Community Matters

Justice

and its Impacts on Marginalized Communities



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Summer Edition

Edmonton Social Planning Council





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Community Matters

Welcome to the Summer Edition of our quarterly publication, Community Matters.

Community Matters aims to inform the community about social issues that impact citizens and connect the dots between social issues, evidence, and policy. We aim to use this space to give local agencies, ESPC volunteer writers, and staff members a voice.

Each edition will spotlight a specific social issue and demonstrate the intersectional nature and impact on equality. Our goal is to use evidence as we continue to inform on the issues affecting individuals and families.

For our Summer 2023 issue, we are focusing on Justice. The justice system was an institution designed to bring about law and order in ways that have benefited white male property holders at the expense of almost everyone else; as a result, the way justice is wielded has shortcomings in matters of equity. For example, while Indigenous Peoples make up roughly 5% of the Canadian population, Indigenous people represented 32% of those in federal prisons in 2020-21. This disparity is a product of a colonial system that has harmed Indigenous Peoples for generations and continues to the present day, which the justice system has played a role in upholding.

While criminal laws are passed and enforced to address violence or disorder, they have also contributed to the further marginalization of various equity-seeking groups, particularly those who live in poverty and low income. One negative interaction with the justice system can further entrap someone already stuck in the cycle of poverty.

This issue seeks to critically examine the myriad ways the justice system affects many marginalized populations and how the situation can be ameliorated. Not all laws and the way they are enforced guarantee justice for all. In fact, many laws create injustice when they go against the public interest. Reforms will be needed in order to ensure a system that is truly just and equitable. Whether that is looking at our current drug policies, the reporting of hate crimes, incarcerated person's access to health care, or the negative impacts our current laws have on sex workers, we hope the articles inside will elevate the conversation.

Susan Morrissey, Executive Director



Sex Work is Work: A Conversation with ANSWERS

Written by Sydney Sheloff

Advocacy Normalizing Sex Work through Education and Resources (ANSWERS) is an organization that supports sex workers and their rights through outreach, education, and support services while working to end violence and stigma directed toward them. Their work includes supporting the Canadian Alliance for Sex Work Law Reform and advocating towards decriminalization, offering support services to sex workers, and educating the public on the facts of the sex worker community.

We sat down with Sophie Hallee, Mona Forya, Karlee, and Mars to discuss sex work and how the criminalization of their industry impacts their work. This article weaves together research on sex work with the lived experiences of ANSWERS staff.



What is sex work?

Sex work, as described by Sophie Hallee, involves being remunerated either by way of money or trade for sexual and/or erotic performance services that involve consent. Mona further described the wide range of activities that sex work encompasses, including dancing, online work, and in-person with a client. It can take place on the street, at a client's location, or at a body rub. The ANSWERS team explained that sex work is much like any other form of customer service or contract work.

Realities of sex work

Sophie described the "empowering aspects of sex work and what it gives us in terms of accommodating our individual needs, giving us more independence, a means to make money, the flexibility of schedule, and stuff like that. When we ask sex workers about one of the big benefits for them, it just empowers them to take care of themselves more and be more independent."

Mona highlighted some of the benefits of the flexibility of the work. She explained how sex workers may only serve a couple of clients in a day and can spend the rest of the hours doing what they want to. For those with children may



want to stay at home with their children during the day when their partners are working and then engage in sex work during the evening. Agency is a theme that reverberated throughout our entire conversation. Sex workers can "make their own decisions on when to and when not to [work] without anybody else lording over them."

There is an assumption that sex workers are "forced" into their work. However, in a capitalistic society "there's a lot of people working minimum wage jobs who don't want to be there, who feel that they're forced to a certain extent and doing a job that they don't like doing and it doesn't even pay for all of their bills at the end of the day," says Sophie. In this way, sex work isn't any different from other forms of labour.

The challenges that sex workers face are not much different than any other contractor position. Sex workers do not have access to things like sick days, health benefits, and worker compensation. Sex work can be physically demanding, and sex workers would benefit from access to physiotherapists. The one challenge that sets sex work apart is the fact that the work is criminalized, which puts workers at a greater risk of exploitation and violence.

Laws surrounding sex work are extremely complicated

The ANSWERS team described that there is a lot of misinformation about sex work laws in the public imagination. On a surface level, selling sexual services is legal in Canada. However, buying sexual services is illegal; therefore, "every time we

enter into a transaction with a client, we too are an accessory to [the client's] criminal act" (Mona). Sophie further argued that "in order to really claim that [sex work is legal], you have to be able to not work in a criminalized industry where your clients are criminals."

Furthermore, a lot of activities that surround sex work is illegal. Sex workers cannot legally advertise sexual services. While they are told they will not get prosecuted for doing so, anything that went into the manufacturer of that advertisement could get seized, such as cell phones, computers, and photographs. and servers will often get shut down. This has a huge impact on sex workers as these laws are "taking some money away from us right off the bat because they don't give us that opportunity to entice a potential client." Laws against advertising also make it difficult for sex workers to communicate their terms of services, which can lead to misunderstandings and violence (Canadian Alliance for Sex Work Law Reform. 2017).

