

# Addiction, Correctional Programming, and Rehabilitation of Canada's Federally Incarcerated Indigenous Individuals: A Trauma-Informed Explanation of the Failure of 'Pathways Initiatives'

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Recently the UN announced that 'the percentage of indigenous people in conflict with the justice system is extreme and in many places those numbers may be on the rise.'<sup>1</sup> Canada has not been an exception to this trend. Indigenous people of Canada have been overrepresented in Canada's criminal justice system, particularly in its correctional system. The experience has been similar to Indigenous populations in the US, Australia, and New Zealand.<sup>2</sup> The extent of the problem, nevertheless, was noticed several years ago by the UN when it pointed to 'disproportionately high rate of incarceration of indigenous people...in federal and provincial prisons across Canada.'<sup>3</sup> Canadian Human Rights Commission has also voiced its concern over this continuing problem.<sup>4</sup> This has been embarrassing for a country that has been dubbed 'a leader in promoting the international human rights agenda' by Michelle Bachelet the former UN High Commissioner for Human Rights.<sup>5</sup> Canada's Indigenous population is composed of three main groups: Inuit, First Nations, and Métis (those of mixed Indigenous and European ancestry).

Altogether, they make up only 5 per cent of Canada's population of 38 million. However, at present Indigenous men account for 32 per cent of all males in federal custody and Indigenous women for 50 per cent of all females in federal custody.<sup>6</sup>

Indigenous over-representation in Canada's federal prisons, which is known as the Correctional Service of Canada (CSC), has been a multi-faceted problem. A key factor, however, has been their high rates of addiction (97 per cent for women indigenous prisoners, 84 per cent for men).<sup>7</sup> Addiction, in turn, has been linked to a string of prison problems such as violence, overdose, and victimisation. Indigenous prisoners and nevertheless are provided with specific correctional programs to help them with their addiction. A key such program has been the 'Pathways Initiatives' (PI). It has been fundamentally about (re)introducing Indigenous persons to their traditional culture, which is believed by CSC to be of key importance in rehabilitating them ('healing'). The program, however, has been found to be ineffective by the Correctional Investigator (CI).<sup>8</sup> He has stated that its overall impact on reducing over-representation is negligible. Why did the program fail?

1. The United Nations, UN Chronicle. <https://www.un.org/en/chronicle/article/discrimination-aboriginals-native-lands-canada#:~:text=With%20inflated%20proportions%20of%20their,may%20be%20on%20the%20rise>
2. Barmaki, R. (2023). Risky justice of the law: The impact of risk-assessment tools on Aboriginal offenders' overrepresentation in Canada's federal prisons. *The Prison Journal*, 103(1), 68-90.
3. The United Nations. (2015). Concluding observations on the sixth periodic report of Canada. <https://www.refworld.org/docid/5645a16f4.html>.
4. Canadian Human Rights Commission. (2023). CHRC concerned by findings into overrepresentation of Indigenous people in prison. <https://www.chrc-ccdp.gc.ca/en/resources/chrc-concerned-findings-overrepresentation-indigenous-people-prison>
5. The United Nation. (2019). Canada "a welcome ally" in advancing human rights around the world—Bachelet. <https://www.ohchr.org/en/press-releases/2019/06/canada-welcome-ally-advancing-human-rights-around-world-bachelet>
6. Public Safety Canada. (2023). Parliamentary committee notes: Overrepresentation (Indigenous offenders). <https://www.publicsafety.gc.ca/cnt/trnsprnc/brfng-mtrls/prlmntry-bndrs/20230720/12-en.aspx>
7. Zinger, I. (2023). *Office of the correctional investigator annual report 2022-2023*. <https://oci-bec.gc.ca/sites/default/files/2023-10/Annual%20Report%20EN%20%20C3%94%20C3%87%20C3%84%20Web.pdf>
8. An independent Ombudsman mandated by *Corrections and Conditional Release Act (CCRA)* to investigate CSC to ensure prisoners' proper treatment. S/he reports to the Minister of Public Safety. Ivan Zinger is the current CI.

