

# Restorative Justice & Mental Health as a Young Indigenous Woman

An Indigenous woman's reflections on the criminal (in)justice system & restorative justice in so-called Canada. by Naomi Sayers

**T**HE MOST DIFFICULT PIECES ARE ALWAYS THE HARDEST to write. I have to go back to a place that I can never forget. It's not that I try to forget. It's rather that I can't forget. The pain and the realities from these memories will last forever.

It took me a while to realize that a lot of the things that I battled with, like racism in the education system, were not my fault. I am at a point in my life where I realize I have control over some of the things in my life. One of those things includes getting up everyday and being grateful. I realize that this is sometimes hard for people to do. It was hard for me to do at many times in my life. I sometimes still struggle with these feelings but I have learned that I have some control over them. This is my truth and for others, I understand it is different. But this is my story and this is how I survived.

The first time I was arrested, it was for my own protection. I didn't receive any charges. I was just put into a holding cell. It wasn't the best position to be in for obvious reasons. I was about 15 years-old and I

had just sustained an acquired brain injury. I changed. I was more irritable and easily angered. These are also some of the "side effects" of brain injuries. When people acquire a brain injury, they change because their entire being changes. For me, being more easily angered was one of them. So I fought a lot with my family. A lot of my friends changed because they didn't know how to be around me anymore. I was literally a different person. But when I was arrested after getting into a fight with a family member, I realized that I wasn't the same person I used to be.

I moved out of my family home about the time I was 16-17 years-old. I was still in high school. I remember meeting this guy around my birthday. I can't recall if I was 17 or 18 years-old. I know that people kept telling me to stay away from him. He was much older than I was. He was also white. We eventually started "dating." I wouldn't call what we were doing dating now though. He started introducing me to alcohol and drugs. I didn't drink or do drugs before I met him. He also became abusive. By the end



of our “relationship,” it was really bad. I don’t remember a lot of what happened, but I know that the police were called a couple of times. The final time the police were called. I was arrested. I was charged with drinking underage and when they let me out, I was still drunk. Not long after, I was arrested again, but this time for some more serious things.

I didn’t want to go back home because I didn’t feel safe and I knew that I would try to kill myself (for the umpteenth time). So the police brought me back to the holding cells. Before they brought me inside, I tried to run away from the police. The police grabbed me forcefully and called me a “fuckin’ bitch.” Before I ran, all I remember was looking at the vehicles coming down the road. One was a transport. I wanted to kill myself. The police put me in the cell and I don’t remember much until I was placed into the local remand center. Remand is where the courts place individuals until their next court date. For me, I was placed there for my own safety. It didn’t feel like a safe place.

I remember being there for several days. I can’t recall if it was a week or a couple of weeks. But I remember being there for a long time. I was there for so long that I made “friends” with the people who were watching me for twenty-four hours a day. I also wasn’t allowed to leave my cell. I only left it to shower (but if I recall correctly, they didn’t let me shower every day). The one lady who was watching me, I remember her clearly, because she shared her brownie with me. I was and still am thankful for her kindness. I also remember the Crown calling me and telling me that I would be facing some pretty heavy charges and that I could be going to jail for life. I can’t recall what I said to him—all I know is I didn’t speak much to him. I just remember being really angry with him. Like you want to call me while I am in a cell for twenty-four hours, where I am being where I’m continuously being watched for twenty-four hours and not allowed to leave my cell because I want to kill myself? Then trying to tell me I am going to go to jail for life? You think that is going to change my reaction to what is going on right now? No. I was so angry.

By the time I was let out, I had strict conditions on me. One of the conditions was to stay at a women’s shelter. This was also one of my requests because I knew I wasn’t going to be safe at home (from my ex or from myself).

After this experience, I eventually overcame the charges.

