

Kijibashik – Turn it Around:  
Stories About Motherhood from Previously Incarcerated Indigenous Mothers in Ontario

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*Working draft for the CIAJ's 45<sup>th</sup> Annual Conference.  
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TABLE OF CONTENTS

<b>I. INTRODUCTION.....</b>	<b>2</b>
<b>II. METHODS.....</b>	<b>4</b>
<b>A. Aims and Objectives .....</b>	<b>4</b>
<b>B. Theoretical Framework .....</b>	<b>5</b>
<b>C. Community Collaboration and Researcher Positionality .....</b>	<b>5</b>
<b>D. Participant Recruitment and Data Collection .....</b>	<b>6</b>
<b>E. Data Analysis.....</b>	<b>7</b>
<b>III. RESULTS.....</b>	<b>8</b>
<b>IV. DISCUSSION .....</b>	<b>12</b>

ABSTRACT

The number of Indigenous (First Nations, Inuit, and Métis) people experiencing incarceration in the settler state of Canada continues to grow at an alarming rate (Zinger, 2020). Indigenous women in particular comprise the fastest growing segment of Canada’s federal prison population (Zinger, 2019). This paper provides insight into the priorities and experiences of Indigenous mothers, mother-figures, and Two-Spirit parents with experiences of incarceration in the Canadian criminal justice system. Through a collaborative partnership with several Indigenous-led organisations, this community-based project finds that Indigenous women with histories of incarceration experience complex social and economic challenges prior to imprisonment and upon release, which significantly impact their ability to parent and their relationships with their children. The findings support the need to improve opportunities for parents experiencing incarceration to build and maintain relationships with their children and emphasise the urgency of decriminalizing substance use, decarcerating people in prisons, ending the mass incarceration

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of Indigenous people, and supporting re-entry through a coordinated public health-informed response.

## I. INTRODUCTION

Over the last decade, the number of Indigenous women experiencing incarceration within Canada's federal prisons has increased by nearly 60 per cent.<sup>1</sup> Despite comprising less than 5 per cent of the general population, 42 per cent of women incarcerated in federal institutions identify as First Nations, Métis, or Inuit.<sup>2</sup> Contextualizing the overrepresentation of Indigenous women in the criminal justice system requires an informed understanding of the historical, political, and social conditions that continue to exist. The legacy of colonization, including the intergenerational trauma resulting from the residential school system, disconnection from land, and loss of culture are factors inextricably linked to the mass incarceration of Indigenous people in Canada.<sup>3</sup> Although both Indigenous men and women are incarcerated at disproportionately high rates<sup>4</sup>, Indigenous women face a distinct set of challenges once they are released from prison and are largely absent from discussions on public health and mass incarceration. Indigenous women and girls are 12 times more likely to be murdered or go missing than any other women in Canada.<sup>5</sup> The lack of adequate societal and community level supports for Indigenous women upon release has been identified as a pathway to their death or disappearance and is a key contributing factor to the high rates of re-incarceration among this marginalized group.<sup>6</sup>

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<sup>1</sup> Office of the Correctional Investigator of Canada, *46th Annual Report of the Correctional Investigator: 2018-2019*, (Report) (Ottawa: Office of the Correctional Investigator of Canada, 2019).

<sup>2</sup> Office of the Correctional Investigator of Canada, *Indigenous People in Federal Custody Surpasses 30%: Correctional Investigator Issues Statement and Challenge* (News release) (Ottawa: Office of the Correctional Investigator, 2020).

<sup>3</sup> Daniela Navia, Rita Isabel Henderson & Levi First Charger, "Uncovering Colonial Legacies: Voices of Indigenous Youth on Child Welfare (Dis)Placements" (2018) 49 *Anthropol Educ Quart* 146.

<sup>4</sup> Davinder Singh, Sarah Prowse & Marcia Anderson, "Overincarceration of Indigenous people: a health crisis" (2019) 191 *CMAJ* E487.

<sup>5</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls, *Our Women and Girls are Sacred*, (Interim report) (Ottawa: National Inquiry into Missing and Murdered Indigenous Women and Girls, 2017).

<sup>6</sup> Special Committee on Violence Against Indigenous Women, *Invisible Women: A Call to Action: a report on missing and murdered Indigenous women in Canada* (Report) (Ottawa: Special Committee on Violence Against Indigenous Women, 2014).

