

**S.81**  
**THUNDER WOMAN**  
*Healing Judge*  
**RESEARCH PROJECT**

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**INTERIM REPORT/OUTLINE**



# **S. 81 THUNDER WOMAN HEALING LODGE RESEARCH PROJECT**

Interim Report/Outline

***Prepared for***

The Minister of Public Safety and Emergency Preparedness  
Toronto Aboriginal Support Services Council (TASSC)

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December 2016



**TORONTO ABORIGINAL  
SUPPORT SERVICES  
COUNCIL**

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This project was the first phase in generating awareness and consulting *community* stakeholders about the viability of a s.81 Healing Lodge in the Greater Toronto Area (GTA). Through the course of the project over a hundred individuals contributed their knowledge and expressed their desires to build a healing space for the most vulnerable members of our community.

This project was funded by the Minister of Public Safety and Emergency Preparedness, with many in-kind donations from the representative members of the Toronto Aboriginal Support Services Council.



Chii Miigwetch (Big thanks) to Mike Ormsby for providing the logo entitled 'Thunder Woman Healing' for Thunder Woman Healing Lodge. It incorporates a stylized Thunderbird (to represent thunder) with a female figure holding up an eagle feather in prayer. The painting symbolizes both the name of the lodge and the healing that can be made through Indigenous culture and traditions.

Chii Miigwetch (Big Thanks) to the following individuals and organizations:

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Aboriginal Legal Services

Elizabeth Fry Toronto

2 Spirited People of the 1<sup>st</sup> Nations

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Native Women's Resource Centre of Toronto

Native Men's Residence (Na Me Res)

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The Wesley Group

Spirit Wind Hand Drum Singers

# Letter to the Minister and Foreward

October, 20, 2016

The Honourable Ralph Goodale, P.C., M.P.  
Minister of Public Safety and Emergency Preparedness  
Public Safety and Emergency Preparedness  
269 Laurier Avenue West  
Ottawa, Ontario  
K1A 0P8

Dear Minister Goodale,

Re: The Thunder Woman Healing Lodge Interim Report and Outline and request for continued support of the creation of a s.81 Healing Lodge in the GTA

I am writing this letter, accompanying the Thunder Woman Healing Lodge Research Project's report because I know that one of your top priorities is "...to work with the Minister of Justice and the Minister of Indigenous and Northern Affairs to address gaps in services to Indigenous Peoples and those with mental illness throughout the criminal justice system"<sup>1</sup>. This report and outline, prepared for your Ministry and for the Toronto Aboriginal Support Services Corporation, speaks directly to addressing gaps in Correctional services for Aboriginal women in federal custody.

The Thunder Woman Healing Lodge Research Project and vision for a lodge has been a passion for many Aboriginal service providers and individuals in the GTA well before this report was produced. There are too many individuals to list in a foreword that have been integral to raising the issues and need for a Healing Lodge for incarcerated Aboriginal women in the Federal Correctional system. This report really is a starting point. It addresses needs identified by Aboriginal community and partners. It acknowledges that more research and work needs to be completed. At the most basic level this report offers an outline of what future research and steps are needed in order to

establish a s.81 Healing Lodge in the GTA.

This Report and Outline speaks to the Aboriginal communities' desire to create a space of restoration, rehabilitation and reintegration for Aboriginal Federally Sentenced Women (FSW). Creating an Aboriginal operated Healing Lodge in the GTA will allow the Aboriginal Service providers to have an essential role in providing programs and services that are culturally relevant, significant and appropriate.

As is well known, and as this report demonstrates, Aboriginal over-representation is beyond a crisis point. It is even more acute when considering just Aboriginal women's over-representation in the Federal Correctional system. The need to continue this project beyond this report is great. This outline provides the Minister of Public Safety and Emergency Preparedness a guide to work with partners that have created the report and to move forward in co-operation to make the vision of a Healing Lodge in the GTA a reality.

The steps forward should include taking into account the work put into this project and empowering the participants to further develop strategies and plans. The current Federal government recognizes a need to reconcile relationships and to take real action to address issues most pressing to Indigenous communities.

The Honourable Dr. Carolyn Bennett, while in the opposition critic position on Aboriginal issues for the Liberal government, supported this project. Following the October 2015 election and her appointment as Minister of Indigenous and Northern Affairs, Dr. Bennett's mandate includes supporting work of truth telling and healing as well as implementation of the recommendations of the Truth and Reconciliation Commission (TRC) of Canada's Calls to action<sup>2</sup>. Although many of the TRC's calls speak to ways that

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1 <http://pm.gc.ca/eng/minister-public-safety-and-emergency-preparedness-mandate-letter#sthash.PJGMAf2.dpuf>

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2 <http://pm.gc.ca/eng/minister-indigenous-and-northern-affairs-mandate-letter>

the Thunder Woman Healing Lodge can help the government meet their mandate, the most direct TRC call to action are 35 and 36:

35. Calls upon the Federal government to eliminate barriers to the creation of additional Aboriginal healing lodges within the federal corrections system.

36. Calls upon the Federal, Provincial and Territorial governments to work with Aboriginal communities to provide culturally relevant services to inmates on issues such as substance abuse, family and domestic violence, and overcoming the experience of having been sexual abused.<sup>3</sup>

The research projects team and authors believe that ensuring the work on this project is funded and continues is a way to respond to the TRC's calls and meet Ministerial mandates as set out by Prime Minister Justin Trudeau in his mandate letter to Minister Bennett.

The research projects authors also note that both the Minister of Status of Women and the Minister of Justice and Attorney General of Canada have mandates that align with the creation of a s.81 Healing Lodge.

Specifically, Minister and Attorney General Jodi Wilson-Raybould's top priorities includes changes in our criminal justice system and sentencing reforms with a goal of having ... "[o]utcomes that increase use of restorative justice processes and other initiatives to reduce the rate of incarceration amongst Indigenous Canadians."<sup>4</sup> The authors of this report believe that the creation of Thunder Woman Healing Lodge in the GTA will contribute to better outcomes.

We request that the Ministry has an openness to not only explore the possibility of the Lodge but to achieve its full creation. With this in mind we ask that as you review this report and outline and consider ways to support continued research but also to move the

project beyond research and support development and creation of Thunder Woman Healing Lodge.

Thank you for your time and consideration.

Respectfully,

*Christa Big Canoe*

Research Director and Mentor, and

Legal Advocacy Director, Aboriginal Legal Services

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3 [http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls\\_to\\_Action\\_English2.pdf](http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf)

4 <http://pm.gc.ca/eng/minister-justice-and-attorney-general-canada-mandate-letter>

# Executive Summary

*A woman needs a home and a goal of somewhere she wants to go towards. Many of our women don't know our culture and feel shame... A woman needs to be able to step into the culture, de-institutionalize and learn and heal for themselves- that's the big job. A Healing Lodge can be a space where they feel safe, where they can express in different means and in different types of ceremony -that woman can connect to her culture.*

-Connie Hansenberger, Elizabeth Fry  
Residential Manager-

Recent national figures indicate that although the proportion of Aboriginal people within the Canadian adult population is just under 4%, Aboriginal people accounted for slightly more than one quarter (28%) of admission to sentenced custody in 2011/2012.<sup>5</sup> The overrepresentation of Aboriginal females was much greater, with females comprising 43% of admissions to provincial sentenced custody compared to 27% of males.<sup>6</sup> While Aboriginal adults were overrepresented in every province, the proportion of Aboriginal adults admitted to sentenced custody in Ontario and the Western provinces is significantly higher.<sup>7</sup> For example, Aboriginal adults in Ontario comprise 2% of the population, but account for 12%

of the total admissions to custody.<sup>8</sup>

The Thunder Woman Healing Lodge Research Project (TWHLRP) is a community-driven research project raised out of concern and recognition of the need to break the cycle and support the healing, rehabilitation and meaningful re-integration of Aboriginal women offenders. The project was initiated by the Toronto Aboriginal Support Services Council (TASSC)<sup>9</sup> to take the first step in achieving a s.81 *Corrections and Conditional Release Act* (CCRA) Healing Lodge for Aboriginal women in the Greater Toronto Area (GTA).

Toronto Aboriginal Support Services Council (TASSC) is a not-for-profit research, policy, and advocacy organization that includes 10 partner organizations that address social determinants to improve the socio-economic and cultural wellbeing of Aboriginal peoples living in the City of Toronto<sup>10</sup>.

## Project Objectives

The objective of the overall project is to complete a feasibility study and report about the viability of developing a s.81 CCRA Healing Lodge for female federal offenders who are released to the Toronto area with a focus on:

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5 Statistics Canada, *Admissions to adult correctional services in Canada, 2011/2012* by Samuel Perrault (Ottawa: StatCan, 2014), Online: <http://statcan.gc.ca/pub/85-002-x/2014001/article/11918-eng.htm#a5> ["Perrault, Admissions to adult correctional services in Canada"]

6 *Ibid.*

7 Correctional Service Canada, Evaluation Report: Strategic Plan for Aboriginal Corrections, *Chapter One: Aboriginal Healing Lodges* (Ottawa: Evaluation Branch, Policy Sector, 2011), at p.102 ["CSC, Evaluation Report"]. See also, Spirit Matters, *supra* note 2, at 11; Rudin, *Aboriginal Peoples and the Criminal Justice System*, *supra* note 3, at 15; Office of the Correctional Investigator, *Annual Report of the Office of the Correctional Investigator, 2013-2014* (Ottawa: Office of the Correctional Investigator, June 27, 2014), online: <http://www.oci-bec.gc.ca/cnt/rpt/annrpt20132014-eng.aspx#sIV> ["Annual Report 2013-2014"].

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8 Perrault, *Admissions to adult correctional services in Canada*, *supra* note 6, at Chart 3.

9 Established collectively in the mid 1990's by Aboriginal Executives wanting to share information across organizations. <http://www.tassc.ca/>

10 The research proposal was developed and put forward to Public Safety Canada for funding by community leaders from Aboriginal Legal Services Toronto (ALST) and Native Men's Residence of Toronto (Na-Me-Res). Both are members of TASSC and are established Aboriginal organizations in Toronto who work on the frontlines providing support services for Aboriginal men, women, and families who are in or a risk of being in conflict with the law.

- 1) Needs assessment;
- 2) Service and delivery mapping;
- 3) Training and infrastructure needs; and
- 4) Legislative and policy compliance.

This interim report was developed to demonstrate the preliminary research done to date and to establish an outline for the final study and report. It includes preliminary findings and discusses research gaps so that areas that require further development and research can be addressed in the final report.

### **Research Team**

This report was produced through the combined research efforts of multiple contributors. The Research Project Manager, led objectives 1 and 2, and put a targeted “call out” to the Aboriginal legal community via social media for contributing researchers and writers. The call out sparked diverse interest, which resulted in the formation of a Research Working Group consisting of dedicated law students, community leaders, and established legal advocates who contributed by researching, writing, and peer reviewing objectives 3 and 4.

These research papers contribute significantly to the understanding of what needs to be further researched and are important in the overall project. Each research paper and community perspective paper can be found in APPENDIX A, and includes:

- A1: Claire Millgate, Review of what we know about the *Corrections and Conditional Release Act* section 81 Healing Lodges
- A2: Naomi Sayers, Section 81 Healing Lodges: Legislative Compliance
- A3: Deanna Roffey and Autumn Johnson, Infrastructure and Staff Training Required for a *Corrections and Conditional Release Act* Section 81 Healing Lodge
- A4: Mike Ormsby, The need to heal Aboriginal Female Inmates in Canada: An Aboriginal Toronto community member’s perspective

### **Preliminary Key Findings**

There is foundational support at legislative, community, organizational, and institutional levels -including within Corrections Service Canada (CSC) to establish an Aboriginal directed s.81 Healing Lodge in the GTA. It has also been reinforced that there is a strong need for a s.81 Healing Lodge because there is currently little or no support systems available to Aboriginal women seeking integrated culture based rehabilitation and transition supports into community.

The research identifies systemic racism and marginalization as key barriers that impede the successful rehabilitation and integration of Aboriginal women offenders into community. The research points to the large, diverse, skilled, and dedicated GTA based Aboriginal community and allies as viable solutions.

Aboriginal community participants assert a Healing Lodge should be a place to address and heal from the root causes and negative impacts of colonization on Aboriginal women, families, and communities. A Healing Lodge should be a place to break the cycle and heal from colonial trauma, reclaim positive cultural identity and achieve rehabilitation, wellness, and reintegration into the community through a strong web of culture-based supports.

Community participants identified the following complex needs that are required to be met in order for Aboriginal women to transition successfully into the community:

- 1) Integrated, culture based transitional services
- 2) Healing that is strengthened by diversity and self-determination
- 3) Programming on Aboriginal history and the history of colonization in Canada
- 4) Strengthened community roles and supports
- 5) A safe healing place to call home
- 6) Family healing



## **Research Methods**

The project was carried out using Community Based Participatory Research (CBPR) methods. The research took place in community settings and involved the community in informing the design, implementation, and documentation of the research.

## **Limitations**

Under the original proposal, the research was originally intended to be a 1-year project. However the proposal was later amended to reflect a shorter time frame. Due to the late release of funds in the 2014-2015 fiscal-year, the research timeline had a window of 5 months to collect the data, complete the research, and synthesize the findings within this interim report<sup>11</sup>.

While a limitation in the research is a gap in current lived experience, there were multiple participants who shared their knowledge and experiences based on their past lived experiences of incarceration<sup>12</sup>.



Supervised Children's Activity Table at the Community Forum, Image credit: Ryan Walsh

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11 The shorter time constraint impacted the research by reducing the capacity to consult segments of the stakeholder community residing outside of the GTA as well consulting with incarcerated Aboriginal women.

12 Due to the negative stigma of incarceration and individual participant wishes of wanting to "move on"- these voices are sometimes anonymous.

## Section One:

# Needs Assessment

The following data regarding Aboriginal offenders and the complex needs this population face was collected through the following ways: a peer reviewed literature review of Corrections and Conditional Release Act s.81 Healing Lodges; community needs assessment through community based consultations and key informant interviews, as well as a community perspectives report that includes data from Statistics Canada and Correctional Services Canada, reports and research regarding other s.81 Healing Lodges.

### **Toronto: History Brief of the GTA**

We acknowledge the traditional territories of the Mississauga's of the New Credit First Nation, Anishinabe, the Haudenosaunee, Huron-Wendat and Algonquin people. The land known today as the City of Toronto and the surrounding Greater Toronto Area (GTA) has always been a cultural hub for Indigenous Peoples long before the first settler arrived. Today the GTA has one of the highest urban Aboriginal populations in Canada. According to TASSC research:

More recently as part of the larger national trend in Aboriginal urbanization, Aboriginal people have been moving to Toronto since the early 1950s. According to the 2006 Census, the Greater Toronto Area has the largest (31,910) Aboriginal population of any city in Ontario, comprising 13% of all Aboriginal people in Ontario. According to Aboriginal service providers however, Toronto's Aboriginal population is presently estimated at 70,000 residents. In comparing Census data over time, we also see that the Aboriginal population has grown by 33% since 2001 and has more than doubled its size since the 1981 population count of 13,015.<sup>13</sup> (Toronto Aboriginal Research Project, 17.)

13 Toronto Aboriginal Research Project (TARP), 17. <http://www.councilfire.ca/Acrobat/tarp-final-report2011.pdf>

### **COMMUNITY NEEDS ASSESSMENT**

There were community consultations done to introduce the research project and seek input, identify barriers, and discuss stakeholder considerations towards establishing a s.81 Healing Lodge. To read more about the objective and details of the stakeholder and community consultations see APPENDIX B1: Community Needs Assessment. The following community consultation activities were completed:

- 1) 4 Staff and Service Provider Consultations
- 2) 1 Community Forum
- 3) 16 Individual Interviews
- 4) Community Focused Film

#### *The Staff and Service Provider Consultations*

The project manager facilitated 3 talking circles and 3 exercises that addressed the questions below.

- I. What do you see as the barriers for Aboriginal women on their path towards rehabilitation and transition back into the community?
- II. What approaches and types of services should be available at the Healing Lodge?
- III. What do you see as the needs for Aboriginal women on their path to transition back into the community in a meaningful way?

#### **Synthesis of Staff Service Provider Consultations**

All of the stakeholders expressed support for the establishment of a s.81 Healing Lodge in the GTA. Stakeholder representatives shared from the perspective of personal experience as professionals

working with incarcerated Aboriginal women; Aboriginal women in conflict with the law; Aboriginal women transitioning from incarceration into the community; and Aboriginal women and the local Aboriginal community generally.

