



211 YONGE STREET

# Justice Journeys

**An ethnographic dive into what life is like for Indigenous people journeying through the Criminal Justice System in Peterborough & Toronto, Ontario**

Research by:



Supported by:



Department of Justice  
Canada

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Canada



**People we spent time with agree that not getting jail time is good, but what happens next may not be enough to help even the most willing offenders to avoid future charges. The landscape in Toronto and Peterborough is decidedly different, but in both cases, adequately intensive, frequent, and ongoing Indigenous supports are rare finds.**

Since the introduction of Gladue factors, The Canadian Department of Justice has observed no significant results: "Compared to all other categories of accused persons, Indigenous Canadians continue to be jailed younger, denied bail more frequently, granted parole less often and hence released later in their sentence, over-represented in segregation, overrepresented in remand custody, and more likely to be classified as higher risk offenders. (Parkes 2012; Green 2012 cited by the Canadian Department of Justice).

Those we spent time with who had realized the most significant changes in their relationship with the CJS could point to a particular moment, characterized by beauty, a surprising amount of care, and often,

**46%**

of new admissions to youth correctional services in 2017-17, were Aboriginal.

**27%**

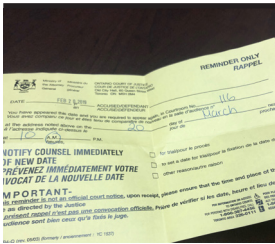
of prison populations were Aboriginal in 2016/17, up 8 percentage points over the previous decade.

Indigenous people playing roles in the justice system, or other supports.

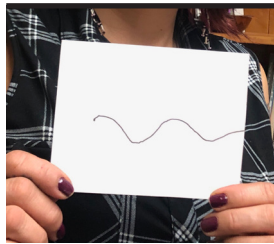
Some are stopped in their tracks by system barriers: hard to keep appointments, impossible conditions, and insufficient supports pre-sentencing. Others have such negative experiences and associations with the CJS that they don't see it as a place for healing or restoration, and don't leverage system supports to those ends, which left us asking, how can we create more *moments* of reconciliation?

This research isn't a comprehensive or generalizable account. Our aim is to spark novel conversations between people and organizations. How might we reframe challenges and generate 'what could be?' In this leaflet, we share our process & learnings.

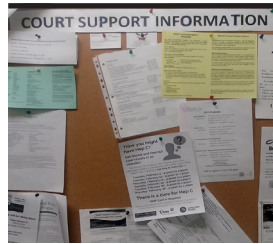
## research



**Feb 21** Getting a tour of Gladue Court & surrounding services from a regular.



**Feb 22** At TO Native Child & Family Services learning how Sandra got unstuck from CJS.



**Mar 4** Meeting old friends and new at the Ptbo Provincial Courthouse.

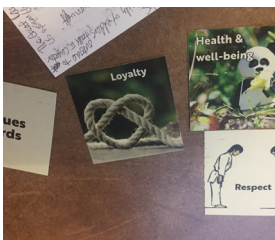


**Mar 5** Coffee at Ptbo Police in the morn, ride along at Curve Lake Nation in the aft



**Mar 6** At a drop-in, playing crib with a first time offender & a hopeful last time offender.

**In 7 days, we spent time with 21+13+8 people including 12 longer conversations with Indigenous-identified people who have been charged.**



**Morris (50s)** The CJS has Morris feeling stuck. He's pulled himself into recovery, is dealing with his grief by cobbling together a daily schedule of support groups, and returning to school for social work. But, he can't afford the fine to get his trucking license back, his main source of income, and, who will hire him after graduation, with his record?



**Angela (53)** The best supports since she got this new string of charges have been the drum-making that the reserve let her join, even though it's not her nation, and the 10-week "Seeking Safety" program, because, it brought her together with other women who understand what it's like. She wishes she could access more good stuff. These charges have got her "feeling low."



**Dorothy, Elder** She enters the court with a talking stick and smudging ceremony tools to signal listening & healing, not judging. When she speaks, everyone listens. She's been leading sentencing circles for over 15 yrs, travelling to meet offenders and their families in order to hear their stories. Gentle & firm, st times fiery, she conveys Indigenous context to prosecutors & judges.

