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## RESEARCH REPORT

### Examination of the Drivers of Success for Section 84 Releases to Indigenous Communities

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**Examination of the Drivers of Success for  
Section 84 Releases to Indigenous Communities**

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2023

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## Executive Summary

**Key words:** *Section 84, Indigenous offenders, Indigenous communities, Indigenous interventions*

Section 84 of the *Corrections and Conditional Release Act (CCRA)* provides the opportunity for Indigenous offenders to serve their conditional or statutory release within the custody and care of an Indigenous community. With the unique needs of Indigenous offenders and the provision of culturally responsive services, Section 84 gives Indigenous communities the opportunity to become active partners in the reintegration process. Research has shown that Indigenous offenders with a Section 84 release plan are more likely to complete their supervision successfully compared to Indigenous offenders who do not have a Section 84 release plan. However, what is less known are the reasons behind the success of Section 84s and what opportunities exist for improvement.

This study employed a mixed-methods approach using a questionnaire containing open and closed-ended questions. Invitations were sent to a broad range of CSC staff and Elders/Spiritual Advisors/Spiritual Advisors who were identified as potentially having experience engaging in Section 84 release planning, preparation, and consultation with the community or experience in supporting offenders on a Section 84 release, resulting in 164 responses.

Overall, the cultural components, community connections, and the offender-driven approach of Section 84 releases were viewed as the main drivers of success. One of the most helpful and meaningful elements of the Section 84 process identified by respondents was the opportunity to make connections with members of the Section 84 release community prior to release. Continued cultural engagement post-release was identified as one of the largest indicators of whether an Indigenous offender's release will be successful, as well as the degree to which they can take full advantage of the benefits of a Section 84 release. Lastly, given that offenders are required to take initiative in the planning process, it sets the stage for them to develop skills and understanding that may help them overcome challenges in the community and remain committed to their release plan.

Staff suggested improvements for CSC's relationship with Indigenous communities by placing more emphasis on meaningful consultation and viewing communities as partners in the Section 84 process. They also recommended allocating more resources to Indigenous Community Development Officers which would further assist CSC in the process of building relationships with Indigenous communities. The findings stress the importance of not approaching all Section 84s uniformly. It is important to recognize that Indigenous communities are diverse in their access to services and community supports.

The findings reflect the benefits of Section 84 releases as well as opportunities for conversation, change, and innovation. As a first stage, this study focused on the perspectives of CSC staff and Elders/Spiritual Advisors involved in the Section 84 process. Future research is needed in order to provide further understanding about the experiences of Indigenous offenders who participate in Section 84 releases, as well as the Indigenous community partners that support these releases.

## Table of Contents

Acknowledgements .....	ii
Executive Summary .....	iii
List of Tables .....	v
Introduction.....	1
Overview of Section 84 .....	1
Role of the Community in Reintegration.....	3
Impacts of Section 84 Releases.....	5
Current Study .....	6
Method .....	7
Participants.....	7
Procedure .....	9
Measures .....	9
Results.....	11
Impacts on Reintegration .....	11
Section 84 Planning and Preparation .....	18
Discussion.....	27
References.....	32

## List of Tables

Table 1 <i>Current Positions of Staff Respondents with Section 84 Experience</i> .....	7
Table 2 <i>Staff Experience with Section 84 Releases</i> .....	8
Table 3 <i>Impacts of Section 84 releases on Indigenous culture and way of life (N = 132)</i> .....	12
Table 4 <i>Impacts of Section 84 releases on reintegration (N = 132)</i> .....	14
Table 5 <i>Correctional impacts of Section 84 releases (N = 132)</i> .....	16
Table 6 <i>Collaborations during Section 84 Release Planning (N = 132)</i> .....	19
Table 7 <i>Involvement of Indigenous Community in Release Planning (N = 132)</i> .....	23
Table 8 <i>Offender Opportunities with Community Prior to Release (N = 132)</i> .....	25

## **Introduction**

Indigenous peoples are consistently overrepresented in Canadian correctional institutions. While only 5% of the population in Canada identify as Indigenous, this group represents 30% of federally sentenced men and 50% of federally sentenced women in the country (Office of the Correctional Investigator, 2020; 2021). As part of the priorities of the Correctional Service of Canada (CSC), CSC aims to provide “culturally appropriate interventions and reintegration support for First Nations, Métis and Inuit offenders” (CSC, 2016a). Releases into the custody of Indigenous communities under Section 84 of the *Corrections and Conditional Release Act* (CCRA) are an essential part of CSC’s commitment to culturally appropriate care for Indigenous offenders. Previous research has demonstrated numerous benefits of Section 84 participation. In particular, Indigenous offenders with a Section 84 release plan are more likely to complete their supervision successfully compared to Indigenous offenders who do not have a Section 84 release plan (CSC, 2016b). While previous quantitative research has highlighted that participation in Section 84 coincides with successful release and reintegration, research has not examined the intricate reasons behind this success. Using a mixed-methods design, this research aims to explore how Section 84 releases offer culturally responsive approaches and interventions that support Indigenous offenders that cannot be fully captured quantitatively or through file reviews. This was accomplished through questionnaires with CSC staff involved in the Section 84 process. This research study aims to explore opportunities for improvement in the Section 84 process by providing a deeper understanding of the drivers of success as well as opportunities for innovation, collaboration, and change.

### **Overview of Section 84**

Section 84 of the CCRA provides the opportunity for Indigenous offenders to serve their conditional or statutory release within the custody and care of an Indigenous community. It states that: “If an inmate expresses an interest in being released into an Indigenous community, the Service shall, with the inmate’s consent, give the community’s Indigenous governing body (a) adequate notice of the inmate’s parole review or their statutory release date, as the case may be; and (b) an opportunity to propose a plan for the inmate’s release and integration into that community.” Section 84 applies to offenders who want to serve their eventual release in an Indigenous community, or in an urban area with the support and direction of an Indigenous

organization.

Indigenous offenders are provided information about the possibility of a Section 84 release during the early stages of the intake assessment. Offenders with an interest in the Section 84 release process write a letter to their preferred Indigenous community or urban Indigenous organization to obtain support. If support is obtained, these Indigenous communities and urban Indigenous community organizations become involved in the release planning and supervision of offenders who participate in the Section 84 process; their involvement and collaboration with CSC staff during this process provides Indigenous offenders with a strong support network during their reintegration to the community (Garnett, Walsh, & Badry, 2013). Ongoing communication and collaboration between CSC staff and the Indigenous community or organization during the offender's incarceration ensures the necessary cultural and social supports are in place for the offender to reconnect with their community and address outstanding need areas. Once the offender is released, the Indigenous community provides services and support to facilitate reintegration, while CSC staff provide support and supervision.

A recent study found that 35% of Indigenous offenders released from women's institutions (Sullivan & Farrell-MacDonald, 2022a) and 20% of Indigenous offenders released from men's institutions participate in Section 84 releases (Sullivan & Farrell-MacDonald, 2022b).<sup>1</sup> Specifically, First Nations women and men make up the majority of Section 84 participants, followed by Métis offenders. The study found that the largest proportion of Section 84 releases for both men and women occur in the Prairie region. For men, the majority (approximately 61%) of Section 84 participants were on discretionary releases (i.e., day and full parole), while the remainder were on non-discretionary releases (i.e., statutory release and LTSOs). For women, the proportion of Section 84 participants on non-discretionary releases relative to discretionary releases has been increasing over the past few years.

