of the mothers in this study, community does not represent home either. A community program coordinator, close with one family, recounts: "A daughter of one of my clients said to her mom, 'I love you, but this is not my home. I want to be where my room is and my things.'" The need for continuous support and stability, in some case, overrides that child's desire to be with his or her mother. The way that "home: is conflated with "community" by state

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30 One mother was incarcerated in a city bounded by three regions (tri-city). She was originally from one of those tri-city centers and therefore felt less uneasy about her release because she was from the geographic area already and had supports in place to help her through the process.

actors is another demonstration of how women's experiences are overlooked. The mothers in this study challenged the notion of community as it is linked to the notion of connection. One mother differentiated between connections through choice versus connections that are forced. Claudia says,

> being in prison forces you into a set of relationships because it is all you got. But when you are out, those relationships are not the same. If community is supposed to mean that I am connected to others on the inside, I guess so. Yes. But it is more because we are there by necessity not by choice. (Claudia, 36, mother of two)

The same mother continues to explain how fixed connections satisfy pragmatic needs rather than a means to seek out emotional support from other women.

> I guess yeah the community people like the volunteers and other agency workers come here and offer us services and programs. You are connected to them because you need to plan for things or improve your skills in order get ahead. For me, yeah, like I have people I like and they help me, and I would say they are friends so that way we are connected to each other. But, let's face it, you don't have too many people on your side and, the truth is, I'm not always looking for friends, but I have to connect to just get my life together, like getting my apartment and stuff. (Lizzy, 41, mother of two)

Unlike the image conjured by the state and local actors, the notion of the community was incommensurable with the idea of home and connection. Home is linked to family ties and cultural customs, whereas, community is simply a point of release. Further to this finding, is the delineation of connection-by-choice and connection-by necessity. The realization that to get ahead in the prison system requires pragmatic connections, thins the assumption that women in institutional settings are expressing an inherent need to belong to different community initiatives.

A second key finding revealed that the community was bound by unrealistic expectations around motherhood. In contrast to the image of community as a safety-net, mothers felt that, in reality, community life was marked by isolation and the need to "hold your own" (Megs, 35, mother of 1).

> I get that the community does offer a lot of help and I am grateful for it, but it also is the

scariest place for a mom. You feel so isolated and alone. When you're at social services trying to work out a plan, or going to the bank to set things up, you see it in people's eyes that they know your somehow different because you, like, don't know what the hell your doin'. (Megs, 35, mother of one)

Self-doubt and self-consciousness looms in the minds of mothers like Megs. For one woman,

Chandy, 29, the guilt and shame she felt while in prison transcends across community lines.

Sometimes, I just don't know how to parent. Like, I'm in public with my kid and she starts acting up and I don't know what to do or how to handle the situation. Coming from a place where I was always watched and judged, I feel like I carry that with me no matter if I'm back there [prison] or standing in a grocery store. (Chandy, 29 and mother of four)

From the perspective of a community program worker, the greatest challenge of release is

parenting.

So, many of them, right now even, they spend half of their child's life incarcerated. They see them once every couple of weeks. There's always that issue of I knew how to parent you when you were two weeks old, but now you're eight months old, what do I do now. If you've spent some time in the institution, you've been away from your child and all of a sudden, this child has now parachuted in and all of a sudden, you're supposed to be the perfect mother ...And you have to accommodate for everybody. It's difficult. You're in a dormitory situation where you have other people. You may be a first-time mother, or you may be a multiple time mother, or this may be the first child you've ever had the opportunity to raise. (Community Program Worker)

The community has a set of expectations around mothering that must be achieved if women are

going to sustain primary custody of their children. The next two quotes exemplify this. Ernesta

explains,

I feel like in the community—like whatever that really means—you have to hold your own as a mom even more to prove yourself. The community is the test of your mommy skills. You are already facing an uphill battle because you have been in prison with a record and now you are trying to show the world you are world's best mom even though you feel like you're crashing inside with guilt and uncertainty about how good you are as a mother. (Ernesta, 43, mother of three)

Similarly, Chandy comments,

It is like when you are back into the community you are all of a sudden thrown into this mess. You are supposed to answer to all these agencies because you want to re-establish

yourself and have your children back but because you don't fit the community worker's criteria, your chances of being with your kids is cut in half. For me it was a housing problem. I'm a recovering addict. I need a house that isn't close to my old druggie group, and then I want my kids because I'm a good mom but the only place I can afford is not suitable for my children and CPS won't give me custody until I get the right type of housing. (Chandy, 29, mother of four)

Chandy's experience highlights the challenges of navigating the structural barriers within the community. A local program coordinator suggests that part of the difficulty is that these women experience a form of culture shock.

What's missing is that these women have been through something pretty unique and so have their kids. There is definitely a gap in helping them work through that and come back. For the women without kids, just the very act of coming out and being in the community after being out of it for a while is a shock. It can be very traumatic, especially if they've been in for a number of years. Things change, a lot of the women get overwhelmed just taking the bus. (Maxine, Local Program Staff)

Feelings of personal failure were pervasive, too. Incarcerated mothers describe immense guilt for not providing the necessities (e.g., food, clothing, proper housing, toys) for their children, and in particular, for having to qualify their absence to their children due to incarceration.

You are only a good mom if you can afford the right home, and if you can't, then you somehow failed again, and you walk around in the community with guilt hanging over your head. People ask why you don't live with your kids. Then you have to explain why or make some story up. You don't have to do that when you're locked up. We all know why we are there and there is an understanding that just because you did what you did, you are not necessarily a bad mom. But it is not like that when you are out. (Irena, 45, mother of two)

Irena's statement touches upon a key theme in feminist literatures: the good mom, bad mom dichotomy.[31] Within this conceptual framework, the private sphere of the home is regulated publicly leading to an increase in judgmental attitudes around child-rearing practices (Reay, 2005; Lupton, 2011).

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[31] Good mothers are those who have good children, ignoring background factors such as the disposition and character of the child. Austin and Carpenter (2008) argue that theorizations are largely focused around nurturing by mothers as opposed to the influence of nature when it comes to motherhood narratives within dominant culture (Arendell, 2000; Austin & Carpenter, 2008; Hogs, 1996).

Community surveillance also involves the attitudes and values of other parents. Five of the mothers felt that other parents and families were unreceptive to them because they knew of their incarceration. Chandy clarifies:

> You know other moms know your situation. Word gets around and people put two and two together. You have missed out on a lot of normal things like birthday parties and other stuff. Those moms may smile but they won't be asking my kid over for a playdate or asking me in for tea. (Chandy, 29, mother of four)

Thus, Chandy's point underscores how the act of mother-blaming becomes an "extension of community surveillance" to monitor parenting practices of marginalized families (Garland, 2001; Foucault, 2004).[32] Furthermore, the excerpt also speaks to the way stigma is affixed to individuals who are associated with the stigmatic person. It also gestures to the common refrain that criminalized parents are more likely to produce criminalized children which assumes that criminalized is biologically innate rather than socio-politically produced.

Constrained Mobility, Constrained Parenting

In this section, I explore the concept of disciplined mobilities to understand how the community becomes a site for the expression of state power through an examination of residency and travel restrictions (Moran, Piacentini, & Pallot, 2011). Further, I examine how the MCP is becomes a strategy to justify the existence of the prison through producing the institution as a space whereby criminalized mothers may ironically experience fewer constraints as mothers than in the community.

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[32] Mother-blaming is commonly noted in schooling (Reay, 2005), infant development (Lupton, 2011), breastfeeding (Flacking, Ewald, & Starrin, 2007), and teen-mom literatures (Kirkman, 2001).

To begin, eleventh hour residency restrictions were cited as one of the most upsetting

experiences for mothers, according to CRF staff. Lauren, an intake coordinator, explains that:

> Residency restrictions are imposed on her last minute. She thinks she is going home.
> She's prepared her family for her coming back and now she's going to a halfway house
> for six months again really devastating the children. The children can become really
> angry. They say 'why isn't she coming home? Why doesn't she want to come home?'
> (Lauren, CRF intake staff coordinator)

Last minute changes to residency conditions are a form of double punishment, in the minds of

local service providers.   Further, geographic distance between home and the institution or CRF

is difficult for mothers because of the lack of transportation and travel times. Claudia, whose

home is eight hours away, remarks,

> Trying to get back to my other kids was really difficult sometimes. When I got out of
> prison, I didn't have the money for a car and the [name of organizations] can only give so
> much to help with transportation. I'm hours away from my other two girls and it is not
> easy for my parents who have custody to make it here but this is where my work is now
> and I have to keep my job to keep my place in order to keep custody of my son. (Claudia,
> 36, mother of two)

The majority of federal institutions are geographically out of reach for most families, thereby

decreasing the frequency and duration of visits with incarcerated or paroled mothers (Hayman,

2006).

To compound the issue of geographic distance, criminal records also pose particular

challenges to mothering. Veronika has had a criminal record since she was 21 years old. In

hindsight, she did not anticipate that it would affect her life the way it has 18 years later.

> One consequence that affects us all the time is that I have a criminal record. My husband
> really wants to go to Disney World but, unfortunately, I can't fly into the States. My
> friends are going to New York and doing whatever. So that affects me a lot. (Veronika,
> 39, mother of three)

Veronika often compares her family to other families. She feels that her criminal record is a

source of disappointment for her husband and children.

It disappoints my kids when we can't travel or do the other things families are doing like taking trips. What parent can't provide their kids with a trip to Disney? How do you explain that? How do your kids explain that to their friends? (Veronika, 39, mother of three)

The excerpt above demonstrates how strict travel stipulations within criminal records constrains mobility but also produces tension for the family unit.

Altogether, the experiences of the mothers in this study appear to suggest that the community is not conducive to freedom of movement and mothering. The imposition of residency restrictions, long travel times between home and institution or CRF, and criminal records restrict their movement and create challenges for mothering. Ironically, evidence from each of the interviews reveals that the prison setting, although not ideal, is better suited for mothering than the community. Interview participants noted that expectations and rules are clear, and the prison routine affords a degree of comfort and safety. Turning the notion of the community as a safe place on its head, one program coordinator remarks:

Many women will say that they feel safer in prison than out in the community. You only belong to a community in so far as it can provide the supports. In prison, women have structure and routine. She is in treatment and on a path towards recovery. The community mom finds comfort in those four walls because she understands what is expected of her. (Jessie, Program Coordinator and Program Trainer)

Jessie spearheaded an aerobics class at a federal institution five years ago. She now works for a non-profit social justice agency as a program coordinator. According to Jessie's interpretation, prison life offers a regimen that mothers can more easily adjust to, whereas in the community expectations are less clear and support networks may falter. In Jesse's view, the community has a greater potential to undermine mothering because of its unpredictability and instability.

Prisons provide structured physical and temporal spaces for mothering, as well. Mother-child cottages, on-site playgrounds, family visitation rooms, and open green spaces are available. The environment allows mothers to play with their child, to discover a child's likes and dislikes

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(e.g., selecting board games with them to play), and assess their development (e.g., evaluating

their motor skills on the playground, dexterity, agility). Carp and Davis (1989) argue that prison

design is gendered through the purposeful modification of the environment to promote positive

socialization, independence, and family bonding. They point out that cooking spaces and

comfortable furniture have replaced items such as ball diamonds and recreational areas.[33]

Increasing the aesthetic appeal in women's prisons is believed to re-enforce a gender-specific

approach that recognizes the needs of women and is deemed good prison practice (e.g., greater

access to gynecological services on-site and mother-child units) (Bartels & Gaffney, 2011).

Contrastingly, the community fails to produce the same benefits for mother and child. For

example, if community-moms are residing with their children in a CRF, children may not have a

designated space to play. The CRFs in this study lacked child-appropriate areas for play and

childproofing. Further, limited proximity to parks and the added constraints of routine check-ins

limit play time. Competing demands such as employment conditions that often interfere with

childcare hours coupled with an affordable housing crisis, offer support to the "prison is better"

argument made by supporters of the MCP.

> The biggest challenge I had once I was back in the community was getting a safe place
> for me and my kids. What I could afford was part of a block-housing project and there
> was a drug den right next to us. Because of a fire, my super informed me that I had to
> leave. The place was going to be condemned and I couldn't keep my kids because it
> wasn't safe anymore. This meant that I couldn't maintain custody because family
> services have to be satisfied that we moms have a safe home for them. (Irena, 45, mother
> of two)

Additional factors that constrain parenting at CRFs are rampant drug usage and overcrowding.

Megs noted that while she resided at the house,

> Women do use in the house and words are exchanged between women, and women can
> get nasty over claiming their space. When you are confined to a small bed and an

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[33] Essentially this is a re-configuration of what Sommer's (1969) identified as hard versus soft settings and points to
the current decentralization of prison architecture.

overcrowded room, you tend to value your personal things and personal space even more and this creates tension. (Megs, 35, mother of one)

Similarly, Lizzy recollects,

You're in a halfway house and on the path that is not always easy. When you are in prison it is a lot easier to do better than when you are out. I've been in halfway houses and had people doing drugs in my room. You have all that temptation in front of you and you are already weak and feeling down on yourself. Then you bring a child into the picture. It is awful. (Lizzy, 41, mother of two)

Monitoring and supervision practices are deemed problematic, as well. Unlike in the prison setting, other house women looking-out for your child is perceived negatively by staff members.