More than half of Indigenous women experiencing incarceration identify as single mothers of multiple children<sup>7</sup>, extending the scope of the impact of incarceration across generations. Indigenous mothers have distinct cultural and spiritual needs that are largely neglected within the criminal justice system.<sup>8</sup> Indigenous mothering is not limited to a biological relationship between parent and offspring, it is a relationality that involves an intergenerational transfer of language, stories, and teachings.<sup>9</sup> In Indigenous worldviews, women hold several roles within the community and are recognized as sacred givers of life, nurturers, and caretakers of land and life in all of its forms, making them the foundation of family and community.<sup>10</sup> Settler colonialism and the far-reaching and violent influence of land dispossession has resulted in a loss of language, culture, and community ties, highlighting the significance of women's and mother's roles not only as caretakers, but as knowledge holders in their communities. Maternal incarceration has an adverse effect on the health and well-being of both mother and child.<sup>11</sup> Children with parents in contact with the criminal justice system can often experience complex pervasive psychological, social, and economic disadvantages.<sup>12</sup> The dissolution of parental rights as a result of incarceration is directly associated with the overrepresentation of Indigenous children in the foster care system<sup>13</sup>, perpetuating a cycle of family separation and displacement. A survey of women experiencing imprisonment in Ontario found that 83 per cent of the women were not provided with the time or means necessary to make substitute primary care arrangements prior to being detained, contributing to the apprehension of their children by child welfare services.<sup>14</sup> Despite the significant number of Indigenous women with children in the

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<sup>7</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* (Report) (Ottawa: National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019).

<sup>8</sup> Mandy Wesley, *Marginalized: the Aboriginal woman's experience in federal corrections* (Ottawa: Public Safety Canada, 2012).

<sup>9</sup> National Collaborating Centre for Aboriginal Health, *The Sacred Space of Womanhood: Mothering Across Generations* (Report) (Prince George: National Collaborating Centre for Aboriginal Health, 2012).

<sup>10</sup> Ibid.

<sup>11</sup> Amanda McCormick, Hayli Millar & Glen Paddock, *In the Best Interests of the Child: Strategies for Recognizing and Supporting Canada's At-Risk Population of Children with Incarcerated Parents* (Abbotsford: University of the Fraser Valley, 2014).

<sup>12</sup> Stacey Hannem & Louise Leonardi, *Family-Victim Research: Needs and Characteristics Ontario Region*, (Report) (Kingston: Canadian Families and Corrections Network, 2014).

<sup>13</sup> Daniela Navia, Rita Isabel Henderson & Levi First Charger, "Uncovering Colonial Legacies: Voices of Indigenous Youth on Child Welfare (Dis)Placements".

<sup>14</sup> Alison J. Cunningham & Linda L. Baker, *Waiting for mommy: giving a voice to the hidden victims of imprisonment* (Centre for Children and Families in the Justice Systems, 2003).

criminal justice system, maternal incarceration and its effects on the health and wellbeing of Indigenous children and their mothers has been chronically under-investigated.<sup>15</sup>

Prison health researchers in Canada have identified the topic of the health of Indigenous persons in custody as a key priority for prison health research in Canada.<sup>16</sup> In the midst of ongoing colonial violence, including intergenerational trauma as a result of the residential school system, demographic projections indicate that the over-representation of Indigenous women in the criminal justice system will continue to increase<sup>17</sup>, emphasising the need for timely, effective, and sustainable solutions to a growing inequity. While existing literature provides an epidemiological understanding for the health status of women experiencing incarceration in Canada<sup>18, 19</sup>, there remains a dearth of knowledge relating to the specific needs and experiences of Indigenous mothers, mother-figures, and Two-Spirit parents upon release.<sup>20</sup>

## II. METHODS

### A. Aims and Objectives

There is a dearth of knowledge relating to the experiences of Indigenous women - particularly Indigenous mothers - in the Canadian correctional system. Through this qualitative exploration, the project aims 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 previously incarcerated Indigenous mothers. We will achieve this by examining the commonalities and distinctions in their lived experiences, and by identifying the mental, spiritual, physical, and relational implications of incarceration for

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<sup>15</sup> Juanita Sherwood & Sacha Kendall, "Reframing spaces by building relationships: Community collaborative participatory action research with Aboriginal mothers in prison" (2013) 46 Contemporary Nurse 83.

