


ORIGINAL RESEARCH:
EMPIRICAL RESEARCH - QUALITATIVE

Maternal incarceration in a provincial prison in Canada: A qualitative study

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Funding information

This study was supported by the Mi'kmaw Family Healing Centre in Truro, Nova Scotia. Funding source had no involvement in study design; in the collection, analysis and interpretation of data; in the writing of the report; or in the decision to submit the article for publication

Abstract

Aims: To explore the experiences of provincially incarcerated mothers in Nova Scotia, Canada; and to make recommendations with respect to improving the experiences of mothers facing criminalization and their children.

Design: This qualitative study is rooted in feminist standpoint theory, community-based research methodologies and prison abolition.

Methods: Mothers who were currently or previously incarcerated were recruited by community partners. Between Fall 2021 and Winter 2022, 14 individual interviews and one focus group were conducted, for a total of 18 study participants. Data were analysed collaboratively using thematic analysis.

Results: Three key themes were developed through the data analysis: *Maintaining Connection*, *Broken Bonds* and *The Damage*. Mothers shared experiences of trying to maintain connections with their children through numerous challenges, including emotional distress caused by the separation and significant logistical and financial barriers. Mothers felt their children unfairly bore the burden of their incarceration. They experienced a lack of or outright denial of services while incarcerated, and a lack of transitional support on release, making working towards parenting again difficult and discouraging.

Conclusion: For participants in our study, separation from their children during incarceration caused severe emotional distress and had serious implications on their right to parent and their relationships with their children. Incarceration for even brief periods has detrimental social impacts, and release planning does not prepare people for the challenges of repairing that damage. Conditions of maternal incarceration are in violation of international human rights laws.

Impact: Although we make some recommendations for reform (e.g. free phone calls), we focus on alternatives to incarceration for mothers experiencing criminalization. Findings will be shared with relevant institutional partners with the goal of impacting sentencing and incarceration practices.

KEYWORDS

maternal health services, maternal-child nursing, prisoners, prisons, reproductive health, reproductive rights

1 | INTRODUCTION

In the past decade, the number of women in prison globally has increased by 17% (Lenihan, 2020). The increasing incarceration of women has implications for reproductive justice as it separates children from their mothers and primary caregivers, restricts access to reproductive health care and exposes pregnant people to the physical and emotional risks of the prison environment (Shlafer, Hardeman, et al., 2019). In the U.S., an estimated 80% of women in jail are mothers (Bertram & Sawyer, 2021). Although there is a lack of Canadian data, a 2016 survey in an Ontario jail for women found 82% of respondents had ever been pregnant (Liauw et al., 2016). In Canada, women are the fastest growing prison population (Public Safety Canada, 2020). In the province of Nova Scotia, 15% of provincially incarcerated people are women (Department of Justice, 2019). Canadian feminist criminology scholars have critiqued how the prison system unfairly punishes women by interpreting gendered risks—such as histories of trauma and abuse—as threats to security, and incarceration exacerbates gendered social control over women's bodies, behaviours and relationships (Hannah-Moffat, 2005, 2009; Kilty, 2006).

The burden on incarcerated mothers and their families is marked by racism and colonialism. In the United States, the availability of gender and race disaggregated data varies across jurisdiction, and is scarce (Kajstura, 2019). As of 2019, Black women were incarcerated at a rate almost double that of White women (The Sentencing Project, 2020). Across Canada, Indigenous women make up 42% of the women admitted to provincial and territorial facilities (Malakieh, 2020). In Nova Scotia, where this study takes place, 5.7% of the general population identify as Indigenous (Statistics Canada, 2017) and 15% of women incarcerated in the province are Indigenous (Department of Justice, 2019). African Nova Scotians make up about 2% of the population in Nova Scotia, but 10%–11% of people in provincial custody (Department of Justice, 2019). Existing research highlights the detrimental impact of maternal incarceration on mothers, their children and their families (Wildeman et al., 2018).

Residential mother-child programs, sometimes called 'prison nurseries', are often touted as both a solution to the trauma of maternal-child separation through incarceration (CCPHE, 2015; Paynter, Jefferies, et al., 2020), and as conducive to reducing recidivism (Carlson, 2018). Scholars have found problems with these programs include exclusion of Indigenous women (Miller, 2017) and undermining of and punishment for prisoner approaches to motherhood (Haney, 2013). These programs are common globally, but scarce in North America (Warner, 2015). In the USA, there are nine states with mother-child programs (Schlaefler Riley, 2019). In Canada, there is only one provincial institution with a mother-child program. Newborn babies may reside with their mothers at the Alouette

Correctional Centre for Women in Maple Ridge, British Columbia, for their first year of life (Paynter, Bagg, et al., 2020). There has never been a formal evaluation of any aspect of the program. The program was closed from 2008 to 2014, and only relaunched after a successful constitutional challenge (*Inglis v BC*, 2013). Since it reopened there have been only a small number of participants.

In Nova Scotia, there is one provincial prison where most women are incarcerated, the Central Nova Scotia Correctional Facility (CNSCF), commonly known as 'Burnside' (Paynter, Bagg, et al., 2020). The facility has a larger men's unit and is co-located with a forensic hospital. The unit designated for women has 45 beds. On average, over 60% of people incarcerated in NS are remanded (held in custody before trial, conviction or sentencing). The median length of stay is 1 week (M. Furey, personal communication, 3 October 2018); for provincially sentenced people it is 40 days (Department of Justice, 2019). This is not long enough for any type of 'rehabilitation'. It is however long enough for severely negative impacts on employment, housing and custody of children. In 2015 survey of 59 people incarcerated at Central Nova Scotia Correctional Facility, nine people indicated their children were in foster care (Mucina & Mucina, 2021).

The province does not routinely collect reproductive health information about incarcerated people, including the numbers of children they have or numbers of prior pregnancies. A 2015 survey found only 8.8% of people incarcerated in the facility did not report having any children (Mucina & Mucina, 2021). Except in rare circumstances, mothers are not permitted contact visits with their children; if they have in-person visits, they are behind glass. Phone calls are prohibitively expensive (Donovan, 2017).