At one CRF, Francesca comments on the norms around child supervision. She remarks,

We expect that the mom run after her child if the child is running around not us or the other women. It is not our responsibility and it can become burdensome for the house as a whole if mom is relying on others to keep a watch on her children for her. (Francesca, CRF House Manager)

DiLapi's (1998) motherhood hierarchy thesis is supported by the evidence offered. The author argues that because of culturally perpetuated sets of social expectations that dictate a woman's behaviour, gendered messages about relying on others to help within penal and semi-penal settings are perceived by other women as a sign of weakness. While new mothers may appoint two CSC-approved women living in the mother-child programs Unit (MCU) to supervise their child under the program, there are no formal assignments of alternative caretakers at CRFs. Caretakers would be assigned according to the discretion of the house manager and mother. In opposition to CRFs, Mark, an MCU manager at a federal institution comments on what he observes, "women naturally step in and look after the baby because women tend to want to demonstrate that they can watch out for the other children" (Mark, Institutional mother-child programs Unit Manager). Just like Mark, an institutional chaplain recalls her own experience working with mothers in MCUs.

This child would have ten mothers because they would all be doting on and caring for the baby. It just lights up, the energy that a baby brings. It brings out compassion and care. That baby I think would be safer than any baby out in the community. We have so many adults looking after him and caring for him. I thought it was such a positive addition to the environment that could be very stressful and negative at times. (Sherrie, CSC-Contracted Chaplain)

According to Mark and Sherrie, women learn to self-regulate in the presence of children. One house manager at a federal institution observed how "moms really watch themselves and that they don't step out of line in front of the child. They refrain from being aggressive or using bad language" (May, MCU Manager). Interestingly, female offenders are more likely to receive a higher number of institutional misconducts for verbal aggression in comparison to male offenders. The regulation of women's language is a longstanding part of correctional governance for women and indicative of the way in which institutional misconduct determinations are gendered (Bloom, Owen, & Covington, 2004; Celinska & Sung, 2014; Krittschnitt & Krmpotich, 1990).

Summary

In this chapter, I argue that the construct of the community from the standpoint of criminalized mothers is incongruent with community as it is envisioned by state and local actors. Although, the community symbolically resembles a chimera, concealing structures of oppression within the landscape, the way that community is abstracted informs a set of logics that are rarely questioned. Thus, the evidence suggests that there are normative assumptions embedded in a popularized community-laden discourse that produce harmful effects for criminalized mothers. Through an exposition of narratives provided by formerly incarcerated mothers and state and local actors, I demonstrate that notions of connection, healing, and safety that are imbued in state

and local discourse perpetuate stereotypes and set unrealistic expectations that are difficult, if not impossible, to reach. Formerly incarcerated mothers described the tensions of transitioning back into community life and feelings of isolation, stigma, and constrained mobility.

In chapter six, the final principal area of investigation is explored. The objective of this chapter is to explore the suitability of funding models that support the mother-child program at the community level. This chapter examines how state funding, or lack thereof, impacts the dynamics of punishment by further excluding the accommodation of mothers and their children. The discussion is broken down according to the diverse funding operatives at CRFs and social justice agencies in order to draw out the complexities of navigating the penal voluntary sector and to understand the organizational mechanisms that are used to ensure short and long-term survival.

Chapter Six

The Suitability of State, Non-State and Quasi-State Funding Models

Marjory is in her forties, married and has two teenage daughters. She has worked for over fifteen years as a program developer and coordinator for female offenders at a restorative justice agency. Her career in the third sector began ten years earlier and, similar to the other women I interviewed in this study, she is well-educated and has an arsenal of direct client service experience working with marginalized groups. Marjory earned a degree at a reputable university in recreational therapy and although she was initially interested in working with children and persons with disabilities, she secured employment at a prominent substance abuse addiction clinic. At this clinic, she established a comprehensive recreational therapy department. Marjory comments that she loved the department and the population. In her experience, the most fascinating aspect of the job was witnessing firsthand the process by which clients renewed their lives. She was intrigued by how new relationships developed as clients moved out of the addiction stage and into recovery. During her time at the clinic, Marjory also offered counselling services to offenders on release. Based on that experience, Marjory made the decision that reintegration program development was something that she wanted to pursue further.

To date, Marjory has founded one of the most reputable, internationally recognized rehabilitation programs in Canada. PACE has several components: healing circles, art therapy and skills development workshops, and public education initiatives. Marjory is proud of her professional accomplishments and gains personal satisfaction from her work with women, in particular mothers and families. When I asked Marjory about the challenges in her field, she noted that the most difficult aspect is watching women and children fall through the cracks of the system. She also remarked about the stress and tension that arises from having to walk away

from women in crisis—the real work—in order to re-direct her efforts towards sustaining the life

of the organization. The following is an excerpt from the first of two interviews with Marjory.

At one point in the interview, I had asked her how her organization defines success. She

responds:

> You would think that the hard part would be working with the women. I would say that
> we know we've arrived as a program mature-wise when we have done the hard part of
> navigating our interactions with the institution and managing those. We have a huge
> amount of staff time now and that goes into that. And the other piece has been the stable
> funding. When those two things are achieved, and our funding is stabilized so our staff
> core can be stabilized, then we know we've reached some level of success. Now we're at
> a place where we can actually go, 'Ooh you know what? Women can be difficult at times
> [laughter]'. Because it's just never been allowed to be the focus. It's always been our
> survival and then managing the crisis around the change of staffing and the accordion of
> services and knowing whether or not we're funded to do this, but oh we're not funded to
> do that. (Marjory, Staff member at Pathways and Executive Director of PACE)

Marjory explains that her attempt at humor is not intended to make light of the seriousness of the

difficulties facing the correctional system. It is, however, a sad commentary about the lack of

stable funding allocated to women's reintegration. The anecdote initiates a dialogue around the

suitability of funding models and the impact of those models on the dynamics of punishment.

In academic circles, scholarship theorizing the penal voluntary sector is developing an

understanding of the interconnectedness of the voluntary sector and its relationship to

correctional systems (Maurutto, 2003). This includes examinations of the relationship between

government and philanthropic sectors. One criticism, however, is that these examinations

overlook the inherent intricacies that are present in the diverse range of volunteer organizations

themselves. For instance, Tomczak (2016, 2018) asserts that social justice agencies have the

ability to operationalize degrees of innovation and agency to counteract power imbalances

between them and the state. Innovation is particularly important for smaller specialist groups that

must defend against groups with greater material support (Mills, 2015; Tomczak, 2014, 2016).

Because of this narrow analytical scope, research to-date often frames the partnership between government and religious philanthropic sectors as dichotomous. Religious philanthropic organizations are imagined as humanitarian, autonomous, and benevolent. Contrastingly, government agencies encroach upon weaker community partners (Bosworth, 2017). In this light, social justice agencies are conceptualized as enveloped by a culture of control that are unable to resist the co-optation by the government (Corcoran, 2008, Maurutto & Hannah-Moffat, 2016).

This chapter presents findings from interviews conducted with social justice agencies that provide formal and informal services under the mother-child program. The objective of this chapter is to explore the suitability of funding models by outlining the advantages and disadvantages of per-diems, resource-sharing, and patchwork funding. Of particular interest is the manner in which funding models modify the organizational logic of community-based organizations. A key finding reported is that patchwork funding models deployed by social justice agencies enhance credibility and long-term survival for less visible groups within the penal voluntary sector.

The Perils of Contract Culture for Non-Profit Sectors

There are clear impacts of contract culture on the penal voluntary sector. A term used in the current care versus control debate and investigation of multi-nodal governance in criminal justice sectors, the contract is theorized as a type of apparatus (Mills, 2015). Scholars posit that this apparatus produces a power imbalance between government and community agencies because of competition for bids between large and small organizations. The resultant competition undercuts direct client service work and forces organizations to fold, in extreme cases (Butler,

McLaughlin, Hayes, Percy, 2017; Mills, 2015; Neilson, 2009; Tomczak, 2016). Aligning with current theorizations around degrees of organizational innovation and agency, a thesis highlighted in Tomczak's analysis of the emergence of the penal voluntary sector in the U.K., the data, similarly, point to the particular ways that specialist organizations navigate constraining contractual landscapes and non-contract arrangements, simultaneously negotiating their organizational identity.

Contract culture produces interesting anomalies wherein some smaller, less visible organizations that are either non-contract or partial contract are incentivized to create ways to sustain themselves and carve out a niche in a tumultuous political climate. But what about the funding schemas of CRFs that are affiliated with and overseen by large philanthropic organizations but are also CSC contracted for a portion of their services? Building on this notion of contract culture, I argue that community residential facilities perform as intermediaries between criminalized mothers and CSC. Despite a long historical legacy of spearheading the delivery of reintegration services for women, CRFs are restricted in their capacity to accommodate mothers with their children. CSC dictates the number of clients that can be accommodated through restrictive per-diem funding models.

Further, the deployment of per-diems by CSC highlights how CRFs experience a different type of relationship to correctional services than local social justice agencies that rely on extensive patchwork funding from diverse donor pockets. Nonetheless, both CRFs and social justice agencies ascribe to the norm of beg and borrow because of sporadic funding, typically confronting similar challenges in the field related to sustaining services. The way funding models are constructed suggests that the mother-child program is treated as a perk rather than a core feature of women's correctional and rehabilitation programming. Unlike the John Howard

Society that has a fully funded anger management program built into their organizational structure, fiscal budget, and mandate, the provision of services to accommodate mothers and children at the local level are almost non-existent.[34] The lack of accommodation to mothers and children is concerning because the maternal bond, as it is illuminated in mother-child programs policy, functions as the fulcrum to reduce future female recidivism.

Few studies have explored smaller service provider organizations and the logic they deploy to "get the job done" (Tomczak, 2017; Marjory, executive director of PACE). To substantiate my main argument, I outline the various funding models that are used to sustain community residential facilities (CRFs) and social justice agencies working with mothers and their children. Evidence to advance our understanding of how these organizations are situated within the partnership to CSC according to funding flows, are obtained through in-depth interviews with CRF and social justice agency staff. To complement the interview data, a series of government reports, CRF and social justice websites, and in-house documentation were scanned to examine organizational mandates, programs, and funding operatives.

"Working For, Not Against Women": The Ideal of Women-Centered Organizations

In this study, I examine the dynamics of non-profit organizations that belong to a field of agencies dedicated to transitioning incarcerated mothers and their children. I assess how these organizations perceive their role within the criminal justice system and greater community. Upon a close inspection of local narratives, these organizations self-identify as part of a collective sisterhood dedicated to treatment and support, skills development, parental planning, and temporary, safe shelter. Staff from CRFs and social justice agencies similarly stressed the

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[34] Refer to Singh's (2010, 2012) discussion of court-mandated domestic violence programs through grassroots agencies for a detailed overview of what core funded programming looks like at the local level.

importance of "working with women, not for or against women" (Lin, Part-time Relief Staff Member, Hallie's Way). The notion of "working with" women reflects the undergirding philosophy of women-centered organizations.

Historically, the community has been theorized as a gendered space to perform pre-figurative politics (Stall & Stoecker, 1998). This has included the expansion of women-centered organizations (WCOs) that provide skills programming to women clients. The aim of WCOs is to help women "develop a positive sense of self-concept and self-confidence, critical worldview and the cultivation of individual and collective skills and resources for social and political action" (Stall & Stoeker, 1998, p. 741). For mothers in particular, WCOs enhance women's access to the labor market and provide social supports to help with childcare needs. Feminist groups argue that WCOs, in principle, are intended to leverage structural gender inequality by increasing women's social capital—fostering a sense of belonging and addressing material need (Dominguez & Watkins, 2003; Abrahams, 1996). Unlike, male models that are perceived as self-serving and competitive, WCOs operate upon principles of collectiveness and consensus with smaller divisions of labour and shared leadership models. In essence, WCOs become sites for feminist politics, and are characterized as connection-based, non-competitive, nurturing, and grounded in mutual solidarity (O'Donnell, 2011).

Despite concerted efforts to uphold these principles, WCOs experience difficulty maintaining a woman-centered structure because of external pressures from the state to produce quotas, outcome measurements, and performance assessments. In order to maintain funding from the state, WCOs must cope by subverting state practices. Thus, WCOs must maintain an image of bureaucracy despite their anti-bureaucratic character (McShane & Oliver, 1978).

Controversy surrounds state funding because government objectives often clash with the mandates of WCOs. It is opined that government-level support has the effect of expanding crime control apparatuses, "push [ing] organizations onto the terrain of the state" (Bumiller, 2008, pp. 4, 65). Bureaucracy and professionalization triumph over adhocratic management. Solution building, creativity, and collaboration are de-prioritized. The political character of philanthropic agencies that have religious and moralistic mandates are re-modified (McShane & Oliver, 1978). On the flip side, state funding has the benefit of broadening the scope of intervention, enhancing organizational profile and visibility. Because of state funding, women-centered organizations have the resource capacity to solidify a market corner of the social movement cause (Ibid, 1978).

The Role of WCOs in the Delivery of Criminal Justice Services

Since the transition from state-led to market-led growth, as part of a sweeping regulatory restructuring that began in the late 1970s, Western societies have witnessed the emergence of community-based services to fill the gaps of a diminishing social welfare systems. This is part of a broader shift that combines a hybrid of social democratic welfare systems, a refocusing of social policy towards downsizing efforts, internal auditing, and actuarial accounting to monitor program costs (Corcoran & Hucklesby, 2013). This has also included the push for collaborative partnerships to increase profits by combining skills sets and enhancing networks for public purposes (Lahdesmaki & Kilkki, 2008).

Women-centered organizations are characterized as part of the third sector—a popularized UK term to denote the increasing role of philanthropic NGOs in the delivery of criminal justice services. These community-based organizations are non-profit, locally situated, dependent on sizeable volunteer pools to facilitate programs and services, and disproportionately

led and staffed by women (Corcoran, 2008, 2009, 2011; Hayman, 2006; Moffat, 2001; Tomczak 2014, 2016). Many of these organizations perform as important producers of feminist knowledge and dissemination of feminist discourses that inform particularly gendered practices that pass through a web of specialized local networks (Alvarez, 2009). As surrogates to civil society, feminist-based organizations become discursive fields of action that evolve and are re-constituted through sets of internal and external power relations. Critically speaking, however, state subcontracting to feminist NGOs to facilitate women's programming may "depoliticize the feminist agenda" (Alvarez, 2009, p. 177). Depoliticization could jeopardize the feminist cause and further diminish capacity for comprehensive program development and monitoring as management principles of feminist organizations meld into a bureaucratic, hierarchal forms. The bureaucratic hierarchy is exactly what the organizations in this study are trying to avoid.

