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Colonialism and the Failure of Retribution in the Canadian Justice System: How to Support Indigenous Offenders

Analyses and policy recommendations to the Correctional Service of Canada

I am proposing intersectional policy solutions that favour a restorative justice approach over the retributive approach that currently exists in the Canadian justice system to ensure that Indigenous inmates' needs are adequately met. I introduce recommendations for the Canadian penitentiary system to address significant cases of mistreatment against Indigenous inmates; declining physical and mental health rates; and overall losses of cultural identity that Indigenous inmates experience. My objectives address: the exploitation of solitary confinement in prisons; the disproportionate lack of support available to Indigenous offenders compared to non-Indigenous offenders; and the cycle of colonialism that Indigenous prisoners experience from ineffective criminal justice policies. The goal of these suggestions is to combat the intergenerational trauma from residential schools and other vestiges of colonialism that continues in Canadian prisons. Secondary data were analyzed through two research strategies: 1) qualitative analyses of academic journals, Canadian laws, comparable cases from New Zealand's prison system, and previous cases of mistreatment and Indigenous inmates' deaths; and 2) quantitative analyses on statistics of Indigenous inmates in Canada. The findings support promoting reintegration with Indigenous communities and implementing mental health, educational, and cultural workshops to lower mental health concerns like suicide and the possibility of recidivism. Thus, the proposed policy solutions challenge the use of retribution and encourage rehabilitation to improve Indigenous offenders' mental and physical health, educational background, and cultural identity.

Keywords: Indigenous rights, Canadian Justice System, solitary confinement, reintegration, retribution, restorative justice, residential school legacy, colonialism, systemic racism



INTRODUCTION

I begin this article by stating that I am a second-generation South Korean Canadian immigrant woman who is non-Indigenous. I start this paper with respect to Indigenous peoples and the acknowledgement that Canada is made up of broken treaties and stolen lands from First Nations, Métis, and Inuit communities. My research discusses horrifying colonial atrocities like residential schools that continue to propagate a culture of systemic racism in the Canadian correctional system today. I recognize that the land that I reside on consists of the traditional territory of the Mississaugas of the Credit First Nation, Anishinabewaki, Huron-Wendat, and the Haudenosaunee, who are its original caretakers. You may be reading this article online from a different location and I encourage you to learn more about the Indigenous territories and histories in your area.

Kinew James was an Indigenous woman who died at the age of 35 from a heart attack that could have been medically treated if prison guards had not ignored her requests for medical assistance during the hour in which she passed away (Razack, 2014). Her death exposes flaws in the Canadian Justice System and how there must be appropriate changes made to ensure that Indigenous lives are led with dignity in prisons. I write this paper in honour of her life and the countless other neglected Indigenous offenders who will eventually return to society. In this forum, I recommend policy amendments and changes to provide more programs to improve Indigenous inmates' mental health and connections to their communities. I suggest cultural workshops led by Indigenous leaders and mental health initiatives led by external workers such as psychiatrists, psychologists, and other mental health professionals. Recommendations for changes to the "Structured Intervention Unit" (SIU) are explained below and I advocate for the creation of a new healing lodge for women only to lower recidivism rates, reduce financial constraints from the current prison model, and encourage rehabilitation for Indigenous offenders.

BACKGROUND: COLONIALISM AND RESIDENTIAL SCHOOLS IN CANADA

Before analyzing my policy recommendations, we must acknowledge the colonial structure that has been imposed on Indigenous peoples in Canada. The country's colonial policy toward Indigenous peoples has been one of forced inculcation that once used residential schools to "attempt to destroy Aboriginal cultures and languages and to assimilate Aboriginal peoples so that they no longer existed as distinct peoples" (Truth and Reconciliation Commission of Canada, 2015, p. 153). Physical force, religion, and laws were used to disengage Indigenous peoples' languages and cultural practices from the 1880s to the late 1990s (Truth and Reconciliation Commission of Canada, 2015). The Truth and Reconciliation Commission of Canada (TRCC) reveals that many survivors have coped with their trauma through violence and illicit activities, which has ruined thousands of Indigenous families and continues to affect Indigenous communities today.

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Indigenous people who have moved from reserves to urban areas are often subject to “crime, poor education, low income, and single parenting” at a higher rate than the Canadian average because of intergenerational abuse and structural inequalities (Balfour, 2013, p. 87). For this reason, the TRCC is the start of conversations about change, but not the end.