With the hopes of improving contact between provincially incarcerated mothers and their children, in spring 2019, the Nova Scotia Department of Justice (DOJ) hosted a consultation with community groups. Wellness Within: An Organization for Health and Justice (Wellness Within), a registered non-profit, has provided volunteer doula support to pregnant people incarcerated at Central Nova Scotia Correctional Facility since 2014. Wellness Within was invited to participate in this consultation process, along with transitional housing organizations, Department of Community Services, and Mi'kmaq organizations. At the consultation, Wellness Within raised concerns that mothers with lived experience had not been invited to the table. With funding from Mi'kmaq Family Healing Centre and agreement from DOJ, Wellness Within created a qualitative community-based research study to seek input from mothers who had been incarcerated in NS about their experiences and recommendations. This article describes the study.

The authors note that trans and non-binary people are incarcerated in the East Unit, and the research pertaining to the experiences of trans and non-binary parents in prisons in Canada and around the

world remains exceedingly sparse. One of the study participants identified as non-binary and as a mother. We use the language of mother in this paper.

2 | LEGAL BACKGROUND

In a global effort to recognize the unique needs of incarcerated women, the United Nations set out international Minimum Standards for the Treatment of Women Prisoners, known as the Bangkok Rules. Among many of the Bangkok rules pertain to children, Rule #2, the most pertinent, reads 'Prior to or on admission, women with caretaking responsibilities for children shall be permitted to make arrangements for those children, including the possibility of a reasonable suspension of detention, taking into account the best interests of the children' (United Nations, 2011, p. 8). The United Nations also sets international minimum standards for the treatment of children. The United Nations Convention on the Rights of the Child (UNCRC; United Nations, 1989) stipulates 'In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration'. Traumatic separation from primary caregivers is not in the best interests of children.

The Bangkok Rules are not easily enforced at country or state levels. In 2020, 10 years after the United Nations adopted the Bangkok Rules, a coalition of United Nations human rights experts called for the urgent implementation of the rules, stating that 'Ten years after their adoption, the global female prison population has increased significantly, and women in detention face even more hardship and risks to their human rights as the COVID-19 pandemic continues' (Bachelet et al., 2020). In a scan of both United Nations reporting and research in 55 countries, Van Hout et al. (2021) found 81 violations of the Bangkok Rules, and there was not a single country out of the 55 without at least one documented violation. The authors note that several countries, including Canada, where this study took place, are lacking in research and reporting on conditions for incarcerated women. A 2018 study of 97 written sentencing decisions across five provinces in Canada found not one instance where the rights of children or the Bangkok Rules were considered (Canadian Friends Service Committee, 2018). Unsurprisingly due to their limited and varied implementation, people incarcerated in prisons designated for women are often unaware of the Bangkok Rules, or the United Nations Convention on the Rights of the Child (Paynter, 2021).

Although difficult to accurately measure, global estimates put the number of children with an incarcerated parent or parents as at least several million (Penal Reform International, n.d.).

In the United States, which has the highest incarceration rate in the world (Gramlich, 2021), an estimated 1 in 14 children have experienced the incarceration of a parent that they lived with (Heard-Garris & Shlafer, 2020). In the European Union, approximately

800,000 children have an incarcerated parent (Children of Prisoners Europe, 2021). In Canada, where this study takes place, there are no statistics on the number of children affected by parental incarceration (Tan, 2019). Globally, there are limited statistics on how many children are affected by maternal incarceration specifically. There are no such statistics in Canada.

Much of the international research about the impact of parental incarceration on children is based in the United States. It is evident from this research that having an incarcerated parent has a life-long impact. Sundaresh et al. (2021) found that any childhood experience of family member incarceration leads to lower overall well-being as an adult, and a 2.6-year reduction in life expectancy compared with the general population. Children of an incarcerated parent have a greater likelihood of experiencing poor mental health and substance use issues than children without an incarcerated parent(s) (Wildeman et al., 2018). Maternal incarceration causes significant stress over loss of control, loss of custody and emotional trauma (Kates et al., 2008). A higher proportion of incarcerated women than men report being a parent, and half of incarcerated women lived with their children prior to arrest (Shlafer, Duwe, et al., 2019). The incarceration of a mother is therefore likely to have a more acute impact on a child's immediate home life than the incarceration of a father.

Research outside North America is consistent with these findings. In the United Kingdom, Beresford et al. (2020) found that maternal incarceration disrupts every aspect of a child's life, and that children with mothers involved in the criminal justice system at any level are highly stigmatized. A European Union-wide study found that children with an incarcerated parent report poor mental health, stigma, social isolation and a negative change in family dynamic both during and after the incarceration of a parent (Manby et al., 2014).

There is comparatively little research on the health experiences of incarcerated parents and their children in Canada, particularly for those in provincial institutions. Derkzen and Taylor (2013) describe how infrequently mothers in Canadian federal prisons receive visits from children, despite the strong perceived benefit for both. Parenting is one of the key concerns raised by women on remand (Jones et al., 2019). Knudsen (2019) characterizes the children of incarcerated parents in Canada as 'invisible', and this exclusion from policy serves three purposes:

First, children tend to be framed as instruments of their prisoner parents by systems that affect them including both prisons and prisoner rights organisations. Second, ignorance of the numbers and needs of children of prisoners, and lack of policy attention to them, serve the purpose of relieving the prison service of any responsibility for these children's well-being. Finally, the existence of children of prisoners are disruptive to punitive political ideologies, and their continued invisibility serves to minimize this disruption. (Knudsen, 2019, p. 178)

Although we can expect maternal incarceration to have similar negative consequences in Canada as it does in the United States and Europe, the contexts are not analogous. The United States, where the majority of existing research is from, has a distinct context, with massive prisons, an anomalous prevalence of incarceration, and the highest incarceration rate in the world (Poehlmann-Tynan & Turney, 2020). In the European Union, prison structure, regulations and conditions vary from country to country, making it difficult to draw direct comparisons from EU or UK wide studies.

In Nova Scotia, correctional services are governed by the Nova Scotia Corrections Act (Province of Nova Scotia, 2005). The legislation excludes consideration of the rights of children or the sexed and gendered needs of incarcerated women and mothers. The legislation only mentions 'child' once, and not in relation to the particular needs of a child. 'Mother' is not mentioned. 'Female' appears in three areas: Section 41, requiring 'females' be housed in separate spaces; Section 42, requiring female prisoners be supervised by female correctional officers; and Section 63, prohibiting male employees from searching female prisoners or female employees from searching male prisoners.

