



Native Women's
Association of Canada

L'Association des
femmes autochtones
du Canada

Indigenous Justice Strategy

NWAC Report 2: Outcomes of Engagement and Recommendations

Prepared for the Department of Justice Canada

Native Women's Association
of Canada / L'Association des
femmes autochtones du
Canada
Headquarters
120 Prom. du Portage
Gatineau, QC
J8X 2K1
Tel: (613) 722-3033
Toll Free: 1-800-461-4043

Legal Unit
Allison MacIntosh, JD
Ellora Jones, PhD Candidate
Email: amacintosh@nwac.ca

SUMMARY REPORT: 2 OF 3

REPORT 2: OUTCOMES OF ENGAGEMENT AND RECOMMENDATIONS FOR THE IJS

TO BE SUBMITTED ON OR BEFORE DECEMBER 31, 2023

FUND NAME:

INDIGENOUS JUSTICE STRATEGY ENGAGEMENT FUNDING

ORGANIZATION'S NAME:

THE NATIVE WOMEN'S ASSOCIATION OF CANADA (NWAC)

FILE NUMBER:

12236524

ENGAGEMENT WORK AND RECOMMENDATIONS

NOTE: INFORMATION THAT YOU PROVIDE TO US IN THIS REPORT WILL BE USED IN THE DEVELOPMENT OF THE INDIGENOUS JUSTICE STRATEGY.

Since your last report, please describe additional engagement activities that your organization has undertaken through the funding provided by the Department of Justice Canada.

NWAC organized and hosted four roundtable discussions (two grassroots, one expert, and one youth) with 38 participants altogether and 12 one-on-one participant interviews. NWAC invited Indigenous Women, Girls, Two-Spirit, Trans, and Gender-Diverse+ People (WG2STGD+ People) who were legal experts, academics, social workers, Indigenous organizations, corrections experts, community leaders, people with lived experience, Knowledge Keepers, Elders, and others to participate. NWAC's participant representation included Indigenous People from coast-to-coast-to-coast, who identified as First Nation, Métis, Inuit, status, non-status, on-reserve, and off-reserve. All engagements took place through online video calls. The discussions focused on Indigenous Peoples and communities' experiences with the Canadian criminal legal system and their recommendations for reform. NWAC drafted and designed information backgrounders unique to each engagement; participant gifts; and processed payment for honorariums.

A condition of the Indigenous Justice Strategy Engagement grant is to provide the Department a summary of recommendations and findings from the engagement work. What are the recommendations you can share that will inform the development of an Indigenous Justice Strategy?

Please see the attached document with NWAC's participants' recommendations.

What reflections, observations, or recommendations did your organization or community generate, in regard to the options for what an Indigenous Justice Strategy should or could involve?

Please see the attached document with NWAC’s participants' recommendations.

If you have prepared a separate paper or submission with the results and recommendations from your engagement, please indicate that and submit the additional report with this required report.

A. TARGET POPULATION

| Who did you engage with? (please select all that apply – drop down list) | What was their role in the engagement process for an Indigenous Justice Strategy? | How many people participated? |
|---|--|--|
| People with lived experience with CJS | Participants | 14 |
| Lawyers | Participants | 3 |
| Corrections | Participants | 3 |
| Other justice personel | Participants | 2 |
| Indigenous Organizations | Participants | 20 |
| Academics | Participants | 4 |
| Social work/mental health/health | Participants | 4 |

If we have missed any of your engagement partners or you have more partners than room to list them above, please describe additional partners, what their role is, and how many participated here.

Please note that most of the participants identified with several listed titles (for example, nearly all participants had lived experience with the Canadian criminal legal system either as a victim/survivor/complainant; person who was incarcerated; family member of a person who was incarcerated; or had multiple justice related professional roles). As such, we identified participants based on their primary chosen identifier at engagement registration.

C. PARTNERSHIPS

Did you build any new/unanticipated partnerships with other communities or organizations as a part of this follow-up engagement process? If so, with who and what is the extent of the newly formed partnership?

NWAC consulted with an array of exceptional community members and other Indigenous organizations. However, for NWAC to create sustainable partnerships and

engage in continued work around the Indigenous Justice Strategy or other projects; NWAC requires sustainable long-term funding from the Department of Justice.

D. FINAL THOUGHTS

Do you have any recommendations on how the Department of Justice, or other government partners, could have better supported your efforts?

1. Increasing funding for NWAC to amend the project when additional needs were identified via participant consultations (for example, the ability to request additional funding to conduct consultations with Indigenous WG2STGD+ People who are currently incarcerated);
2. Funding online and in-person networking events with other Indigenous organizations; and,
3. Funding sharing circle events with the Department of Justice and all Indigenous organizations who participated in the Indigenous Justice Strategy to share findings, make fulsome final recommendations, and create an action plan.

Based on your experience with engagement on the IJS, how do you see your organization or community being involved in future engagement processes led by Justice Canada?

NWAC is hopeful to receive further long-term and sustainable funding to continue participating in the development of an Indigenous Justice Strategy as explained below. Further, NWAC welcomes all opportunities to engage in funded consultations with Department of Justice on all issues that intersect with Indigenous WG2STGD+ Peoples rights.

How would your organization or community like to be involved in the development of an Indigenous Justice Strategy moving forward?

NWAC is asking Department of Justice to consider providing sustainable long-term funding to support a Culturally Relevant Gender-Based Analysis (CRGBA+) approach to:

1. Conducting one-on-one in-person interviews with Indigenous WG2STGD+ People who are currently incarcerated in provincial and federal institutions;
2. Researching, drafting, consulting on, and delivering Indigenous community-specific educational programs that are each tailored differently to: Canadians, Correctional Service Canada staff, currently incarcerated Indigenous WG2STGD+ People, Judges, police, lawyers, victims/survivors of crime, and currently incarcerated Indigenous WG2STGD+ People. Educational programs would be drafted for online and in-person delivery, focusing on:

- Pre-contact history about Indigenous community-specific practices illustrating pre-contact way of life, traditions, customs, Indigenous Legal Orders (ILOs), etc.;
 - Post-contact history about Indigenous genocide, erasure, and sex-based discrimination (including the *Indian Act*, residential schools, the 60's scoop, the millennial scoop, the ongoing child and family service (CFS) crisis, substance use issues, mental health/suicide awareness);
 - Historical and ongoing genocide of Missing and Murdered Indigenous WG2STGD+ People (MMIWG2STGD+ People);
 - Historical and current information and statistics about the over-incarceration of Indigenous WG2STGD+ People and the connection to the post-contact history;
 - Accessible review of the major reports already commissioned (including but not limited to RCAP, NIMMIWG, TRC, etc.);
 - What reconciliation means and practically could look like; and,
 - Indigenous resilience, resistance, healing, and community-specific resources (including but not limited to services available both in-custody and upon release related to current Indigenous culture/practices, ILOs, substance use, trauma, counselling/therapy/Elders, parenting, family reunification, "prisoner" legal supports, etc.) (NWAC Recommended Indigenous Training); and,
3. Creating and sustaining a website providing basic information and resources for Indigenous WG2STGD+ Peoples about their legal rights, specifically related to criminal law, prisoner rights law, and victims/survivor rights laws.

Should the Department of Justice agree to provide NWAC additional funding, NWAC would ask that you contact our legal unit, and we will provide a thorough updated funding proposal and budget request.

Do you have any other additional observations, comments, or suggestions you would like to note?

NWAC's next steps for the fourth and final stage of the Indigenous Justice Strategy include:

1. Sending the below recommendations to participants for their feedback;
2. Analyzing NWAC's research, survey, and engagement feedback results;
3. Synthesizing NWAC's findings into a comprehensive final report, highlighting Indigenous WG2STGD+ People's perspectives, experiences, and recommendations for the Indigenous Justice Strategy;
4. Sharing the final report with Department of Justice;
5. Publishing the final report and recommendations on NWAC's website; and,
6. Promoting the final report and recommendations on social media (target 4,000 impressions).

Please be sure to submit to the Department of Justice any additional documents, papers or recommendations that have resulted from this engagement project: See attached.

NWAC's Outcomes of Engagement

Methodology:

NWAC organized and hosted four roundtable discussions (two grassroots, one expert, and one youth) with 38 participants altogether, and 12 one-on-one participant interviews. NWAC invited Indigenous Women, Girls, Two-Spirit, Trans, and Gender-Diverse+ People (WG2STGD+ People), legal experts, academics, social workers, Indigenous organizations, corrections experts, community leaders, people with lived experience, Knowledge Keepers, Elders, and others to participate. NWAC's participant representation included Indigenous People from coast-to-coast-to-coast, who identified as First Nation, Métis, Inuit, status, non-status, on-reserve, and off-reserve. All engagements took place through online video calls. The discussions focused on Indigenous Peoples' and communities' experiences with the Canadian criminal legal system and their recommendations for reform. NWAC drafted and designed information backgrounders unique to each engagement session; procured and mailed out culturally relevant participant gifts; and processed payment for honorariums.