The benefits of offenders being released into an Indigenous community through Section 84 are numerous. Research has shown that Indigenous offenders with a Section 84 release plan are more likely to complete their supervision successfully compared to Indigenous offenders who do not have a Section 84 release plan (CSC, 2016b). Farrell-MacDonald (2018) found that Section 84 participants were more likely to be involved in aspects of Indigenous cultural

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<sup>1</sup> This study examined community snapshots for fiscal years 2018-19 through 2021-22.



services. They were also deemed a lower risk at release than those who did not participate in Section 84s. As a result, the reintegration process can be seen both as reintegration into Canadian society as a whole, as well as a step taken to reclaim contact with Indigenous community connections.

Central to Section 84 is its community focus. Section 84 was crafted with the legislative intent of handing responsibility for Indigenous offenders back to Indigenous communities. It is based not only on collaboration and invitation for Indigenous communities into CSC's release process, but on the *right* that Indigenous peoples have to govern their own people. According to the Commissioner's Guidelines, "Section 84 of the *CCRA* places a legal responsibility on CSC to provide the Aboriginal [sic] community with the opportunity to participate in the release planning process whenever an inmate expresses an interest in being released to an Aboriginal [sic] community" (Correctional Service Canada, 2018). Under Section 84, Indigenous groups can deliver culturally-sensitive programming targeting the unique needs of Indigenous offenders. In this way, Indigenous communities and Indigenous community organizations within urban centers are able to play an active role in the release of Indigenous offenders. It is important, however, that Indigenous communities be contacted early during the planning phases. Doing so can allow the community to effectively participate in determining a release plan for the offender. This will include identifying milestones that the offender must complete as well as what programs and services they will access during the course of their service. Early contact with Indigenous communities also helps Indigenous leaders determine how the offender will engage with the community and what the community can do to provide support and guidance to the offender. Finally, early planning is an essential component that helps determine an offender's success during and after completion of Section 84.

### **Role of the Community in Reintegration**

Indigenous communities play an integral role in the rehabilitation and reintegration of Indigenous offenders following incarceration (Willis, 2008). The benefits of Section 84 and community-based reintegration more broadly are numerous. Research that employed focus groups with individuals involved in the implementation of Section 84, including Indigenous representatives, noted the benefits that Section 84 brings to the community at large (Garnett, Walsh, & Badry 2013). For example, one participant stated that "I'm so glad that it's happening, finally happening, finally the doors are opening for us, Native people to get involved in the

system that our people are in, and it's about time" (p. 315). This community autonomy is crucial for successful reintegration. Trust is also highly important. As Zellerer (2003) observes: "a program operated by a community-based agency not only enables the necessary development of trust for disclosures and learning, but it also creates a resource for inmates in the community upon release" (p. 183). When speaking with those involved in the Section 84 process, Garnett and colleagues (2013) found that participants stressed the need for Indigenous community members to be more involved in the reintegration process.

It is also important to recognize that Section 84 releases operate in relation to broader structural institutions that contributed to the elimination of Indigenous peoples, such as Indian Residential Schools and the Sixties Scoop. For example, the use of spiritual violence in Indigenous communities worked to codify Indigenous bodies as evil and in need of discipline and control (Reist, 2020). The use of violence and community isolation in Indian Residential Schools has had long-lasting impacts. When discussing the underuse of Sections 81 and 84, Combs (2018) demonstrates that the Canadian Indian Residential School system denied "entire generations experiences of community attachment and familial socialization" (p. 166). This disconnect between Indigenous peoples and their communities often persists to this day contributing to what gets referred to as a "crisis of identity" (Jung, 2003) wherein lack of identity and group connections might lead to criminal behavior. Indeed, this level of disconnection might dissuade some Indigenous offenders from choosing a more community-based approach to reintegration. As Grant (2016) observes, "some Aboriginal offenders are unfamiliar with the cultural background of the pan-Indian tradition and are unwilling to go through the education necessary to engage in healing lodges' programs" (p. 33).

This being said, there are challenges that Indigenous communities encounter (Parker, 2021). For instance, due to the rural nature of Indigenous reserves, there may not be adequate transportation to transport offenders to the required destinations. The isolated nature of Indigenous communities might also make offering programming difficult. Finally, limited financial resources can make implementing Section 84 release plans difficult for Indigenous communities. By providing adequate notice to the Indigenous communities involved in the reintegration process, community workers can create an adequate Indigenous support network for offenders upon their release.

## **Impacts of Section 84 Releases**

Many positive outcomes stem post-release from the utilization of Section 84. These benefits exist at individual, financial, and community levels. These outcomes speak to the nuances in the ways that Section 84 has benefited Indigenous individuals and communities.

From the perspective of offender, post-release outcomes, research (Farrell-MacDonald, 2018) finds that for Indigenous men, those who participate in Section 84 releases are less likely than non-Section 84 participants to receive a suspension of release (57% versus 69%, respectively). They were also less likely to return to custody (42% versus 55%, respectively). However, the same research found that there was no difference for returning with a new offence. Overall, after controlling for time at risk as well as other factors, this research found that non-Section 84 participants were 14% more likely to be suspended and 26% more likely to return to custody. When exploring the outcomes for Indigenous women, it was found that those who participated in Section 84 release were less likely than non-participants to return to custody as a result of a new offence (7% versus 13%, respectively). Research has also shown that Indigenous offenders with a Section 84 release plan are more likely to complete their supervision successfully compared to Indigenous offenders who do not have a Section 84 release plan. Overall, the findings illustrate the extent to which Section 84 releases are a positive reintegration strategy for Indigenous offenders. However, it has been argued that Section 84 releases have been underutilized despite their positive impacts on reintegration (Standing Senate Committee on Human Rights, 2021), thus potentially representing a lost opportunity for Indigenous individuals to experience the full benefits of releases to an Indigenous community.

As previously discussed, the role of the Indigenous community is very important for Section 84 releases. Women and men were more likely to be a part of Indigenous interventions such as Elder reviews, Pathways Initiatives,<sup>2</sup> or developing a healing plan (Farrell-MacDonald, 2017a). Previous CSC research found that men offenders who participated in Section 84 releases stayed in the community one month longer before their first suspension than men who did not participate in a Section 84 (Farrell-MacDonald, 2018). They also stayed one and a half months longer prior to returning to custody when compared to non-participants. Women who participated in a Section 84 were also more likely than non-Section 84 participants to remain in

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<sup>2</sup> Pathways Initiatives are designed to provide a healing environment for those Indigenous offenders already engaged in and committed to their personal traditional healing path with more intensive healing interventions.

the community. Specifically, they were found to be on release for one month longer prior to their first suspension as well as two months longer prior to returning to custody in comparison to those women who did not participate in a Section 84. Even more promisingly, offenders who encountered difficulties on release, both men and women, still remained in the community longer than those who did not participate in a Section 84.

### **Current Study**

While previous research has demonstrated that participation in Section 84 is associated with more successful release and reintegration outcomes, research has not examined the specific reasons behind this success. Using a mixed-methods approach, this research aims to explore how Section 84 releases offer culturally responsive approaches and interventions that support Indigenous offenders that cannot be fully captured quantitatively or through file reviews. As a first stage, this research report focuses on questionnaires with CSC staff and Elders/Spiritual Advisors involved in the Section 84 process to address the following research questions:

1. How does the participation in a Section 84 contribute to a successful release?
2. What are the current challenges and best practices for supporting Section 84 releases?