I received a conditional discharge and within a couple of years, the charges would be withdrawn from my record. I ended up moving to London, Ontario. When I moved to London, the same patterns described above emerged except this time I was heavy into drinking and doing drugs myself. Nobody was supplying the substances to me but myself. I ended up getting arrested and was placed in the Elgin Middlesex Detention Centre for my “own safety.” This time I almost wasn’t released and needed to get out! I could have lost my apartment and I could have lost my place at school since I just recently applied and was accepted. The arrest happened before school started. By the time I was released, I had some conditions. These conditions were a little different.

One of my conditions was to see a counsellor. This counsellor was amazing. I only ended up seeing her for a little bit, I think she changed positions or started working elsewhere. By the time that happened though, my conditions were fulfilled. I spent almost a year going to traditional circles and counselling with some traditional aspects. None of the traditions were related to my Indigenous culture. But I am grateful for being invited into those spaces—well, I wasn’t invited, I had to go and this just happened to be an organization that offered these services. This is what is sometimes referred to as restorative justice, which many liken to Aboriginal or traditional ways.

Briefly speaking, the restorative justice system is an approach that’s adopted by these colonial and violent institutions to deal with the increasing Aboriginal prison population in Canada. However, it does not address the fact that Aboriginals are criminalized in a myriad of ways, like homelessness, street involvement or sex work (to name a few). It also does not address the fact that Aboriginal peoples experience increased police violence, police harassment and discrimination on top of police indifference--the police do not care about Aboriginal people’s safety which is evident with the issue of missing and murdered Indigenous women and girls. The restorative justice approach addresses the lack of cultural support inside the prison but it does not address the absence of culture outside the prison. Cultural supports should be available to Aboriginal people’s without the condition of having to plead guilty to receive them.

We must also remember that the prison industrial complex is not traditional or Aboriginal. These are just labels to erase their

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colonial violence. The only thing I learned from the restorative justice experience was to feel ashamed of my culture. I already didn't feel proud that I was no longer practicing it (because I moved away, I stopped practicing it with my family) and then I didn't feel proud to have this violent institution try to force it on me.

In 2012, I was sitting in a presentation while I was at university studying criminology (funny that), and an Indigenous woman was presenting. I couldn't recall where I remembered her from but at the end, it all clicked in. She was the lady who counselled me upon my release after I was arrested in London, Ontario. I wanted to cry when I heard her speak again but not for reasons you would imagine. She said something so powerful during that presentation. She said to the crowd of both Indigenous and non-Indigenous students, "It was an institution that took away our culture and it is an institution that is trying to give us it back." She

was referring to the restorative justice approach that more correctly describes prison as the new residential school. In the end though, after all that happened to me, I was lucky because I didn't die. I eventually found home again. If that is the standard, being lucky to not die then we have a lot more work to do in restoring "justice". Because a lot of young people aren't lucky... they never make it home again.

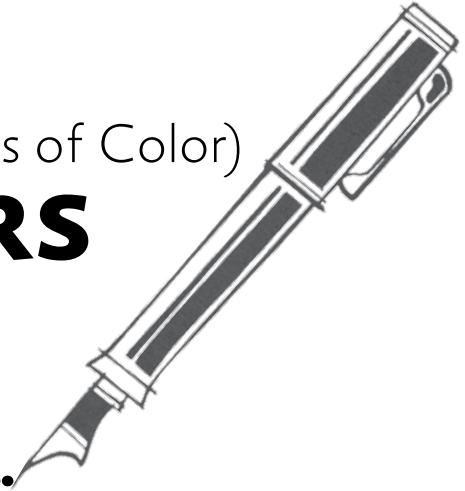
In light of this, we must remember Indigenous communities that experience increased criminalization have unique needs. For instance, northern communities must deal with forced displacement of their young people once they enter the justice system. This forced displacement is a result of the lack of support within the community. These communities need to be supported from the inside--an Indigenous centred model of justice is community based and culturally specific and relevant to the community. This is true restorative justice.  $\Delta$

*Naomi Sayers is the creator of kwetoday.com and she identifies as an indigenous feminist, and sex work activist. She is currently in the common law program at the University of Ottawa and she has a passion for various social justice issues including access to justice.*

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