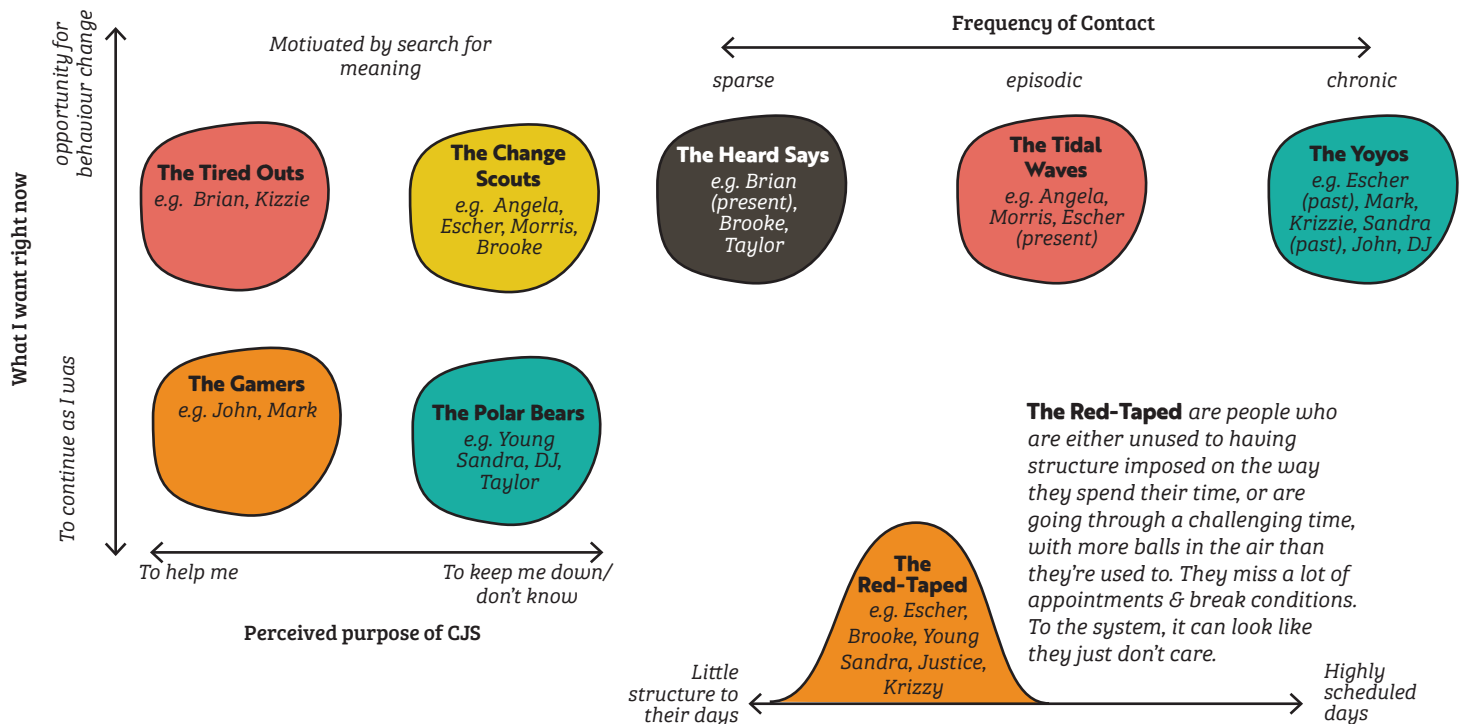


**John (55)** John's in it to win it, and he's in it a lot with an estimated 120 charges over 39 years. Beating jail time has become an area of mastery for him. As he says "it's all part of the game." In quieter moments he expresses fears about his physical health and talks about the importance of fitting in and being respected. Beating the system makes him feel good.



**Taylor (19)** Taylor joins a men's drumming group where a lots of the guys have records. Now he's about to have his own. He told his lawyer he wanted to fight it, but they tell him again and again he "should plead guilty." He doesn't trust them at all. He knows Indigenous incarceration rates and declares the system is rigged. A chorus of fellow drummers agree.

**We segment people in different ways to find compelling groupings to design with & for. What do Morris & Angela have in common? They both want a stable life and value Indigenous supports that connect them with others, but see the Justice System as keeping them down.**



**One of many themes, was the way that barriers around approaches to time are baked into the system, and persist even in many alternative approaches, frustrating people with good intentions.**

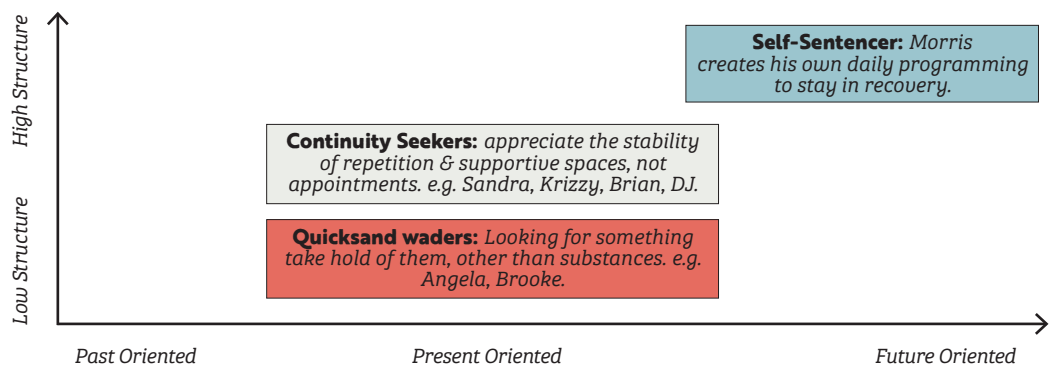
The phrase “doing time” encapsulates this long held assumption that we pay for our transgressions by giving up the right to our own time. For some Indigenous people, this goes even deeper, because they come from a tradition that conceptualizes time differently. For those living precariously and with

