FROM CEREMONY UP: INDIGENOUS COMMUNITY PLANNING AS A RESURGENT PRACTICE ON CONTESTED LANDS IN BRITISH COLUMBIA

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FROM CEREMONY UP: INDIGENOUS COMMUNITY PLANNING AS A RESURGENT PRACTICE ON CONTESTED LANDS IN BRITISH COLUMBIA

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Abstract

From its 19th century origins, the modern western idealization of community planning has been about social justice, including the health and well-being of people and their environment, from the “garden cities” of the late 19th century to today’s healthy built environment work. But there has always been a dark side to this ideal. In North America, socio-legal frameworks were developed that deployed the language of “health” and “hygiene” to exclude specific groups of people from cities and towns. Indigenous peoples whose ancestral lands were adjacent to towns and cities were dispossessed of their territories and became the target of colonial bylaws that sought to criminalize their presence in urbanizing areas.

Bringing together the fields of public health, planning and Indigenous studies, my research sought to understand how Indigenous experiences of health in urban areas have been discursively framed by colonization and continually impacted through settler colonialism. This case study explored how urban Indigenous community planning might be conceptualized at the nexus of health and justice in the work of one urban Indigenous organization, the Native Courtworker and Counselling Association of BC (NCCABC). Through an examination of the day-to-day labours of frontline workers, I answered my primary research question: In what ways do the resurgent practices of NCCABC relate to the emerging theory and practice of Indigenous community planning? Information was gathered through immersive participation, interviews, a talking circle, and document analysis in four primary sites of study: NCCABC Health Services in downtown Vancouver, NCCABC Prince George office, and First Nations Courts in New Westminster and North Vancouver.
In spite of immense jurisdictional and administrative challenges that create barriers for urban Indigenous peoples and organizations – and a political landscape that largely denies urban Indigenous claims to sovereignty and self-determination – frontline workers with NCCABC create alternative spaces of belonging through relational practices that emphasize personal accountability, integrity, trust, and the importance of culture and ceremony. These resurgent practices, I argue, inform an Indigenous community planning paradigm shift that challenges colonially imposed categories of being and belonging and creates community for diverse urban Indigenous peoples.
Lay Summary

This case study explored what urban Indigenous community planning looks like at the intersection of health and justice in the work of one Indigenous organization, the Native Courtworker and Counselling Association of BC (NCCABC). Information was gathered at three sites of study: NCCABC Health Services in downtown Vancouver, NCCABC Prince George office, and First Nations Courts in New Westminster and North Vancouver. I used immersive participation, interviews, a talking circle, and key document analysis to better understand NCCABC’s work. I found that frontline workers with NCCABC create alternative spaces of belonging through relational practices that emphasize personal accountability, integrity, trust, and the importance of culture and ceremony. I argue that these practices create important spaces of being and belonging for diverse urban Indigenous peoples.
Preface

This dissertation is original, unpublished, independent work by the author, Lyana M. Patrick.

The study was approved by the University of British Columbia Behavioural Research Ethics Board, Certificate number H14-01033.
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Mussi cho!
Dedication

To all those working on the frontlines, wherever those lines might be.
Chapter 1: Introduction

1.1 From Ceremony Up

It’s December 2016 and I’m rushing to 520 Richards Street to attend a healing circle. I’ve been trying to attend as many circles as I can, as my fieldwork winds down. Perhaps like other doctoral students I’m not convinced that I can or should finish my fieldwork, but part of me knows that I could continue indefinitely, so I also know that at some point it needs to end. I walk through the front door and wave to the receptionist who buzzes me in. I go down the long hall to the boardroom/kitchen at the far end of the building. The counselor is setting up his ceremonial items and I say hi and settle into a comfy leather office chair to wait for the group to arrive. I should be at home, preparing for a job interview I have in a couple of hours, but this seems more important right now. People start filtering into the room. It’s a small group on this mid-December morning, about 5 or 6 people. The counselor leading the group shares teachings and describes the brushing off ceremony we are about to do. Every Friday the same group gathers together in a weekly workshop called “Say Goodbye to Your Addiction,” to hear teachings, to drum, to share their experiences in a healing circle, and, when they can, to gather and prepare medicines. Before the ceremony starts, I mention that I need to leave early because I have a job interview at UBC. The counselor says I can go first and that it will help prepare me for the task ahead. As I’m brushed off by several group members, I close my eyes and listen to the drumming, inhale the earth smell of the medicines burning, and offer up my own prayers to my ancestors. I ask for protection and strength, and the integrity to do a good job no matter who I’m with or where I am. When they finish, I lift up my hands in thanks. I feel calm and
grounded. As I walk to my car, I am overwhelmingly grateful to this community, who see me at this moment not as a researcher or a UBC student but as a human being requiring love and support. That is what fills my heart and propels me with courage into the rest of my day.

Before I knew what the topic of my dissertation would be – even before I first spoke with a friend who suggested I connect with the Native Courtworker and Counselling Association of BC (NCCABC) – I knew about the organization that would become my research partner. My father had worked for them in the early 2000s. Native Courtworkers can be found across the country and have a high level of credibility with Indigenous peoples and communities, particularly in British Columbia. My friend was helping them develop a framework for their model of care, a model that sounded very similar to one I wanted to explore in my research. I remember the day I first met Xavier¹ who would help facilitate the next 8 years of my involvement with NCCABC (as a researcher, collaborator, Master of Ceremonies, friend and witness to extraordinary work in a hostile environment). I was interested in models of addiction and mental health planning, how the Four Pillars approach to addiction had rolled out for Indigenous peoples² in Vancouver, and the role of local government in addressing intersecting issues of health and planning especially as they impacted Indigenous peoples in urban areas. There seemed to be areas of convergence in NCCABC’s work and although I wasn’t exactly sure how it would connect to my planning program, I committed to a collaborative research process.

¹ All of my research participants have been assigned pseudonyms.
² I prefer to use the term “Indigenous” throughout my dissertation, to refer to First Nations, Métis, and Inuit people and all those who self-identify as “Indigenous.” Where I use the term “Aboriginal” it is to refer to specific programs or government departments, or to how people, communities, or organizations refer to themselves.
where we could mutually explore these convergences and divergences. In order to understand my motivation for wanting to do this work – and how I arrived at this curious intersection of health, planning and urban Indigenous peoples – I first share at least part of my personal and educational journey to arrive at this place.

On a late spring evening in 2001, my parents and I sat around their kitchen table, dazed and disbelieving, trying to figure out what was happening to my brother. I thought about the previous Fall when he had started calling me several times a week, asking if I had the source of some obscure quote. I had just started a Master’s program and was intensely engaged in a new field of study. It was sometimes a few days before I called him back. When I finally spoke to him, he would hurriedly explain that he was interested in another topic and would ask about something else. I thought it was a little strange, but he was an avid reader so I chalked it up to his many and varied interests. What we didn’t know was that his drug and alcohol intake had intensified, that his grip on “reality” (in quotes because this is a relative concept at best) was slipping, and that he was about to lose his job, his friends, his life as he knew it. By the time we were gathered at the kitchen table trying to put the pieces together, my brother had been forcibly hospitalized and given a “working” diagnosis of schizophrenia. As I gazed out the window of the kitchen door that led to the backyard, my brother appeared in the porch, like a ghost, an apparition. We all jumped up. He came into the kitchen and simply said “I wanted to be in my own bed.” He had somehow gotten out of the secured hospital ward (which he wasn’t allowed to leave, even to have a cigarette on his own) and walked 4½ kilometres home in his
hospital gown and paper shoes. My dad slowly went to him and said, “Adam I have to take you back.” As they left, my mom and I looked at each other, heartbroken and weary.³

With my brother’s illness, I was forced to confront an ugly truth: that colonization had firmly manifested itself in my immediate family. Compounding our grief was a sort of denial that colonization could have anything to do with it: we hadn’t experienced the sort of childhood trauma that marked the lives of many of our relatives in Stellaquo. Yet my father’s experiences in residential school and the resulting political, social and cultural dislocation caused us to feel the impacts of colonization just as strongly in the city as it did to my family on reserve. In fact, how I was thinking – that our experiences should somehow be mitigated by being “off-reserve” – inadvertently reinforced colonial paradigms that seek to naturalize loss of “Indigeneity” though separation of Indigenous bodies from a (state-defined) land base. Living outside our territory did not enable us to shed our collective grief and trauma like a cloak placed at the feet of our reserve relatives. Everyone in my family has suffered from the profound disconnection experienced as a result of colonial policies and in different ways are finding pathways back home. In her dissertation, Anishinaabe scholar Dawn Marsden (2005) writes about her own brother’s experiences being diagnosed with schizophrenia and the journey she took to process her own experiences of “mental health” with the assistance of Indigenous knowledge-holders:

I sat in circle with them and a few others, learning traditional teachings, for a couple of years. Her most welcome teaching that the things I’d experienced were normal gifts, we all have different gifts and that some of them are to walk in other worlds. When I talked about my brother, she explained that the task of people with these gifts (schizophrenia), is to learn to differentiate between worlds, and to walk mostly in this one; those that

³ My brother granted permission to use this story. While I was hesitant to share it, his experiences in the health care system have shaped and informed my work so I felt it was important to include here.
don’t learn, get lost, and often end up in trouble and institutionalized. She explained that in the past, people would learn to use these gifts properly while they were very young, they would be given the opportunity to use their gifts in the community, and often became respected healers and Elders. With the help of traditional knowledge holders like these, and the important teachings they carry, I’ve kept myself out of mental institutions and the somnambulistic fate of my brother. (p. 13)

My brother has very much learned to walk in this world, and his success (personal and professional) is a testament to his individual strengths and how family-friends-community have nurtured the gifts he offers this world (including deep compassion and a sharp, incisive mind).

I spent much of the early 2000’s attending conferences and workshops on what are medically termed “concurrent disorders” – co-occurring experiences of addictions and mental health disorders. I felt a deep connection to the families I met and an avid interest in the science behind addictions. One bright June afternoon, I walked out of a workshop called “Balancing the Brain: Mental Health, Medications and Substance Use” at the Eric Martin Pavilion in Victoria, BC. I remember squinting into the sun outside the lecture theatre on that beautiful spring day. I thought to myself, I want to go to medical school. That same year – 2004 – I heard about the Northern Medical Program at the University of British Columbia. A medical school was opening in my territory. I had a new-found desire to go to medical school. The pieces fit together. My motivation for medical school was inspired in part by my work at the Victoria Native Friendship Centre where I was the Education Liaison. I connected Indigenous students and families in the school district with programs and services at the Friendship Centre. While the work was difficult, I loved meeting families, making connections and helping people access services. This was meaningful work that took me into the community and required me to build relationships and establish trust. I wanted nothing more than to devote my life to such
work, to put my skills and knowledge towards improving opportunities for Indigenous peoples. I also felt that bringing a different kind of knowledge into community was very important. Even 15 years ago, I didn’t hear anybody talking about colonization as a determinant of health. While a social determinants of health framework has been around for some time, such a framework does not necessarily contain all the elements that encompass Indigenous experiences of health and well-being. My personal, lived experience of mental health and addiction eventually made me realize that a more comprehensive and nuanced understanding of “addiction” was required and that western medicine was unlikely – at least for me at this point – to be able to meaningfully provide this.