Characteristics of Local Organizations in this Study

The agencies that are involved in the delivery of mother-child programs services are non-profits, charities, and grassroots organizations that operate upon small budgets that are external to larger funding flows and frameworks of the correctional system. These organizations ascribe to a community accountability model that affirms values and belief systems and locates solutions to redress inequality and oppression. The model encourages community groups to develop a profound understanding of the specific needs and interests of their client base, as identified by community experts. Included are context-specific considerations of access to family healthcare networks and service providers, childcare centers in the community, affordable and reliable transportation, employment services, and most importantly affordable, safe housing for mother and child.

In this study, I interviewed staff members from a diverse range of local community organizations: four community residential facilities (CRFs) and two affiliated pregnancy programs that act as offshoots of CRF mother-child programming, three social justice agencies, and one systems-level municipally funded crime prevention council that participates on the institutional reintegration committee of a women's federal institution in Southern Ontario. In addition, I interviewed individual actors that provide a range of important services to incarcerated mothers and their children: institutional and community program volunteers, prisoner rights advocates, and a volunteer institutional birthing doula. I also had brief correspondences with two community parole officers that work with two of the four CRFs in this study.

Community Residential Facilities: Mandates and Governance

Community residential facilities (CRFs) or halfway houses are affiliated with large advocacy-oriented non-profit organizations with the objective to provide transitional housing for women and mothers. This also includes the delivery of a range of programs and services to enhance opportunities for successful reintegration. If an incarcerated woman is referred to a mother-child program at a halfway house upon completion of her sentence, she and her child will typically stay up to one year at a CRF until she can secure housing, employment, and childcare.

The four CRFs in this study have been in operation for more than forty years in Canada and have a long-standing history of participation in the feminist reform movement, advocating for women offenders through educational and vocational training. One of the CRFs in this study is part of larger non-profit organization that operates according to Christian Protestant teachings.

The organization was co-founded in the late 1800s and continues to provide an array of services to marginalized communities through philanthropic activities and initiatives.

In Canada, there is a legacy of partnerships between religious philanthropic and state sectors. The contributory role of religious organizations in the criminal justice system as guardians of the family unit and the preservation of generational values is noted in the 1834 *Penitentiary Act of Canada* (Maurutto, 2003). Critical scholarship has framed the role of the religious philanthropic sector as administrators of (quasi) criminal justice. Religious philanthropic agencies remain heavily entrenched in the re-moralization process of female offenders, performing as an arm of law enforcement with the task to provide necessary services to the disenfranchised. Further, these agencies also engage in forms of policing, disciplining and regulation (Maurutto, 2003, p. 124).

As for the governance of CRFs, a regulatory board of directors that is comprised of volunteers, experts, and CRF executive directors oversee the operation of the house. Depending on the size and composition of board staff, members may be directly involved in service provision for CRF clients. Although CRFs must operate within the parameters of CSC rules, they have additional guidelines and standardized protocols as set out by a larger provincial association that governs halfway houses. Each CRF has its own respective handbook for house rules, which outlines the rights and responsibilities of the client when residing in the home.

Community residential facilities have on average anywhere from ten to sixteen beds that are partially funded through state subsidies and in-kind donations. If funding permits, CRFs have one or two affiliated satellite apartments (one, two, or three-bedroom units) within the community. Satellite apartments are used to promote independent living. Also known as supportive housing, the aim of a satellite apartments is to provide stable, safe accommodation

with a set of complimentary services to enhance life skills, greater access to community resources, social support, employment and educational opportunities through specialized counselling services. Contingent upon funding, clients might be required to subsidize a portion of the monthly rent. Funding for supportive housing within the community is obtained through a variety of contributor pockets: the municipality or region, in-kind donations, and state grants. Supportive housing initiatives are jointly operated by the municipality with the objective to offset a significant portion of the housing cost for the organization and the client.

In terms of staffing, each CRF has a combination of part-time, full-time, and relief staff on site with a designated executive director and intake and house manager. A CSC contracted, or non-contracted chaplain may also work on-site during the week to provide faith-based in-reach counselling. In this study, two faith counsellors (one CSC contracted and one previously CSC contracted) were interviewed. In addition, CRFs rely on volunteer pools within the community to help with various programs and services such as cooking and baking classes. The number of full-time, part-time, and relief staff ranges from ten to thirty, in addition to, ancillary CSC contract staff and community volunteer pools.

Underlying feminist and familial connotations characterized each of the interviews I conducted with organizational staff members and volunteers. Of all the organizations and programs included in this study, each of these were founded, co-founded, or managed by women. There is a visible cultural component involved in the provision of reintegration and rehabilitation service, as well. Based on a discussion with CRF staff, the goals of CRFs are to help women with resource and skill building through the provision of culturally sensitive, culturally competent gender-specific programming (CSCGSP). The development of culturally appropriate interventions is intended to address what are understood as women's unique criminogenic needs

wherein three main groups are target for intervention: African Canadian, Asian, Hispanic, and Aboriginal /First Nations. In addition, CSCGSP's aim to collaborate with cultural communities to provide services (e.g., counselling, housing, employment) and address internal systemic barriers that reduce the chances for successful reintegration. In the case of Aboriginal female offenders, having access to female elders to receive spiritual and prenatal advice is one example where a diversified approach is adopted to include cultural understandings around childbirth through circles of support. The deployment of culturally sensitive programming by CSC is not without criticism, however. The integration of "culture" into correctional policy, particularly risk reduction strategies, is critiqued for failing to acknowledge that "culture" is a dynamic notion rather than a static one. In Martel, Brassard, and Jaccoud (2011), the authors contend that reintegration programs are guided towards reminding aboriginal offenders of their "real selves," ignoring the fact that institutional conceptualizations of culture, in particular aboriginal culture, conflict with a growing recognition that there are multiple cultures and practices across different indigenous nations (p. 242). Martel et al. (2010) remark, "we argue that upon entry into prison, aboriginality, once a risk marker, is reconstructed henceforth so that it becomes inoculated with a hegemonic aboriginality conveyed in culturally sensitive correctional programmes" (p. 242).

Equally important to Corrections, is the development of cultural competent programs and practices that address other criminogenic needs. Community residential staff work with women to develop plans of care to address issues such as substance abuse, anger management, abuse and trauma, and education and employment. Plans of care may also include a mother-child programs focus, in which case the CRF would work with child welfare to address child custody matters, emergency placement options, and co-residency if there is a mother-child programs unit on site at the CRF.

Concerning the referral process, community residential facilities use a variety of methods to refer and transfer clients into programs. Working upon a guiding ideal— keeping mothers with their children –the organizations in this study deploy a recruitment process that is part of establishing a client type (CRF in-reach staff member). In each of the four CRFs, mothers are referred by a CRF institutional in-reach staff member before the client is paroled or at the end of their sentence.   In order to determine eligibility, the in-reach worker collaborates with the CMT (mother-child program coordinator, institutional and community parole officer) to assess her application. Input from a CPS worker, in order to ensure that the child's residency is in his or her best interests, is part of this process. With that being said, a referral and application process is still required to assess the specific needs of the client/mother as a first priority (e.g., mental health and addiction) to determine whether or not her needs can be matched by the expertise and programs offered at the CRF.

Formal and informal programs of sister houses. CRFs belong to a contingency of homes which are known by staffers as sister houses, but these houses are funded differently. Funding is dictated by the dynamics of the house: the number of clients, client needs, staff expertise and training, and the range of services and programs. One CRF alone may offer eighteen to twenty programs and services to their client base at one time. Funding for CRFs is obtained through donations from organizations such as the United Way and Trillium Foundation. Regional and ministry funding is also common, in addition to the subsidies provided by CSC at the federal level. Other partners include local hospitals, addiction and therapeutic centres, Aboriginal centres, mental health agencies, religious organizations, and counselling agencies. These agencies provide services and donations of items to the CRF clients, not material funding *per se*.

Fully integrated residency for mother-child programs at CRFs is conditional upon the level of funding from the state and community. mother-child programs residency is unstandardized across Canada and, therefore, not all programs have a formal residency option in place. In this study, three CRFs in Southern Ontario operate mother-child programs informally which means that staffing hours, designated child appropriate space and separate MCUs (mother-child programs Units) are unavailable. Upon direct observation of various units and spaces of informal programs, I observed several differences in physical appearance and layout. A funded program had colorful drawings on the wall, children's books, toys, children's seating and small tables. The unfunded/informally funded program had few children's items, older highchairs kept off to the side, and little evidence of any formal play area. One of the CRFs in this study operates from an old dilapidated 1930s home and staff mentioned that children's safety and liability continues to be a concern given the exposed wiring, old staircase, and general lack of repair. Outdated program forms are used to conduct intake and monitoring. Contingent upon funding and level of program integration at the CRF, services may target areas such as nutritional education and support, medical services, employment and educational training, services to secure future housing and childcare. Parenting, literacy, and cooking workshops (as part of a nutrition and child development focus) may be available and either outsourced to other organizations in the community or provided through volunteer in-reach, which is most commonly the case.

Another alternative to mother-child programs residency for CRFs is to provide affiliated day programs for expectant mothers or mothers of young infants. In one program for instance, Mom and Me, mothers sixteen years and older that are either pregnant or have children under the age of six may participate in a program designed around services to support mothers with addiction issues. The day program runs throughout the week and gives mothers access to a range

of treatment services to manage their substance abuse. Day programs are funded through pre-existing in-house funding, additional state subsidies, and in-kind donations.[35]

Comparative case examples of Gateway and REACH. To illustrate the difference in funding between what is termed a core program and non-core program, we can compare Gateway to REACH. Gateway began in 2009 and operates out of one of the Western provinces. REACH is located in Southern Ontario. Gateway has a 65-hour staffing week dedicated to serving provincially sentenced women with children on a full-time co-residency basis. The program is considered revolutionary given the lack of options for pregnant women and women with young children. A website testimonial highlights this, "This is the first time I have lived in a house. Mavis and I sit in the backyard and enjoy the quiet. I like living with moms in the same place that I am at as we get our lives together." For Lise, an executive director, the Gateway program is a source of great pride,

> It just works very effectively. We started it 4 years ago or 5 years ago now. We can meet, obviously, all those issues that have to do with ensuring women have their nutritional needs met and all of that, including prenatal medical care. That all gets addressed and we address whatever risk factors are there. We use a case management approach. We also address legal issues. They must develop a long-term plan for themselves in terms of their income, education, how they're going to manage caring for their child, where they're going to live, how they're going to get daycare for their kid. All that key stuff. That's what we do. During that period of time, that's what we do. That for me, I think is a much better model. (Lise, Executive Director of Gateway)

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[35] This program is developed according to a cognitive behavioural therapy model that includes motivational interviewing techniques and strength-based treatment plans. Strength-based treatment (SBT) plans operate in stark contrast to traditional deficit models and are a fixed feature of local community-based programming. Rather than focusing on past history or placing blame on individuals for their failures, SBT assumes that individuals have strengths which can be built upon to meet needs, achieve goals, and encourage overall emotional and physical well-being. The role of the professional is to help identify those strengths and the strategies and resources currently used to solve individual problems and how these can be further developed to problem solve in the future (Powell, Batsche, Ferro, Fox, & Dunlap, 1997).

In addition to long-term planning, Gateway has designated space allocated to mother and child, including a separate bedroom with bed and crib, indoor and outdoor play areas, and childproofing (i.e., the physical alteration of the home and external environments to reduce risk of physical harm to the child). At the time of data collection, this agency accommodated four mothers on site with their children. Women are allowed freedom of movement in and out of the facility unlike other houses that have stricter guidelines around curfews. Gateway is funded through the provincial correctional ministry and in-kind donations.

Gateway offers a host of services, which are designed around a case management approach to address nutrition and health, child development, employment, education, housing, daycare needs, and life skills. Key programs include child development monitoring, skills development, and addiction live-in treatment and support through an affiliated program called STORK. Child development monitoring programs or what is often referred to as child development surveillance aims to educate mothers on the various stages of child development in order to monitor for learning and motor function delays. Mothers are provided information and tools such as milestone checklists, brochures, and fact sheets to track a child's progress. A medical professional is also available to work with the mother to address her issues and concerns related to her child's physical and emotional well-being. This is the only program of its kind in the Western provinces that has maintained longevity.

In stark contrast to Gateway, REACH, is located in Ontario and operates informally. The programming is not specifically tailored to women with children; there is a lack of designated MCU space, an informal children's play space, and no childproofing. In cases of informal operation, CRFs rely on cash donations and items from local charities to meet basic needs (e.g., children's clothing, diapers, toys, food). At REACH, the only funded items include costs for

basic needs such as food and a small weekly allowance. Community residential facilities receive $ 30.00 per woman per week from CSC to cover food costs and a weekly allowance of $28.70. Any costs outside of these two areas must be obtained through donations from sister houses, philanthropic foundations, and service clubs. The three CRFs in Ontario rely on donations from non-government sources to fund baby items. Money for child-related expenses would have to come from alternative sources such as other agencies through donations or through family and friends of the client. There is no formal application, intake process, or case management protocol for mothers. The house uses outdated mother-child programs intake forms to record the client's information. REACH, Margaret House and Mary's House will accept provincial and federal mothers (and the child) provided there is bed space. Clients are referred through CRF in-reach staff working at federal institutions when a mother is pregnant. Provided she is granted full custody, the child can stay with her at the CRF or satellite apartment. Based on the limited reported cases of mother-child program participants at CRFs, infants who are not in the custody of their mothers at the time of parole often reside with their biological father, current husband, biological grandmother or aunt.