NWAC's next steps for the fourth and final stage of the Indigenous Justice Strategy include:

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4. Sharing the final report with Department of Justice;
5. Publishing the final report and recommendations on NWAC's website; and
6. Promoting the final report and recommendations on social media (target 4,000 impressions).

NWAC's Participant Recommendations:

Indigenous spaces must be available to Indigenous People who are incarcerated to facilitate learning tradition and culture, and Canadian colonization and genocide's history.

1. Create a program available in provincial jails and federal prisons, explaining the history of colonization to Indigenous WG2STGD+ People who have been incarcerated. The program must be created and delivered by Indigenous

WG2STGD+ People and community members, in Indigenous-specific infrastructure incorporating:

- a. Medicines and smudging (medicines must only be handled by Elders, Knowledge Keepers, or Indigenous staff delivering the programming, not correctional officers (COs));
- b. Pre-contact history about Indigenous community-specific practices illustrating pre-contact way of life, traditions, customs, Indigenous Legal Orders (ILOs), etc.;
- c. Post-contact history about Indigenous genocide, erasure, and sex-based discrimination (including the *Indian Act*, residential schools, the 60's scoop, the millennial scoops, the ongoing child and family service (CFS) crisis, substance use issues, mental health/suicide awareness);
- d. Historical and ongoing Missing and Murdered Indigenous WG2STGD+ People (MMIWG2STGD+ People) genocide;
- e. Historical and current information and statistics about the over-incarceration of Indigenous WG2STGD+ People and the connection to post-contact history;
- f. Accessible review of the major reports already commissioned (including but not limited to: RCAP, NIMMIWG, TRC, etc.);
- g. What reconciliation means and practically could look like; and,
- h. Indigenous resilience, resistance, healing, and community-specific resources (including but not limited to services available both in-custody and upon release related to current Indigenous culture/practices, ILOs, substance use, trauma, counselling/therapy/Elders, parenting, family reunification, "prisoner" legal supports, etc.) (NWAC Recommended Indigenous Training).

What we heard from participants:

"Those that are incarcerated, they don't actually know why they do what they do. Meaning, they don't understand the anger, the rage, or whatever it is that they have. They don't understand that this is intergenerational. I think that they have to understand and learn that our people have been colonized."

"I know I've had experience in witnessing Native counseling services, a program called 'In Search of Your Warrior'. I have seen how very transformative the program has been for those who have taken it, in terms of healing. They also have one for women... I've had 16 years working inside CSC... That program to me is something."

“They are very effective because they are delivered by Indigenous [People], which is most important. I really believe in the programs like the one just described because that's like education for people.

I also worked as a witness and as an emotional support for people telling their stories throughout the TRC and the hearings. And something that occurred to me is, although many things were controversial, if nothing else happened, the fact that that truth and the stories came out, so the Indigenous Youth got to know that there's not something wrong with us innately as a people, but that something happened here. Something happened and that is why, and I do see a change since the beginning of youth getting education of the changes and how their pride has come up in many areas. Sports, just all kinds of things.

I know many young people getting their PhDs just following right through on education and I believe that if we have, when we have programs, we need to teach the people who participate in these programs about our history and how it has impacted us. Not in an angry way, but just in a factual way. Just as, you know, people who were impacted by residential schools and then now commit sex crimes in their own communities and within their own families- there needs to be a way for them to speak about it without shame and blame and being demoralized. So that it is understood. It's understood that this is a history. This is something that was taught. Indoctrinated to people. So, it's about education for all of us. Not just the colonizers.”

“We still need to have traditional long houses, traditional wigwams. We still need that traditional structure. Sweat lodges is a must. That one is still a tough one to get in. They still don't [always] allow that... But to me, that's what it would look like, like traditional healing. There shouldn't be a correction officer that is entitled to hold the medicine. We should be able to still have our Knowledge Carriers, our Elders.”

Elders and Knowledge Keepers must be treated with respect, dignity, and trust by Correctional Service Canada (CSC) and its staff.

2. Hire only community recognized Elders and Knowledge Keepers, and not using CSC-developed criteria to recognize Elders and Knowledge Keepers.
3. Compensate Elders and Knowledge Keepers the same as other CSC staff (for example, Chaplains) including permanent and sustainable employment offers with benefits, pensions, paid vacation and sick time, etc.
4. COs must not have seniority over Elders or Knowledge Keepers.

5. Build culturally-relevant infrastructure to deliver programming, healing, and ceremony.
6. Deliver program healing and ceremony according to traditional Indigenous expertise and without interference from CSC staff.
7. Funding the development of a de-colonialist and less onerous CRGBA+ reporting mechanism by Indigenous WG2STGD+ People and communities, allowing Elders and Knowledge Keepers to focus on delivering programming, healing, and ceremony.
8. Including and listening to Elders at CSC decision-making tables.
9. Smudging within remand jails, provincial jails, and federal prisons, must be permitted without interference from CSC staff.

What we heard from participants:

“Corrections Canada just needs to stop. They need to lay off and you have to trust our Elders because they have a job to do too, right? I mean, Elders are quite different than Chiefs and Counsels. Our Knowledge Keepers, they’ve earned that passage. And they work super hard to be where they are, so it’s not like they’re leveraged in any way. It’s not like a third party could tweak their interest, it’s quite the reverse. You know, it’s kind of like the Pope. Would you make the Pope [change their teachings]?”

“Many [Elders] are elderly and they should be treated with respect by prison staff.”

“As an Elder, they’re required to do progress reports or reports on their interviews with the ladies. They don’t know how to operate a computer. They’re sitting more behind their computer, having all to get all these due dates done instead of having one-on-ones with women and sharing their experience... I thought that’s what the Liaisons Officers were for.”

“[In one institution] there’s like 5 Elders in a small room... There was 2 computers, 5 elders, 1 Liaisons Officer. [There was only] 2 Chaplains per [an even] bigger office.”

“Big difference [between the Elders previously and today]... There is a couple in there who are phenomenal, who you can just feel the love and everything like that. And then there’s others who get called ‘popcorn Elders’ because of their lack of knowledge... It’s like they have a book of how to be an Elder. How they think they should be an Elder and, no disrespect, but those are the ones who are like 30-40 year olds.”

“Our Elders need to be protected, our old people, our spiritual leaders. A lot of times it is what has already been sent. Our Elders are not

honored, they're not respected, they aren't at the decision-making tables which they should be. They are our Knowledge Keepers.”

The entire prison system must be reformed to focus on healing, rehabilitation, and community reintegration.

10. Eliminate all segregation-like practices (including Structured Intervention Units (SIUs), mental health monitoring, dry cells, observation cells, Pinel restraints, institutional lockdowns, etc.).
11. Eliminate correctional Emergency Response Teams (ERT) responding to Indigenous WG2STGD+ People experiencing mental health crises, and replace them with Indigenous mental health professionals who have trauma-informed, CRGBA+, and de-escalation training.
12. Facilitate the delivery of information sessions for Indigenous WG2STGD+ People, by Indigenous WG2STGD+ liaisons, explaining what to expect when in remand jail, provincial jail, and federal prison (at arrest, and after receiving a detention order or sentence).
13. Create and deliver Indigenous WG2STGD+ programming focused on Indigenous resilience, resistance, healing, and community and institutional specific resources (related to current Indigenous culture/practices, ILOs, substance use, trauma, counselling/therapy/Elders, parenting, family reunification, “prisoner” legal supports, reintegration post-release, etc.);
14. Eliminate CSC interference with Indigenous program delivery:
 - a. Focus all CSC employee recruitment and retention on hiring Indigenous and other staff that are CRGBA+ informed and fit for Indigenous program delivery. For example, CSC staff experiencing headaches when Indigenous People are smudging would be placed on ranges where smudging does not occur;
 - b. Adequately staff Indigenous programs with Indigenous Elders/Knowledge Keepers/staff who are CRGBA+ trained, with back-up staff available in case of illness/emergency, etc.;
 - c. Eliminate interference between Indigenous programming and other required programming or work tasks;
 - d. Ensure COs do not have seniority over Indigenous Elders/Knowledge Keepers/Indigenous Program staff; and,
 - e. Ensure Indigenous programming is available to all Indigenous People who want to participate and ensure it is not treated as a privilege by CSC staff.
15. Revamp prison infrastructure to create Indigenous spaces focusing on healing, ceremony, and real-life community integration, for example:
 - a. Healing/resiliency lodges; and,
 - b. Village/post-secondary residential housing like communities etc.;

16. Move away from institutionalized shame and punishment replicating residential schools, and give incarcerated Indigenous People respect, for example calling everyone by proper pronouns and preferred names eliminating:
 - c. “inmate”;
 - d. “prisoner”;
 - e. last names; and,
 - f. Institution numbering.

What we heard from participants:

“Because we’re all eventually going to get out, right? Where is the reintegration aspect of it all? How? You know, if you just let them sit there for two years and then they get out of the sentence and then go back to [the same life with no supports], then they’re still going to be the same person and go back to drugs [for example]. So how can you stop that kind of thing?”

“There’s nothing in prison that is supporting or healing in any nature. You know secluding people, taking them away from nature, keeping them inside like that on a routine... the diet. You’re taking away all of their rights. How is that healing for a person when they don’t even get to be treated as like an adult?”