addictions, the notion of time as a thing to schedule, divide, and master, may seem like a losing bet. What lots of people we met sought and held most dearly was the agency to make their own choices about how their time is spent, from moment to moment, even with very limited options.

**Journeys out of the CJS may look less like “doing time” than expanding options for one’s relationship to time.**



For people like Angela and Brooke, time is a huge stressor. In the face of a deadline to remove her kids from temporary care, she is “immobiliz(ed).” Completing her probation requirements is a timeline she’s losing at mostly because she copes with the stress about her children by increasing her drug use.



**We generated 25 ideas across 5 opportunity areas, all to spark dialogue & debate. Here are three:**

## Justice as Deep Connection

for: Yoyos, Tidal Waves, Change Scouts, Red-Taped

What would it look like to amplify, spread, and prioritize sentencing options that are about creating the conditions for deep connection? These sentencing options could support people in developing self awareness, repairing relationships, gaining exposure to positive and Indigenous social networks, taking thoughtfully planned trips to the land, and learning and practicing traditional cultural practices alongside others?

featured idea

### Traditional Fellowship

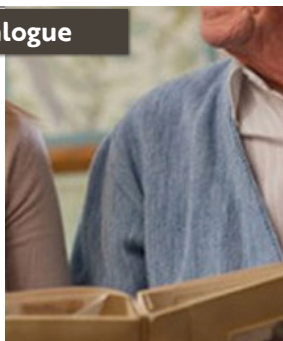


*What if an alternative sentence could be a highly structured months-long residential course in traditional teachings and practices, almost like a Master's. Hosted by reserves in partnership with Indigenous learning institutions. Instead of a thesis, fellows choose ways to give back to the community over the following year.*

featured idea

### 21st Century Courtroom Catalogue

*A book of ideas and guidelines to help judges & staff establish a positive courtroom culture, which actively demonstrates new ways of interacting, and makes Indigenous worldviews manifest in rituals, routines, and furniture set-up.*



## Justice as Restoring Beauty

for: Heard-Says, Polar Bears, Gamers

At their best, Aboriginal Alternatives replace shame with empathy, hopefulness, and a path forward. However, they are not designed at the level of the interaction, so each courtroom dishes up a different experience. What if all courtrooms were intentionally designed experiences, using moving rituals, protocols, and ceremonies based in Indigenous culture and traditions to open up a new set of interactions?

## Justice as Listening

for: Tidal Waves, Heard-Says, Polar Bears

When a courtroom hears a Gladue report, the person charged's story include long-established facts of the colonial experience. But after that, the courtroom snaps back into a more traditional mode of operation, re-establishing power dynamics that feel more familiar to that colonial experience. What if the courtroom, and the justice system more generally, developed new ways to perform the act of listening and made learning visible?

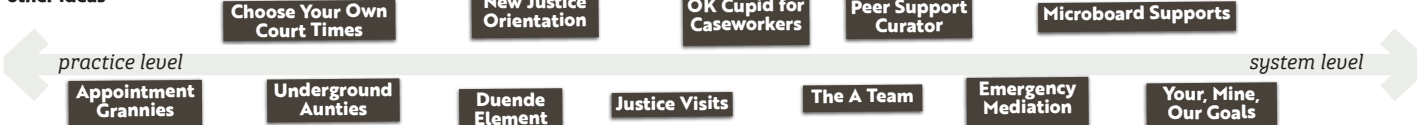
featured idea

### A Different Justice



*What if judges, lawyers, and other justice professionals did yearly professional development/continuing education at Friendship Centres & Reserves to encounter alternative frameworks for justice, restoration, and safe communities?*

other ideas



**visit [www.inwithforward.com](http://www.inwithforward.com) to see all segmentations, opportunity areas, emerging insights and ideas.**

This Quick Dive was in partnership with the Department of Justice of Canada. Quick Dives are 2 week periods of ethnographic research, synthesis, reflection and playback.

Our research team draws out insights and opportunities, all with the intent of gaining momentum for longer-term change.