



People with Lived Experience

What We Learned

Wave 2 Justice Canada-Led
Engagement

March 2024



Department of Justice
Canada

Ministère de la Justice
Canada

Canada



Table of Contents

Land Acknowledgement	4
A Thank You to Participants	5
Introduction	6
Engagement Process	7
Locations of Engagement Sessions.....	8
Table 1. Sites Visited	8
What We Heard	9
Conflict Between Systems	9
Figure 1. Comparison of System Structures	10
Youth	11
Court Process.....	12
Indigenous Courtworkers (ICW).....	13
Gladue	14
Elders	15
Cultural Support.....	16
Programming and Training	18
Mental Health and Health Services.....	20
Addiction Treatment.....	22



Discrimination and Racism	23
Gang Involvement and Resources.....	25
Intersectionality.....	26
Life After Release and the Continuum of Care	28
Conclusion.....	29
References.....	30



Land Acknowledgement

The drafting of this report took place on the traditional unceded Anishinaabewaki of the Algonquin Nation. We also provide special thanks to the territories of the numerous nations we visited throughout this engagement process:

The unceded shared territory of the Cheam, Sts'ailes, Sq'ewlets and Seabird Island people.

The unceded territory of the Stó:lō people, the Sumas First Nations and Matsqui.

Amiskwacîwâskahikan in Treaty 6 Territory and home to Métis Nation of Alberta Region 4, the traditional territories of the Nêhiyawak, Anishinaabeg, Niitsitapi, Métis, Dene, and Nakota Sioux.

The Haldimand Tract, the traditional territory of the Attawandaron, Anishinaabeg, and Haudenosaunee.

The traditional territory of the Anishinaabeg, Haudenosaunee, and the Huron-Wendat.

Mi'kma'ki, the traditional and ancestral territory of the Mi'kmaq people.

The traditional and unceded territory of the Wolastoqiyik, Mi'kmaq and Peskotomuhkati peoples.



A Thank You to Participants

This portion of the Justice-led engagement is titled “People with Lived Experience Engagement”. It was essential in the development of an Indigenous Justice Strategy to include Indigenous individuals currently incarcerated who have direct experience within the justice system. This report would not have been possible without their contributions; we give special thanks to the participants who volunteered their time and shared their experiences with us.

Their input and ideas are an important part of this work.



Introduction

The purpose of this stream of engagement was to offer Indigenous people who are currently incarcerated an opportunity to participate in the discussions that are taking place to develop the Indigenous Justice Strategy. As part of the Justice-led Wave 2 phase of engagement, and along side the regional in-person and virtual sessions, Justice Canada visited 11 federal correctional institutions and 3 community-run Section 81 Healing Lodges¹ from across Canada.

Participants in Wave 1 identified people with lived experience with the justice system as an integral group that must be included in discussions. Justice Canada recognizes this includes those who are currently incarcerated. To ensure this group's inclusion in the development of an Indigenous Justice Strategy, Justice Canada and Correctional Service Canada (CSC) worked in partnership to develop engagement sessions for Indigenous people within federal institutions.

In addition to working with CSC, Justice Canada had the opportunity to work with community-run Section 81 Healing Lodges under the supervision of the Native Counselling Services of Alberta and Waseskun Healing Centre.

The purpose of this report is to share a summary of what we heard from participants during this stream of engagement.

¹ A [Section 81](#) Healing Lodge can be operated by Correctional Service Canada (CSC) or a partner or community organization by entering into an agreement with CSC under Section 81 of the *Corrections and Conditional Release Act* (CCRA). As part of the agreement, CSC provides funding for operations and works closely with the signing community partner. The purpose of a healing lodge is to provide Indigenous offenders culturally appropriate services and programs. The main goal of a healing lodge is to address the factors that led to an individual's incarceration in a way that incorporates Indigenous values, traditions and beliefs with the assistance of Elder services and ceremony.



Engagement Process

The engagement process for people with lived experience was created to be adaptable to ensure the inclusion of as many participants as possible across the 14 locations visited. Justice Canada worked collaboratively with the Indigenous Liaison Officers (ILO) and Elders at each location to ensure engagement was delivered according to what worked best for the participants, location, and staff.

Justice Canada worked with each location to determine interest in advance of the visits. The ILOs and Elders prepared a visiting schedule based on the number of individuals who wanted to participate. Engagement sessions were arranged as large and small sharing circles, and one-on-one discussions. To ensure autonomy, participation was anonymous and voluntary. In addition to in-person discussions, opportunities for virtual follow-up conversations and written submissions were available.

Participants were provided with a background and discussion guide for easy reference. The guide included:

- brief descriptions on the intent of the Indigenous Justice Strategy and why Justice Canada engagement was happening
- examples of topics and questions centred around three themes:
 - pre/first contact with the justice system
 - during incarceration
 - post-incarceration

Discussion with participants focused on what they thought was important. Justice Canada spoke with participants from all levels of security (minimum, medium and maximum) when available.