I came into the School of Community and Regional Planning (SCARP) through a serendipitous meeting with Dr. Leonie Sandercock. At the time, I was still contemplating medical school, but Leonie invited me to consider a PhD in planning if I didn’t end up going that route. I didn’t know anything about planning, but once I looked into it, I immediately saw how holistic conceptions of health and urban Indigeneity might be suitable for an interdisciplinary field of study like planning. I was also drawn to planning as an applied field of study concerned with how research findings can translate into real world practice. I was less prepared for how lonely and isolated I would feel in planning – even with brilliant fellow PhD students who were also focused on Indigenous topics in planning, and an advisor who dedicated much of her intellectual and emotional labour to starting and maintaining an Indigenous Community Planning stream in SCARP. Writing this dissertation has been an opportunity for me to articulate my discomfort, to bring into conversation fields of study (in particular urban studies,
Indigenous studies, geography, planning, and public health) in order to build upon and extend scholarship on Indigenous peoples and planning, and privilege (rather than bracket) Indigenous conceptions of health and well-being in a planning context.

A core tension within this research concerns the area of jurisdiction – who has responsibility in areas like health, justice, provision of social services, housing, employment? Who is responsible for these things when it comes to Indigenous peoples in urban areas? How does planning fit into the scope of this dissertation if it focuses on health and justice (usually considered firmly outside the scope of planning research topics, especially the criminal justice system)? At its core, I have been grappling with what Indigenous community planning looks like in the urban context, and how urban Indigenous organizations respond to, engage with and yet also resist attempts by the dominant culture to “administer justice” – following the Latin meaning of “jurisdiction.” In the process, I argue, these organizations enact resurgent practices that, at times, create alternative spaces of being and belonging for individuals rendered largely invisible by violent and colonizing structures of surveillance and control (e.g., prisons, hospitals, social assistance offices). At the same time, this research engages with a place-based approach to education – what does it mean for this work to take place on the ancestral, unceded lands and waterways of hən̓q̓ə̱min̓ə̑m̓-speaking peoples? It is complex and careful work to deliver Indigenous programs and services to people from diverse backgrounds, while remaining attentive and responsive to the fact that – for the most part – we are uninvited guests on stolen lands, ones largely paved over for the benefit of settlers and their descendants. This is no small
consideration for the planning profession when considering responsibilities to Indigenous peoples in urban settings.

1.2 Indigenous Research Framework

I have strong ties and connections to NCCABC, developed over the last 8 years spent tending to research relationships, conducting field work and maintaining contact with research partners as the years of my PhD grew longer. I consider this time very precious. I was once asked in a job interview how I could maintain a sense of objectivity considering how close I was to my research participants. Wilson (2008) talks about Indigenous research as an extension of ourselves: “It is clear that the nature of the research that we do as Indigenous people must carry over into the rest of our lives. It is not possible for us to compartmentalize the relationships that we are building apart from the other relationships that make us who we are” (p. 91). The person who asked the question was referring to the notion of “validity” in research. How valid can research be when personal emotions and motives (i.e., bias) are tied up in the work? As Smith (and many other Indigenous scholars) confirms, our research relationships are not separate from other areas of our lives. Validity in this research springs from the community itself, in this case, the frontline workers, clients, and other research participants who shaped the work and made it possible for me to be there in the first place. Without close research relationships, I would not have been able to conduct interviews and the talking circle, participate in staff meetings and internal planning sessions. Knowledge produced through this work is relational knowledge. I am relationally accountable to the community, to individuals within the community, and to the lands upon which I’m an uninvited guest in how I share and
use this knowledge. Relational accountability is both a key finding and an organizing framework in my research. Relationality describes relationships that involve an embodied self, interdependence and connectedness. Reich et. al. (2017) found that “establishment and ongoing nourishment of relationships between researchers, participants, and community service providers” were key to a relational accountability approach to engaging youth in research (p. 2).

At various times this feels messy, uncomfortable, terrifying and liberating. Wilson (2008) believes that for Indigenous people, research is a ceremony. He describes ceremony as a time when “everyone who is participating needs to be ready to step beyond the everyday and to accept a raised state of consciousness” (p. 69). As he explains, it is fitting that we view research in the same way – “as a means of raising our consciousness” (ibid.). Ceremonies are central to the lives of many Indigenous peoples, something Little Bear (2009) alludes to when he describes the function of Aboriginal values and customs as maintaining the relationships that hold creation together. “If creation manifests itself in terms of cyclical patterns and repetitions,” writes Little Bear, “then the maintenance and renewal of those patterns is all-important” (p. 81). Indigenous researchers do not remove themselves from this context when they engage in research, any more than they leave their Indigenous identity at the city limits. Ceremony is part of Indigenous knowledge, and therefore part of an Indigenous research paradigm. For this research, I was committed to a collaborative “raising of consciousness” or a shared understanding of what was emerging from the process. It was vital that I not only observe activities in which research participants engaged but actively participate in these
activities to properly contextualize and be responsible for ideas that flowed from our interactions.

In my research proposal, I wrote the following:

Informing my own approach is a commitment to establishing relationships of trust with those with whom I’ll be doing research. Part of this work involves preparing myself for the research in ways consistent with my Dakelh values and principles. Much like Struthers (2001) work, this includes honouring participants with traditional medicines, paying close attention to dream knowledge (a powerful and ongoing component of Dakelh knowledge systems), participating in ceremonies (including the sweatlodge) to prepare myself physically, mentally, emotionally, and spiritually to engage in this challenging work, and seeking guidance from knowledge holders in my community to ensure I’m working in a good way. Kovach (2009) hears the Elders’ voices when she thinks about working in a good way: “This is about validity, or relationally speaking, credibility. To do this means to tend to the process in a good way, so that no matter the outcome you can sleep at night because you did right by the process” (p. 52). I’m planning to participate in ceremonies in my homelands next summer, a motivation grounded in the work on which I’m about to embark. Kovach explains that a “prevailing teaching is that an Indigenous research framework must not solely be an intellectual construct, for it cannot be understood in the absence of its practical manifestations, which involve living life in a way that reflects goodness, that reflects miyo” [emphasis in original] (p. 63). Preparing for and engaging in ceremony gives me greater access to my own personal, internal knowledge while connecting me to processes that enact Dakelh self-determination, a key concept of this research in an urban context.

I include this lengthy quote from my research proposal because it establishes the framework through which I entered this research. I tried to align my daily actions – not only around my research participants and during field work but in the morning as I readied myself and my son for the day – with the same intention that I conducted my research, as an embodied practice not separate from other facets of my life. I did attend ceremonies in my homelands – though different from the ones I thought I would participate in – and this did reinforce the importance of connection and belonging which emerged as strong themes throughout my work. I also engaged in artistic practices that informed my work with NCCABC in ways I hadn’t anticipated. I
co-created a multi-media exhibit entitled “The Suitcase: Intergenerational Healing Through Traces of the Past” with Ashli Akins, a fellow scholar in the Liu Institute Public Scholars program at UBC. I will eventually write about this exhibit but suffice to say here that I came to a profound realization that intergenerational knowledge can be transmitted in unique and unexpected ways, an important finding when seeking to better understand urban Indigenous experiences as a displaced community member myself. The reality is that I didn’t attend the ceremonies I wanted to because I wasn’t able to connect with elders in my community, and with limited resources (time, money, a place to stay in community), it’s not possible for me (at this moment) to develop the depth of relationships required to participate in ceremony on my ancestral lands and learn our teachings. In some ways, my methodological approach in this research reflects my own tentative movements to find a firm footing on the rocky terrain of my displaced urban Indigeneity. It has been as much about documenting what Indigenous community planning looks like in an urban context as creating some sort of epistemological framework for engaging with urban Indigenous experiences at the intersection of planning and health.

In thinking about what urban Yinka Dene (Carrier)⁴ knowledge systems might look like, I’m reminded of important work being done by women in my father’s community, the Stellat’en First Nation. Tannis Reynolds and Janine Sampson both recently graduated with master’s

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⁴ I use the term “Yinka Dene” instead of the more common “Dakelh” in place of the colonially imposed name “Carrier.” While the name “Carrier” was a term imposed on our people by the first missionaries to the territory, my father, whose first language is Dakelh, understands “Dakelh” as a derogatory name for us used by our northern neighbours. I acknowledge that “Carrier” is not a term we used to call ourselves, and I also contend that Dakelh may not be the best alternative. Therefore I prefer the term “Yinka Dene” which roughly translates to “People of the Land.”
degrees from the University of Northern British Columbia (2016 and 2017 respectively). Their work contributes to an emerging body of scholarship that embeds community (and individual) research interests into Indigenous research frameworks that reflect specific localized contexts. Very little research exists that derives its validity directly from Yinka Dene concepts and worldviews. Both Reynolds and Sampson’s work draws on a wide range of scholarship in developing ideas, but privileges Yinka Dene concepts embedded in language and practice to fully articulate the importance of salmon and running (Reynolds, 2016; Sampson, 2017). These are not essentialized understandings of Indigenous peoples. They are nuanced, contemporary accounts of how Yinka Dene peoples have adapted and carried on traditions even as the violence of colonization settled upon our communities. As an urban Yinka Dene woman, I too carry these teachings with me, in the DNA that constitutes my physical being, but also in the relationships that I seek and nurture and in the integrity that I maintain across boundaries sometimes imposed and sometimes necessary (personal/professional/academic). Just as the researchers in my community talk about maintaining their identity as Yinka Dene women in a contemporary context, so too do I explore what it means to engage in Indigenous-centered research as a Yinka Dene woman in the urban setting. My methodological approach to this work in many ways mirrors the dissertation topic. While my ancestral knowledge comes from a place far removed from this urban environment, I draw upon core values and principles that inform research paradigms of Indigenous peoples across Canada and elsewhere (Wilson, 2008). Weber-Pillwax (as cited in Wilson, 2008) says that elements of this paradigm include an epistemology and ontology based upon relationships; an Indigenous axiology based upon
relational accountability; and an Indigenous methodology that adheres to relational accountability through respect, reciprocity and responsibility.