Child Protection Services in Nova Scotia is governed by the Children and Family Services Act (Province of Nova Scotia, 2020). Section 22 of the Act stipulates that a child is 'in need of protection services' (p. 17), and can be removed from the home, if the child is deemed by a Community Services worker to have experienced or be 'at substantial risk' of physical harm, sexual abuse, emotional abuse or most significantly, of neglect. Most child protection investigations are with respect to neglect (OACAS, 2015). Neglect implies malicious intention or incompetence, however for most families, neglect is a result of extreme poverty (Milner & Kelly, 2020). Poverty creates the risk of neglect. The incarceration of their mother's places children at risk of harm, and it is common for children to be placed in state care when their mother is admitted to custody, initiating involvement with Child Protection Services for months or years to come.

3 | THE STUDY

3.1 | Aims

The aims of our study are (1) to build a collaborative research team to support the design and execution of a relevant study with actionable recommendations from findings; (2) to explore the experiences of provincially incarcerated mothers in Nova Scotia; and (3) to offer recommendations to the Department of Justice with respect to improving the experiences of mothers facing criminalization and their children.

3.2 | Design

This study uses two theories to ground the research methods. The first is feminist standpoint theory, coined by Harding (1992), which

recognizes knowledge is subject to situatedness and demands research centre on how sex and gender impact experience and the impact of intersecting oppressions including racism, colonialism and poverty (Cabrera et al., 2020). Feminist standpoint theory requires researcher(s) examine the social structures, policies and laws shaping and constraining gendered (and raced and classed) experiences (Swigonski, 1994), and people experiencing marginalization to be brought into the research process to participate in knowledge production, resisting and shifting marginalization. This process is appropriate, given the community organizations involved in this project all centre women, trans and non-binary people in their visions and actions, and the team includes people providing frontline support and with first-hand expertise in maternal incarceration.

The second theory used in this study is prison abolition. Prison abolition critiques the inevitability of prisons in our society (Davis, 2003); exposes the social, clinical, environmental and economic harms caused by prison systems; and suggests creativity and alternative solutions. The organizations involved in this project all identify as abolitionist. The impact of prisons on families, mothers and children is a fundamental argument for abolitionism, and for feminist abolitionism (Paynter et al., 2022). Seeking to examine the experiences of mothers experiencing incarceration and recommendations to improve their lives, this study sets out from the beginning with a commitment to resisting the normalization of incarceration as a policy response to social harm.

This study uses a community-based approach to qualitative research (Israel et al., 1998). Community-based research methods include (1) collaboration (2) validation of and promotion of multiple types of knowledge; and (3) a goal for social change (Strand et al., 2003). Every member of the research team is heavily involved in a paid or volunteer capacity with one of three feminist community organizations serving women, trans and non-binary people experiencing criminalization in the province: Wellness Within: An Organization for Health and Justice; Elizabeth Fry Society of Mainland Nova Scotia, and Coverdale Courtwork Society. Members of the team also identified as having lived experience of incarceration or also identified as academic researchers. The team included White, Black, cis and genderqueer members, in their 20's to 40's, and all identify as middle-class. The team collaborated over the course of 2020–2021 through project conceptualization, data collection and analysis, writing this manuscript and preparing knowledge translation tools for use with policy decision-makers in NS. We used Google docs to work together, as well as Zoom meetings and, when COVID-19 restrictions were relaxed and it became possible, in-person meetings. Co-development of questions and sharing the work of data collection and analysis improves the relevance of research projects to communities (Leung et al., 2004).

To be included in the study, participants had to identify as a mother and had to have experienced incarceration at Central Nova Scotia Correctional Facility in the last 5 years. To recruit participants, the research team worked with two community organizations (Elizabeth Fry Society of Mainland Nova Scotia and Coverdale Courtwork Society) supporting mothers while they

are incarcerated at Central Nova Scotia Correctional Facility and after they are released (author MB is employed by Coverdale Courtwork Society). These organizations invited eligible people to participate, helped participants communicate with the team if participants had difficulty accessing affordable phones, and physically gave the participants the gift cards offered as compensation. We encountered some challenges and delays reaching participants because of phone issues. For participants in custody, the research team had the support of Central Nova Scotia Correctional Facility staff to organize confidential telephone interviews, and gift cards were placed in their personal effects to collect when released. Participants were provided with a \$25 grocery card to compensate them for their time and a \$25 phone card when the interview was conducted by phone.

3.3 | Sample/participants

The study includes 18 participants. Four participated in one focus group onsite at one of the community organizations, the remaining 14 participated in one-on-one interviews. Three participants were in custody at Central Nova Scotia Correctional Facility when they were interviewed. Participants were not asked about their criminal justice history (e.g. charges, convictions, sentences, etc.) other than to confirm they had experienced incarceration at Central Nova Scotia Correctional Facility as parents. Although minimum sample sizes are not prescribed for qualitative thematic analysis (Braun & Clarke, 2006), sample size is relevant to findings and requires sound judgement (Sandelowski, 1995). Methodologists have suggested up to 12 participants is acceptable for richly informative qualitative research (Guest et al., 2006). Boddy (2016) argues sample size can be as low as is justified by the nature of the research questions and the population of interest. Given the relative homogeneity of the population in our study, all mothers who had experienced recent incarceration at a single institution, we aimed to recruit 12 participants, and found we achieved thematic saturation in our sample of 18.

3.4 | Data collection

Data collection was completed by two members of the research team (C.M. and L.M.) who both work for one of the community organizations and who both have experience in qualitative health research. Data collection was conducted from summer 2020 to winter 2021, primarily by telephone. A semi-structured interview guide developed by the team was used in each interview. Study questions asked about participant experiences maintaining connections with their children while incarcerated; what they did or would have found helpful to maintain connections; and what should be available in community to support their parenting. Audio recordings were de-identified and transcribed by a professional transcriptionist. The study received ethics approval from

Dalhousie University Research Ethics Board, # 2020-5037. This study was not registered.