While the responses to the consultation questions concerning the needs for Aboriginal women on their path towards rehabilitation and transition back into the community encompassed a wide range of needs, many of the suggestions concentrated on culture-based egalitarian methods of governance and inmate focused decisions concerning everything from the governance to programs and service delivery. One cultural framework that was referenced was the use of the Medicine Wheel approach that provides integrated services to address the needs of the whole person including: physical, emotional, intellectual, and spiritual needs.

Elder Wanda Whitebird opened the staff and service provider consultations hosted at the Native Women's Resource Centre of Toronto and at the Native Canadian Centre of Toronto with a prayer. Wanda ignited the themes of working collectivity and embracing diversity through honouring past community contributions. In the spirit of letting go of ownership and collectively coming together to bring the vision of a s.81 Healing Lodge into reality, Wanda pointed out that, "everything we do is part of someone else's dream who has gone on before us." Themes of collectivity, diversity, and cooperation were echoed by the participants from all of the sessions as being vital for the success of establishing and providing culture based programming for an s.81 Healing Lodge in the GTA.

Below are synthesized themes that emerged from the questions from the combined staff and service provider consultations. These are the themes that need to be further explored.

### **I. What do you see as the barriers for Aboriginal women on their path towards rehabilitation and transition back into the community?**

Participants identified the following barriers:

#### 1) Systemic racism and marginalization in the justice system

The participants explained that while programs may not be designed to be discriminatory, systemic discrimination against Aboriginal people persists in the justice system because there are differential outcomes for Aboriginal people. Aboriginal people face racism and discrimination based on negative racist stereotypes, which leads to disrespect and disregard for Aboriginal people, their way of life and culture. The Justice Iacobucci Report of Independent Review: First Nations Representation on Ontario Juries<sup>14</sup> reinforces this point by bringing to light the negative results to Aboriginal offenders when jury panels do not include fair representation of Aboriginal people. Participants also pointed out the following examples of systemic racism that impact Aboriginal people in the justice system. Aboriginal people;

- Serve longer time and harder time for the same crimes as non-Aboriginal inmates;
- Are more likely than non-Aboriginal inmates to serve their full warrant expiry;
- Are more likely than non-Aboriginal inmates to serve maximum security;
- Have a higher rate of recidivism than non-Aboriginal offenders;
- Have their paroles revoked more than non-Aboriginal offenders when they breach conditions;
- Receive more new charges and extended stays than non-Aboriginal inmates;
- Are not as likely to be entitled to programming;
- Extended stays due to incurred charges inside the facility, and escalating charges.

14 [https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/iacobucci/pdf/First\\_Nations\\_Representation\\_Ontario\\_Juries.pdf](https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/iacobucci/pdf/First_Nations_Representation_Ontario_Juries.pdf)

## 2) Inter-generational effects of trauma due to colonization

Aboriginal offenders often suffer from a history of abuse due to the impacts of colonization. The participants listed further examples of inter-generational effects of trauma often faced by Aboriginal offenders below:

### a) Disconnected from family

- Aboriginal offenders are often disconnected from family
- They often have no place to go, limited supports and resources
- There is a need to re-establish connections with children in care

### b) Lack of community supports

- There is a lack of understanding of their needs in the community
- More community involvement is required
- Offenders often do not have knowledge of cultural and community supports
- Often suffer from negative patterns of abusive and exploitive relationships
- More likely to be the victims of violent crime

### c) Lack of self-worth and belonging

- Hold a diminished sense of hope and belonging
- Diminished sense of responsibility
- Empty identity, loss of culture
- Hold feelings of invisibility; their lives don't matter, they are not seen/heard
- Feelings of shame and lack of confidence

- Vulnerable people coming out are often preyed upon

### d) Limited access to culture

- Lack of spiritual connection and spiritual guidance
- Fractured systems leading to lack of knowledge sharing

## 3) Lack of integrated, culture based transitional support services

- A non-integrated and supportive system with big cracks between the health care system, child welfare, housing etc.
- Need for an accessible support network and services for Aboriginal women who have been institutionalized
- Limited access to role models, support people, advocates, and mentors that nurture, help, and guide transition
- There is a lack of recovery and healing programs for addictions
- No healing safe space
- Lack of discharge plan of care
- Limited counseling and addictions recovery programs
- Need for life, relationship, and parenting skills
- Need support for mental and health issues
- Lack of affordable and stable housing which leads to homelessness

## 4) Lack of education and employment opportunities contributing to poverty

- Lack of childcare to maintain school and employment

- Low literacy and numeracy

## II. What approaches and types of services should be available at the Healing Lodge?

Stakeholders spoke about an array of services and programs that would work towards the healing and rehabilitation of Aboriginal women in the GTA. There was unanimity that the Healing Lodge should be governed, directed and staffed by the Aboriginal community with strong connection and support from non-Aboriginal stakeholder institutions, organizations, groups and businesses.

### 1) Aboriginal community governance and direction

Participants explained that there should be democratic and participatory control over some services, rules, etc. Participants explained the need for effective accountability mechanisms for staff and transparent policies and community governance of those policies. They listed the following approaches that should be considered for a community governed and directed Healing Lodge:

- Operated and run by Aboriginal people
- Include participatory innovative governance models
- Include steering committees
- Self-sufficient/sovereign
- Grounded in cultural approaches
- Build Toronto as designated Aboriginal community
- Incorporate a harm reduction model

### 2) Develop service delivery and programming that addresses systemic racism

Participants listed the following areas that could ameliorate current issues of systemic racism:

- A Healing Lodge can address conditions for

breach

- Specialized corrections officers who are also therapeutically trained
- Finding solutions outside of legal perimeter such as culturally shaped programming

### 3) Healing that is strengthened by personal autonomy and self-determination

Participants pointed to the value of self-determination and personal autonomy within Aboriginal communities. They listed the following approaches that increase success and could be reflected in a Healing Lodge:

- Guide women to identify their own needs and case plans
- Degrees of autonomy over daily schedule so that they take ownership over their plan and are not set up to fail because rules are too strict
- In-mate driven daily schedules and activities
- Facilitate personal visioning, dreams and goal setting

### 4) Healing that is strengthened by diversity and inclusion

Participants spoke to the diversity of Aboriginal experiences, nations, and languages within the GTA. They articulated the need for a Healing Lodge to be inclusive of many experiences and needs. They listed the following considerations:

- A diversity of Indigenous women will serve time
- Programming should relate to diversity and be non-judgmental
- Inclusive of two-spirited and trans people
- Inclusive of diverse sex trade worker perspectives

- Consideration of intercultural/multicultural/ and multi-faith
- 26.3% of inmates are HEP C positive and some women will be HIV positive. Stigma persists and disclosure with universal precautions across the board, disclosure is not necessary.

#### a) Include supportive, diverse innovative therapies

- Women who want to work with animals: dogs, cats, horses, dairy cows is beneficial therapy
- Include a therapeutic milieu
- Diversity of interventions and perspectives
- Include talking circles

#### 5) Integrated, culture based transitional services

Participants spoke about the need for a balanced medicine wheel approach that provides integrated services to address the needs of the whole person including: physical, emotional, intellectual, and spiritual needs. They also spoke to developing strong discharge services that would secure housing and include a half-way house. They listed the following services and programs that could be integrated:

#### a) Aboriginal Spirituality

- Elders, spiritual helpers, healers, mentors and role models
- Elder in residence
- Connections to identity, self, nationhood, teachings and culture
- Empower her to acknowledge her spirit
- Ceremonies such as naming ceremonies
- Traditional teachings
- Access to traditional medicines
- Sweat lodge on the grounds

#### b) Emotional healing and wellness

##### (i) Familial and Relationship Healing

Participants explained the following services should be included:

- Workshops centered on family health
- Opportunities to see families and access family counseling
- Extended family visits, with travel and stipends for family to visit
- Male Elders or positive male relationships included in programming

##### (ii) Secure Aboriginal Birth & Family Nurturing Traditions Pregnancy and Birth

Participants spoke to need to provide programming for pregnant incarcerated Aboriginal women and mothers. Within traditional Aboriginal culture women are valued as life-givers and pregnancy and children are considered as sacred. Facilitating healthy pregnancy and nurturing family traditions should be provided in the lodge. Participants offered the following considerations:

- Provide birthing support for pregnant women
- The lodge should be situated within the boundaries of the catchment area of Seventh Generation Midwives Toronto (SGMT) or Six Nations so that women can access Indigenous midwives
- The lodge should have access to or inclusion of safe birthing space
- Mother's spirit & soul attached to children
- Safe place for children
- Women should have positive pregnancy and family experiences
- Family focus, traditional parenting
- Family visits & access, places to visit
- Childcare considerations

- LGBTQ inclusive sexual and reproductive health programming

(iii) Mental Health Counseling Services

- Addictions counseling
- Trauma counseling – violence support
- Referral services and networking
- Counseling and inner child therapy
- Lateral violence safeguards
- Confidence building (teamwork) activities/exercises
- Safe needles
- Partnerships with relevant Aboriginal service providers such as: Anishinawbe Health Toronto, Native Men’s Residence, and the Centre for Addiction and Mental Health - Aboriginal Services Program.

(iv) Arts Expression

- Art, music, acting, drama

c) Intellectual Wellness

(i) Education, vocational training, and employment opportunities

- Financial planning economics and budgeting
- Literacy, numeracy skills
- Voluntary services
- Education opportunities (to post-secondary, colleges, universities, trades)
- School funding resources
- Occupational therapy ideas
- Computer processing

- Capacity building, arts skills to become independent
- Small business, entrepreneurship on their own creations

- Salons to support, donate time
- Dress for success corporate sponsorships e.g., Le Chateau
- Put them on their best foot – stylist, wardrobe

(ii) Legal rights advocacy

- Native court, information
- Housing and tenants rights
- Eviction prevention
- Legal education/know your rights
- Access to lawyer
- Partnerships with Aboriginal Legal Services (ALS)

d) Physical Wellness

- Working on the land
- Traditional cooking
- Gardening, medicine wheel garden

e) Supportive discharge services

- Meaningful time at the lodge that builds up to departure
- Integrated, targeted, and ongoing support that continues after sentence is served and is not withdrawn because people have success or because people have setbacks ie. service continues until client decides they don’t need it
- Personalized needs assessments

- Appoint a community liaison and or discharge planning advocate to connect with services (ODSP/taxes)
- Referrals and networks to services
- Youth resource guide to facilitate connections upon release
- Before release, services are in place
- Travel, tokens, van, transport e.g., Vanier is far away
- Establish a steering committee that looks at how to best assist and network
- Provide childcare support
- Education on interfacing with institutions and social services
- Education on nutrition and exercise
- Income tax preparation

f) Need for a half-way house and housing security

- There is a need for section 84 beds, halfway house so women have the ability to go out and come back home.
- Housing, tenant rights programs
- Homelessness prevention
- Aftercare worker
- Housing

**III) What do you see as the needs for Aboriginal women on their path to transition back into the community in a meaningful way?**

Participants identified that approaches and programs need to be extended from programs and services offered during the incarceration period into the transition phase back into the Aboriginal community in the GTA. The participants listed the following complex needs that are required to be met in order for Aboriginal women to transition successfully into the community:

1) Integrated, culture based transitional services

Participants spoke about the need for a balanced medicine wheel approach that provides integrated services to address the needs of the whole person including: physical, emotional, intellectual, and spiritual needs.

2) Healing that is strengthened by diversity and self-determination

Participants centered on many of the different ways that community and positive supports may help women as well as filling the lodge with women who are working or want to work on healing themselves.

3) Programming on Aboriginal history and the history of colonization in Canada

Participants explained the need for education and understanding about the historic roles of women and two-spirited people and the impacts of colonization on identity, culture, and families.

4) Strengthened community roles and supports

Community and culture based supports and relationships need to be extended into programs and services also after leaving the lodge

5) A safe healing place to call home

Establishing a safe, culturally grounded space is vital for healing and rehabilitation.

6) Family healing

Participants spoke about the connection between healing and relationship strengthening between all family members including relationships with men and children. There is also a need to reconstruct the spiritual relationships that have been disrupted by colonization which includes increasing knowledge of clan systems, life stage roles and responsibilities, and our relationships to the natural world.

**Need for More Awareness and Discussion**

There is a need to generate further awareness within both the offender and the larger community to build understanding about what a s.81 Healing Lodge is. Some participants questioned: who has the ability



to define a Healing Lodge? Who has that right? Some participants pointed out that an Aboriginal framework cannot be forced on the women and more discussion and research will be needed around how to build in an appropriate Indigenous framework.

There was a fear expressed that by calling it a “Healing Lodge” may cover up the fact that it is still a “jail” with rules and consequences for breaking them. Elder Wanda Whitebird expressed that historically it was incarcerated Aboriginal women who used the term “Healing Lodge” first. It was expressed that while “Healing Lodge” is an appropriate term- a suggestion was made to incorporate the tag line: “Serving Your Time in the Community” to avoid confusion.

### **Participant Concerns to Close the Gap**

Participants expressed the limitations brought on by federal and provincial classifications. It was expressed that a Healing Lodge should not exclude provincially incarcerated Aboriginal women.

A participant expressed concern and questioned the discrepancies and will of Corrections Services Canada (CSC) to support a community controlled s.81 Healing Lodge. It was pointed out that while CSC are saying their policies are in alignment with s.81 Healing Lodges, CSC reported that they were not able to establish a Healing Lodge due to barriers in the communities, while \$11 million in funding went to fund a CSC controlled Healing Lodge.

A participant expressed concern that s.81 facilities provide comparable services and outcomes as CSC but do so at considerably reduced per diem rates.

CSC policy has evolved to minimize its risk and exposure. This policy poses a number of problems but is exacerbated by the fact that while 22.2% of Aboriginal offenders received a minimum-security classification under the Custody Rating Scale in 2010-2011, only 11.3% were actually placed in minimum-security institutions.<sup>15</sup>

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15 Office of the Correctional Investigator, “Spirit Matters: Aboriginal Peoples and the Corrections and Conditional Release Act” (Final Report), (2012) at 48, online: Office of the Correctional Investigator <http://www.oci-bec.gc.ca/cnt/rpt/pdf/oth-aut/oth-aut20121022-eng.pdf> [OCI, “Spirit Matters”]

## **2) COMMUNITY FORUM**

A special community forum entitled, *Indigenous Women and Justice Visioning a s.81 Healing Lodge in the GTA* was held at the Native Canadian Centre of Toronto on March 25, 2015. The purpose of the evening was to inform the larger community about the Thunder Woman Healing Lodge Research Project, and to spark conversation on Aboriginal women and justice, and the need for a s.81 Healing Lodge in the GTA. The evening was video recorded in order to document the evening and to incorporate highlights of the event into a short community-focused video. The video will be used as an education tool to build support and awareness about the Thunder Woman Healing Lodge Project in the GTA. The annotated agenda for the evening is in Appendix “C1”.

The forum was held at the Native Canadian Centre for Toronto and included a traditional feast and a supervised children’s craft table. Approximately 100 community members attended. 22 people signed up to a community engagement list to be informed about future events and volunteer opportunities.

Posters and postcards were professionally designed and distributed and posted in 19 stakeholder organizations located in central Toronto. A Facebook event page was created from the main TASSC Facebook page with 341 people invited to attend.

### **Evening Take-Aways**

After the presentations, a wireless microphone was passed through the room and moderator, Krysta Williams invited audience members to comment and ask questions. The response to a proposed s.81 Healing Lodge in the GTA was positive and supportive. Community members were engaged and responsive towards the information shared by the panelist. There were no negative responses to a proposed s.81 Healing Lodge in the GTA.

A powerful moment was when a young woman from the audience stood up and thanked Elder Wanda Whitebird for her work going into the prison bringing ceremonies, teachings, and historical and cultural perspectives to incarcerated Aboriginal

woman. The young woman spoke from a place of personal experience and the positive, life-changing impact this had on her. The young woman expressed her support for the lodge and her personal story reinforced the need for a Healing Lodge and positive impacts that it could provide to incarcerated Aboriginal women.

The evening closed with another powerful moment when The Spirit Wind Women's Hand Drum Group sang the Strong Women's Song with forum audience members joining in. This song is well known and recognized as a source of pride and empowerment to women in the local Aboriginal community as well as nationally. Elder Whitebird shared the origin story of the Strong Women's Song, which originates from Aboriginal women incarcerated in Prison for Women in Kingston, Ontario. Whitebird explained that Aboriginal women created the song to sing to each other to comfort and help each other make it through difficult nights due to feeling alone, powerless and hopeless in their prison cells.

### **3) INDIVIDUAL INTERVIEWS**

16 Interviews were completed with Elders, community experts and stakeholder professionals including those with the following organizations.

