

## Objectives

The proposed project will provide insight into the priorities and experiences of incarcerated Indigenous women with children in the Canadian criminal justice system. It will identify the mental, spiritual, physical, and relational implications of incarceration for Indigenous mothers using a community-based research methodology that centers the voices of previously incarcerated Indigenous mothers. By examining the commonalities and distinctions in their lived experiences, we can provide meaningful and culturally appropriate recommendations for programming and policy development. Combining qualitative narrative and Indigenous methodologies, we aim to (1) examine the impact of incarceration on previously incarcerated Indigenous mothers, (2) explore their perceptions of the Canadian legal system, (3) identify the unique needs of this population in the criminal justice system, and (4) inform new and existing policies and services directed towards criminalised Indigenous mothers. Through a collaborative partnership with these women and several key Indigenous-centred organisations, the knowledge generated will be used to inform and develop decarceration programming and supports for previously incarcerated Indigenous mothers. These programs and supports are essential in establishing concrete measures to reduce the overrepresentation of Indigenous women in the Canadian criminal justice system, now and into the future. This project will contribute significantly to our understanding of the experiences of Indigenous mothers in the criminal justice system and is imperative in order to create meaningful, impactful, and sustainable policy and programming for this marginalised population.

## Context

Over the last decade, the number of incarcerated Indigenous women within Canada's federal prisons has increased by nearly 60 per cent (Zinger, 2018). Despite comprising only 5 per cent of the general population, nearly 40 per cent of women incarcerated in federal institutions identify as First Nations, Métis, or Inuit (Vecchio, 2018). More than half of these women also identify as single mothers of multiple children (National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019), extending the scope of incarceration's impact across generations and further emphasising the relationship between gender and incarceration. Maternal incarceration can contribute to a range of issues across the lifespan including mental health issues, increased risk of mortality (Dowell, Mejia, Preen, & Segal, 2018), poverty, and social exclusion (Cho, 2010). Children with incarcerated mothers are more likely to be separated from both of their biological parents, relative to paternal incarceration, and adult children with an incarcerated mother are 2.5 times more likely to be incarcerated than those with an incarcerated father (Dallaire, Zeman, & Thrash, 2015). This further emphasises the disparate impact of maternal versus paternal incarceration on a child and the need for programs targeted towards supporting this population. The dissolution of the parental rights of Indigenous women in custody has also been associated with the overrepresentation of Indigenous children in the foster care system, perpetuating a cycle of family separation, displacement, and trauma (Barker, Alfred, & Kerr, 2014; Navia, Henderson, & First Charger, 2018). While official statistics are not routinely collected, it is estimated that over 70 per cent of federally incarcerated women are parents of minor children, many of whom were primary caregivers prior to their detention (Elizabeth Fry Society, 2013; McCormick, Millar, & Paddock, 2014). These findings illustrate a portion of the maternal-specific impacts that incarceration has on a child, further emphasizing the need for programs targeted towards supporting women with children as they transition from prison to society. Yet, there remains a dearth of knowledge relating to the experiences of Indigenous mothers in the Canadian prison system (Hannem & Leonardi, 2014).

The issue of overrepresentation of Indigenous women in the criminal justice system cannot be examined without an informed understanding of the historical, political, and social conditions that

continue to marginalize Indigenous women in Canadian society. The legacy of colonisation, including the inter- and intragenerational trauma resulting from the residential school system, disconnection from land, and loss of culture have been defined as significant determinants of the mass incarceration of Indigenous people in Canada (Navia et al., 2018). The Indian Act of 1876 and its discriminatory policies toward Indigenous women, including denying Indian status to women who married a non-Indian man and their children (Lavoie & Forget, 2011), are another example of how racism, colonisation, and gender-based discrimination unjustly impact Indigenous women. Although both Indigenous men and women are incarcerated at disproportionately high rates, Indigenous women face a distinct set of challenges once they are placed into the prison population. For example, Indigenous women are less likely to receive mental health care while incarcerated due to the limited availability of culturally-safe programs and the lack of access to appropriate mental health services for women who have experienced physical and sexual abuse (Zinger, 2018). The lack of adequate societal and community level supports for female Indigenous prisoners upon release is a significant contributing factor to the high rates of recidivism among this group (Ambler, 2014). Furthermore, this lack of supports has been acknowledged as a pathway to death or disappearance for Indigenous women. Indigenous women and girls are 12 times more likely to be murdered or go missing than any other group of women in Canada (National Inquiry into Missing and Murdered Indigenous Women and Girls, 2017).