3.5 | Ethical considerations

All participants were assured of the voluntariness of participation and of the limits to confidentiality. While their names and identifying information would be removed from transcripts, staff at Central Nova Scotia Correctional Facility would know who participated while still in custody, and the community is so small it is possible Central Nova Scotia Correctional Facility staff would recognize participants' statements despite de-identification. The research team works together closely on a variety of projects and have a strong, collaborative rapport.

3.6 | Data analysis

The data were analysed using thematic analysis, an accessible and adaptable approach to analysis suitable to a diverse team examining a complex issue (Braun & Clarke, 2006, 2012). Several team members have used this approach in prior community-based research studies (Paynter et al., 2021). The subjectivity of the team members is valued and integral to the results of thematic analysis, an organic process. We used an inductive approach; we did not have codes determined in advance, but we developed codes through familiarization with the interview transcripts and themes were identified through juxtaposition of the codes. As Terry et al. (2007) explain, in thematic analysis, 'The analysis is seen as something created by the researcher, at the intersection of the data, their theoretical and conceptual frameworks, disciplinary knowledge, and research skills and experience' (p. 20). Thematic analysis is independent of theory, and therefore suitable for multiple theoretical frameworks. Feminist standpoint theory centres the mothers' voices, and in our analysis, we consider the role of gender and intersecting oppression. Prison abolition resists reliance on carceral solutions; in our interviews we created space for alternatives to incarceration to be explored, and in our analysis we developed themes that moved beyond critique to consider creative alternatives.

The steps we used in the thematic process included: (1) Thorough reading and re-reading of each of the transcripts by several team members (M.P., C.M., L.M.) to become acquainted with the content; (2) Iterative coding of the data. Through deep engagement with the data, three team members assigned codes to reflect the main ideas in the data, and then revised the coding scheme through comparison and discussion; (3) The whole team participated in determination of patterns among the codes, and development of themes and subthemes, and re-consideration of the data with respect to emerging themes to ensure soundness of and between them; and (4) Interpretation of the themes and organization of data in themes. We relied heavily on google documents to share ideas and met regularly

to collaborate on data interpretation and adjustments to the codes and themes. The code book is available on request.

3.7 | Validity and reliability/rigour

As a non-positivistic approach, the validity of qualitative can be assessed through indicators of trustworthiness. Some approaches to ensuring trustworthiness such as member checking findings, are not appropriate for our context in which the participant population is highly transient and difficult to recontact. To establish trustworthiness in our approach, we endeavoured to ensure credibility and dependability through several strategies. Membership of the research team included community workers and people with lived experience of maternal incarceration, supporting the credibility of the themes. By using Google docs, not only could we facilitate consistent team communication, particularly during COVID-19 restrictions, but we also were able to save and share versions of the coded transcripts, the codebook, the theme matrix and the manuscript as they progressed, supporting the dependability of our findings.

4 | RESULTS

The mothers recounted extraordinary efforts to remain connected to their children while incarcerated, and the challenges they experienced to do so, not only in terms of prison logistics and constraints, but also the emotional strain of trying to stay connected when connection itself can be traumatizing. Their incarceration had a detrimental impact on their family life breaking their bonds with their children, causing the children suffering, and unfairly punishing the children. Incarceration also deepened socio-economic and health problems because mothers were denied services while inside, were provided with nothing more than a bus ticket on release, and exacerbated poverty and housing insecurity—further jeopardizing their ability to parent. We developed three themes and nine subthemes, organized in Table 1. We did not identify marked differences in the data between the focus group and the interviews.

TABLE 1 Themes and subthemes

Theme	Subtheme
Maintaining connection	Visits are traumatizing
	Visitation cannot be improved
	Phone calls are gold
Broken bonds	Separation causes stress
	Child coping mechanisms
	It is all just unfair
The damage	Disempowerment inside
	Released with nothing
	A home for the kids

4.1 | Maintaining connection

Maintaining connection refers to participants' strategies to keep in contact with their children while incarcerated. Visits and phone calls were the predominant strategies, with only a few participants mentioned video visits (operationalized during COVID-19) and letter-writing. Visits and phone calls were both fraught: the former caused great emotional distress, and the latter was expensive and could be so logistically complicated as to be out of reach.

4.1.1 | Visits are traumatizing

Visitation at the prison was the most challenging strategy participants used to maintain connection, as the prison infrastructure and operational practices are not designed with children in mind. All participants described how they anticipated that it would be traumatic for their children to visit them in person. While several did opt to have in-person visits, most chose not to, even though the decision caused them trauma as well. Participants who did choose to have in-person visits described seeing their child behind glass as an incredibly difficult experience negatively affecting their mental health:

The visits were very traumatizing. The main reason why I would never want to go back to being incarcerated is having to see my daughter on the other side of a glass wall and not being able to hug her or anything like that. (P3)

Participants expressed discomfort with the lack of privacy during visits and with exposing their children to the prison environment. They did not want their children to be subjected to the invasive and humiliating security process.

It's just like there's no privacy and it's a stressful situation to put a child in. You know what I mean? You shouldn't have to subject them to like pat downs and all that kind of stuff, right? I just know for me it was something I was not going to put my child through. (P6)

They expressed feeling like they had to lie to help their children process the experience, that the visits could be 'awkward' and that it was difficult, if not impossible, to talk naturally to their children in this environment. For those who chose not to have visits at all, they clearly articulated they deeply wanted to see their children but on balance determined the visit would be too traumatizing for their children and themselves:

I couldn't imagine being on the other side of the glass and not being able to hug or kiss my kids. I would've lost it so I wasn't even going to try. (P5)

Participants reported needing significant support from staff to set up and participate in visits. Sometimes this support was

not adequate. For example, one participant who was incarcerated during COVID-19, when in-person visits were suspended and video calls were facilitated by the institution, reported that if the video software was not working during her time slot, she would not be rescheduled, forcing her to wait an entire week for the next opportunity to speak with her children. For the children on the outside, they cannot understand how this is outside of their parent's control and feel abandoned or forgotten. Experiences like this made participants feel like correctional staff treated visitations with children like a privilege, like they were optional. For the participants, and for their children, visitations are both a right and a necessity, as one expressed:

I think a lot of people look at it as a privilege to have access to your kids and it is frowned upon. They don't want you to have privileges. But a visit is not a privilege it's a right, they're not allowed to take away your visits, it's against your human rights but even though they will do it. (FG)

4.1.2 | Visitation cannot be 'improved'

For those who chose not to have visits, they believed the environment would have to be drastically different for them to feel comfortable having their children there. They suggested having a kid-friendly area without uniformed correctional officers present or watching, and ideally outside the prison.