The effects of competitive fee systems. State funding of CRFs to re-integrate mothers and their children produces competition for funding between houses, resulting in the de-prioritization of direct service work and dilution of tailored mother-child programs services. The dilution of services is the effect of absent funding for the program at the community level and the use of per-diem fee systems. Per-diems are allowances obtained through CSC and provincial correctional ministries to cover the daily operational costs of mother-child programming.[36]

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[36] In Canada, per-diems for CRFs range from $4-$210 per bed date. The average per-diem rate is $96.00. The average staffing budget is $378,000 per year while the average budget for operational and management costs is $227,000. This data was obtained through a CSC Research Report written by Amy Bell & Shelly Trevethan, (2004) reporting data for fiscal years 2002-2003. Unfortunately, the report does not provide a breakdown of per-diems

Community residential facilities rely on per-diems as a source of income to sustain the organization and provide the necessary services to women and children. The use of per-diems is common practice across the third sector. Community residential facilities receive a per-diem for every client they receive, however, if the number of per-diems are limited or client volumes decrease, organizational revenue will cease or significantly reduced.

The impact of per-diems on the quality of reintegration services has garnered little attention by scholars (Vian, 2009). Broadly speaking, per-diems are implemented as motivators and incentives for individuals and organizations to perform. They subsidize areas of funding shortages for non-government agencies and pay for basic necessities that are built into program operational costs. In some ways, per-diems safeguard against the instability that CRFs face by providing a subsidy. On the other hand, per-diems are criticized because they are overused by the state. Ridde (2010) refers to this as the endemic of per-diemitis. The author surmises that per-diems are used as political instruments that signify a level of state corruption that produces competition and monopolies between powerful and less powerful community-based organizations. Ridde's (2010) position is summarized by the following key point—per-diems are paid out according to administrative hierarchies rather than according to the needs of the organization or client group.

Per-diems alter the organizational logic of nonprofit agencies which has the effect of dehumanizing the reintegration process. Interview participants noted that that per-diems weaken the cohesiveness of an organization by creating unwanted internal conflict and competition

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between male and female CRFs. The amounts provided are based on averages across all CRFs, male and female, in Canada. The report did note however that Aboriginal CRFs receive the highest per-diem rate at $112 per bed and female CRFs are more likely to have additional funding CRFs than male CRFs. Admittedly, these ate dated figures however I could not locate more recent numbers. The amount provided by the CRF staff falls significantly below the average rate noted in Bell & Trevethan (2004), which is cause for concern given that the per diem rates have not kept up with inflation.

between agencies. Amanda, an executive director of Origins, commented on the current crisis facing CRFs. Having worked with the CRFs in this study to provide chaplaincy services, Amanda notes that per-diem fee systems create a combative, adversarial environment. Because per-diems operate upon an economic utility model wherein there is bidding between organizations for contracts, CRFs and their sister houses are effectively pitted against one another. She remarks:

> In a perfect world, there is more than enough work to do and the women are better served by having more people doing the work, rather than one organization doing it all. But the reality is we are all competing for funding and when you have to put on a five lined piece of paper what it is you do; it all boils down to looking like the same things. (Amanda, Executive Director of Origins)

Another program director that works at a CRF, Natalie, noted that this inter-organizational conflict fuels gossip and anger. She comments on one instance wherein, "Margaret House was extremely angry. They felt that the money should've gone to them and not to us" (Natalie, intake manager, REACH). In Natalie's experience, contracts and grants are allocated typically to bidders that have a pre-established relationship with the sponsor, are reputable and recognized within the criminal justice partnership network and have a well-developed organizational infrastructure. Drawing from the Margaret House example, Natalie confers that per-diem fee systems produce sets of competing interests, promote self-serving-ness, and undermine reintegration goals.

A second contention is that per-diems generate a sense of organizational desperation, exacerbating anxieties over organizational survival and competition between types of programs. Anxieties over competition and survival can lead to mission drift when, in order to secure contracts, organizations are forced to compromise components of their mandate and range of services (Corcoran & Hucklesby, 2013). When an organization operates upon a deficit, it is more

likely that the budget is allocated towards the services that provide the per-diems as opposed to the services that do not. Two organizations in this study are currently operating under a deficit and the services that these organizations provide will cease operation if they do not have enough clients or contracts by the end of the fiscal year. To reiterate, community residential facilities (CRFs) receive payment once they have filled a bed date.[37] If a CRF does not receive any clients, CSC does not provide any payment until a bed is occupied. Lillian, a house manager from Mary's House, references the financial report. Lillian remarks that,

> I just got the stats from our business manager, we're down to seventy-four percent occupancy for this quarter, which worries me because we budgeted eighty, and I came near budgeting a hundred percent occupancy. It's like, oh now, we can't do that, that's why we're in the red. It's like we were running at thirteen people and now we're scrambling to get eight people consistently here when we've got forty sitting in prison. (Lillian, CRF House Manager for Mary's House)

Lillian's CRF is not alone in this battle for funding. Another CRF in a larger metropolitan area struggles with the same challenge of solidifying clientele in order to generate revenue. Nadya has worked at Margaret House for over ten years in multiple roles, starting out as a volunteer. She explains how sporadic client flows and per-diem fee systems impact the financial structure of the house.

> We negotiate our contracts individually because we are all individual organizations even if we have the same name. We're paid a per-diem. Per woman is what we are paid. If we don't have any clients, we actually have no income. It's a difficult place to work in, never really knowing what your month is going to look like. We can plan. I can plan to have eighteen women, but if someone gets suspended or decided to move to another house, or goes home, that changes our whole financial structure because we're paid based on the individual that comes to us. (Nadya, Intake Manager at Margaret House)

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[37] As part of a re-writing of policy on satellite mother-child apartments in some regions, beds are now referred to as Personal Development Beds. Developmental beds are contract funded by CSC or the Ministry, but they are not prioritized for mother-child participants. Beds are divided according to provincial or federal sentences. The average number of federal beds contracted by the state, across the five CRFs, is two for every 10 beds.

Beds at community residential facilities (CRF) are funded partially or entirely through contracts from CSC.38 To clarify, ten of twelve beds may be contracted and paid for by the state and this may or may not include beds for women with children.39 The house must solicit for funding for the other two remaining beds. Per-diems only support a limited number of beds. Nancy, a CRF manager opines, "The way it works, someone screws up and goes back in [to prison] and we get another bed, and this is a double-edged sword. We want women to succeed but it depends on another woman not succeeding which begs the question, 'how is this empowering' [emphasis added]?" (Nancy, CRF manager for Mary's House).

Both Nadya and Nancy's interpretation of the disadvantages of per-diems and the manner in which mothers and children are excluded as a result, draws attention to how funding is part of a broader punitive correctional logic. When threatened by market pressures, multi-service agencies must "exercise strategic autonomy to ensure that beds are filled" developing strategies and negotiating relationships with partners to "assess, manage, and regulate housing" as part of a broader "productive project of discipline" (Hannah-Moffat, Maurutto, & Quirouette, 2016, p. 383).

Per-diems, APRs, and the production of ideal client types. The evidence gestures that per-diems dehumanize reintegration by setting caps on funding for beds. The deployment of per-diems produces a hierarchy of clients according to those who are 'revenue-generating' as opposed to clients who are not. Staff speculate that the suspension of Accelerated Parole Review (APR) has contributed to the reduction of clients, impacting the number of per-diems they

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38 CRFs must adhere to their contractual obligations that are outlined under the *Corrections and Conditional Release Act* (CSC).

39 In contrast to the number of available beds at the local level, there are 114 beds available for mother-child programs across Canada's four federal institutions. These numbers do not include the additional beds that are part of the new forty-bed minimum-security facility at Grand Valley Institution, which is set to include additional on-site MCUs.

receive from CSC. Accelerated Parole Review (APR) was established under the *Correctional*

and Conditional Release Act (CCRA) in 1992. The goal of APR was to release low-risk, non-

violent offenders back into the community quicker, where they could serve the remainder of their

sentence. Under this system, offenders were eligible for APR day parole after serving the greater

six months or one-sixth of their sentence.[40]

The staff believe that the discontinuation of APR (Accelerated Parole Review) back in

2011has played a role in the drop in the number of house clients. Tara, a community parole

officer who has worked with female offenders for over 15 years, remarks that:

> You know, I can't believe this. I have never in my thirty years of working in corrections
> seen this. To the outside person, you think oh, that's great because, wow, there are less
> women on parole and therefore, the crime rate is lower. But the reason that is, is because
> unfortunately, we seem to be moving to a more tough on crime, American kind of model.
> (Tara, Community Parole Officer, Southwestern Ontario)

Tara notes that in the last two years there has been a shift towards greater refusal of early release

by the parole board, unlike in years passed when APR was still a discretionary option. Penal

scholars theorize that this decline is part of a 'revocation regime' and the dismantling of

conditional release mechanisms (Doob, Webster, & Manson, 2014). A second community parole

officer, Michelle, also comments on this reported decline.

> They're not getting paroled. They're going up for parole and getting denied even though
> they have done every program, everything they said they wanted to do, that they were
> told to do and still the decisions are just coming down and it just isn't happening.
> (Michelle, Community Parole Officer, Western Canada)

The removal of APR has produced a trickle-down effect by reducing the general client pool for

CRFs. The cancellation of APRs, thus, symbolizes the progression towards harsher, longer

sentencing practices, forcing CRFs to be less discretionary in their client selection.

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[40] Exceptions to APR included offenders sentenced for Schedule I and Schedule II offences. APR thus precluded
violent offenders and offenders sentenced for serious drug offences.

Prior to the cancellation of APR, CRFs would have had greater opportunity to select clients that were better matched with the culture of the house in terms of client dynamics, programs, and staff expertise. Natalie, an in-take manager, comments that this is an issue of "let's say quantity over quality" and the need to survive (Natalie, CRF in-take manager). A quality client is self-regulated, requires less monitoring, therefore a fewer number of specialized programs and services required. In contrast, other "types" of clients necessitate enhanced staff time, staff with specialized training, increased monitoring and restrictions.

To illustrate the contrast between client types and the different resource demands, staff at Hallie's Way noted the increase in two types of high needs clients: those with severe mental health issues and those classified as high risk. When asked about the current demographics of clientele, one staff member commented that:

> Things are different than before. It is not your everyday types but more complex individuals that need specialized support. This means more funding is needed to be put towards specialized staff or enhanced staff and relief work. But that doesn't mean we get it. So, there is a problem there too. (Tracy, part-time CRF Relief Staff Member for Margaret House and REACH)

Tracy, from Margaret House shares how CRFs are forced to take high-risk clients even if the funding support is absent. This means that high-risk clients will not experience the benefits of full treatment and contingency funding must be used to pay for the services. While low funding has negative consequences for high-risk clients, a changing landscape of client needs is problematic for children, in particular.[41] Children are automatically denied residency, if there are clients in the house who are: (a) diagnosed with serious mental health problems such as

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[41] As of 2014 the Supreme Court of Canada [*Canada v. Whaling 2014 SCC 2D*] ruled that the 2011 retroactive abolishment of APR for offenders already serving out their sentence was a violation under the *Canadian Charter of Rights and Freedoms* citing it as a form of double punishment. This ruling meant that anyone sentenced before March 28th, 2011 would now be eligible for APR but only in British Columbia where the appeal was heard (Parole Monitoring Report 2017-2018, p. 23).

depression, bipolar disorder, or schizophrenia, or (b) have been charged with a violent offence

(s) or an offence (s) against a child (ren).

In the end, the research findings expose the way that per-diems de-prioritize the maternal

relationship through the exclusion of accommodation of children at CRFs. Per-diems foster inter-

organizational competitiveness between sister houses and produce hierarchies of clients through

the generation of ideal client types. Thus, the punitiveness of per-diems, I argue, constitutes the

natural outcome of state and quasi-state involvement in the funding of the local-level mother-

child program.

"We can't exchange what we don't have." The CRFs in this study rely on resource-

sharing practices to support programming and services for incarcerated mothers and their

children in light of minimal state sponsorship. Resource sharing is the exchange of intellectual

capital or material goods between networks of organizations (Conston, 1998). The practice

emerges as a solution to strain between government and non-government agencies in which

unfair competition over resources and funding leaves local community-based organizations

desiccated (Conston, 1998). Resource sharing involves the deliberate pursuit of cooperative

relationships in order to enhance social and economic capital in the non-profit sector (Bontis,

Bart, & Kong, 2007; Kong and Thompson, 2006;). This study discovers that the practice of

resource-sharing, although intended to enhance state-local partnerships, in reality, places

immense pressure on local service agencies that are already stretched too thin.

Nonetheless, research-sharing is deployed to locate housing, employment, and childcare,

in addition to supplying basic children's items such as clothing, strollers, and toys. Community

residential facilities will solicit their sister houses or other local agencies for donations.

In addition, resource-sharing involves an exchange in human capital. For instance, CRF

executive directors often manage multiple houses across regions. One executive director divides

her time between a halfway house, addiction facility and home for pregnant teens and must draw

donations for supplies from Mary's House. Brooke elaborates on the benefits of this exchange.

> Because we don't have funds, it can be very difficult, but we're very lucky in that we have
> sister houses and Mary's House and Hallie's Way, where there are children. We do have
> a very close relationship, sometimes we're able to get donations. Like diapers and stuff
> we get from Mary's House. They're very good about it as well. Sometimes they bring
> over toys even. It's a really good thing. It's just a community resources relationship that
> allows us to help women and their children and babies when they come to us (Brooke,
> Executive Director of Mary's House).