“I ended up going to the healing lodge. That is when life totally changed for me. I began to learn who I am, as an Indigenous Woman. Participating in ceremonies. Learning why I had the behaviors and addictions I did, so it was a blessing in disguise. It saved my life, which I am so grateful for, and my daughters are grateful for.”

“You don’t know what to expect [going into prison], you don’t know what you’re walking into. And the people in remand have this big idea about how the federal system works and some have been there. All the stories are different, so having an actual person in our program set in place, or reading material for that matter, to help people know what you’re walking into.”

“There’s a lot of bad blood [in prison] I think, and it depends on the institution too, because I know some institutions, you’ll have a really good relationship between COs and inmates... Maybe you start changing even the language, because everyone’s just called by their last name. It’s just like in schools, the reason they call, you know, the teachers Mrs. and Mr. is to create that balance of authority. And so maybe it’s looking at that more egalitarian way of healing. Of course, you have to be careful because... it could be dangerous too, but I think there’s a way

of doing it that is good for everyone and we just need to get away from that shame and punishment.”

Indigenous Peoples in custody must have timely and urgent access to medical care. Access to medical care in custody is a right and not a privilege.

17. Treat Indigenous Peoples in custody’s medical complaints seriously based on their first-hand account and not what CSC staff tell medical professionals.
18. Staff facilities with 24/7 doctors, registered nurse practitioners, and mental health professionals.
19. Develop, implement, and report on a hiring strategy for more Indigenous W2STGD+ medical professionals including doctors, registered nurses, mental health professionals, and midwives:
 - a. Compensating Indigenous W2STGD+ staff the same as other CSC medical staff, including permanent and sustainable employment offers with benefits, pensions, paid vacation and sick time, etc.;
20. Provide medical assessment and care upon request/delivery of a medical complaint.
21. Administer medications as soon as required without delay:
 - a. Including prescriptions being brought with the person into custodial remand jail, provincial jail, and federal prison.
22. Provide detox and substance use rehabilitation facilities, supervision, and medications upon custodial facility admission, created by and for Indigenous WG2STGD+ People.
23. Create substance use rehabilitation programming by and for Indigenous WG2STGD+ People:
 - a. Delivering programs regularly without institutional cancellations;
 - b. Eliminating interference with other required programming or work tasks; and,
 - c. Delivering programs by an Indigenous Elder, Knowledge Keeper, or Indigenous W2STGD+ Person.
24. Create Indigenous-led educational programming about Indigenous WG2STGD+ resilience, resistance, healing resources, and specifically around understanding:
 - a. Mental health;
 - b. Ending stigma about accessing mental health supports;
 - c. Western medical options; and,
 - d. Indigenous community specific healing options.
25. Provide culturally relevant and community-specific prenatal, birth, and postnatal care to Indigenous WG2STGD+ People in custody, including:

- a. Western medical options;
 - b. Indigenous healing options and programming delivered by an Indigenous doctor; registered nurse; mental health professional; midwife; Elder; or Knowledge Keeper;
 - c. Culturally relevant and safe spaces to birth a child with dignity, without handcuffs/shackles or CSC staff in the room;
 - d. Permitting birthing parents to stay with infants for as long as possible, and as recommended by the chosen healthcare team; and,
 - e. Allowing birthing parents to engage in Indigenous ceremony (including Indigenous placenta protocols like burying the placenta outdoors).
26. Re-institute the mother-child programs in federal prisons, and expanding the program to provincial jails:
- a. Ensuring the program is not barred to Indigenous WG2STGD+ People because of their Indigenous Social History (ISH), Gladue reports, or irrelevant (including historical) CFS involvement; and,
 - b. Ensuring Indigenous social workers/CFS workers, Elders, and Knowledge Keepers are involved in decision-making and ongoing supervision.

What we heard from participants:

“I was in an accident, in the back of those vans, there's no seat belts. I was injured and so was another inmate. When we got to the next institution, we went to see the nurses. All they did was say ‘here's a Tylenol go to your cell’. I had substantial injuries.... I couldn't even walk the compound because my leg was literally fractured and busted in multiple places. I dragged my leg to get to and from programs. Finally... I got released. I came out to [an urban city]. I came to the halfway house. They couldn't meet my needs because they didn't have disability assistance help. It's bare minimum. So again, dragging my leg around to finally having surgery [recently]. I finally had surgery but during that time, I've just stayed in. I've been homebound. I don't go anywhere now.”

“Seeing the different behaviors because of the different drugs, the meth. It's like a scene from a sci-fi movie, you know, watching all these women and the struggle.”

“[Where I'm from] if you're a federal inmate and you get picked up on the streets, you get processed downtown city cells, you don't get taken to remand anymore. You get taken right back to federal institution...So, some people are intoxicated, some people are high [when entering federal custody].”

“And if you see psychology, [it’s seen as a] sign of weakness.”

“The Six Nations women, when we have babies, our placentas should be buried in the earth. So, if they strip that from somebody it’s a lot to put back together. The tradition behind that is you’re carrying your baby for the first year. The placenta is how [the baby] talks to the earth. So, your baby already has attachment to the earth... So, you have to imagine if I’m a violent woman, I’m in prison, and then I have a baby in prison and I haven’t even been able to [bury my placenta]. It [results in a] lot of anger and now my baby’s not going to talk to Mother Earth. There’s no taking that back because you know, the medical world went and took it, threw it out. I didn’t have a choice how I carried my child. And so it’s a lot of... resentment. There’s so much cultural damage.”

Shift prisons away from a punitive model towards an Indigenous-led educational, rehabilitative, and reintegrative model, focusing on daily living and developing practical life skills.

27. Meet Indigenous Peoples in custody’s basic needs to focus on rehabilitative, healing, and reintegrative skills, including:
 - a. Offering nutritional and well-balanced diets;
 - b. Providing adequate, seasonal, and gender-appropriate clothing;
 - c. Facilitating fitness programming, gym access, and increased yard time; and,
 - d. Ensuring medical needs are met.
28. Re-vamp prison infrastructure to facilitate practical life skills education including:
 - a. Building healing lodges, resiliency lodges, village/post-secondary-like residential housing communities offering opportunities to simulate real-world living through apartment/residency living accommodations with showers/kitchens/bedrooms/key and locks, etc.;
 - b. Developing skills around managing time/appointments, handling money/budgeting, grocery/other shopping, cooking, cleaning, attending work/school/healing, learning technology, etc.; and,
 - c. Accessing Indigenous traditional and current community ways of living, ceremony and land-based practices, etc.
29. Develop Indigenous Elder, Knowledge Keeper, or staff-led conflict management and interpersonal communication skills learning (with other incarcerated people, CSC staff, community relationships, etc.) through restorative justice

principles, community circles, and relationship management skills development.

What we heard from participants:

“Any kind of a healing program has to begin with education and it also has to include taking care of our basic needs, such as food and shelter. If you're hungry, there's no way you can think your way through something. If you're cold. If you're unhealthy. Body first, that's part of our medicine wellness wheel... To bring in our Elders, our Healers, and our Knowledge Holders and people who can speak to [these needs].”

“The Canadian justice system right now is too busy. Work is [more] on punishment than it is about reforming people... I worked [at] a few [prisons] where it's open concept... They create villages and stores and the inmates have a key. So, they knew how to open the door [for] when they're released... It does offer skills... They learn how to work as a team because they can, [for example], play soccer... And they use that jail mostly for like cascading out... at the end of their sentence. Really, you should be giving [this experience] to them throughout...

Because how do you get better, right? Like the average person doesn't steal or take things... and I'll speak from personal experience, like I didn't do it because I wanted to. [You do] it because you're poor. You need something, [resources]... I think it's a colonial system that is really like slavery... There's no positive outcome. From the noise of the clanking to even the concrete... It's such a trigger for me when I see the big honking concrete pieces. So, no, even physically, I don't think the jail has anything to offer First Nations because it it's not how we see life to begin with.”

“There needs to be more of these programs available that are entrenched in Indigenous ways of being, like learning on the land and having access to Healers. But it has to be done in a way that is not separate from society, but a gateway that is bridged within the Western world and Indigenous world, and also the outside world and the inside world. You go through all of these rehabilitative steps for a person in an institution and they become institutionalized and that's their way of being. And then they go out into the world and they're like ‘OK, I'm just going to go back because this feels weird and I don't know what to do here’. I see a lot of that, a lot of it.”

“It's the architecture of intimidation, right? So until we remove that. Stay[ing] with the residential school system... it's already built to be against you.”

Fund education programs created and taught by Indigenous WG2STGD+ People about Two-Spirit, Transgender, and Gender-Diverse+ identities for CSC staff and all incarcerated people.

30. Appropriately reprimand and provide ongoing relevant training for infractions committed by CSC staff engaging in inappropriate behaviour around gender diversity (for example, slurs, taunting, jokes, misgendering, using wrong pronouns, etc.).
31. Continuously conduct consultations with Indigenous WG2STGD+ People in custody, those with recent lived experience, and other community members specifically around gender diversity in prison (for example, focusing on gender diverse training initiatives, access to gender-affirming care, institutional clothing, housing, and safety of gender diverse people in custody, etc.).