With the Indigenous population growth rate being four times that of the rest of the country (Statistics Canada, 2017), projected demographics indicate that the over-representation of Indigenous women in the criminal justice system will continue to grow (Wesley, 2012). This further illustrates the need for timely, effective, and sustainable solutions to a growing inequity.

## **Methodology**

This study will take place in Toronto, Ontario, Canada on the traditional lands of the Huron-Wendat, the Seneca, and the Mississaugas of Credit River. It was developed and will be conducted in collaboration with the Native Women's Resource Centre of Toronto (NWRCT), Aboriginal Legal Services (ALS), and Elizabeth Fry Toronto (EFT). While we acknowledge that the location of our study may limit our findings to the experiences of urban Indigenous women, Toronto is a key transition location for many First Nations women exiting prison and returning to their home communities. Our programming and policy recommendations should therefore be applicable across the province, and potentially across the country. Additionally, this project has been developed as a stepping-stone to a potentially larger study, which would incorporate more rural and Northern Ontario communities, further expanding the project's relevance.

Inclusion criteria for participation in the study are self-identifying Indigenous mothers of any age who have previously been incarcerated in Ontario. Participants must identify as having been a mother prior to incarceration or as having become a mother prior to or during incarceration. Participants will be recruited through purposive and snowball sampling strategies. Recruitment will be facilitated by community partners and researchers using community outreach strategies, including relationship-building at community events and gatherings. Potential participants will be screened for eligibility in person or by phone. In accordance with the customs of the Indigenous traditions of the land, participants will be offered tobacco ties as a sign of gratitude and assurance that any findings of the research will be used in a good way. Incentives have been recognized by several Indigenous communities as a necessary acknowledgement of the participants' contributions (Maar et al., 2011). Participants will receive a monetary incentive of \$50 for their time and participation, an amount agreed upon by researchers and community partners. Participants will also be reimbursed for any travel costs and provided with transit tokens at their request.

Knowledge will be generated in two ways, first, through in-depth semi-structured one-on-one interviews with previously incarcerated Indigenous mothers and second, through a Sharing Circle - an Indigenous small group discussion - with key stakeholders, including Elders, Healers, and community partners. The interviews will address topics including how their relationship with their children may have changed due to incarceration, whether they received any support as Indigenous mothers in prison, what resources they found helpful or would have liked to receive upon their release, and their perceptions of the Canadian legal system. We will also distribute a short survey to collect key demographic information such as level of education, number of children, number of times they have been incarcerated, and average family income. We anticipate conducting up to 10 interviews at varying times throughout the year in order to effectively capture the substantial diversity in experiences and histories of previously incarcerated Indigenous mothers in Ontario. Interviews will be one-on-one or co-facilitated by the researcher and an Elder, Healer, or community member, depending on the comfortability of the participant. The questions presented in the discussion will be developed with direct input and involvement from community partners, designed with the intent of providing participants with a culturally safe space to share their stories. Participants may choose not to answer questions or exit the interview at any time. Due to the sensitive nature of the stories being shared, Elders and Healers will be available to participants should they become distressed or request support at any point during or after the discussion. Information regarding further counselling and resources will also be provided to all participants.

Data generated from the interviews and Sharing Circles will be used to conduct a thematic analysis of issues related to motherhood faced by incarcerated Indigenous women. This analysis will be guided by the Medicine Wheel, a conceptual framework of healing and traditional Indigenous knowledge comprised of physical, emotional, spiritual, and mental components (Dapice, 2006). All data and findings will be handled in accordance with OCAP® and standards set forth by community partners in data sharing and governance protocols to enable them to exercise their right to own, control, have access to and possess study data (First Nations Information Governance Centre, 2019). Interviews will be recorded on an encrypted audio recorder, which will be kept in a lock box within a locked office at the University of Toronto. Recordings will be de-identified and kept on an encrypted computer.