## Method

### Participants

The sample consisted of 164 CSC staff and Elders/Spiritual Advisors that have experience supporting offenders on Section 84 releases. As demonstrated in Table 1, almost three quarters of the sample (72.0%) consisted of positions specific to parole, including Community Parole Officer (CPO), Institutional Parole Officer (IPO), and Parole Officer Supervisor (POS). A quarter of the respondents (24.9%) work in front-line positions specific to Indigenous interventions, including Indigenous Community Liaison Officer (ICLO), Indigenous Community Development Officer (ICDO), Indigenous Liaison Officer (ILO), and Elder. The remaining respondents held other various positions at CSC. Just over half of the sample (53.7%;  $n = 88$ ) work in the community, while 39.0% ( $n = 64$ ) work in men's institutions and 3.7% ( $n = 6$ ) in women's institutions. The remaining 3.0% ( $n = 5$ ) work at regional headquarter locations. Consistent with the geographic distribution of Indigenous offenders, there was a greater proportion of respondents from the Prairie region (39.0%,  $n = 64$ ). This was followed by staff from the Ontario (23.8%,  $n = 39$ ), Pacific (15.2%,  $n = 25$ ), Québec (12.2%,  $n = 20$ ), and Atlantic (9.8%,  $n = 16$ ) regions.

Table 1

*Current Positions of Staff Respondents with Section 84 Experience*

Position ( $N = 164$ )	%	$n$
Community Parole Officer (CPO)	29.9	(49)
Institutional Parole Officer (IPO)	25.6	(42)
Parole Officer Supervisor (POS)	16.5	(27)
Indigenous Community Liaison Officer (ICLO)	8.5	(14)
Indigenous Community Development Officer (ICDO)	6.7	(11)
Indigenous Liaison Officer (ILO)	6.7	(11)
Regional Headquarters (RHQ) Project Officer	3.0	(5)
Elder/Spiritual Advisor	†	(†)
Other staff	5.5	(9)

*Note.* Other staff includes positions such as Primary Worker, Manager of Assessment and Interventions, Community Program Officer, and Indigenous Intervention Centre Coordinator. Percentages sum to greater than 100% as respondents may hold more than one position.

†Information suppressed due to frequencies fewer than 5 in one category.

In terms of areas of experience, 19.5% ( $n = 32$ ) respondents indicated they have experience in Section 84 release planning, preparation and consultation with the community. An additional 19.5% ( $n = 32$ ) of respondents have experience with supporting offenders on a Section 84 release. The remaining 61.0% ( $n = 100$ ) of the sample had experience with both phases of Section 84 releases (i.e., planning/preparation and supporting on release). Table 2 provides descriptive statistics regarding the type of experiences signified by respondents. The experiences with supporting offenders released to different community types varied, with 78.7% having supported a release to a community organization or other group with Indigenous leadership, 62.8% to a First Nation, and 46.3% to a Tribal Council or Band. The majority of staff had supported offenders released to an urban location, while over half had supported those released to a rural location. Most staff were currently supporting less than five offenders on a Section 84 release.

Table 2

*Staff Experience with Section 84 Releases*

Experience	%	<i>n</i>
<b>Indigenous community type</b>		
Community organization/group	78.7	129
First Nation	62.8	103
Tribal Council or Band	46.3	76
<b>Indigenous community location</b>		
Urban	82.9	136
Rural	68.9	113
<b>Current number of offenders supported</b>		
0	32.3	53
1-5	43.9	72
6-10	9.1	15
11-20	6.1	10
21 or more	7.9	13

*Note.* Community organization/group includes other groups with Indigenous leaders (e.g., halfway house, treatment centre, Friendship Centre, or Urban Justice Committee).

## **Procedure**

The questionnaire was administered using SNAP software and was hosted online through CSC networks between October 18 and November 12, 2021. Invitations were sent to a broad range of CSC staff and Elders/Spiritual Advisors identified as potentially having experience in Section 84 releases based on their position type (see Table 1). The questionnaire was sent to approximately 2,064 staff and 116 Elders/Spiritual Advisors, though a large proportion of the invited respondents may not have had the experience required to participate (e.g., Primary Worker, Management of Assessment and Intervention, Parole Officer Supervisor). In order to participate in the study, respondents had to have experience in preparing offenders for or supporting offenders on a Section 84 release. If respondents indicated that they did not have this experience, the questionnaire concluded and participants were thanked for their interest in the research. A total of 228 staff accessed the questionnaire, however 64 respondents were excluded as they indicated that they did not have experience in supporting offenders on Section 84 release.

## **Measures**

The questionnaire included the following sub-sections: (a) Demographics, (b) Section 84 release planning and preparation, and (c) Impact of Section 84 on successful reintegration. While all respondents received sub-section (a) of the questionnaire, only staff with experience in Section 84 release planning, preparation, and consultation with the community received sub-section (b) and staff with experience in supporting offenders on a Section 84 release received sub-section (c). If respondents indicated that they had experience in both areas, they received the full questionnaire. Sub-section (a) consisted of questions related to the collaboration of parties during release planning, involvement of Indigenous communities in release planning and opportunities to engage with the community prior to release. Sub-section (c) focused on the impacts of Section 84 releases in various aspects of community release and reintegration (e.g., Indigenous-specific, interventions, correctional).

The questionnaire consisted of both Likert scale questions (rated on a 5-point scale from Strongly Disagree to Strongly Agree or a 3-point scale from negative impact to positive impact) and open-ended questions. In addition to the Demographics questions, there were 22 Likert scale questions and 3 open-ended questions in sub-section (a) and 15 Likert scale questions and 4 open-ended questions in sub-section (b). For each set of Likert scale questions, there was an open-ended text box for respondents to provide additional comments regarding their responses.

In addition, there were 3 routed open-ended questions that were presented to respondents based on their responses to Likert scale questions in sub-section (a). The questionnaire was available in both English and French.

Staff provided informed consent by agreeing to a statement prior to filling out the questionnaire. Respondents were advised that their participation in the research was on a voluntary basis and they could withdraw at any point without adverse consequences. Further, none of the questions were mandatory, meaning that respondents could skip any question. To further protect the information provided, the encrypted questionnaire responses were sent directly to, and stored on, a secure CSC server, and were not shared with anyone outside the research team.



## **Results**

The results are presented below in two parts. The first section explores the impacts of Section 84 releases on reintegration. This section identifies how CSC staff understand the relationship between Section 84 and the offender's healing journey and what CSC staff perceive as the most helpful aspects of the Section 84 process. It also presents some of the challenges identified by staff that offenders face during the reintegration process. The second section discusses the importance of planning and preparation involved with the Section 84 process. It stresses the need for ample collaboration and communication between the various CSC staff involved in the Section 84 process.

### **Impacts on Reintegration**

Of the 164 respondents, 132 staff indicated that they had experience with supporting offenders on a Section 84 release. These respondents were asked to share their perspectives surrounding the extent to which they believe that Section 84 releases support offender reintegration and in what ways. As demonstrated in Table 3, the majority of respondents reported positive views regarding the impacts of releases to an Indigenous community on the participation and engagement of offenders in their culture and way of life. Specifically, the majority of staff indicated that Section 84 releases have a positive impact on the ability of offenders to commit and continue with their healing journey (83%), connect with their Indigenous culture (83%), and commit to an Indigenous way of life (80%). This includes participating in ceremonies (82%), connecting with Elders/Spiritual Advisors (76%), and engaging in cultural activities such as crafts, carving, singing, and drumming (78%). A crucial element of Section 84 releases that was reflected in the staff responses are the beneficial impacts on connecting and reconnecting with family, community, and other positive supports (83%).