1.2.1 Methodology

To illustrate how I enacted the “3 R’s” of Indigenous research (respect, reciprocity, and responsibility), I describe the steps taken throughout the research process, from developing the proposal to writing this dissertation. When I started the PhD program in 2011, I began meeting with NCCABC frontline workers. Through those meetings, I convened a community advisory committee (CAC), initially made up of 3 people from NCCABC’s Alcohol and Drug Services Team identified by my main contact as people who could provide valuable insight and direction for the work. Over time, as people came and went from the organization, the CAC has changed, however, at least three of the people who regularly participated are still with the organization and provided input into this research. While my primary contact in this research works with courtworkers throughout the southern region of the province, as well as the health team, I also needed to include managers responsible for all the NCCABC programs as well as the Executive Director, to ensure a broad base of support for the research. I therefore did a presentation on my research in June 2013 to program managers and the Executive Director at NCCABC’s head office in West Vancouver, and subsequently received support to continue with the work. In 2015, I negotiated a collaborative research agreement with the organization (see Appendix A: Collaborative Research Agreement between Lyana Patrick and Native Courtworker and Counselling Association of British Columbia) which outlines different ways research findings

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5 For a more detailed discussion of methodological approaches, see Appendix C.
might be presented back to NCCABC (e.g., staff meetings, NCCABC website, plain language report, potluck hosted by NCCABC). In 2017 I applied through UBC’s Partnership Recognition Fund for money to support a follow up to a health and justice roundtable that had been hosted by NCCABC the previous year. The meeting was held in March 2018 and although it was a small group of service providers, it was an opportunity to follow up on discussion initiated the previous year about how frontline workers could better support each other and discuss issues of common concern, particularly in the context of an opioid overdose crisis in the Downtown Eastside.

In total, I interviewed 36 people, including frontline workers (n=19), NCCABC managers (n=3), and clients (n=14). I did three one-to-one interviews with clients, and one talking circle with 11 NCCABC clients. The talking circle was conducted with the help of a facilitator from the health team. I interviewed Interviewees were identified through my initial phase of research with the help of the Community Advisory Committee. This is a form of purposive sampling that could be described as “stakeholder” sampling as this approach involves “identifying who the major stakeholders are who are involved in designing, giving, receiving, or administering the programme or service being evaluated, and who might otherwise be affected by it” (Palys, in Given, 2008, p. 697). This was an appropriate sampling strategy as my research is grounded in the everyday lived experiences of NCCABC’s employees. They are the “stakeholders” within the institutional setting as well as the experts in their own working lives. I interviewed clients who were referred by frontline workers and who I got to know well over the course of my field work. I wanted to include the voices of people directly impacted by the structural violence I discuss
throughout my research; I also wanted to ensure that participants felt safety and trust in the research process. The talking circle with clients, for example, took place after several months of my participation in the weekly session many of the clients attended. The session is called “‘Say Goodbye to Your Addiction’” and involves circle work, various cultural activities such as drumming and singing, and field trips to collect medicines and be out on the land. In Vancouver’s Downtown Eastside neighbourhood there is a general feeling of “consultation fatigue,” where residents are asked over and over to share their experiences of poverty and trauma. While my research was not seeking out these stories, I’m always attentive to these dynamics in my efforts to counter extractive research practices and the exploitation of people with lived experience. With permission, interviews were audiotaped and transcribed (including the talking circle). I regularly met with the Community Advisory Committee and conducted three participatory data analysis sessions in which I shared initial observations from the data along with key quotes that I felt represented emerging ideas. I recorded these sessions so that I could incorporate feedback into my written analysis, such as their observations on challenges frontline workers faced in doing culturally safe and appropriate work.
Through my analytic strategies, I enacted a model of relational accountability which mirrored the work I observed taking place among frontline workers and other allied service providers. For example, I conducted two sessions with the community advisory committee in which I shared some visuals graphics that emerged out of the data and we workshopped them together. I also pulled out quotes that I heard consistently and did some initial thematic analysis so we could collectively analyze emerging themes and provide shared direction. The quotes I pulled out reflected conversations we had in CAC meetings and things I heard throughout my field work.

My data analysis relied in part on an approach to data categorization that more closely resembles institutional ethnography than other qualitative methods. Although I can’t claim to have conducted an institutional ethnography in this thesis, I borrowed elements of institutional
ethnography to map out the “social relations” of the research setting. I focused my attention on the daily working lives of frontline workers to make “visible how we are connected into the extended social relations of ruling and economy and their intersections” (Smith, 2005, p. 29). I was interested in how the day to day challenges and opportunities frontline workers faced connected to larger institutional processes, but also how they connected to other scales of decolonial practices, from individual healing to directly challenging the status quo. Campbell & Gregor (2002) recommend talking through with someone what is being learned from the data arising out of an institutional ethnography (p. 92). Making sense of piles of transcripts, notebooks full of observational details, and boxes of documents holds both challenges and immense opportunities for rich interpretation when enacted through a collective research process. While I did identify initial themes in the data, and pulled out what I felt were relevant stories and quotes from transcripts, I tried to create an iterative process, where data was reviewed and analyzed throughout the research process to allow the advisory committee time to integrate insights into further interviews or observations. Initial categories emerged (“major organizing ideas” in institutional ethnography) that helped to organize a framework for understanding the data.

I activated Indigenous principles of research through methodologies such as immersive participation which I describe in greater detail below. A central tension that emerged in doing this work was that much of my research thus far has required me to follow specific nation-based protocols. I wondered how I could create an anchor for understanding work that’s taking place in the urban setting where such diverse Indigenous peoples and cultures co-exist with
Coast Salish ones? One way I did this was by activating Indigenous principles set out by Virna J. Kirkness and Ray Barnhardt in the context of post-secondary education: respect, relevance, reciprocity and responsibility. I also situated urban Indigenous community planning within a history of Coast Salish colonization and active resistance to settler colonialism. I think this too honours Indigenous ontologies by enacting a place-based approach to research and education.

I informally spoke with many people through my participation in and observation of the safety planning process carried out in Prince George from 2015-2016 (described in detail in Chapter 4), in meetings of the BC Aboriginal Justice Council, and attendance at multiple sittings of First Nations courts in North Vancouver and New Westminster. I attended staff meetings, employee training sessions, and community events ranging from gatherings on education in the Downtown Eastside to delivering trauma-informed care. In October 2016, I was invited to be the Master of Ceremonies at an event – a Gratitude Gathering – hosted by NCCABC at the Vancouver Aboriginal Friendship Centre. The event was designed to bring together service providers, non-profit organizations, Indigenous organizations, health authority and political representatives to thank them for working with NCCABC and with each other to improve the lives of their clients and create community bonds across institutional divides. It was an opportunity for NCCABC to demonstrate the importance of intersectoral work; to directly address the silos; to show how vital and necessary it is to work together; and to show gratitude for colleagues that remain committed to working together against institutional policies and practices that make such cooperation difficult. Several clients gave testimonials, including one who said that “with love from my counselors, I’m still here.” A counselor explained to the
gathering that “western methods forget about spirit...We live in this urban setting and we need these cultural teachings. The people are expecting it now.” I was moved by the love and commitment I heard expressed that day, but also grateful that my participation was not simply as a researcher doing “participant observation” but as a respectful witness, reciprocating through my own work as Master of Ceremonies the knowledge shared with me over the years, and enacting my relational responsibility to research participants and the community in which they are embedded. I strive to enact these ideals through this research and not simply write about them in the abstract. As I will write about later, the gratitude gathering was also a key moment in the cycle of my case study, a moment of uncertainty and possibility that for me illuminated the personal toll structural and systemic violence takes on frontline workers.

1.3 Theoretical Framing of the Research

Paul Farmer (2005) discusses the need for a new level of cooperation between disciplines to “make room in the academy for serious scholarly work on the multiple dynamics of health and human rights...” (p. 241). He says: “We need a new sociology of knowledge that can pick apart a wide body of commentary and scholarship: complex international law; the claims and disclaimers of officialdom; postmodern relativist readings of suffering; clinical and epidemiologic studies of the long-term effects of, say, torture, and racism” (ibid.). These bodies of knowledge reflect Farmer’s scholarly and professional interests and areas of practice as a physician and anthropologist. For Indigenous peoples, the humanitarian framework does not necessarily reflect Indigenous political goals and aspirations, and a new sociology of knowledge in this context might seek to more fully understand how Indigenous legal frameworks interact.
with, are suppressed by and push back against colonial legal frameworks. His point, however, that multiple bodies of knowledge must inform understandings of the multiple dynamics of health is one that I take seriously in this research. As Maté (2010) says about addiction, “a multilevel exploration is necessary because it’s impossible to understand addiction fully from one perspective, no matter how accurate” (p. 129). Underpinning the experience of many clients accessing programs and services within NCCABC is the experience of addiction. As both Farmer and Maté firmly believe, multifaceted approaches are necessary to understand complex health issues. In this research, I explore the interface of health and urban Indigenous community planning from a critically reflexive Indigenous perspective to better understand the multiple dynamics informing Indigenous experiences of health in the city.

Dorries (2012) contends that planning (which she describes as “the settlement and management of territory through the creation of land use and settlement plans,“ [p. 4]) is a manifestation of structural violence that is inherent in the law. She writes: “Structural violence, while masked or invisible in the moment of its deployment, becomes visible through the effects on the people or objects towards which it is directed,” (p. 112). Farmer describes structural violence as “suffering that is ‘structured’ by historically given (and often economically driven) processes and forces that conspire – whether through routine, ritual, or, as is more commonly the case, the hard surfaces of life – to constrain agency” (p. 40). Having a sense of control over one’s destiny plays a role in the extent of a person’s resilience, adaptability, and ability to meet challenges (Harper, 2009). Structural violence is a pernicious and pervasive aspect of Indigenous experiences across multiple sectors. Initiatives like First Nations Court which opened
in 2006 in New Westminster\(^6\) – and one site of study for this research – were created to explicitly address these historical factors that erode resilience and adaptability and create conditions of systemic racism and violence. Foregrounding the structural elements of urban planning – as well as those of law and health – is necessary for exposing the structures of oppression that daily operate in the lives of urban Indigenous peoples and better understanding the ways in which Indigenous organizations respond and resist. This research also explores how structural violence can work to obscure ongoing colonial violence by dehistoricizing control and containment of Indigenous bodies through carceral violence and dispossession from ancestral lands.

1.4 Indigenous Knowledge

Twenty years ago, Linda Tuhiwai Smith wrote a powerful and influential book on Indigenous peoples and research. She described the colonization of knowledges stemming from the Enlightenment, and how knowledge and culture “were as much part of Imperialism as raw materials and military strength” (p. 58). In describing how colonial policies operated to discipline Indigenous peoples, Smith points to the brutalizing experiences of Indigenous children removed from their families, “adopted” far from home, and sent to residential schools: “The effect of such discipline was to silence (forever in some cases) or to suppress the ways of knowing, and the languages for knowing, of many different Indigenous peoples. Reclaiming a voice in this context has also been about reclaiming, reconnecting and reordering those ways of

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\(^6\) The first First Nations Court started in New Westminster in 2006. There are now five First Nations courts in British Columbia, the most recent one opening in April 2018 in Prince George. Although described as “First Nations” courts, they are open to any individual who self-identifies as Indigenous.
knowing which were submerged, hidden or driven underground” (p. 69). Those ways of knowing are what is commonly referred to as Indigenous knowledge. Understanding how Indigenous knowledges have been colonized is as important as (re)articulating Indigenous ways of knowing, being and doing. For many Indigenous scholars, however, the critical focus is on describing and enacting Indigenous research paradigms that are consistent with their own cultures. Absolon’s (2011) work, for example, is situated in Anishinaabe teachings while Margaret Kovach (2009) uses a tribal-based approach with Cree knowledge as the guiding epistemology. As I describe above, my own cultural teachings have been interrupted by intergenerational experiences of colonization; this research pushes against the colonial logics which attempt to control and define that experience by posing an alternative mode of doing research which accounts for complex and diverse experiences of “urbanization” while foregrounding the ancestral homelands and waterways of hän̓q̓̑əmən̓-speaking peoples on which I live, work, and spend time with family and friends.