<sup>16</sup> Fiona Kouyoumdjian et al, " Health status of prisoners in Canada: Narrative review " (2016) 62:3 Canadian Family Physician 215.

<sup>17</sup> Office of the Correctional Investigator of Canada, *Indigenous People in Federal Custody Surpasses 30%: Correctional Investigator Issues Statement and Challenge*.

<sup>18</sup> Jennifer M. Hensel et al, "Prevalence of mental disorders among all justice-involved: A population-level study in Canada" (2020) 68 International Journal of Law and Psychiatry 101253.

<sup>19</sup> Kouyoumdjian et al, "Health status of prisoners in Canada: Narrative review".

<sup>20</sup> Martha Paynter et al, "Maternal health outcomes for incarcerated women: A scoping review" (2019) 28 J Clin Nurs 2046.

Indigenous mothers. By gathering data on the experiences and expectations of incarcerated Indigenous mothers, we can develop more effective criminal justice policies that are safe for Indigenous mothers and their children, while also addressing the systemic factors contributing to the overincarceration of Indigenous women.

## **B. Theoretical Framework**

In order to accurately and comprehensively portray the experiences of Indigenous mothers in the corrections system, any research involving these women must be conducted on the premise of respect for Indigenous methodologies and frameworks. By incorporating an Indigenous relational ontology and methodology into the design of the study, we can gain a more holistic and inclusive understanding of the experiences and expectations of incarcerated Indigenous mothers. The work of this project is predicated on a reciprocal, trusting relationship between participants, community partners, and the research team. As one of the “Three R’s” – respect, reciprocity, relationality - of Indigenous methodologies, the Ethic of Reciprocity is a component of the Indigenous worldview which asserts that research involving Indigenous Peoples be conducted in a culturally sensitive and mutually respectful way.<sup>21, 22</sup> For many Indigenous communities, reciprocity involves more than gift giving; it should also prioritize the often time-consuming process of developing and strengthening meaningful connections to individuals and the larger community.<sup>23</sup> Incorporating the ideals of mutual benefit and reciprocity into the study design allows researchers the opportunity to think critically about the relevance of their study not only to the individuals involved, but their communities as well.

## **C. Community Collaboration and Researcher Positionality**

This project was conducted in collaboration with Aboriginal Legal Services Toronto (ALST), Native Women’s Resource Centre of Toronto (NWRCT), and Elizabeth Fry Toronto (EFT). ALST and NWRCT are Indigenous-led community organisations. Located in Toronto, Ontario, all partner organisation work with Indigenous women in contact with the criminal justice system. ALST provides legal aid services and operates legal-related programs for Indigenous people in

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<sup>21</sup> Herman Michell, *The Protocol of Offering Tobacco in Woodlands Cree Contexts: Nihithawatisiwîn and the Ethic of Reciprocity in First Nations Research* (2011)

<sup>22</sup> Shawn Wilson, *Research is Ceremony: Indigenous Research Methods* (Winnipeg: Fernwood Publishing, 2008).

<sup>23</sup> Ibid.

Toronto. NWRCT offers 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. EFT delivers gender-based and trauma-informed services for criminalised women, non-binary people, and their families. Our partners provide the necessary expertise to guide this project from a community perspective. They have aided in the development of the survey and interview guide to ensure that the questions are relevant and culturally safe. They also assisted in the facilitation of participant recruitment. Importantly, our partners were crucial in guiding the direction of the project in a way that is relevant to the community and ensuring that the project is carried out in a culturally safe way that respects Indigenous values and tradition. Healers and Elders from NWRCT and ALST were available to participants to provide support during or after interviews, at their request.

The practice of critically examining one's positionality has been documented as a necessary component of qualitative research given the influence of visible and invisible identities, including ethnic background and gender, on knowledge generation and interpretation.<sup>24</sup> The research team is comprised of Indigenous and non-Indigenous researchers, students and community members, several of whom who have had the privilege of obtaining graduate- and doctoral-level educations. Researchers were asked to think critically about the influences of their biases, values, and opinions through reflexive discussion and writing throughout the project. Through consistent collaboration with community partners, the study aims to amplify the voices of the participants and honor their stories and lived experiences.