Table 3

*Impacts of Section 84 releases on Indigenous culture and way of life (N = 132)*

Characteristic	Percentage (n) of respondents			
	Negative Impact	No Impact	Positive Impact	Not Applicable
Healing journey	† (†)	14.4 (19)	82.6 (109)	† (†)
Connect to culture	† (†)	14.4 (19)	82.6 (109)	† (†)
Indigenous way of life	† (†)	15.9 (21)	80.3 (106)	† (†)
Ceremony participation	† (†)	14.4 (19)	81.8 (108)	† (†)
Connect with Elders	† (†)	17.4 (23)	75.8 (100)	† (†)
Engage in cultural activities	† (†)	16.7 (22)	78.0 (103)	† (†)
Connect with positive supports	† (†)	13.6 (18)	83.3 (110)	† (†)

† Information suppressed due to frequencies fewer than 5 in one category.

Staff identified that offenders' desire to follow a traditional healing journey and maintain an Indigenous way of life often underlies the decision to pursue a Section 84 release. Other motivating factors identified by staff are a desire to return to family or a home community, the potential for increased access to resources and supports (i.e., employment), and the perception that pursuing Section 84 increases the likelihood of obtaining release or parole. In addition to identifying cultural aspects as one of the primary reasons that offenders pursue Section 84 releases, staff also identified cultural components of the Section 84 process as some of the most meaningful for offenders and helpful for their successful reintegration. Responses referenced the importance of participation in cultural activities, access to Indigenous programming, relationships with Elders/Spiritual Advisors, and exposure to Indigenous teachings. Further, many respondents suggested that continued cultural engagement post-release is the largest indicator of whether an offender's release will be successful, as well as the degree to which they can take full advantage of the benefits of a Section 84 release. For example, one respondent indicated that a commitment to an Indigenous way of life helps released offenders abide by their conditions:

Their introduction or reintroduction to their cultural teachings. They learn to respect and learn to live within the 7 Sacred Teachings and is their true life guide. It assists them to meet their commitment outlined by the PBC [Parole Board of Canada].

Despite the value of maintaining an Indigenous way of life outside the institution, staff responses suggested that a large proportion of offenders are unable to follow through on cultural aspects of their release plans once in the community. When asked what obstacles offenders encounter to successful reintegration upon and during their release, common themes relating to cultural participation emerged which point to various individual and community risk factors for cultural disengagement post-release. While several staff suggested that offenders are simply not motivated to remain culturally engaged, the majority of open-ended responses indicated that offenders are facing more numerous and more complex obstacles to an Indigenous way of life than a lack of interest or commitment. One of the themes that emerged was that of offenders' having difficulty managing numerous priorities. As one respondent explains:

I believe it is overwhelming for an individual as they will have conditions they must abide by (for public safety), they are expected to meet the requirements of their FOC's [Frequency of Contacts] with their PO [Parole Officer], complete the community maintenance program, attend NA [Narcotics Anonymous] or AA [Alcoholics Anonymous], attend school, seek and secure employment, attend counselling, and access the supports identified in the Sec 84 CA [Community Assessment].

Several staff suggested that it is often not feasible for offenders to tend to each priority equally, which can negatively impact offenders' continued cultural engagement, in particular:

Offenders face competing priorities during their release (work, family, leisure time, supervision expectations) and as a result culture often takes a 'backseat' to what they perceive as (and likely are) more immediate needs.

According to several staff responses, the likelihood that cultural engagement will remain a top priority is higher for offenders who were engaged in an Indigenous way of life or had exposure to their Indigenous culture prior to their incarceration. When asked if offenders who participate in Section 84 releases are usually culturally engaged during their incarceration, a majority of respondents either agreed or strongly agreed with the statement (65.1%). Only a small portion of respondents disagreed or strongly disagreed (8.3%). Regardless of past cultural engagement, though, staff responses clearly indicated that formidable obstacles are present at the community level, as well. In many cases, offenders' continued participation is often limited by the availability of cultural resources in and near the Section 84 release community. Many staff reported that offenders often find out upon release that resources and activities identified in the Section 84 release plan are no longer available, have lengthy wait times, or are inaccessible due

to limited practical resources such as transportation. One of the key cultural resources that staff identified as lacking for many offenders was Elder support in the community. In addition to a general shortage of Elders/Spiritual Advisors available to offenders in the community, many staff also spoke to a common “misconception” regarding the way in which Elder support is accessed in the community, emphasizing that unlike institutional Elders/Spiritual Advisors contracted by CSC, community Elders/Spiritual Advisors are not employed for the purpose of working with offenders and typically only offer regular support to family or known community members. Staff responses further suggested that Elder support may differ based on the location of release, with fewer Elders/Spiritual Advisors available in urban settings.

Table 4

*Impacts of Section 84 releases on reintegration (N = 132)*

Characteristic	Percentage ( <i>n</i> ) of respondents			
	Negative Impact	No Impact	Positive Impact	Not Applicable
Connect to resources	† (†)	12.9 (17)	82.6 (109)	† (†)
Access educational programs	† (†)	31.8 (42)	60.6 (80)	5.3 (7)
Obtain employment	† (†)	36.4 (48)	56.8 (75)	† (†)
Access treatment programs	† (†)	21.2 (28)	73.5 (97)	† (†)
Address substance use	† (†)	21.2 (28)	72.7 (96)	3.8 (5)

† Information suppressed due to frequencies fewer than 5 in one category.

While many of these factors were also identified as impacting other areas of offenders’ successful reintegration, open-ended responses suggested the presence of additional obstacles to reintegration beyond maintaining cultural engagement. While the majority of CSC staff reported that Section 84 releases have positive impacts on other facets of reintegration, it was to a lesser extent than the specific impacts on Indigenous culture and way of life (see Table 4). Section 84 releases were seen as having a positive impact on the ability of offenders to form connections to resources in the community (83%), but the feedback was more mixed regarding the impacts on the ability to access or attend educational programs (61% positive) and obtain and maintain employment (57% positive). In particular, 36.4% (*n* = 48) of respondents disagreed or strongly disagreed that offenders are adequately supported for employment prospects/opportunities

through the Indigenous communities.<sup>3</sup> However, releases to an Indigenous community were largely seen as helpful in accessing or attending community or treatment programs (74%) and addressing substance use issues and/or committing to a substance free lifestyle (73%).

Many staff said that the opportunity to make connections with members of the Section 84 release community prior to release is one of the most meaningful and helpful aspects of the Section 84 process, because it ensures offenders have established points of contact for resources in the community upon release. The impact of relationships with individual members of the community, as well as offenders' positive standing in the community more generally, on access to a variety of resources and programming emerged as a common theme. However, staff responses also suggested that not all offenders experience this benefit and several staff expressed concern that the role of other community members as gatekeepers to community-based resources negatively interferes with some offenders' reintegration:

In many cases, particularly when returning to their home community, they are ostracized or vilified by some of the members in the community which adds additional pressures toward the offender and may also affect their ability to receive community services due to pressures placed on the resources that are identified to assist the offender.

Nepotism and discrimination shown from their home communities in accessing the necessities of their release.

Beyond the challenges that offenders might encounter relating to relationships within the community, staff indicated in open-ended responses that many of the aforementioned difficulties staying connected to cultural resources also have implications for other forms of support in the community. Specifically, staff reported that offenders regularly encounter lengthy wait times, changing availability of resources, and practical constraints. One of the most common practical obstacles identified in the open-ended responses was a lack of identification upon release, which complicates offenders' efforts to obtain employment, access healthcare, and secure stable housing. As one respondent shares:

This is by far the biggest frustration and it isn't safe. Without personal ID offenders can't obtain employment/educational opportunities. So, for almost 2 months, newly released offenders cannot do anything and are essentially stuck until they get their ID.