The Canadian Alliance for Sex Work Law Reform (2017) identifies several other impacts that criminalization has on sex workers. Laws prohibiting communication in public spaces pushes sex workers to more secluded areas and limits their ability to screen clients. Current laws prohibit sex workers from working together, which isolates workers from support networks and makes it harder to keep safe. Monetary benefits laws mean that it is illegal for a person to make money from another person's sexual services. Mona discussed the difficulties sex workers face in hiring bodyquards and drivers. Criminalization also makes it difficult for sex workers to access essential health care services, as they fear disclosing their job could result in them being reported to police or child protective services.

What makes this especially complicated is that these laws are subject to a lot of interpretation. For monetary benefits laws, for example, "It's like who's the police officer that day decides that what you're paying good money for to have done is legal." It's not the intent of the law but it is how those laws are "used on the ground by the people who don't know any better," explains Mona.

I asked ANSWERS how sex workers navigate all this complication. Mona explained that many people in the business don't know all these laws until they come against them. They just go to work and hope that, since "everybody else is doing it ... they'll be safe."

Mona described that the City of Edmonton "conspires with us." If sex workers want to get licensed in Edmonton, they must take a course that teaches them about how to protect their personal safety and gives them valuable legal information. Edmonton puts a lot of resources into the Body Rub industry. Much like any other business, body rubs have regulations there needs to always be two people in the building, there are zero-tolerance of abuse policies, and resources for workers who feel like their human rights are being violated to get help. These regulations help to create safer environments to work in. A review of Edmonton's body rub licensing practices found that sex workers working in body rub centers found them to be significantly safer than any other spaces where sex work is performed (Kajner, Jamal, & Jamal, 2020).



Decriminalization

Current laws in Canada assume that all sex work is inherently exploitative and that all sex workers are victims. Laws are intended to "save" sex workers, but as the above discussion showed, they create conditions that facilitate exploitation. Sex work laws have been shown to isolate sex workers, increase violence, and remove access to safety mechanisms (Canadian Alliance for Sex Work Law Reform, 2017). Sophie explained that laws prohibiting sex workers make trafficking easier because "those who human traffic prey on the most vulnerable, and the criminalization of our industry makes us more vulnerable than the average self-employed worker."

Karlee explained that "from a public health perspective, decriminalization is an important part of a primary prevention approach to gender-based violence. The stigma and issues of legalization around sex work make workers more vulnerable to violence in both their personal and professional lives since they are often inadequately represented in the laws and legal system. Cis and trans women are a significant proportion of the sex worker community, and already at higher risk of gender-based violence, regardless of their occupation. The stigma and illegality surrounding sex work increases their risk of experiencing gender-based violence exponentially. Decriminalization would increase accessibility of necessary safety measures for sex workers, and in turn allow prosecution of perpetrators."

ANSWERS emphasized the need to normalize the sex work industry and reduce the harms of stigma.

Concluding remarks

At the end of our conversation, I asked the ANSWERS team to tell me one message they would like readers to take away from their work, which I will leave in their words:

Mona explained that "sex work is work, and I just always have struggled with why people can give it away freely, but we can't capitalize on it. In a capitalistic environment where we're all about making money because its mostly women in this business, I think it's really a misogynistic legislation that dictates over us."

Karlee said "I think it's important for people to understand that while sex work is considered legalized in Canada there is a lot of nuance and grey area to that, and to protect sex workers and to protect victims of human trafficking we need to work together. The only way forward is decriminalization, just stopping at legalization as you see, there is still too much nuance or too much grey area, there's too much exploitation in the legal system, and the only way to prevent that is through decriminalization."

And Sophie said "If we want to see less people be vulnerable and become victims of human trafficking, decriminalization is the solution to that. We already have laws in place to take care of criminals. Sex work is a form of entertainment and if there are people who are doing bad things, well we already have the law to turn to, we don't have to criminalize a whole bunch of aspects of our industry. I think that the intention of that is to make sex work go away, and that's an unrealistic goal, and so therefore what people can do to help with that is to send a letter to their MP, and ultimately that should help put more pressure to hope one day hopefully see this turned into being decriminalized."

If you want to take action...



We strongly encourage you to participate in ANSWERS <u>Sex Work is Work Bias Intervention</u> <u>Training</u>



Send a letter to your MP using <u>ANSWERS' pre-written template</u> to urge our decision makers to decriminalize sex work.

For references, click here



Crime and Immigration in Canada: Destigmatizing the Narrative

Written by Reem Saraya

Newcomers are integral to the Canadian social fabric, culture, and economy. Immigrants currently make up 23% of the Canadian population, (1) and immigration accounts for nearly 100% of Canada's labour force growth. (2) The Canadian public has viewed immigration favourably throughout the years, facilitating the exceptional growth in the immigrant population and a strong culture of multiculturalism. Despite this, Canada has not been immune to the politicized discussion in media and politics centered on the assumption that immigration results in more crime.