Some Indigenous researchers have argued that common aspects across Indigenous philosophies encourage a shared Indigenous research paradigm to emerge (Kovach, 2009; Wilson, 2008). Indigenous inquiry is rooted in a local theoretical position grounded in the politics, circumstances, and economies of a particular moment, a particular time and place, a particular set of problems, struggles, and desires (Denzin, Lincoln & Smith, 2008). Kovach evokes the importance of place in translating abstract theoretical findings of research:

As I write this, I am in Saskatchewan. Being here helps to infuse my thinking and writing with a Great Plains landscape. That a magpie, a thunderstorm, a teepee set against the rolling hills of the Qu’Appelle Valley can make an appearance in my writing seems most possible if I am here (p. 60).
Indigenous knowledge creates space in Western academies for Indigenous knowledge and tools to hang alongside Western ideas, lenses and tools (Smith, as cited in Kovach, 2009). One aspect of Indigenous knowledge woven throughout the literature on Indigenous methodologies is the notion of relational research. Wilson (2008) describes relationships as the foundation of Indigenous research: relationships between people, to the land and cosmos, and to ideas that are culturally-based. In my many travels, I have sought to create and maintain relationships with the people on whose lands I’m an uninvited guest. Describing a coyote story he heard as a child, Burkhart (2004) writes, “We are supposed to see from this story that we must be careful what we do, what we want, and what we think and speak, in general. We must never forget the things around us and how we are related to those things. We can refer to this last point as the principle of relatedness” (p. 16). In my Master’s research, I built upon relationships I had first developed through my work with the provincial government where I was a treaty consultation manager assigned to the Tla’amin treaty table. With elders in the community, I looked at the cultural impacts of losing a major salmon run at one of their village sites. For several years, I sat across the negotiating table from Tla’amin and learned much in my visits to the community as a treaty consultation manager. In accordance with the principle of relatedness, once I left government, I felt I had to give back to the community to honour this relationship. Graham Smith’s “power-sharing model” very much informed my Master’s research as I sought community assistance to frame the research – and formulate research questions – in ways that were meaningful to the community (Smith, 1999). One day as I chatted with the Natural Resources Manager at Tla’amin, he mentioned that the Theodosia Watershed (where I was
doing my research) had been studied to death. I felt an instant sense of dread, wondering what I was doing coming in with a research proposal for a place that had been studied to death. In collaboration with elders and community members, the focus of my research became about the cultural impacts of the loss of salmon in the Theodosia River, an area of inquiry that had not received significant attention in this important part of Tla’amin territory. Without close attention to the kinds of questions I needed to ask – and relationships nurtured over time through a collaborative, power-sharing model – I may have produced research of little value to the community and in fact diverted precious human resources in a community like many others stretched to capacity.

Linda Tuhiwai Smith (2005) explains why a power-sharing model is so critical: “Research is a site of contestation not simply at the level of epistemology or methodology but also in its broadest sense as an organized scholarly activity that is deeply connected to power” (p. 87). Indigenous knowledge challenges positivist and postpositivist methodologies of Western research and “fold(s) theory, epistemology, methodology, and praxis into strategies of resistance unique to each indigenous community” (Denzin and Lincoln, 2008, p. 10). In my work with Tla’amin, I wanted to help address the unequal relations of power I witnessed sitting on the government side of negotiations. I wanted to participate in “the struggle for development, for re-building leadership and governance structures, for strengthening social and cultural institutions, for protecting and restoring environments, and for revitalizing language and culture” (Rigney, as cited in Smith, 2005, p. 89). Coming from outside the community, it was critical that I be reflexive in all my actions throughout the research process. Smith offers eight
questions that she argues should guide Indigenous and non-Indigenous researchers alike throughout the research process:

1. What research do we want done?
2. Whom is it for?
3. What difference will it make?
4. Who will carry it out?
5. How do we want the research done?
6. How will we know it is worthwhile?
7. Who will own the research?
8. Who will benefit? (Smith, as cited in Denzin, Lincoln, & Smith, 2008, p. 9)

These are the questions that guide my research (both Master’s and PhD) and which make possible a decolonizing research agenda.

When I began this research, I heeded Shawn Wilson’s call to see research as ceremony and to incorporate ceremonial practices as core research practices. Ceremony is part of Indigenous Knowledge, and therefore can be part of an Indigenous research paradigm. In the research I pursued with NCCABC, ceremony emerged as both a key concept guiding analysis and as a daily lived practice that embodies frontline workers commitment to creating change in a deeply colonizing work context. As Absolon (2011) points out, developing research with an Indigenous knowledge framework requires creating methods in accordance with the community’s own priorities, philosophies and traditions. What does this work look like in an urban Indigenous context? How can an interdisciplinary approach draw on elements of a shared Indigenous research paradigm, and attend to multiple cultural protocols in a complex intersectoral environment? Through my research, I attempt to draw out at least a partial response to how we might answer such methodological and theoretical questions.
1.5 Urban Context

Urban areas are defined by Statistics Canada as having a population of at least 1,000 and no fewer than 400 persons per square kilometre, based on the current census population count (Browne et al., 2009). All territory outside urban areas is classified as rural. Within the boundaries of what is now known as the Lower Mainland is Coast Salish traditional territory, comprised of some nine different Nations, as well as a traditional gathering place for many Indigenous peoples within the Georgia Strait region. Peters (2005) points out that patterns of migration for contemporary Aboriginal peoples are different than for other urbanising, westernized populations. Aboriginal peoples do not arrive in cities like other migrants, national or international; many Aboriginal peoples are travelling in their traditional territories and expect that their Aboriginal rights and identities will make a difference to the ways that they structure and live their lives in urban areas (p. 344).

As I developed relationships with Indigenous organizations and communities in Vancouver over the last 14 years, I grappled with what protocols to follow in an urban context. I have only engaged in Nation-specific research where community protocols are (for the most part) clearly delineated. Deficits in urban Aboriginal health information have led researchers to collaborate with local and national community-based and political Indigenous organizations to address health disparities in urban settings (see Smylie et. al, 2011). Built into these research processes is respect for the cultures, languages, knowledge, values and rights to self-determination of the individuals, communities, organizations and institutions with whom they are collaborating (First Nations Centre, 2005; Smylie, McShane, & Tungasuvvingat Inuit Family
Resource Centre, 2006; White, Evans, and Devolder, 2009). My collaborative partnership with NCCABC is at the core of my own ethical engagement with urban research that will contribute to a better qualitative understanding of urban Indigenous experiences of health and well-being. This work also embraces a “place-based” approach to research, building on ideas in education that locally-rooted understandings of history, environment, culture, and the economy provide the best context in which to engage in deep learning (Gruenewald, 2005; Penetito, 2009; Stevenson, 2013). My research must therefore be informed by Coast Salish history and the stories, cultures and languages that continue to inform contemporary reality in Vancouver. It is a history of dispossession, appropriation, resistance, and renewal, which is addressed in my dissertation. Colonial mythologies were created to control that interface described by Mary Louise Pratt as the “contact zone” (1991). Pratt defines the contact zone as “social spaces where cultures meet, clash and grapple with each other, often in contexts of highly asymmetrical relations of power, such as colonialism, slavery, or their aftermaths as they are lived out in many parts of the world today” (p. 34). Conceptualizing urban Indigenous planning as a constellation of social, cultural, economic and political practices within a contact zone provides a productive space in which to think through the opportunities and constraints of such practices. I will further explore what this might look like – particularly in the context of NCCABC’s work – in chapter three.

While this research is locally-rooted in Coast Salish and Lheidli T’enneh lands, waterways, language, culture, political, economic and social practices, it is also situated within Indigenous responses to colonization. Colonialism is the common bond for hən̓q̓əmí̓n̓̑m̓-
speaking Coast Salish peoples and others engaged in contentious processes of resurgence that reflect the spiritual, cultural, economic, social and political scope of the struggle (Corntassel, 2012). Tomiak (2017) describes resurgence as a “praxis and paradigm for understanding Indigenous struggles to decolonize” (p. 930). In what Corntassel calls “everyday acts of resurgence,” Indigenous peoples in the city challenge dominant discourses that define and limit the scope of Indigenous regeneration. Corntassel writes that “everyday acts of resurgence aren’t glamorous or expedient” (p. 98). Throughout my research, I document many actions that could be described as everyday acts of resurgence, enacted by frontline workers and clients alike.

Concerns have been raised that the concept of resurgence as articulated by key “resurgence school theorists” limits possibilities for Indigenous-state relationships as these theorists assert that any engagement with the state is futile, if not dangerous and that those who do engage are coopted. Though this dissertation theorizes about resurgence from an Indigenous planning perspective – rather than Indigenous political theory – I maintain that it is appropriate to characterize the actions of frontline workers as “resurgent.” While I don’t share the above critique of those writing about resurgence, I acknowledge that NCCABC do indeed work within state structures, and in some ways cooperate with the state in maintaining control of Indigenous peoples. Frontline workers also draw upon their own cultural knowledge to pursue community well-being in ways that do not rely on state-based recognition for

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legitimacy. As will be described throughout the dissertation, these grassroots-based approaches are foundational to NCCABC’s work and are central to the practices of many Indigenous frontline workers that find themselves both bound up in and resisting colonial state structures. Corntassel says that actions like the planting of tobacco seeds in his backyard as an expression of his Cherokee identity are no less vital to decolonial processes than large-scale actions. I saw these principles being activated in the work of my research partners and therefore felt it appropriate to frame my research within the context of resurgence.

Indigenous organizations that respond to immediate needs of Indigenous peoples are engaged in daily acts of resistance. But more than just resisting, I argue that NCCABC’s frontline workers enable a restoration of spirit, a ceremonial resurgence that is largely absent in health delivery organizations, not to mention social services and legal systems whose bureaucratic structures preclude discussions of spirit and in the process incur great institutional harm. This research maps out such resurgent activities to understand in greater depth the work of an urban Indigenous organization, and the ways in which that organization is doing the work of Indigenous community planning in the city.