What we heard from participants:

“[Trans, Two-Spirit, and Gender Diverse+ People] are already going through enough as it is, right? [Then they're] being tormented and taunted and bullied by other individuals who don't understand.”

All professionals working in the legal system require extensive and mandatory Indigenous-led training addressing Indigenous discrimination.

32. Professional regulating bodies supervise the training, delivery, and accountability measures for police, lawyers, judges, educators, CFS workers, medical staff, etc.
33. Incorporate professional and community specific training, including NWAC Recommended Indigenous Training.
34. Make the industries culturally safer for Indigenous professionals.
35. Understand cultural humility and treat Indigenous trainers with respect.
36. Properly draft and use Gladue reports at bail, sentencing, and within CSC in alignment with the Supreme Court of Canada decisions in *Gladue* and *Ipeelee*.
37. Maintain an information bank with local and community specific Indigenous CRGBA+ services available for bail, sentencing, CSC, and community release.
38. Provide trauma-informed training.
39. Promote better engagement and empathy between Indigenous People and CSC staff.
40. Transition back to more in-person training.

What we heard from participants:

“Bring more awareness and training [about] the history of Indigenous People and break those stereotypes through education. Explain how

trauma and intergenerational trauma looks, how people carry it, and how that plays a huge role... I was sent to a cultural awareness training and people from my unit got to attend because none of the officers wanted to attend the training from our detachment. I think that in itself, the fact that they get to pick and choose what they get to attend, I do not think it is the right approach. I think there needs to be mandatory training so that people are held accountable.”

“Simply educating... perhaps non-Indigenous lawmakers and non-Indigenous [professionals]. These people, who are the ones who are implicating and implementing these systems and people who are making these programs and stuff are perhaps not Indigenous. That goes into maybe putting more Indigenous people into positions of power where we are the ones who are educating people, and we are the ones who are implementing and making these systems, laws, and programs. I think that could be really helpful in creating a more specific approach rather than a pan-Indigenous approach because most of the time people are not educated enough to know the difference.”

“I think another key part of this conversation is not only being criminalized and being incarcerated, but I think the criminal justice system is unfair and not a safe space for Indigenous [professionals like police, lawyers, and others involved in the criminal justice system.”

“It's hard if you've been racially profile walking Brown your whole life to think that all of a sudden now those police officers want to talk to you and you're the victim, not the perpetrator that they've always seen you as. And this is not to say that all police officers are racist... This is to say that if you're coming in with a white skin privilege into a power position in the legal system, you are the person who needs to get the most training. The most cultural sensitivity training. That is going to be needed for you to work with Indigenous Peoples....[For example], there is something called ‘San'yas’, and it's Indigenous cultural teaching that is a ministry-approved... for government workers... and it's a cultural competencies training.”

Police require additional Indigenous-led training.

41. Educate police on interactions with community members, including:
 - a. CRGBA+ training; and,
 - b. Training Indigenous-led police forces to combat lateral violence and internalized harmful colonialist attitudes.

What we heard from participants:

“Our Indigenous officers had not done the work to heal themselves. So, they were not even helping their own people. When they were out on the front lines, they were often the ones that were most racist and stereotyping against their own people.”

Judges and Justices of the Peace require additional Indigenous-led training.

42. Increase Judges’ and Justices of the Peace’s (not just lawyers) responsibility around:
 - a. Incorporating CRGBA+ analysis into court orders;
 - b. Fully understanding Gladue reports and how they must be implemented at bail, sentencing, and other court orders; and,
 - c. Developing a resource bank for Judges and Justices of the Peace with Indigenous community specific resources for Indigenous WG2STGD+ People, both on and off reserve.

What we heard from participants:

“In mid 2000’s the [organization] finally implemented recommendations from Donald Marshall Jr Decision and hired an Aboriginal social worker... Part of that position... was to provide training for the Provincial and Supreme Court Justices. Now, those trainings were great because you go up in front of them and assume they have more knowledge because they are like judges or lawyers but oftentimes end up scaling back your level of training [because they were not knowledgeable]. They were receptive.”

Lawyers require additional Indigenous-led training.

43. Train lawyers on working with Indigenous WG2STGD+ People to:
 - a. Incorporate CRGBA+ analysis into submissions at every stage of a court proceeding;
 - b. Investigate Indigenous clients’ culture, traditions, ILOs, and available resources both on and off reserve;

- c. Speak with professional and interpersonal community supports;
- d. Understand the use of Gladue reports at bail and sentencing hearings; and,
- e. Understand professional limitations (for example, lawyers must not write Gladue reports for clients unless they are trained Gladue writers).

What we heard from participants:

“I have a [family member] who is involved with the justice system. I got the package for a Gladue report and then I talked with somebody in Restorative Justice... they gave direction on how this was supposed to happen. I had to go back to [my family members] lawyer and I told the lawyer, I have the Gladue report package he's waiting for... but ... [the] lawyer [says] he's going to do it on his own. I encouraged him to get ahold of the Gladue writers. I decided to prompt him about a month ago, see how he's doing because I haven't heard anything.

He hasn't responded, and I know that this lawyer cannot speak to my [family members] history as an Indigenous young person. And they really need me. They need me, I hold the history of our family of residential school, 60 scoop and his history, all of it. How it relates to being Indigenous and I am [a] grandma, and I am stuck depending on these people...

[My family member] is going to go away for a long time if they do not hear who he is and what our history is. I am scared... We have this great program, the Gladue report, I think it's great, it looks great but I don't feel I have access to it really... I am going through this and I have a social work degree and I have the knowledge. I can't imagine what other people without this experience are going through. My concern is if lawyers take it on and that becomes their thing, they don't have a clue they just, this lawyer even convinced him to plead guilty. He should never have pled guilty.”

All CSC staff working with Indigenous Peoples who have been incarcerated require additional Indigenous-led training.

44. Train all CSC staff, not just COs, on:
 - a. Implementing CRGBA+ analysis into day-to-day job tasks; and,
 - b. De-escalating conflicts, communicating, and managing crises with Indigenous incarcerated people, especially those with mental health needs and Indigenous WG2STGD+ People.

Medical professionals require additional Indigenous-led training.

45. Train hospital and emergency room staff, community physicians, and all justice system medical staff on:
 - a. Availability of holistic support resources providing Indigenous WG2STGD+ People with culturally appropriate institutional and community care resources;
 - b. Assisting Indigenous WG2STGD+ People escaping violence;
 - c. Providing support and resources to those with mental health needs;
 - d. Providing people in custody with adequate medical supplies for all healthcare needs; and,
 - e. Providing prison-specific services and recommendations.

What we heard from participants:

“Training and education is key and I believe it should be mandatory... In my region... the system health care providers must take a mandatory training, but ... [only] 3 hours for a year. We cannot teach all of what we need to share in 3 hours. So, they need to be adapted to what the needs are. There's over 600 First Nation communities in Canada and we are all different. We all have different needs.”

“[The medical system] is just a lost opportunity to connect and provide resources.”

Expand Indigenous WG2STGD+ People's and communities' (on and off reserve) education and training opportunities, participation in legal system professions and individual rights-based advocacy.

46. Support Indigenous-led mentoring for Indigenous People interested in professional legal employment opportunities.
47. Create support circles, groups, workshops, and educational resources on understating legal rights.
48. Fully fund financial aid for Indigenous People wanting to complete the General Educational Development test, high school diplomas, post-secondary education, or trades education.
49. Fully fund financial subsidies for living and other needs for Indigenous People completing education or training.

What we heard from participants:

“When I look at the different occupational groups that I work with, there's not a lot of our people in them- in healthcare, in psychology, in

the security side. And they end up having to be co-opted ... They have no choice but to go along to get along. If they decide to stand up and say, you know, stop breaking the guy's arm, they're immediately jumped on, they're shipped off to a different team, they're shipped off to a different institution. We don't see them anymore."

"One resource that I don't think I am aware of in the Winnipeg area or Manitoba or anywhere else is having a support group where, you know, our relations can learn their rights. It could be led by Indigenous lawyers or Indigenous police officers where people can be informed of their rights. They can take action if they are pulled over or if they're stopped at a store. I think a lot of times those situations get escalated because, you know, the police presence or law enforcement presence and then not knowing how to react to that and not being aware of your rights... So, having like a focus group or resources for people to learn their rights and even have like scenarios where you can practice applying different situations in real life. I think that would be helpful."

"Indigenous people need more education and awareness of the justice system. Many do not even know what they're entitled to".

"Non- indigenous people have been practicing [law] for years. They have that strong network because they were allowed to be a part of every system since arrival, and we were kept out for so long. I think creating that network for Indigenous youth to be able to connect with and ask their questions. Like, how long did you study for the LSAT or those types of important questions that they don't maybe have. I know for myself, I do not have a lawyer in my family and I did not know a lawyer growing up that's an Indigenous lawyer that I could ask questions to about the whole process. So, kind of, breaking down those barriers... Creating a network of Indigenous People within specific careers and being able to connect them with Indigenous youth, I think is important."