Locations of Engagement Sessions

Table 1. Sites Visited

Minimum Security Level	Medium Security Level	Maximum Security Level
Dorchester Penitentiary	Archambault Institution	Collins Bay Institution
Archambault Institution	Collins Bay Institution	Edmonton Institution
Joyceville Institution	Joliette Institution for Women	Kent Institution
Grand Valley Institution for Women	Nova Institution for Women	Nova Institution for Women
Section 81 Buffalo Sage Wellness House	Grand Valley Institution for Women	Joliette Institution for Women
Section 81 Stan Daniels Healing House	Edmonton Institution for Women	Grand Valley Institution for Women
Section 81 Waseskun Healing Centre	Fraser Valley Institution for Women	Edmonton Institution for Women

Approximately 230 participants took part in this stream of engagement. In addition to speaking with Indigenous people who are currently incarcerated, Justice Canada had the opportunity to speak with Indigenous frontline workers including Elders, ILOs, Indigenous Programs Officers, and an Indigenous Probation Officer.

While Justice Canada was unable to meet with every interested party, written submissions were accepted to ensure an opportunity to contribute. In-person



engagement took place from August to November 2023 with written submissions accepted until March 2024.

Participants concentrated on themes that were more applicable to them and their current placement. Those who were at the beginning of their sentence recalled the court process and first involvement with the justice system. Participants currently in maximum security primarily concentrated on access to programming and cultural supports inside the institutions. Residents at the Section 81 Healing Lodges focused on the transfer process, cultural supports in comparison to the previous institution, and preparation for release and reintegration.

Individuals at the institutions were generally wary of participating in the sessions; however, interest increased as initial conversations took place and participants recognized that an Indigenous Justice Canada representative was leading the engagement. Participants indicated that having Indigenous representation involved in the process made them feel more comfortable in sharing their experiences.

What We Heard

Participants shared their stories, perspectives, and suggestions on what an Indigenous Justice Strategy should include to address the overrepresentation and discrimination of Indigenous people within the justice system. The information shared throughout this report is based on personal experiences within the justice system across Canada, including urban and rural settings, and within and outside Indigenous communities. While there were many topics raised, the topics identified in this report were the main themes and topics discussed with participants.

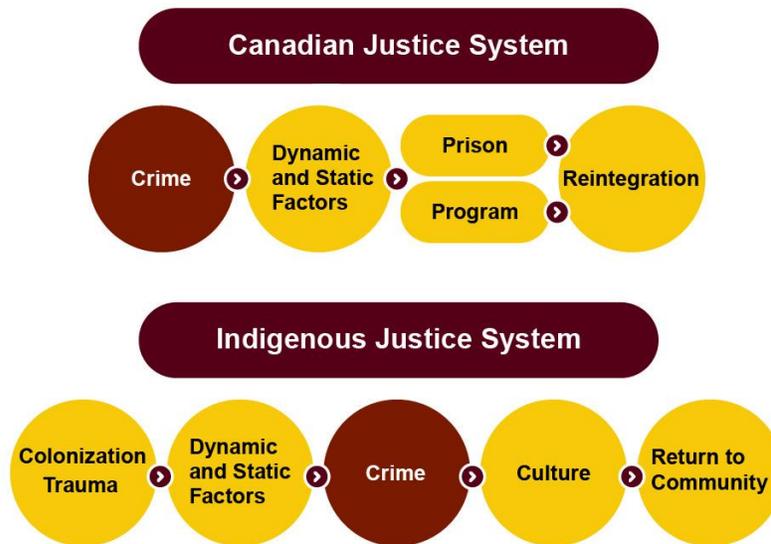
Conflict Between Systems

The following graphic was adapted from a visual example provided by a participant to explain how the current structure of the corrections process of the Canadian justice system conflicts with Indigenous-based justice systems.





Figure 1. Comparison of System Structures



The current corrections process is often viewed as linear, beginning at sentencing, where the individual's static factors (for example, age, prior criminal history) and dynamic factors (for example, substance abuse, unemployment) informs their corrections plan and intervention efforts, including incarceration and programming. The goal of this corrections process is reintegration of the individual.

In contrast, a proposed Indigenous justice system places colonial trauma at the forefront which impacts the dynamic and static factors. These then lead to the individual's crime(s). In contrast to the current corrections process, cultural interventions would replace incarceration and programming. With the Indigenous justice system, the goal is the return of the individual to culture and community.

Participants noted that CSC has some of the tools needed to accommodate the Indigenous justice system structure indicated above, such as the current [Continuum-of-Care](#) model which considers one's Indigenous Social History in their corrections plan. Participants also noted the importance of available cultural interventions currently in



place such as Pathways Initiatives, Elder/Spiritual Advisors, [Section 81](#) Healing Lodges, and Section 84 release. However, participants reported that these tools are inaccessible to most Indigenous offenders, are utilized within an incompatible colonial institution, and only take place post-sentencing without considerations for prevention of involvement with the criminal justice system in the first place.

Youth

Across discussions, participants advocated a focus on Indigenous youth to address the overrepresentation of Indigenous people in the justice system. Indigenous youth should have access to resources that inform them of their rights and to ensure they get appropriate supports based in culture. It is especially important for youth to have navigational support throughout their involvement with the criminal justice system to increase their awareness of what is available to them.