Brooke's excerpt identifies how resource-sharing is modeled on the principle of cooperativeness

(Gil-Garcia, Schneider, & Pardo 2005). Resource-sharing practices aim to enhance the exchange

of information, understand certain patterns and trends in organizational behaviour, and improve

democratic decision-making across agencies. It is also a mechanism to reduce operational costs.

Within the context of women's reintegration, resource-sharing is a method to secure safe,

affordable housing for women and their children, and locate employment. Through resource-

sharing, which involves bi-directional distribution of information and "knowledge swapping,"

local organizations believe they can effectively bridge a portion of that gap in the reintegration

system (Hannah-Moffat, Maurutto, & Quirouette, 2016, p. 380). The concept of knowledge

swapping is illuminated in Nancy's statement.

> I work with different community-based organizations; depending on what community I
> am in. There are too many women that are leaving us without having stable housing.
> Housing stands out as a critical issue and the different regions talk about the
> homelessness and the emergency room visits and stuff like that. We want to try to
> provide that housing piece to see if those other pieces will follow suit. So, we work with
> different regions and side by side with Hallie's Way. We can't provide everything on site.
> They can provide some things and we can't, so vice versa. We share a lot of our
> resources. But it is usually our staff that are assisting women to find housing while their
> staff helps with locating employment. (Nancy, CRF Manager for Mary's House)

Nancy recognizes that there are limitations to this model. Resource-sharing is complicated by localized political turf wars. Garcia et al (2005) surmise that organizations may be apprehensive to engage in resource-sharing because they fear the loss of autonomy and independence and control over managing risk. What is more, resource-sharing may fail when there are pre-existing resource shortages and organizational structures that are unamenable to cooperative action (Garcia, et al. 2005).

A prisoner rights advocate and part-time relief worker comments on the issue of pre-existing resource shortages. Felicity, an in-reach counsellor, reasons,

> The system is based on right-wing thinking that promotes fear-based response which means resources are placed into security, higher sentences, and the removal of automatic release programs. It is a highly punitive system, which goes against the values upheld in CSC which is to do good by people, and good by mothers. If everything the state has is directed towards this focus than little is left for state funding of local initiatives and programs. And the community is already strapped financially. We can't exchange what we don't have. (Felicity, Prisoner Rights Advocate and CRF Part-Time Relief Worker)

In concert with Felicity's front-line perspective, Martin's (2016) argues that resource-sharing is a strategy of governance that reinforces the neoliberal economic paradigm to discourage over-dependence on the state.

In conclusion, three main points can be highlighted from this section. Per-diems, as a fee system intended to subsidize CRFs, reduce mother-child programs capacity of CRFs by limiting the number of state-funded beds available to children; foster an organizational environment of competitiveness between sister houses; and, one could gesture are reflective of a broader project of discipline as noted by critical scholars. Thus, the practice of resource-sharing is an in-direct consequence of weak state funding, and a mechanism to augment the gaps of funding shortages.

Social justice Agencies: The Importance of Funding Diversification and Contingency Planning

In this study, I relied on data obtained through interviews with local social justice agencies in addition to CRFs. Social justice agencies involved in this study can be characterized as local, non-profit, grassroots organizations that are committed to restorative justice mandates. These organizations liaise within their own community resource networks to match mothers with services to support their reintegration. These services range from locating supportive housing and employment, family counselling services, educational and employment training, to addiction therapy, and childcare options.

Social justice agencies also work directly with women and mothers to support them at release. This may involve formal or informal services such as providing transportation to help clients run important errands and take appointments, apartment and job searching, cleaning, and grocery shopping. For expectant and new moms, staff often gather volunteers to transport women to pre and post-natal appointments and to provide food programs (e.g., baking casseroles for the first week home after birth).

Through the aid of staff and volunteer pools, services include but are not limited to: mediation and family counselling, art therapy programs, basic skills workshops, and in-reach and out-reach support circles. Social justice agencies primarily obtain material support from second-party sponsors. Sponsors include correctional and other federal agencies, provincial ministries, local chapters of large philanthropic organizations such as United Way, smaller charitable foundations, service clubs and in-kind donations from the public.

In this study, I interviewed staff from Pathways, 4Kids, and Origins. Two of the three organizations are located in Southern Ontario (Pathways and Origins) and 4Kids is located in Nova Scotia. 4Kids is dedicated to programming for children of incarcerated parents,

specifically. In contrast, Pathways and Origins are principally targeted to female adult offenders. These organizations are funded through a variety of donor pockets: local rotary clubs, Trillium Fund, and a suite of private donors. Origins is unique in that it has developed from mission work and a restorative justice mandate. Chaplaincy at Origins, for example, is a core service which is funded through donations from a mixture of public and private partners. Chaplaincy is broken down into two strands: trauma support for women and mothers, and abuse counselling. Traditionally, this service has been funded through CSC contracts. That is, in the past Corrections would contact the organization, request and pay for chaplaincy services for CRF clients, and then the chaplain would receive payment from Origins, the primary employer. Now, chaplaincy outreach services at CRFs are supported through donations to the organization, radically reducing the number of clients and service hours.

The ebbs and flows of funding. Non-core funding involves sporadic, tentative funding cycles. The interviewees described their funding sequences as waves or ebbs and flows. In most cases, organizational budgets are devised according to a one to three-year cycle. A three-year budget is believed to provide sufficient financial stability required to sustain the organization and the services they offer. Core funding, however, provides some obvious benefits.

There is a consensus amongst interviewees that core-funded, government subsidized, programs are less susceptible to competitive economic market forces and less impervious to scrutiny by other community organizations within the NGO sector. Marjory, whose narrative opened this chapter, interprets the difference between the two models in this way:

> Prisons are core-funded, so guards will always have a job, whereas NGOs are not core funded and they always have to fight for funding. We always have to be mindful of how we're acting in public and how we represent ourselves. As soon as we're seen as too adversarial or too controversial, the chances of us getting funding reduces. And we're not in a position of power. We don't have any power. We don't want power, which is a really

big difference between even our program staff and the guards. The program staff doesn't want power; they just want to do good work. (Marjory, Executive Director of PACE)

Unfortunately, doing good work is not enough to ensure organizational longevity.   The removal of state-funding after a one-year or two-year cycle requires immediate contingency planning and gap funding. Organizations must re-direct their focus by prioritizing fundraising initiatives in light of foreseeable shortages in material support.

The push for funding competes with direct client service work, in particular clients that are in a crisis. Marjory laments that direct client service work is often interrupted by the need to re-strategize after a program or service has been cancelled. She finds herself and her staff overrun with a variety of tasks. Efforts are re-directed to fundraising initiatives, grant writing, and employee re-shuffling due to staff turnover and lay-offs.

Given a lack of core funding, both CRFs and social justice organizations are forced to rely on a system of beg and borrow wherein they solicit from a diverse selection of local donors. Mel, a lead coordinator for an arts and craft program hosted by PACE at one institution, discusses the modest budget for art supplies.

> Yeah. So, it's changed a lot because we just keep learning and I don't ever see us being in a place where we've gotten it all down pat. But the PACE component of it ... Back then, I think I had a $2,000.00 budget for that. I would beg and borrow just to get other things donated and stuff like that. (Mel, Leader of PACE Art Nights)

When funding cycles are interrupted, organizations must make the difficult decision to eliminate one or more of their programs based on a rudimentary cost-benefit analysis. The art night component of PACE was eventually cancelled even though it only required a relatively small operational budget. Mel reflects on how program cancellation affects organizational verve and visibility.

> Whenever, every year, when we were in this year-to-year funding, it was the one program that everybody goes, you should cancel that or not do that. I'm like,

'No. You have no idea. This is the nucleus of what we do. This is our storefront.
This is how we connect with the volunteers with the women and mothers and
with the prison. This is where it all happens. And out of this, all these
possibilities.' (Mel, Leader of PACE Art Nights)

In Mel's opinion the small programs are just as important as the larger ones. Arts nights, for

example, are cathartic because mothers create items with their children in mind. Mel surmises

that art nights "keep women on track until release" (Mel, Leader of PACE Art Nights).

PACE is one example of how non-core funding models impact the dynamics of program

capacity by either stabilizing or de-stabilizing a set of services for incarcerated mothers. Non-

core funding involves tentative funding cycles that place constraints on organizational objectives

by cancelling or diluting services, de-prioritizing direct client service work. Social justice

agencies are compelled to re-strategize and deploy contingency plans to augment gaps in

funding.

A tapestry of patchwork funding. The agencies in this study rely on patchwork funding

to grow and survive. Unlike large international NGOs and government agencies that receive

batch funding, a large monetary allocation downloaded to an agency to re-allocate at its own

discretion, local organizations draw from a portfolio of mixed donors. These donors are

provincial ministries, service clubs, and charitable foundations, which provide state or non-state

contracts, subsidies, and grants. Donors are solicited through fundraising initiatives at the local

and national level, headed by fundraising or development committees. The proceeds are

allocated to a range of services under the mother-child program and pay for children's basic

necessities (e.g., diapers, formula, clothing, and special diet) or to subsidize childcare costs. If

provided through a large philanthropic organization such as The United Way, a transparency and

impact assessment component is built-in to the terms of the donation. Transparency and impact

assessments are required when a donation is substantial (upwards of $10,000 or more). It is

uncommon, however, for smaller philanthropic agencies and service clubs to ask for

transparency or impact assessments because the donation is smaller (e.g., $2000-$4000). The

smaller service clubs operate upon the principle of good faith because the assumption is that the

money is well spent.

The expansion of patchwork funding is, arguably, the result of a widespread decline in

social welfare services across a broad range of areas such as health care for the elderly and

disease prevention (Alexander, 1997; Collins, Koplan, & Marks, 2009) and anti-poverty

initiatives (van Laere & de Wit, 2009). Used to fill monetary gaps within the social welfare

system, patchwork funding is constructed as the solution to economic market failure.

Consequently, patchwork funding runs counter to the sustainability ideology of community-

based organizations (Webb, 2005, citing Torjman & Levitan-Reid, 2003).[42]

In this study, patchwork funding requires fervent fundraising to sustain programs and

services, off-setting organizational balance. Across the board, the task of fundraising was

described as the least pleasant aspect of the job.

> It was about me learning the job. A part of my job is to also fundraise because we are too
> small an organization to have anybody who does that work. It is not at all what I like to
> do, and it is not why I do the work. So, it is not a skill I really had coming into this, nor
> understand, nor even cared to develop all that much other than it is my job. (Kelly, PACE
> Program Director)

For Kelly, fundraising does little in the way of enhancing her professional skillset. Rather, it

generates conflicting emotions.

> It [fundraising] competed with working with the women and doing the stuff with the
> volunteers. So, you had this constant tension between a mother in crisis and meeting her
> needs and the funding proposal that's due. They're very divergent skills and abilities and

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[42] For example, in the area of local economic development, a shift towards local governance in Canada that is founded on global service economies has eroded away social services intended to tackle issues of unemployment. While there is a greater awareness of the role of the local efforts to make its citizenry more responsible and self-sufficient, neoliberalism, it is argued, has only further exacerbated the level of inequalities between groups (Webb, 2005, citing Torjman & Levitan-Reid, 2003).

often it felt very competitive. It is very difficult to be in a position where you are asking for money and basically it is to fund your own position and that sense of self-serving-ness is hard to escape. (Kelly, PACE Program Director)

Kelly expresses tensions born from having to make an uncomfortable choice. Fundraising is a form of purposeful citizen participation upheld by a community- empowerment, social justice philosophy (Adamson, 2010). It is also fundamentally connected to the marketing and promotion of the agency. Without sufficient financial and operational capacity, smaller, less reputable agencies cannot demonstrate legitimacy or credibility (Corcoran & Hucklesby, 2013).

The smaller, the better. Counterintuitively, the instability of patchwork funding lends itself to greater organizational credibility and long-term survival. Patchwork funding provides a "good housekeeping" seal of approval, which functions as organizational currency in the third sector (Butterfield, 2001, p. 44). Drawing from Kelly's experience in women's programming at PACE, it is gestured that patchwork funding frameworks improve third sector credibility in the eyes of the penal voluntary sector. I use the case example of PACE to illustrate my point.

PACE is a local non-profit social justice organization dedicated to women's reintegration. PACE has operated for forty years and offers reintegration support through a variety of workshops and healing circles. The non-profit has a total of eight programs dedicated to four key areas: conflict resolution (e.g., family mediation services and victims of sexual trauma), assistance for child welfare families, and reintegration support for women offenders (e.g., healing circles, art therapy, skills development workshops, and community education). Reintegration support includes an institutional in-reach art therapy program called STAR that hosts art nights for federally incarcerated women. The various initiatives are funded through state grants and in-kind donations from large and small philanthropic organizations.

A tapestry of donors is advantageous for a number of reasons. Kelly's statement below explains how patchwork funding produces organizational credibility and autonomy.

> One of the things when looking back is had we been fully funded our organization would have a hugely different relationship with the prison because we would've been funded to go in and do this work immediately. Because of bureaucracy, because of the time it takes to build the reputation and all those kinds of things when you are not fully funded, we wouldn't have had time to build relationships. It would've been, we need to get in there because we owe our funders some explanation as to what we're doing, right? (Kelly, PACE)

Kelly attests to the benefits of patchwork funding. In her experience, organizations that have received substantial grants and start-up money typically collapse because of an underdeveloped structure, and a lack of contingency and long-term planning. Moreover, substantial or full funding is frequently bound by quotas systems.