"I got asked the question once, what is the difference between seeing Indigenous People thriving [and an Indigenous uprising]? Obviously, we want to celebrate the accomplishments of all our relations, and nothing taken away from that, we are in an Indigenous uprising right now... but I do not think we are thriving yet. We had the first Indigenous Governor General of Canada, Her Excellency Mary Simon. We are having the first these things and ... we are still creating space and breaking down those barriers. Once we have, not only one person, not the first, not the second, not the third... then it becomes something that does not make the headlines of a newspaper or does not make the news, where it's the norm...[that is thriving]."

“Having supports in place for our Indigenous lawyers and people in the Criminal Justice System. I think this has a negative connotation, but there is a kind of burden when you are the only Indigenous lawyer in a specific field or area. The burden to educate always falls on the shoulders of the Indigenous Person. So, I think we can expand educationally and that kind of accountability to everyone. So not to be the tokenized Indigenous law student, whose responsibility it is to educate all the non-Indigenous white professors and law students. You become the tokenized Indigenous Person whose responsibility it is to educate.”

“I think creating networks of Indigenous support and getting to know one another, breaking this cycle of violence and over-sexualization and, the Eurocentric stereotypes and ideologies that Indigenous Women and Girls are disposable objects... Creating networks and making these chains of support where Women and Girls can really interact with one another. I think that is important.”

“The more Indigenous lawyers we have, the more represented we will feel... [And] more confidence. We will be confident enough to talk about our experiences and our challenges.”

Canada must advance reconciliation, educating the community about the history of colonization and concerted efforts to end racism.

50. Education must include, but not necessarily be limited to, NWAC Recommended Indigenous Training.

What we heard from participants:

“And I remember when I first went there and I was like, wow, you can feel the, like, hate these people have towards Indigenous People.”

Canada must listen to Indigenous WG2STGD+ People and implement Indigenous-led recommendations in a timely manner, with measurable accountability mechanisms.

51. Review existing major reports (including but not limited to: RCAP, NIMMIWG, TRC, etc.).
52. Update government action plans to address the recommendations within existing major reports and the IJS Strategy recommendations:
 - a. Report yearly on measurable targeted outcomes with detailed action items; and,

- b. Commit to sustainable and long-term funding for Indigenous-led initiatives.
53. Continue consultations with Indigenous WG2STGD+ People, including:
- a. Where the community is currently unable to deliver the actionable outcomes or services themselves; and,
 - b. Government persistence ensuring thorough consultations with all Indigenous communities.

What we heard from participants:

“They just become another report on the on the shelf.”

“The Community has the answers and they’ve told [the government] what changes are needed over and over and over again. It’s just [now on] the part of the government and the institutions to take that and implement it... How about now go to the community [first]... but it’s always the other way around, [where] the community is identifying these issues and then [the government tries to] push them into the system that is already set up... [and] been there for a gazillion years. So, it never goes anywhere.”

“The community should be allowed and respected to deal with the issues as they want to, and they should be supported in a variety of ways to do that. If the community has not been able to advance that work, there should still be at the very least consultation and support to help everybody involved.”

Thoroughly review Canadian criminal and correctional legislation with Indigenous WG2STGD+ People, focusing on eliminating the over-incarceration of Indigenous WG2STGD+ People.

- 54. Eliminate laws that criminalize Indigenous WG2STGD+ survival-related crimes.
- 55. Eliminate mandatory minimum sentences for Indigenous WG2STGD+ People.
- 56. Create Indigenous W2STGD+ tailored CSC risk assessment tools.
- 57. Eliminate misusing resources intended for Indigenous People (for example, bar on non-Indigenous People accessing Indigenous healing lodges).
- 58. Ensure legislative review aligns all laws with the *United Nations Declaration on the Rights of Indigenous Peoples Act*.

What we heard from participants:

“[I’d say] not using the Criminal Code in the criminal legal system to incarcerate Indigenous Woman for trying to survive because we know all too well, the bulk of offences by Indigenous Women are for their own survival. The survival of their children and families.”

Canadian policing policy must be entirely reformed until Indigenous communities can deliver their own form of “policing” or community supervision and conflict resolution services.

59. Focus on pre-charge diversion, reducing unnecessary Crown screening and court backlog.
60. Shift towards trauma-informed policing; where appropriate, and after consulting with the victim/survivor/complainant.
61. Re-evaluate police interrogation techniques to eliminate false confessions, wrongful imprisonment, and re-traumatizing victims/survivors/complainants.
62. Enforce mandatory, functioning police cameras (body, dash, in-car, sally port, interrogation rooms, every area of police stations, cells, etc.) ensuring police accountability.
63. Recruit police by requiring relevant post-secondary education or lengthier and more thorough police college programs.
64. Investigate police misconduct (including police not attending reported crime scenes) swiftly and thoroughly, with appropriate punitive sanctions (including criminal charges).

What we heard from participants:

“I’ve had a lot of interactions with the police as a victim. I felt very unsafe. I did not feel like they made a safer environment... they never showed up. They never came. When I called back because I was terrified 45 minutes later, they told me I should go somewhere else. Leave the house. I didn’t at that point, I didn’t have an escape... I was still pregnant; I was 9 months. I couldn’t get out. I couldn’t get out the window if I needed to and they told me to just sit tight or call somebody else to come.”

“You’re getting charged. And then you go through interrogation... and you’re sitting there in cells and they’re drilling you and you have detectives coming in and out, their threats, their intimidation. The intimidation is what you just want to get over with, you know, you just want to say whatever get out of there. After several hours, you don’t want to deal with this... It’s hard to the point where you’re just ... [doing] whatever to get... out.”

“I also got probably the worst beating ever in my life from 4 detectives in the Winnipeg Remand Center holding cells. Which of course was

undocumented. It was that I can't prove anything at all other than the bruises I suffered and the cracked ribs. So, there was nothing I could do about it after getting investigated and interrogated."

"When the authorities, when the police are supposed to be protecting us and that's who's committing the crimes against us; what do we do? Where do we go? You know, my cousin last year... was murdered by the ... Police Department. He was there visiting his kids who were attending post-secondary education. He had been a victim of an assault. Violent assault. He was mased... he had stripped his clothes off. He was running down the street asking for help. He had a jug of milk in his hand. When the police showed up and shot him in the back [several] times."

"So, there is a need when it comes to working better, to have more requirements for someone to become a cop. To only spend months in police college- that is not a fair requirement. These people need to be going in with social degrees, whether it be sociology, psychology, social work or criminal justice, something that gives them an idea of what systemic problems are and what this looks like today."

The Canadian justice system cannot meet the needs of Indigenous WG2STGD+ People and communities. Responses to harm must be Indigenous-led.

65. Fully fund Indigenous WG2STGD+ People in creating and delivering their own "justice" or "legal" systems.
66. Where communities do not have the capacity to administer justice services themselves, they must retain the right to use the Canadian criminal legal system.
67. Circles are a valuable tool when used appropriately, with Elders/Knowledge Keepers, and respecting the victim/survivor/complainant.
68. Circles cannot be appropriated by the Canadian criminal legal system and disconnected from their original purpose, including caring for the victim/survivor/complainant and community.
69. Invest in Indigenous community capacity building, ensuring programming is staffed, with competitive compensation, and little staff turnover.
70. Facilitate networking between Indigenous-led programs developing an Indigenous care network of service providers who are culturally competent and trauma-informed.

What we heard from participants:

"The justice system is overextended. It is not adequately funded. It doesn't know, the issues of colonization. They don't understand the impacts of residential schools. They say they do, but they really don't."

They don't understand. Putting Brown faces in places of power. Those people, they really get overwhelmed, and I have heard that in this call and I've seen it in my colleagues who have become Judges. They burn out. They, you know, it becomes on them, the expert on Indigenous people in those systems and that's not fair to them because they are experts, yes but it shouldn't be put on them to educate the entire justice system about Indigenous peoples, It's overwhelming.

We need our own forms of justice. We have our own justice system. We have people who have that knowledge and again, we need money. It comes to money. We need the healing places to be there. We need a lot of trauma-based counseling services. Inner child rehab, detox, and all of those programs and we can do them ourselves with funding to do it. Well, it's more than that. We need the power to create our own justice system and we need the funding to do that. Like, I still say no, the current justice system cannot meet our needs. Even if they put an influx of Indigenous people there. It's still not our system.”

“I felt the most protected by the Friendship Center who quickly responded to my needs the very next day, with no wait. I felt like they sensed how I was feeling, and I felt like they responded with urgency because they were treating it as an urgent situation... Again, the urgency, like this is a crisis we're going to deal with it right now as opposed to 'pause your feelings. Let's do an intake form'. A Lot of friendship centers will be like, 'okay let's deal with what's going on with you. When you're calm and when you're ready to have the conversation, we're going to do the intake'. It was kind of like a trauma-informed approach, I guess you could say... Indigenous organizations create these familial strong bonds with the clients that they serve. Not just Friendship Centres, I find Indigenous organizations really do that.”