This paper provides a trauma-based answer to this question, i.e., by referencing the intergenerational traumatization of Indigenous people caused by the enduring racist and sexist colonial institutions and practices. The trauma has been indicated by social exclusion, cultural denigration, and a host of socioeconomic problems plaguing Indigenous communities (e.g. unemployment, criminality, addiction). These have often been the causes that have brought Indigenous people disproportionately into Canada's criminal justice system. The system has historically been a cornerstone of colonial settlement of Canada and traumatization of Indigenous communities.<sup>9</sup> Based on this theory, this paper offers four reasons the failure of PI: CSC's (mis)construction of a pan-Indigenous culture, its inconsistent implementation of PI, its non-compliance with PI due to racism and incompatible beliefs, and its overriding focus on security and risk-assessment. I will begin the paper by providing an overview of PI, then I will outline the four reasons for its failure, and finally I will end the paper by providing some concluding remarks.

### An Overview of PI

In addition to standard programs, Indigenous individuals receive special ones as mandated by CSC's legal framework - the CCRA. This is due to their specific needs caused by their traumatized lives. CSC's official approach to Indigenous persons is based on the 'Continuum of Care' model. The title is reflective of two interrelated phenomena: it is offered at all federal institutions to continually help them as they work their way out of the system, and it emphasizes the importance of a network of communal support for their eventual release. At the core of the model, however, is (re)introduction of individuals to their cultural heritage. It is believed by CSC to be the key ingredient in successful abandonment of addiction and related destructive behavior. Based on these ideas, nevertheless, two specific programs are offered to Indigenous persons that meet certain criteria: Healing Lodges and PI. PI was officially launched in 2001. The initial residential style PI units (ranges) were opened in 2002 at three medium-security institutions for males.

## Indigenous people of Canada have been overrepresented in Canada's criminal justice system, particularly in its correctional system.

The aim was to provide a Healing-Lodge style environment (that are offered in communities) for Indigenous persons inside institutions. In 2006 PI expanded to seven units, and to 25 units in 2009-2010. The most recent (2022-2023) accounts for PI indicate: a budget of \$3.6M, which is 5 per cent of CSC's budget for all Indigenous initiatives; 350 beds spread across 22 federal institutions; and 260 participants and 70 on a waiting-list. Most beds (about 200) are offered in Prairie Provinces (Alberta, Saskatchewan, and Manitoba) because they have the highest concentration of Indigenous prisoners.

PI is regulated by CSC's GL 702-1 — *Establishment and Operation of Pathways Initiatives*. It will be run by Indigenous Elders who are viewed as the repositories of traditional knowledge and indispensable for consultation about a variety of matters. It will be offered only to individuals who are addicts and demonstrate a genuine determination to rehabilitate. Essentially, the program aims to separate the selected individuals from the general population and to place them in designated ranges where a pro-healing environment devoid of substances exists. Mingling with the general population is viewed as a key source of forming problematic habits. Ideal participants are those 'who would stay no longer than one year prior to movement to lower security' (pp. 7).<sup>10</sup>

Participation in PI is a full-time commitment. To maintain their enrolment in PI participants must observe stringent requirements: abstinence from substances; no institutional charges; full engagement with Elders and the healing plan; participation in other programs deemed necessary; respectful behavior towards staff; and maintaining connection to community and forging a plan for the future. Participation in PI for males is based on the level of institutional security. *Maximum-security* institutions have a small number of beds allocated to preparing selected participants that are moving to medium-security PI. This is referred to as Pre-Pathways. *Medium-security* institutions are the main places where PI is most intensively delivered. They have a designated range for participants. *Minimum-security* institutions house individuals who have worked their way down from higher-security PIs and are

9. Barker, A. J., & Lowman, E. B. (2023). Settler colonialism and the criminalization of Indigenous people in Canada. In *Justice, Indigenous Peoples, and Canada: A History of Courage and Resilience* (pp. 37-60). Routledge.

10. CSC. (2013). GUIDELINES 702-1: *Establishment and operation of Pathways Initiatives*. <https://www.publicsafety.gc.ca/lbrr/archives/cd-702-1-gl-eng.pdf>.

preparing for community release. Those doing life sentences, which in Canada is usually a maximum of 25 years of incarceration, have little chance of being selected for PI. Women's institutions, as multi security-level environments, offer PI along with other programs.