Moving from the past to the present, we witness the oppressive relationship between the Canadian Justice System (CJS) and Indigenous communities evolve. These individual and collective Indigenous experiences can be characterized as “systemic racism,” which in the North American Indigenous context is when policies and institutions actively deny Indigenous people access to rights and resources (Smedley, 1999). Systemic racism contributes to the false belief that people, policies, and institutions are not racist because inequalities are woven into society’s fabric. In the prison context, Indigenous offenders are physically separated from their cultures; Indigenous spiritualities, customs, and languages are neither taught nor encouraged, which affirms the emotional and social divorce that Indigenous offenders endure. The over-representation of Indigenous adults in prisons suggests that they are excessively scrutinized by law enforcement (Monture, 2006). The rate of Indigenous incarceration in federal prisons has escalated at a shocking rate in recent years. According to the government of Canada, “the Indigenous inmate population has increased by 43% whereas the non-Indigenous inmate population has increased by 13%” (Office of the Correctional Investigator, 2020). To demonstrate further, from 2006-2017, there was an 18% increase of Indigenous adults in federal correctional services despite representing only “4.1% of the Canadian population” (Malakieh, 2018), a clear indication of systemic racism.

INTERSECTIONALITY AND RESTORATIVE JUSTICE

To provide more context to my policy recommendations and the current landscape for offenders, it must first be noted that the CJS officially adopts a retributive discourse, which means that it operates through punitive measures focusing on sentences that are intended to be proportionate to the offences committed (*R v. M*, 1996).¹ Restorative approaches, on the other hand, are superior because they address root causes and factors of criminalization, which retribution does not. The term “intersectionality,” coined by Kimberle Crenshaw (1991), challenges one-dimensional perspectives of oppression in a critical-analysis framework by focusing on factors like age, race, gender, and class together and the inequities tied to these factors. I use an intersectional method to address structural inequalities like class

¹ The *R v. Man* case (1996) solidifies that the CJS acknowledges that retribution is an important principle in sentencing (line 77). The Canadian Sentencing Commission in its 1987 Report on Sentencing Reform also endorsed retribution as a legitimate and relevant consideration in the sentencing process (line 78), so the CJS has explicitly stated and acknowledged that retribution is a legitimate framework that has been used from 1996 to the present.

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disparity, the educational gap, and high rate of poverty that Indigenous people face as a way forward in the process of mending the effects of colonialism. Residential schools in particular not only marred individuals and Indigenous communities' identities, but also how other people and institutions perceive them. Without an intersectional lens, important factors like age, race, gender, and class are disregarded. It is crucial that various factors be acknowledged in an effort to lower rates of recidivism and address root causes of criminality.

To demonstrate an intersection between race, class, and health in prisons: Indigenous offenders generally exhibit elevated rates of physical and mental health problems stemming from intergenerational abuse, and they often lack formal education; moreover, the distinction between “criminals” and “victims” is untenable because both identities converge in prisons (Chan and Chunn, 2014). A restorative approach attempts to address root causes of harm, which is why an intersectional perspective is employed as multiple factors are taken into consideration. Important perspectives need to be examined together, especially when it comes to why an Indigenous person may have committed a crime since intergenerational trauma and other complicated histories may influence an individual to commit crime.² Damages to the perpetrator, the victim(s), and responsive communities emphasize that an intersectional method must be taken so that appropriate reparations may be made.

My proposed policy solutions incorporate a restorative justice approach by providing social support for both the offender and the larger community to which the individual will return (Braithwaite, 1996). The current retributive system is not functioning because as of 2017, Indigenous youth represented over 45% of the total youth population in prisons, despite comprising less than 10% of the total Canadian youth population (Malakieh, 2018). The disproportionate rate of Indigenous youth in prisons insists that the Canadian criminal justice system needs to change. Specifically, the fact that Indigenous youth—in addition to Indigenous adults—are overrepresented in prisons demonstrates that Indigenous communities are broken apart from a young age, a trend that continues into adulthood. This rate of criminalization exposes that both Indigenous youth and adults are targeted. A survey conducted by the Indigenous Justice Inquiry of Manitoba (2001) revealed that “61% of indigenous [sic] people feel like they are not being treated fairly in prisons.”³ Being sentenced to prison is a punishment; however, the lack of programs focusing on improving offenders' skills puts those who have served their time at a further disadvantage upon their release. Offenders' time could be productive through workshops and educational classes to diminish chances of reoffending and for

² The case *R v. Gladue* (1999) sets out specific criteria on sentencing principles for judges to consider Indigenous people's background and history because of colonial challenges.