The Myth of Immigrant Criminality

While media sensationalism and increasing populist rhetoric both abroad and in Canada have encouraged the belief that immigrants contribute to increased crime, the evidence says otherwise. Over the years, Canada has experienced a drop in crime rates while simultaneously seeing an increase in immigration. Research shows the correlation between significant levels of immigration and less crime, but questions remain about how or why immigration appears to decrease crime. (3)

One Canadian study found that newly arrived immigrants do not have a significant impact on the property crime rate.(4) However, over time, a 10% increase in the immigrant share or established-immigrant share of the population decreases the property crime rate by 2% to 3%. (5) Another Canadian study found that first generation immigrant youth were less likely than their peers to engage in delinquent activities.(6)

Much of the scholarship on the immigrant-crime relationship has been based in the U.S. Studies there also indicate that immigration does not increase crime. (7) Evidence also suggests that crime rates have declined as immigration has increased and that immigrants are generally less likely to be incarcerated, compared to the U.S.-born population. (8)

Public Attitudes and Policy

Canada has a well-established reputation as being friendly to newcomers, thanks to its immigration and refugee policies. In 1967, Canada became the first country to implement a points based immigration system, which changed the previous preference for immigrants from the U.K., western Europe, and other largely white-majority nations.(9) This policy shift allowed the immigration of skilled workers from across the world and set the stage for Canadian multiculturalism, which has become the cornerstone of the Canadian identity. Along with its globally recognized immigration system, Canada has established itself as being one of the most welcoming countries for refugees, being titled a world leader of refugee resettlement in recent years. (10)(11)

Polling shows that Canadians continue to have a favourable view of newcomers and this attitude has remained relatively unchanged over the years. In 2019, a Pew Research poll found:

68%

of Canadians viewed immigrants as a strength rather than a burden

80%

of Canadians felt that immigrants were not more to blame for crime than other groups. (12)

A more recent poll from the Environics Institute in 2022 found that 85% of those surveyed agreed that immigration positively impacted the Canadian economy and that most Canadians are satisfied with current immigration levels. (13) Despite generally positive findings in that poll, Albertans surveyed were more likely than other Canadians to:

believe that "too many refugees are not real refugees"

have concerns about newcomer integration

believe that immigration levels are too high. (14)

There has been an increase in anti-immigrant sentiment in recent years, with many conflating immigration more generally with refugees and illegal border-crossers. A 2018 survey found that 58% of those polled think Canada is "too generous" to illegal border-crossers, and 40% believe that border-crossers are economic opportunists and not actually fleeing violence or persecution. (15)

Anti-immigrant and anti-asylum rhetoric increased leading up to the controversial closure of Roxham Road, an irregular border crossing between Canada and the U.S. The narrative surrounding the Quebec Premier's push to stop the flow of migrants focused on a lack of resources and the need to secure Canada's border. (16) While not explicitly referring to the immigrant-crime relationship, the rhetoric surrounding this issue has the same effect of isolating and stigmatizing vulnerable asylum-seekers. Canada's closure of Roxham Road signals a prioritization of border security over humanitarian concerns. Securitizing asylum-seekers in this way suggests that the growing global trend of the securitization of migration seen in western Europe and the U.S. has spilled into Canada and is already changing the way Canada approaches migration.

Learn & Share

In the face of increased securitization of migration and the need to dispel incorrect narratives linking immigrants to increases in crime, the contributions and importance of immigrants and refugees in Canada should be shared and celebrated. The federal government launched the #ImmigrationMatters campaign to raise awareness of all the ways Canada benefits from immigration. The campaign shares information about the immigration system, newcomer success stories, and the benefits of immigration for different sectors.

Going Forward

Despite the historical and contemporary relevance of immigration in Canada, there are few studies that examine the direct impact of newcomers on the Canada-born population and more specifically, in relation to crime rates. More research in this area would provide clarity on present issues and would help guide public discourse and meaningful evidence-based policy development.

Reem Saraya is interested in local and national politics, social policy issues including homelessness and poverty, violence against women, Indigenous rights, and refugee/migrant rights and issues. She enjoys volunteering, research, writing, hiking, painting, and photography.

For references, click here

Would you or your agency like to get involved in Community Matters?

There are multiple ways that you or your organization can contribute to our upcoming publication in September, which will focus on Food Security.

Our planning for the September edition will be starting soon!

For more information or to express your interest please contact:

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What Happens When Someone Reports a Hate Crime or Incident in Edmonton?

Written by Landon Turlock

This article discusses hate crimes and incidents. If you feel distressed, you can call the Canadian Mental Health Association 24/7 Distress Line (CMHA) at 780-482-4357.