Those that shared their stories identified positive adult role models as an important relationship to have, especially for those involved in the justice system. Participants talked of receiving support and guidance as a youth through organizations such as Big Brothers Big Sisters. It was suggested that a specific Indigenous Big Brothers Big Sisters program would help Indigenous youth, especially those who are in care and involved in the justice system.

It was stressed that youth need to have access to cultural supports and spaces. Many participants stated that they did not have a connection to Indigenous culture as a youth, suggesting programs such as urban Indigenous youth cultural centres and Indigenous youth camps (to gain land-based knowledge and skills), would have helped.

Many participants identified the need for more support for Indigenous youth in the school system. A participant shared that attending the public school system in an urban setting can be isolating for Indigenous youth and having more Indigenous support teachers would be very beneficial.

It was suggested that regions with large Indigenous populations should have access to elementary and secondary schools specifically for Indigenous students. This would allow for Indigenous students to learn in an environment based in culture and to learn



from Indigenous staff. It was shared that in Saskatoon there are models of Indigenous schools on reserve that could serve as models for urban Indigenous populations.

Broken family structures and Child and Family Services involvement were also identified as having a big impact on youth and their likelihood for involvement in the justice system. Participants who shared their experiences stressed the importance of teaching youth about healthy relationships and violence prevention at a young age to help prevent involvement in the justice system. One participant shared that they were incarcerated for the first time at the age of twelve. Upon release, they returned to the same environment without support or any sort of checkup on their well-being. They shared that experiencing family dysfunction and poverty as a child made them more susceptible for gang recruitment.

Participants who spent time in a juvenile detention centre identified the number one issue needing immediate attention is the lack of cultural supports or resources available to Indigenous youth. Many compared the time spent in a juvenile detention centre to experiences in residential school. Participants shared that access to cultural support and resources are incomparable between juvenile detention centres and adult federal institutions; many shared that it was not until attending an adult federal institution that they had the opportunity to connect to their culture for the first time. Participants agreed that there needs to be better Indigenous youth programming and youth-specific Section 81 Healing Lodges that offer on-the-land camps instead of incarceration.

Participants shared that youth addiction played a major role in their involvement with the justice system. Therefore, substance abuse and addiction treatment for youth was identified as critical to reducing Indigenous youth coming into contact with the justice system. Participants advocated for more youth treatment centres like Poundmaker's Lodge (located in Alberta).

Court Process

Overall, many participants felt there was a lack of information about available resources. Many noted that they only learned of available resources from other inmates once incarcerated. Participants felt there was an overwhelming lack of Indigenous





representation on the side of the Crown Counsel and judges. Many called for improved holistic cultural training within the courts.

“You don’t get the benefit of the doubt if you’re Native.”

Participants shared that racism was prevalent throughout their experiences before and during court. Many felt that the process was plagued with racial bias and a guilty verdict had already been decided for them. One participant recalled that their Indigenous friends or family had never experienced alternatives during encounters with police. Another participant criticized the lack of considerations for Indigenous first-time offenders, especially for a young person. One participant recalled feeling dismissed when trying to secure a lawyer while awaiting court. Some individuals who were of mixed ancestry also felt that their Indigeneity was called into question during their court process.

Transportation to and from court was continually brought up as a large barrier, especially for those from rural or isolated communities. One female participant noted having to hitchhike to town, which left her extremely vulnerable.

Indigenous Courtworkers (ICW)

Many participants had no prior knowledge or experience with ICWs. Those who did have contact felt that they were helpful but noted their limited availability or wished they had been in contact earlier in their court process. Mi’kmaw Legal Support Network and the Mohawk Justice Committee were noted as extremely helpful, and it was suggested that these models should be expanded on.





Gladue²

Experiences with Gladue reports varied greatly between individuals. Many did not have a clear understanding of the Gladue process and felt that information surrounding reports was very limited. Some participants had received a pre-sentencing report in which some Gladue factors were quickly acknowledged and were either told or under the impression that this was a Gladue report. The cost of getting a Gladue report was a barrier to many.

Experiences for those who had received a Gladue report was mixed on whether they found it helpful. Many explained the process was rushed and lacked the proper supports needed when revisiting often traumatic events. It was also suggested that Gladue report outcomes are often limited to receiving a lesser sentence—and not used to address the reasons for becoming involved in criminal activity, such as separation from family/culture, alcohol and drug abuse, and discrimination.

Participants recalled being discouraged from receiving a Gladue report because of the amount of time it takes to get a report. Other participants questioned its validity when it was ultimately not used. Participants also highlighted that Gladue reports are not used or acknowledged in all provinces.

Participants stressed that there is a great need for a standardized process and increased accessibility and utilization of Indigenous-specific considerations and supports in court for Gladue reports and factors, ICWs, Indigenous Court Hearings, and translators. It was indicated that this would need to be done cautiously as Indigenous initiatives like these can adopt a pan-Indigenous approach and ultimately become ineffective.