³ The reason why I have added “[sic]” to this quotation is to show respect to Indigeneity without removing the value of the original researcher's quote and statistic.

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individuals to gain new, transferrable skills. Restorative justice practices were implemented in Nova Scotia in 1997. This approach prescribes that victims, offenders, and community members meet to create an agreement on how the offender will make reparations. This initiative partners the community and the government together, relieving citizens' concerns over what restorative justice is, and has ultimately garnered positive responses in that province (Elliott, 2011).

FIRST INITIATIVE: CULTURAL AND MENTAL HEALTH WORKSHOPS AND VOCATIONAL TRAINING

I am proposing a network of cultural workshops to connect Indigenous offenders with different cultural traditions, practices, languages, religions, healing practices, and ceremonies. This is to ensure that there are opportunities for Indigeneity to be a part of everyday life in prisons and these initiatives would be led by Indigenous leaders so that a non-colonial perspective might be present. I am endorsing mental health workshops in an effort to reduce mental health-related tragedies such as suicide. Through a restorative justice lens, these workshops would promote healing and growth. Lastly, I am putting forward the vocational training workshops and classes to encourage Indigenous offenders to pursue higher education or different career paths when upon release or parole. All these initiatives are committed to connecting Indigenous offenders with Indigenous communities and to encourage a lifestyle that would replicate, to the extent possible, how one might live outside of prison.

1. In my first initiative, mental health workshops will be implemented to respond to the needs of Indigenous offenders. They will be led by community leaders, trained psychiatrists, psychologists, and other mental health professionals. The workshops will focus on identity-building, mental health awareness, and legal methods to find employment and housing, and will be held Monday to Friday during the daytime to ensure that inmates adhere to a similar work schedule to those outside prison in preparation for release or parole. There will be completion certificates awarded to Indigenous offenders who willingly participate in and complete the workshops.
2. It will be recommended that Indigenous offenders attend vocational training workshops and classes and that those who have not completed their high school education obtain their Adult Basic Education (ABE)⁴ or complete a certain number of skills-oriented courses.
3. There will be new cultural workshops implemented in Canadian prisons and healing lodges led by community leaders and Elders. Guards and officers will not be leading these workshops, but rather Indigenous leaders, community members, Elders, and former Indigenous offenders. Cultural traditions, practices,

⁴ The ABE is the Correctional Service of Canada's educational program in prisons that would be equivalent to grades 1 to 12 education levels.

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languages, religions, and healing practices will be encouraged in the cultural workshops. Indigenous offenders will engage in conversations about different Indigenous identities and cultures. The curriculum in these cultural workshops will not be altered or otherwise influenced by guards or officers. The National Aboriginal Advisory Committee (NAAC) will oversee these workshops by providing input, updates, and edits to the curriculum where necessary.

Comparison to New Zealand’s mental health initiatives

In this and following sections, I will cite some analogous examples from New Zealand’s correctional system and its relationship with the island nation’s Māori population that reveal promising findings supporting the mentioned mental health initiatives that I outline above. Tamatea and Brown (2016) provide anecdotes where Māori inmates sought help from professional psychiatrists that received positive results in New Zealand, such as that of an inmate identified as “Mr. D.” Mr. D was a violent offender who served ten years in prison and attended group therapy, but who, after having displayed aggression towards his peers, was recommended individual therapy (2016, p. 178). After behavioural improvement had been identified with his therapist, Mr. D was invited to rejoin group therapy to participate in positive Māori culture experiences. In a Canadian context, there should be similar results because there would be Indigenous leaders, psychiatrists, psychologists, community leaders, and non-profit organizations leading these mental health workshops rather than prison officers. The suggested group workshops and individual therapy sessions will follow a similar format to the New Zealand initiative which addresses underlying mental health concerns. My policy solution advances further by connecting offenders with community members and leaders in preparation for the reintegration process in hopes of eliminating stigmatization. From 2009 to 2016, over 70% of inmates who died from unnatural deaths like suicide or murder had a history of substance abuse issues or mental health disorders (Correctional Service Canada, 2017). Consequently, these concerning factors highlight the need for mental health providers, wellness programs, and mental health workshops to actively check in with inmates.

