# Rethinking Incarceration: Systemic Challenges and Paths to Justice

#### **Discussion:**

Can you think of any issues with Canada's prison system?

Can you think of any alternatives to incarceration or the current prison system in Canada?

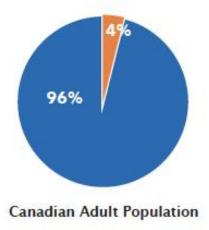
# "Everything You Were Never Taught About Canada's Prison Systems"

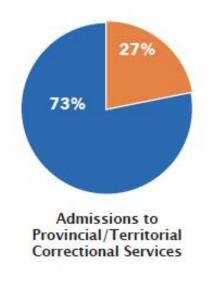
- . **High Remand Rates**: A significant portion of incarcerated individuals are on remand, meaning they are detained pre-trial and legally presumed innocent. This situation disproportionately affects Black and Indigenous populations, as well as those who are unhoused or unemployed.
- Overrepresentation of Indigenous and Black Populations: Indigenous people are incarcerated at rates ten times higher than non-Indigenous individuals. Similarly, Black Canadians face systemic biases leading to higher incarceration rates.
- (article from Intersectionalanalyst) <a href="http://www.intersectionalanalyst.com/intersectional-analyst/2017/7/20/everything-you-were-never-taught-about-canadas-prison-systems">http://www.intersectionalanalyst.com/intersectional-analyst/2017/7/20/everything-you-were-never-taught-about-canadas-prison-systems</a>

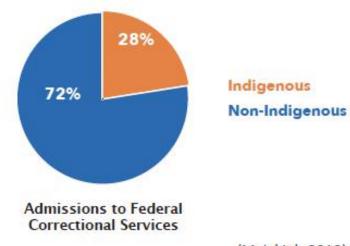
- Inhumane Conditions: Prisoners often endure overcrowded facilities, limited access to educational or vocational programs, and inadequate healthcare services. These conditions exacerbate mental health issues and hinder rehabilitation efforts.
- Solitary Confinement and Use of Force: The use of solitary confinement and force within prisons raises human rights concerns, particularly regarding their impact on mental health and the potential for abuse.
- **Economic Costs**: The financial burden of maintaining the prison system is substantial, with significant taxpayer funds allocated to incarceration rather than preventive or rehabilitative measures.

#### The overrepresentation of Indigenous people in Canadian prisons

One aspect of contemporary Canadian life that starkly reflects the ongoing impacts of its colonial history is the overrepresentation of Indigenous people in Canadian prisons. Indigenous people represent only 4 percent (less than 1/20) of the adult population in Canada but 27 percent and 28 percent of the people in provincial and federal prisons, respectively (more than 1/4).







(Malakieh 2018)

### Restorative Justice:

A form of justice that considers available options other than jail for the offender to help repair the harm their crime has done.

This approach aligns with Indigenous culture and values by focusing on the rehabilitation of the offender and the healing of the offender, those impacted by the crime committed, and the community at large.

The offender is expected to take responsibility for their actions.

## Gladue Rights:

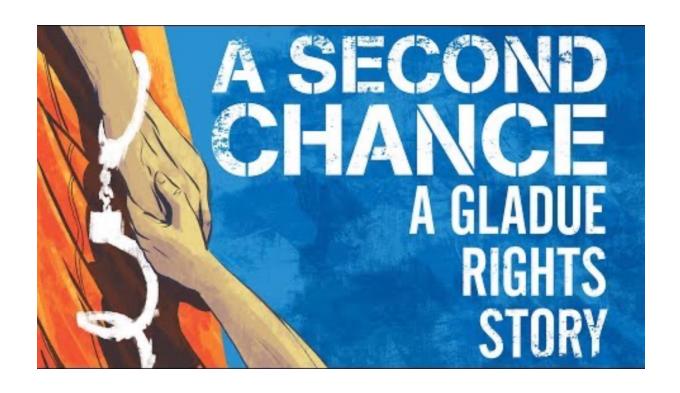
Gladue rights recognize that Indigenous peoples have been subject to systemic racism (prejudice throughout Canadian society and its institutions) in the criminal justice system.

Under Gladue rights, when judges set bail, at sentencing, or when an Aboriginal person's freedom is at risk, they must consider that person's unique circumstances. They have to consider all available options other than jail that are reasonable in the circumstances.

# Gladue Rights:

Gladue rights apply to all Indigenous peoples (status or nonstatus Indians, First Nations, Métis, or Inuit), whether the person lives on or off reserve, in an urban environment, or in an Indigenous community or non-Indigenous community.

Gladue rights also apply to an Indigenous person adopted by a non-Indigenous family or raised in a foster home" (Clarke, Hepburn, and Herter 2018, 1).



Group work: If you could create a different justice system, what would it look like?