1.6 Dissertation Outline

This thesis is structured around two interrelated sets of questions. The first set is connected to the daily practices of frontline workers at NCCABC, and begins with a very broad exploration of this work:

• What are the practices of the Native Courtworker and Counselling Association of British Columbia in the context of providing supportive community services to people marginalized by social and structural inequities in an urban context?
After preliminary fieldwork and extensive immersion in day-to-day activities within the organization, my primary question became more focused:

- *In what ways do the resurgent practices of NCCABC relate to the emerging theory and practice of Indigenous community planning?*

In the second set of questions, I explore in more detail the nature of NCCABC’s work internally and across sectors, including with health, justice and planning systems:

- *How does NCCABC work in ways that support people with problematic substance use?*
- *What are the mechanisms that operate both to constrain and facilitate therapeutic planning in this context?*
- *In what ways might NCCABC’s work bridge the separate yet interdependent fields of public health and planning?*
- *How does NCCABC work/collaborate/intersect with other community organizations and their approaches?*

In answering these questions, I needed a broad set of literatures from which to draw for both theoretical and empirical guidance. In Chapter Two, I introduce the literature on the colonial roots of community planning and the ways in which Indigenous community planning (as both an ideology and a set of practices) counters mainstream planning’s historical and ongoing role in colonization. I discuss the concept of “municipal colonialism” and how race and health are folded into planning in ways that tend to foreclose larger discussions of sovereignty and land justice in favour of narrower conceptions of the role of Indigenous peoples as “stakeholders” in planning processes. I then introduce the connection between increased
urbanization of Indigenous peoples starting in the 1950s as a result of cumulative, destructive colonial policies and the development of unique urban Indigenous institutions.

In Chapter Three, I then further the discussion of urban Indigeneity by looking at the rise of the Friendship Centre movement, and how Indigenous peoples in cities and towns resisted the notion that being urban meant assimilating to mainstream values and ideals. Nevertheless, from the earliest points of contact, local colonial officials used socio-legal norms to exclude Indigenous peoples from urban areas, often buttressed by federal legislation and local police forces. This history is intimately connected to the present in the work of my research partners, NCCABC. They create alternative spaces of being and belonging for clients who are often disconnected from their communities by intergenerational trauma but who long for cultural and family connections. The normative framing of healthy communities in North American planning has been inextricably shaped by early 20th century plans that envisioned manicured parks and promenades as healthful oases for citizens living in crowded urban environs. I discuss how such goals were realized through the dispossession of Indigenous peoples from their lands (or aspirations for such removal as was the case with Musqueam reserve lands) through the 1928 Bartholomew Plan. To better understand how urban Indigenous communities are informed by this history and on-going relationships to political structures, I outline a conceptual framework for understanding urban Indigenous Community Planning.

In Chapter Four, I connect the evolution of Native Courtworkers in Canada to a legal history that has criminalized Indigenous bodies and created conditions that constantly threaten the safety and well-being of Indigenous peoples. In this chapter, perhaps more than any other, I
knit together aspects of Indigenous experience that rarely find discussion in planning theory or practice. A critical look at First Nations Courts in British Columbia helps reveal the limitations of legal remedies while also paying attention to the many ways service providers – including Native Courtworkers – work to overcome structural deficiencies through responsive, relational practices. In exploring the northern urban planning context, NCCABC’s work explicitly engages with violent policing structures that are attempting to transform relationships between Indigenous peoples and the state. These efforts connect to higher-level policy work being led by Indigenous leaders intent on creating change at the interface of Indigenous and Western legal systems. This chapter illustrates the different scales at which Indigenous planning operates (as conceptualized through the work of NCCABC as community planners), how Western law and planning are coterminous in the lives of Indigenous peoples, and how distinctions between urban and reserve blur in the face of structural and systemic violence.

Planning is deeply implicated in the creation of a colonial land regime that regulated Indigenous space through tools and technologies that dispossessed Indigenous peoples from their lands and waterways. In Chapter Five, I discuss the historical regulation and control of Indigenous space and its functional equivalent in the ever-increasing incarceration of Indigenous men, women and youth. Carceral violence is one expression of state reluctance to meaningfully respond to the need for “reconciliation.” Native Courtworkers operating in this sphere contend with this reality every day. In many ways, their resurgent actions are a response to the failure of larger political processes to deliver self-determination and sovereignty to Indigenous communities. That failure manifests in ongoing social and political dysfunction
which Native Courtworkers recognize are rooted in colonization and settler colonialism. Rather than address these issues as symptoms of individual dysfunction, Native Courtworkers respond by building community around the individual, working to restore strengths that will allow clients not only to survive but push back against the structural violence that constantly threatens to overwhelm. I then conclude this chapter with a discussion about the model of care that could bring about such transformational healing.

My thesis hinges on the important concept of relational accountability. In Chapter 6, I explore in detail how this idea is taken up and actioned by frontline workers. I examine the challenges and opportunities for a grassroots-oriented organization operating in a field of bureaucratic silos. I heard many times staff and clients describe the need for Indigenous-defined success, as opposed to the ways in which success is framed within the larger social service, legal and health sectors. With my community research partners, I describe what Indigenous-defined success might look like and draw together discussions in health and planning to consider Indigenous futurities predicated on radical relational practices. Lastly, in Chapter 7 I summarize my findings, point to future areas of research – including concrete immediate steps that can be taken to address inequitable treatment of Indigenous peoples in the health and justice systems – and reflect on the future of urban Indigenous Community Planning.
Chapter 2: Towards Decolonizing Planning Theory and Practice

2.1 Introducing the Literature

My dad grew up in a First Nations community called Stellaquo (people from Stellaquo are Stellat’en which means “people of Stella”) in British Columbia’s north interior. He and his best friend were the only boys their age in the community (both families hid the boys when the authorities came around every September to take the community’s children off to residential school). One day, my father (who always got into trouble with his friend) was grounded to his attic room where he lived with his grandparents. Tying some sheets together as he’d seen in the movies, he climbed down from his window, went into his yard, and yelled to his friend next door. As my dad tells me this story, I ask him how it’s possible that Robert could have heard him when he lives so far away. My dad said their houses used to be all clustered together near the shores of Fraser Lake. I asked him why the houses were moved apart, and he said they were told it was to better provide services. I wondered what kind of services when my grandmother didn’t have heat or indoor plumbing until the late 1980’s. Yinka Dene peoples organized themselves in small family groups throughout much of the year, gathering together in larger groups in the winter when energy was conserved for the intense food gathering months of spring, summer and fall. In some ways, the cluster of houses by the lake recreated this supportive infrastructure. By dismantling it, the Federal Department of Indian Affairs further weakened a community already devastated by cultural disruption, dispossession from their
lands, separation from their children, and accumulated impacts of historical trauma. I often recount this story to planning students because it represents my personal, lived experience of the impacts of planning on Indigenous peoples. A seemingly innocuous thing like spatial ordering of houses had huge consequences for the social, political, cultural and economic health of Indigenous communities everywhere. In fact, it was far from innocuous, for denying services to remote communities was a government tactic designed to spur migrations to urban centres (Alfred, 2009). Such policies had devastating consequences for generations of Indigenous peoples. This chapter lays the ground for an interdisciplinary reading of Indigenous engagement with historical and contemporary planning practices and the challenges and opportunities that inhere in a profession which largely distances itself from questions of Indigenous sovereignty and self-determination.

2.2 Tools of Dispossession

Indigenous community planning is growing as a field of academic study as well as a re-emerging field of practice. Those who have been writing about it argue Western planning has evolved in contradistinction to the many ways Indigenous peoples have always planned their communities (Barry & Porter, 2012; Hibbard, 2006; Hibbard, Lane, & Rasmussen, 2008; Zaferatos, 1998). Important intellectual antecedents to this work include Leonie Sandercock’s work on deconstructing the modernist foundations of planning (1998) in addition to posing important questions about the difference that Indigenous peoples make to urban planning.

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8 Maria Yellow Horse Brave Heart (2003) defines historical trauma as “cumulative emotional and psychological wounding across generations, including the lifespan, which emanates from massive group trauma” (p. 7).
systems (2000, 2004). Libby Porter’s (2010) work deconstructs the colonial foundations of planning; she asks how planners should respond to Indigenous claims for land justice, self-determination and sovereignty. She defines planning as “the social practice of spatial ordering, and more specifically, the modern form of that practice in the West: state-based land use or spatial planning” (p. 2). Porter contends that this practice is not just complicit in, but actively produces, social injustice for Indigenous peoples. She says it is “not only possible but necessary to the political project for Indigenous land justice to contextualize and historicize planning as a practice and theory: to show planning as only one of many cultural responses to questions of human-environment relations” (p. 3). Porter describes how ideas around property were transplanted to Australia and the Americas from Europe and how in the process a peculiar relationship was constructed between settlers and the landscape, “one shaped by the interplay of a desire to conquer based on fear and hostility, and a sense of wonder emanating from the pre-existing ancientness of nature” (p. 61). She argues that distinctly modern forms of controlling and regulating space and population were influenced by colonial processes. Land was fundamental for the success of colonization in settler societies, creating new territories through imperial state rule and creating opportunities for economic growth. In the early colonial period in Canada, the relationship between Indigenous peoples and colonists was markedly more balanced than it would later become. Outnumbered and without the skills to survive in lands significantly different from the ones they left, newcomers relied on Indigenous allies and made good use of Indigenous diplomatic mechanisms to secure their place in unfamiliar lands. With increasing settlement and epidemics taking their toll on Indigenous
populations, land use planning became “the principal instrument of state control of land, and therefore of state rule and economic growth, in those territories” (p. 51). Planning has been, and remains, integrally involved in dispossessing Indigenous peoples from their lands.

In the Canadian context, Dorries (2012) argues that the Royal Proclamation of 1763 can be described as a foundational planning document. She reasons that it served to undermine Aboriginal rights and facilitate dispossession of Indigenous lands as it laid the foundation for settlement and colonization of what was then known as Upper Canada. With the balance of power swinging decisively towards the colonists, and increasing numbers of settlers arriving in the territories, British policy shifted from cooperation to assimilation. As Dorries writes, “The production of subjects and the bifurcation of territories, which in turn enables a jurisdictional logic to operate as a rationality of governance, has been essential for the settlement of Canada and crucially, for the maintenance of assertions of sovereignty” (p. 86). The Royal Proclamation thus forms part of a matrix of what Williams (1990) calls the “legal discourses of conquest.” Dorries, however, notes that Indigenous peoples – at least in Canada – did not consider themselves conquered peoples. She contrasts colonial perceptions of the Royal Proclamation with Indigenous interpretations, the latter of whom viewed it as a treaty which affirmed the principles of the two-row-wampum thus signifying a diplomatic relationship between nations (Borrows, 1997). These differing interpretations are critical to understanding the very different sovereignty claims made by the state and Indigenous peoples today. Recognition and implementation of contemporary governance structures for Indigenous peoples are premised on nation-to-nation relationships, First Nations consent, Aboriginal and Treaty rights, traditional
forms of governance and knowledge, and underlying rights to self-determination (Dorries, p. 75). Colonial governments rely on a “jurisdictional logic” that utilizes certain tools and instruments such as regulatory regimes to assert sovereignty in the face of Indigenous claims to the contrary. In the urban context, such claims become operationalized in ways that for decades have eluded critical scrutiny.