Cultural advocacy in prisons

Cultural workshops for Indigenous people are significant because Bill C-262 (2018) seeks to ensure that “the laws of Canada must be in harmony with the *United Nations Declaration on the Rights of Indigenous Peoples*,” which proclaims “a universal framework of minimum standards for the survival, dignity and well-being of the indigenous [sic] peoples of the world” (United Nations Declaration on the Rights of Indigenous Peoples, 2007). Article 8 of Bill C-262 makes it clear that there should be no “force of assimilation or destruction of Indigenous peoples and individuals and their culture” (2018). Despite these imperatives, current Canadian prisons neglect to teach and encourage the use of Indigenous cultural practices, languages, and

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religions, thereby creating an environment of forced assimilation and cultural destruction. Cultural workshops would provide offenders the opportunity to learn about their communities' histories, cultures, and spiritual beliefs through the lens of Indigenous leaders rather than the prevailing "Canadian perspective." The goals of these cultural programs are threefold: to provide offenders with knowledge and awareness of their cultural histories, with the opportunity to practice cultural traditions in prisons, and with tools that encourage positive identity building.

In the section that follows, I review New Zealand's advocacy for cultural identity in prisons and the need for cultural workshops. Māori lawyer Moana Jackson states, "you can't look at a young Māori man in prison and divorce him from the history of what has happened to our people," which view could be extended to Indigenous offenders in Canada (Manhire, 2015). An interesting parallel is how there are high rates of over-representation of Indigenous inmates in Canadian prisons like Māori inmates in New Zealand. Tamatea and Brown (2016) emphasize the importance of adapting treatment programmes for the benefit of Māori prisoners because "culture is an important responsibility issue" (p. 173). By ignoring significant Indigenous values there are consequences that alienate an offender further from their community (Tamatea & Brown, 2016). Disregarding practices that Indigenous offenders consider fundamental is harmful to their identity: this leads to hatred towards the criminal justice system, hatred towards their own cultures or communities, increased mental health issues, and ultimately recidivism. Encouraging the use of cultural programs and traditional and modern strategies acknowledges individuals' identities and affiliations to their respective communities. Low-risk offenders will eventually return to society, so why ignore their needs? By encouraging the use of cultural workshops, Canadian prisons would advocate for Indigenous cultural practices, languages, and religions. The suggestion of cultural workshops will actively encourage Indigenous inmates to combat assimilation in adherence to Bill C-262. When an Indigenous person is processed through the criminal justice system, they are ostracized from their friends, family, and community; cultural workshops would allow for Indigenous offenders to have the opportunity to practice their cultural traditions to help them retain their connection to these important institutions (Tamatea & Brown, 2016, p. 174).

SECOND INITIATIVE: AMENDMENT TO BILL C-83: REMOVAL OF SOLITARY CONFINEMENT AND ESTABLISHMENT OF THE "STRUCTURED INTERVENTION UNIT" FOR INDIGENOUS OFFENDERS

Bill C-83 amends the *Corrections and Conditional Release Act* by removing solitary confinement and replacing it with the SIU. Changes include meaningful time spent outside of the unit and the elimination of using segregation for disciplinary reasons. Bill C-83, clause 10 defines the SIU as a separate environment for an inmate who is removed from the larger inmate population "due to security or other reasons," in which the inmate is provided with opportunities to have contact with others,

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“participate in programs and have access to services” (2019). The SIU system is a replacement for solitary confinement but there are questions surrounding what the difference between the SIU and solitary confinement is.

The following revisions I propose are under the Policing, Justice and Emergencies Department with specific changes to the Correctional Service of Canada (CSC). The policy recommendations are to encourage the use of activities and mental health initiatives so that Indigenous offenders socialize and learn despite being in the SIU. The changes listed below are to ensure that Indigenous individuals’ mental health and wellness are prioritized.

1. The first revision is for Indigenous inmates who are in the SIU. The time spent outside the unit should be at a minimum of six hours to participate in activities such as mental health initiative programs, cultural workshops led by an Elder or community leader, appointments to see an Elder, and visitations from family or friends.
2. The individual in an SIU must meet with either a registered psychiatrist, a member from the Indigenous wellness committee, the Indigenous Liaison Officer, or an Elder if the offender has been in the SIU for more than two weeks. Indigenous offenders must see a therapist and an Elder at least once a day, especially if they have a history of mental health issues, abuse, or trauma. If it is not the offender’s first time in the structured intervention unit then the inmate must see any of the recommended officials listed regularly.

Grounds and factors

In this revision, the Commissioner of the prison, the Indigenous wellness committee, and the Indigenous Liaison Officer will have the grounds to determine if an Indigenous inmate should remain in an SIU. There must be substantial evidence that the inmate who would be reintegrating in the general prison population would jeopardize the physical or psychological safety of other inmates who participate in cultural practice workshops, cultural ceremonies, mental health programs, or educational workshops in the penitentiary.