#### **D. Participant Recruitment and Data Collection**

Recruitment was facilitated using purposive and snowball sampling strategies by members of the research team and community partners through community outreach strategies both online and at in-person community events. This project utilises a combination of narrative and Indigenous methodologies. Stories as knowledge is a central concept in Indigenous ontological and epistemological perspectives on research.<sup>25</sup> Knowledge was generated through semi-structured individual interviews with self-identifying Indigenous mothers, mother-figures, and

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<sup>24</sup> Lenore Manderson, Elizabeth Bennett, Sari Andajani-Sutjahjo, "The social dynamics of the interview: age, class, and gender" (2006) 16:10 Qual Health Res 1317.

<sup>25</sup> Linda Tuhiwai Smith, *Decolonizing Methodologies* 2nd ed (London: Zed Books, 1999)

Two-Spirit (2S) parents in Ontario with experiences of incarceration. The questions presented in the interviews were developed through an iterative process with direct input and involvement from community partners and people with lived experience of incarceration, to ensure culturally safe language and inquiry. The interviews address topics including how their relationship with their children may have changed due to incarceration, whether they received any support as Indigenous parents in prison, what resources they found helpful or would have liked to receive upon their release, and their perceptions of and experience with the Canadian legal system. In accordance with community protocols, participants were compensated for their contributions and offered tobacco ties in gratitude for their time and sharing. Interviews were conducted one-on-one with a member of the research team, a peer researcher, or co-facilitated by the researcher and an Elder, Healer, or community member, depending on the comfortability of the participant.

### **E. Data Analysis**

This paper describes preliminary findings drawn from a initial analysis of the data to be presented at the CIAJ's 45<sup>th</sup> Annual Conference. Analysis remains ongoing as part of a larger SSHRC Insight project led by Dr. Angela Mashford-Pringle. As a collaborative, community-based project, data analysis is being conducted through an iterative process completed with guidance and input from community partners and participants. Interview recordings were transcribed verbatim by an external transcription service and verified by a member of the research team. Transcripts will be analysed thematically using a consensus-based method that involves both academic and community peer researchers applying a critical, decolonising interpretive lens.<sup>26</sup> Each team member will individually identify major themes in the transcript along with any key correlating quotations. In order to draw unique connections among the data, the analysis of the interviews will be guided by the Medicine Wheel, a conceptual framework of healing and traditional Indigenous knowledge comprised of physical, emotional, spiritual, and mental components.<sup>27</sup> After this preliminary independent thematic coding, the team will work towards consensus on major themes and develop a code book. This analysis will then be refined over several meetings before being presented to the community partners for input, review and

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<sup>26</sup> Janet Smylie, "Knowledge translation and Indigenous communities: A decolonizing perspective" in Banister E, Leadbeater B, Marshall E, eds. *Knowledge translation in context: Indigenous, policy, and community settings*. (Toronto: University of Toronto Press, 2011).

<sup>27</sup> Anne Dapice, "The medicine wheel" (2006) 17 J Transcult Nurs 251.

final approval. All data was handled in accordance with OCAP® and standards set forth by community partners in data sharing and governance protocols.<sup>28</sup>

### III. RESULTS

Women described both the short and long-term effects of incarceration on their relationship with their children. Participants' level of contact with the criminal justice system varied, from single experiences of incarceration to over multiple experiences of incarceration in jails and prisons. Intergenerational trauma and parental contact with the criminal justice system were salient issues for many of the participants. Many participants stated that their parents had been forced to attend residential schools or were victims of the Sixties Scoop. Some participants were themselves victims of the Sixties Scoop. Participants described experiencing sexual assault and domestic violence in childhood and as adults. One participant described actively engaging in activities which she knew would result in arrest as she relied on prison as a place of "refuge" to protect her from an abusive partner:

Sometimes I wished it upon myself. [Pause] I remember a time like with [Pause] one of my boyfriends like I'd just deliberately go out and get caught stealing stuff to get, to end up going to jail just to get away from him because I knew if I was in jail, he wouldn't be able to touch me you know what I mean because in [Pause] throughout my life I knew [Pause] that was the only, the only place I could have refuge and no abuse from men in general; right... You know I deliberately wanted to go there just to be safe.