Aboriginal Legal Services (ALS)

Dr. Lions Club International

Native Youth Sexual Health Network (NYSHN)

Ontario Aboriginal HIV/AIDS Strategy

Public Safety Canada

Seventh Generation Midwives Toronto (SGMT)

Toronto Central Local Health Integration Network

### **Interview Findings**

Support to establish a s.81 Healing Lodge in the GTA was expressed by all of the interviewees. A strong theme of non-judgmental inclusion of diverse offender needs and experiences such as those described in the group consultations was also shared in the interviews. Particular focus was on the need to develop integrated programming that addresses culture-based services for pregnant mothers and family healing. Highlights included:

- Recognition that a diversity of Indigenous women will serve time
- Programming should relate to diversity and be non-judgmental
- Include supportive, diverse, culture based, innovative therapies
- Inclusive of two-spirited and trans people
- Inclusive of diverse sex trade worker perspectives
- Inclusive of the needs of youth offenders
- Inclusive of HIV and HEP C positive offenders
- Family healing should be central and integrated with child welfare in some capacity
- Include midwifery support for pregnant mothers and access to child visitation
- Support for knowledge sharing and service delivery

Overall input from the interviews has been integrated into the general findings section of this report as well as other sections such as the service mapping, resources and recommendations for moving forward.

## Section Two:

# Service Delivery & Mapping

The research project mapped existing services in Toronto inclusive of current programs, capacity and ability to work with residents of a Healing Lodge. Many of their organizational representatives were invited to participate in this research. The organizations listed in the section below were consulted and articulated the following areas for potential partnership: (These key organizations are included in the map and also listed in Appendix 3)

- Culturally grounded programming and support services;
- Culturally grounded and gendered healthcare;
- Access to traditional knowledge and ceremonial activities;
- Models of governance and best practices;
- Volunteer base and connections to the Aboriginal community;
- Allied partnership development.

### **2 Spirited People of the 1st Nations (2 Spirits)**

The vision of 2 Spirits includes a space where Aboriginal 2-Spirited people can grow and come together as a community, fostering a positive image, honoring the past and building a future. 2 Spirits could offer the Healing Lodge education resources to both offenders and service providers that support two spirited people. 2 Spirits also provides sexual health resources and supports to Aboriginal people living with and/or affected by HIV/AIDS.

### **Aboriginal Legal Services (ALS)**

ALS's mission is to strengthen the capacity of the Aboriginal community and its citizens to deal with justice issues and provide Aboriginal controlled and culturally based justice alternatives. ALS links to an array of justice services and resources including: Court workers, Gladue, and a variety of legal clinics.

### **Anishinawbe Health Toronto (AHT)**

With a mission to improve the health and well being of Aboriginal People in spirit, mind, emotion and body by providing Traditional Healing within a multi-disciplinary health care model AHT is well positioned to provide partnerships in culturally grounded health services models and delivery.

### **Buffalo Sage Wellness House (BSWH)**

The Buffalo Sage Wellness House in Edmonton is the only s.81 Healing Lodge in Canada, specifically for Aboriginal women, and run by the community. Opened in 2011, and run by Section 81-Native Counselling Services of Alberta, providing contracted service through a Section 81 Agreement with Correctional Service Canada, the Buffalo Sage Wellness House is a minimum/medium security facility for women, as well as a Community Residential Facility (CRF) for women offenders who are on release in the community, with 16 available beds.

BSWH is valuable resource for knowledge sharing and best practices. Both the Director, Rob Davies and the CEO, Allen Benson offered to support and advance the TWHL by information and knowledge sharing and offering connections and influence. More information on BSWH can be found in the Section Three: Legislative & Policy Compliance, and in Appendix D: Interview with Buffalo Sage Wellness House.

## **Correctional Service Canada (CSC)**

The current Regional Administrator for Aboriginal Initiatives in Ontario, Jamie Contois is a key stakeholder who has indicated support for the TWHLP initiative. Forming a relationship with Correctional Service Canada and with the regional deputy commissioner and corrections unit will be essential. During the Stakeholder consultation, the acting director for CSC, Toronto supervision units tasked with building partnerships shared that there is a need to increase the supports currently in place. It was pointed out that 9 women out of 65 cases are Aboriginal. The CSC recognizes that when there are releases, women need help in finding their role in community after a longer incarceration.

### **Elizabeth Fry Toronto— Aboriginal Programming and Services**

Elizabeth Fry Toronto, established in 1952, serves women who are, have been or are at risk of being in conflict with the criminal justice system. Elizabeth Fry representatives were very supportive of the s. 81 initiative. Connie Hansenberger (Ojibway) is the residential manager for the only half-way house located in Toronto. A partnership with E-fry that reserves beds for Aboriginal women and commitment to support and develop an Aboriginal specific halfway house was shared. Connie also expressed support for a half-way house.

### **The Sagatay Program**

The Sagatay program at Na Me Res Native Men's Residence in Toronto is the only Aboriginal halfway house in the province. Na Me Res has 5 s.84 beds and can provide models of best practice. Sagatay is a safe and supportive learning and housing environment with 25 beds for Aboriginal men. Programs offered provide clients with the opportunity to develop the skills required to succeed in the broader urban environment as strong self-confident Aboriginal men.

## **Seventh Generation Midwives Toronto**

In 2014, Indigenous midwives from Seventh Generation Midwives Toronto (SGMT) established the Toronto Birth Centre<sup>16</sup> and could provide clinical care, midwifery care, education, and culturally grounded approaches to s.81 Healing Lodge. SGMT also hold considerable knowledge and expertise about establishing community controlled governance models within Indigenous frameworks that balance accountability to government policies with community accountability.

### **Native Women's Resource Centre of Toronto (NWRCT)**

The Native Women's Resource Centre of Toronto (NWRCT) provides a welcoming atmosphere for all Aboriginal women and their children in the Greater Toronto Area. They provide an array of resources which include advocacy, housing, employment, education, culture and youth programming. NWRCT are suited to provide key re-integration resources and meaningful connections.

### **Miziwe Biik Aboriginal Employment and Training Organization**

Miziwe Biik provides the Greater Toronto Area's Aboriginal community with an array of training initiatives and employment services. Miziwe Biik could be a key re-integration link with employment counseling and clinics, as well as a home-ownership program.

### **Ontario Aboriginal HIV/AIDS Strategy (OAHAS)**

OAHAS provides culturally respectful and sensitive programs and strategies that respond to the growing HIV/AIDS epidemic among Aboriginal people in Ontario through promotion, prevention, long-term care, treatment and support initiatives consistent with harm reduction. OAHAS can provide inclusive education, health, and prevention strategies.

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16 <http://www.torontobirthcentre.ca/>

## Toronto Council Fire Native Cultural Centre (TCFNCC)

TCFNCC is an autonomous, vibrant cultural agency that involves and serves the Indigenous community with confidence for and commitment to their well-being. TCFNCC has expressed and extended support towards the development of a s.81 Healing Lodge. A downtown gathering place for members of the Aboriginal community, TCFNCC is positioned to contribute expertise, community-level support, and culturally grounded integration program services in the areas of education, pre-natal, family nurturing and more.

## Toronto Aboriginal Support Services Council (TASSC)

TASSC is a not-for-profit research, policy, and advocacy organization that addresses social determinants to improve the socio-economic and cultural well-being of Aboriginal peoples living in the City of Toronto. TASSC members include 10 local Aboriginal support services organizations. The benefits of these connections to knowledge, resources, experience, and community access is substantial for

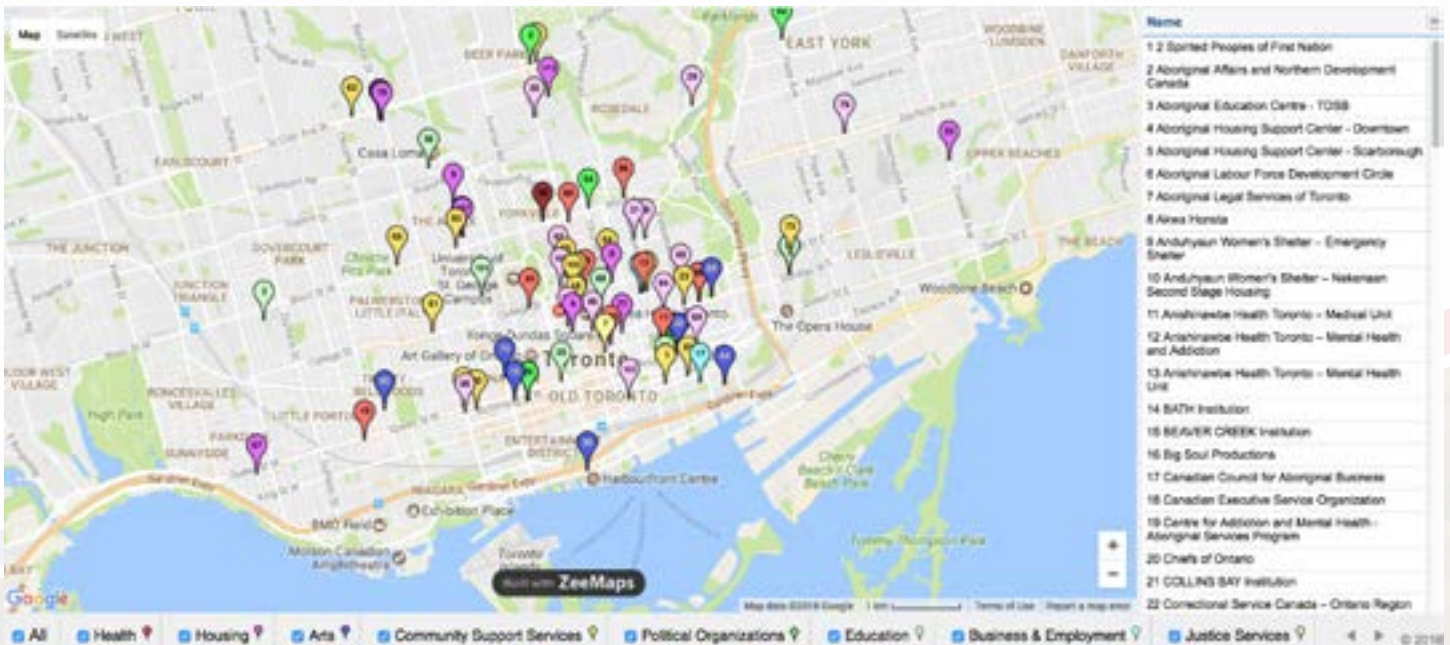
planning, partnership development and program delivery. TASSC is the lead author of this report and will continue to be well situated to initiate and facilitate phase two of the research to support the development of a s. 81 Healing Lodge or s.84 Healing Lodge.

## The Native Youth Sexual Health Network (NYSHN)

(NYSHN) is an organization by and for Indigenous youth that works across issues of sexual and reproductive health, rights and justice throughout the United States and Canada. NYSHN is a partner in developing the vision for the TWHLP and is positioned to continue to play an important role in advocating for inclusive approaches that include youth justice, sex work, and reproductive health.

## 125 Aboriginal and allied GTA based Organizations

The research also identified non-Aboriginal service providers and potential partners in the delivery of services. Over 125 organizations were identified in the service mapping and are visually represented on Zee maps at the link below:



<http://www.zeemaps.com/view?group=1361427&x=-79.386141&y=43.656899&z=4>

## Healing Lodge Design and Location

In terms of the potential physical location of a s.81 Healing Lodge, two interview participants suggested that it should be within the catchment area of Indigenous midwives. With the establishment of Seventh Generation Midwives Toronto (SGMT)<sup>17</sup> and *TSI NON:WE IONNAKERATSTHA* (A Mohawk Language Word translating to: “The Place They Will Be Born”)<sup>18</sup> an Aboriginal Birth Centre and Training program located in Six Nations approximately 100 km from Toronto, there are strong community supports, and expertise to provide culturally integrated clinical care in a Healing Lodge in the GTA. Participants also expressed that the Lodge should be close to nature and include Indigenous architecture.

Buffalo Sage Wellness House also shared the following points regarding their location experience:

- The location of BSWH is situated in an existing building that was in use as a youth transitional housing building run by Native Counselling Services and they gave up a piece of that building.
- There are 16 beds and there is a vision to expand. There is currently a wait list and they can easily fill more beds.
- Both operations share the kitchen for food services.
- The existing physical space was designed to be as private as possible. There is not a lot of community knowledge about the location of the space to avoid gang or other negative activities.
- In order to encourage family visits the location needs to be in an accessible to bus and travel.
- Ensure accessibility to go outside for sweats and ceremony

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17 <http://www.sgmt.ca/>

18 <http://www.snhs.ca/BirthingCentre.htm>

## Section Three:

# Legislative & Policy Compliance

### **Directed Research**

Research papers were prepared for this component of the preliminary research. In particular two papers assist and contribute to this part of our research to date. Claire Millgate, Review of the *Corrections and Conditional Release Act* section 81 Healing Lodges, can be found at **APPENDIX A1**. Naomi Sayers's research paper, Section 81 Healing Lodges: Legislative Compliance, can be found at **APPENDIX A2**

Ms. Millgate and Ms.Sayers' research identified and examined federal acts and regulations that a Healing Lodge must adhere to beyond infrastructure to operate as an s.81 Healing Lodge. The research also identified steps that are required to ensure compliance of all relevant laws and policies if a Healing Lodge in Toronto is viable. In addition to providing themes and issues for further research, these papers will assist in preparation of any negotiation or entrance into agreements with CSC for a lodge.

### *Buffalo Sage Wellness House (BSWH) Consultation*

The Project Manager interviewed Rob Davies, Director of BSWH and the Stan Daniels Healing Centre, and Allen Benson: CEO of BSWH and the lead on the development of Buffalo Sage Wellness House to gain insight on best practices on establishing the s.81 Healing Lodge with a specific focus on feasibility requirements. Details on the BSWH and the consultation are available in **APPENDIX D: Interview with Buffalo Sage Wellness House**. The themes and issues that should be included in the outline and future research based on BSWH input includes:

- Awareness and plans to meet Minimum Security Requirements.
- Awareness and plans to meet Building Requirements.

- Ensuring Offender participation and protocol (ex: Accepted offenders enter into a solemn agreement with the Elder to engage in the grandfather teachings).
- Establishing a governance structure that is inclusive of diverse Indigenous communities and the creation of strong bylaws.
- Awareness of funding considerations and funder's expectations.
- Planning the building location so that the building can encourage programming (ex: sweat lodge and ceremony) and family visits (ex: accessible by public transit).
- Explore and research feasibility of having accessible family visitation and child-friendly residential housing.
- Need for Release and Re-integration planning
- Evaluations and measurements—setting bench marks of success (ex: what is the percentage of release for day parole)
- Using tools for evaluation and education (BSWH uses media and video as a useful tool)

### **Specific Recommendations & Insights from BSWH on Establishing a S.81 Healing Lodge**

- Form a relationship with the regional deputy commissioner and corrections unit.
- Current RA for Aboriginal Initiatives in Ontario, Jamie Contois as a potential key stakeholder who is very dedicated to improving the plight of Aboriginal people within CSC.

- A brand new organization starting up to run this would be a real challenge.
- The key has to be working with an Aboriginal organization that is committed to healing.
- If it's a non-Aboriginal organization – it won't work.
- Collaboration can work.
- The organization that runs the Healing Lodge should be willing to commit to staffing and training and a good understanding of healing.
- Having connection to a good healing Elder is essential.
- Strong focus and strong vision is key.
- Both Rob and Allen offered to support and advance the TWHLP by sharing knowledge, information, connections, and influence.



Spirit Wind Women's Hand Drum Group, Image Credit: Ryan Walsh



## Section Four:

# Feasibility of Infrastructure & Training

Deanna Roffey and Autumn Johnson's paper, *Infrastructure and Staff Training Required for a Corrections and Conditional Release Act Section 81 Healing Lodge*, can be found at **APPENDIX A3**.

Their research discusses infrastructure needs, as well as the requirements for staffing and training for a s.81 Healing Lodge. Correctional Service Canada has standards, guidelines and policies related to infrastructure that has been determined.

### **GAPS in Research and Next Steps:**

The following recommendations are based on interviews and consultation sessions with community leaders, stakeholders, the larger community, and analysis of the research project overall.

The research project has had a great deal of community involvement and consultation as well as research by individuals. It has been particularly helpful in identifying both the needs and desires of the Aboriginal community in Toronto in creating a healing space. The recommendations take into account the interim nature of this report and identified gaps in the current research. Those gaps are addressed in recommendations to allow this research project to move forward with next steps.

### **Expanded consultation**

Further research and consultation with identified stakeholders must take place to further identify partners, expand the advisory council and co-develop an action plan that will build a successful application for a s.81 Healing Lodge in the GTA.