Porter (2010) looks to the tools of dispossession (specifically surveying, mapping and naming) as creating – in a representational sense – the opportunities for colonial dispossession. Through naming what was and was not “Indian” land, by drawing lines on a map that bounded and described the uses to be made of such land, and ultimately incorporating Indigenous peoples into a regulatory framework, such tools indeed both created and managed dispossession. Reserving lands for Indigenous peoples was “a form of spatial ordering of racialized bodies in its most extreme form” (Porter, p. 74). In the United States, Indigenous nations are recognized as “domestic dependent nations” which has important implications for Indigenous-state relations. Unlike Canada – which hasn’t formally recognized Indigenous peoples as sovereign nations since the time of historical treaty-making – a large body of U.S. legislation and case law has accumulated, recognizing a government-to-government relationship with tribes. In the United States, the 1832 Marshall decision is regarded as the textual source of modern federal Indian law. However, as Williams (1990) writes, “its acceptance of the Doctrine of Discovery and its denial of territorial sovereignty to American Indian nations actually represents a point of closure, not a point of origin, in United States colonizing discourse” (p. 231). Williams describes the Doctrine of Discovery as “nothing more
than the reflection of a set of Eurocentric racist beliefs elevated to the status of a universal principle – one culture’s argument to support its conquest and colonization of a newly discovered, alien world” (p. 327). Starting with the Allotment Act of 1886, federal Indian legislation pursued a dizzying array of policies that alternated between territorial and political fragmentation (Allotment Act, Termination era in the 1950’s) and reconstruction and governance building (Civil Rights and Great Society programs of the 1960’s). Zaferatos (1998) points to post-termination era policies as efforts to provide greater support for tribal reconstruction and self-governance, but the terms under which those rights could be exercised were limited. Zaferatos describes tribal planning as a “specialized field of planning practice concerned with improving reservation conditions by exercising the tribe’s authority over its territorial, social, and political affairs” (p. 402). Zaferatos advocates a cooperative planning approach to land use as a means of pursuing meaningful tribal participation in areas of state-tribal interaction. Inclusion in regional government matters to advance tribal objectives would develop “political pluralism that provides for the inclusion of tribal interests within the multi-jurisdictional political region” (p. 407). While his analysis might represent an important strategy for tribes operating within severely constrained political circumstances, it also sidesteps deeper implications of accepting boundaries and jurisdictions which Indigenous peoples had no hand in defining. Lacking a critical analysis of the practice of planning itself, Zaferatos’ work risks reproducing a longstanding normative tradition in historical planning scholarship that uncritically chronicles the rise of the planning profession, its institutionalization, and its achievements (Sandercock, 2003). Porter (2010) gets to the heart of the matter when she
concludes that forgetting to theorize planning’s own cultural position “can render the
‘inclusion’ of Indigenous people in land management decisions a new form of colonial
oppression” (Porter, p. 12).

Inclusion is a troubling concept for many Indigenous peoples. As a young civil servant in
the provincial government, I was on the receiving end of many racist rants when the province
approved the Nisga’a Final Agreement in 1999. I questioned why I was in communications and
what difference my presence made to the issues involved. I reasoned that at least the public
got an Indigenous perspective when I provided the information. It didn’t take long for me to
realize that whether the work was done by an Indigenous or non-Indigenous person, the
outcome was the same: endless meetings about “bottom lines” and creation of economic
“certainty” with little mention of what the need and priorities were of Indigenous communities
themselves. Perhaps naively, I wasn’t sure whether the goal was justice and restitution or an
investment/property owner-friendly climate. I increasingly got the feeling that Indigenous
peoples were not even relevant to the negotiation process. Once I left government, I came to
better understand the political dynamics at play in treaty and other negotiations involving
Indigenous peoples. One such dynamic is the casting of Indigenous peoples as “minorities” and
therefore simply another stakeholder in the liberal democratic process. Peters and Walker
(2005) – citing Kymlicka (1998) – explain that unlike other ethnic minority groups in Canada,
Aboriginal peoples were living in self-determining societies with distinct cultures prior to
creation of what is currently known as Canada. In this context, the authors argue, “participatory
and collaborative planning approaches that bring together the diversity of groups and ‘publics’
in multicultural urban society may not be effective for all issues having to do with urban Aboriginal people” (Peters & Walker, p. 331). Jojola (2000) further challenges the minority designation by asserting that in Indigenous homelands and communities, it is outsiders and non-natives who are in the minority. Dorries’ (2012) work on municipal planning in Ontario illustrates how First Nations have been cast as “stakeholders” in the planning process as a result of how boundaries have been drawn and jurisdictions established. Through a “jurisdictional logic” that limits Indigenous interests to geographically bounded reservation areas recognized as federal lands, planning – coming under provincial purview⁹ – fails to recognize larger Indigenous political entities, and “instead replicates colonial political identities by relying on the racial infrastructure created by the Indian Act. In this way, planning relies on and is part of, the circulation of colonial knowledge” (p. 66).

Porter and Barry (2012) describe the tension between normative values associated with the transformative possibilities involved in planning, “and theorizations and empirical analyses that show just how fragile and superficial such practices might turn out to be” (p. 173). Such theorizations emerge in part from planning’s role in discriminatory and exclusionary practices towards Indigenous peoples and minority groups in many parts of the world (Porter, 2010; Yiftachel, 2013). One way to address this tension is through an examination of how various planning theorists define planning. Dorries takes Yiftachel’s definition of planning as the “formulation, content and implementation of spatial public policies” (p. 5). She argues that if

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⁹ It should be noted that planning relationships between Indigenous peoples and the state in Canada’s northern territories (Yukon, Northwest Territories and Nunavut) are distinctive from the rest of the Canada. It is beyond the scope of this dissertation to address these differences, but I felt it important to note here for future research.
she is to take this definition seriously, then – contrary to what most mainstream planning historians contend – the practice of planning in Canada began well before 1900. Hodge and Gordon (2008), for example, locate the origin of planning as an organized practice in Canada beginning around the turn of the 20th century. They quickly relegate village settlements to a lesser status than cities, for they are “simple groupings of more or less equal social units” (p. 20). They say that “cities emerge when a society begins to distinguish such social needs as defence, promotion of worship, or symbolizing political control in a region, and then combines these functions with the need to house a large population nearby” (ibid). The foundations of colonial land use planning in Canada, it can be argued, originated in the 1800’s with the creation of reserves relegating First Nations peoples to living under state control and surveillance in order to free up Indigenous territories for “settlement” and transformation into a Western property regime (Tomiak, 2017). In marking the fin de siècle as the start of modern planning, Hodge and Gordon obscure planning’s complicity in providing the rationale for settler and colonial control over Indigenous lands. Dorries’ and Yiftachel’s definition of planning as the “formulation, content and implementation of spatial public policies” clearly folds planning into Canada’s colonial past and present.

Relationships between Indigenous peoples and the state have been regulated by a robust history of social, political and economic relations. The very nature of colonization, however, makes this relationship extremely problematic. Porter (2006) writes that “colonialism is the process and material effects of appropriation of territory by a foreign power, and the construction of a racialised hierarchy of difference within and through that appropriation, such
that the myriad, locally-constituted relationships between coloniser and colonised become embedded within structures of economy and power, as well as embedded in frames of meaning” (p. 383). While colonization has manifested itself differently in different places, for those in North America and elsewhere it is an ongoing process that Indigenous peoples experience as a shapeshifting social, political, and economic enterprise. Wolfe (2006) argues that settler colonialism has both negative and positive dimensions: “Negatively, it strives for the dissolution of native societies. Positively, it erects a new colonial society on the expropriated land base—as I put it, settler colonizers come to stay: invasion is a structure not an event” (p. 388). Tuck and Yang (2012) take up this idea to describe the experience of structural violence on multiple levels:

Within settler colonialism, the most important concern is land/water/air/subterranean earth (land, for shorthand, in this article.) Land is what is most valuable, contested, required. This is both because the settlers make Indigenous land their new home and source of capital, and also because the disruption of Indigenous relationships to land represents a profound epistemic, ontological, cosmological violence. This violence is not temporally contained in the arrival of the settler but is reasserted each day of occupation (p. 5).

It is worth repeating that settler colonial “invasion is a structure not an event” (Wolfe, 2006). Indigenous communities, whether urban, First Nations, Métis, or Inuit, face constant pressures on what limited land base they have, to conform to colonial land regimes that, as Wolfe puts it, “destroy to replace,” for “territoriality is settler colonialism’s specific, irreducible element” (p. 388). This is akin to the notion of “creative destruction” posed by Joseph Schumpeter (following Karl Marx): “The innovational process ‘incessantly revolutionizes the economic structure from within, incessantly destroying the old one, incessantly creating a new
one. This process of Creative Destruction is the essential fact about capitalism’” (as cited in Elliot, 1980, p. 47). As will be described throughout this thesis, much of the disconnection experienced by NCCABC clients (as well as frontline workers themselves) stems from this profound epistemic and ontological disruption experienced daily through myriad forms of settler colonial violence.