² In 1999, the Supreme Court ruled in *R v. Gladue* that courts must consider an Indigenous offender's background when he or she is being sentenced for a crime. Factors that are considered include discrimination, physical abuse, separation from culture or family, or drug and alcohol abuse. (*How is Gladue Applied in Canadian Courts?*)



Elders

Elder support within institutions was a focus across all discussions. The primary concerns raised by participants included the treatment and care of Elders, access to Elders, and who was considered an “Elder” within institutions.

Participants identified Elder burnout as a major concern for overall well-being. Many participants noticed a high turnover rate among Elders.

It was noted that Elders are overwhelmed with paperwork, and this limits their ability to conduct their role as an Elder. Participants stated that there is a need for Elders to have a helper³ as seen in community practice. Having a helper would allow them to be adequately supported to fulfill their role and be able to focus on supporting inmates. It was shared that Elder support needs to be increased to protect any advocacy against the mistreatment of inmates.

It was stressed that Elders need to be adequately compensated for their time and properly resourced to provide program activities and escorted temporary absences for ceremony.

Access to Elder support was noted as a challenge. While it was acknowledged that Elders are overworked, participants stated that it can be difficult to access Elder support, particularly one-on-one sessions. Participants suggested that Knowledge Keepers⁴ could help alleviate the demand on Elders and fill the gap. It was recognized that it can be difficult to find and retain Elders, but there is opportunity in working with Knowledge Keepers who could provide teachings and ceremony. It was also suggested that Indigenous organizations should be funded to have Elders who can support

³ Many Elders/Knowledge Keepers have Helpers (called Oshkaabe/kwe(wis) in Anishinaabemowin). They can be considered an apprentice that also carries traditional knowledge.

⁴ Knowledge Keepers are people who may not be considered an Elder but carry traditional knowledge and expertise in different spiritual and cultural areas. Not all Knowledge Keepers will consider themselves an Elder, but all Elders can be considered Knowledge Keepers. First Nations, Inuit and Métis Elders are acknowledged by their respective communities as an ‘Elder’ through a lifetime of learned teachings and earned respect. Many communities have defined protocols and processes for becoming an Elder.



inmates at nearby institutions, allowing them to work in an environment that understands the important role they play, and provide adequate care and support.

Another challenge is the process of paperwork to request time with an Elder. Processing paperwork can take several weeks to be completed, in addition to paperwork getting lost or not being completed or processed.

While Elder support was acknowledged as very important, it was shared that not all Elders who work in institutions are appropriate for the position. Participants stated that it can be a challenge with non-Indigenous institutions hiring Elders as they are unfamiliar with the culture or role of community Elders, therefore concerns arise regarding whether the right people are being hired. Participants suggested that Elders should pass their position down and be included in determining their replacement. They should also be provided the resources to mentor their replacement.

Participants noted that it can sometimes be difficult to connect with an Elder, and if you do not feel safe opening up to them you face the challenge of losing access to Elder support.

Cultural Support

Cultural support in institutions and within community was a primary focus of many discussions. It was raised that the current Indigenous-specific supports and services offered are considered very helpful but insufficient. Overall, participants called for more on-site Elders and ILOs and better support for them from management. Participants directly feel the level at which they are overworked and the constant pushback they experience from management and can see how this limits their availability.

It was identified that institutions need to commit to a concrete schedule for ceremonies. Sweat lodges are commonly cancelled or offered inconsistently. Participants indicated that these should be offered monthly as they are very essential to one's healing journey. It was also indicated that access to things like ceremony and traditional foods are very limited outside of Pathways Initiatives. The issue of accessibility also extended between the different security units. Outside of general population (medium security) the ability to see an Elder, consult with an ILO, or participate in cultural supports was very limited.



Participants noted the need for dedicated ILOs and Elders for each unit to ensure the supports are available.

Pathways Initiatives⁵ were noted as being very helpful but require significant expansion to produce meaningful change. Of the institutions visited, the capacity of Pathways averaged between 8-15 spots. Participants explained that it was not uncommon for dedicated Pathways spots to be utilized to manage overpopulation rather than for their intended purpose. Participants also raised concerns regarding the inconsistent availability of the program from one institution to another. While it was acknowledged that the program is Elder-run, participants stressed the need to have a standard that is followed across institutions. It was also stressed that having access to the Pathways program should not be restricted. Instead, the program should be adapted to support Indigenous inmates that are struggling and provide them with extra cultural supports to help them.

Loss of language was indicated as an issue in several institutions. Participants mentioned the need for support for reclamation and preservation. Those from communities with high fluency rates for Indigenous languages indicated that they had lost a substantial amount of vocabulary and have limited opportunity to speak the language since becoming incarcerated.

Participants called for CSC to step in regarding the increasing issue of false self-identification. Many felt that there is an increase in individuals self-identifying as Indigenous without any sort of community connection or social history of being Indigenous. These individuals are taking away the limited cultural supports for Indigenous offenders from those with actual lived experience or intergenerational trauma.