#### *Parenthood in prison*

Several participants described the significant impact incarceration had on their mental and emotional wellbeing. One participant described how the experience of being placed in handcuffs and shackled to the bed when giving birth while incarcerated, compounded by being removed from her child after their birth, negatively impacted her mental health:

Yeah, but it's not a very good experience being locked up in jail and giving birth and your baby is in the hospital and they send you back to the jail with no baby. It's not [Pause] no, I wouldn't suggest anybody go through that.

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<sup>28</sup> First Nations Information Governance Centre, *The First Nations Principles of OCAP®* (2020), online: First Nations Information Governance Centre <<https://fnigc.ca/ocap-training/>>



Being subjected to birth alerts – a practise in which social workers or hospital staff flag an expecting parent as being unfit to care for their child, often without their knowledge – was an experience shared by several participants. One participant recalled having all six of her children apprehended at birth, while another participant lost one of her four children.

### *Experiences with criminal justice and child welfare agents*

Nearly all participants expressed distrust of the criminal justice system and its agents, including police and correctional officers. One participant relayed feeling treated as less than human and described race as a driving factor of the inequitable treatment she received when her child was taken away from her at birth:

So [Pause] you know there is places like that that [Pause] have no respect for [Pause] a human and [Pause] nevertheless a human holding a baby you know they should have more [Pause] empathy and more, like you know [Pause] just because we're different and we're the ones who's on the inside and they can leave every day it doesn't mean that [Pause] we're not human. We're not animals you know we have issues in our lives so do they [Pause] but they don't get caught you know. [Pause] They are white you know. [Pause] They get away with more than [Pause] with the colour of their skin I do believe. They're treated differently [Pause] than a person with colour.

All participants described involvement with the child welfare system to varying degrees, either with their own children and grandchildren or as children themselves. Below, a participant describes a sense of hopelessness and purposelessness that accompanied the experience of having their children apprehended. Like this example, many participants expressed frustration at the lack of resources and opportunity they were given to prove themselves as fit parents to the child welfare system.

...I had to go to court [Pause] and every time I was supposed to go to court they'd say okay, I'm giving you six months to get it together. I never got it together. My thinking was they're already gone what do I have to live for? Of course, that's my backwards; right. That's what we think. You've taken my kids. I mean no, that's how I thought because some people will bust their ass [Pause] I didn't. I, you already took my kids [Pause] what do, you know why bother cause they kept giving me six months, six months and by the end of it they just gave them to my mother. [Pause] And it was painful because I remember one time still being out

there. I had, I was able to have access to visit them and [Pause] turning tricks. I even had a trick drive me up, way up to Scarborough to visit them [Pause] under them and they didn't show up. [Pause] I was fucking devastated. Broken because I'd been away from them for so long.

*Incarceration and child apprehension, in the context of poverty and substance use*

Participants described histories of substance use issues, which were often directly associated with their involvement with the criminal justice and child welfare systems. Women expressed feeling shame, guilt and remorse at the role substance use played in their incarceration and apprehension of their children. Histories of trauma such as those associated with sexual assault, loss of a loved one, and involvement in the child welfare system were identified as factors in many participants' substance use. One mother reflects on the intergenerational effects that substance use had on her son:

You know sometimes I wish that it was different; that I was able to see that my child needed me [Pause] and that the drugs didn't. [Pause] That I didn't need drugs more than my son you know what I mean? [Pause] I think maybe he would have been brought up differently maybe he wouldn't have ended up in jail and everything and been doing drugs.

Poverty was a recurring factor described by many of the participants whose children had been apprehended by the state. Describing the circumstances under which she was forced to relinquish guardianship of her children to their father, one participant recounts:

I love my children and to be ripped from them [Pause] and I knew I wasn't doing good like there was times I didn't have diapers. I wouldn't pay rent. My ex-husband would have to cover me [Pause] but that time when I was told I had to leave my ex-husband had to take the kids to McDonald's 10:00 o'clock at night so they wouldn't see me leave.