How then to reconcile this historical and contemporary reality with the aims and purposes of mainstream planning? Is it even possible to repair relationships (the Truth and Reconciliation Commission’s definition of “reconciliation”) from within Western structures in a manner that leads to social justice and self-determination for Indigenous peoples? Barry and Porter (2012) argue that some mainstream approaches to “dealing with” the rights and land interests of Indigenous peoples are a domestication of planning’s “Other” into mainstream practice “thereby making invisible the wider political and epistemological challenge of Indigenous recognition” (p. 173). Drawing Indigenous rights and land title into existing legislative and political structures legitimizes them in the eyes of the state; they become a known quantity, something recognizable that doesn’t threaten crown sovereignty or at least can be managed safely within domestic structures. Comprehensive community planning, initiated by Indigenous and Northern Affairs Canada (now divided into two departments: Crown-Indigenous Relations and Northern Affairs Canada and Indigenous Services Canada), is one path towards reconciliation. Early efforts at comprehensive planning in First Nations communities were described as a “virtually impossible task” (Wolfe, 1989): “Seldom do such planning exercises move into the decision-making, program, project and implementation stage,
particularly when the plans are drawn up by outside planning specialists” (p. 67). Planning in Indigenous communities has most often involved “experts” from outside the community preparing plans with virtually no input from community members and little reflection of community hopes and aspirations. Since 2000, First Nations have been emphasizing the need for more community-based, community-controlled planning (Cook, 2008). Contemporary examples of comprehensive community planning show it to be a community-initiated and led process, with federal funding supporting a range of innovative and often transformative planning processes. Cook explains that comprehensive community plans should “consider the integration and interrelationships among the “parts” of a community: culture, social, spiritual, economic, governance and leadership, infrastructure, health, education, water, lands and resources (environment) including land use, (but not necessarily equally)” (p. 14). The planning team that initiated comprehensive community planning in Syilx communities in the Okanagan, for example, used an En’owkinwixw process to make it a community-run and community-focused project (Plan Canada, 2013). What made the process unique for the communities was “its foundational commitments to community engagement, its culturally relevant process and framework, and its contemporary use of traditional wisdom and practice” (p. 40). Another example is the community plan produced by Gwa'sala-'Nakwaxda'xw Nations. The document produced by and for the community (in partnership with the UBC School of Community and Regional Planning) has contributed to social and economic changes in a community that has experienced a traumatic and painful history (documented by filmmaker Lisa Jackson in the film “How a People Live”).
Much attention has been given to the Musqueam Comprehensive Community Plan called “náčaʔmat tə ḥxʷqʷeləwən ct (We Are of One Heart and Mind),” both the name of the plan and the vision that guides it. At a gathering of planning students in the Musqueam community a few years ago, then-Director of Treaty, Lands, and Resources Leona Sparrow explained the difference between Musqueam’s plan and others completed with outside assistance: it was community members themselves who did the work while the consultants advised on the side. Perhaps the plan’s most important accomplishment was how it harmonized community activities – from those of chief and council to community members – into a planning timeline that utilized a Musqueam cultural metaphor of distinct streams flowing into one river. This helped community members see how diverse work being done throughout the community is really working towards the common goal of self-governance, and ultimately self-determination. Comprehensive community planning – and other community-led planning initiatives – may well reflect culturally-grounded community priorities and are one of many creative strategies Indigenous peoples employ to counter traumatic colonial histories and ongoing settler colonial incursions. Comprehensive planning and other government-to-government processes can help guide decision-making by community leaders, staff and membership, thus contributing to self-governance initiatives (Cook, 2008). It can also be argued that within a comprehensive community planning model, the state still defines the boundaries of Indigenous rights and self-determination, a reconstitution of colonial structures albeit with community-led planning processes. This critique does not seek to undermine important community-led work but to elucidate the struggles and challenges of both operating within and
struggling against colonially-imposed boundaries including reserve communities. Indigenous peoples have always created opportunities to determine their own path forward as evidenced by the long history of treaty-making and other relational work long abrogated by settler governments. First Nations comprehensive community planning is one strategy in a necessarily broad arsenal of political, economic and cultural resurgence.

2.3 Municipal Colonialism and Urban Indigenous Migration

I would argue that self-governance within the terms of the Indian Act is an anomaly, that true Indigenous governance springs from spiritual and cultural regeneration as defined solely by the people. The 2017 announcement that the federal government would pursue 10-year funding models with First Nations communities is one example of how far we are from self-determining communities. Not to minimize its potential importance for some communities, but the fact that it has taken this long to move from a 5-year planning model to a 10-year model is an indication of the pace of change at the federal level. The fact also remains – as Musqueam Elder Larry Grant reminded me (Larry Grant, personal communication, May 22, 2018) – that Coast Salish territory has been largely paved over and opportunities for political and cultural resurgence must indeed be creative. Historian Jordan Stanger-Ross (2008) describes cities as vital instruments of colonization. His research begins to fill a large gap in the literature on “municipal colonialism,” an emerging term that describes local government’s role as much more than a spectator in colonial land politics. Cities, Stanger-Ross argues, are “nodes within wider networks of power, command centres within regional economies, and settings for the concentration of settler population and resources...” (p. 543). Vancouver originated in 1886
as the western terminus of the transcontinental rail line (Barman, 2007). Located at the edge of mountains and oceans, Vancouver became a bustling port city and the Downtown Eastside one of its earliest neighbourhoods. Before this, the region was occupied by hańq̓əmiłəm speaking peoples. With the creation of the western terminus, reserves were established on the north shore, at Kitsilano and on the southern edge of the city at Musqueam. In the 1930s and 40s, city officials viewed these reserves – particularly Kitsilano and Musqueam – as the last vestiges of Indigenous space in the city and saw them as impediments to growth and modernity (Stanger-Ross, 2008). The 1928 Bartholomew Plan – Vancouver’s first comprehensive town plan – in fact placed community health as a central feature of a successful plan:

Parks and playgrounds and other facilities for public recreation are today considered indispensable in the make-up of a great city. No city built according to well-drawn plans and specifications would be without such features. The people need them. They are fully as useful in promoting community health and happiness and contentment as any of the recognized urban necessities. A bathing beach, a playground, a lovely park, each when in full use is in a sense a factory. Its products are smiles, light hearts, ruddy cheeks, sound bodies, wholesome human interests. (Bartholomew and Associates, A Plan for the City of Vancouver, p. 169)

Where then would these factory parks be found? The reserves at Kitsilano and Musqueam were identified by Bartholomew as perfect sites for future parks. A “park [at Kitsilano],” the plan explains, “will become in actuality a most useful element in the in-town recreation system. It will serve purposes which otherwise will have to be accommodated in Stanley Park, to the increasing detriment of the latter. The inroads upon the priceless natural assets of Stanley Park have already gone far enough, and the only way this slow process of cultivation can be stopped is by provision of supplementary park areas.” Stanger-Ross describes how this approach to urban planning looks at metropolitan areas as “organic,” the health of
each appendage dependent upon that of the others: “This conception of the city offered a new rationale for the acquisition of Indian reserves. The city plan encouraged municipal figures to imagine that Indian reserves, wasteful in themselves, could also destroy other parts of the city” (p. 555). In a precursor to the biophilia movement (in which nature was brought into the “artificial” urban environment), Bartholomew envisioned “a system of pleasure drives,” that would “offer wholesome retreat from the noisy, busy city” (City Plan, p. 175). The reserve at Musqueam was an important part of this system as a proposed destination sports area and scenic park (p. 203).

Each level of government had its own jurisdictional priorities and interests, however, perspectives about appropriate (ie. Eurocentric) uses of land permeated all levels of government and were operationalized through laws and regulations that sought to create cities as spaces suitable only for particular bodies. Mawani (2003, citing Goldberg, 1993) discusses how colonial authorities spatially separated the colonised from the colonisers through the “bureaucratic rationalization of space” (p. 165). Quoting Goldberg, Mawani writes: “This entailed that as urbanization of the colonized accelerated, so the more urgently were those thus racialized forced to occupy a space apart from their European(ized) masters” (ibid.). Mawani examines how this manifested in mid-19th century Victoria. As in Vancouver, colonial authorities in Victoria viewed the presence of Songhees people in the city as incompatible with an increasing (white) population and land values. For example, in 1860 the colonial government enacted a coercive policy that compelled Indigenous men and women to leave the city at night. Though aimed at all Indigenous peoples, Indigenous women were more often the target of
police officers who arrested and charged them often for nothing more than being on the street at night (p. 167). Perry (2001) explains that although the ruling passed by the Victoria Grand Jury to remove Indigenous peoples from the city at night was of an uncertain legal nature, nevertheless it was consistently enforced by local police forces. Mawani describes the impacts of such policies and practices: “Ultimately, the creation of racial and spatial difference justified daily colonial interventions, legitimised technologies of segregation, and finally led to the forced removal of the Songhees” (p. 170). The “impossible contradiction” of “Aboriginal” and “Urban” (as posed by Peters, 1996) is a discursive performance that has long served to obscure the complex history and contemporary dynamics of urban Indigenous experiences.

2.3.1 Contested Spaces

Definitions of what constitutes “urban” become murky when First Nations communities are located adjacent to or within large urban cities. As Stanger-Ross concludes, it is important to heed Peters’ caution about the term ‘urban Aboriginal’ which “flattens the history of First Nations people by applying a settler division of space and populations to people who often understood themselves and their surroundings in alternative terms” (p. 579). In a special monograph of Progress in Planning, Peters argues that the context for urbanization is extremely important. As described earlier, she argues Aboriginal peoples do not arrive in cities like other migrants, national or international; many Aboriginal peoples are travelling in their traditional territories and expect that their Aboriginal rights and identities will make a difference to the ways that they structure and live their lives in urban areas (Peters, 2005, p. 344). Importantly, she points out that patterns of migration for contemporary Aboriginal people are different than
for other urbanising, westernized populations. The main factor contributing to growth in urban Aboriginal populations is not movement from reserves and rural areas to urban areas but changing patterns of self-identification (ibid.). Bonita Lawrence’s work on mixed-blood Indigenous experiences in Toronto points to how a resurgence of native identity became possible in the late 20th century after a long history of white hostility toward Indigenous peoples in urban settings. As Lawrence writes, the “fact that members of the current generation of urban mixed-blood Native people are reclaiming their heritage is testament to the success of their families’ survival strategies” (Lawrence, 2004, p. 133).

What then does this imply for potential governance mechanisms for Indigenous peoples in urban areas? It expands the scope of what are already complex considerations, considering there are potentially large numbers of Indigenous peoples with few direct ties to Indigenous communities. As Lawrence points out, this also represents a powerful opportunity for decolonization:

...urban mixed-blood Native people are not extraneous to Indigenous communities...they represent the other half of a history of colonization, the children and grandchildren of people removed, dispersed, and continuously bled off from Native communities as a result of ongoing colonization policies – residential schooling, termination and relocation, the theft of Native children into the child welfare system, and a century of removing Indian status from Native women and their descendants. For urban mixed-bloods and tribal people to meet, from different current locations but with an acknowledgement of historic connections and to find ways of working together across differences, could represent another stage of rebuilding the shattered hoops of different nations, a powerful process of decolonization. (p. 14)

This suggests that not only is the construct of an urban/Indigenous dichotomy outdated, but that the urban/rural divide must also be actively challenged, and attention paid to the appropriate scale for different facets of planning for Indigenous communities (Peters, 2005).
2.4 Continuum of Indigenous Community Planning

Peters explained that until recently much of the literature on urban migration by Indigenous peoples has characterized it as a rejection of traditional culture and a desire to assimilate (Peters, 2005). She discusses how, in the 1970s and 80s, research suggested that Aboriginal households in urban areas expanded and contracted to meet the changing needs of family and friends; some studies pointed to this as evidence of an Indigenous-specific strategy, an extension of a sharing ethic in Indigenous communities and “for coping with migration, poverty, insecure housing, and the need for access to urban services” (p. 383). In the early 1970s, my teenage uncle came to live with my family in Port Coquitlam to attend high school. My grandmother’s house on the Stellat’en First Nation was crowded, caring not only for her own children but grandchildren as well. Conversely, my father returned to Stellakoquo time and again to live and work in the community, sometimes taking us with him. This “expansion and contraction” continues today. The Environics Institute “Urban Aboriginal Peoples Study” (2010) provides insight into the mobility of urban Indigenous peoples, in addition to other topics including “urban Aboriginal peoples’ communities of origin; Aboriginal cultures; community belonging; education; work; health; political engagement and activity; justice; relationships with Aboriginal and non-Aboriginal people; life aspirations and definitions of success; and experiences with discrimination” (Environics, p. 7). Six in ten study participants felt a close connection to their home communities. While census data show that all Aboriginal groups experience significantly higher mobility compared to the non-Aboriginal population, the Urban Aboriginal Peoples Study highlighted differences among Aboriginal groups that reflect group
differences in regional distribution, urbanization and registered status (p. 34). For example, half of study participants did not plan to return to communities of origin to live permanently in the future. While only two in ten planned to return to their communities of origin, this rose to three in ten among Inuit (32%) and status First Nations peoples (28%), compared to Métis (12%) and non-status First Nations peoples (15%) (Ibid.). Such differences highlight the complexities of urban Indigenous identities and mobility.