⁵ “Pathways is an Elder-driven intensive healing initiative based on the Indigenous Medicine Wheel, also known as the Four Directions Medicine Wheel. Pathways goes above and beyond the CSC services already available to all Indigenous offenders. It is for inmates who show genuine motivation and commitment to making emotional, mental, physical and spiritual changes.” (Correctional Service Canada, 2019, Pathways initiatives section, para. 1)



Programming and Training

Participants stressed the importance of programming and training within federal institutions to ensure continued focus. While participants acknowledged there are programs available within institutions, they shared that accessibility can be a challenge due to various circumstances such as lack of staff and resources.

In maximum-security, individuals stressed the need to have more opportunities to work with the ILO. Support and encouragement from Indigenous workers were noted at some institutions as desperately needed. While many institutions focus on Indigenous recruitment, there seems to be a challenge among federal correctional institutions in hiring and retaining Indigenous staff.

A recurring issue raised in most discussions was the need for programming specifically geared to those serving life sentences. Participants shared that program priority is given to those with shorter sentences which means those serving longer sentences may not be able to access a program due to limited resources. Another issue raised for those serving life sentences is once all available programming is completed, there can be large gaps of time before their release date which means they are left without support to help prepare them for release. Without access to programming, those serving life sentences feel isolated. Participants shared that some people serving life sentences have been incarcerated since youth. Participants identified the need to have programming for those serving long or life sentences; specifically, life skills training and programs that focus on understanding and learning basic needs like cooking, hygiene, managing money, and grocery shopping was emphasized as important.

Positive programming identified by participants include the 5-unit program for Indigenous inmates within federal institutions and the Warrior program which is offered among federal institutions and Section 81 Healing Lodges where resources and staffing are available. Those taking the 5-unit program for Indigenous inmates agreed that the program was making a positive impact on them and should be available on a longer-term basis. Many shared that they really enjoyed it and did not want it to end.

The Warriors program was also identified by many participants as beneficial. One version of the Warriors program offered at a Section 81 Healing Lodge has seen



positive results with an 80% completion rate. Staff shared that it often takes someone two or three times to complete the program as it tackles deep rooted issues such as physical and sexual abuse.

“It takes time for someone to build trust and learn to share their experiences in a group setting.”

One of the biggest challenges identified was finding employment upon release. Participants agreed that having the opportunity to gain skills, and specifically for the trades, while incarcerated would greatly support successful reintegration. Participants shared their ideas of programs and training they would like to see created, such as ‘miniature trade schools’ within institutions. Participants suggested partnering with organizations such as Habitat for Humanity, or a First Nations community, where inmates could practice trade skills by building houses and infrastructure while giving back to the community. Employment support prior to release was highlighted as an important need to help with successful reintegration. Having an employment support program that bridges someone into a job or sets up training opportunities to gain skills would be greatly beneficial.

Participants also felt that having opportunities to work with mentors who have lived experience would make a positive impact. Shared experiences and guidance on how to be successful in changing their circumstances would help motivate individuals and give them realistic and achievable goals to work towards.

Some participants felt that non-Indigenous program officers were unrelatable which affected their willingness to fully engage in some of the programming. They also believed that most of the programming they took was not applicable to their life and did not delve into root issues and causes for becoming involved in crime. Many also offered criticisms of the Indigenous-stream versions of programming. The actual incorporation of Indigenous worldviews and teachings was very limited, and often led by a non-Indigenous program officer.

While family mediation and reunification programming came up in both male and female institutions, the focus of programming differed. Participants in male institutions stressed the importance of learning how to foster healthy relationships not just as parents but as



partners too. It was identified that learning about a woman's role within culture was just as important as learning a man's role and responsibility. Participants within female institutions stressed the need for better, more in-depth, parenting programming and having access to family reunification workers to prepare for gaining custody of their children when released. Participants in female institutions also stress the need for Child and Family Services (CFS) to work better with parents. CFS needs to provide better support that fosters family reunification prior to a mother's release, such as, prepare to have their children return to them upon release.

Mental Health and Health Services

Indigenous mental and physical health was identified by participants as closely connected to an individual's involvement with the justice system. It was stated that because of colonization, intergenerational trauma has severely impacted the overall well-being of many Indigenous people, specifically their mental and physical health.

Many stressed that counselling services should be available at first contact with the justice system. Appropriate counselling services for incarcerated Indigenous people was identified as an urgent need among participants. It was shared that health coverage is exclusively paid for by CSC while someone is incarcerated, and an individual cannot utilize any other coverage they may have. This includes Non-Insured Health Benefits for First Nations people with Indian Status and Inuit beneficiaries under Land Claim Agreements.

We spoke with residential school survivors who shared that the impact from their experiences within residential school contributed to their involvement within the justice system. It was stressed by participants that there are a lot of incarcerated Indigenous people suffering from generational trauma and the impacts of residential schools and who do not have access to appropriate counselling services.

It was suggested that CSC partner with outside counselling services to address the need within institutions. Participants spoke of potentially being able to access those services by virtual appointments or through an escorted temporary absence. For those who are eligible for mental health counselling benefits under Non-Insured Health Benefits, there should be an opportunity to access 22 counselling sessions over 12-



month period, with the potential of additional sessions determined on a case-by-case basis (Indigenous Services Canada, 2023, “What is covered” section).