*Isolation and lack of support in prison*

All participants shared feeling isolated and unsupported at points throughout the experience of incarceration. One participant stated, "The hardest part of being locked up is you, there is nobody there for you. It's you, your cell and that's it. [Pause] There is no mother, there is no father, there is no siblings, there is nobody". Participants further described the impact of incarceration on their mental health – not only as individuals, but as parents. Upon release, one participant describes

the challenges of having to parent after the negative effects on her mental health from treatment she received while incarcerated:

Basically, and it was like [Pause] let me try and get better for my kids going in there. [Laugh] Did it work? No [Pause] because I came out with a bigger, because I came back with, out with a bigger attitude [Pause] of not caring or not wanting to love [Pause] because that's how they treat you in there; right. They don't treat you with any kind of compassion or anything.

### *Engaging with culturally-relevant programming*

Although some participants described participating in Indigenous healing and culturally-informed programs while incarcerated, most women expressed frustration at the lack of access to such programming. High school courses and church services were two commonly named programs attended by the participants. Participants uniformly called for more Indigenous and culturally-relevant programming, as well as substance use treatment and parenting programming.

### *Parent-child relationships after prison*

The participants described complicated relationships with their children, many of whom were adults with their own experiences of substance use, incarceration, and child apprehension. While many participants described the pain of having their children placed in the care of others, some shared a sense of relief that their children did not directly witness their substance use and incarceration. Participants described both the challenges and successes they experienced rebuilding relationships with their children as adults and the long and non-linear path to re-establishing these relationships. Here, one mother shares how she has worked toward rebuilding her relationship with her adult son and supported him through his own struggles with substance use:

So, to this day it's more respect, it's more [Pause] how it's supposed to be between a parent and a child. [Pause] And [Pause] you know he doesn't expect [Pause] things that he thinks that I owe him you know what I mean? [Pause] And [Pause] he asked me [Pause] because of me putting down my foot and letting him know that that's not the kind of a relationship I wanted he talks to me, he asks me for advice, stuff like that so I'm really happy that I [Pause] didn't give in and wasn't gullible to say okay, here my boy you know what I mean?

Participants also described how becoming caregivers to their grandchildren had renewed their sense of purpose:

I wish I did all this, you know, like a long, long time ago but like [Pause] it's never too late because I have grandchildren and you know I can leave good memories with them you know of their grandmother being okay and not the kind of grandparents that I had raising, getting raised with where that they were touching me you know and [Pause] that's why I sobered up is because I would never want my grandchildren to ever experience what I experienced.

Several of the participants spoke about their recovery from substance use and how they had transitioned into peer support roles at community organisations where they previously accessed services. They explained how engaging and sharing their stories with others who share similar experiences has been an empowering and healing process.

#### IV. DISCUSSION

This project explored how experiences of incarceration impacted the wellbeing and parenthood of Indigenous mothers, mother-figures, and Two-Spirit parents. Incarceration had significant impacts on the mental and emotional wellbeing of the participants in this study. Participants described facing racism and discrimination in the correctional setting and in their contact with the criminal justice system. They further described incarceration and subsequent child welfare involvement as having largely detrimental effects on their wellbeing and their relationships with their children. Our conversations with the participants revealed the continued need to amplify the voices of Indigenous women and Two-Spirit people with experiences of incarceration. Many of the participants expressed how sharing their stories with others, particularly those with shared experiences, had aided them in their healing.

These findings support the need to improve opportunities for parents to build and maintain relationships with their children throughout their incarceration. There is also an urgent need for coordinated responses between the relevant agencies involved in the lives of women in contact with the criminal justice system, such as those responsible for social services, housing, substance use treatment, and mental health care. In the context of recent large-scale releases of individuals from Ontario prisons due to the COVID-19 pandemic, our findings highlight the need for decarceration with comprehensive re-entry plans, including provisions for financial and

transitional supports. Approaching the mass incarceration of Indigenous people, and specifically Indigenous women, as a public health issue allows for a deepened analysis of the social determinants of health as parallel to the social determinants of incarceration in the settler colonial context. Substance use issues were a particularly salient factor in the lives of many participants in this study. Alongside culturally safe and accessible substance use and mental health treatment, the decriminalization of all drugs should be an issue at the forefront of criminal justice reform. Finally, family reunification and alternatives to incarceration including a restorative justice approach should be at the forefront of considerations in addressing the ongoing crisis of mass incarceration.