“Circles are our particular way of working with indigenous people and that is part of a cultural practice that they do with youth and family. Okay, the Ministry of Attorney General gets it and now it's 'don't we all want to sit in circle and put perpetrators and victims together in a circle so the perpetrator can say sorry and justify what he said and did'. And it's going to be good for the victim to sit there and listen to that crap? That's a bunch of hoo-ha that doesn't belong. That was never supposed to be used for that purpose. When they got it, they said that they were only going to use it for youth... And now they've changed it into everybody and their dog needs to go to a sharing circle. Like, no. It had a method a time and a place to be able to do it in a good way. In circle from the community with the community members there and the families there and the person there. And. It was a way of working out a

situation within the community so that everybody was taken care of. And it was acknowledged, and forgiven and/or worked through in a way that everybody got what they needed. And taking that method, or that methodology, and say, 'oh, I'm going to take that cultural bit. Oh, that's a good idea.' And plunking it over and using it for VW or a sexual assault or whatever else they want to use it for now is shitty. It's inappropriate. It is cultural appropriation."

"The mainstream programming isn't really helping. It's the smaller grassroots, it's smaller voices that are coming up and these grassroots organizations, you know, [we] didn't have a non-profit number but at the end of our first year in [an urban center] we had over \$26,000 in a bank account. It was getting all of the community donations from people across all walks of life donating into that fund. [We] ran grassroots for 3 years and to this day they still don't have a non-profit number. All of the donations received were community-based. We worked with the Nations, we would go out... and we would help them create their own... patrol, but they would name it different. I believe in our grassroots initiatives that are out there across Canada."

Canadian court policy must be entirely reformed until Indigenous communities administer their own “justice” or “legal” systems.

71. Consult with each Indigenous community on balancing victim/survivor/complainant needs, considering the rehabilitative needs of Indigenous WG2STGD+ People who have committed crimes and, reduce the over-incarceration of Indigenous WG2STGD+ People.
72. Ensure Indigenous WG2STGD+ Peoples' release conditions and sentencing conditions are realistic, trauma-informed, and include a CRGBA+ analysis, reducing the likelihood of failure to comply related recidivism. For example:
 - a. Eliminate conditions like abstinence from drugs or alcohol for a person who uses substances; and,
 - b. Lengthen police reporting times for moving homes, considering people who live in shelters or other precarious housing, etc.
73. Offer early diversion and withdrawals where appropriate (must not only be the result of remedying court delays):
 - a. Guarantee victims/survivors/complainants have their stories heard at trials where there is a reasonable prospect of conviction, and diversion is not appropriate.

What we heard from participants:

“[There needs to be] supports [for conditions], like [if] there's a condition you go to treatment. Well, nobody is there make sure they [can] get into treatment... Our treatment beds are full... There's just no talk between judges, police, community... nobody could be able to live up to that. And that's why women are getting rearrested.”

“We need to be able to see the accused person also as a victim.”

“Instead of Starting with judgment, start with curiosity. Keep in mind what is taking place in their life, what has taken place historically for them and their family. Look at the big picture.”

“These [victims/complainants] stories need to be told.”

Increase overall service provision to prevent Indigenous Peoples' involvement with the Canadian criminal legal system.

74. Provide Indigenous WG2STGD+ People with CRGBA+ resources and services without lengthy wait times and bureaucratic burdens, to prevent initial and ongoing contact or involvement with the criminal legal system.
75. Provide long-term and sustainable funding for free resources available to, and delivered by, Indigenous WG2STGD+ People including, but not limited to:
 - a. Housing (including building sustainable housing in urban cities and on reserve communities);
 - b. Financial living subsidies if completing GED/high school diplomas/post-secondary education;
 - c. Post-secondary or trades-based education;
 - d. Job searching and training (for example, resume writing);
 - e. Life skills, conflict resolution, and relationship management education;
 - f. Mental health support, including funding and support for Indigenous-led and traditional healing programs;
 - g. Economic opportunities on reserves (including building infrastructure to support more employment and programs for entrepreneurs);
 - h. Equal pay; and,
 - i. Guaranteed basic income.

What we heard from participants:

“I think it's important also to have something in place to be more responsive, more proactive- to start implementing restorative practices because we have many kids now going in [to custody] and those numbers are increasing. Nothing has been decreasing. The over-representation of Indigenous people in the system is because of the lack of funding, we are just not being proactive.”

“Throughout my university career [and] during my high school career, I was lucky enough to be exposed to resources that targeted Indigenous youth specifically. To pursue... more prestigious careers so that you can be the one to implement change and you can be the one to advocate by being in these roles. I think that just getting out there and exposing youth to these programs to say you can be the one to go out and make change. And encouraging them to do so, that was really helpful personally on my journey to get to where I am today.”

“I kind of struggled in life because I wasn't given tools, right? And so, a lot of times [people wonder] why don't you know that or how did you get that, it's because I never knew it. I never was given it... I respond, I react, maybe what people call, as aggressive or assertive or like, ‘why are you raising your voice?’... But if you're not taught ... how to interact in society. It's super hard to fit in. Because a lot of people just have that privilege of knowing that... And you're like, ‘well, how do I know that? Like, how would I know?’”

Provide full long-term and sustainable funding for free and accessible detox and substance use treatment for Indigenous People, without wait times or challenging bureaucratic entrance requirements.

76. Ensure access to Western detox and substance use facilities for in-patient and out-patient treatment.
77. Eliminate reliance on Alcoholics Anonymous/Narcotics Anonymous etc. programming and create decolonized and non-denominational programs.
78. Provide long-term funding for Indigenous WG2STGD+ People to create CRGBA+ programming, train staff, and maintain infrastructure, both on and off reserves, for in-patient and out-patient addiction treatment.
79. Allow Indigenous WG2STGD+ People to keep their children with them in detox and substance use treatment centers, with childcare, and without fear of CFS apprehension.
80. Prioritize funding for Indigenous communities in a state of emergency or with self-declared epidemics.

What we heard from participants:

“I think is really important we adopt more than AA when it comes to alcohol and drug treatment... we have to really up that game a little bit because the AA book was written a long time ago. And not everybody, especially in Indigenous communities, wants to give their power over to

God. Creator, yeah. But not to the God that they're talking about [in AA]."

"Addiction treatment where women can keep their children with them - community support to get kids on busses, do their homework after, etc."

"[There's a program] in Vancouver for women and it's a four-step program. It lasts well over a year and it's [looking at] where's the root cause?... You can't just do therapy on somebody who's using drugs... if they don't have a home, if they're not secure, if they don't feel loved, if they don't feel community. If they're not functioning, they don't have food. Their therapy is probably the last step because first, a person needs an environment that's conducive to them finding and remembering who they are as a person, as a human being. Then getting into a living routine where there's food... There's shelter around them and people who care around them, and that needs to be consistent. For well over a year to 2 years. I see communities ... [with] big, communal areas for people... to do that recovery and healing from addictions. We keep doing the same thing, which is the Western model, and it does not work. It does not work. Our people need to be welcomed home. Welcomed to somewhere to feel safe enough and remember that they are human."

"There is a community in Saskatchewan, they have a meth problem, a big one.... A therapist created an outdoor camp. She took, I think it was 8 to 10 women, basically into the bush where she detoxed them. She provided life skills. She brought in Elders to do traditional therapy with them. She brought in mainstream therapists to do therapy. She had talking circles. She had also, security there in case they freaked out or tried to run. It really helped and was just women there. Some of them stayed clean, some of them relapsed but It's a good example of a community that took the problem and created a grassroots solution based in our own traditions and our own cultures and used that to help their community. She didn't get funding for it. I think the band gave her some money. It was a return to the teachings and to the land. To help these women heal. And so, you know, programs like that are good. They're effective because it's run by our own people. We have to take things out of the justice system and return them to our communities and do the healing because we are the people who understand our people."

"The epidemics that are going on here with the drug situation. It is out of control... So, what they're doing now, I've been told is that if you're convicted of drugs, you're removed... So, they're just going to kick

somebody out. What's that going to solve? Move them to another community without even trying to heal that person, maybe they need help... The meth is out of control. The fentanyl. I can't even tell you how many family members I have lost. I've lost count."

"You see the side of it where people don't want that [substance use treatment] in their community because they think... it'll bring people that have issues... We're past the point of bringing it into our community. It's already here and we have to build programs and... land-based learning opportunities, healing centers to... move forward ... It's in our communities... So, how do we move forward?"

Provide sustainable funding to address the MMIWG2STGD+ genocide in each Indigenous community and in urban cities.

81. Create an "Amber alert" system for missing Indigenous WG2STGD+ People.
82. Provide long-term and sustainable funding for Indigenous MMIWG2STGD+ liaisons working with families and communities.
83. Educate, support, and resource safety programming for and by Indigenous WG2STGD+ People with lived experiences, for Indigenous WG2STGD+ sex workers.