Participants shared their struggles with accessing appropriate healthcare. Many recalled experiences of discrimination and workers who lack knowledge about Indigenous health issues. Participants stated that there needs to be better training for healthcare workers where they are taught about the social history of Indigenous people and its connection to their health. Increasing Indigenous representation among healthcare workers within institutions was identified as a positive response to address the stigma faced by Indigenous people.

Participants described on-site healthcare workers as dismissive and lacking the cultural sensitivity necessary for serving Indigenous individuals. Experiences with racism and discrimination when accessing health care carried over and oftentimes worsened when transferred to hospitals for care.

An example of a potential best practice is Grand Valley Institution for Women’s Indigenous Nurse pilot project. Created out of the recognition of the unique health needs of Indigenous women, an Indigenous Nurse provides culturally appropriate care. This has been recognized as having a tremendously positive effect on Indigenous inmate care.

Participants with disabilities shared that they face barriers to accessibility. A participant with a physical disability was unable to participate in cultural activities at the on-site sacred grounds because stairs were the only way to access the area.

A participant shared that they are unable to complete paperwork because their physical disability prevents them from being able to write. They shared that they had to rely on other inmates for support, but this can be a challenge at times.

Attention was raised around the high rates of learning disabilities, specifically low literacy among Indigenous inmates. This severely impacts an inmate’s ability to access information and services as they must rely on other inmates to support them, putting them in a position of vulnerability.



Addiction Treatment

Many participants recalled that their crimes were influenced or directly caused by their addictions. Those that shared their struggles with addiction raised the issue of limited or no treatment available within institutions. It was noted that many people who are incarcerated are affected by drug and alcohol abuse and should be able to access addiction services virtually if the option to have in-person help is not available.

The issue of drug and alcohol abuse and the negative effects addiction has on long-term health and one's ability to care for themselves was identified as a prevalent problem and an important consideration when creating treatment options within institutions. Participants shared that people need support with learning how to be self-sufficient in a supportive environment as part of the treatment process. Participants also raised the issue of harm reduction within institutions to support inmates' health and safety.

A major issue that was identified was finding residential treatment to address substance abuse issues upon release. There is a disproportionately small number of beds available in residential treatment centres. For example, participants noted that CSC currently funds two residential beds in Ontario. Participants shared that there needs to be more funding for treatment beds that are allocated to Indigenous people released from institutions.

Participants shared that effective treatment options within community are limited or non-existent, especially for rural and remote Indigenous communities. Most people who are released return to the same situations they were in prior to prison and find themselves pulled back into the cycles that contributed to their involvement with the justice system.

The cycle of addiction and crime was stressed as a major contributing factor to the overrepresentation of Indigenous people within the justice system, which is why participants noted the need to have more Indigenous-run treatment centres.



Poundmaker's Lodge Treatment Centre⁶ was brought up in many conversations as a very helpful program that participants agreed needs to be replicated.

Discrimination and Racism

Participants from all engagement sessions spoke about a level of discrimination and racism they experienced pre-incarceration, during incarceration, and post-incarceration, as explained in the sections regarding court process, health services, intersectionality and cultural supports. This section is focused on participants' experiences while incarcerated and includes their discussion on potential ways for improvement.

An overarching theme was the role staff play in perpetuating systemic racism within institutions. Participants indicated feeling animosity from staff towards Indigenous-specific programming, supports, and cultural items. This animosity was described as both blatant forms of racism and unconscious bias and stereotypes.

Participants explained that many of them keep sacred bundles⁷ in their living units. There are currently regulations in place that during room searches the Corrections Officer (CO) must seek the assistance of the bundle owner or on-site Elder to confirm the contents of the bundle and the absence of restricted items. However, in practice participants found this was often not respected and many had experiences with COs opening and touching their bundle items.

⁶ "Poundmaker's Lodge is known as Canada's first addictions treatment centre specifically for Indigenous clients. It has been in operation for more than 40 years. Poundmaker's Lodge was named after Chief Poundmaker (Pitikwahanapiwiyin) of Saskatchewan, a prominent leader of the Treaty 6 territory, who was known for his wisdom and leadership." (*About* 2023)

⁷ Also known as 'medicine bundles' or just 'bundles' these are an arrangement of traditional and sacred items. Bundles can be gifted or passed down to an individual but are more often a collection of items and tools important to the individual and their healing journey and can include smudging supplies, traditional medicines, regalia items, and eagle feathers.



Many explained that access to culturally-related practices is not seen as a priority by non-Indigenous staff and is often treated as a privilege. Individuals had experienced pushback when trying to seek the Elder for guidance. Many recalled being denied access to on-site ceremonies; explanations varied from lack of staff to escort the individual to the on-site ceremony space, to being told their behaviour did not warrant their participation, or no explanation was provided at all. At some institutions smudging and beading were heavily restricted and limited to certain times. Participants also noted that core programming took precedence over things like ceremony opportunities. It was also flagged that Indigenous-based programming like the Warrior program is also not accredited by CSC.