Reports of hate crimes rose by 72% between 2019 and 2021 in Canada (Moreau, 2022). These occurrences significantly harm survivors and their communities (Iganski & Lagou, 2015; Perry & Alvi, 2011). Despite this, we still do not fully understand the experiences of those who report such occurrences to organizations. In my recent thesis research, I partnered with Coalitions Creating Equity Edmonton to address this knowledge gap. Together, we interviewed 18 participants who reported hate crimes or incidents to organizations in Edmonton over the past five years. These interviews highlight the need for victim-centered. evidence-based services that address systemic gaps. I will now summarize these findings and their implications.

Defining Hate Crimes and Incidents

Hate crimes are difficult to define, and understandings vary from area to area (Alberta Hate Crimes Committee, 2009; Chakraborti, 2015). Perry (2001) describes hate crimes as violent or intimidating acts directed toward

groups of people who are already stigmatized or marginalized. While there is no clear definition of hate crimes, some laws in Canada charge people who advocate for genocide, incite hatred in public, promote hatred, or damage religious or educational institutions. A sentencing principle also allows judges to give harsher sentences if a crime was motivated by hate or bias.

Even when someone does something motivated by hate that is not a crime, like calling someone a slur, it can still be very hurtful (Bell & Perry, 2015). Chaudhry (2021) and Facing Facts (2012) call these non-criminal acts 'hate incidents.' It is crucial to take hate incidents seriously, even though they are not criminal.

Inconsistent Organizational Responses to Reports of Hate Crimes and Incidents

When people reported hate crimes and incidents in Edmonton, responses from organizations were inconsistent, which can significantly impact survivors. Participants reported various hate crimes and incidents. When reporting, they hoped for justice, support, and advocacy, but responses were often unreliable.

Negative experiences included being ignored, disbelieved, discouraged from reporting and facing discrimination. These negative experiences led to emotional, psychological, and behavioural impacts on participants, including a loss of faith in authorities, the reporting process, and retraumatization. A participant shared their experience and hopes for how organizations can improve:



When organizations responded positively, participants felt listened to, believed, and supported. In addition, organizations gave them access to safety planning and appropriate services. Participants also felt satisfied, relieved, and hopeful.

Hate Crimes and Incidents in a Context of Daily Discrimination

Most participants defined hate crimes and incidents in a way that is similar to how they are defined in Canada. Participants connected their experiences of hate crimes and incidents to discrimination in Canada's history and ongoing practices. They identified individuals in many systems, such as police, healthcare, and foster care, as perpetrators of hate crimes and incidents. They also talked about the challenges of reporting hate crimes and incidents and how sometimes it felt like the organizations meant to help them were targeting them instead. Participants also shared experiencing hate crimes and incidents

regularly in their daily lives, such as when using public services or interacting with people in public and social spaces. They connected these experiences to other forms of discrimination that they regularly experienced. As one participant stated:



Influences on Reporting Behaviour

Personal relationships, beliefs, and past experiences influence the decision to report a hate crime or incident. People reported their experiences to many different parties, such as the police, healthcare providers, social services, and community organizations. Nonetheless, they often felt like they did not have any other reporting options at the time they made their report. Many participants had experienced hate crimes or incidents multiple times, but not all chose to report them every time. Some reasons people do not report include not knowing how to report, being discouraged by someone they trust, or not believing they will get a helpful response. However, if the incident was serious or recurring, people were more likely to report it, especially if they were already connected to the organization or a trusted person encouraged them to make a report.

Recommendations

In addition to the above insights, participants shared ways that organizations, police services, and governments can improve how they address hate crimes and incidents reports.

Participants emphasized that it is essential for first points of contact (such as 911 operators, patrol officers, or transit operators) to prioritize the safety of survivors of hate crimes or incidents, to respond quickly, and to show

empathy. Service providers should also provide timely, client-centered services, guidance, referrals, and follow-up. Doing so may involve mandatory training, as well as evaluating and updating existing services, procedures, and policies. In addition, organizations should collaborate with others to ensure survivors have access to appropriate support and to raise awareness of services to impacted communities. Finally, it is important to recognize that hate crimes and incidents may be perpetrated by members of their organizations and take steps to prevent these behaviours.

Based on participant input, it is recommended that police services should have a coordinating body, such as a Hate Crimes Unit or Coordinator, to ensure consistent, high-quality service and accountability. They should provide timely, client-centered services and referrals to support survivors of hate crimes and incidents, offer safety planning, and refer them to Victims Services, whether or not charges are laid. Police-based Victims Services should be trained to support survivors effectively. Police should take statements seriously, investigate thoroughly, and work to hold perpetrators accountable in alignment with the survivor's wishes while practicing procedural justice.