What we heard from participants

"Some experiences we are facing here is an increased rate of sex trade [workers]. Young women living in poverty in a small town. Being victimized regularly. We have some individuals coming from the city, picking up the girls for the weekend, doing what they need to do with them, and bringing them back. We all know this is happening and we are trying to put in prevention programs to discourage this from happening but at the same time, what can I offer these young women? Yes, I could bring her in for counseling, but I can't offer her basic needs. I cannot offer a house... I cannot offer the money she is receiving for the weekend. She is struggling living in poverty, she does what this person asks her to do, and she gets a cell phone, she gets clothes, she gets money in her pocket, and hotel rooms for the weekend. How do we compete with that when I cannot even offer her a safe shelter? We must be realistic of the treatment plan or the healing program. All our programs are fantastic [like] our circles but we cannot offer basic needs such as shelter and food."

Fund long-term and sustainable services created and delivered by Indigenous WG2STGD+ People, both on and off reserve, that focus on building healthy children, youth, and families.

84. Provide services upon request of the child, youth, or family member, or after referral by a professional at first instance of any concern. For example, learning or behavioral difficulties in school, family violence/separation, police involvement, medical recommendations, etc.
85. Provide age-appropriate family violence education for children, youth, and families, in schools and other program centers.
86. Implement the CFS [recommendations already provided by NWAC](#), including but not limited to:
 - a. Ensuring child(ren) and youth are kept with parents where appropriate;
 - b. Where a child(ren) or youth must be removed from the home, the focus must be on keeping the siblings together, in kinship placements;
 - c. Where there are no kinship placements, focusing on Indigenous community placements; and,
 - d. Non-Indigenous placements and separation of siblings are a last resort.
87. Support resources and programming for individuals living with Fetal Alcohol Spectrum Disorder (FASD), and for parents and their childr(en) or youth, without fear of CFS apprehension.
88. Deliver Indigenous CRGBA+ pre-natal, post-natal, and parenting circles, education, programming, and services.
89. Facilitate Indigenous childcare (including respite childcare).
90. Offer both Western and Indigenous family healing programs (including therapy and counselling).

What we heard from participants:

“There’s a connection between CFS issues and youth becoming involved in the justice system - the foster care to [prison pipeline]. What we are dealing with here is the fallout, the continuance of genocide. That is what this is about. The jails are now the residential schools.”

“Trying to break any cycle of violence in a family starts at a younger age through education and intervention.”

“Justice may mean that they have a great foster placement to stay in. It may be that all of their needs are being met.”

“And I very much so wanted my children to be going into an Indigenous family, foster home ... My kids were separated and they were off to two separate families. My daughter tell[s] me she remembers crying a lot and her brother too crying a lot.”

“Family counseling is actually one of the biggest gaps. I mean, I’ve done the family therapy training and it’s not something that a lot of people enjoy doing, even when we were doing mock sessions... A lot of providers have come to me and said, ‘hey, we need family counseling for a lot of families.’”

“[There is a] program at the Friendship Center ... for parents to engage in culturally relevant activities like meetings or a self-care night... They leave their children with the childminder... Volunteers will look after the kids and they get the opportunity to be free and become better parents by giving themselves that time and space to engage in something culturally relevant. I think at the end of the day, having that time to yourself really makes you a better parent. I think that’s a valuable resource and I would love to see more things like that be implemented.”

“No one told me how to change diapers. No one told me how to... breastfeed. It was from attending Healthy Moms and Babies pregnancy circles where I was able to learn about lactation, diaper changing, and... having circles with other mothers. If Indigenous Women are incarcerated and they’re pregnant... hav[ing] these programs within the facility would really help them with their parenting skills and reintegrating. They might have to... go through maybe halfway house. I don’t know what they’re actually called, but for Inuit specific, it’s called the ‘Alluriarniq’ which translates to ‘stepping forward’. Programs like that will help you to reintegrate back into society, help you gain some skills... help you with risk... Building places where you could look for housing.”

Fund long-term, sustainable, free, and accessible diversion options, created and implemented by Indigenous WG2STGD+ People, both on and off reserve.

91. Ensure regular and ongoing access to Elders and Knowledge Keepers.
92. Revitalize Indigenous language programming.
93. Train for life skills and employment development.
94. Assist with applications to post-secondary and trades schools.
95. Provide full financial aid for living and educational costs.
96. Facilitate restorative justice healing circles with community and victims/survivors/complainants, where appropriate and agreed to by all parties.

What we heard from participants:

“How do we break that institutionalized mindset? I have family members who grew up in the foster care system, youth jail, adult jail, now federal jail... How does one break that institutionalized mindset?”

“I think it's really important that youth who become involved in the Criminal Justice System be shown that they are not bad, that there is not something wrong with them. They are not broken. They are not evil. But that it is something that has happened in their life and the word that comes to my mind, is ‘reset’. If you have grown up and you are taken from home, family. Never shown love.”

“I think giving them the tools that they need to succeed so they're not turning to crime. Turning to committing crime for money. [Our organization, we] do odd jobs, employment readiness. Cultural support. We attend sweats, ceremonies, and do a lot of community involvement [because] there are not many other resources in our small community. We are a small community surrounded by a lot of different reserves. There is this one RCMP Officer and he's got a good relationship with the kids. He comes every so often just to throw a football around with kids and the youth that have been in trouble. They will not deal with any other RCMP officer except that constable.”

“Teaching drumming, making regalia, dancing, ceremony, healing circles [for youth].”

“One of the biggest things for me was, criminal behavior started to happen after I was moved out of my community and out of my territory. It was not until I was provided the opportunity to engage with other Indigenous youth that I could continue to develop a positive cultural identity. That is when I was able to get on the right path. Knowing that there are Elders and people out there who support them. I felt alone a lot of the time and I feel like it would have been good to have someone who reflects me, helping me out. The importance of Elders and having somebody there.”

All justice system programming, policies, and employees must be trauma-informed and reflect an understanding of factors informing Indigenous WG2STGD+ overrepresentation among crime victims

97. Provide any professional in the legal system who will have interactions with, or directly work with, victims/survivors/complainants with fulsome trauma-informed training, specifically on:

- a. Supporting Indigenous WG2STGD+ People;
 - b. Avoiding re-traumatization; and,
 - c. Eliminating the perpetuation of harmful stereotypes.
98. Exempt Women who have used physical violence in self-defence from mandatory charge policies and mandatory minimum sentences.
 99. Programming responding to family or intimate partner violence (IPV) must be evidence-based and subject to ongoing evaluation to ensure it is protecting victims from further harm.
 100. Change all police station infrastructure to more victim-friendly spaces (culturally relevant, safer, welcoming, warm interrogation rooms, comfortable chairs, blankets, etc. with consults done with each community about creating this safe space).
 101. Services for victims of family or IPV must be wrap-around and address the diverse ways violence disrupts lives.
 102. Ensure shelters are pet-friendly.
 103. Provide support services to the victim/survivor/complaint's family and community.
 104. Guarantee availability of victim/survivors/complainant professional advocates accompanying them through every step of the legal process.
 105. Give children and youth victims/survivors/complainants a say about how involved they want to be in criminal cases.
 106. Ensure free, accessible, and culturally relevant services are available for victims/survivors/complaints and their families after testifying (for example, services like counseling and financial support).

What we heard from participants:

"We're never going to get a 'perfect victim'."

"When you're talking about a victim, regardless of what the situation may be, some victims, with regards to the justice system, are treated more like criminals than they are victims. Therefore, the intimidation tactics, the traumatization, that are created by the justice system. When I talk about the justice system, I am talking about the police, the Court system, Victim services, and how all those combined can have such an impact on a person's mental health..."

The way that police treat a victim, can create barriers for that individual and can cause mental health issues. So, we need to work together collaboratively to look at the victim's side of it. They have not done anything wrong; they are a victim..."

To have the police, victim services, the justice system, the courts... involved to work together as a team to create and ensure that we are

working together for the victims. This system is not designed to address that issue, on any sort of level. There is no room for healing. It needs to be holistic... We are directed to focus on the offender and what his needs are or her needs. A lot of the times the victims are left out. Restorative Justice is healing, within our own systems, they already existed. We are working in an alien system. It does not work for us at all. We are releasing people, a lot of times they are worse off than when they came in."

"You don't feel safe ... we're supposed to have trust in our police officers, we're supposed to have trust in these systems. And I would never, if something would happen, I would never be like, 'let me call them up right now' because they might interpret it the wrong way and they could always find fault in you. You could be calling and reporting something and they could find faults in you. But I think too with this justice system, there needs to be training on a larger scale. Training that starts at police officers... [and] lawyers... all throughout the justice system on Indigenous peoples... And it can't be optional, just be mandatory because people will probably not want to do it and I think it's something that has to happen in person."

"It's very hard for a victim of violence or an indigenous woman to be a 'good victim'... If you're a vulnerable person, if you're on the street, if you've got drug addictions, or a past history of violence where you're fighting back... The crown- they have a score sheet: how many cases they want, how many cases they've lost... And they don't want to take a case that they're going to lose. And so you've got to go to them with good stats. And you have to bring them a woman with good credibility. And women whose story it is easy to explain. And that doesn't happen when you have all those barriers. That doesn't make you a 'good victim'. You're a lot less likely to make it anywhere near court let alone be heard by the police officers enough to sustain the charge".