The eventual board membership for a s.81 Healing Lodge should be an integrated balance

of stakeholders that include representation from CSC, community members, Elders and stakeholder professionals. Potential key institutional and organizational partners are identified in the Service Delivery section of this report.

Consultation should include focus groups and interviews with incarcerated Aboriginal women to gain perspectives of first-hand lived experience and the needs and desires of Aboriginal women offenders to gain healing, rehabilitation, and sustained integration into the larger GTA community.

Consultation should include gleaning best practices from other community and CSC controlled Healing Lodges and should include travel monies to visit the sites to further inform best practices in functionality and design. Best practices that include evaluation components are beneficial.

The expanded vision to develop a s.84 halfway house will also require research and consultation focused on the legislation, policy compliance, service delivery, and needs assessment etc.

### **Funding to hire a Project and Research Manager**

Funding is required to hire a Project Manager that can coordinate the research efforts as well as develop a strategy and action-plan to move an application forward. The position of a Project and Research Manager should be a minimum of a year in length and requires an individual rooted in issues of Aboriginal women, justice and the law as well as community based research.

TASSC is an excellent partner to continue to support funding research delivery for a Project and Research

Manager. Affiliation of the Thunder Woman Healing Lodge to TASSC ensures community participation and support from 10 key Aboriginal service organizations in the GTA. The benefits of these connections to knowledge, resources, experience, funding and support systems cannot be understated.

Other potential funding sources such as the Canadian Institutes of Health Research should be investigated.

### **Developing an Action Plan**

The action plan should glean from other examples of Indigenous governance models and approaches integrated with mainstream policy compliance and service delivery. Examples for models include Anishnawbe Health Toronto (AHT), Seventh Generation Midwives Toronto (SGMT), The Well Living House at St. Michael's Hospital, the Toronto Birth Centre, The Toronto Aboriginal Health Strategy and Advisory Circle, and Buffalo Sage Wellness House.

During the time period in which the research took place the federal conservative regime embraced a tough on crime approach. Research within the justice sector has proven that approach maintains the current status quo and leads to increases in recidivism.<sup>19</sup> This research report shows broad support at multiple levels, including within CSC for a s.81 Healing Lodge solution. The TWHLP is an opportunity to think outside the box and look at the lack of policy as a blank canvas rather than a restriction. A plan should also include a timeline.

### **Education and Awareness Building**

As was pointed out by Naomi Sayers, there should be opportunities for education among legal professionals and the courts within the Greater Toronto Area. Increasing understanding around Healing Lodges may help reduce misinterpretations and may help increase Aboriginal prisoners' ability to access a Healing Lodge.

The education should focus on policies, legislation, and case law surrounding Healing Lodges. Between the CSC and the Healing Lodge, education can take

place through employee exchanges, information exchanges and cultural exchange programs.<sup>20</sup>

There should also be open communication and transparency between the Healing Lodge and the CSC. Community-based education with the general public and surrounding Aboriginal communities should also take place to ensure that the community is responsive to the idea of a Healing Lodge.

A Public awareness and media campaign that includes a website should also be included drawing links to the recent Truth and Reconciliation Commission recommendations.

### **Project Update**

During the course of this research the formation of a Thunder Woman Healing Lodge Society took place. The purpose of the Society is to act as an advisory council to create space for integrated culture based transition of Aboriginal women offenders into the GTA community.

The advisory council is in its early stages of development; however they have expanded the vision of a s.81 Healing Lodge to include a s.84 halfway house. The Council currently consists of community members and individuals from the following organizations:

- Aboriginal Legal Services
- Toronto Council Fire Native Cultural Centre
- Elizabeth Fry Toronto
- Community members at large

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<sup>19</sup> <http://www.ctvnews.ca/canada/what-is-a-healing-lodge-and-why-does-canada-s-prison-system-need-more-1.1187338>

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<sup>20</sup> OCI, *supra* note 13 at paras 42-43.



Thunder Woman Healing Lodge Society Board Members, *Top left to right:* Connie Hansenberger, Jose Cacho;  
*Front row left to right:* Patti Pettigrew, Pamela Hart, Andrea Chrisjohn

## Appendix A1:

# Review of What We Know About the *Corrections and Conditional Release Act* Section 81 Healing Lodges

By Claire Millgate

### I. Introduction

The *Corrections and Conditional Release Act*<sup>1</sup> (“CCRA”) governs federal corrections and conditional release and detention of offenders in Canada. Sections 79-84 of the CCRA specifically address the unique needs and circumstances of Aboriginal offenders. These provisions aim to address the long-standing overrepresentation of Aboriginal people in federal penitentiaries and encourage offender rehabilitation through allowing for culturally appropriate services and community control and involvement in the provision of services.<sup>2</sup>

Section 81 of the CCRA enables an Aboriginal community to enter into an agreement with the Ministry to provide correctional services to Aboriginal offenders who would otherwise be held in a mainstream facility. Since its introduction in 1992, four Aboriginal communities have signed agreements, thereby transferring full administrative control and creating s.81 “Healing Lodges”. “CSC-operated” Healing Lodge facilities have also emerged, which engage Aboriginal communities in

the operation and provision of services at the facility without transferring full administrative control.<sup>3</sup>

Toronto Aboriginal Support Services Council (TASSC) in partnership with The Aboriginal Legal Services of Toronto (“ALST”) seeks to research the viability to establish the first s.81 Healing Lodge in Ontario. The following literature review was prepared to aid of this initiative. It provides an overview of the context in which Healing Lodges operate, and their successes and challenges over the last 20 years.

### I. Overrepresentation of Aboriginal People in the Criminal Justice System

The longstanding crisis of Aboriginal peoples’ overrepresentation in Canada’s federal correctional system<sup>4</sup> is part of the broader context informing the operation of s.81 Healing Lodges. In 1996, the Royal

3 *Ibid*, at p 13.

4 Statistics Canada, “The incarceration of Aboriginal people in adult correctional services” by Samuel Perrault. *Juristat*, Vol 29, no 3, Statistics Canada Catalogue No. 85-002-X. (Ottawa: StatCan, 2009) at p 9, online: <<http://www.statcan.gc.ca/pub/85-002-x/2009003/article/10903-eng.pdf>> [“Perrault, The incarceration of Aboriginal people”]. See also Ipperwash Inquiry, “Aboriginal Peoples and the Criminal Justice System” by Jonathan Rudin (Toronto: Attorney General of Ontario, 2007) at pp 8-20, online: <[https://www.attorneygeneral.jus.gov.on.ca/inquiries/ipperwash/policy\\_part/research/pdf/Rudin.pdf](https://www.attorneygeneral.jus.gov.on.ca/inquiries/ipperwash/policy_part/research/pdf/Rudin.pdf)> [“Rudin, Aboriginal Peoples and the Criminal Justice System”].

1 SC 1992, c 20 [“CCRA”].

2 Office of the Correctional Investigator, *Spirit Matters: Aboriginal People and the Corrections and Conditional Release Act*, (Ottawa: Office of the Correctional Investigator, 2012) at p 3, online: <http://www.oci-bec.gc.ca/cnt/rpt/pdf/oth-aut/oth-aut20121022-eng.pdf> [“Spirit Matters”].

Commission on Aboriginal Peoples called Aboriginal overrepresentation “injustice personified” and concluded that the criminal justice system had failed Aboriginal people.<sup>5</sup> The Supreme Court of Canada has called the overrepresentation of Aboriginal people the “a crisis in the criminal justice system”.<sup>6</sup> Despite these calls to action, the problem of overrepresentation persists and, despite several legislative and policy responses, appears to be worsening.

Recent national figures indicate that although the proportion of Aboriginal people with the Canadian adult population is just under 4%, Aboriginal people accounted for slightly more than one quarter (28%) of admission to sentenced custody in 2011/2012.<sup>7</sup> The overrepresentation of Aboriginal females was much greater, with females comprising 43% of admissions to provincial sentenced custody compared to 27% of males.<sup>8</sup> While Aboriginal adults were overrepresented in every province, the proportion of Aboriginal adults admitted to sentenced custody in Ontario and the Western provinces is significantly higher.<sup>9</sup> For example, Aboriginal adults in Ontario comprise 2% of the population, but account for 12% of the total admissions to custody.<sup>10</sup>

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5 Royal Commission on Aboriginal Peoples, “Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada, Royal Commission on Aboriginal Peoples 1995” by Paul L.A.H. Chartrand (Ottawa: Royal Commission on Aboriginal Peoples, 1996) at pp 28, 309 [“RCAP”].

6 *R v Gladue* [1999] 1 SCR 688 at para 64.

7 Statistics Canada, “Admissions to adult correctional services in Canada, 2011/2012” by Samuel Perrault, *Juristat*, Statistics Canada Catalogue No. 85-002-X. (Ottawa: StatCan, 2014), online: <<http://www.statcan.gc.ca/pub/85-002-x/2014001/article/11918-eng.htm>> [“Perrault, Admissions to adult correctional services in Canada”].

8 *Ibid.*

9 Correctional Service Canada, *Evaluation Report: Strategic Plan for Aboriginal Corrections, Chapter One: Aboriginal Healing Lodges* (Ottawa: Correctional Service Canada, Evaluation Branch, Policy Sector 2011) at p 102 [“CSC Evaluation Report”]. See also: *Spirit Matters*, *supra* note 2 at p 11; Rudin, *Aboriginal Peoples and the Criminal Justice System*, *supra* note 3 at 15; Office of the Correctional Investigator, *Annual Report of the Office of the Correctional Investigator, 2013-2014* (Ottawa: Office of the Correctional Investigator, 2014), online: <<http://www.oci-bec.gc.ca/cnt/rpt/annrpt/annrpt20132014-eng.aspx>> [“Annual Report 2013-2014”].

10 Perrault, *Admissions to adult correctional services in Canada*, *supra* note 6 at Chart 3.

While some sources cite an overall decrease in the number of admissions to sentenced custody,<sup>11</sup> Aboriginal people in the federal correctional system have remained disproportionately represented. In fact, their numbers have steadily increased over the past decade (See Appendix 1).<sup>12</sup> One of the reasons for this continued overrepresentation is demographic - the Aboriginal population is young and growing. For example, the proportion of Aboriginal young adults in Saskatchewan is expected to double from 17% in 2001 to 30% in 2017.<sup>13</sup> More Aboriginal youth are now entering the age range where they are more likely to be in conflict with the law.<sup>14</sup>

However, the reasons for overrepresentation are complex. Socio-economic factors such as low levels of income, employment and educational achievement have been found to provide a better explanation than age for the overrepresentation of Aboriginal people in custody.<sup>15</sup> Other relevant factors include significant health and substance abuse issues, systemic racism and stereotyping, the establishment of the reserve system, successive assimilation policies that have resulted in Aboriginal peoples alienation from their land and culture, and the inter-generational effects of the residential school and child welfare systems.<sup>16</sup>

These background circumstances have been recognized in the legislative and policy response to the overrepresentation of Aboriginal peoples. In particular, s.718.2(e) of the *Criminal Code*<sup>17</sup> and the

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11 See: Perrault, *The incarceration of Aboriginal people*, *supra* note 3 at p 9; Rudin, *Aboriginal Peoples and the Criminal Justice System*, *supra* note 3 at p 8.

12 *CSC Evaluation Report*, *supra* note 9 at pp 25-26.

13 *Spirit Matters*, *supra* note 2 at p 11.

14 Perrault, *The incarceration of Aboriginal people*, *supra* note 3 at p 11. See also: *Spirit Matters*, *supra* note 2 at p 11.

15 Perrault, *The incarceration of Aboriginal people*, *supra* note 3 at p 11.

16 See: *CSC Evaluation Report*, *supra* note 9 at p 27; Rudin, *Aboriginal Peoples and the Criminal Justice System*, *supra* note 3 at pp 20-27; RCAP, *supra* note 5 at pp 62-63; Aboriginal Justice Implementation Commission, *Report of the Aboriginal Justice Inquiry of Manitoba: The Justice System and Aboriginal People* (Manitoba: Aboriginal Justice Implementation Commission, 1999) at p 96 [“Manitoba Inquiry”].

17 RSC 1985, c C-46.

Supreme Court decision in *R. v. Gladue*<sup>18</sup> now require sentencing judges to consider a) the unique systemic or background factors which may have contributed to the commission of the offence and b) the sentencing and sanctions which may be appropriate in the circumstances in light of the offenders Aboriginal heritage.<sup>19</sup> The *Gladue* decision strongly condemned the crisis of Aboriginal overrepresentation, and gave judges a mandate to address the issue through the sentencing process.<sup>20</sup>

The principles arising from the *Gladue* decision are engaged whenever a decision-maker is dealing with the liberty of an Aboriginal person.<sup>21</sup> Accordingly, the *Gladue* principles have been adopted in the policies of the Correctional Service Canada (“CSC”) with the intent that the unique circumstances of Aboriginal offenders will be considered in all corrections decisions.<sup>22</sup> However, recent reports indicate *Gladue* principles are not well explained, understood or applied within CSC, resulting in a significant implementation gap within corrections.<sup>23</sup>

## I. Unique Needs of Aboriginal Offenders

The unique profile of Aboriginal offenders is another important contextual factor informing the operation of s. 81 Healing Lodges. The following factors are

most commonly cited to differentiate Aboriginal offenders from non-Aboriginal offenders:

- Aboriginal offenders are generally younger than non-Aboriginal offenders, with the median age of 29 and 33, respectively<sup>24</sup>
- Aboriginal offenders are more likely to have served previous youth and/or adult sentences, and to have had a relative incarcerated<sup>25</sup>
- Aboriginal offenders are also more likely to be serving sentences for violent offences.<sup>26</sup> Correspondingly, Aboriginal offenders are therefore more likely to be classified at the medium or maximum security levels<sup>27</sup>
- Aboriginal offenders also have higher needs in areas of recognized risk factors. For example, Aboriginal offenders tend to have lower levels of education, employment, and income.<sup>28</sup> They are more likely to have been engaged in the child welfare system, to have been victimized in spousal, family or community violence, to be involved in gangs, and to have health problems, including substance abuse and addictions, Fetal Alcohol Spectrum Disorder (“FASD”) and mental health issues.<sup>29</sup>

The above noted factors paint a picture of a very high needs population. Federal corrections and s.81 Healing Lodges alone do not have the capacity to address all the factors bringing Aboriginal people into federal institutions. However, s.81 Healing Lodges are attempting to address these needs through a process of ‘healing’, which attempts to address the root-cause of these needs through reconnecting Aboriginal offenders with their

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18 *Gladue*, *supra* note 6.

19 *Ibid* at para 66. See also: Jonathan Rudin, “Aboriginal Overrepresentation and R. v. Gladue: Where We Were, Where We Are and Where We Might Be Going” (2008) 40 SCLR (2d) 687 at p 695 [“Rudin, Aboriginal Overrepresentation and R. v. Gladue”].

20 *Gladue*, *supra* note 6 at para 41. See also: Rudin, *Aboriginal Overrepresentation and R. v. Gladue*, *supra* note 19.

21 *R v Sim* [2005], 78 OR (3d) 183 (ONCA).

22 See: Correctional Service Canada, *Innovation, Learning and Adjustment: 2006-07 to 2010-11* (Ottawa: Correctional Service Canada, 2006) at p 5 [“Strategic Plan 2006-2011”]; Correctional Service Canada, *Commissioners Directive 702 – Aboriginal Corrections* (Ottawa: Correctional Service Canada, 2013), online: < <http://www.csc-scc.gc.ca/acts-and-regulations/702-cd-eng.shtml>>; Office of the Correctional Investigator, *Good Intentions, Disappointing Results: A Progress Report on Federal Aboriginal Corrections* (Ottawa: Office of the Correctional Investigator, 2009) at p 13 [“Good Intentions”].

23 See: *Good Intentions*, *supra* note 22 at pp 13-15; *Spirit Matters*, *supra* note 2 at pp 28-29.

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24 See: *Good Intentions*, *supra* note 22 at p 4; *CSC Evaluation Report*, *supra* note 8 at pp 27-28.

25 See: *Good Intentions*, *supra* note 22 at p 2; *Annual Report 2013-2014*, *supra* note 8 at para 4.

26 *Strategic Plan 2006-2011*, *supra* note 22 at p 12.

27 *CSC Evaluation Report*, *supra* note 8 at p 28.

28 *Ibid*.

29 *Ibid* at p 11.

culture, spirituality and communities.