Participants shared the need for governments to develop and implement evidence-based strategies and legislation to prevent and respond to hate crimes and incidents, build meaningful relationships with impacted communities, support anti-racism education, and provide funding to organizations supporting victims of hate crimes and incidents. It is necessary to enhance collaboration between organizations responding to hate crimes while promoting education and programming to prevent future harm. These actions should be mandated in legislation and evaluated, with regular updates and evaluations made publicly available.

What Can You Do?

If you want to learn more about how to support survivors of hate crimes and incidents, I recommend reviewing <u>workshop options</u> and this <u>guide</u> from the Alberta Hate Crimes Committee, as well as this <u>guide</u> from my Coalitions Creating Equity research partners.

To read a full overview of this study and its recommendations, contact me at lturlock@ualberta.ca.

For references, click **here**





Health Behind Bars: Inequities in Access to Health Care Among the Prison Population

Written by Alanna Molzahn

The Canadian public health care system often instills pride in citizens: theoretically, any Canadian citizen or permanent resident can access health care; however, there are barriers to the so-called universality of access. People living in rural areas and people experiencing homelessness often report difficulties accessing health care (Ramsay et al. 2019). People who are incarcerated also face additional barriers to accessing health care in both the provincial and federal systems. While some report better access to health care while incarcerated, many complain about long wait times, a lack of professionals, and inadequate care, among other things. Primary issues outlined below include access to Hepatitis C (HCV) treatment, access to reproductive health care, and access to mental health care.

There are two types of prisons in Canada: provincial and federal institutions. Provincial prisons house offenders serving a sentence of less than two years, whereas federal institutions are for those with a sentence of longer than two years. Provincial institutions are managed by provincial governments, and federal institutions are managed by Correctional Service Canada (CSC), a federal government agency. As such, different legislation applies to each, resulting in discrepancies in how health care is approached between the two types of institutions.

Some provinces have two health care schemes: one public health system and a prison health care system. Alberta, however, has integrated the two systems, as has Nova Scotia (Webster, 2013). This novel approach in Canada has obvious benefits: linking the systems helps prevent problems of equivalence and continuity of care, can improve prison health standards, and control infectious diseases (Webster, 2013). Hepatitis C (HCV), for example, presents a growing problem in both provincial and federal institutions. People in prison have higher rates of HCV than the general population, largely due to the relationship between people who have a history of injecting drugs and the criminal justice system (Ruiz et al., 2022). Because it is a sexually transmitted and blood-borne illness (STBBI), it can also be spread through unsafe tattooing (Ruiz et al., 2022) and sharing items such as razors or tweezers. Perhaps because of the integrated health system, Alberta is the only province with opt-out HCV testing in all of its provincial institutions. This is the "gold standard" of testing and is offered to all people in prison unless they decline (Ruiz et al., 2022). Once diagnosed with HCV, a new issue arises: treatment for HCV is offered over eight to twelve weeks, but the median duration of incarceration in a provincial prison is four weeks (Ruiz et al., 2022). Without a plan to ensure

those diagnosed with HCV can continue to receive treatment in the community, HCV will continue to negatively impact those currently and formerly incarcerated. Provincial prisons do not currently offer needle and syringe exchange programs, and the safer tattooing program was discontinued in 2007, which contributes to the increased spread of HCV (Kronfli et al., 2020).

While incarcerated women also must deal with HCV; they report further issues with prison health care overall, and specifically regarding access to reproductive health care. Incarcerated women in Ontario provincial prisons have complained about a lack of access to contraception, lack of available healthcare personnel and materials such as bandages, and wait times (Liauw et al., 2021). A qualitative study of health care in women's prisons found that incarceration may directly limit women's ability to access reproductive health care. Some women reported a disparity between health care provided to incarcerated men and incarcerated women (Liauw et al., 2021). For instance, women reported an inability to access follow-up care for an IUD, no access to prenatal vitamins or pads during a miscarriage, and an overall frustration with wait-times to see a physician during pregnancy (Liauw et al., 2021). The health care situation for women in prisons seems dire, which begs the question of how access to health care may be affected by other identity markers, such as race. In the community, racialized women generally face worse health outcomes than white women, so it is fair to assume there would be racial disparities within the prison system as well (Bourassa, McKay-McNabb & Hampton, 2005).

People in federal prisons are excluded from the *Canada Health Act* and do not have coverage under Health Canada or provincial health care systems (Zinger, 2019). HCV rates are elevated in federal prisons as well, and to combat this, CSC introduced a Prison Needle Exchange Program (PNEP) to ensure those who inject drugs have



access to clean needles (Zinger, 2019). There are barriers to participation in the program: not many inmates enrolled in the program, partially due to a fear they would be punished by correctional officers or subject to additional scrutiny and drug testing (Giffin et al., 2023). Other health care issues in federal prisons include "dual loyalties" of health care staff (referring to the conflict of loyalty to the institution and loyalty to the patient), correctional officers using force on inmates with mental health issues, and the negative health effects of isolation and solitary confinement (Zinger, 2018; Zinger, 2019). CSC health services are not independent from the rest of the organization and are not employed by the health ministry, creating a role conflict and sometimes preventing the patient from receiving the care to which they are entitled (Zinger, 2018).