In accordance with the Indigenous methodological principles of reciprocity and mutual benefit (Wilson, 2008), a key responsibility of the researcher involves the translation and dissemination of all the results generated by the study, both for the individuals involved and the larger community. A key output of this project will be a community report, which will summarise the findings in lay theorising and contain recommendations for the development of programs and support for incarcerated Indigenous mothers transitioning out of the prison system.

### Project Timeline

**April 2020:** Begin recruitment of previously incarcerated self-identifying Indigenous mothers.

**May - July 2020:** Complete 10 one-on-one interviews. Transcribe interviews. Conduct Sharing Circle with relevant community partners, criminal justice advocates, knowledge-users, Elders, and other stakeholders to discuss existing gaps in the criminal justice system for Indigenous mothers and explore ways in which we can develop suitable programs and services.

**July - August 2020:** Develop thematic analysis of data extracted from transcribed interviews using the Medicine Wheel healing framework to determine the overarching issues facing incarcerated Indigenous mothers. Verbal reporting to interested participants to ensure that we capture their knowledge and stories accurately.

**August - September 2020:** Write community report from interviews and knowledge generated from Sharing Circles, include concrete recommendations for services and policy. Write manuscript for publication in open-access academic journal article.

**October 2020:** Hold final Sharing Circle and feast with community partners, criminal justice organisations, participants, and research team. Share results and knowledge translation products with community partners (academic manuscripts, community report). Collect feedback from community regarding products and implement changes if necessary. Submit manuscript for publication.

### About Our Partners

The **Waakebiness-Bryce Institute for Indigenous Health (WBIH)** at the University of Toronto is the world's first privately endowed research institute dedicated to the health of Indigenous Peoples. In 2018, the Dalla Lana School of Public Health and WBIH established the Master of Public Health in Indigenous Health stream, building upon the existing Collaborative Specialisation program in Indigenous Health. The WBIH faculty, staff and students are conducting research, teaching, and training in a wide variety of areas related to Indigenous health: justice, environmental sustainability, food sovereignty, homelessness, mental health, early childhood development, aging, death and dying, and chronic illnesses. This project builds upon our existing knowledge and experiences as First Nations scholars who provide training in Indigenous research methodologies for the benefit of Indigenous peoples and their health and well-being.

The **Native Women's Resource Centre of Toronto (NWRCT)** is a registered charity that has been serving Indigenous women in Toronto since 1985. They offer life-enhancing resources, skills development, cultural ceremonies and teachings, and capacity-building programs for all Indigenous women and their children in the Greater Toronto Area. Their work and direction are guided by the Seven Sacred Teachings: Wisdom, Love, Respect, Bravery, Honesty, Humility, and Truth. Through their extensive involvement in the community and experience working with Indigenous women in Toronto, NWRCT will provide the necessary expertise to guide this project from a community perspective. They will also aid in the development of the survey and interview guide, to ensure that the questions are relevant and culturally safe. NWRCT will also provide assistance in participant recruitment. They will help to ensure that the direction of the project is relevant to the community and that the project is carried out in a culturally safe way that respects Indigenous values and tradition. Healers and Elders at NWRCT will be present at Sharing Circles and interviews and will be available to provide support to participants discussing sensitive subject matter.

**Aboriginal Legal Services Toronto (ALST)** provides legal aid services and operates legal-related programs for Indigenous people in Toronto. Their involvement in this project is critical for our understanding of how the criminal justice system impacts Indigenous families. They will participate in the community Sharing Circles and advise the project in its program recommendations. They will aid in the development of the survey and interview guide, to ensure that the questions are relevant and culturally safe. ALS will also provide assistance in participant recruitment.

**Elizabeth Fry Toronto (EFT)** delivers gender-based and trauma-informed services for criminalised women, non-binary people, and their families. The Executive Director of EFT will serve in an advisory capacity for the project due to their extensive experience working with women in conflict with the law.

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