Although PI was officially launched more than twenty years ago, the effectiveness of it has come under scrutiny since 2014. This is because the CSC is a powerful organization with the tendency to retain power and control. As such, it tries to keep its operations sheltered from outsiders. Its only regular governmental appraiser is the CI. However, the continuing overrepresentation rate, and the money that is spent on prison programs, periodically prompts other oversight bodies to also assess its operations. During such times it does its best to portray everything as normal. For example, in her 2017 meeting with the Standing Committee on Public Safety and National Security, Anne Kelly, deputy commissioner of CSC at the time, briefly pointed to the modest impact of PI. She stated that individuals enrolled in PI were 'more likely to transfer to lower security' (P2).<sup>11</sup> In the CSC's annual reports about Indigenous corrections they have provided more optimistic results. In the CSC's 2019-2020 report, for example, it pointed to 'positive results' such as fewer positive urinalysis results and higher rates of discretionary releases (P26).<sup>12</sup> In the CSC's 2020-2021 report they stated that 47.4 per cent of those who participated in PI received parole, and another 52.6 per cent were transferred to a lower security prison.<sup>13</sup> Similar upbeat results were reported by CSC's studies in

## The system has historically been a cornerstone of colonial settlement of Canada and traumatization of Indigenous communities.

2022 and 2023.<sup>14</sup> This information was gradually provided by CSC in response to the Office of Auditor General's<sup>15</sup> recommendation in 2016 that it should examine the extent of the effectiveness of PI.<sup>16</sup>

However, CSC's optimistic results have been doubted by the Auditor General, CI, and Indigenous Elders and prisoners. Auditor General's 2016 and 2017 reports contained unflattering references to PI. The 2016 report stated that Indigenous individuals had not had timely access to PI beds, that CSC had not examined if the existing number of beds were adequate to meet their needs, and that prison caseworkers had not documented the impact of PI on prisoners' successful reintegration into the community.<sup>17</sup> The 2017

report, which was produced with specific reference to CSC's female prisoners, also pointed to the inadequate and uneven provision of PI in female institutions.<sup>18</sup> Next to these reports have been evaluations provided in the CI's annual reports. Three of these reports (2014-2015, 2017-2018, and 2022-2023) contain references to PI. The findings of these reports, however, have been contrary to CSC's sanguine statements. According to the latest report by CI, no independent body has systematically evaluated the program: 'there has been very

little external scrutiny on how it operates, who it serves, or even whether it works' (pp. 100).<sup>19</sup> This is despite GL 702-1 mandate that PI should be 'reviewed on a regular basis by the Aboriginal Initiatives Directorate at National Headquarters'.<sup>20</sup> Despite the CSC's assertions of positive results, the authors research identifies failings with the PI system, for the following four fundamental reasons.

11. Parliament of Canada. (2017). *Minutes of proceedings of the standing committee on public safety and national security (Number 81 / 1st Session / 42nd Parliament)*. <https://www.ourcommons.ca/Content/Committee/421/SECU/Evidence/EV9205343/SECUEV81-E.PDF>
12. CSC. (2020). Indigenous corrections accountability framework (ICAF) annual report 2019-2020. <https://www.csc-scc.gc.ca/002/003/092/002003-0009-en.pdf>
13. CSC. (2021). *Indigenous corrections accountability framework (ICAF) annual report 2020-2021*. <https://www.canada.ca/en/correctional-service/corporate/library/indigenous/indigenous-accountability-report-2020-2021.html>
14. CSC. (2022). *2021-2022 Citizen advisory committees annual report*. <https://www.canada.ca/en/correctional-service/corporate/library/citizen-advisory-committees/annual-reports/2021-2022.html>; CSC. (2023). *Impacts of Indigenous intervention centre participation on institutional behaviour (2023 N° R-452)*. [https://publications.gc.ca/collections/collection\\_2023/scc-csc/PS83-3-452-eng.pdf](https://publications.gc.ca/collections/collection_2023/scc-csc/PS83-3-452-eng.pdf)
15. Is appointed by Parliament of Canada and audits operations and expenditures of federal agencies.
16. CSC. (2016). *Action plan to address the recommendations of the OAG performance audit of preparing Indigenous offenders for release*. <https://www.ourcommons.ca/Content/Committee/421/PACP/WebDoc/WD8148750/PACP-Sessional-ActionPlans/2016-Fall-OAG/Rpt03/37-CorrectionalServiceCanada-e.pdf>
17. Office of the Auditor General of Canada. (2016). REPORT 3: *Preparing Indigenous offenders for release— Correctional Service Canada*. [https://publications.gc.ca/collections/collection\\_2016/bvg-oag/FA1-2016-2-2-eng.pdf](https://publications.gc.ca/collections/collection_2016/bvg-oag/FA1-2016-2-2-eng.pdf)
18. Office of the Auditor General of Canada. (2017). *Report 5: Preparing women offenders for release—Correctional Service Canada*. [https://www.oag-bvg.gc.ca/internet/English/parl\\_oag\\_201711\\_05\\_e\\_42670.html](https://www.oag-bvg.gc.ca/internet/English/parl_oag_201711_05_e_42670.html)
19. See footnote 7: Zinger, I. (2023b).
20. CSC. (2013). Commissioner's directive 702-1: Establishment and operation of Pathways Initiatives. <https://www.canada.ca/en/correctional-service/corporate/acts-regulations-policy/commissioners-directives/guidelines/702-1.html>