## **I. Legislative and Policy Framework Surrounding s.81 Healing Lodges**

Section 81 Healing Lodges are one initiative within a broader legislative and policy framework aimed at addressing the unique needs of Aboriginal offenders. Under the CCRA, ss. 79-84 set out the CSC's legislative obligations for Aboriginal corrections. The provisions provide for the creation of Healing Lodges under s.81 and require CSC to provide other Aboriginal-specific programs<sup>30</sup> and involve the Aboriginal community in parole decisions<sup>31</sup>. While the provisions have been in place for over 20 years, a recent review found the provisions are not properly implemented and are not meeting their intended purpose.<sup>32</sup>

Section 81 in particular was drafted broadly to give Aboriginal communities and organizations the latitude to create an agreement that suited the number, type and risk-level of offenders they are willing to accept.<sup>33</sup> The provision does not place express limits on the security level of eligible offenders. In fact, it was purposely drafted very broadly to provide options for care and custody to the broadest number of Aboriginal inmates in federal institutions.<sup>34</sup> This intent has not eventuated.<sup>35</sup>

In terms of CSC's policy framework, the Commissioners Directive 702 ("CD 702") sets the priorities for the provision of services to Aboriginal offenders and puts into action the CSC's obligations under the CCRA.<sup>36</sup> The CD 702 merely describes s.81 Healing Lodges and does not provide any

strategy or plan for their use.<sup>37</sup> From 2006-2011, the Strategic Plan for Aboriginal Corrections ("SPAC") provided the focus for Aboriginal corrections. The SPAC put in place specific commitments, objectives and accountability mechanisms to implement the Aboriginal Corrections Continuum of Care model,<sup>38</sup> of which Healing Lodges are one part.<sup>39</sup> However, the SPAC did not put in place a clear policy framework to support the establishment and use of Healing Lodges.

The most recent CSC policies and directives have not provided clear direction for the establishment and management of s.81 Healing Lodges, nor have they imposed the kind of performance measurement, reporting and monitoring that would ensure a consistent and effective service is provided.<sup>40</sup> In recognition of these shortfalls, CSC introduced two policy guidelines in 2010 specific to s.81 facilities.<sup>41</sup> Subsequent reviews of the SPAC and s.81 generally have also provided recommendations and policy guidance on the future regulation of Healing Lodges.<sup>42</sup>

## **I. Section 81 Healing Lodges**

### **a. History**

Prior to the introduction of the CCRA, Aboriginal communities were involved in corrections through organizing Elders' services, substance abuse programs and cultural activities for offenders. The Healing Lodge concept was developed in collaboration

30 CCRA, *supra* note 1, s 80.

31 *Ibid* at s 84.

32 *Ibid* at para 85.

33 *Spirit Matters*, *supra* note 2 at p 9.

34 *Ibid* at p 10.

35 See below, "Achievements and Challenges".

36 *Good Intentions*, *supra* note 22 at p 5. For example, CD 702 provides for the creation of the National Aboriginal Advisory Committee, in accordance with s.82 of the CCRA.

37 *Ibid* at p 21.

38 *Ibid* at p 5. See also: *Spirit Matters*, *supra* note 2 at pp 26-27; *CSC Evaluation Report*, *supra* note 8 at pp 30-31.

39 *Strategic Plan 2006-2011*, *supra* note 22 at p 10.

40 *Good Intentions*, *supra* note 22 at p 21.

41 See: Correctional Service Canada, *Commissioners Directive 541-2 – Negotiation, Implementation and Management of CCRA Section 81 Agreements* (Ottawa: Correctional Service Canada, 2010), online: <<http://www.csc-scc.gc.ca/acts-and-regulations/541-2-gl-eng.shtml>>; Correctional Service Canada, *Commissioners Directive 710-2-1 – CCRA Section 81: Admission and Transfer of Offenders* (Ottawa: Correctional Service Canada, 2010), online: <<http://www.csc-scc.gc.ca/lois-et-reglements/710-2-1-gl-eng.shtml>>; *CSC Evaluation Report*, *supra* note 8 at p 35.

42 See: *CSC Evaluation Report*, *supra* note 8; *Spirit Matters*, *supra* note 2.

between CSC, Elizabeth Fry Societies and the Native Women's Association of Canada, in response to a recommendation in the 1990 Report of the Task Force on Federally Sentenced Women for the development of alternative correctional models for women.<sup>43</sup> The proposal followed the recommendations of the 1988 Task Force on Aboriginal Peoples in Federal Corrections, the 1991 Aboriginal Justice Inquiry of Manitoba and the 1995 interim report of the *Royal Commission on Aboriginal People*, which all called for greater Aboriginal participation, responsibility and control over corrections.<sup>44</sup>

### a. Purpose and Intent

Section 81 Healing Lodges provide a structured living environment that incorporates Aboriginal culture, traditions and spirituality in its operations and interventions.<sup>45</sup> In Healing Lodges, the needs of Aboriginal offenders are addressed through Aboriginal teachings and ceremonies, contact with Elders, community and nature. A holistic philosophy governs the Healing Lodge concept, whereby individualized programming is delivered within the context of community interaction, with a focus on preparing for release.<sup>46</sup> Healing Lodges are developed in close collaboration with Aboriginal communities.<sup>47</sup> The offenders residing in Healing Lodges are primarily Aboriginal, although non-Aboriginal offenders can also live at a Healing Lodge provided they choose to follow Aboriginal programming.<sup>48</sup>

Community interest and participation are central

43 See: *CSC Evaluation Report*, *supra* note 8 at p 3; *Strategic Plan 2006-2011* at p 6, Annex B.

44 See: *RCAP*, *supra* note 5 at p 24; *Manitoba Inquiry*, *supra* note 16 at p 83; National Parole Board, *Final Report: Task Force on Aboriginal People in Federal Corrections* at p 78 (Ottawa: National Parole Board, 1988), online: <<http://files.eric.ed.gov/fulltext/ED363457.pdf>>.

45 *CSC Evaluation Report*, *supra* note 8 at p 3.

46 For a detailed profile, see Correctional Service Canada, *Okimaw Ochi Healing Lodge Operational Plan* (Ottawa: Correctional Service Canada, 2004), online: <<http://www.csc-scc.gc.ca/publications/fsw/fsw13/ohci-eng.shtml>>.

47 *Spirit Matters*, *supra* note 2. See also: Good Intentions, *supra* note 22.

48 *Good Intentions*, *supra* note 22 at p 20.

to fulfilling the purpose and intent of Healing Lodges.<sup>49</sup> For example, through CSC temporary absence program, Healing Lodge residents are able to participate in cultural community-based activities, such as ceremonies, feasts and festivals. These interactions assist residents establish support networks, connect with community resources in preparation for release.<sup>50</sup> The community is also involved in Healing Lodge operations, through providing volunteers for escorts, providing cultural ceremonies on site. The Healing Lodges benefit the local communities by providing valuable volunteer and employment opportunities for local community members.<sup>51</sup>

### a. Existing s. 81 Healing Lodges

There are currently four s.81 Healing Lodges and four CSC-operated lodges providing correctional services in the Prairie, Pacific and Quebec regions, with a combined capacity of 305 accommodation spaces (see Appendix 2).<sup>52</sup> There is currently no s.81 Healing Lodge or CSC-operated facility in Ontario, and no s.81 Healing Lodge accommodating women, although the CSC-operated Okimaw Ochi Healing Lodge in Saskatchewan has 44 beds for Aboriginal women offenders.<sup>53</sup>

### a. Achievements and Challenges

CSC-Operates and s.81 Healing Lodges differ considerably in terms of their operations and services provided. As a result, each has experienced distinct challenges and varied outcomes.<sup>54</sup> However overall, Healing Lodges continue to be a relevant and important part of Aboriginal corrections, and the outcomes achieved by residents were generally comparable to, or better than, those from mainstream low-security facilities.<sup>55</sup>

49 *CSC Evaluation Report*, *supra* note 8 at p 64.

50 *Ibid* at p 65

51 *Ibid* at pp 61-65.

52 *Ibid* at p 5.

53 *Ibid* at p.3.

54 *Ibid* at p 45.

55 *Ibid* at pp 36, 58-60, 68-69.



In terms of challenges, CSC-operated Healing Lodges have struggled to provide a comparable service that meets the needs of Aboriginal offenders and fulfills the intent of the CCRA in the same way as s.81 Healing Lodges. For example, CSC-operated facilities have drawn criticism for failing to provide adequate cultural competency training for staff and for adopting internal policies that are incompatible with the intent and operational needs of a Healing Lodge.<sup>56</sup>

For Section 81 Healing Lodges, specific challenges prevent the facilities from operating at maximum capacity. These include the small number of Aboriginal offenders with a minimum-security classification, the limited availability of Healing Lodges across Canada, their geographic isolation and a lack of programming and services at the facilities to address specific offender needs.<sup>57</sup> Both CSC-operated and s.81 Healing Lodges struggle to retain

management and staff, with a lack of job security, benefits and lower wages contributing particularly to the turnover of s.81 Healing Lodge staff.<sup>58</sup>

## **Conclusion**

The foregoing literature review provides an overview of the context within which s.81 Healing Lodges operate, and gives a brief outline of their purpose, their current capacity, and their noted successes and challenges. The review reveals the ongoing relevance and potential s.81 Healing Lodges hold for empowering Aboriginal communities in their own healing and addressing the systemic and persistent overrepresentation of Aboriginal people in Canada's prison system. Several recent reviews and reports from CSC have provided a clear picture of the value of s.81 Healing Lodges and the steps required to improve their operation. ALST is proposing a Healing Lodge for Ontario at an opportune time to make use this knowledge.

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56 *CSC Evaluation Report, supra* note 8 at pp 44, 47.

57 *Ibid* at p 38.

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58 *Ibid* at p 49.



Community Forum Panelists: (From left to right) Krysta Williams, Native youth Sexual Health Network; Christa Big Canoe, Aboriginal Legal Services of Toronto; Sharene Razack, Ontario Institute for Studies in education; and Connie Hansenberger, Elizabeth Fry Toronto, Image Credit: Ryan Walsh

## Appendix A2:

# Section 81 Healing Lodge: Legislative Compliance

By Naomi Sayers

The purpose of this paper is to identify and analyze all federal acts and regulations that a Section 81 Healing Lodge must adhere to in order to achieve legislative compliance. This paper is part of a larger research project exploring the viability of a Section 81 Healing Lodge providing correctional services to Aboriginal women (“Healing Lodge”) in the City of Toronto. Others have conducted an extensive literature review on Healing Lodges and examined policy to ensure compliance with labour codes respecting Healing Lodges. This paper will assist Aboriginal Legal Services Toronto (“ALST”) to determine the viability of a Healing Lodge in the City of Toronto.

### I. The Basic Provision: Section 81

Section 81 of the *Corrections and Conditional Release Act* (“CCRA”) empowers the Ministry of Public Safety and Emergency Preparedness (“the Minister”) or a person authorized by the Minister to enter into Agreements with an Aboriginal community to provide correctional services to Aboriginal prisoners.<sup>59</sup> This legislation establishes the basic criteria for eligibility and governance of a Healing Lodge. An Aboriginal community is defined as a “first nation, tribal council, band, community, organization or other group with a predominantly Aboriginal leadership.”<sup>60</sup>

59 *Corrections and Conditional Release Act*, SC 1992, c 20, s 81 [CCRA].

60 *Ibid* at s 79.

Correctional services are defined as “services or programs for [prisoners], including their care and custody.”<sup>61</sup> Aboriginal prisoners include “Indian, Inuit or Metis” prisoners.<sup>62</sup> The definition of an “offender”<sup>63</sup> includes an “inmate or a person, who having been sentenced, committed or transferred to a penitentiary, is outside penitentiary [...] pursuant to an agreement referred to in subsection 81(1).”<sup>64</sup> A sentence is defined as “sentence of imprisonment” and includes references to *International Transfer of Offenders Act* and the *Youth Criminal Justice Act*.<sup>65</sup> Section 81 of the CCRA, however, does not state if agreements apply to only adult facilities.

### II. Parliament’s Intent and General Purposes of the CCRA

Parliament’s intent of the CCRA includes: “the maintenance of a just, peaceful and safe society [through] safe and humane custody and supervision of offenders”, and assisting with the rehabilitation of prisoners and their reintegration into the community

61 *Ibid*.

62 *Ibid*.

63 The paper uses the term offender when referring to legislative schemes that utilizes the same term; however, the paper employs the term prisoner to denote the individual’s relationship to the state.

64 CCRA, *supra* note 1 at s 2.

65 *Ibid*.

as “law-abiding citizens” through the provisions of correctional programs.<sup>66</sup> The CCRA emphasizes that protection of society is the main consideration in the federal correctional system.<sup>67</sup> The CCRA provides guiding principles to help the Correctional Services of Canada (“CSC”) to achieve its purpose.<sup>68</sup>

The guiding principles include themes of transparency and accountability to victims, prisoners and the public, as well as themes of efficiency.<sup>69</sup> The CSC must also establish “policies, programs and practices [that] respect gender, ethnic, cultural and linguistic differences and [that] are responsive to the needs of women [and] Aboriginal peoples.”<sup>70</sup> The CSC also establishes internal policies to minimize “risk and exposure.”<sup>71</sup> One of the CSC’s internal policies permits the transfer of *only* minimum- and (the rare) medium-security classification prisoners to Healing Lodges.<sup>72</sup> The Correctional Investigator reports that this internal policy prevents ninety percent of Aboriginal prisoners from being transferred to a Healing Lodge.<sup>73</sup>

### III. A Failure to Implement Parliament’s Intent: Security Classifications

Pursuant to the *Corrections and Conditional Release Regulations* (“CCRR”), the CSC must assign a security classification to each prisoner.<sup>74</sup> Section 18 of the CCRR outlines the elements for minimum-, medium-

and maximum-security classifications.<sup>75</sup> None of the classifications are Aboriginal specific. Others have also argued that the classification system represents a form of systemic discrimination against Aboriginal prisoners and that other markers should be included to account for Aboriginal prisoners’ different social backgrounds and histories.<sup>76</sup> Section 81 does not outline any specific terms or provisions that must be included within agreements.<sup>77</sup> Section 81 also makes no reference to providing correctional services to certain classification of prisoners.<sup>78</sup> Thus, the CSC’s internal policies make Healing Lodges inaccessible and reflect a failure to fulfill Parliament’s intent or the CSC’s vision.<sup>79</sup> In other words, the CSC’s policies may be non-compliant with legislation or increase barriers to legislative compliance.

### IV. Culturally Relevant Programming as a way to Fulfill Parliament’s Intent

An element to consider in assigning security classifications includes “performance and behaviour while under sentence.”<sup>80</sup> Aboriginal women may be reluctant to participate in culturally irrelevant programming, and may then suffer a penalty in terms of security classification.<sup>81</sup> If Aboriginal women prisoners have no access to culturally appropriate programming, then this factor may be biased in considering performance and behavior. Aboriginal women prisoners also tend to receive higher security classifications regardless as to “whether they are

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66 CCRA, *supra* note 1 at ss 3(a)-(b).

67 *Ibid* at s 3.1.

68 *Ibid* at s 4(a)-(i).

69 *Ibid*.

70 See also: CCRA, *supra* note 1 at s 4 for other guiding principles.

71 Office of the Correctional Investigator, *Spirit Matters: Aboriginal People and the Corrections and Conditional Release Act* (Ottawa: Office of the Correctional Investigator, 2012) at p 18, online: <http://www.oci-bec.gc.ca/cnt/rpt/pdf/oth-aut/oth-aut20121022-eng.pdf> [“Spirit Matters”].

72 *Ibid* at pp 17-18.

73 *Ibid* at p 18.

74 CCRA, *supra* note 1 at s 30.

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75 *Corrections and Conditional Release Regulations*, SOR/92-620, s 18(a)-(c) [“CCRA”].

76 David Milward, “Sweating it out: Facilitating Corrections and Parole in Canada through Aboriginal Spiritual Healing” (2011) 29 Windsor YB Access to Just 27 at pp 40-47 [“Milward, Aboriginal Healing”].

77 CCRA, *supra* note 1 at s 81 (Subsection 81(2) does state, however, section 81 agreements may provide for the provision of correctional services to a non-Aboriginal prisoner).

78 *Ibid* at s 81.

79 *Spirit Matters*, *supra* note 71 at 17-18.

80 CCRR, *supra* note 75 at s 17(c).

81 *Milward*, *supra* note 18 at 36.

genuinely a risk to other inmates or staff.”<sup>82</sup> One theory behind this over-classification of Aboriginal women is the fact that the CSC prioritizes static risk factors, like past criminal behavior, over dynamic risk factors, like participation in culturally relevant programs.<sup>83</sup> A Healing Lodge’s services may help alleviate this over-classification if the focus in security classification prioritizes dynamic risk factors over static risk factors.

Healing Lodges provide safe and positive environments to assist with a prisoner’s reintegration into society through safe and humane custody.<sup>84</sup> Consequently, providing Aboriginal women with access to culturally relevant programming assists with fulfilling Parliament’s intent of the CCRA.<sup>85</sup> Despite the presence of section 81, however, the CSC’s internal policies may reflect little regard for gender and cultural differences in a way that is responsive to the needs of Aboriginal women. Still, there is nothing in the CCRA or the CCRR that states the CSC can transfer only prisoners with minimum- or maximum-security classifications to a Healing Lodge.