Many believed that Indigenous Social History and Gladue reports were being used against them rather than for their intended purpose. This was a particular problem where individuals were continuously told, without sufficient explanation, that they were not ready for “cascading down” to a lower security classification. Even those who had been in a Pathways program, never benefited from a security review that led to a lower security classification.

“Indigenous inmates are the first up for revocation and higher security reclassification.”

Anglophone participants noted barriers to accessing core programming and other essential services that were only offered in French.

The institutions in one province provided limited Indigenous-specific supports compared to others. Some participants at one institution indicated their disturbance with this, considering the facility is labelled as an Indigenous Intervention Centre yet offers little in terms of services. One institution we visited did not have any sort of Pathways or Pre-Pathways program in place. When individuals inquired about a creation of one it was explained that due to the small number of Indigenous inmates a Pathways program was not needed. At the time of our visits neither institution in this province had a full-time Elder on-site.



Gang Involvement and Resources

Many participants noted their crimes being fuelled or caused by their involvement in gang activity. For many, especially in urban areas, gang activity is seen as one of the only opportunities for economic advancement. Participants recalled that in their youth gang members were seen as some of the few people in their communities who were economically successful.

“The local drug dealer was the one driving the nice car and wearing the nice clothes.”

Participants noted that the issues with gang activity continue within the institutions and there are little-to-no resources for gang-exit strategies while incarcerated. A result of this noted by participants is the inability to have a Security Threat Group (STG) flag removed. Participants mentioned that they feel the STG label is often applied indiscriminately. Participants noted that having a family member or partner associated with a gang often meant that you are also labelled as being involved.

The STG classification highly limits an individual’s ability to access programming and cultural resources. It also impairs the ability to cascade down in security classification. This paired with the lack of a gang-exit strategy was said to be an inescapable cycle for individuals. Participants noted that the only way to potentially remove a STG is to write an autobiography followed by a two-year waiting period.

“Max [security unit] is a place to get stuck.”

Participants also noted that staff are not adequately equipped with the background knowledge regarding gang relations in the institutions which contributes to escalating situations and tensions. A participant mentioned that a potential gang-exit strategy would need to be facilitated by an independent third party or organization outside of CSC, and would need to extend beyond release in order to be effective. Gangs inside of institutions were described as providing benefits like protection and joining a gang was seen as almost mandatory in certain prisons. Gangs also provide a community structure and sense of belonging while incarcerated which contributes to an individual becoming institutionalized.



Participants noted a lack of gang activity in certain institutions was linked to inmates in all security units having more freedom to access cultural supports and Indigenous staff. The desegregation between staff and inmates was also noted as positive: inmates could freely approach staff about concerns and escalating situations without fear of repercussions.

Nova Institution for Women was viewed as a successful model that should be explored for replication. It was suggested that the smaller inmate population contributed to the lack of gang activity. Here, Indigenous inmates had the ability to form a sisterhood that extends beyond security classifications, by supporting fellow inmates through smudge and beading kits. The Elders and ILOs also seemed to have more autonomy over ceremonial events and opportunities compared to other institutions, such as, going to the Elder's house on temporary absences for ceremonial purposes. The on-site Elder had also indicated a close working relationship with the neighbouring First Nation community.

Intersectionality

Many female participants expressed being conditioned by older individuals already involved with the justice system as a major factor in their own involvement, especially as a youth. Many spoke regarding an "older boyfriend" who normalized crime at a young age for them and eventually recruited their involvement. Participants recommended that youth be taught the skills to identify healthy versus unhealthy relationships. This is essential to prevention and should be incorporated into teachings like school curriculum beginning at a young age.

Subsequently, there was discussion about the needs for supports in leaving these relationships. Participants spoke about factors like lack of employment, housing insecurity, and children as reasons for remaining in these relationships. One participant spoke about a prenatal class that provided an escape for them from the relationship, and how more opportunities like this can assist in leaving such a relationship.

Participants highlighted a need for specialized supports for women upon release. Many felt the existing system gives female Indigenous inmates less attention than their non-Indigenous counterparts. It was noted that Indigenous women were commonly released



without secured housing, a phone, or a change of clothes. This places Indigenous women in vulnerable position, placing them at risk for sexual exploitation and recidivism upon release. Furthermore, some supports after release, such as treatment centres and halfway houses, were not positioned to meet the needs of Indigenous women involved in the criminal justice system, for example, a treatment centre located in a high-risk part of town.

There was criticism of the lack of women-specific resources and programming both during and after incarceration. A considerable number of female participants were parents and spoke about the needs for parental-related programming geared towards family reunification and unlearning intergenerational trauma. Many of the participants were also alienated from their families given the distance from their communities.

The lack of Section 81 facilities for Indigenous women was noted by participants as a contributing factor to family alienation. Currently, at a Healing Lodge for women, only young children are permitted to stay with residents at this facility, forcing them to find other accommodations for their older children.

Participants noted that there was gender discrimination against traditional Indigenous women's practices like beading, a point of tension for many of the locations. It was asserted that, in contrast, men's facilities generally did not have the same restrictions. In situations, where access to beading is heavily reduced beads become "currency" for illicit items, leading to physical altercations. Participants shared that the sale of beadwork was also forbidden unless a business proposal was submitted to CSC in which CSC takes 30% of profits. Many of the institutions did have beadwork available at the front reception but prices were determined by non-Indigenous staff rather than the individual crafter.