Solitary Confinement and the “Structured Intervention Unit”

The decision to remove solitary confinement came about as a result of several poignant cases that changed Canadian history. First, that of Adam Capay, a 23-year-old First Nations man who spent four years in solitary confinement without trial. Paul Dubé’s 2017 Ombudsman report revealed that Capay’s case was completely mismanaged all because there was missing paperwork (White, Friesen, and Morrow, 2018). Typically, the cases of inmates who are in solitary confinement are reviewed periodically, so either he was completely forgotten about, or he was denied leaving solitary confinement every time his case was up for review. It is unclear which seems

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to be the case but either decision is concerning. The fact that Capay was in solitary confinement for such an extended period is disturbing; segregation has permanent psychological and social affects which insists upon the need for changes to the SIU. Second, the tragic case of Ashley Smith, who, having been held in solitary confinement for a total of 1,047 days, strangled herself at the age of 19 while on suicide watch. Smith had experienced humiliating treatment from guards, including being assaulted, pepper-sprayed, and denied toilet paper or feminine products, before taking her own life (White, et al., 2018). Her case was a catalyst for change insofar as an inquest and adjustments to correctional services were implemented (Ware et al., 2014, p. 168). Third, the case of Kinew James, mentioned above, who died of a heart attack despite her having used the distress call button for requests for help (Razack, 2014, p. 16). James had spent most of her sentence in solitary confinement, which argues that her mental health needs were ignored. Alarming, all three victims experienced systemic violence ranging from the insufficient support programs to abusive treatment from guards, and in the cases of Ashley Smith and Kinew James, it led to their deaths.

In the second section of the policy proposal above, I suggest mandatory sessions with a psychiatrist and Elder, which increases the focus on mental health and wellbeing. A concern is that prisons have become a dumping ground for Indigenous inmates who have mental illnesses because they do not have access to mental health resources. Using solitary confinement as a disciplinary measure is a temporary fix, but with devastating long-term social and psychological ramifications. The original Bill C-83 did not detail the duration one would be held in the SIU; therefore, it was left to the officer's discretion, which is always subjective, and leaves open the likelihood of some form of abuse. This intersection between law and public health aims to protect the psychological health and Indigenous inmates' rights.

THIRD INITIATIVE: NEW HEALING LODGE FOR MINIMUM SECURITY INDIGENOUS WOMEN

The suggestion for a new healing lodge for minimum security Indigenous women follows a rehabilitative approach. Due to high rates of addiction and culturally irrelevant programs that exist, Indigenous women are susceptible to poverty and addiction while incarcerated and on release (Pollack, 2009, p. 118). A proposed healing lodge would address both key factors to criminality and root causes such as trauma or abuse. Providing Indigenous women access to seek counselling and social support is a direct response to the increasing incarceration rates, financial constraints in the prison industry, and the high rates of mental health issues that are exacerbated in a traditional prison.

1. After discussing with directors from CSC, NAAC, and directors from existing healing lodges in Ontario, there will be a decision made either to turn one of the

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existing healing lodges, the Sagashtawao Healing Lodge, into a healing lodge for female Indigenous offenders or to build a new healing lodge. After a decision is made, necessary renovations should be prepared based on financial factors and the maximum occupancy number.

2. The proposed healing lodge will encourage the use of ceremonial objects, traditional medicines, and traditional healing practices including a sweat lodge.
3. There will be an appointed Elder or Spiritual Advisor decided by the CSC and NAAC to help provide guidance and healing strategies for women at the new healing lodge. The lodge will be run by CSC in cooperation with an Indigenous community.

By proposing a new healing lodge, the aim is to provide a diversion option for Indigenous women. This recommended healing lodge is specifically for women because “32% of federal women prisoners are Indigenous women,” which is clearly a disproportionately high number of the federal prison population (Pollack, 2009, p. 115). Transferring some Indigenous women inmates to the healing lodge will minimize rates of over-incarceration among this demographic. The victim-centred programs will target criminogenic factors such as exploring previous trauma or relationship building exercises with other women (Braithwaite, 1996, p. 16). From an intersectional perspective, women will be able to explore personal accounts of intergenerational trauma, and racist, sexist, and ageist experiences. Appointed Elders, Spiritual Advisors, and community leaders will guide exercises, workshops, and conversations in a holistic way. The programs will provide methods for offenders to learn how to heal and grow from their trauma (Faith, 2000, p. 20). To explain further, providing cultural and educational programs in prisons will offer positive support systems for Indigenous people to learn about different Indigenous languages, cultural practices, and traditions. This may inspire offenders’ families or friends to pursue new cultural learning avenues as well.