## CSC's (Mis)construction of a Pan-Indigenous Culture

Although PI was officially launched more than two decades ago, its exact purpose remains unclear. Over the years CSC has indicated different goals for it. The confusion surrounding the goal of the program reflects CSC's inability to clearly define Indigenous culture and to measure its effectiveness in rehabilitating prisoners. This has to do with the diversity of Indigenous communities and beliefs. Métis culture is a fusion of 'First Nations (Cree, Saulteaux, Dene and Dakota), French-Canadian (*Canadien*), and European (Scots/Orkney)' cultural elements.<sup>21</sup> A key *Canadien* influence has been a variation of Catholicism that is rooted in veneration of the Virgin and based on pilgrimages such as those to St. Laurent de Grandin. Inuit live in four Arctic regions: Inuvialuit, Nunavik, Nunatsiavut and Nunavut. Despite having shared cultural principles, however, these regions have their own intra-cultural differences and differences with other Indigenous communities.<sup>22</sup> Furthermore, because of European settlers' missionary work, over the years many of them have converted to Christianity. First Nations, however, present the most formidable barrier with regards to defining Indigenous culture: 'There are over 630 First Nations communities in Canada, which represent more than 50 Nations and 50 Indigenous languages'.<sup>23</sup> This prohibits even the provision of a unitary representation of First Nations cultural traditions let alone 'Indigenous' in general.

CSC's approach, therefore, has been to construct a 'pan-Indigenous' culture to satisfy its bureaucratic need for a standardized approach to all cases (pp. 5).<sup>24</sup> Its presentation of Indigenous culture, within the context of PI at least, is limited to the following statements:

- ❑ 'Pathways is an Elder-driven intensive healing initiative based on the Indigenous Medicine Wheel, also known as the Four Directions Medicine Wheel'.

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- ❑ 'The Medicine Wheel represents the cycle of life from conception to return to the spirit world. It reflects that cultural teachings and ceremonies are: core aspects of Indigenous identity; critical to the healing process'.
- ❑ 'The Medicine Wheel...helps individuals achieve balance in emotional, mental, spiritual and physical realms to measure overall wellness day-to-day. The symbol of the circle holds an important place with regard to Indigenous spiritual values. Indigenous people pass culture down from generation to generation orally rather than in writing. The importance of the circle has always been manifested in art and ceremonies. Men and women nourish themselves and move in the world in a continual circular or spiral-like motion. This circle is often referred to as the medicine wheel. Human beings live, breathe and move by putting the circle into motion. Following these precepts, each person can one day learn to live in communion with their environment.'<sup>25</sup>

There are several important problems with this construct. Firstly, it is mainly based on some of the cultural beliefs of only one Indigenous Nation: the Cree. Secondly, it is an incomplete depiction of those beliefs.<sup>26</sup> Thirdly, it helps to ignore the necessity of finding the appropriate Elders that culturally and linguistically match diverse groups of individuals. Consequently, often culturally mismatched Elders and prisoners encounter and communicate in English, which results in miscommunication of fundamental ideas. These problems, nevertheless, result in the ineffectiveness of PI to the point of even producing its vaguely defined goals.