To address the prevalence of inmates with mental health issues, CSC operates five regional treatment centres, which are inpatient psychiatric facilities, to treat patients with serious mental health issues. There are not enough available beds to address the mental health needs of all people who are incarcerated (200 beds for men, 20 for women), and a lack of sufficient and adequately trained staff results in the overuse of segregation and clinical seclusion (Zinger, 2018). Furthermore, these five treatment centres accounted for 20% of all use of force incidents reviewed by the Office of the Correctional Investigator in 2018-19 (Zinger, 2019). There is also a trend of correctional

officers inappropriately using physical restraints to manage inmate self-injurious and suicidal behaviour (Zinger, 2017). Regardless of the availability of mental health treatment in prisons, incarcerated people with mental health concerns may reasonably choose not to obtain treatment because of concerns about reputation and confidentiality (Simpson et al., 2013) or perhaps fear about the kind of treatment they will receive.

Generally speaking, incarcerated persons experience higher rates of chronic illness, including mental illness, as well as traumatic brain injuries and childhood traumas (Woods & Peternelj-Taylor, 2022), making access to health care all the more important in provincial and federal institutions. Prison health care can be improved by integrating prison health systems with public health systems in provinces and expanding the *Canada Health Act* to include people who are incarcerated. Harm reduction measures, such as needle sharing programs and safer tattooing programs, can be helpful in reducing the spread of blood-borne illnesses, but only when implemented properly. Finally, having an independent health care agency and regular audits of the prison health care system can be useful in ensuring better health outcomes for people in prisons.

Alanna Molzahn (she/they) is a second-year law student at McGill University. They are interested in transformative justice and empowering communities as an alternative to the carceral system. In her spare time, Alanna enjoys knitting, doing puzzles, and playing guitar.

For references, click here

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The Intersect of Indigenous Youth and the Justice and Child Welfare System: What do they need?

Written by Stefanie Varze

Connections Program Manager, BearPaw Media and Education

I don't know where to go, what to do, or how to do it.

"

-Edmonton Indigenous youth aging out of government care.

Indigenous youth today in Alberta face unique challenges navigating the justice and child welfare systems more than ever before. According to a national survey, in 2020/21, Indigenous youth accounted for 50% of youth admissions to custody. [1] Indigenous youth are still overrepresented in the child welfare system even since the passing of Bill C-92, which was implemented to give Indigenous communities jurisdiction over their Child and Family Services. However, not all reserves have the resources needed to take this on. As of December 2022, 74% of youth in care in Alberta are Indigenous, even though they make up just 10% of the youth population. [2] By the time they reach adulthood, many Indigenous youth may experience poverty, discrimination, and abuse.

Indigenous youth can often feel alienated by complex legal systems that are hard to understand, navigate through, and identify with.

Cynthia Arcand, Regional Manager for the Native Counselling Services of Alberta's (NCSA) Indigenous Courtworker program has seen many Indigenous youth go through the courts over her career. "There is a direct link to youth who are in government care who end up going through the court system," says Arcand. "Indigenous youth are a forgotten group. They did not decide on their own to leave their families and communities. That was decided for them, resulting in barriers that should not be there. We need to interrupt colonial systems and find out what youth need. If you ask them, they will let you know."

Krysta Halfe, Director of NCSA's Family Services, has done work with Indigenous youth and families throughout her career. "There are root causes at play in today's child welfare system. These historically are derived from the Residential School System and the 60's scoop," says Halfe. "From what we observe working with

youth in care that come through our programs, they are dealing with a big lack of connection with any natural family or ceremony. What then tends to occur is these youths find 'family' in places that are not healthy such as gangs. Youth who are in care between 14 to 18 years old are often under a Permanent Guardianship Order (PGO) status and have been in government care since they were very young."

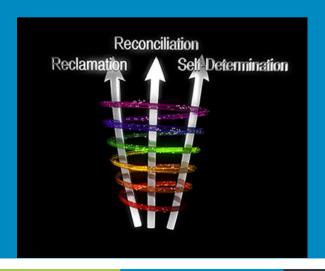
NCSA's mission is to promote the resilience of Indigenous individuals and families. Halfe and Arcand say the answers come through Indigenous-led programs and services that are culturally relevant. NCSA offers these programs and services that are based on the resiliency model which incorporates 3 components of healing:

RECLAIM INTERCONNECTED WORLDVIEWS: Youth find their Indigenous identity through connecting to the land, culture, and ceremony.

FOSTER RECONCILIATION OF RELATIONSHIPS DAMAGED BY COLONIZATION:

Youth need to connect back to their families, communities, and land.

ENCOURAGE SELF-DETERMINATION: Youth can learn for themselves and be empowered to self-determine their lives!