## V. Constitutional Dimensions

Further, it is clear that Healing Lodges are *Charter* compliant under s. 15(2), and in fact that Healing Lodges would advance the principles of equality protected in the *Charter* and foster other constitutional principles, like human dignity.<sup>86</sup> Healing Lodges may also be seen as an extension of Sections 25 and 35 of the *Constitution*.<sup>87</sup> Explicitly, a Healing Lodge may be more responsive to gender differences and spiritual needs while respecting Aboriginal culture. Thus, Healing Lodges may be more responsive to the needs of Aboriginal women in particular.

82 *Milward, supra* note 76 at para 44.

83 *Ibid* at 48.

84 *Ibid* at 36-37.

85 *Ibid* at 36.

86 Michael Pierce, “A Progressive Interpretation of Subsection 15(2) of the Charter” (1993) at 314, 57 Sask Law Review 263 [“Pierce, Subsection 15(2)”].

87 *Spirit Matters, supra* note 71 at para 8.

## VI. Application of Section 81 in Reality

Courts do see Healing Lodges as a sentencing consideration.<sup>88</sup> However, CSC remains the final decision maker when an Aboriginal person can access a Healing Lodge. Case law indicates a community-based sentence can fulfill principles of denunciation and deterrence. The courts see Healing Lodges as community-based sentencing facilities with a strong focus on rehabilitation.<sup>89</sup> Courts will then especially consider rehabilitation and a community’s ability to help a prisoner become a law-abiding citizen when examining a Healing Lodge’s capacity to satisfy guiding principles in sentencing.<sup>90</sup> Other concerns at sentencing include whether a Healing Lodge keeps constant contact with CSC especially in terms of individuals who are not “genuine” in desire for treatment and whether those lodges stress “cooperation of inmates or clients of the institution.”<sup>91</sup> Courts will allow an Aboriginal person to be transferred to a Healing Lodge if they satisfy minimum- or medium-security classifications.<sup>92</sup>

Within the courts and within the CSC, there are misunderstandings surrounding Healing Lodges.<sup>93</sup> Because of these discrepancies, there should be opportunities for education among legal professionals and the courts within the Greater Toronto Area. The education should focus on policies, legislation, and case law surrounding

88 See: *R v Kahypeaseawat*, 2006 SKPC 79 at paras 77-79, 284 Sask R 55 [“Kahypeaseawat”]; *R v Wilson*, 2001 BCSC 1653 at paras 50-59, 2001 CarswellBC 2717 [“Wilson”]; Bill c-32, *An Act to Enact the Canadian Victim Bill of Rights and to Amend Certain Acts*, 2nd Sess, 41st Parl, Canada, 2015, cl 24 (assented April 23, 2015) (This bill amends s 718.2(e) of the *Criminal Code* and has the potential to weaken the Gladue sentencing principles which may affect a Healing Lodge’s viability).

89 *Wilson, ibid* at para 45, 49.

90 *Ibid*.

91 *R v S (JJ)*, [2000] OJ No 1248 at para 24, 2000 CarswellOnt 1565 [“JJS”].

92 *Ibid* at para 58.

93 *Spirit Matters, supra* note 71 at para 56. See also *Milward, supra* note 76 (Milward refers to Healing Lodges as halfway houses which may cause courts to misconstrue the importance of the lodges in an Aboriginal prisoner’s rehabilitation).

Healing Lodges. Between the CSC and the Healing Lodge, education can take place through employee exchanges, information exchanges and cultural exchange programs.<sup>94</sup> There should also be open communication and transparency between the Healing Lodge and the CSC. Community-based education with the general public and surrounding Aboriginal communities should also take place to ensure that the community is responsive to the idea of a Healing Lodge. Accordingly, increasing understanding around Healing Lodges may help reduce these misinterpretations and may help increase Aboriginal prisoners' ability to access a Healing Lodge. Increasing the accessibility and viability of a Healing Lodge in the City of Toronto also speaks back to fulfilling Parliament's original intent of the CCRA: rehabilitation of prisoners through safe and humane custody by contributing to the maintenance of safe, just and peaceful society.

## Bibliography

### LEGISLATION

*Corrections and Conditional Release Act*, SC 1992, c 20.

*Corrections and Conditional Release Regulations*, SOR/92-620.

### JURISPRUDENCE

*R v Kahypeasewat*, 2006 SKPC 79, 284 Sask R. 55, 2006 CarswellSask 574 (CanLii).

*R v S (JJ)*, [2000] OJ No 1248, 2000 CarswellOnt 1565, [2000] OTC 314.

*R v Wilson*, 2001 BCSC 1653, 2001 CarswellBC 2717, [2002] BCWLD 230 (CanLii).

### SECONDARY MATERIALS: ARTICLES

D. Milward, "Sweating It Out: Facilitating Corrections and Parole in Canada through Aboriginal Spiritual Healing" (2011) 29 Windsor YB Access to Just 27.

M. Peirce, "A Progressive Interpretation of Subsection 15(2) of the Charter" (1993) 57 Sask Law Review 263.

### OTHER MATERIALS

Office of the Correctional Investigator, "Spirit Matters: Aboriginal Peoples and the Corrections and Conditional Release Act" (Final Report), (2012), online: Office of the Correctional Investigator <<http://www.oci-bec.gc.ca/cnt/rpt/pdf/oth-aut/oth/aut20121022-eng.pdf>>.



Patti Pettigrew, Aboriginal Legal Services  
Toronto, Image Credit: Ryan Walsh

94 *Spirit Matters*, *supra* note 71 at paras 42-43.

## Appendix A3:

# Infrastructure and Staff Training Required for a *Corrections and Conditional Release Act* Section 81 Healing Lodge

By Deanna Roffey and Autumn Johnson

Section 81 of the *Corrections and Conditional Release Act* (CCRA) authorizes the Minister to enter into an agreement with an Aboriginal community to provide correctional services to Aboriginal offenders.<sup>95</sup> The CCRA grants authority to the Commissioner of Corrections to create Commissioner's Directives for managing federal correctional institutions.<sup>96</sup>

This paper identifies the infrastructure and staff training required for a section 81 Healing Lodge under the CCRA. The basis for analysis is Correctional Service Canada (CSC) Commissioner's Directives regarding infrastructure and staff training requirements for these institutions. These Commissioner's Directives provide little guidance with respect to section 81 Healing Lodges. Where requirements are identified, they are incidental to directives regarding Aboriginal offenders or CSC-operated institutions, not section 81 Healing Lodges.

### Part 1 – Infrastructure Requirements

Commissioner's Directive 702 informs an Aboriginal

community or organization of staff that may be appropriate in a section 81 Healing Lodge.<sup>97</sup> This directive addresses specific needs of Aboriginal offenders within CSC institutions.<sup>98</sup> It is informed by CSC's "Aboriginal Continuum of Care", developed to support Aboriginal offenders' healing journey by integrating Aboriginal community, culture and spirituality within CSC institutions and programs.<sup>99</sup> *Directive 702* describes roles and responsibilities for staff who work with Aboriginal offenders.<sup>100</sup> These include an Institutional Head, Elder/Spiritual Advisor, Aboriginal Liaison Officer, Aboriginal Correctional Program Officer, Parole Officer/Primary Worker, and Aboriginal Community Development Officer.<sup>101</sup>

*Evaluation Report: Strategic Plan for Aboriginal Corrections* conducted an internal audit of

97 Correctional Service Canada, *Commissioner's Directive 702 Aboriginal Offenders* (Ottawa: Correctional Service Canada, 2013), online: <<http://www.csc-scc.gc.ca/acts-and-regulations/702-cd-eng.shtml>>.

98 *Ibid.*

99 *Ibid.*

100 *Ibid.*

101 *Ibid.*

95 *Corrections and Conditional Release Act*, SC 1992, c 20, s 81.

96 *Ibid* ss 96-98.

existing section 81 agreements and describes the management structure of the section 81 Healing Lodges.<sup>102</sup> The structure includes a Board of Directors comprised of elected non-governmental Aboriginal members and CSC staff members.<sup>103</sup> The Board of Directors is responsible for providing guidance on management decisions and for appointing the head of the institution.<sup>104</sup> This person is responsible for managing daily operations of the Healing Lodge and ensuring appropriate intervention strategies are in place within their facility.<sup>105</sup> The head of the institution reports to the Assistant Deputy Commissioner of Institutional Operations.<sup>106</sup> The *Evaluation Report: Section 81 Agreement between the O-Chi-Chak-Ko-Sipi First Nation and the Correctional Service of Canada* also mentions the existence of case management and administrative staff as part of the Healing Lodge team.<sup>107</sup>

*Commissioner's Directive 710-2-1* refers to a Healing Lodge director and Healing Lodge caseworker in the procedures for admission and transfer of offenders.<sup>108</sup> Although this directive does not state these positions are required, their roles are necessary to carry out the transfer of offenders to a section 81 Healing Lodge. This means an Aboriginal community or organization entering into a section 81 agreement should have these positions to facilitate seamless transfers from CSC institutions to their Healing Lodge.

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102 Correctional Service Canada, *Evaluation Report: Strategic Plan for Aboriginal Corrections, Chapter One: Aboriginal Healing Lodges* (Ottawa: Correctional Service Canada, Evaluation Branch, Policy Sector 2011) at p 9, online: <<http://www.csc-scc.gc.ca/publications/092/005007-2005-eng.pdf>>.

103 *Ibid* at pp 6-7.

104 *Ibid* at p 6.

105 *Supra* note 8 at 6-7.

106 *Ibid* at p 6.

107 Correctional Service Canada, *Evaluation Report: Section 81 Agreement between the O-Chi-Chak-Ko-Sipi First Nation and the Correctional Service of Canada – The O-Chi-Chak-Ko-Sipi Healing Lodge* (Ottawa: Correctional Service Canada, Evaluation Branch, Performance Assurance Sector, 2007) at p 48, online: <<http://www.csc-scc.gc.ca/text/pa/ev-ohl/ev-ohl-eng.pdf>>.

108 Correctional Service Canada, *Commissioner's Directive 710-2-1 Admission and Transfer of Offenders* (Ottawa: Correctional Service Canada, 2010), online: <<http://www.csc-scc.gc.ca/text/plcy/cdshtm/710-2-1gl-eng.shtml>>.

Another role identified in the directives is the Correctional Program Facilitator. *Commissioner's Directive 726-1* identifies national standards for correctional programs delivered within CSC institutions.<sup>109</sup> The correctional program facilitator, while not specifically required within a section 81 Healing Lodge, would be a helpful position to deliver programming to offenders. A certification and training program is available for this position through CSC, and is referred to in Part 2, Staff Training Requirements.

CSC provides little direction on security infrastructure for section 81 Healing Lodges. *Evaluation Report: Section 81 Agreement between the O-Chi-Chak-Ko-Sipi First Nation and the Correctional Service of Canada – The O-Chi-Chak-Ko-Sipi Healing Lodge* refers to the existence of security staff at that lodge.<sup>110</sup> *Commissioner's Directive 706* states that the perimeter of a Healing Lodge or healing village will be defined but not directly controlled.<sup>111</sup> Therefore, it can be inferred that, at minimum, low-level security is required at any Healing Lodge. This is consistent with *Evaluation Report: Strategic Plan for Aboriginal Corrections*, which states the security environment for a section 81 Healing Lodge is even more adaptable than a CSC-operated lodge.<sup>112</sup>

## **Part 2 – Staff Training Requirements**

It appears that staff training requirements are negotiated within the section 81 agreement. *Spirit Matters: Aboriginal Peoples and the Corrections and Conditional Release Act* (Final Report) tells us that the section 81 agreement contains requirements for staff competencies that are wide ranging, “from offender supervision, awareness of CSC

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109 Correctional Service Canada, *Commissioner's Directive 726-1 National Standards for Correctional Programs* (Ottawa: Correctional Service Canada, 2011), online: <<http://www.csc-scc.gc.ca/text/plcy/doc/726-1gl-eng.pdf>>.

110 *Supra*, note 107 at p 47.

111 Correctional Service Canada, *Commissioner's Directive 706 Classification of Institutions* (Ottawa: Correctional Service Canada, 2014), online: <<http://www.csc-scc.gc.ca/politiques-et-lois/706-cd-eng.shtml#s4b>>.

112 *Supra*, note 102 at p 46.

procedures and protocols to financial reporting.”<sup>113</sup> This indicates substantial staff training is necessary to meet the high competency expectations.

These training requirements can be problematic for Aboriginal communities and organizations due to a lack of familiarity with time consuming CSC reporting procedures, underfunded staff budgets, lack of available training opportunities, high staff turnover rates and high training costs.<sup>114</sup> *Spirit Matters: Aboriginal Peoples and the Corrections and Conditional Release Act* (Final Report) estimates the cost at \$34,000 to train a Healing Lodge employee in compliance with CSC standards.<sup>115</sup> These considerations must be taken into account during negotiation of the section 81 agreement.

Staff protocol in CSC-operated women offender institutions requires anyone who has not had Women-Centered Training to be escorted by a staff member who has the training.<sup>116</sup> The practical difficulty this could create is not inconceivable if an Aboriginal community or organization operating a section 81 Healing Lodge plans to involve services outside of CSC in the healing process of offenders.

CSC’s careers website provides some insight to the Women-Centred Training through a job profile of a “Primary Worker” or “Kimisinaw” (Cree word for older sister).<sup>117</sup> A Kimisinaw is a correctional officer at a CSC-operated women’s Healing Lodge.<sup>118</sup> To fill the position, applicants must complete the Correctional Training Program and the Women’s-

Centred Training Program.<sup>119</sup> Stage one and two are online-based, while stage 3 is completed in-class at one of three CSC regional correctional staff colleges.<sup>120</sup> Completion of the entire program takes approximately five months.<sup>121</sup> The website also mentions occupational certification requirements, but does not specify what those requirements are.<sup>122</sup>

A job posting for a Correctional Officer at a CSC-operated men’s Healing Lodge<sup>123</sup> may shed some light on what those requirements are. Applicants must be Aboriginal, complete the Correctional Training Program, have a secondary school diploma or equivalent, First Aid and CPR Level C with AED certification, and valid driver’s license.<sup>124</sup> Applicants must obtain security clearance, including fingerprinting, and meet medical and psychological requirements for the position.<sup>125</sup>

While the above requirements pertain to CSC-operated Healing Lodges, section 81 Healing Lodge staff reported receiving different training in *Evaluation Report: Section 81 Agreement between the O-Chi-Chak-Ko-Sipi First Nation and the Correctional Service of Canada*.<sup>126</sup> Most reported a two-week in-house training from CSC, while some reported participating in training/information sessions provided by the Healing Lodge, which included an orientation and policies and procedures training.<sup>127</sup> There is no indication whether this is in lieu of or in addition to the Correctional Training Program and Women-Centered Training.

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113 Office of the Correctional Investigator, *Spirit Matters: Aboriginal People and the Corrections and Conditional Release Act* (Ottawa: Office of the Correctional Investigator, 2012) at p 18, online: <http://www.oci-bec.gc.ca/cnt/rpt/pdf/oth-aut/oth-aut20121022-eng.pdf> [“Spirit Matters”].

114 *Ibid* at 20-21.

115 *Ibid*.

116 Correctional Service Canada, *Commissioner’s Directive 577 Staff Protocol in Women Offender Institutions* (Ottawa: Correctional Service Canada, 2013), online: <http://www.csc-scc.gc.ca/politiques-et-lois/577-cd-eng.shtml>.

117 Correctional Service Canada Primary Worker/Kimisinaw, *Training and Appointment*, online: Correctional Service Canada <http://www.csc-scc.gc.ca/careers/003001-3013-eng.shtml>.

118 *Ibid*.

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119 *Ibid*.

120 *Ibid*.

121 *Ibid*.

122 *Ibid*.

123 Public Service Resourcing System, *Correctional Officer – Healing Lodge – Continuous Intake* online: <https://emplois-fp-psjobs.cfp-psc.gc.ca/psrs-srfrp/applicant/page1800?poster=260340&toggleLanguage=en&psrsMode=1&noBackBtn=true>.

124 *Ibid*.

125 *Ibid*.

126 *Supra*, note 107 at p 47.

127 *Ibid*.