> Depending on who the funder is, if they set the terms, many times those terms are meaningless to us and irrelevant to what we are doing but we have to abide by them anyway in whatever capacity we can. Otherwise, we risk losing more money and clients. It could be anything to do with staff, clientele, changes to programs and eligibility or the way we measure impact. (Marjory, Executive Director PACE)

For Kelly, it comes down to a maintaining resiliency in a tough market sector but also building partnerships to last.

> I think when you are fully funded you have an experience that is more at odds, but we got to a place where CSC saw the value of what we did. They liked the work and they knew what it was. Because of that we have much more of a partnership as opposed to 'you owe us coming in here' and us demanding to be in there because we had to be in there in order to get the numbers that said we were doing the work. We just don't have the same adversarial nature that some of the other organizations have with CSC. (Kelly, PACE)

From what Kelly observes, full funding expedites access to a client population but rarely produces trusting partnerships and organizational longevity. Thus, in certain cases, smaller is better. Kelly's point was corroborated by the other agencies within this study.

Thus far, the evidence reveals that patchwork funding frameworks, as they are deployed under non-core funding models, undermine direct frontline client service work and long-term

program continuity. Paradoxically, the local organizations that participated in this study assert that despite this competitiveness, patchwork formulas lend themselves to legitimacy and credibility. Patchwork models allow local community-based organizations to remain visible in the penal voluntary sector and survive a competitive market. Presumably, core funding would result in bigger and better programming, however, it appears that these agencies are working towards the broader goal of enhancing their community profile. Thus, interestingly, organizational profile becomes a means to an end. This particular finding highlights the dangerousness of neoliberalism when philanthropic organizations demonstrate such degrees of aversiveness to performance metrics even when it means that they have to turn down larger donations and grants which would allow for greater program stability. What the findings seem to suggest is that each of the organizations in this study are competing in a race to the bottom, producing a veneer of client support for mothers and families.

Summary

Reflecting back on the statement made by Marjory, "[i]t's always been our survival and then managing crises around the change," this chapter has investigated the suitability of funding models and the impacts on the dynamics of punishment. In this chapter, I highlighted how CRFs and social justice agencies navigate precipitous funding and manage the effects on direct client service work. Additionally, I investigated how CRFs and social justice agencies augment services to incarcerated mothers and their children through resource-sharing practices. Similarly, both groups operate according to the norm of beg and borrow and resource-sharing becomes a strategy to mitigate service shortages at the community-level. The main argument driving this

analysis is that state funding, through per-diem fee systems, deprioritizes the maternal relationship and dehumanizes the reintegrative process.

Key findings from this chapter highlight the following implications of state, quasi-state, and non-state funding on mother-child programs and local community-based organizations. Non-core funded programs, those unfunded by CSC, are designated as non-essential to the goals and overall operation of the correctional system and therefore are susceptible to cancellation and turbulent funding cycles. While most local agencies maintain that a three-year funding cycle would provide enough support and stability to reintegration services, unfortunately, many programs in this study are now relegated to one-year funding cycles. This requires local organizations to conduct a complete program overhaul, re-directing organizational work towards soliciting additional sponsors to ensure program continuity and overall organizational survival.

Solicitation of sponsors requires extensive time for grant writing and developing fundraising initiatives in the community which detracts from direct client service work. Erratic funding also increases the lack of standardization of the mother-child program across Canada. While one program may be fully funded to provide transitional housing and programs to mother and child, with sufficient staff time, another program may be completely un-funded and is forced to operate informally. A lack of total funding results in a loss of program continuity, leaving clients without supports. Non-core funded programs are also exempt from batch funding which is a large allotment of money from the government that is dispersed to different departments and services discretionally. Instead, non-core funded programs use a patchwork framework that solicits from a variety of contributor pockets to support mother-child programs. Ironically, patchwork funding was said to afford organizational credibility and currency in the third sector.

One of the greatest illustrations of the competitiveness that non-core state funding produces is the per-diem fee system. Community residential facilities and community programs receive a per-diem for each client they receive. Unfortunately, the current use of per-diem systems to subsidize women preclude mothers with children. Per-diems are particularly troublesome because the system creates rivalry between local agencies. Second, per-diems create a hierarchy wherein certain client types yield a greater financial return for the house even though those client groups are viewed as higher risk, less self-regulated, and require more specialized personnel. Moreover, the collapse of APR generates fewer clients for CRFs and local programs. With fewer women granted parole, CRF staff and service providers are compelled to accept riskier clients out of desperation for revenue. As an indirect result, children are not accommodated. The prioritization of more profitable clients, as an outcome of inadequate state funding de-humanizes the reintegration process by producing ideal client types or what is described by the local actors when referencing prospective clients as a matter of quantity over quality.

Taken together, this analysis signals how mother-child programs resemble a perk as opposed to a fundamental component of women's rehabilitation. While other programs such as anger management counselling are integrated into rehabilitative services and sustained through stable funding, the mother-child program remains tentatively available to women and their children.

The results of this chapter add to the rapidly expanding field of third sector research by substantiating theorizations with solid empirical evidence and broadening the scope of analysis. In particular, the findings reported here shed light on how community-based organizations negotiate feminist logics with bureaucratic objectives when long-term survival is prioritized over

short-term goals of service provision. The present study has gone some way towards enhancing our understanding of how less visible community-based organizations sustain themselves in a precarious market niche, extending current theorizations of the third sector as confirmed in the works of Alvarez (2009) and Tomczak (2016).

The preceding findings chapters have explored how the incarcerated mother is governed through the abstraction of the community-mom and "best interest" standard. Moreover, I have examined the suitability of varying funding models and the intermediary role of CRFs that work in partnership with CSC. I also investigated the advantages and disadvantages of patchwork funding.

In the final chapter, I offer a summary of the findings from chapters four, five, and six, and a discussion of the limitations of this study. Recommendations for future research on the mother-child program is also provided.

<center>**Chapter Seven**</center>

<center>**Concluding Remarks**</center>

This dissertation explores the ways in which carceral and community practices pertaining to Canada's federal mother-child program contribute to the production and reproduction of normative expectations of motherhood through which criminalized mothers are governed both in prison and in the community. This research is situated within the critical and socio-legal developments within the discipline of criminology to investigate how motherhood is problematized by state and local actors; to examine the oppressiveness of neoliberal rationalities that aim to re-shape the maternal incarcerated subject; and, to identify how the program generates new modes of exclusion.

Each of the three findings chapters were developed according to separate guiding research questions and major themes that emerged throughout the research process: the mobilization of the "best interests of the child" standard to regulate the criminalized mother; the chimera of community and governance of criminalized mothers according to correctional mandates while in the community through the community-mom identity category; and, the suitability of state, quasi-state, and non-state funding models which shape the program. The following is a brief summary of the main findings based on data derived from depth interviews, direct observation of mother-child units at the institutional and community-level, and textual analysis of international and government reports.

Chapter Summary

In chapter two, I provide a social portrait of criminalized mothers based on a consolidation of demographic and criminological data. The aim of this chapter was to

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demonstrate how knowledges produced about the incarcerated mother frame her as victim-subject or empowerable through the maternal bond. I delineate the major themes presented in evaluative research studies that promote the program as beneficial on the grounds that the program mitigates the deleterious effects of maternal separation on child development and diminish the pains of imprisonment by reducing parental anxiety. More broadly, the objective of this chapter was to highlight how a consistent set of narratives are deployed to rationalize the benefits of the program for women and children.

Chapter three provided a genealogy of the program, mapping its trajectory across Canada's penal landscape. From its inception, shifts in logic, conflicting objectives, and diverse interpretive frameworks around "what women need" have crippled the program's full articulation. Part of this crippling can be attributed to how the program, at its foundation, ascribes to the tenets of Attachment Theory. As critics point out, Attachment Theory subjugates women because it is rooted in conservatism that directly conflict with progressive feminist logic. Ironically, however, feminist groups draw from Attachment Theory to promote the program. To complicate matters, an emergence of a children's rights discourse that competes with parental rights, a lack of historical documentation to inform best practices, and increased static security measures over the last two decades, has diluted the original objective of the program. Together, the adoption of global logics that affirm the legal and human rights of children combined with "tough on crime" policies have resulted in further ambiguity around what constitutes "the best interests of the child."

In chapter four, I investigated how the incarcerated mother is governed through the "best interests of the child." Based on the findings uncovered, I argued that the incarcerated mother and child are deprioritized as a result of the bureaucratization of the standard, and political turf

wars. I substantiated this argument through an investigation of CPSs role within the candidacy process. In addition, legislative timelines, lags in mental health assessment, and differences in the operationalization of permanency are just a few of the challenges that raise uncertainty for CPS around eligibility.

The findings from this analysis also support the following conclusions regarding the re-articulation of the "best interest" standard in practice between state agencies.

For one, CPS is less actuarial in their assessment of candidates in terms of risk. There exists a clear divide between CSCs risk profile that is primarily preoccupied with the assessment of dangerousness and CPS wanting to better understand the client by including a range of factors in their evaluation. Moreover, the candidacy process for determining eligibility is a tool to measure inter-agency congruency, deprioritizing the selection process of applicants. Both CSC and CPS are preoccupied with trying to determine whether the partnership will work. Consequently, the candidacy process, which includes vetting becomes another bureaucratic feature that detracts from the original objective of applicant selection.

Protection services have also raised concerns around the restrictiveness of the program as demonstrated through parallel planning. The matter becomes fundamentally connected to differences in organizational approach to the question of risk and CPSs operationalization of the "best interest" standard. Again, CSC is concerned with risk classification and levels of dangerousness, while CPS is primarily focused on the question of can she parent? Hence, CPS is uncomfortable with how the parameters of the candidacy process have been defined from the very start of the program's development. This uneasiness has prompted CPS to secure alternate child placement through parallel plans at the beginning stages to ensure that the principles of permanency and best interests are upheld. Clearly, a broader conclusion can be drawn from what

we have learned throughout this analysis. State power is not totalitarian. Government agencies have diverse interests and standards of practice that conflict.

Following the analysis of the best interest standard, in chapter five I explored how the incarcerated mother is governed through the construct of community. I argued that community is in many ways a chimera because it conceals the structures of oppression that criminalized mothers face in their day-to-day lives. To demonstrate this, I examined the intersection of community, motherhood, incarceration, and mobility. The findings revealed that even though the community is envisioned as a free space, it acts as both a site and an agent of oppression and stigmatization. Stringent residency restrictions, a lack of affordable safe housing, barriers to transportation and childcare, and a criminal record constrains the criminalized mother's capacity to parent.

As an ancillary to the main argument, I posited that deployment of the community-mom category, as an aspiration, overlooks women's lived experience of managing criminalization and motherhood. While the mothers in this study responded with ambivalence and suspicion, the category remains entrenched in mother-child discourse. In this section, to contextualize my discussion of the community-mom, I drew from contemporary scholars within the areas of post-structural, postcolonial, and postmodern feminism, Judith Butler (1990) Cecil Jackson (1998), Chandra Mohanty (1991) and Andrea O'Reilly (2004, 2006), to explore how categorization side-steps women's diversity.

The community-mom category is born from a social work perspective and maxim "women don't belong to prison, they belong to communities" (Institutional Mother-Child Program Coordinator). From a state and local perspective, the community provides a sense of connection and access to social networks. Through connection and networking, she can reclaim

her maternal identity, engage as a community member, not a prisoner, and become a law-abiding citizen. The category is intended as an aspiration to inspire a feeling of personal empowerment through communal belonging and motherhood.

Unfortunately, the assumption of belonging is called into question when juxtaposed with the narratives of the mothers participating in this study. Research on the relationship between ideas of connection and home is predominantly addressed in diasporic studies but overlooked in the sociology of punishment. Albeit a small sample, the findings from interviews with criminalized mothers align with contemporary feminist critiques in that categorization oppresses women by ignoring lived experience. Furthermore, categorization imparts unrealistic expectations of motherhood. Thus, the deployment of the community-mom category denies the heterogeneity of the female offender. Furthermore, the categorization denotes the re-distribution of power to the local level as part of a *responsibilization* strategy where mothers engage in their own refashioning. Community and gendered discourses, thus, promote techniques to foster citizenship but constrain identity at the same time.

In the last findings chapter, I discuss the suitability of funding models and their impact on the dynamics of punishment. Throughout interviews with local service provider staff, the most common charge against the state was its failure to provide adequate material support to women's reintegration programming. The chapter compared and contrasted views on core and non-core funding models from a non-profit standpoint. Core funded programs were often described as impervious to scrutiny and cutbacks, therefore, stable. Contrastingly, non-core funded programs were defined as tenuous, often interrupted by significant reductions in funding mid-way through a three-year funding cycle.

The mother-child program, which is classified as a non-core funded program at the state and local level, relies on a system of per-diems, which are perceived as acrimonious; efficient for the state yet exclusionary to mothers on release with children in their custody. Despite an emphasis on continuity in policy, beds at community residential facilities are prioritized for women, not mother-child participants specifically. A limited number of CRFs dedicated to female offenders, constrained funding, and evolving client needs collectively reduce the potential for children to reside at the house. These factors also contribute to an environment where non-profit organizations are at odds with one another because of competition for funding, forcing them to focus on survival rather than direct client service work. Unfortunately, unlike other industries, the penal voluntary sector is simply not privy to the benefits of the extension of free markets.

Interestingly, local non-profits that provide services under the auspices of the mother-child program commented on the benefits of patchwork funding. Presumably, core funding would generate "bigger and better" programs; however, it is in their experience that non-core funding, which deploys a patchwork model, raises long-term legitimacy and credibility. Through a gradual accumulation of prominent state and local funding partners over the years, these organizations can outlast the ups and downs of precipitous funding.