### CSC's Inconsistent Implementation of PI

There is a second reason for the ineffectiveness of PI. The CI has attributed PI's 'positive' results (as proclaimed by CSC) to the fact that only individuals

21. Indigenous Saskatchewan Encyclopedia. [https://teaching.usask.ca/indigenoussk/import/metis\\_culture\\_and\\_language.php#:~:text=Traditionally%2C%20the%20M%C3%A9tis%20were%20very,resent%20day%20Duck%20Lake](https://teaching.usask.ca/indigenoussk/import/metis_culture_and_language.php#:~:text=Traditionally%2C%20the%20M%C3%A9tis%20were%20very,resent%20day%20Duck%20Lake)

22. Searles, E. (2008). Inuit identity in the Canadian Arctic. *Ethnology*, 47(4): 239-255.

23. Government of Canada. (2024c). *First Nations*. <https://www.rcaanc-cirnac.gc.ca/eng/1100100013791/1535470872302>

24. See footnote 7: Zinger, I. (2023b).

25. CSC. (2024b). *Correctional programming for Indigenous offenders*. <https://www.canada.ca/en/correctional-service/programs/offenders/indigenous-corrections/correctional-programming-indigenous-offenders.html>

26. Barmaki, R. (2022). On the incompatibility of 'western' and Aboriginal views of restorative justice in Canada: A claim based on an understanding of the Cree justice. *Contemporary Justice Review*, 25(1): 24-55.



who have had minimal needs for improvement have usually been admitted to it. These individuals could have easily been released from prison or transferred to the custody of an Indigenous community (as recommended by s81 of CCRA). This has been, nevertheless, attributed to CSC's high bar for admission and continued enrolment in the program. This has in fact been a key source of exclusion of many individuals with real problems who have wished to participate in the program. An important consequence of this, has been that access to PI has effectively been transformed from a legal 'right' (of all Indigenous individuals to preferential treatment due to their traumatic history) to a 'privilege' (that has been granted at the discretion of correctional staff). Based on this, the CI found that PI was in fact accommodating too small of a population to make any tangible difference. The problem has been exacerbated by the small number of beds allocated to PI to begin with. In its latest report Canada's Standing Senate Committee on Human Rights has demanded that CSC 'increase the number of spaces in the Pathways program to ensure all eligible federally sentenced Indigenous Peoples may participate' (pp. 27).<sup>27</sup> This demand is in line with the legal rights of federally incarcerated Indigenous persons to have their traumatic pasts addressed by CSC through specific programs.

The CSC's discretionary power to choose PI's participants has given rise to another difficulty. Despite stringent admission rules, often PI cells are given to unsuitable individuals to either deal with the problem of overcrowding or to get rid of troublesome prisoners. Either way, such prisoners, who are there against their own wishes and have no intention of rehabilitation, are usually a major source of disruption for PI activities. A major type of disruptive activity is drug-use, which vitiates a key element of PI and is in contravention of CSC's 'zero-tolerance' (for drug-use) admission policy to it. There has also been the problem of prisoners' opportunistic behavior to join PI. Some Indigenous persons try to join because of the perceived advantages of it such as having an easier time in a less crowded prison range or to increase their chances of early release. These prisoners, neither have any intention to rehabilitate nor believe in Indigenous

culture. Sometimes even non-Indigenous persons feign having Indigenous ancestry to access the program for its perceived benefits. This is sometimes possible given that claims of Indigenous identity in Canada is mainly on self-report basis. Due to these problems in CSC there has been a significant degree of inconsistency in the implementation PI.

### **CSC's Non-Compliance with PI Due to Racism and Incompatible Beliefs**

The third reason for the ineffectiveness of PI is most correctional institutions are non-compliant with its key elements and do not fully recognize prisoners' healing efforts. There are two main causes for this:

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communities.

institutional racism, and incompatibility of CSC's and Indigenous beliefs. CSC is still imbued with a racist culture, which often results in dislike for Indigenous prisoners. CSC staff have been known to show their dislike for them by mistreating them. Prisoners' objections to staff's racist mistreatment are often countered in a variety of subtle ways by the staff such as filing institutional charges of 'verbal assaults' against them. Sometimes the dislike is expressed subtly through filing complaints about various aspects of Indigenous practices. For example, at a particular penitentiary the CSC staff

complained—under section 127.1 (1) of Canada's *Labour Code*—about the Indigenous practice of smudging as 'second hand smoke'. CSC's efforts to eradicate institutional racism have not been entirely successful. This has been particularly true with reference to PI staff. The federal government has mostly neglected the issue. The only reference to PI in Government of Canada's 2024-2025 Departmental Plan for CSC cautiously points to this problem by indicating that 'CSC will also complete the first round of new training for the Pathways initiative'.<sup>28</sup> The 2023-2024 Departmental Plan made no reference to PI at all. Neither did the Plans for the four years preceding that. Indigenous prisoners have also complained that they have been disrespected by having been denied their own traditional food and having been forced to eat CSC's Western food.<sup>29</sup> This is in line with their broader