"You know, in an abusive relationship, you don't get that time to decompress from it. Right? You're taken from one shitty situation and then you're thrown out on the street and it's like... until you have someone help you kind of undo those things. You're a very angry hurt person. You know, a lot of people have always said to me like you're very angry or you're very cynical. And it's like, cause I didn't have that time to- I just didn't have the tools. You're very lost. And I think we need to focus on that more."

"Healing for victims and survivors is so important and for their families because when something happens in a community pretty much

everyone's affected. If there is a violent crime that's committed, it spreads and everybody hears."

"[Victims need] an advocate on their side, someone who knows, knows the legal system because it can be very. It can be very intimidating and a lot of jargon used a lot of confusion."

"If the child wants to be involved in the court process and they know that their court is coming up, we'll sit down with the crown and kind of walk them through what the process is. And then oftentimes we will go to the courthouse. We're allowed to show them the room if they choose the CCTV room. Sometimes they want a tour of the courthouse just to get an idea of where they're going to be sitting and stuff like that. But yeah, again, it doesn't happen all that often just because. You know, by the time court run rolls around, it's two years later and it's like, 'I don't really actually want to do this' and. And so they choose not to sit in and just do a private statement."

"In hopes to not have to re-traumatize the child or youth for the experience that they went through... I think that they should have a say in how involved they want to be in the case. And if they want to move forward with it."

Adequately fund Indigenous-led justice programming without limiting or prescribing what the funding must be used for.

107. Eliminate barriers to accessing funding by simplifying applications and helping with applications.
108. Immediately notify Indigenous communities of available funding opportunities.
109. Expand social work ride-along or crisis response teams responding to mental health crises emergency calls instead of police.
110. Provide an Indigenous advocate assisting Indigenous WG2STGD People with police interactions post-arrest.
111. Provide post-incarceration support ensuring women have housing and do not continue breaking the law to meet their basic needs.
112. Provide counseling for the entire family to mitigate people returning to dysfunctional environments upon release.
113. Fund Gladue programs and Gladue reports across all jurisdictions.
114. Evaluate the impacts of Gladue principles on sentencing equity for Indigenous WG2STGD+ People.

What we heard from participants:

“When we get funding for programs, it is really limiting. We cannot really develop programming with the money that we’re getting because there is no respect for the self-determination of governance of Indigenous communities. The funding comes to us with so many limitations... We also have to compete with each other for this funding. They put communities in competition with each other. To me, it is a humiliating process. We are being set up for failure because we don’t have the freedom, there is no respect”.

“I think what’s happening is we’re expecting the police to do the social work. That social work needs to be done by somebody else. They’re not trained in it and yet we’re expecting them to move into some of these situations which they’re not prepared for. So, they do what they’re trained to do, which is to incarcerate.”

“Having a person act as a liaison, whether it is with the police department or with the corrections who take time to sit with people... So, that they can reconnect them to community and work with the restorative justice council or committee that’s within their own community and building those relationships and bridging those gaps.”

“It’s called the Institute for the Advancement of Aboriginal Women, and we have a program with an apartment building that has 20 units for women that are coming out of incarceration. So, Indigenous women that are coming out of incarceration are kind of, just making their way back to society. It’s very low cost and it’s very safe and we have cultural programs and Indigenous women that work there. So, it feels like a very safe and healing home for women that are transitioning back into society. I think having supports for people that are also coming out of incarceration is really good. So, then that does not lead them to reoffend or anything like that. We have a bunch of different cultural programs. We have a program for healthy relationships. We have a violence prevention program. So, just talking about like general safety for Indigenous women in public. We always have meetings, classes going on, crafting, painting. We are working on building a healing lodge here in Edmonton as well so that will be a whole huge building with a bunch of different things in it.”

“When they are exiting jail. What does that look like? Do they have a place to live? Are those needs being met before somebody is being released? If that is not the case what is going to happen is they are probably going to reoffend. So, if there was a needs assessment to make sure there is some connection happening.”

“We need to include the entire family in programming. Sometimes we get clients participating in program and we only get access to funding, they start their healing process, but they have to go back to a dysfunctional environment.. we’re not doing anything realistic when we assist somebody who has to go back to an environment that is not healthy.”

“We have a Gladue program, but we are continuously struggling with sustainable funding for that program. Even though it’s mandatory and has demonstrated value, we are still year-to-year funding and neither the Feds or the territory want to fund the writing of the reports”.

“When Gladue report, is done right, from the perspective of an indigenous writer, they can bring a voice on behalf of the person. The judge for the first time perhaps will see this person as a human being instead of just a stereotyped group, it gives them a voice, which they wouldn’t otherwise have... That could be the first time they’ve opened up and it’s the beginning of their healing path.”

Facilitate collaboration between Indigenous communities to expand capacity.

115. Communities can share knowledge and resources assisting other Nations in developing their own programming and justice or legal strategies.
116. Small/rural communities can provide oversight to other Indigenous communities ensuring their police forces and other services are held accountable.
117. Some people may prefer accessing legal services outside of their communities despite efforts to maintain confidentiality and accountability. This must remain an option.

What we heard from participants:

“The Chief or family members are involved, or they know the individual so often the cheek is kind of turned the other way. We do have First Nations police but maybe you have to involve other First Nations, so there’s a third-party approach to it. I don’t know. It’s a tough one, but I think most definitely First Nations have to be the ones reprimanding their own people.”

“People sometimes feel uncomfortable accessing programs in their home community because it’s their cousin, it’s their friend. They are worried about people finding out. We have had instances where you

learned of someone's pregnancy before they even shared it with their partner. There's concerns with discretion and confidentiality. I don't go to certain places for support because I know the people that work there and it's just something that's so sensitive to me. There are a few things that I literally go to Toronto for. Just, you know, for the confidentiality piece."

Invest sustainable and long-term resources and funding to ensure equitable access to services despite geographic location or jurisdiction.

118. Develop emergency responses addressing the challenges of living in remote communities.
119. Fund safe houses in remote locations for those fleeing violence, offering interim housing until emergency services arrive.
120. Build trusting relationships between police and communities.
121. Ensure jurisdictional divides do not result in a lack of service provision, for example, lengthy emergency response wait times.

What we heard from participants:

"When it boils down to it, a protection order is a piece of paper when you live in a community like mine. There's no RCMP here. We had RCMP many years ago. They were taken out of our community because our population is a small population... We're not really on the highway system, although there is a highway. We're accessible to our community by way of ferry during the daylight hours and by ice road in the wintertime. So, if something happens during the night, the RCMP is called. It takes some time to get out of bed, takes some time to contact a nurse. Or you contact the emergency at the hospital another distance away from us. Two hours away. They have to contact the RCMP. And eventually, they get here and sometimes it's too late. And it happens not only to women. It happens to men too."

"It would be nice to even have a safe house to begin with. This program that I went to, I stayed there for nine months. It was a long-term program... I was in, Calgary... So there's a good, good learning experience for me. But after nine months, I had to come home because I left my husband and I left my children behind. When I left them, I couldn't even tell them I was going away. I just. I just left. And my youngest son really suffered because of that. He didn't know what I was doing."


“A community the size of 2 kilometers by 2 kilometers, is very small. When they have a restraining order, for a criminal sexual offence, and they're not allowed to be a hundred feet from, the victim. They live in a community the size of a box. So, many cannot return, or the victim herself, because she is afraid of the person... This is what some communities are struggling with here, is how do we keep people protected? But at the same time, where is this person supposed to go? Because he cannot go back home because if he does, he breaks the law.”

“In smaller communities, another issue happens- many victims do not report it. Due to loyalty to the community, [and thinking] they are going to be banned or, blacklisted because they went against the family. I am working right now with the victims of violence here and they have a tough time to provide supports. They have to go back to the small communities, and they feel like they betrayed the whole community, when they come forward to report an issue. Same with the urban because they did leave their home and they are not recognized but at the same time they still have that loyalty to the members there and families.”

“Our court system is all over the place up here and so a lot of the times Court will get pushed back. Sometimes it'll take like two to five years just to go through court, and by then, they've already moved past and healed those types of things. And so when court does come along, then they're like, 'oh, I don't really want to actually be involved in this' or 'I don't want to move forward with the charges' and those types of things.”

“There's a lot of intergenerational trauma between Inuit and RCMP. There was the dog slaughter, the relocations. And so, I think just with time, programming. They need to be more open to being involved in community events. I've noticed over the past couple of years that they do charity Hockey games and softball games. And those types of things which has been really great, to like, get to know more of those people outside of like their job.”

“69% of Indigenous People live out of the communities. They are in urban centers. So, they need support. Communities have programs, not all of them, but a majority- like mine does. I have programs to support a person going into the justice system from A to Z, whether you are a victim or you are an aggressor. But people living in urban places must rely on the provincial system. That is where we need to work hard on adapting them to meet the needs of our people. They need simple sometimes, translation, you know. The big cities get more support but



little towns like here often get forgotten and we fall in the gaps. We have many women and men struggling within the justice system as a city does.”