They could make a place where our kids could come and not know that we're in jail. Like a little sitting area kind of thing. With like toys or something. Then that way they're not looking at me through a mirror or whatever. The person, like who the kids are with, that one person, the support. Like one parent. And me and the kids. That's it. In this little room, right? So that we're not between a glass talking. I would never ever bring my kids to jail because of that. (P5)

As they perceived no way for central nova scotia correctional facility (CNCSF) to meet these requirements, the participants found the idea of 'improving' visitation to be incompatible with their experiences of imprisonment. Simply put, visits in prisons would be better if they were not in prison.

Participants also described logistical issues with visitation. Correctional policy requires visitors be pre-approved; a time-consuming, bureaucratic and unreliable process. Participants reported they could only have two approved visitors on their list at a time, which was limiting for those with varied custody arrangements (e.g. each child with a different family member), or with more than two children. They could not imagine how these issues would be resolved in the current system.

4.1.3 | Phone calls are gold

Compared with the troubling issues with visitation, all participants expressed both how important and inaccessible phone calls were to them. Making calls is expensive, and it is confusing and bureaucratic to set up and load their phone accounts. Known as 'bundles', the phone accounts have to be set up online, by someone else, as people incarcerated at Central Nova Scotia Correctional Facility do not have internet access. The lack of internet itself amplifies the importance of the phone, as parents cannot email their children or their guardians. One put it simply:

The people that don't have phones, money on their phones, they ain't going to ever be able to talk to their kids. (P10)

Participants described how correctional officers refused to help them and they relied on community-based organizations like those involved in the research study itself. They said they often had to pay to call these organizations to get their help, and the organizations, poorly funded themselves, may not be open or answer when they call. One expressed frustration at the lack of support from correctional officers to get in touch with outside resources:

You need more freedom to make phone calls to get the resources. Cause on a collect phone, collect calls, you can't leave messages. You gotta get them to bring it out to use the phone in admissions, if you need to use it, and that's only for 5 min. If you get approval for it. So it's like, how are you supposed to call all these people [resources]? (P7)

Participants believed phone calls to children should be free, or at minimum they should have one free call a week to each child. Funding calls to children was a constant struggle. They would 'share' phone calls—if one had extra money, they would give a phone call to another who otherwise could not speak with their children. In addition to cost barriers, participants faced logistical issues. For example, when on lockdown, even if the lockdown is generated by issues on the units designated for men, people on the unit designated for women cannot leave their cells for calls. Some indicated this was a source of extreme anxiety. Further, if a person is placed in medical segregation, such as for mental health distress, they are unable to make phone calls the entire time.

When we would get locked down they wouldn't let me call my kids. (P5).

When they could make calls, participants reported a lack of privacy. Some worried their children might hear someone yelling in the background at the prison. They felt the phone calls were impersonal, and unnatural, particularly with their younger children.

A significant issue for participants was simply not having phone numbers memorized when they were incarcerated. As most used cell phones which were confiscated on admission at the facility, they lacked basic information to call people and could not text or email either. Furthermore, if their children were sent to multiple locations, calling them all at once would be impossible, and given the infrequency and cost of calls, they could not call them all, period. Participants described having to rotate which children they talked to on which week.

Despite these concerns, phone calls became increasingly necessary and important with the onset of COVID-19 pandemic. The East Unit did not have any visits or volunteer-led programs for months, and when visitations did open-up, it was only for people over age 18. Children were ineligible. Although incarcerated people could make limited but free video calls, which they valued and hoped would continue post-COVID, there were no changes to the cost or regulations around phone calls despite the COVID-19 visitor restrictions. Video calls were also problematic for participants with children staying with multiple guardians, with participants again describing being forced to rotate phone calls between children:

I have 5 kids. Three of them live with their dad and two of them live with their auntie. But say if I wanted to see my two younger kids. I couldn't see my three older kids. Because we couldn't have two video calls. So, I would see the two younger kids first that week. Next week it would be the three older ones. And then the next week it would be the two younger ones again. It would go like that. I wouldn't be able to see them right after. One call, one number. Once a week. And it wouldn't be fair. (P10)

The participants felt the prison system did not seem to understand the impact this had. For example, faced with not being able to have a phone call on Mother's Day, one participant recounted how a correctional officer offered to bring in the flowers she knew she would get at home. The participant did not want 'second hand flowers', she wanted a phone call with her children:

I asked if I could use a phone and she said well why would you want to do that? I said well it's Mother's Day coming up and he [son] always sends me flowers. She said, oh I'll just bring you the flowers I get and that was the end of the conversation. We don't want you guys' second hand flowers. And the flowers weren't the point. The point was to come and talk to him on a phone. (FG)

4.2 | Broken bonds

The mothers described how the experience of incarceration damaged their relationships with their children, causing them unbearable

pain—the pain of not being able to hold their babies and guilt about the impact it was having on their children, who had done nothing to deserve this outcome.

4.2.1 | Separation causes stress

All participants reported serious emotional duress while incarcerated, with separation from children being an almost indescribable loss:

I actually went 11 months without being able to see my daughter. Like, touch her. It's definitely really overwhelming and it brings a lot on you and it is hard. (P3)

Participants described feeling extremely depressed and/or anxious, due to both the separation from their children and the daunting task of re-building a connection with their children once released with little to no support. The impact on their mental health was severe. Some described feeling so discouraged by the barriers to maintain a connection they gave up trying to see their children:

I was trying to have access and to see my kids, there had to be a court order for them to even allow it. It was just a bunch of rigmarole and also for mothers they'll stop them from even trying anyways and eventually I just, after being in 4 or 5 months, I just stop trying. (FG)

4.2.2 | Child coping mechanisms

Reciprocally, participants described how their children were 'coping'- or not- with the stress of separation. Some children feared their mother was not going to return. Several participants explained their children had stopped talking to them or become estranged from them to cope with the trauma of separation:

It's harder for my older daughter because she kind of killed me off in her mind in a way. Just to grieve. So it doesn't hurt her so much. Because it really bothers her, hurts her, that her mother's not around and I can't be here for her. Just simple things. Sharing test scores and baseball games and you know, parent teacher things. Just the basics. Stuff I should be there for. (P13)

Participants reported their children felt anger and resentment towards them and acted out. One feared this would translate into a cycle of domestic violence with her children's future partners:

I know my kids know that I would never just abandon them even though I went to jail. But your kids feel that

you just left them or whatever and then they start putting that blame on you and then you have kids who are hating their own biological mother. I know I'll never raise my kids and I've already accepted that, but I don't need to have my boys being hateful and angry at me because that just makes abuse and domestic violence a lot easier. It just creates this whole circle of bad stuff really. (FG)

4.2.3 | It is all just unfair

Participants felt that the impact of maternal incarceration was unfairly borne by their children. Most of the participants identified as lone parents. They felt that they had few options for the custody of their children while incarcerated. In the absence of a safe and involved second parent, children were either put into foster care or in the care of a family member.

Mothers who are incarcerated, their kids will go either, if they're not already in the system, will be in the system [foster care] at that point because mothers generally are, not saying that fathers don't step up, but a lot of the times mothers are the sole caregivers especially if it's a single parent sort of typical situation. (FG)

Participants with young children worried about the effect of missing critical years in their child's early development. Participants felt the separation and trauma the child had to experience was unfair, and alternatives should exist:

... if the courts could be more attentive to people having kids and try to like ... I don't know how to word this. Like, do things other than incarcerate mothers. I'm in jail for now for something that my ex-boyfriend is accused of and I'm accused of being there with him. So that's why I don't have my son. Which is kind of messed up if you ask me. Because he [boyfriend] is out and he is not stepping up for my son. I think that if the courts would look at my situation being more and realize that I'm a young mother and I was an abused woman, that there should be something different than going to jail. Like a program or something for mothers. Like my son barely knows who I am now. Because of being incarcerated. (P14)

4.3 | The damage

4.3.1 | Disempowerment inside

Not only did incarceration severely impact their emotional connections with their children, it took away the mothers' autonomy

to address these harms. Participants reported being required to access services to demonstrate rehabilitation and to regain custody of their children when released, such as recovery support or parenting classes. However, being incarcerated made it challenging, if not impossible, to access any of these services. The participants described child protection services requirements to achieve sobriety/abstinence, improve parenting skills, or appear in Family Court, and yet were powerless to do any of these things while incarcerated.

But [Central Nova Scotia Correctional Facility], you don't get nothing there. Not even just for childcare. There's nothing for drugs, there's nothing for alcohol. There's nothing. You just sit in their warehouse. I don't even understand how that is supposed to rehabilitate somebody, but I guess that's what they think is going to happen. (P7)

In addition to children feeling abandoned, when they were deeply loved, participants felt child protection services (CPS) assumed you were not putting any effort into demonstrating ability to parent, when really you faced incessant barriers to getting any help. The loss of control and agency felt degrading:

It feels dehumanizing. You're still trying to deal with things on the outside world and then you basically have no respect, so then you can't deal with it no more and basically just give the fuck up. Staff basically would say, well things on the outside world are outside your control like being a mother, dealing with CPS and I'm like, it wasn't like I just walked away from my kids and I don't want my kids ever. It's not like I abandoned them and walked away. (FG)

Participants stated it was outside of the responsibilities of the prison to help them with these types of concerns, so they relied on community groups for support services. They described their resourcefulness and how they would navigate the systems themselves:

No one knew anything or fully did any of their jobs and that's what happens at the provincial jail. It took me over 4 months to even see the social worker when you end up at the jail, and then basically at that point, it's like do you need help with anything whatever, it's like no I've got everything basically figured out at this point, I just want to see my kid. That could have helped me in jail and with CPS. At this point I could have had a plan put in place with the right help or whatever but it's because being in [CNCSF] I was given a lot of non-answers with a lot of shit. (FG)

For Indigenous and African Nova Scotian participants, the lack of culturally safe programming at Central Nova Scotia Correctional

Facility, particularly during COVID, felt like a violation of their human rights.

I know with COVID and stuff, just certain rituals and traditions are kind of put to the wayside and different programs are just being put to the wayside, right? Like I know they like to go out and smudge sometimes and they kind of get jerked around. To me, that's basic human rights. (P13)

Cultural programming was seen as something that helped participants survive the period of incarceration, and that would support their bonds with their children:

We had a Native liaison, but then they got sick and doesn't work at the jail anymore. So after we lost our Native liaison a lot of the Native stuff just stopped. We were supposed to have speakers once a month and that kind of dribbled down afterwards and especially with Covid. I thought they should have been able to take a 2-h section every 2 weeks to teach some kind of new thing, if it was language, traditions, history, drumming, whatever. Some people like to learn about it or it gives people something to do or to have a more bonded connection with their kids. My kids are all Native so if I could learn more about Indigenous culture and stuff that could be a bonded connection that I could have with my kids later on in life. (FG)

Worse than an absence of services was when services were actively denied.

[They] refused to take me to family court and there were a couple of times with family court I was supposed to be there or my lawyer put the request through so that I could actually be there and I wanted to and [CNCSF], the guards or whatever would say there's some error, oh no there's no pick-up order, well I know there was a pick-up order made. So that kind of impacted me. (FG)

Worse still was when participants' perceived their efforts to reunite with their children were sabotaged by correctional officers. One woman recounted how when the trauma of prison caused her to express suicidal ideation, correctional officers reported her to child protection services.

When I was in jail I was having suicidal ideations so the guards I guess went behind my back and called child protection services and told them about that and I don't find that's very fair. (P8)

4.3.2 | Released with nothing

Having experienced losses in their relationships and to their autonomy while incarcerated, participants described being released from prison with absolutely no material resources to survive. The clothes they were wearing when they were arrested no longer fit; they did not have a functioning cell phone, any money or a place to stay, and:

We're lucky if they give us a bus ticket. (P9)

The participants explained that having so much taken from them during incarceration, on release they felt like they were playing catch up and not ready to parent despite how deeply they missed their children. One expressed how she felt her children would be better provided for in their current custody arrangement due to the catching up she had to do:

I'm starting back at square one. There's a few things that I personally need to work on before I would even think about bringing children back. My children, you know, where they're at they're well taken care of, in that sense they're very happy. They don't go without. I wouldn't take them until I'm ready and I can duplicate the lifestyle, you know? I don't want anything less for my children. You always want the best for them. (P13)

Release did not come with programs or resources, and participants felt it was inevitable for many to end up reincarcerated.