27. The Standing Senate Committee on Human Rights. (2021). *The human rights of federally-sentenced persons* (2021). [https://sencanada.ca/content/sen/committee/432/RIDR/reports/2021-06-16\\_FederallySentenced\\_e.pdf](https://sencanada.ca/content/sen/committee/432/RIDR/reports/2021-06-16_FederallySentenced_e.pdf)

28. Government of Canada. (2024a). 2024 - 2025 departmental plan. <https://www.canada.ca/en/correctional-service/corporate/transparency/reporting/departmental-plan/2024-2025.html>

view of the correctional system as a tool at the service of Canada's enduring colonial project of eradication of Indigenous culture.<sup>30</sup>

CSC staff also depreciate Elders who run PIs. This is because Elders tend to engage in decolonizing work that challenge CSC's assumptions and methods. For instance, Elders' view of Indigenous individuals contradicts CSC's view of them. The latter views them as criminals who deserve punishment. The former views them as oppressed communities of brothers and sisters who have been ruinously severed from their culture and need to be integrated back into it. Put differently, the CSC's view is retributive while that of Elders' is restorative.<sup>31</sup> Such communal view is deemed by Elders to be of utmost importance for reforming Indigenous prisoners. This is because while institutionalized they live by an antisocial 'inmate code' that promotes their selfish wishes.<sup>32</sup> Standard procedures of CSC, therefore, appear to Elders only as ancillaries of continuing colonial methods of destroying Indigenous communities. Given their overall anti-CSC sentiments, furthermore, Elders are often ignored by CSC staff. This is in fact in contravention of CCRA, which mandates that CSC is to consult Elders when providing correctional services to Indigenous individuals. Moreover, in line with the bureaucratic demands of CSC, Elders are often expected to write formal reports about their progress with prisoners. Such reports often require the use of special forms, technical terms, or complex computer software that they are not familiar with. As a result, they find themselves allocating the time that they should give to interacting with prisoners to time-consuming administrative duties such as report writing. These trends have caused worries among concerned third parties such as the Criminal Justice Section of the Canadian Bar Association. It has complained that it remains unclear who exactly is responsible for recording Pathways progress in casework files and if Elders' reviews are actually included in the Offender Management System.<sup>33</sup> Additionally, Elders work as contract employees under precarious work conditions such as low pay, low job security, and lack of institutional care. These often

negatively impact their morale and quality of their performance. Due to the aforementioned obstacles, and contrary to the official mandate of CSC, in 2022-2023 only one PI program was headed by an Elder. Under such circumstances (i.e., where an Elder is lacking) participants of a PI program are expected to fill their time with other standard CSC programs. However, frequently the space in such programs is limited and Indigenous persons end up with ample idle time that they spend on unproductive pursuits.

A further reason for the undermining of the Elders by many of the CSC's staff has been their belief in the superior viability of standard correctional knowledge (e.g., programs and risk-assessment) compared to those of Indigenous people. This is because the former has been viewed to be based on scientific principles while the latter has been denied such status. Scientific knowledge has been a part of Canada's modern correctional system since its gradual emergence in mid-nineteenth century. Currently, the use of science is an unquestioned part of CSC. In fact, it has a 'Research Branch' that conducts 'applied social science research' in support of its correctional operations.<sup>34</sup> Four decades ago CSC first allowed Indigenous practices inside its institutions. This was in line with Canada's longstanding colonial views that had dismissed Indigenous culture as primitive beliefs that had to be replaced by European culture (a task for which the infamous Residential Schools had been designed). It took a hunger strike by two Indigenous prisoners in 1983 to create enough public attention for Indigenous practices to be allowed by CSC.<sup>35</sup> The hunger-strike was in line with the Indigenous prisoners' protests since the 1960s to achieve freedom from colonial rule.<sup>36</sup> Programs based on Indigenous culture, nevertheless, were not officially mandated until 1992 by CCRA and in 1995 by the Commissioner's Directive (CD) 702. These events point to a deeper problem that CSC is unable to resolve. It is the problem of incompatibility of its 'scientific' knowledge and that of the Indigenous knowledge which is fundamentally 'traditional'. This issue is of utmost significance when it comes to creating programs based on Indigenous beliefs, because such