As previously mentioned, staff suggest that when offenders face uncertainty in these

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<sup>3</sup> 22.7% (*n* = 30) agreed, 28.8% (*n* = 38) neither agreed or disagreed, and 12.1% (*n* = 16) responded that they don't know/not applicable.

foundational areas of reintegration, commitment to a holistic and comprehensive release plan is undermined. Further, there may be increased vulnerability to pre-existing risk factors in the community, such as affiliation with negative peer or family influences (i.e., previous criminal associates) and exposure to substances and other substance users. Responses suggest that this vulnerability is both due to the increased stress associated with unmet basic needs, as well as the practical realities of attempting to meet those needs with limited capacity, such as having few available options for substance-free housing or feeling forced to turn to negative associates or criminal activities to meet financial obligations. Staff responses indicated that when these needs are addressed through comprehensive planning and adequate follow through upon release, offenders are better able to manage risk factors in the community, which may reduce their likelihood of negative correctional outcomes.

Table 5

*Correctional impacts of Section 84 releases (N = 132)*

Characteristic	Percentage ( <i>n</i> ) of respondents			
	Negative Impact	No Impact	Positive Impact	Not Applicable
Follow release conditions	† (†)	36.4 (48)	58.3 (77)	† (†)
Meet with Parole Officer	† (†)	34.8 (46)	56.1 (74)	7.6 (10)
Avoid reoffending	† (†)	32.6 (43)	59.8 (79)	6.1 (8)

† Information suppressed due to frequencies fewer than 5 in one category.

These results are mirrored in the staff and Elder Likert scale responses regarding the correctional impacts of Section 84 releases (see Table 5). Just over half of respondents reported that Section 84 releases have a positive impact on offenders' abiding by their release conditions (58%), meeting and communicating with their community Parole Officer (56%), and avoiding committing a new offence (60%). Thus, the feedback from CSC staff and Elders/Spiritual Advisors regarding effects on compliance and enforcement was much more mixed than the impacts on Indigenous culture and way of life, as well as their broader reintegration. Open-ended staff responses similarly featured both positive and negative perceptions of the correctional impacts of Section 84 releases. However, thematic analysis of the responses indicated that perspectives may be mixed because of a common perception that positive correctional impacts of

Section 84 are highly dependent on offender commitment, comprehensive community support, and clear follow-up from CSC staff. Staff identified that one of the most significant obstacles to compliance is the double burden of mainstream and Indigenous programming in addition to other priorities that offenders must manage upon release. One respondent expressed the following when asked what issues offenders encounter that might affect their successful reintegration:

Struggles managing their time for programming, connecting with Indigenous partners, employment and parole. CSC has said that Indigenous offenders must do CSC programming, even if they have programming through the Section 84 - Indigenous programming. It becomes too many obligations, and some addressing the same needs.

Further, staff report that additional burdensome expectations are often placed on offenders in the form of release conditions that are “impossible to respect,” such as those relating to proximity to victims in the community. According to open-ended responses, such conditions can be overly restrictive by limiting offenders’ movement within the community, their access to resources and opportunities (i.e., housing), and their participation in community and cultural activities. Staff also indicate that the correctional impacts of Section 84 releases can be hindered by inadequate follow up from CSC staff (particularly CPOs) who may be experiencing heavy workloads, as well as by unclear expectations among offenders, the community, and CSC regarding post-release supervision. When these obstacles are effectively handled, however, staff responses indicate that Section 84 can have a sizeable impact on offenders’ level of commitment to successful reintegration. Staff emphasize that Section 84 is unique in its offender-driven approach, which requires offenders to take initiative in the planning process. By encouraging offenders to reflect on their individual situations, identify their goals and priorities, and think critically about the obstacles they may face upon release, the Section 84 process offers offenders the opportunity to develop skills and understanding that may help them overcome challenges in the community and remain committed to their release plan. Staff reported that offenders released on Section 84 also often demonstrate a high degree of commitment to their release plan because they feel accountable to those in the community that supported their release. Staff responses suggest that this accountability begins early in the planning process, when offenders first contact the community to request support for a Section 84 release. Finally, staff emphasized that by offering opportunities to heal from personal and intergenerational trauma, to understand their Indigenous Social History (ISH), and address personal risk factors (i.e., substance use), the Section 84 process helps to reduce the likelihood of reoffending.

## **Section 84 Planning and Preparation**

Of the 164 respondents, 132 staff indicated that they had experience with Section 84 release planning, preparation, and consultation with the community. Approximately 60% of staff agreed or strongly agreed that they are heavily involved in the release planning process. This question was further examined by position type as it was predicted that responses would differ depending on position requirements. As expected, 82.3% of IPOs and 100% of ICDOs indicated that they are heavily involved in release planning. Almost half of the respondents (48.4%) agreed or strongly agreed that they collaborate with Indigenous communities often for the release planning of offenders on Section 84 releases. Given the nature of their role, all ICDOs (100%) indicated that they collaborated with Indigenous communities often for the purposes of Section 84 release planning. While this was mirrored in open-ended responses, some staff spoke to the challenge of regional variation in staffing, particularly of ICDOs. Staff of various positions emphasized that in areas without ICDOs, collaboration with communities falls to staff who are often unequipped, unexperienced, or overburdened with other responsibilities. This theme emerged in responses from ICDOs, as well as from staff of other positions. Further, many ICDOs indicated that high caseloads often limit the time that they can spend building relationships with communities and engaging them in release planning, a theme that emerged in the responses from staff of other positions, as well. Open-ended responses also suggested that there may be some inconsistency among staff regarding the role of IPOs in release planning, as well as mixed perspectives regarding the degree to which all IPOs fulfill their Section 84 planning responsibilities. Staff attributed this to challenges such as high caseloads, insufficient staff training and knowledge of Section 84 releases, and a lack of functional collaboration between IPOs and other CSC staff. Generally, however, staff indicated that IPOs tend to work with offenders to educate them on Section 84 releases and assist them in completing various components of the process.

The results of the study show that there is a greater need to provide resources for those who assist with the Section 84 release process. For example, the Path Home is an automated reminder system that notifies CSC staff about offenders who have expressed interest in obtaining a Section 84 release. Respondents tended to disagree or strongly disagree (45.5%) that the automated reminders from the Path Home makes the Section 84 application process easier. Additionally, there are mixed responses when asked whether CSC staff have appropriate



resources, training, and support for assisting offenders in their Section 84 release. The study finds that 45.5 % either agreed or strongly agreed. Meanwhile, 29.6% of respondents disagreed or strongly disagreed. However, the majority of Indigenous Community Development Officers (54.5%) who responded, do agree that they have the necessary resources and training to support Section 84 releases.

Table 6

*Collaborations during Section 84 Release Planning (N = 132)*

Type of Collaboration	Percentage (n) of respondents							
	Disagree		Neither		Agree		Not	
			Agree/Disagree				Applicable	
Various CSC staff	46.2	(61)	17.4	(23)	35.6	(47)	†	(+)
Institutional Elders/Spiritual Advisors	31.8	(42)	21.2	(28)	37.8	(50)	9.1	(12)
CSC & Indigenous Community	40.1	(53)	28.8	(38)	24.2	(32)	5.3	(7)
CSC & PBC	28.1	(37)	24.2	(32)	39.4	(52)	6.8	(9)

*Note.* CSC = Correctional Service of Canada; PBC = Parole Board of Canada

† Information suppressed due to frequencies fewer than 5 in one category.