Broader Conclusions

This empirical and theoretical study revolves around three core thematic areas: the "best interests of the child," the chimera of community, and funding models. This work considers the ways in which these three overarching themes impact the everyday experiences of criminalized mothers. Further to this, my research has examined the different modalities of governance to

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show how state and local discourses formulate knowledge about the criminalized mother and claim authority over how they should be interpreted and managed.

Several broader conclusions can be made from the findings of this research. First, I argue that the mother-child program is part of the reproduction of the prison wherein correctional logic is embedded and sustained. It only stands to reason that if an incarcerated mother can bring her child into an institutional setting given the volatility, then she should be allowed to serve her sentence in the community with her children in her care. Thus, I argue that the MCP is a strategy to justify the existence of the prison, offering little in the way of "women-centeredness" as it is promoted in policy and by its supporters.

Secondly, this study calls into question the Marxian notion of a unified state. The "state" – as a single governing body, is often narrowly understood as a central actor. Based on an overview of the evidence, however, the clashes between CSC, CPS, and community service agencies demonstrate how power is layered and fragmented. There are clear divergences between the various modes of punishment and regulation at the local and systems-level, and in addition, diverse interpretations of the problem of motherhood. I have contrasted the dominant discourses and actions of CSC and CPS to highlight these divergences and the destabilisation of the program. Essentially, the findings draw our eye to the expansiveness of state control as it includes a variety of diverse actors and the diffusion and gendering of power across different spectrums.

Third, I illuminate how the community is marketized by the state and local agencies although ripe with contradictions. The marketization of the community is part of a neoliberal shift that breaks the monopolization by state agencies to address the "crime problem" by outsourcing services and programs to local grassroots organizations. However, we see a shift

from a focus on the delivery of services towards a supply and demand market logic which is evidenced in the defunding of local programs and services and the competition for per diems. While the community is imagined to provide the necessary foundation to adequately service the needs of mothers and their children, the experiences recounted herein suggest that the community is wrought with complexities and hardships due to poor funding and lack of political support for women's reintegration. Mothers continue to experience the constraints of criminalization through parole conditions and even when they are on full release.

Fourth, the findings illuminate how the program is disincentivizing to incarcerated mothers. As illustrated, program participants will be subjected to both formal and informal rules and standards, resulting in their enhanced scrutiny, monitoring and regulation in comparison to non-participants. For example, the deployment of parental agreements to invoke the case review process is a potential deterrent for future applicants because there is a lack of fair recourse to defend against child abuse allegations. Altogether, unfettered discretionary power of CSC, competing demands and unrealistic expectations, subjective interpretations of parenting behavior by staff and housemates, discourage mothers from applying to the program.

Limitations

There are a few limitations to this research. This study is a first step towards understanding how incarcerated mothers are governed under mother-child programs, and more importantly, how they are governed through community and the "best interests of the child." Unfortunately, this study is unable to draw any generalized conclusions about the program. Due to issues of feasibility and geographic location, I could not travel to each institution to observe MCUs or to conduct depth interviews with all those involved in the provision of services at the

community level. As aforementioned, it is difficult to assess the status of the program nationally because each program varies according to the region and comes in various forms. Furthermore, the number of community criminal justice partnerships involved in service provision is quite extensive although, ironically, at the same time characteristically piecemeal. The ability to provide an exhaustive account of CSC and local partnerships within this nexus is a task too great given the constraints of doctoral research.

Another limitation of the study was that I was unable to fully immerse myself in the daily life of incarcerated and paroled mothers. This would have required an extensive amount of time and a far lengthier ethics approval process from CSC-NHQ in Ottawa, Ontario. Despite earnest attempts to solicit interest in participation, only a small sample of women agreed to participate. I am eternally grateful to those women who came forward and offered their time and energy to this study.

On the Matter of Indigeneity

> *The agency is so thrilled because of course we are working with women that are oppressed, in an institution and I'm working with the Aboriginal women that are anti, anti-oppressed; being in an institution and being Aboriginal. It's a huge, huge thing.* (Terry, Senior Manager for Child Protection Services).

Foreshadowed in the introduction of this study, I acknowledged that Indigeneity would be insufficiently addressed unless a separate study was conducted. This is not an attempt to gloss over the effects of colonialism, displacement, and residential schools on the lives of Aboriginal women, but rather a conscious decision to address this independently from the rest of the work, as it is complex and multi-layered. From the beginning, I understood that the mother-child program would look and feel different for Aboriginal mothers. Their experiences are shaped by a historical legacy of discrimination that includes a system of Indian Residential Schools (1876-

1996), a torrid relationship with child welfare, as observed in the "Sixties Scoop" controversy, and the over-representation of Aboriginal women in federal and provincial institutions. Relegating the topic to a cursory note within the dissertation, would not do the topic justice.

Building a picture of the current crisis facing Aboriginal groups in Canada is imperative in order to appreciate what it means to be an incarcerated Aboriginal woman. Statistics produce a disturbing picture. Forty-eight percent of children residing in foster care placements are Aboriginal and the majority of those children have incarcerated mothers (Statistics Canada, 2011). Further to this, 21 percent of Aboriginal families live below Canada's poverty line. Minimal access to education and employment are two major factors that are pathways into crime. Aboriginal women are also more likely to receive maximum sentences and are denied non-custodial sentencing alternatives, compared to their non-Aboriginal counterparts. For example, only 17% of Aboriginal women, compared to 62% of non-Aboriginal women, are granted community supervision orders (*The Wesley Report*, 2012). How mother-child programming, as it includes the role of child welfare in eligibility terminations and child custody planning, intends to redress these particular issues remains unclear. There is some evidence, however, that from a child welfare perspective, change is happening within social work practice.

Recognition of the inequities that face Aboriginal mothers has led to the adoption of anti-oppression frameworks by child welfare agencies. An anti-oppression framework is an emerging paradigm that informs a set of social work practices that aim to address structural inequality in light of the perceived destructiveness of child welfare and criminal justice systems. Within the context of the mother-child program, the goal of an anti-oppression framework is to move away from traditional apprehension models and create specialized plans of care to reduce the number of Aboriginal children placed in foster care to families of non-Aboriginal origin.

In terms of eligibility for program candidacy, child welfare protocol for approving an applicant remains the same regardless of whether the candidate is Aboriginal or non-Aboriginal. In cases, however, where the applicant is denied the residency component of the program, determinations of custody follow a separate route that operates outside the conventional boundaries of the courts and Ministry.

Whether an Aboriginal woman is returning to her community via Section 84 of the CCRA or through another form of conditional release (i.e., Section 81), the Institutional Parole Officer collaborates with the Aboriginal Community Development Officer (ACDO), the Aboriginal Liaison Officer (ALO community and/or institutional), as well as the destination Parole Office to develop a community-based release plan that will use resources offered by the Aboriginal community to develop a support structure for the woman and her child(ren). This includes the right of the mother to ask for a customary care agreement.

A customary care agreement is a child placement plan that is developed collaboratively with the band council, protection services, and the client to determine where and with whom the child is going to be placed.[43] This type of agreement is unlike a temporary care agreement of the past (i.e., the temporary placement of a child in the foster care system until a decision regarding permanent custody is established) or a court-ordered care agreement (i.e., a mandated placement by the courts). The obvious benefit of a temporary care agreement is that it eliminates disruption to the child's life as a result of multiple placements in and out of the foster care system.

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[43] Section 84 (in effect 2010/08/19) of the CCRA provides a framework outlining the objectives, roles and responsibilities of the case management team when Aboriginal offenders apply for release into a joint CSC and band approved Aboriginal community. Section 81 has guidelines for the transfer of Aboriginal offenders from CSC to Section 81 facilities, also known as Healing Lodges.

In addition to alternative custody agreements, there are auxiliary programs. One of these auxiliaries is called the Aboriginal North Star Program that is designed to support ethno-specific approaches and cultural understandings around childbirth and parenting practices within First Nations communities. North Star was established by the Aboriginal Legal Council of Toronto and facilitates a talking circle between the incarcerated mother, correctional staff, a protection services representative, and the designated case manager. Teleconferencing is also an option for fathers and other family members to participate in the circle, provided they do not have a substantial criminal record or have been declared unfit by protection services in the past. Under North Star, decisions regarding the placement of the child, if the mother is not granted entry into the residency component of the mother-child, program are made in accordance with *Child and Family Services Act and the Indian Act.*

We must question whether the adoption of anti-oppression frameworks, as an ethnocultural approach to understanding the perils of Aboriginal mothers, are sufficient enough to combat what critical scholars deem is an entrenched "institutional logic of whiteness" (Ahmed, 2007, 2012; Ramsay 2016; Stanford & Taylor, 2013). Critics of child welfare have characterized the system as a regime that espouses normative values that result in systemic discrimination against Aboriginal mothers (Flynn, 2017). Constructed as "bad moms" coming from dysfunctional family backgrounds, Aboriginal mothers are faulted for their failure to subscribe to white, middle-class norms. The pervasive "failed mom" discourse is, arguably, reflective of the dominant ideologies of motherhood that are historically and culturally specific. This derogatory category precludes an understanding of the material conditions that give rise to inequality and oppression. Thus, mother-blaming by child welfare and family courts becomes

culturally and racially contextualized, obscuring root problems associated with the colonization

of Aboriginal groups (Kline, 1993; Baldry & Cuneen, 2014; Brown, 2005; Grande, 2003).

Despite the adoption of the anti-oppression framework to enhance custodial placement

alternatives for Aboriginal mothers, there are structural barriers that prevent Aboriginal mothers

from fully participating in the residency component of the program. The politics of exclusion, I

contend, are at-play more than ever. Taking a step back, *The Wesley Report* of 2012 raised three

key issues related to the uptake of the mother-child program by Aboriginal mothers.[44] First, it

was noted that it was foreseeable that Aboriginal mothers would be significantly

underrepresented in the program because of a deep history of mistrust of the child welfare

system. Second, the majority of Aboriginal mothers would be automatically disqualified from the

residency component of the program because they are disproportionately sentenced for violent

offences and deemed too risky to mother. Altogether, if we combine the issues of over-

representation of Aboriginal women in maximum security placements with a lack of alternative

sentencing measures to divert Aboriginal mothers out of prisons, we can see how Aboriginal

mothers are more likely to remain incarcerated but denied access to the program (Blanchette &

Wichmann, 2002, Blanchette, 2007; Miller, 2017).

Although anti-oppression is constitutive of a seemingly progressive campaign by CSC

and child welfare to right a historical wrong, to what extent an anti-oppression model is able to

remedy years of systemic discrimination remains uncertain. Alternative custodial placement

strategies, such as the Aboriginal North Star Program, for Aboriginal mothers are perhaps a step

in the right direction, but less than ideal. I leave off this note with a question posed by the

authors of *Incarcerated Mothers: Oppression and Resistance*, "are we trying to re-build culture

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[44] *The Wesley Report* of 2012 is entitled, "*Marginalized: The Aboriginal Women's Experience in Federal corrections"* (Public Safety Canada, 2012).

in the wrong place" (Aljdupovic, Mitchell, Curtis, Bromwich, Granger-Brown, Arseneau, & Fry, 2013)?

Recommendations for Future Research

This dissertation was by no means an exhaustive study of mother-child programs. Here are the following ways in which the study of mother-child programs could be extended and improved depending on one's theoretical and methodological orientation.

First, I would enlarge the scope of the study by conducting cross-regional comparative studies between local level organizations within the non-profit grassroots sector, acknowledging and detailing the regional diversity of the Canadian landscape—economically, politically, and culturally. Along with cross-regional examinations of local level organizations, one could conduct a comparative study of each institution to capture program capacity, observe the physical setting, and interview prison management and program coordinators. Taking a closer look at the role of child welfare agencies across the provinces would also be beneficial to gain greater insight into how different agencies manage and interpret their responsibilities. Only three child welfare agencies were available for participation in this particular study and each operated according to a family preservation model and anti-oppression framework in determining candidacy and child custody placement. It was brought to my attention that there are many child protection agencies that continue to prioritize a traditional child apprehension model.

Second, increasing the sample size of incarcerated mothers in order to enhance the scope and breadth of narratives is recommended. The voices of incarcerated and criminalized mothers are fundamentally germane to this type of reintegration research. Bearing in mind the need to recognize diversity, it would be advantageous to include accounts from mothers who are

uninterested in participation either through in-depth interviews or self-reports. Interestingly, it was anecdotally communicated that not all mothers are receptive to the idea of the program for different reasons: they would rather complete their sentence and deal with their conditions before resuming their role as mother; they want to avoid burdening their children by further disrupting their lives; they are of the view that the prison environment is not ideal for children; or, they acknowledge that they do not have the capacity or strength to mother at the time. Further enhancing the size of this specific participant group would advance our understanding of women's lived experience within the context of incarceration and draw greater attention to the motivations around the decision to participate and or the decision not to participate.

Third, research would be enhanced through an in-depth investigation of the less developed areas within this study such as chaplaincy services that provide faith-based healing. Additionally, one could explore further how the federal mother-child program has been adopted in terms of programs and services at provincial facilities. Sentence length and size of the remand population are significant factors to consider that would generate logistical challenges to the program and require modifications that are unique to a provincial setting. To date, I have yet to locate a single research study that exclusively conducts a provincial-level analysis in spite of clear evidence that shows a move towards incorporating a mother-child programs component at the provincial level.

Fourth, funding represents another potential area of further research because it is both complex and understudied. The lack of funding from the state, as a contributing factor in the current depletion of resources at the local level, remains the 'Achilles heel' of the mother-child program as continuity is broken once a mother is released. In light of this fracture, perhaps a network analysis to identify nodes between state, quasi-state, and the third sector would be

valuable in understanding edges and linkages of funding flows and to tap into additional prospective sample participant groups that are less prominent within the community landscape or that are emerging as a new grassroots organization.