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29. Wilson, A. (2023). Unpacking the prison food paradox: Formerly incarcerated individuals' experience of food within federal prisons in Canada. *Studies in Social Justice*, 17(2): 280-305.
  30. Venczel, E. (2023). Settler colonialism and prisons: A comparative case study of Canada, Palestine, and Australia. *Settler Colonial Studies*, 11: 1-20.
  31. Quantick, R. (2018). Elders and Indigenous healing in the correctional service of Canada: A story of relational dissonance, sacred doughnuts, and drive-thru expectations. In *Looking Back and Living Forward: Indigenous Research Rising Up* (pp. 231-244). Brill.
  32. McKendy, L., & Ricciardelli, R. (2021). The pains of imprisonment and contemporary prisoner culture in Canada. *The Prison Journal*, 101(5): 528-552.
  33. The Canadian Bar Association. (2023). Make pathways for Indigenous inmates more accessible. <https://www.cba.org/Our-Work/cbainfluence/Submissions/2023/August/Make-Pathways-for-Indigenous-inmates-more-accessib>
  34. CSC. (2024c). Research at CSC. <https://www.canada.ca/en/correctional-service/corporate/research.html>
  35. Ewert, J. (2022). Taming the moose: The colonialism of Canada's subordinated Indigenous prisoner population in the 21st century. *Journal of Prisoners on Prisons*, 30(2): 54-63.
  36. Rymhs, D. (2012). Word warriors: Indigenous political consciousness in prison. In *Cultural grammars of nation, diaspora, and indigeneity in Canada* (pp. 229-244). Wilfrid Laurier University Press.

programs often try to combine elements from incompatible paradigms. A key example, which is related to PI, is combining incompatible notions of 'progress' (as held by CSC) and 'healing' (as held by Indigenous communities).

In corrections prisoners' 'progress' denotes a linear attainment of certain competencies (cognitive, moral, educational, etc.) within a limited timeframe. Examples are avoiding violence, learning anger-management techniques, or obtaining a high-school diploma. Such virtues, are expected to be gained through personal efforts and participation in various programs. Those with high levels of such competencies are estimated to be of lower 'risk' for criminality. Such estimations are believed to be impartial and accurate because they are produced by risk-assessment scales that are believed to be 'scientific', i.e., 'empirically based, objective, transparent, and reliable' (pp. 4).<sup>37</sup> As such, these scales are the 'established markers of progress and rehabilitation for decision-makers' (pp. 104).<sup>38</sup> This is regardless of the controversial nature of such scales and claims. The scientific measurability of prisoners' 'progress', nonetheless, is essential to CSC for two main factors. Firstly, as an accepted scientific measure, it is used as a legitimate basis for various decisions made about prisoners. As required by law, officials must have legitimate evidential bases for their decisions. Appeals to 'science' does the trick as it is believed to be objective and reliable. Secondly, demonstrating prisoners' improvement is essential if officials and staff are to protect their interconnected personal and institutional interests (e.g., securing positions or bigger budgets).

'Healing' however, is a traditional Indigenous idea that represents a slow, open-ended movement along a nonlinear path that is marked by trial-and-error (a 'journey'). At its core it is a dialectic of an 'awareness' and a 'practice'. As an 'awareness' it results from (re)learning Indigenous knowledge. As such, it is the gradual illumination that a 'healthy' life takes place

when various needs of individuals are adequately and harmoniously met. Put differently, it is the awareness that a 'balanced' life (no deprivation, no excess) is key to a good life. As a 'practice' it is the actuality of providing individuals with what they need to live good lives (e.g., adequate food, shelter, jobs). As such, the healing journey requires time, guidance, resources. It may also take different amounts of time for different individuals to complete it. There are no actuarial markers of its occurrence or completion within Indigenous knowledge. For each individual it remains an 'internalized selfawareness' that they reach at their own pace (pp. 231).<sup>39</sup> A concept of 'health', furthermore, represents a more comprehensive definition of health than CCRA's narrowly conceived

notion of 'essential health'.<sup>40</sup> Based on the biomedical paradigm, it is a conceptualization of 'health' as absence of physical disease brought about by curing a diseased person (a patient) by responding to his/her immediate needs. These needs are defined even more narrowly, and arbitrarily, by various CSC institutions. These definitions exclude socioeconomic factors that are fundamental to the health of individuals.<sup>41</sup> It basically amounts to 'prescribing an assortment of pills' for everything.<sup>42</sup>

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certain  
competencies  
(cognitive, moral,  
educational, etc.)  
within a limited  
timeframe.