Section 84 release planning requires a large amount of collaboration between various parties involved in the process. As such, the quality of these collaborations were examined and presented in Table 6. Overall, 46.2% of staff disagreed or strongly disagreed that there is adequate collaboration between various CSC staff for planning Section 84 releases. The most common theme that emerged from open-ended responses on staff collaboration was a disconnect between the staff working in the institution and those at various sites in the community. Specifically, staff reported that work on release planning is often disjointed and “completed in silos,” indicating that there is little collaboration among staff on individual components of the release plan. Several staff responses suggest that as a result, staff working on the same application do not always have access to all of the same information, which may lead to conflicting perspectives and priorities in the planning process. Open-ended responses on collaboration also reflected a theme of some staff feeling “cut out” of the planning process as a result of the ICDO role. CSC staff in both institutional and community settings indicated that they are often not consulted by front-line staff specific to Indigenous interventions (such as

ICDOs, ICLOs, or ILOs), while staff in the community reported that they would like to be involved earlier on in the planning process to ensure continuity and clarify expectations. One respondent indicates that this challenge is exacerbated by staff turnover:

Having ICDOs on site sometimes cuts us out of the process and then getting back on track becomes an issue with the high staff change over. It is very much a double edged sword.

As norms for collaboration and roles assumed within the planning process can vary widely, staff are responsible for renegotiating responsibilities and expectations each time there is a staffing change. According to responses, this is an additional burden on staff who may already have limited bandwidth for release planning or, in some cases, limited knowledge and experience of the Section 84 process. Ultimately, staff suggest that these collaboration challenges can negatively impact offenders by creating logistical barriers to their participation in release planning, delays in the application process, and gaps or inconsistencies in their release plan.

Compared to collaboration among various CSC staff, a larger proportion of staff (39.4%) agreed or strongly agreed that there is adequate communication between CSC and PBC regarding Section 84 releases. Staff responses, however, suggested that communication is often one-sided, with most communication taking place in the context of decisions sent from PBC to CSC. Another theme that emerged in open-ended responses from staff was that of pressure from PBC to pursue Section 84 releases for all Indigenous offenders, even offenders who may not be interested or in cases where it may not be possible.

...the PBC will ask the offender why they may not have applied for one, but the manner in which most PBC members ask, make it sound like they should have and didn't even though it's a voluntary process. I feel like some hearings it feels like a "strike" against the offender. Even if I explain at the end of the hearing that one was applied for but not completed due to tight time frames as can be the case, they do not seem to like that answer or accept it as a valid reason for not having a Section 84 at the hearing. I feel they don't understand the voluntary nature of a Section 84.

Several staff noted a trend of PBC adjourning hearings in cases where Section 84 was not pursued, despite legitimate reasons as to why. Staff suggest that increased training and education for PBC members on the specifics of Section 84, including "in some cases, establishing boundaries" regarding PBC's role in encouraging Section 84, might bolster collaboration between CSC and PBC.

The involvement of institutional Elders/Spiritual Advisors was also seen positively with

37.8% of respondents agreeing that they are involved in Section 84 release planning. Most mentions of institutional Elders/Spiritual Advisors in open-ended responses, however, indicated that they are not regularly included in the Section 84 planning process. Those responses that perceived positive involvement suggested that it would be beneficial to more formally reflect the involvement of institutional Elders/Spiritual Advisors in release planning by documenting their input in Section 84 application components, such as the Community Assessment.

When asked about collaboration between CSC and Indigenous communities supporting Section 84 releases, 40.1% of respondents disagreed or strongly disagreed that the current collaboration is adequate. Some respondents indicated that inadequate collaboration among staff negatively impacts CSC's collaboration with communities. Given that relatively few CSC staff have direct contact with Indigenous communities for the purpose of Section 84 release planning, community access to fulsome and accurate information pertaining to an offender's release is contingent on consistent information sharing among CSC staff. One of the most salient themes was that CSC's collaborative relationships with communities could be improved by a heavier emphasis on more meaningful consultation, where communities are viewed as partners in Section 84 releases instead of as contractors to whom the supervision of Indigenous offenders is outsourced. As one respondent shared:

CSC needs to be a better partner instead of downloading responsibility on the agency or community. More resources, support, collaboration is required for the s84 process to be achievable for more offenders and for more communities to want to be part of the process. Consultation also needs to be "how can we help reintegrate this person back into the community" instead of "will you take offender XXX back to your community and what resources do you have?" Knowing that Indigenous communities have limited resources and social issues of their own, asking communities to take on responsibility for programming/supervision and reintegration is not realistic.

Similar responses from other staff indicate that supporting communities by promoting and funding community-based resources, establishing contracts and partnerships, and providing relevant information on Section 84 is integral to effective and meaningful collaboration. Related to this, staff emphasized that collaboration with release communities must consist of ongoing consultation and support, rather than prioritizing communication only during active release planning. Further, staff suggested that CSC should invest in release communities and building relationships with community members outside of specific release planning and support tasks. Respondents suggested that this could involve regular visits to release communities, staff

participation in community activities, and extending invitations to Indigenous community members to visit institutions. While responses reference that high caseloads, resource constraints, and high turnover often prevent individual staff members from engaging with communities in these ways, many staff emphasize that efforts to engage regularly and authentically with communities are necessary to foster trust and openness. As such, the most common recommendations from open-ended responses included hiring additional ICDOs, allocating more time and resources for ICDOs and ICLOs to engage in relationship building, and making positions specific to Indigenous interventions available in more areas. This is particularly relevant for communities that have had negative experiences with CSC, such as consultation that has felt empty or exploitative or overly burdensome experiences supervising offenders in the past. Further, staff suggested that collaborative relationships stand to benefit from growing cultural competency among CSC staff, specifically by hiring more Indigenous staff and ensuring non-Indigenous staff value and pursue meaningful consultation. Staff indicate that these changes may help to shift the nature of collaboration from a bureaucratic requirement to a relationship based on respect and appreciation for the role of Indigenous communities in corrections.

The questionnaire also provided CSC staff an opportunity to share their views on the involvement of Indigenous communities in release planning. Around a third of staff (36.4%) had positive views regarding the interest from Indigenous communities in being consulted and/or involved in Section 84 releases. In terms of the involvement of the Indigenous communities in an offender's release planning, overall the majority of respondents (63.7%) agreed or strongly agreed that their participation often takes place closer to the release date (see Table 7). Despite a reported lack of involvement earlier in the sentence, one-third of staff (33.3%) agreed that that Indigenous community is well informed about the offender's status and progress toward their plan. This may be better understood in light of open-ended responses from staff indicating that many communities may delay their involvement in the planning process until an offender has made progress, often in the form of program completion. Staff lamented the unique challenge this preference presents for offenders serving shorter sentences, as frequent delays in the commencement of programming encroach on the limited time available for planning and consultation with the communities. For offenders serving longer sentences, on the other hand, communities are often reluctant to begin planning too far in advance because of the likelihood that community-based resources identified early in the sentence may not be available or relevant

upon release. In most cases, respondents indicated that the ICDO was the staff member communicating with the community contacts regarding progress.

Table 7

*Involvement of Indigenous Community in Release Planning (N = 132)*

Characteristic	Percentage (n) of respondents			
	Disagree	Neither	Agree	Not
		Agree/Disagree		Applicable
Involvement close to release	10.6 (14)	18.2 (24)	63.7 (84)	4.5 (6)
Informed of offender progress	21.2 (28)	32.6 (43)	33.6 (44)	12.9 (17)
Interest in consultation	22.0 (29)	27.3 (36)	36.4 (48)	14.4 (19)
Accessible representatives	43.9 (58)	24.2 (32)	27.3 (36)	† (†)
Participation in parole hearings	48.5 (64)	20.5 (27)	11.4 (15)	17.4 (23)
Involvement of Elders	46.2 (61)	19.7 (26)	26.5 (35)	7.6 (10)

† Information suppressed due to frequencies fewer than 5 in one category.