Colleen Mustus is the Director of BearPaw Media and Education. She has done extensive work with tribes in Indigenous Communities throughout North America and has seen time and time again what happens when Indigenous people re-connect to the land. "We come from the land, we go back to the land, we need the land to heal," she says. She goes on to teach how Indigenous people are stuck living in controlled settings they were never meant to be in and need to go back to their roots. "The land is in our DNA," Mustus says.

NCSA had developed programs specifically designed for Indigenous youth, such as Indigenous Youth Housing First, Youth Court Worker, Wrap-Ed, Family Reconciliation, Wapekin, Wâhkômiwêw, Kiyôhkatowin. These programs provide important support for youth such as parenting skills, cultural support, housing wrap-around services, gang prevention, and much more. Programs are offered in Urban settings as well as throughout rural communities in Alberta. Halfe states "Expanding these youth programs and services is integral. Youth need to access safe and culturally appropriate services."

BearPaw Media and Education is a department of NCSA. BearPaw Media fills gaps in public legal education by designing and distributing culturally relevant resources in the form of publications, videos, webinars, digital curricula, apps, and training to support Indigenous people to navigate their lives.

The Connections App was designed for Indigenous Alberta youth and young adults ages 14 to 26 who are transitioning to independence from government care.

This unique and innovative app features articles, how-to comics, videos, and tips on things like moving to your first apartment, getting a government ID, budgeting, raising a child, and much more.



Understanding accessibility for youth was an important consideration. The app can be downloaded on any Android or Apple device and once downloaded, it can be accessed without Wi-Fi. The app also connects youth to a wide range of supports as well as ways they can connect to their culture.

The Connections app provides youth with the knowledge they need to guide them as they transition into adulthood.

For more information on our resources please click the links below.

- NCSA programs and services <u>ncsa.ca</u>
- BearPaw Media and Education bearpawlegalresources.ca
- Connections App <u>connections.ncsa.ca</u>

For references, click here





Drug Policy in Alberta

Written by Sydney Sheloff

Harm Reduction

Harm Reduction, as defined by the Canadian Mental Health Association (n.d.) "is an evidencebased, client-centred approach that seeks to reduce the health and social harms associated with addiction and substance use, without necessarily requiring people who use substances from abstaining or stopping." Harm reduction meets people where they are at, is nonjudgemental, and allows people who use drugs to choose for themselves how they will engage with services. Some people do, ultimately, want to fully abstain from drug use, whereas others want to learn how to use drugs in less harmful ways. Examples of harm reduction practices include needle exchanges, drug-checking services, and supervised consumption sites (Canadian Mental Health Association, n.d.).

Another way we can conceptualize harm reduction, according to Harm Reduction International (n.d.) is the "policies, programmes and practices that aim to minimise the negative health, social and legal impacts associated with drug use, drug policies and drug laws." This conceptualization recognizes that harms associated with drug use are not limited to the health impacts of using drugs, but also involve the harm of getting involved in the criminal justice system, child welfare system, and of stigma and

discrimination (Harm Reduction International, n.d.). An essential tenant of harm reduction is changing policies that cause harm.

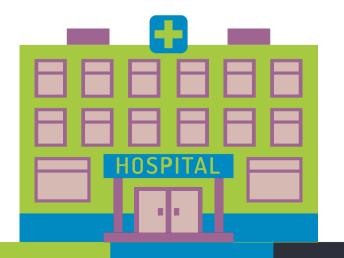
Drug Policy's Impact on People

Possession of Schedule 1 substances (which includes opioids, amphetamines, and cocaine) can result in someone being incarcerated for a maximum of five years. However, the impacts of being charged with drug possession last far longer than incarceration. Many employers, landlords, and affordable housing providers require background checks, which means that people charged with drug possession will face challenges in accessing good jobs and housing for the rest of their lives, pushing them into poverty and homelessness. Drug possession and criminal records have also been used as justification for child apprehension and can negatively affect child custody arrangements. Although people from all racial backgrounds use drugs, Indigenous, Black, and other racialized people, along with low-income folks, are disproportionately arrested and incarcerated (Canadian Drug Policy Coalition, 2022).

Starting late January 2023, British Columbia has begun steps to decriminalize the possession of drugs for personal use. Individuals will not be arrested or charged for possessing up to 2.5

grams of drugs such as cocaine, opioids, methamphetamine and MDMA. Some critics have argued that this limit is too low and does not reflect the lived realities of people who use drugs (PWUD) and may have to interact with dealers more often to remain under this threshold (Judd & Robinson, 2023). However, this is a welcome step in the right direction.