They don't give you the right avenues towards Elizabeth Fry or Coverdale or a counsellor or, you know, your rights to being a parent and how you can get that back or parenting courses or anything. They give you nothing. They don't set you up for any success when you get out of here. It's make do on your own. And that's why so many girls end up coming back. Because they don't give you any type of step in a forward direction when it comes to anything. You know, like we need help in every aspect of being, in becoming a parent again, and our connections with our kids and seeing them. (P12)

Despite the deep desire for the participants to follow through with what was required of them by child protection services to regain custody of their children, the resources to actualize those steps were not available to them:

I was on probation and I was screaming for help with [regional health authority]. I was trying to get on the suboxone program. They said that there was no help and they weren't taking new patients. And I said, what

the hell are you talking about? I said, what do you mean you're not taking any new patients? You might as well just be signing out death certificates, because that's what you're doing. (P13)

4.3.3 | A home for the kids

Participants described not having housing on release as their greatest challenge in terms of reconnecting with their children. To begin the process of regaining custody of their children, they needed to secure a safe place for those children to visit them, let alone stay. Participants described multiple barriers to housing including having no money; the delay between applying for income assistance and receiving it and being able to pay rent; some landlords would not rent to them because of their criminal records; and some shelters will not accept them if they are using substances.

What if they [mothers leaving prison] don't have a place to go when they get out? That's a big worry too. I know it's kind of hard for a jail person to find a place for someone to go. Like, the guards. But maybe they can put them somewhere when they get out. So, they're not so worried that they're not going to be able to see their children afterwards. Have a safe spot. (P1)

5 | DISCUSSION

This is the first qualitative study to examine the experience of provincially incarcerated mothers in Nova Scotia. Our analysis is grounded in feminist standpoint theory, centring the situatedness of the participants and their voices, and in abolition, resisting the inevitability of prison in social solutions to harm. We recognize prison causes gendered harms (Hannah-Moffat, 2005; Kilty, 2006). Despite United Nations rules stipulating requirements in prisons designated for women to consider the needs of mothers and children (United Nations, 2011), Nova Scotia provincial corrections legislation is silent on the needs of children and fails to recognize gendered implications of incarcerating parents. Incarceration is so incompatible with motherhood as to inevitably result in collateral harm and human rights violations. As described by participants in this study, incarcerated mothers experience layers of loss-of control, of relationships and of resources—severely impairing their ability to endure incarceration, to parent, and to experience health and well-being once released.

As other studies have found, participants described how maintaining connection with their children was their main concern while incarcerated (Kennedy et al., 2020). Phone calls were the predominant strategy for contact, consistent with available U.S. literature examining how incarcerated fathers engage with their children (Shlafer et al., 2020). Study participants found phone calls expensive

and logistically complicated. This is consistent with reported high costs of phone calls, with frequent communication calls costing families an average of \$700 a month (Donovan, 2017).

As is common in the literature, in-person visits from children among study participants were infrequent, with participants wanting to shield their children from the potential trauma of the experience (Poehlmann-Tynan & Pritzl, 2019), even though the trauma of not seeing the children was also acute (Poehlmann, 2005). The research is ambivalent about the impact of visitation on children long term. Some researchers have found difficult visitation experiences are associated with longer-lasting trauma among children of incarcerated parents (Arditti, 2012). Although research has found incarcerated mothers respond positively to institutional efforts to support their contact with children (Snyder et al., 2001), the participants in this study reported no such efforts from staff at the Central Nova Scotia Correctional Facility. Rather, they feared the surveillance and intimidation of correctional officers, that their mothering was under scrutiny, and felt that visits were treated as a privilege, rather than a right. Participants imagined visitation could only be acceptable if the context were completely unlike prison. Given these findings, improving the experience for mothers experiencing incarceration is not likely to include reforming visitation in the current institutional structure.

Incarceration, even for a brief period of remand, caused lasting harm to their relationships with their children, and had a dehumanizing impact on the participants for whom their motherhood was an important part of their self-worth and identity. Reviews of the literature on maternal incarceration have described the dominant theme as 'Separation as trauma' (Powell et al., 2017); unsurprisingly, we see that repeated here. Children's reactions to parental incarceration included emotional distress, acting out and alienation; as has been seen in the literature (Bocknek et al., 2009). Parents described the impact on children as unfair; indeed, the United Nations Convention on the Rights of the Child prohibits punishment of and discrimination against children for the actions of their parents (United Nations, 1989). As described by the World Health Organization, enabling young children to reach their full development potential is a fundamental right; this includes avoiding separation from attachment figures in the first 3 years of life which can cause distress and impact long-term health and attachment (World Health Organization, 2020).

Despite the high toll on children, participants felt children were excluded from not only sentencing considerations, but also all aspects of routine prison policy and processes. As Knudsen (2019) articulates, by making children invisible, governments remove themselves from responsibility for their well-being. Any improvement in this situation would require government acknowledgement of responsibility and a plan of action that centred the best interests of children.

Study participants described the prison environment as ill-equipped to support them in any aspect of rehabilitation, from treatment for substance use disorder to parenting classes, *despite access to these services often being a stipulated requirement of regaining*

custody of their children. Not only were services unavailable, prison staff failed to make connections to external community organizations that were filling service gaps. Worse still, correctional officers would interfere with access to resources or make matters worse for participants, such as denying them transport to Family Court matters. Participants had been subjected to so much routine neglect and harm they felt nihilism towards the system and a complete loss of hope with respect to their own futures as parents. While in state care (custody), the participants experienced detrimental effects.

The period of adjustment on release from prison is recognized as a particular stressor associated with maternal incarceration (Martin & Powell, 2021). Participants in this study had a laundry list of basic needs unaccommodated for when they left the prison: clothing, subsistence income, food, transportation, phones and a place to lay their heads. The most pressing need was for housing: they would not ever succeed in regaining custody of their children without a safe home for them. Without adequate transitional support, the participants identified a revolving door of recidivism and reincarceration. As Gaetz and O'Grady (2009) explain, if the goal of incarceration is to reduce crime, there needs to be a stronger understanding of the cyclical connections between incarceration, release and houselessness.