Respondents had mixed perspectives regarding the availability of community contacts, with 43.9% of staff disagreeing that representatives of Indigenous communities involved in Section 84 releases are identifiable and accessible for community, and 27.3% agreeing with the same question. Thematic analysis of open-ended responses from staff may offer context for this mixed responses as many staff emphasized that contact availability varies widely from region to region, and from community to community. Overall, difficulty making contact with community representatives for Section 84 planning was one of the most commonly identified challenges in open-ended responses, with staff reporting that delays in obtaining community input can jeopardize the production of a timely and thorough application. Closed offices due to COVID-19, turnover in community representatives, and overburdened/under-resourced communities were commonly identified as major contributing factors to the limited availability of community contacts.

Almost half of staff (48.5%) disagreed that the Indigenous communities attend and/or participate in offender Parole Hearings. Staff responses suggest that participation in hearings is often limited by the availability of community representatives and practical considerations such as distance and transportation, particularly in rural and remote communities. Staff responses also

identify obstacles to community participation that originate from CSC, indicating that communities are not always informed that they can attend hearings and that community-assisted hearings are often not possible, particularly when ICDOs are under-resourced. An additional 46.2% of respondents disagreed that Community Elders/Spiritual Advisors are involved in the release planning stage of Section 84 releases, with staff responses referencing a general shortage of Elders/Spiritual Advisors available to offenders in the community. The findings in regards to the involvement of Indigenous communities based on Likert scale questions were overall quite mixed, suggesting that the experiences may differ as a function of position, location, region, or other contextual factors not captured in quantitative results.

CSC staff also had mixed perspectives regarding opportunities for the offender to communicate and interact with their Indigenous community prior to release (see Table 8). For instance, while 37.8% of staff agreed that offenders are able to communicate and reach out to representatives of the Indigenous community as needed, an additional 25.8% disagreed with the same question. A larger proportion of respondents disagreed that offenders typically maintain ongoing contact and communication throughout their sentence with the Indigenous community. Those who disagreed that offenders are able to communicate and reach out to community representatives were given the opportunity to provide their perspectives on why offenders might be unable to do so. Open-ended responses suggested that obstacles to community contact can be of a practical, individual, or institutional nature. While some staff reported that offenders are sometimes unmotivated or lack the confidence to initiate contact, one of the most commonly referenced concerns was offenders' phone access, which staff indicated is often limited by insufficient funds, time limits for phone use, and relatively few phones designated for a large offender population. Limited availability of institutional staff, who frequently facilitate offender-initiated contact, was also identified as a sizeable barrier to opportunities for offender contact with Indigenous community representatives. Responses from staff indicated that in addition to factors within the institution, contact may also be limited by circumstances in the community, such as a lack of phone or internet service in remote areas and conflicting priorities that test communities' bandwidth for planning. Staff suggest the both Indigenous communities and CSC are overburdened, making it difficult to coordinate and follow through on scheduled opportunities for offenders to make contact with representatives.

Table 8

*Offender Opportunities with Community Prior to Release (N = 132)*

Opportunity type	Percentage ( <i>n</i> ) of respondents							
	Disagree		Neither		Agree		Not	
			Agree/Disagree				Applicable	
Communication with community	25.8	(34)	25.0	(33)	37.8	(50)	11.4	(15)
Contact with community	37.1	(49)	25.8	(34)	27.3	(36)	9.8	(13)
Availability of TAs	31.1	(41)	20.5	(27)	32.6	(43)	15.9	(21)
Participation in TAs	40.9	(54)	24.2	(32)	18.2	(24)	16.7	(22)
Informed of expectations	25.0	(33)	23.5	(31)	44.6	(59)	6.8	(9)

Note. TAs = Temporary Absences.

†Information suppressed due to frequencies fewer than 5 in one category.

Respondents were split on whether the opportunities exist for offenders to take part in temporary absences at Section 84 communities. More staff (40.9%) disagreed that offenders participate in Escorted Temporary Absences (ETAs) and Unescorted Temporary Absences (UTAs) with and/or within their Section 84 community prior to release. For those staff that agreed that offenders participate in ETAs and UTAs, those opportunities were reported to be typically of a personal development nature (e.g., attend ceremonies or programs). Similarly, open-ended responses suggested that a number of staff feel ETAs and UTAs are underutilized in the Section 84 process, with many staff noting that they are often not geographically feasible given the remoteness of some release communities. In this regard, offenders planning releases to urban settings may encounter less difficulty. Security classification may also contribute to offenders' participation in absences throughout their sentence, as many staff indicate medium- and maximum-security offenders are not typically granted ETAs or UTAs. Finally, staff note that the COVID-19 pandemic has resulted in a significant reduction in the number of ETAs and UTAs for all offenders, regardless of purpose, setting, or security classification. Despite the mixed views on offenders contact with the community prior to release, a greater proportion of respondents (44.6%) agreed or strongly agreed that offenders are well informed of the expectations of the Indigenous community upon release.

Staff were given the opportunity in open-ended responses to identify challenges experienced by staff and offenders throughout the Section 84 planning process, which led to the

emergence of themes not addressed in the quantitative results. For instance, the majority of respondents (73.5%) believe that offenders are informed about Section 84 releases during intake. Only a small portion of respondents (5.3%) disagreed that offenders are not being informed of the Section 84 option. However, a lack of understanding relating to Section 84 was a common theme throughout responses to several of the open-ended questions, with many staff emphasizing that explanations provided at intake are often inaccurate, incomplete, or difficult for offenders to retain given the high volume of information. Staff indicated that offenders are often unsure what the difference is between a general release and a Section 84 release. In particular, staff report that many do not perceive any additional benefit to pursuing a Section 84 release and are further dissuaded from pursuing one by the amount of time and effort the process requires. Staff report that many other offenders, however, perceive that pursuing a Section 84 release will expedite their release or increase their chances of obtaining parole, compared to a general release. Staff responses are mixed regarding the legitimacy of this belief. While some respondents emphasized that offenders mistakenly view Section 84 as a short cut, others criticize PBC for demonstrating a “purely political” bias in approving Section 84 releases. Lack of knowledge regarding the Section 84 process was also identified as one of the reasons offenders often find the process too lengthy, complicated, or labor-intensive, as offenders often pursue a Section 84 release without clear or accurate expectations. Staff suggest that other factors that lead to offenders’ experiencing the Section 84 process as difficult or arduous relate to completion of specific release application components. Many responses note the difficulty surrounding the letter that offenders send to release communities making a request for their support. While some staff indicate that offenders are simply unwilling to make the effort, other staff emphasize that offenders may not feel comfortable with the level of disclosure the letter requires. Difficulties relating to literacy also emerged from the responses, a challenge that staff suggest is difficult for offenders to overcome without staff available to provide the necessary assistance.



## Discussion

This report has focused on understanding the perspectives of CSC staff and Elders/Spiritual Advisors involved in the Section 84 release process. The objectives of the study were to determine how participation in a Section 84 contributes to a successful release and to identify the current challenges and best practices for supporting Section 84 releases. Overall, the cultural components, community connections, and offender-driven approach of Section 84 releases are viewed as the main drivers for these successful releases. The results are promising and reflect multiple opportunities for constructive dialogue and change.

Based on the perspectives of CSC staff and Elders/Spiritual Advisors, it is clear that one of the main factors for successful release is the cultural component of the Section 84 process. Specifically, the majority of staff indicated that Section 84 releases have a positive impact on the ability of offenders to commit and continue with their healing journey (83%), participate in ceremonies (82%), and connect with Elders/Spiritual Advisors (76%). Continued cultural engagement post-release was identified as one of the largest indicators of whether an Indigenous offender's release will be successful, as well as the degree to which they can take full advantage of the benefits of a Section 84 release. However, there are numerous and complex obstacles to maintaining an Indigenous way of life once released into the community, putting offenders at risk for cultural disengagement post-release.