Decriminalization is only part of the solution. If people who use drugs have to buy on an illegal, unregulated market, people will continue to die. Drugs sold on the street are often toxic and cut with other substances so people do not know what they are actually buying. The current overdose and poisoning crisis are caused by these tainted drugs, not by drug use in and of itself. Safe supply is defined as "legal and regulated supply of drugs with mind/body altering properties that traditionally have been accessible only through the illicit drug market" (Canadian Association of People Who Use Drugs, 2019, p.4). They provide PWUD with drugs that are comparable to what is bought on the streets but with the assurance that their drugs are not toxic. Research has shown that access to safe supply has numerous positive impacts on PWUD, including improved control over drug use, reduced risk of death, increased engagement and retention in health and social services, improvements in physical and mental health, fewer hospital visits, and improvement in social well-being and stability (National Safer Supply Community of Practice, n.d.).



While arguments in favour of harm reduction informed policies often center around the benefits to people who are experiencing addiction, it is important to recognize that not all PWUD are considered dependent or experiencing addiction. Most drug use is social – people use drugs to relax, to socialize, for pleasure, and for spirituality (Canadian Drug Policy Coalition, 2022). Drug policy impacts these people too. Safe supply means all people can guarantee that the drugs they are using are safe. Decriminalization means that using drugs doesn't carry the risk of a criminal charge and its long-term impacts. Both policies already exist for alcohol and cannabis; it is not a far leap to imagine this system for all drugs.

The Alberta Model

Alberta has taken a strong stance in advancing a recovery-oriented system of addictions policies and services. The Alberta Government defines recovery as "a journey to improved mental and physical health, better relationships, employment, community participation, social inclusion, greater cultural and spiritual balance, and engagement that improves quality of life for not only the individual, but also their family and community" (Alberta Mental Health and Addictions Advisory Council, 2022, p.15). On the surface, this seems positive, but recovery models assume that these things can only be achieved if one completely stops drug or alcohol use.

The Government's decision to put more funding into recovery has opened more beds in treatment centers, which is sorely needed for folks who wish to pursue recovery and abstinence. However, not all PWUD want to pursue recovery, and recovery does not work for all PWUD. Research has shown that recovery models have high rates of relapse (McQuaid et al., 2017). There are concerns that this investment into a recovery-orientated system

will be achieved at the expense of harm reductioninformed services.

As of early 2023, Alberta Health Services (AHS) is undergoing a review of all mental health and addictions services to ensure they align with this recovery-oriented system (Bellefontaine, 2023). Critics worry that this review will result in resources being shifted away from Harm Reduction services. While some harm-reduction services continue to be funded, the current system is designed to encourage people who use these services to ultimately attain recovery (Alberta Mental Health and Addictions Advisory Council, 2022). This goes counter to harm-reduction ideologies as they do not allow PWUD to choose their own path. Services that do not encourage recovery may be deemed to not align with AHS mandate and lose funding (Bellefontaine, 2023).

In addition, the Alberta Government has created a Recovery Expert Advisory Panel which will "provide ongoing advice to strengthen and inform Alberta's recovery-oriented systems of care for addiction and mental health," including advice into policy and standards development (Government of Alberta, 2023). These two practices will work together to further entrench recovery ideologies in addictions policies and the services that are guided by them, putting harm reduction at risk.

In the absence of larger policy changes to address the structural issues that surround addiction – such as criminalization, poverty, homelessness, and trauma – recovery is not very effective. A survey in 2017 found 58% of people who entered treatment did not finish their program, and half of those who did finish returned to substance use (McQuaid, et. Al. 2017). This is largely because people may recover and become abstinent, but their criminal record prevents them from getting a job or decent home, and overall makes



abstinence hard. Drug use is often used as a coping mechanism to deal with trauma and mental health issues, without access to affordable mental health services, people may return to drug use. Contrary to those who say decriminalization encourages drug use, it makes stopping drug use easier.

Alberta needs drug policies that are informed by harm-reduction ideologies. Alberta needs more supervised consumption sites and harmreduction informed services, decriminalization, and a safe supply of drugs. Recovery services should continue to exist under these policies, but they are just one choice PWUD can make. This is not just about the services that are available, but the ideologies that underlie them. Investing in a recovery-oriented system of services implies that abstinence is the only acceptable outcome for PWUD. The truth is, not everyone wants to or can abstain from drugs. Harm-reduction policies allow PWUD to have agency in how they address their drug use, and ensure their safety, dignity, and well-being in whatever they choose. Ultimately, harm reduction polices are a necessity in a country that wants to uphold the human rights for all.

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About the Edmonton Social Planning Council

The Edmonton Social Planning Council is an independent, non-proft, non-partisan social research organization, with registered charitable status. Our focus is social research, particularly in the areas of low-income and poverty. ESPC is a source of knowledge and expertise on social issues within our community.

We are dedicated to encouraging the adoption of equitable social policy, supporting the work of other organizations who are striving to improve the lives of Edmontonians, and educating the public regarding the social issues that impact them on a daily basis.

Our Vision: A community in which all people are full and valued participants.

Our Mission: Through rigorous research, detailed analysis, and community engagement, we deepen community understanding of social planning issues, influence policy, and spark collaborative actions that lead to positive social change.

We thank you for your continued support.

Contact

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