In the CSC model, a Correctional Program Facilitator delivers correctional programs to offenders within CSC institutions.<sup>128</sup> *Commissioner's Directive 726-1* identifies the training requirements for the facilitator.<sup>129</sup> The Regional Program Manager conducts the training, which initially lasts up to ten days.<sup>130</sup> However, Aboriginal, sex offender and/or women offender correctional programs are excluded from this general facilitator training.<sup>131</sup> While there is no Commissioner's Directive detailing the requirements for these areas, CSC's careers website advertises for Aboriginal Correctional Program Facilitators who deliver culturally appropriate Aboriginal correctional programs.<sup>132</sup> *Directive 726-1* does not say whether a Correctional Program Facilitator or an Aboriginal Correctional Program Facilitator are required in a section 81 Healing Lodge, but they would be useful positions if the Healing Lodge plans to deliver CSC-developed programs.

*R v Gladue*<sup>133</sup> applies at all stages of the criminal justice process.<sup>134</sup> *Commissioner's Directive 702* recognizes this by requiring CSC staff to consider an Aboriginal offender's social history when making any decision that affects the offender.<sup>135</sup> This means all staff will require training in the history of Aboriginal peoples and application of *Gladue* principles in the CSC context. This will include identifying culturally appropriate options which meet the special circumstances of the Aboriginal offender.

## **Conclusion**

There is little guidance contained in the Commissioner's Directives regarding staff training and infrastructure required in a section 81 Healing Lodge. The directives pertaining to CSC-operated Healing Lodges offer some guidance, however, "CSC-operated and Section 81 Healing Lodges operate under different legislative frameworks and, thus, differ in operational practices."<sup>136</sup> The absence of detailed requirements within the Commissioner's Directives is similar to the 2009 finding in *Good Intentions, Disappointing Results: A Progress Report on Federal Aboriginal Corrections*, which notes that "Sixteen years after the law allowed for them, the Healing Lodge audit concluded that there is no CSC policy framework in place to support the establishment of section 81 Healing Lodges with no direction provided in CSC policies or procedures."<sup>137</sup> Review of the Commissioner's Directives shows this statement remains true today with respect to staff training and infrastructure.

The operational requirements of a section 81 Healing Lodge are primarily laid out within the section 81 agreement.<sup>138</sup> The lack of direction in CSC Commissioner's Directives enables Aboriginal communities and organizations to negotiate the terms of the section 81 agreement in order to design a Healing Lodge that reflects their approach to healing for Aboriginal offenders. On one hand, the lack of explicit infrastructure and staff training requirements creates difficulty for Aboriginal communities and organizations operating a section 81 Healing Lodge. On the other hand, it has the potential to allow them a high degree of community control and participation in the healing of Aboriginal offenders.

128 *Supra*, note 109 at p 12.

129 *Ibid.*

130 *Ibid.*

131 *Ibid.*

132 Correctional Service Canada, *Aboriginal Correctional Program Facilitator* (Ottawa: Correctional Service Canada, 2013), online: <<http://www.csc-scc.gc.ca/careers/003001-1204-eng.shtml>>.

133 *R v Gladue*, [1999] 1 SCR 688, 171 DLR (4th) 385.

134 *Spirit Matters*, *supra* note 113 at p 28.

135 *Supra*, note 97 at p 3.

136 *Supra*, note 102 at p 45.

137 Office of the Correctional Investigator, *Good Intentions, Disappointing Results: A Progress Report on Federal Aboriginal Corrections* (Ottawa: Office of the Correctional Investigator, 2009) at p 13.

138 *Supra*, note 102 at p 46.

## Appendix A4:

# The Need to Heal Aboriginal Female Inmates in Canada: An Aboriginal Toronto Community Member's Perspective

By Mike Ormsby

*Woman is the centre of the wheel of life. She is the heartbeat of the people. She is not just in the home, but she is the community, she is the Nation. One of our Grandmothers. The woman is the foundation on which Nations are built. She is the heart of her Nation. If that heart is weak the people are weak. If her heart is strong and her mind is clear then the Nation is strong and knows its purpose. The woman is the centre of everything.* Art Solomon, "Kesheyanakwan" (Fast Moving Cloud), Anishinaabe Elder

Art Solomon, an Anishinaabe Elder, traveled throughout the world to promote peace among religions and cultures. Art was a beacon of hope and inspiration to Aboriginal men and women in Canadian prisons, and through decades of perseverance, he assisted in winning the right to allow Aboriginal healing methods and traditional ceremonies to be practiced in prisons.

His teachings frequently returned to two principles – the necessity for a deeper understanding of Aboriginal traditional ways, and the need for relief of human suffering. He received many honours in his later years, including a number of honorary doctoral degrees. Perhaps his greatest honour was that his teachings of traditional Aboriginal ways

and reverence for Mother Earth, which were long respected in the Aboriginal world, were reaching non-Aboriginal people on a global level.

I was very fortunate to have Art Solomon as one of my teachers. Art gave me my Anishinaabe name, *W' dae b' wae* ("Speaks Truth"). But he also introduced me to the culture, heritage and traditions of the Anishinaabe people. For me, I made the decision to seek out such teachings after being incarcerated in the provincial jail system.

Art was a big reason that I was able to make a big change in my life: find the traditional path I now follow; deal with drinking that led to me being in jail; and find a way to help others as I'd been helped. That is why I know that a Healing Lodge like the proposed Thunder Woman Healing Lodge is so important. A place where women can find the support from the community and the teachings from the Elders and Traditional Teachers that can change their lives too.

This short paper will look at Section 81 of the Corrections and Conditional Release Act (CCRA) Healing Lodges in Canada and review the cultural perspectives common to such Healing Lodges. The emphasis will also be on the need for a healing space

for inmates. I will provide a two examples of Healing Lodges for women. Specifically the lone facility run by Correctional Services of Canada (CSC) directly and the only community-led Section 81 Healing Lodge. I will also add some final thoughts, based on my research, on the proposed Thunder Woman Healing Lodge in the Greater Toronto Area (GTA).

## **Statistical Background**

In 2012-13, Aboriginal offenders represented 20.5% of the total federal offender population while Aboriginal adults represent 3.0% of the Canadian adult population.<sup>139</sup>

Aboriginal incarcerated women represent about 33 % of all incarcerated women while Aboriginal incarcerated men represent over 22 % of all incarcerated men.<sup>140</sup>

While Aboriginal Canadians comprise just 4 per cent of the general population, they make up 23 per cent of the population in federal penitentiaries -- a number that has doubled since 1987.

In the Annual Report of the Office of the Correctional Investigator 2013-2014 <sup>141</sup>, Howard Sapers (the Correctional Investigator) noted that the factors and circumstances that bring Aboriginal people into disproportionate contact with the federal correctional system defy easy solutions.

The gap in outcomes between Aboriginal and non-Aboriginal offenders is widening as the most significant indicators of correctional performance continue to trend downward. Aboriginal people under federal sentence tend to be younger, less educated,

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139 Public Safety Canada, 2013 *Annual Report, Corrections and Conditional Release: Statistical Overview*, (Ottawa: StatCan, 2013) at p 35, online: <<http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/crrctns-cndtnl-rls-2013/crrctns-cndtnl-rls-2013-eng.pdf>>.

140 *Ibid.*

141 Office of the Correctional Investigator, *Annual Report of the Office of the Correctional Investigator, 2013-2014* (Ottawa: Office of the Correctional Investigator, 2014), online: <<http://www.oci-bec.gc.ca/cnt/rpt/annrpt/annrpt20132014-eng.aspx>> ["Annual Report 2013-2014"].

and more likely to present a history of substance abuse, addictions and mental health concerns. They are more likely to be serving a sentence for violence, stay longer in prison before first release and more likely to be kept at higher security institutions. They are more likely to be gang-affiliated, over-involved in use of force interventions and spend disproportionate time in segregation. Aboriginal offenders are more likely denied parole, revoked and returned to prison more often.<sup>142</sup>

## **The Need for Healing**

There has been a lot of historic maltreatment towards Aboriginal people. There is also a deep colonial legacy that has caused Aboriginal communities and families to lose balance and harmony with living in a good way. There is a known dramatic over-representation of Aboriginal people in Canada's correctional system. Members of the Aboriginal community were very concerned that mainstream prison programs did not work for Aboriginal offenders.

In 1992, the Corrections and Conditional Release Act (CCRA) strengthened the relationship between CSC and Aboriginal communities. Aboriginal communities could now help develop and deliver services and programs to Aboriginal offenders. This creates an environment that is inclusive of Aboriginal spirituality and culture.

As defined in the articles reviewed, a Healing Lodge is then a correctional facility that is culturally appropriate, that deals with healing and with Aboriginal spirituality, which involves Aboriginal ceremony. Such lodges are residential, custodial facilities, and under the 1992 law can be operated by Aboriginal communities under contract to Corrections Canada.

There are currently 8 Healing Lodges across Canada. The lodges were created over concerns that mainstream prison programs weren't working

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142 *Ibid.*

for Aboriginal prisoners, who are significantly over represented in the system. Healing Lodges offer services and programs that reflect Aboriginal culture in a space that incorporates Aboriginal people's tradition and beliefs. In the Healing Lodge, the needs of Aboriginal offenders serving federal sentences are addressed through Aboriginal teachings and ceremonies, contact with elders and children, and interaction with nature. A holistic philosophy governs the approach, whereby individualized programming is delivered within a context of community interaction, with a focus on preparing for release.<sup>143</sup>

Of the lodges run by CSC, only Okimaw Ohci Healing Lodge is designated for women inmates. It opened in 1995, Okimaw Ohci Healing Lodge was CSC's first Healing Lodge for women offenders. Its name means "thunder hills" in Cree. It is located in the Nekaneet First Nations territory in southern Saskatchewan. The Healing Lodge and building are circular rather than hierarchical. The focal point is the spiritual lodge where teachings, ceremonies, and workshops with Elders take place. Okimaw Ohci contains both single and family residential units, as offenders may have their children stay with them. Each unit has a bedroom, a bathroom, a kitchenette with an eating area, and a living room.<sup>144</sup>(4)

A personal life plan is created for each Aboriginal offender outlining what she needs emotionally, physically, and spiritually to help with her rehabilitation. Programs help offenders build the strength they need to make essential changes in their lives. Programs address vocational training, family and children, Aboriginal language, and nature. The women learn how to live independently by cooking, doing laundry, cleaning, and doing outdoor maintenance chores.(4)

Criteria for a section 81 transfer are limiting. They

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143 CSC, Correctional Service Canada Healing Lodges, online: <http://www.cscsc.gc.ca/aboriginal/002003-2000-eng.shtml>.

144 Correctional Service Canada, *Evaluation Report: Strategic Plan for Aboriginal Corrections, Chapter One: Aboriginal Healing Lodges* (Ottawa: Correctional Service Canada, Evaluation Branch, Policy Sector 2011), online: <<http://www.csc-scc.gc.ca/publications/092/005007-2005-eng.pdf>> ["CSC Evaluation Report"].

limit access to a lodge to those who are nearing the end of their sentence, and only those inmates that are considered a minimum or medium security risk. Opportunities for community involvement are also limited. Essentially on this criteria, CSC limits what can and can't be done, and with which inmates. This is CSC policy and not the legislation. Therefore in creating Thunder Woman Healing Lodge, the community must consider is the implication that CSC's policy has on creating space for Aboriginal federally sentenced women. There is a desire to allow women to access the lodge before the end of their time in custody.

### **Examples of Sec. 81 Healing Lodges in Canada**

**Waseskun Healing Centre** is a section 81 Healing Lodge for men, located near Montreal. The Centre works closely with the different indigenous communities from across Canada, including the northern regions. It offers holistic teachings. These focus on each offender's physical, emotional, mental, and spiritual healthy, in order to help them regain balance in their lives. Waseskun's overall aim is to empower residents to accept responsibility for their own actions and understand the consequences they have created for themselves, their victims, families, and communities.<sup>145</sup>

Programs follow a community-based and holistic healing philosophy that incorporates both western and traditional therapeutic approaches. The Centre strongly encourages Aboriginal communities to participate in the healing journey and reintegration of their members. Some of the services provided include intensive residential therapy; group programs; vocational training; supervision and follow-up support; intensive personal development sessions; training for communities in prevention and intervention.<sup>146</sup>

The **Buffalo Sage Wellness House** in Edmonton is the only section 81 Healing Lodge in Canada, specifically for women, and run by the community. Opened in 2011,

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145 *Ibid.*

146 *Ibid.*

and run by Section 81-Native Counselling Services of Alberta, providing contracted service through a Section 81 Agreement with Correctional Service Canada, the Buffalo Sage Wellness House is a minimum/medium security facility for women, as well as a Community Residential Facility (CRF) for women offenders who are on release in the community, with 16 available beds. As of 2012, 17 staff were employed. At the Buffalo Sage Wellness House, staff and Elders prepare women offenders to return to the community by helping them make appropriate choices and positive changes in their lives. Buffalo Sage helps women identify their needs to create a correctional plan that will help them with their holistic and spiritual rehabilitation and self-esteem.<sup>147</sup>

Programs are culturally sensitive. They are held in a structured and traditional environment that reflects the needs of the Aboriginal woman offender, community, and releasing authorities.<sup>148</sup>

The program at Buffalo Sage is designed to address the complex needs of these women, while ensuring public safety. The facility offers programs such as Spirit of a Warrior, a historic trauma healing program, opportunities for meaningful cultural engagement, as well as employment counselling, and placement and retention services when the women are ready. Buffalo Sage is a landmark program; it represents an important step towards Aboriginal leadership and innovation in healing and reintegration of Aboriginal people.

The Buffalo Sage program began many decades ago as a vision of the Elders. The goals and the objectives of the program are to effect change within each woman to enable them to make different choices after their release. The Elders are the program's way of involving the spirituality of Aboriginal peoples. The vision of the program is based upon the direction and vision of the Elders. The women are told that their healing is between them and the Creator and that it is a very personal journey. The staff does not interfere with this process. The program offers access to ceremonies; the women choose for themselves whether or not to participate

in them but are encouraged to attend; and most do. The Elders do not believe in trying, they believe in doing. And if a client is meant to be there, that ceremony is meant for them.<sup>149</sup>

Each interaction with the women is carefully handled as the women are learning, from the day they arrive, how their own power is developed and nurtured. From each conversation with a staff member to how they share information and feelings with each other, they are encouraged to be consciously aware of how they affect themselves and others. From this, they practice interactions with each other and staff to apply when they are ready to go out into the community. They begin their reintegration gradually, working towards a possible expanded release such as day parole.<sup>150</sup>

### **Why Holistic and Cultural Healing is Important for Reintegration into Communities**

A Healing Lodge needs to emphasize healing of the whole person and use strong cultural identity as the foundation for building self-esteem. Elders should play a critical role as spiritual and cultural teachers. With guidance from Elders, feedback from residents, and the contributions of staff, residents are given the opportunity to heal, grow spiritually, and reconnect with Aboriginal culture. Programming has to be culturally-sensitive; centered on relationships; loss and recovery; family; relapse prevention; healing; and substance abuse. Offenders would be encouraged to take part in traditional ceremonies.

In "An Examination of Healing Lodges for Federal Offenders in Canada", the CSC recognizes that:

...the purpose of Healing Lodges is to provide holistic and culturally-appropriate programming and an environment that

147 CSC Evaluation Report, *supra* note 144.

148 *Ibid.*

149 Aboriginal Research Institute, *Compendium of Promising Practices to Reduce Violence and Increase Safety of Aboriginal Women in Canada, Healing and Reintegration of Offenders, Detailed Best Practices* (Ottawa: Department of Justice, 2012), online: <<http://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/annex-annexe/index.html>>.

150 *Ibid.*

may be more conducive to healing than a federal institution (Bennet, 2000). Many of the Healing Lodges are located in beautiful physical settings that may aid offenders along their healing path. The environments are conducive to relaxation, which may allow offenders to open up emotionally and begin dealing with the factors that have contributed to their criminal behaviour. Stan Daniels is different in that the setting is not traditional, but it allows offenders to be closer to their families and can provide more opportunities for employment, a significantly high need area for many Aboriginal offenders.<sup>151</sup>

In addition to the setting, most Healing Lodges focus on Aboriginal culture. They all provide access to Elders or spiritual advisors, as well as a variety of cultural activities such as sweats, ceremonies, dances and feasts. As indicated in the offender interviews, the residents' awareness of Aboriginal culture increases while at the Healing Lodges. This exposure appears to have a positive impact on them. Perhaps one of the more important impacts may be from offenders who felt fairly ambivalent about their culture or traditions prior to coming to the Healing Lodge. A number of them reported that they had little or no cultural exposure prior to coming to the lodge. However, once they had the opportunity to learn about their culture, it greatly enhanced how they viewed themselves and others, as well as their behaviour. Many experienced an increase in pride regarding who they are, and where they came from.