Crafting was described as an essential process for many of the participants' healing journeys and for cultural connection. Participants who sold their beadwork indicated that profits either went back to their families for their expenses or were saved in preparation for release. This was described as essential, given that employment opportunities for incarcerated individuals are extremely limited, and even with employment, the rate of pay (after CSC's deductions) is insufficient to purchase necessary items. Many



participants indicated that their families are not in a financial position to send money, so supplementing income was indicated as a necessity.

Identifying transgender participants shared their unique experiences from within both male and female federal institutions highlighting the lack of support and discrimination they faced. It was emphasized that Intersex and transgender discrimination does exist within institutions, for example, staff openly use discriminatory language.

Male maximum security units were identified as some of the most toxic environments for Indigenous people who identify as 2SLGBTQI+, where correctional officers used their gender identity against them.

It was stressed that the lack of support and trauma resources for transgender people needs to be addressed to ensure a basic level of care for a highly vulnerable population.

Life After Release and the Continuum of Care

The discussions that took place around the topic of life after release emphasized the importance of a continuum of care based on an Indigenous holistic model. Participants shared that release can be a traumatic experience when you have been incarcerated for many years and do not have access to a support system when an Indigenous person returns to their community. For those who do not return home, release in an unfamiliar city or province presents many challenges.

Preparing a plan for release is challenging. Participants shared that having access to a communal resource binder updated regularly on available local services and supports would alleviate some of the challenges people face when preparing for release. Bridging programs were emphasized as an important support for a successful reintegration, including help with housing, connecting to cultural support, acquiring necessary ID and clothing. Increased access to escorted temporary absences would also greatly support release preparation.

Participants shared that one of the biggest challenges when returning to community was maintaining cultural support. Participants spoke of needing help to find a “ceremony family” that would help them continue to access ceremony and teachings when



released. Many of the Indigenous people we spoke with shared that it was not until they were incarcerated that they became involved in culture, with it becoming a central part of their lives. Indigenous circle reintegration programs were suggested as helping individuals leaving prison maintain cultural practices.

For others, accessing culture may be limited given release conditions restricting access to places such as Friendship Centres or ceremony opportunities. Solutions shared included more cultural outreach workers that could partner with Elizabeth Fry or the John Howard Society and provide services to Indigenous people accessing those locations.

Housing was highlighted as essential when preparing for release. Participants shared that they desperately need access to housing support workers before release to help find somewhere to live. Finding housing after leaving a federal prison was stressed as very difficult, especially if you have served a long sentence.

“Being forced to go to a homeless shelter is the worst position to be put in.”

Indigenous halfway houses were identified as a high priority need. Having a place to stay with access to cultural supports would help continue one’s healing journey when released. Participants shared that many halfway houses have people who are using drugs, and this can make it hard to maintain sobriety. Sober living environments were stressed as key to providing a safe place to live and is part of Indigenous culture that many want to be able to maintain. Participants in the Atlantic region highlighted the Diamond Bailey House—a transitional facility run by the Friendship Centre in Halifax. Having more halfway houses run by Indigenous organizations was identified as critical, allowing for better community connections and better cultural resources and supports.

Conclusion

This part of engagement focused on speaking to, and learning from, Indigenous people who are involved in the criminal justice system and are currently incarcerated. What they have shared as people with lived experience has provided a unique perspective that will be considered as we move forward with Justice Canada’s mandated



commitment to develop an Indigenous Justice Strategy to address the overrepresentation and discrimination of Indigenous people within the justice system.

References

About. Poundmaker's Lodge Treatment Centres. (2023, May 2).

<https://poundmakerslodge.ca/about/>

Correctional Service Canada, Correctional Process (2014). Retrieved 2024, from <https://www.canada.ca/en/correctional-service/programs/offenders/correctional-process.html>.

Correctional Service Canada, Correctional programming for Indigenous offenders (2019). Retrieved 2024, from <https://www.canada.ca/en/correctional-service/programs/offenders/indigenous-corrections/correctional-programming-indigenous-offenders.html>.

How is Gladue Applied in Canadian Courts? Legal Aid Ontario. (n.d.).

<https://www.legalaid.on.ca/faq/how-is-gladue-applied-in-canadian-courts/>

Indigenous Services Canada (2023). Retrieved 2024, from <https://www.sac-isc.gc.ca/eng/1576441552462/1576441618847>.

Office of the Correctional Investigator, & Zinger, I., 10 YEARS SINCE SPIRIT MATTERS: A Roadmap for the Reform of Indigenous Corrections in Canada (2023). Government of Canada. Retrieved 2024, from <https://oci-bec.gc.ca/sites/default/files/2023-10/Spirit%20Matters%20EN%20%C3%94%C3%87%C3%B4%20Web.pdf>.

Public Safety (1999). Government of Canada. Retrieved 2024, from

<https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/pprchs-rsksmtpprchs-rsksmt-eng.pdf>.