Quirouette, Hannah-Moffat, and Maurutto’s research (2015) brings awareness to integrating different strategies to address social issues, including addiction, housing insecurity, and unemployment (p. 375). The proposed lodge will have traditional healing sessions to provide tools and resources for offenders to mend relationships and move forward from traumatic experiences. Buffalo Sage Wellness House director Claire Carefoot states that traditional Indigenous ceremonies and teachings focus on healing (McCue, 2018). With role models and a new healing lodge, this suggests that offenders and parolees can take responsibility for their actions in a safe environment; the new healing lodge will decrease the stigma surrounding imprisonment. Stigma has an impact on an offender’s behaviour after having been released, such as reoffending, substance abuse, and mental health complications (Moore et al., 2016). The healing lodge is a diversion method that seeks to diminish stigma because of its focus on rehabilitation.

Criticisms and responses to criticism of the use of healing lodges

Healing lodges provide a cost-effective solution to the expensive traditional prison system. Cohen (1985) stated that Canada's incarceration rate was not declining and that there must be alternatives to prevent overcrowding, riots, and exacerbated mental health problems (p. 44). Over 35 years later, the same problems exist, despite the fact that the Canadian government spent nearly three billion dollars on corrections in 2018 alone (John Howard Society, 2020). This exposes the need for cost-effective alternatives like the healing lodge. The new healing lodge will significantly reduce financial costs for the CSC because it will be less expensive than maintaining a formal prison. Faith believes that "diverting funds from prison expansion to less expensive community services" will benefit the offender, the state, and various communities (2000, p. 25).

One criticism of healing lodges is that they are lenient in comparison to the traditional model of prisons (Weinrath, Young, & Kohm, 2012). In response to this, I would challenge readers to view healing lodges not from a punitive perspective, but a rehabilitative one. Residents must participate in ceremonies and practices that are group-oriented and that challenge individuals to rethink how they operate (Boesveld, 2019). At the Thunder Woman's residential lodge, counselling and life-skill classes are offered to provide residents opportunities for new avenues once they enter parole (Boesveld, 2019). Carefoot assigns a list of tasks that must be accomplished daily for offenders, which emphasizes the shift toward reintegration into society (McCue, 2018). Although offenders are in a healing lodge and not in a cell, there are rules that they must follow as they would in prison. A misconception is that healing lodges provide lighter sentences than prisons. In response to this, former correctional investigator of Canada Howard Sapers clarifies that healing lodges are not about how light or heavy a sentence is, but the fact that they ultimately provide a better outcome (Boesveld, 2019). Lessons will be led by Elders, Spiritual Advisors, and Indigenous community leaders who are all people in authoritative roles, which is a reflection of the fact that healing lodges as a concept and an established institution are no less goal-oriented than formal prisons. The objective of healing lodges is to reduce recidivism rates by targeting causes of why individuals may have committed an offence. Offenders will learn to take responsibility for their actions, complete tasks, and follow a regimented schedule, which will guide them to reintegration into society. Contrary to popular belief, healing lodges lower recidivism rates by at least six percent (Ferrerias, 2018). Despite the controversy surrounding healing lodges, they provide an alternative to the traditional prison model and there is empirical evidence that healing lodges benefit Indigenous residents. In summary, the function of cultural and mental health workshops in healing lodges is for Indigenous inmates to learn new skills, to pinpoint why they committed crime(s), and to move forward.

CONCLUSION

As I reflect on my suggested policy recommendations, I cannot help but think about Kinew James's life and death. I think about how she fought this legal system that worked against her. I consider the fact that she spent most of her life in prison without receiving proper mental health support. She completed her high school certificate in prison and was determined to leave prison a different person; however, her formal complaints were denied, she was physically abused, and she died a brutal but preventable death (Razack, 2014, p. 13). I write this article in an effort to radically alter the way society views Indigenous inmates and to change how they are treated in prison, and ultimately for a better reintegration back into society.

One limitation that I found in conducting this research was the lack of recent testimonials from Indigenous inmates from 2018 to the present. Future studies are necessary to validate Indigenous voices that are typically unheard to provide newer insights into the dynamic Canadian Justice System. Reform is imperative, for prisons cannot undo the nation's colonial past, but they can change the future for Indigenous offenders.

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