### CSC's Overriding Focus on Security and Risk-Assessment

There is a fourth reason for the ineffectiveness of PI. Given their penchant for security, CSC staff regularly report that the progress made on healing plans does not translate into CSC's risk-assessment tools. The institutional tendency, therefore, is to redefine and deliver Indigenous practices in line with the standard correctional programs while keeping the façade of Indigenous programming. A subtle, yet key aspect of this process is that access to such programs, like all correctional programs, becomes a matter of 'privilege' rather than 'right'. This means that Indigenous persons should be able to show that they have done enough

37. Gutierrez, L., Helmus, L.M., & Hanson, R.K. (2017). *What we know and don't know about risk assessment with offenders of Indigenous heritage*. <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2017-r009/2017-r009-en.pdf>

38. See footnote 7: Zinger, I. (2023b).

39. See footnote 45: Quantick, R. (2018).

40. section 86[1a]

41. Scallan, E., Lancaster, K., & Kouyoumdjian, F. (2021). The "problem" of health: An analysis of health care provision in Canada's federal prisons. *Health*, 25(1): 3–20.

42. Anonymous Prisoner 19. (2017). Drumheller institution. *Journal of Prisoners on Prisons*, 26(1-2): 189-189.

rehabilitative work to have earned the permission to participate in these programs. Furthermore, in case of a scheduling conflict between PI and standard programs, which is often, the former is usually given less priority and put aside. As a result, PI participants often face a dilemma: they must choose between engagement in healing (for personal improvement) and participation in standard correctional programs (to improve their chances for early release). They are, after all, subject to periodic Security Classification Reviews (SCR) in which participation in PI plays little to no role. Oddly enough, this is in contravention of Commissioner's *Directive (CD) 710-6 — Review of Inmate Security Classification* that recommends that every six months there should be a SCR for each PI participant. However, the *Directive* is often carelessly carried out given CSC's staff's large caseloads and their dismissal of PI's importance as a legitimate program. This is especially so in the case of PI-staff who are expected to write more reports to ensure that participants make rapid progress in line with the initiative's guidelines. In addition to the inadequate job done by the staff on Indigenous prisoners' SCRs there is a further problem. Such evaluations are based on risk-assessment tools developed for non-Indigenous individuals (mostly heterosexual, Caucasian males). Government of Canada's 2024-2025 Departmental Plan on CSC indicates that CSC has for the first time asked University of Regina to develop a risk-assessment tool specifically for Indigenous individuals. However, there is a good

chance that the process will not be sufficient to cover the variety of Indigenous cultures.

In conclusion, this paper discussed four reasons for the failure of PI: CSC's formulation of a pan-Indigenous culture, its uneven operation of PI, its deviation from PI's principles due to prejudice and discordant beliefs, and its concentration on security. CSC should deal with these problems if it is to improve the effectiveness of PI. Firstly, it should offer a variety of PI programs that consider Indigenous communities' cultural differences. Secondly, it should try to increase the consistency of the implementation of the program across its institutions. It could do this by providing more PI ranges, assigning more suitable individuals to them, and increasing the number of its trained staff. Thirdly, it should address the lingering racism permeating its institutions. Indigenous people and their cultures should be treated with respect. CSC should also end furtive use of official procedures and technicalities by the staff for exercising racism. Additionally, it should ensure its staff's compliance with various elements of PI. This includes its underlying cultural beliefs and Elders' activities. Fourthly, it should harmonize its security concerns with the rehabilitative aims of PI. This would also require harmonizing its 'scientific' ideas and practices with Indigenous 'traditional' beliefs. Future research can investigate CSC's efforts in these regards. These suggestions may be of significance to other countries that have high rates of incarcerated Indigenous populations.