One of the most helpful and meaningful elements of the Section 84 process identified by respondents was the opportunity to make connections with members of the Section 84 release community prior to release. The majority of CSC staff (83%) noted that offenders benefit from the ability to connect and/or reconnect with their community, family, and other supports during the Section 84 process. Respondents had an overall positive view about the impact of the Indigenous community on offenders' capacity to engage in their cultural way of life. For example, 83% of respondents believed that Section 84 helped Indigenous offenders connect with their Indigenous culture, and 80% agreed that it helped offenders commit to an Indigenous way of life.

Key themes found within the data collected include an emphasis on community and relationship building. The results indicate that 40.1% of CSC staff and Elders/Spiritual Advisors disagreed or strongly disagreed that the current collaboration for Section 84 releases is sufficient.

Staff pointed to several reasons for this, which include the perception of one-sided communication between PBC to CSC. Past scholarly work on Section 84 releases has emphasized the positive role that Indigenous communities play during the processes (Garnett, Walsh, & Badry 2013; Zellerer, 2003). Open-ended responses also emphasized the importance of proper communication and relationship building approaches with Indigenous communities. These relationships could be improved by placing more emphasis on meaningful consultations, which would involve seeing Indigenous communities as partners as opposed to contractors. In this way, collaboration and consultation need to be ongoing during the entire Section 84 process and not simply during release planning.

The offender-driven approach for Section 84 planning was identified as an additional driver for successful releases. Given that offenders are required to take initiative in the planning process, it sets the stage for them to develop skills and understanding that may help them overcome challenges in the community and remain committed to their release plan. Indigenous offenders released on Section 84 also often demonstrate a high degree of commitment to their release plan because they feel accountable to those in the community that supported their release. In addition, staff emphasized that by offering opportunities to heal from personal and intergenerational trauma and to understand their Indigenous Social History (ISH), the Section 84 process helps to reduce the likelihood of reoffending.

Despite the advantages of the offender-driven approach there are challenges that inhibit offenders from following through with the cultural elements of the release plan. Staff and Elders/Spiritual Advisors pointed to many obstacles, such as lengthy wait times. Respondents reported difficulties contacting community members during the initial planning processes. These delays greatly impact the capacity for Section 84 applications to be processed in a timely manner. The availability of community contacts was impacted by the COVID-19 pandemic, which resulted in closed offices and overburdened staff, which may have subsequently influenced the ability for offenders to proceed with Section 84 releases. This results in the Section 84 process becoming unpredictable for offenders when resources and supports are not consistently available. Some respondents also believed that offenders' reintegration were negatively impacted by some community members who act as gatekeepers to community resources. These findings may serve as useful guidance as CSC works towards streamlining the Section 84 release process.

Other facets of reintegration were identified as factors for successful releases, though to a lesser extent than the specific impacts on Indigenous culture and way of life. For instance, releases to an Indigenous community were largely seen as helpful to offenders in accessing or attending community or treatment programs (74% positive) and addressing substance use issues and/or committing to a substance free lifestyle (73% positive). The feedback was more mixed regarding the impacts on the ability to access or attend educational programs (61% positive) and obtain and maintain employment (57% positive). Of note, respondents highlighted that some offenders do not have proper identification upon release. This negatively impacts an offenders' capacity to fully engage with the community as they often struggle to find employment and struggle to access healthcare and housing. Finally, the impacts of Section 84 releases on compliance and enforcement were also mixed. Just over half of respondents reported that Section 84 releases have a positive impact on offenders' abiding by their release conditions (58%), meeting and communicating with their community Parole Officer (56%), and avoiding committing a new offence (60%).

Staff emphasized the need for more resources dedicated to supporting Section 84 releases, including additional training and staff. CSC should particularly focus on hiring more Indigenous people, increasing the number of ICDO positions, and ensuring staffing of Indigenous-specific roles across all regions. Expanding the CSC personnel whose roles specifically focus on working with Indigenous communities could assist in healing pre-existing negative relationships with Indigenous communities who have felt exploited and overburdened during the consultation process. Furthermore, collaborative relationships with Indigenous communities could benefit from more cultural competency training and providing more time and resources for ICDOs and ICLOs to build relationships with Indigenous communities. These changes can fundamentally shift the nature of the consultation process by making it less of a bureaucratic requirement and more of an ongoing relationship based on mutual respect and consistent communication.

Finally, Section 84 release planning cannot be undertaken uniformly across all communities. Indigenous communities are unique and diverse. Consequently, they have different needs and concerns. Staff noted the different needs of urban and rural Indigenous communities. For instance, staff suggested that Indigenous offenders may encounter less difficulty when planning releases to urban settings. This is because rural Indigenous communities often have

limited access to phone and internet services, especially in remote communities. Meanwhile, the availability of Indigenous Elders/Spiritual Advisors may vary from place to place, with Elders/Spiritual Advisors being less available in urban settings. Respondents noted that there is a “misconception” about how Elder support is accessed in the community, and in some cases, community Elders/Spiritual Advisors only offer support to family members or known members of their community. As a significant portion of Indigenous people live off reserve, they might experience challenges obtaining Elder support when they return to their Section 84 release communities.

## **Conclusions**

This study builds thematically and conceptually on previous CSC research which has demonstrated the positive impacts of Section 84 releases on post-release outcomes of participating Indigenous offenders (Farrell-MacDonald, 2018). Yet ongoing research has not examined the reasons behind the success of Section 84. The responses highlight numerous opportunities for innovation and improvement. This research captures the perspectives of CSC staff and Elders/Spiritual Advisors involved in the Section 84 process. The cultural components, community connections, and offender-driven approach were identified as the drivers of successful reintegration following a Section 84 release, as opposed to more conventional elements of offender reintegration, such as mainstream programming (e.g., education, employment, treatment programs) and compliance and enforcement measures. These results highlight the importance of providing effective, culturally appropriate interventions and reintegration support for First Nations, Métis, and Inuit offenders.

The challenges and best practices identified in this study reflect opportunities for constructive dialogue and change. The results underscore the importance of finding ways for CSC to establish meaningful and ongoing connections with Indigenous communities, where relationships are rooted in respect and partnership. An important first step toward this goal would be hiring more Indigenous staff and providing more cultural competency training for staff. The findings also stress the importance of a flexible and individualized approach to Section 84 planning, focused on addressing the unique circumstances of each release. Indigenous communities can vary greatly in their access to services and community supports. Services such as transportation and internet may not be as readily available in some Indigenous communities, especially for those in rural or remote areas. Elder support in particular, remains an important

challenge for those involved in Section 84.

### **Limitations and Future Directions**

While this research has revealed several factors that contribute to successful releases and has shed light on the current challenges for supporting Section 84 releases, there are also several limitations that reflect the barriers involved with conducting research during a global pandemic. The research was impacted by the ongoing COVID-19 pandemic, which influenced the capacity to conduct in-person fieldwork. The use of Likert scale items resulted in mixed responses from staff on several questions, although qualitative responses to open-ended questions helped to mitigate this limitation by providing additional context. These inconsistencies suggest that there are other factors at play that could not be fully captured by the questionnaire. One of the main limitations of this study was that it did not incorporate the perspectives of Indigenous community partners, who would be adept at identifying the current challenges and best practices as key stakeholders in the Section 84 process. Future research is also needed in order to understand the perspectives of Indigenous offenders who engage in the Section 84 process. This research may offer CSC valuable insight relating to the needs of offenders in the Section 84 process. Beyond quantitative research, qualitative approaches such as interviews or focus groups could provide a more layered and sophisticated understanding of how Section 84 releases contribute to successful reintegration.

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