Many offenders reported feeling more comfortable with the Healing Lodge staff because the staff was predominantly Aboriginal. Some offenders indicated that they felt more tense when they were in the federal institutions. Working with Aboriginal staff may reduce the general distrust experienced by some of the offenders. This may aid the offenders in their healing progress.

Healing Lodges provide a number of very positive and effective aspects. The culturally-appropriate environments can contribute to the healing process

of the offenders. For instance, most people noted that the inclusion of Elders or spiritual advisors at the Healing Lodges is positive. The offenders appear to respect and listen to what the Elders have to say. Many offenders felt their work with the Elders was the most important part of being at the lodge. In addition, the staff at the lodges, which are predominantly Aboriginal, also contribute to an environment that is more conducive to building respect and positive relationships. Ultimately, this directly affects the offenders' healing.

It should be noted that a number of offenders indicated that they had not been interested in their traditions prior to coming to the lodges. However, the exposure to their traditions and the Elders was very positive for these offenders and resulted in further interest in both their culture and healing. This is important to keep in mind when determining which offenders may succeed at Healing Lodges.



Spirit Wind Women's Hand Drum Group,  
Image Credit: Ryan Walsh

151 CSC Evaluation Report, *supra* note 144.

## **Concluding thoughts on creating a Healing Space in Toronto**

Parliament passed a law in 1992 that allowed Aboriginal communities to establish and operate Healing Lodges to help Aboriginal people transition from prison to freedom, and to take a lead role in overseeing their release and return to society. But in the 20 years since, only four agreements for new Healing Lodges have been finalized. That's added up to just 68 beds.

Despite the fact that the recidivism rate among those who graduate from the Healing Lodge programs is shown to be lower than those who come through the traditional prison system. Unfortunately the numbers of Aboriginal inmates requiring Healing Lodges far exceed the actual number of Healing Lodges. Little has progressed since 1992. It is fair to say that it seems that development and operation of the section 81 Healing Lodges are not proceeding in the way it was intended when the law was first created.

In an article for CTV News in March 2013 (12), Sapers spoke of the need for change as being urgent. He said, "In 1992 when the law was passed the situation was considered critical. Now it's dramatically worse. The status quo is not an option and if we don't address this we're going to have far higher numbers of Aboriginal offenders inside our institutions,"<sup>152</sup>

There is a great need for Healing Lodges, even more so today than in 1992, and especially for women. When such spaces are developed as a section 81 Healing Lodge by the Aboriginal community in Toronto, the ownership belongs to community, created for members of the community. This is the need that the Thunder Woman Healing Lodge hopes to address.

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152 Andy Johnson, "What is a 'Healing Lodge' and why does Canada's prison system need more?", *CTV News* (8 March, 2013) online: < <http://www.ctvnews.ca/canada/what-is-a-healing-lodge-and-why-does-canada-s-prison-system-need-more-1.1187338>>.

## **Personal Perspective**

From a personal perspective, I know how important that Aboriginal programming is to someone incarcerated or coming out of prison. For many it is the first opportunity to learn about Aboriginal culture and traditions. One can begin their healing journey through learning from Elders and other traditional people, such as taking part in ceremonies. Through applying traditional teachings to their daily lives the healing journey begins. Some may find the Red Road, others may just learn more about their culture and traditions. As it has been said one must know where one has come from to know where one is going.

In closing, I think of all that Art Solomon, who worked so actively on behalf of Aboriginal people in prisons in Canada, taught me and others. He reminds us that:

When Christopher Columbus landed in North America not one Native person was in prison, because there were no prisons. We had laws and order because law was written in the hearts and minds and souls of the people and when justice had to be applied it was tempered with mercy. The laws came from the ceremonies which were given by the spirit people, the invisible ones. As a people we were less than perfect as all other people are, but we had no prisons because we didn't need them. We knew how to live and we also knew how not to live.<sup>153</sup>

Our sisters, in our community need the opportunity to learn how to live and not to harm others. They need the opportunity to live with our laws and ceremonies so that there are chances to help balance their minds, hearts and souls with our laws. That way there is hope they can live in harmony with the community and the community can embrace them when they return.

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153 Cathleen Kneen & Michael Posluns, "Eating Bitterness: A Vision Beyond the Prison Walls : Poems and Essays of Art Solomon" (Toronto: NC Press, 1994).

## Appendix B1:

# Community Needs Assessment

The objective of the staff service and provider consultations was to introduce the research project and the vision for a s.81 Healing Lodge in the GTA and to ask for input, identify barriers, and discuss stakeholder considerations towards establishing a s.81 Healing Lodge. Stakeholders were identified through conversations with community experts at Aboriginal Legal Services Toronto, Native Youth Sexual Health Network, Public Safety Canada, and members of the Toronto Aboriginal Support Services Council. The following community consultation activities were completed:

### 1) 4 Staff and Service Provider Consultations

### 2) 1 Community Forum

### 3) 16 Individual Interviews

### 4) Community Focused Film

#### 1. Staff & Service Provider Consultations

4 Staff service provider consultations were co-hosted by Aboriginal Legal Services Toronto, Native Canadian Centre of Toronto, Native Women's Resource Centre Toronto, Native Men's Residence Toronto and Toronto Aboriginal Support Services Council. Correctional Service Canada (CSC) representatives from Toronto, Hamilton, and Kingston were also invited and attended. Invitations on TASSC letterhead were emailed to 14 Aboriginal and non-Aboriginal stakeholder organizations. A total of 40 representatives participated in a total of 5 sessions from the following 9 organizations (See Project Binder and USB key for a complete list of participants):

- 2 Spirited People of the 1st Nations
- Aboriginal Legal Services Toronto (ALST)

- Anishinawbe Health Toronto (AHT)
- Corrections Service Canada (CSC)
- Elizabeth Fry Toronto
- Native Men's Residence Toronto, Sagatay Program
- Native Women's Resource Centre Toronto (NWRCT)
- Miziwe Biik Aboriginal Employment and Training Organization
- Ontario Aboriginal HIV/AIDS Strategy

### The Consultations

The rooms were set-up in a circle format, an accepted format in the Aboriginal community to convey and promote collectivity. In consideration of the effort and spirit of coming to work together, each session began with a warm traditional meal catered by Aboriginal Flair. Project Research Manager, Rebeka Tabobondung welcomed the participants and explained the objectives of research project. The Corrections and Conditional Release Act (CCRA) and s.81 of CCRA was then further explained to the group by a representative from ALST or Rebeka. Over the course of the 4 staff and service provider consultations, Rebeka facilitated 3 talking circles and 3 sticky note exercises that addressed the questions below.

- I. What do you see as the barriers for Aboriginal women on their path towards rehabilitation and transition back into the community?
- II. What approaches and types of services should be available at the Healing Lodge?
- III. What do you see as the needs for Aboriginal women on their path to transition back into the community in a meaningful way?



## Appendix C1:

# Community Forum

### **AGENDA**

#### **Wednesday March 25 6:00pm to 8:30pm**

Indigenous Women & Justice: Visioning a s.81  
Thunder Woman Healing Lodge in the GTA

Guest panelists included:

Elder Wanda Whitebird,  
Ontario Aboriginal HIV/AIDS Strategy

Krysta Williams,  
Advocacy & Outreach Co-Coordinator, NYSHN

Christa Big Canoe,  
B.A., J.D, Legal Advocacy Director, ALST

Connie Hansenberger,  
Residential Manager, Elizabeth Fry Toronto

Sherene Razack,  
Ontario Institute for Studies in Education

6:00pm      Rebeka welcomes Guests.

Purpose of the evening: To introduce  
Community Members, Stakeholders,  
and Allies to discuss the vision for  
sec. 81 Thunder Woman Healing  
Lodge.

Thank NCC and TASSC for hosting  
the event.

Acknowledge traditional territories  
of the Missisaugas of New  
Credit, Anishinabek as well as  
Haudenosaunee Territories.

6:05-6:10      Rebeka welcomes Julie Bull: ED,  
Toronto Aboriginal Support Services  
Council (TASSC) who introduces  
TASSC.

6:10-6:15      Traditional Opening by Elder,  
Wanda Whitebird

Member of the Bear Clan and Mi'kmag  
Nation and dedicated advocate for  
Indigenous women and justice

6:15-6:45      FEAST Elders, pregnant women,  
and children first

Caterer Brenda from Aboriginal Flair

Children's Craft Table, Jennie Blackbird

6:45-6:55      Spirit Women Hand Drummers

6:55-7:00      Moderator Krysta Williams: Advocacy  
& Outreach Co-Coordinator of the  
Native Youth Sexual Health Network

7:00- 7:10      Krysta Williams to introduce guest  
panelists:

#### **Christa Big Canoe**

B.A., J.D. Aboriginal Legal Services  
of Toronto

Legal Advocacy Director

Christa is Anishinaabekwe, mother,  
and lawyer. She is passionate about  
Indigenous women and children's  
rights. Christa has been before all  
levels of court providing Aboriginal  
perspective and representation on  
issues that most impact Aboriginal  
people in Canadian law.

#### **Connie Hansenberger**

Residential Manager, Elizabeth Fry  
Toronto

Connie is an Ojibway woman working

with incarcerated Aboriginal woman for over twenty years. Connie's focus is on assisting Aboriginal Woman in transitioning back into the community in a positive way.

**Sherene Razack**

Ontario Institute for Studies in Education (OISE), U of T

Sherene is a professor in Department of Social Justice Education at the Ontario Institute for Studies in Education. Sharene's research interests focus on the area of race and gender issues in the law. Her book, *Dying from Improvement: Inquests and Inquiries into Indigenous Deaths in Custody* will appear in 2015.

Moderated by: Krysta Williams

8:00-8:10 Wanda to share insights and explain the origins of the Strong Women Song.

8:10-8:20 Spirit Wind to close with Strong Women Song

7:10-7:20 Christa Big Canoe

Explain Section 81 legislation: What it means, context, and the initial vision and role of ALST. Address why the Lodge needed and the step TASSC is taking to bring the community together to build support for it.

7:20-7:30 Sherene Razack

Broader perspective of colonialism and gender issues in the law and the role of allies in supporting the Sec. 81 Thunder Woman Healing Lodge.

7:30-7:40 Connie Hansenberger

Front-line experience. How can a sec. 81 support healing for Aboriginal women in the GTA? What are the practical barriers and possible solutions?

7:40-7:55 Questions from the community

7:55-8:00 Thank everyone for participating. Wanda Whitebird to share insights and close the evening.



Community Participants enjoying the Community Forum Feast, Image Credit Ryan Walsh

## Appendix D1:

# Interview Buffalo Sage Wellness House

Rebeka contacted Buffalo Sage Wellness House (BSWH) on several occasions to request for knowledge sharing and best practices on establishing the s.81 Healing Lodge with a specific focus on feasibility requirements.

Patti LaBoucane-Benson, The Director of Research at Native Counselling Services of Alberta recommended and coordinated a joint interview with Rob Davies: Director of BSWH and the Stan Daniels Healing Centre, and Allen Benson: CEO of BSWH and the lead on the development of BSWH.

A telephone interview took place on August 20, 2015

The following are notes generated from the interview.

### **Minimum Security Requirements**

The following topic of minimum security requirements were discussed:

#### **Building Requirements**

- Rob relayed that there was a set of standards that were put together with the building and there was additional agreements negotiated with public works that Rob offered to share.
- Rob to request for the documents to be shared with the TWHLP

#### **Offender Participation**

- The s.81 legislation requires that participating offenders be minimum risk. The BSWH offers the “In Search of Your Warrior” program as an opportunity for offenders to reduce their risk categorization to minimum so that they can enter the lodge.

### **Establishing the Buffalo Sage Wellness House**

BSWH is a 16-bed facility that has been in operation since 2010. The work of establishing BSWH goes back decades. The following are insights and recommendations from Rob and Allen based on best practices for the establishment of TWHLP.

- BSWH evolved out of Native Counselling Services of Alberta. Their networks through out the province have allowed BSWH to leverage resources.
- Native Counselling Services of Alberta is an agency grounded by shared principled teachings on healing.
- There was a long-standing relationship with key community stakeholders who shared a strong willingness to support and push the project through.
- Establishing the lodge was a joint effort that took a lot of will by all parties.
- There was initial dialogue with CSC and then a joint meeting to demonstrate shared support for BSWH.
- The initial proposal to establish the lodge was developed from scratch and then multiple draft stages were developed.
- It took one year to open BSWH. Committed stakeholders established a date and said, “We want to be open by such and such a date.”

## Governance

- BSWH is run through an appointed Board of Directors. The structure was established 45 years ago within the Indian Association and Métis Nations of Alberta.
- There are currently 7 board members that include representation from Elders and community. No less than 3 are Métis members and the entire board is Aboriginal.
- There is a strong belief built into bylaws that the board represents the vision and values of BSWH.

## Recommendations & Insights for TWHLP on Establishing a S.81 Healing Lodge

- Form a relationship with the regional deputy commissioner and corrections unit.
- Rob pointed to current RA for Aboriginal Initiatives in Ontario, Jamie Contois as a potential key stakeholder who is very dedicated to improving the plight of Aboriginal people within CSC.
- A brand new organization starting up to run this would be a real challenge.
- The key has to be working with an Aboriginal organization that is committed to healing.
- If it's a non-Aboriginal organization – it won't work.
- Collaboration can work.
- The organization that runs the Healing Lodge should be willing to commit to staffing and training and a good understanding of healing.
- Having connection to a good healing Elder is essential.
- Strong focus and strong vision is key.
- Both Rob and Allen offered to support and advance the TWHLP by sharing knowledge, information, connections, and influence.

## Funding Considerations

Rob and Allen acknowledged that funding levels were lower than government funded programs and it can be argued that there needs to be more funding. They pointed to the following considerations:

- “As an NGO you're never going to get the same levels of funding.” However negotiate upfront for the true cost of operations- and not compromising on absolutes such as Elder services and cultural programming.
- The valued approach and impact of BSWH sparks the attitude amongst program administrators that, “you're doing the right thing.”
- 30% of the individuals trained at BSWH are now working with CSC.

## Building and location of BSWH

- The location of BSWH is situated in an existing building that was in use as a youth transitional housing building run by Native Counselling Services and they gave up a piece of that building.
- There are 16 beds and there is a vision to expand. There is currently a wait list and they can easily fill more beds.
- Both operations share the kitchen for food services.
- The existing physical space was designed to be as private as possible. There is not a lot of community knowledge about the location of the space to avoid gang or other negative activities.

## Recommendations for Building and Location

- In order to encourage family visits the location needs to be in an accessible to bus and travel.
- Ensure accessibility to go outside for sweats and ceremony

## **Offender Participation**

In addition to S.81 minimum security requirements BSWH enacts the following protocols for offender admittance:

- BSWH maintains strict protocols that support healing informing offenders; “Don’t come unless you’re ready to commit.”
- Accepted offenders enter into a solemn agreement with the Elder to engage in the grandfather teachings.
- Because of the work that happens and involvement of community members- it’s a tight knit community.

## **Visitation for Mothers and Family**

Ensuring access to family visitation and child-friendly residential housing was discussed as an integral element for supporting Aboriginal women in a healing lodge setting. The following visitation procedures and protocols were shared:

- At BSWH, little ones live with their mothers.
- There are up to 3 children living at BSWH.
- Some children visit their mothers overnight.
- Including children within the healing program generates a positive experience for all- beyond the mother and child relationship. Everyone in the lodge kind of ‘adopts’ the child, which promotes a sense of family and community.
- BSWH also works closely with child welfare to ensure they are following protocol and regulations.

## **Release and Re-integration**

It was pointed out that release planning includes support for integration planning.

- Offenders stay until statutory release
- Once released they move onto dynamic community supervision.

- Support for transition could be strengthened with community parole supervision.

## **Evaluation**

There is a shared understanding and perception that BSWH has a high impact in the lives of offenders that far surpasses other detention facilities. BSWH has recently completed an evaluation study which measures outcomes in a soon to be released report.

- One way the positive impact is measured is by the high rate of release for day parole by the parole board, which has a 99.9% success rate.
- BSWH also points to high level of innovative grants it pursues that wouldn’t happen anywhere else.

## **Role of Media and Video**

Internally, Stan Daniels Healing Centre has established Bear Paw Communication, which uses media and video as a useful tool for evaluation and education.

- Video and filmmaking is a tool for evaluation and information sharing with CSC and offenders.
- Staff can use the video as a tool, which provides offenders with a better understanding of what the expectations are within programs.
- Offenders hear other offenders’ stories and become informed on how it can happen and how it can succeed.
- Short films cover areas of: legal education, research and evaluation, video as a vehicle to report the research.
- The films also document stories of successful reintegration and of the hard work of clients.
- No one else is going to tell our story- who else is better than the clients to tell our story?
- Media is also used as a tool for presentation and building public awareness.