Experts in their own experience, participants in our study have a clear understanding of the implications of their incarceration on their human rights, and they define that incarceration as unjust. They see prison as punishing the wrong people for the wrong things, with intergenerational impacts and harms. In the absence of institutional support, they exhibited resilience, solidarity and generosity in their efforts to help each other maintain connection with their children. They constructed boundaries to prevent themselves from succumbing to despair and defined what they needed to have a chance at success: community-based support for substance use, parenting and safe housing.

5.1 | Limitations

This study has several limitations. Data collection was conducted during the COVID-19 pandemic and required access to a phone. While the interview team provided phone cards for the minutes, this requirement would nonetheless be a barrier to many formerly incarcerated people. People who were not connected to the community organizations supporting study recruitment did not participate, and it is these people who may be the most isolated and marginalized, limiting our findings. Although we had ethics approval and approval from the correctional facility to complete interviews with currently incarcerated people, only two of the 18 interviews were conducted with currently incarcerated people. Incarcerated people may have worried that their participation could put them at risk for reprisal. And, although Black and Indigenous people are disproportionately incarcerated in Nova Scotia, we did not require participants to share demographic information with us. However, several did disclose

this and spoke about the importance of culturally safe programs and services. The context of the study is unique. Unlike many larger provinces, Nova Scotia has only one main facility designated for the incarceration of women: a maximum-security jail co-located with a men's facility. Provincial facilities designated for women exclusively, or at lower levels of security, may have different issues at play.

6 | CONCLUSION

For participants in our study, separation from their children during incarceration caused severe emotional distress and had serious implications on their right to parent and their relationships with their children. The Best Interests of the Child are not considered when decisions are made to incarcerate. Children are not accounted for by the prison institution; they are not counted, they are not prioritized or facilitated for visitation or phone contact. The provincial Department of Justice does not assess their needs or evaluate the effects of their parents' incarceration. Incarceration for brief periods has detrimental social impacts, and release planning does not prepare people for the challenges of repairing that damage.

From our findings we cannot recommend allocating resources to the development of mother-child visitation program at Central Nova Scotia Correctional Facility as it currently exists. Participants described the context as incompatible with visitation and asked why alternatives to incarceration are not considered.

Based on our findings, we make several recommendations. In response to the theme of *Maintaining Connection*:

1. During the admissions process, as per Bangkok Rules #3, all children of the incarcerated person should be identified. Their names, ages and the contact information for their current guardian must be collected and maintained in accuracy. If the person does not have that information on them, that information must be sought on their behalf.
2. Children have the right to visit their parents and be held by their parents. Children should not be punished or discriminated against based on their parents' actions. Visits should never be used as a tool for discipline. Lockdown in other units should not affect visitation on the unit designated for women. We do not recommend investing in a mother-child program, and visitation at the prison is not the mothers' preferred approach to maintaining connection.
3. Children have the right to speak with their parents. While we recognize that as abolitionists this may represent more public investment in the system, we recommend that parents at Central Nova Scotia Correctional Facility be allotted one free call per day. Calls to all support organizations and government departments, including Wellness Within, Elizabeth Fry Society of Mainland Nova Scotia, Coverdale Courtwork Society, Department of Community Services and the Nova Scotia Legal Aid Commission must be free.

In response to the theme of *Broken Bonds*:

4. To begin to recognize the impact of parental incarceration on children in the province, the Nova Scotia Department of Justice must maintain and regularly publish statistics about the numbers of children affected by parental incarceration, their median ages, whether they identify as Indigenous or African Nova Scotian, and where they are being cared for during maternal incarceration (Child protection services, immediate family, kin, etc.).
5. The Bangkok Rules stipulate children should be a priority consideration with respect to custody decisions, including the suspension of custody. It is our overarching recommendation that alternatives to incarceration be funded and chosen when mothers or primary caregivers experience criminalization. Community-based carceral spaces that continue to monitor, control and punish motherhood are expansions of prisons, not alternatives (Haney, 2013). Genuine alternatives centre support and autonomy. Decarcerating mothers will require cooperation with the Public Prosecution Services in Nova Scotia and the Judiciary.

In response to *The Damage*:

6. At a bare minimum, prison staff must acknowledge the extensive evidence that incarceration causes emotional anguish. Mental health issues experienced during incarceration should not be weaponized against families: Central Nova Scotia Correctional Facility staff should never call child protection services on people who experience mental health issues while in the traumatic space of the prison. Experiences while inside the institution has no bearing on risks to the child outside.
7. Release from Central Nova Scotia Correctional Facility must involve adequate transition planning and support such that at discharge all parents have (1) confirmed housing; (2) registration with income assistance; (3) sufficient clothing; and (4) a functioning phone.

Mothers experiencing incarceration have fortitude, resourcefulness and hope. Their efforts to positively parent their children must be supported with policies and practices that affirm their efforts, nurture their abilities and demonstrate respect for and understanding of the significance of the mother-child relationship.

CONFLICT OF INTEREST

None declared.

AUTHOR CONTRIBUTIONS

Made substantial contributions to conception and design or acquisition of data or analysis and interpretation of data; MP, CH, LM, CR, DB, MB. Involved in drafting the manuscript or revising it critically for important intellectual content; MP, CH, LM, CR, DB, MB. Given final approval of the version to be published. Each author should have participated sufficiently in the work to take public

responsibility for appropriate portions of the content; MP, CH, LM, CR, DB, MB. Agreed to be accountable for all aspects of the work in ensuring that questions related to the accuracy or integrity of any part of the work are appropriately investigated and resolved. MP, CH, LM, CR, DB, MB.

PEER REVIEW

The peer review history for this article is available at <https://publons.com/publon/10.1111/jan.15154>.

DATA AVAILABILITY STATEMENT

Author elects to not share data.

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How to cite this article: Paynter, M., Heggie, C., Matheson, L., Rillie, C., Beals, D., & Bray, M. (2022). Maternal incarceration in a provincial prison in Canada: A qualitative study. *Journal of Advanced Nursing*, 00, 1–16. <https://doi.org/10.1111/jan.15154>

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