Last, longitudinal studies and self-reports would be useful to evaluate program outcomes in terms of effectiveness, recidivism and custody retention rates. Three to five-year studies to mark the trajectory of the program and the evolving landscape of the community-criminal justice nexus would provide a greater insight into the degree to which the program in theory *and* practice acts as a protective factor in mitigating recidivism and promotes (and sustains) family unification.

A Final Note

Admittedly, this study raises more questions than it answers regarding the conflicting logics surrounding Canada's institutional mother-child program. Western societies are on the cusp of a global penal crisis that is affecting millions of families. Mass incarceration is now part of a broader social program (Wacquant, 2010). A steady increase in incarceration rates is occurring across most developing countries and we bear witness to the erosion of social democratic systems, harsher punishments, the introduction of new criminal offence categories and flat sentencing procedures. How this has impacted gender-specific correctional programming and the governance of incarcerated mothers demands weightier reflection.

Statistics show that women are disproportionately imprisoned at higher rates than men resulting in an overall increase in maternal incarceration across the West. Correspondingly, mother-child programs are re-emerging as a formalized correctional state response to the problem of motherhood. What is apparent, based on the findings of this study and overview of

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critical literature, are that shifts in correctional policy are reflective of and are adaptations to radical macro-level changes happening across social, political, cultural and economic terrains.

Consequently, our gradual advancement into a neoliberal era means that civil society is fast becoming exclusionary and divisive to those groups that are constituted as the underclass. While on the surface gender-specific programs such as the mother-child program attempt to resolve those divides by redressing systemic barriers and encouraging empowerment through community and family unification, it is important to keep in mind that policies and programs, although often built on good intentions, may produce unintentional consequences for the groups the policies seek to help.

In light of this cautionary note, greater attention must be paid to non-criminal justice institutions that have failed women and mothers along the way. We must consider the role of the decline of education, economic and social welfare systems, and the changing dynamics of neighborhoods, and communities. We must also caution against sweeping assumptions that are embedded in ideological conservatisms that form the basis for women's correctional policies. The notions that all women, unequivocally, desire motherhood or that biology is a marker for affective attachments are misnomers. Such myths generate sets of false expectations.

Paraphrasing Carol Smart's (1995, 2002, 2013) "inescapable motherhood" thesis, scholars and politicians alike must attune to the manner in which legislation and policy are implicated in the lives of women and mothers, fortifying prescribed roles of womanhood and femininity. Moreover, it is also crucial to consider how the state positions the community as a vector to re-distribute the task of crime control. The community as a crime control logic becomes part of a radicalized solution to end the generational cycle of criminal offending but is also a technique to refashion deviant women according to traditional ideals.

While many may support the mother-child program and guiding maxim that "women don't belong to prisons, they belong to communities," the research speaks for itself; as a result of political turf wars, the bureaucratization of standards, and the regulation of mothers through abstractions, the incarcerated mother may not belong to prison but she may not belong to the community either. Thus, the journey into examining the complexities born from the relationship between the criminal justice and social welfare system in the context of this program remains an ongoing quest of discovery and reformulation.

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Appendices

Appendix A: Research Information Letter and Consent Form
Appendix B: Open-Ended Interview Schedules for Sample Participant Groups
Appendix C: 0954 Research Application and Undertaking

Appendix A: Research Information Letter and Consent Form

January 8th, 2015

Dear Potential Participant,

This letter is an invitation to consider participating in a study I am conducting as part of my doctoral degree in the Department of Sociology and Legal Studies at the University of Waterloo under the co-supervision of Dr. Rashmee Singh and Dr. Daniel O'Connor. I would like to provide you with more information about this project and what your involvement would entail if you decide to take part.

The number of women entering into the criminal justice system is increasing exponentially in North America. Coupled with this fact, women offenders are either pregnant at the time of sentencing and or have more than one child under the age of 18 living at home. In response, Canadian correctional facilities have at one time or another provided mother-child programs for women while in prison.

The purpose of this study is to investigate how mother-child programs operate. This project intends to focus on the socio-legal issues prisons must manage in order to protect the rights of mother, child, and society. At the crux of this research is an investigation of the types of services and programs offered to women and their children on and off-site and the contribution of external community agencies and organizations. This study intends to explore how prisons monitor mother's progress, assess risk, and control for certain challenges faced by mother and child at different phases in the program (s). This study concentrates on the logistical aspects of program implementation and is therefore non-evaluative.

Participation in this study is voluntary. It will involve an interview of approximately *one hour* in length to take place in a mutually agreed upon location. You may decline to answer any of the interview questions if you so wish. Further, you may decide to withdraw from this study at any time without any negative consequences by advising the researcher. With your permission, the interview will be audio recorded to facilitate collection of information, and later transcribed for analysis. All information you provide is considered completely confidential. Your name, position, or the name of your institution/organization will not appear in any thesis or report resulting from this study, however, with your permission anonymous quotations may be used. Data collected during this study will be retained for one year after the completion of this study and secured in a locked office. Only researchers associated with this project will have access. There are no known or anticipated risks to you as a participant in this study. Results from this study will be made available to all participants, upon completion of the study.

If you have any questions regarding this study or would like additional information to assist you in reaching a decision about participation, please contact me at clleroux@uwaterloo.ca. You may also contact my co-supervisors, Dr. Rashmee Singh, at 519-888-4567 ext. 33020 or by e-mail r78singh@uwaterloo.ca or Dr. Daniel O'Connor, at 519-888-4567 ext. 31366 or by e-mail daniel.oconnor@uwaterloo.ca. I would like to assure you that this study has been reviewed and received ethics clearance through a University of Waterloo Research Ethics Committee and

Correctional Service Canada. However, the final decision about participation is yours. If you have any comments or concerns resulting from your participation in this study, please contact Dr. Maureen Nummelin, the Director at the Office of Research Ethics at 1-519-888-4567 ext. 36005 or by e-mail at maureen.nummelin@uwaterloo.ca. hope that the results of my study will be of benefit to those organizations and institutions directly involved in the study, to female inmates in the correctional system and their children, as well as to the broader research community.

I very much look forward to speaking with you and thank you in advance for your assistance in this project.

Yours Sincerely,

Carlie L. Leroux
University of Waterloo
Department of Sociology and Legal Studies
PAS 2072
200 University Ave West
Waterloo, Ontario N2L 3G1

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CONSENT FORM

By signing this consent form, you are not waiving your legal rights or releasing the investigator(s) or involved institution(s) from their legal and professional responsibilities.

_____

I have read the information presented in the information letter about a study being conducted by Carlie Leroux, under the co-supervision of Dr. Rashmee Singh and Dr. Daniel O'Connor, of the Department of Sociology and Legal Studies at the University of Waterloo. I have had the opportunity to ask any questions related to this study, to receive satisfactory answers to my questions, and any additional details I wanted.

I am aware that I have the option of allowing my interview to be audio recorded to ensure an accurate recording of my responses.

I am also aware that excerpts from the interview may be included in the thesis and/or publications to come from this research, with the understanding that the quotations will be anonymous.

I was informed that I may withdraw my consent at any time without penalty by advising the researcher.

This project has been reviewed by and received ethics clearance through a University of Waterloo Research Ethics Committee. I was informed that if I have any comments or concerns resulting from my participation in this study, I may contact the Director, Office of Research Ethics at (519) 888-4567 ext. 36005.

With full knowledge of all foregoing, I agree, of my own free will, to participate in this study.

☐ YES ☐ NO

I agree to have my interview audio recorded.

☐ YES ☐ NO

I agree to the use of anonymous quotations in any thesis or publication that comes of this research.

☐ YES ☐ NO

Participant Name: _____ (Please print)

Participant Signature: _____

Witness Name: _____ (Please print)

Witness Signature: _____

Date: _____

Appendix B: Open-Ended Interview Schedules for Sample Participant Groups

Combined Interview Schedule for Institutional and Community-Based Organizations

A) Organization/Agency (for both NGOs and prisons)
What is the goal (s) of your agency/institutional program?
What is your role? What are your responsibilities? (to the organization) (to prison) (to women/children)
What is your educational/work background? (qualifications for the position)
How long have you worked with this agency/prison?
Have you noticed any changes in your organization's (or prison program) goals over the years with respect to the program?
How have these goals/practices changed over the years?
Why have these goals/practices changed, in your opinion?
Where does funding come from?
      How is it allocated?
          How is it managed?
              How is it maintained?
How is funding allocated?
How is your organization (prison program) structured in terms of decision-making power?
What is the future direction of the program?

B) Relationship to Prison (questions to community NGOs ONLY)

How did you become partnered with the prison?
How would you describe your organization's relationship with the prison?
What are the challenges when working with the prison?
How are these challenges resolved or managed?

C) Relationship to NGOs

How is a partnership created between the prison and the NGO?
How would you describe or characterize your relationship with the NGO (s)?
What are the challenges of such partnerships?
How are these challenges resolved or managed?

D) Reintegration (questions to prison and community NGOs)

How does your organization (prison) facilitate reintegration of women and their children? (questions to both NGOs and prison)
What are the functions of the (community/prison) programs?
What types of results are you looking for from your client, program (s), services?
What is a typical day at work for you like (at the prison/NGO)?
Can you provide an example of a success story or an unsuccessful story (case)?
Who are involved in the reintegration process?
Who supervises the reintegration?

What are the needs of mothers/children once reintegrated?
How are mother/child rights managed?
        a) How is consent addressed?
What happens in cases of non-compliance to (prison/community) programs?
What are the challenges of reintegration?
        a) From a legal perspective?
        b) For women and children?
        c) From an economic/social/cultural perspective?
How are the challenges managed?
        a) By the program (prison or community NGO)?
        b) By the mother/child?

Interview Schedule for Task Force (TFFSW) Members

How did you get involved in the *Creating Choices* Task Force? What was your role?
Are you still working in government / in this policy area?
How was the report developed?
What started the idea of creating such a report?
What were the goals of the report?
What were some of the challenges you faced?
What groups or individuals did you work with during this time?
Can you describe some of your relationships and interactions with the other members of the Task Force?
How did your colleagues on the Task Force get involved in the process?
Do you feel that the recommendations were successful?
What did you envision as the end result of this report?
What are the benefits of these types of reports/task forces?
What were the issues presented in the report that were most salient to you?
How relevant is this report to today's current situation with women in prison?

Interview Schedule for Child Protection Service (CPS) Agencies

How are mothers and children/families assisted by CPS that apply for residency in the program?
What are pre-natal referrals?
What is a "child protection risk assessment"?
What happens when the inmate is denied participation?
What types of custody or access plans are put in place for the mother to be with child?
What is the relationship to the institutional mother-child liaison at [name of institution]?
What do the different types of CPS recommendations entail (language, terms, types of decisions)?
What are the criteria for the applicant? How / under what circumstances would an applicant be disqualified from participation?
What are child protection record checks and why are they required/necessary?
Who makes determinations regarding eligibility?
What is involved in periodic visit by CPS? What is their purpose under the program?
    What is involved in discharge planning for mother and child?

What types of models do you adhere to in your determinations of eligibility?
    What is meant by the term "best interest of the child"?
    What are the challenges associated with the mother-child program from a child welfare perspective?
    What are your thoughts on the program and the ideology behind the program?

<u>Interview Schedule for Formally (Federal) Incarcerated Mothers</u>

What were you sentenced for?
How long were you sentenced for?
When were you released?
Were you placed on conditional release? If yes, what were the conditions?
How many children do you have?
    What are their ages?
What were some of the most difficult challenges during incarceration?
What were/are some of the most difficult challenges once released?
How are you feeling now that you are back into the community (with or without your children)?
What is a typical day for you?
What is your relationship like with your children and family at this point?
What do you think your future looks like?

Appendix C: 0954 Research Application and Undertaking

Correctional Service Canada — **Service correctionnel Canada**

NOTE: Reference document = CD009

RESEARCH APPLICATION AND UNDERTAKING	DEMANDE DE RENSEIGNEMENTS À DES FINS DE RECHERCHE ET ENGAGEMENTS CORRÉLATIFS	PUT AWAY ON FILE – CLASSER AU DOSSIER ADMINISTRATIVE OR OPERATIONAL FILE DOSSIER ADMINISTRATIF OU OPÉRATIONNEL ▶ Original = Research Branch Direction de la recherche

NOTE – See reverse for Terms and Conditions   NOTE – Voir les Modalités et conditions au verso

Date submitted
Date déposée ▶ _____
(YYYYAAAA/MM/DJ)

Research Project – Projet de recherche
Project Title □ Titre du projet

Project Description □ Description du projet

Type/Class of Information Requested – Type/catégorie des renseignements demandés

Primary Researcher – Chercheur principal

Name and title – Nom et titre	Operational unit – Unité opérationnel	Sector – Secteur	Region – Région
Address – Adresse		Telephone number – N° de téléphone	

Other Researchers – Autres chercheurs

1) Name and affiliation – Nom et affiliation	Telephone number – N° de téléphone
2) Name and affiliation – Nom et affiliation	Telephone number – N° de téléphone
3) Name and affiliation – Nom et affiliation	Telephone number – N° de téléphone

Approval – Approbation

Name of Primary Researcher Director (print) – Nom du Directeur du chercheur principal (lettres moulées)	Primary Researcher Director – Signature – Directeur du chercheur principal	Date (YYYYAAAA-MM-DJ)
Name of Director, Access to Information and Privacy (print) – Nom du Directeur de l'Accès à l'information et de la protection des renseignements personnels (lettres moulées)	Director, Access to Information and Privacy – Signature – Directeur de l'Accès à l'information et de la protection des renseignements personnels	Date (YYYYAAAA-MM-DJ)
Name of Director General Research (print) – Nom du Directeur général de la Recherche (lettres moulées)	Director General Research – Signature – Directeur général de la Recherche	Date (YYYYAAAA-MM-DJ)

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