Peters describes two studies that suggest many urban Indigenous households continue to act as a community safety net (Peters, 2005, p. 383). There is very little contemporary literature, however, exploring this phenomenon. Another gap in the literature is on the nature of Indigenous peoples’ social networks in the city, how they are created, what form they take, and how Indigenous peoples experience them. Although limited, existing research indicates that Indigenous peoples both past and present experience community in the city, “as defined by the practice of extending assistance in the form of shelter” (ibid.). This has implications for municipal planning. As Peters explains, if these practices reflect cultural ethics of sharing – and those ethics run counter to standards about numbers of people living in municipal dwellings – this may be an example of Aboriginal cultural values coming into conflict with municipal planning practices (ibid.). Community building through the establishment of networks, institutions and collective identity, writes Peters, “can enhance political strength and visibility, and provide the support for resilient cultural identities” (ibid.). Studies in Winnipeg, Edmonton and Los Angeles have noted similar rates of Aboriginal participation in Aboriginal institutional life in the city. Development of urban Aboriginal institutions is an important component of
creating self-government for urban Aboriginal peoples, and in this way addresses their indigeneity (Ibid.).

In another study describing patterns of migration for contemporary Aboriginal peoples, Peters (2005) further writes that migration from urban areas back to rural and reserve communities represents not a failure to adjust to city life, but “an attempt to maintain vital and purposeful community relationships.” This points to the interrelatedness of Indigenous experiences in urban and rural settings, and how artificial and divisive such distinctions can be. Strengthening social, cultural and political mechanisms in home communities directly impacts those who live elsewhere by expanding opportunities for members to return home. Conversely, social service organizations working in urban areas strive to improve the health and well-being of urban Indigenous peoples to ultimately “enhance political strength and visibility and provide the support for resilient cultural identities” (Peters, 2005, p. 385). For Indigenous peoples in cities, strengthening governance mechanisms in their communities of origin makes a return to ancestral lands a more viable option, and expands what may be limited opportunities for control and authority in urban areas. To better understand how governance in urban areas is being conceptualized within the field of planning, I turn to a discussion on terminology being deployed in support of Indigenous self-determination and decolonization.

2.5 Aboriginality and Indigeneity – Behind the Terminology

Walker and Belanger (2013) propose using the term “Aboriginality” to describe a cultural project that could form the basis for decolonization in partnership with settler society (p. 196). The term Aboriginal came into popular usage in Canadian contexts after 1982 when
Section 35 of the Canadian Constitution defined the term as including First Nations, Inuit, and Métis peoples (UBC First Nations Studies Program, 2009). Aboriginality has been defined as “the negotiation of the political, cultural and social space of aboriginal peoples within the nation-state” (Adelson, 2000). In defining the parameters under which such negotiations take place, settler states such as Canada have attempted to solve the perceived problem of indigenous nationhood by extinguishing it and bringing indigenous peoples into Canada’s own domestic political and legal structures (Alfred, 2001). Consequently, “Aboriginality” as an all-encompassing cultural project becomes a very troubling one. In contrast, “Indigeneity” has been described as a “politicisation of ‘original occupancy’ as a basis for entitlement and engagement” (Porter, p. 290, 2013, citing Maaka & Fleras, 2000). I will attempt to better illustrate the conceptual chasm between “Aboriginality” and “Indigeneity” by exploring the different ways in which they are operationalized in relation to Indigenous planning.

2.5.1.1 Aboriginality as a Lens

Walker and Belanger (2013) argue that Aboriginality is a possible “lens through which to approach the municipality’s creation of plans addressing community visioning, culture planning, public space design, land use, future growth, urban design, and economic development, among others” (p. 209). These aspects of local government planning certainly necessitate input by Indigenous peoples. However, anchoring Indigenous input in municipal planning to the concept of “Aboriginality” blends the aims of local governments with Indigenous civic authorities, thereby potentially co-opting Indigenous self-determination into a localized colonial framework. Walker and Belanger’s partnership approach – which they call transformative
planning – advocates practical and proactive solutions for reinforcing Indigenous presence in cities and towns, such as through historic and cultural sites and landscapes, street naming, public art, architecture, murals and signage (p. 203). While these are necessary and important steps for local governments to take, they do not address the fundamental challenges Indigenous peoples make to planning theory and practice. Porter (2013) explains that Indigenous claims call into question the foundations of Western planning, “its conceptualizations of space and place, its understanding of human-environment relationships, and its assumptions about the correct forms of governance and management of both of these things” (p. 290). Declarations and accords, protocol agreements and Aboriginal citizen participation and engagement (all of which Walker and Belanger promote) are tools of the partnership model. They provide space within existing institutions for Indigenous inclusion in decision-making. This is far from the structural transformation Walker and Belanger argue is possible through transformative planning. What then might a transformative planning framework look like as a fundamental re-think of the relationship between Indigenous and non-Indigenous peoples? Such a framework would begin to question the internal cultures of municipal planning and bring awareness to the value-laden work which impacts Indigenous lives daily while working towards a paradigm shift; it would question the normative assumptions underpinning planning practice (e.g., that planning is always reformist and progressive); it would embrace – rather than resist or reject – responsibility for repairing and tending to relationships with Indigenous peoples and communities; and it would offer more
than mere participation or engagement in planning processes (eg. specific Indigenous representation or other power-sharing models).

Two concepts initially shaped my inquiry into this research and helped illuminate pathways to transformative planning as outlined above: “therapeutic planning” and the “planning contact zone.” Therapeutic Planning is a term coined by planning scholar Leonie Sandercock (2003); it is a “therapeutic” orientation towards community planning that acknowledges complex social dynamics that require a process for working through differences, while recognizing that relationships are at the heart of many planning disputes. Sandercock describes therapeutic planning as an “an essential quality of community organization and social planning” (p. 160). In her dissertation, Aftab Erfan (2013) built upon this term in exploring what sort of role therapeutic planning might play in communities marked by trauma, “without reproducing the patterns of colonization” (p. 3). She describes the potential for therapeutic planning in Indigenous communities and in the process points to transformative possibilities in both planning practice and theory:

Planning activities (whether at plan formation or plan implementation phase) offer a reason for an inclusive gathering, giving community members a space to think about issues of collective interest. The gatherings are usually funded, at least at some minimum level, to provide a venue and tea and cookies. They also often offer the opportunity - or the luxury - for experimentation with innovative meeting formats, designs and facilitation approaches which are not available in other forums such as funerals, potlatches or official council meetings that have a culturally or legally prescribed format and tone. Significantly, planning events can combine dialogic, artistic and ceremonial aspects – all of which, as I have shown, can have a significant role in healing, in a mutually supportive manner. (p. 253)

Very little has been written about the healing or therapeutic role planners can play in communities, so this seemed an important question to explore in the context of Indigenous
community planning. I was interested in what therapeutic planning might look like when enacted by Indigenous peoples, for Indigenous peoples. Throughout the research process I shared these understandings of therapeutic planning with research participants and others who simply wanted to know more about what I was doing. After my research presentation to managers at NCCABC’s head office, one manager (in response to the concept of therapeutic planning) shared that perhaps people I interviewed would have different words to describe their work. I often felt that the notion of “therapy” in a planning context never entirely resonated with the frontline workers. I still think it’s an important concept to ground planning work that engages with conflict, grief, loss and healing, and it certainly informed how I developed and presented the research to my community partners. However, through my fieldwork and subsequent participatory data analysis sessions with the Community Advisory Committee, I came to see the work being done as grounded in a relational accountability framework that may include aspects of therapeutic planning but also extends that concept to Indigenous practices that ensure every action taken works to nurture and extend connections with clients, does not (re)produce institutional harm, and reflects integrity, humility and an open mind. Smith (2008) explains that an Indigenous research paradigm is relational and maintains relational accountability: “In essence this means that the methodology needs to be based in a community context (be relational) and has to demonstrate respect, reciprocity and responsibility (be accountable as it is put into action)” (p. 99). Dietrich (2017) writes that place-based relationality seeks to disrupt the “biopolitical logics of settler colonialism as they are embedded in hierarchical distinctions of forms of life foundational to European political
thought” (p. 68). In aspects of NCCABC’s frontline work, I witnessed attempts by service providers to flatten the hierarchy of service delivery and be accountable to clients’ needs through respect, reciprocity and responsibility. Relational accountability requires frontline workers to understand where the individual (or “client”) is at in their healing journey and to be accountable to the relationship that subsequently grows and develops. Relational accountability – as I see it in this research – is about “nourishing relationships” (following Reich et. al., 2017) with clients, but also between frontline workers themselves and the many community partners with whom they work. Relational accountability takes into consideration the relationships that exist outside of the work (or research) context and that include responsibilities to families, communities and Indigenous nations. It is a concept and a process that values “direct experience, interconnectedness, relationships, holism, quality and value” (Cajete, as cited in Kovach, 2009, p. 34).

The second concept that shaped my inquiry in this research is the notion of a planning “contact zone.” As explained in the previous chapter, Mary Louise Pratt (1991) coined this term to describe “social spaces where cultures meet, clash and grapple with each other, often in contexts of highly asymmetrical relations of power, such as colonialism, slavery, or their aftermaths as they are lived out in many parts of the world today” (p. 34). Indigenous peoples also engaged with the contact zone as a means of resistance. In her book *These Mysterious People: Shaping History and Archaeology in a Northwest Coast Community*, Susan Roy (2010) examines the interface of Musqueam and European ideologies concerning place, particularly in relation to an ancient village and burial ground called čəsnaʔam. She describes how
Musqueam’s sale of a house post to the American Museum of Natural History (AMNH) could be read “as an attempt at cross-cultural translation, aimed at transferring local Aboriginal knowledge to the public space of the AMNH” (p. 71). This effort to self-represent demonstrates active resistance to colonial representations of Indigenous culture. Roy further explains how Musqueam heritage was “based not on the notion of vanished history but, rather, on an ongoing connection to the community, to history, and to family – a connection that was crucial to a person’s identity and status” (p. 78). Barry and Porter (2013) describe planning contact zones as potential spaces where Indigenous rights, title and governance systems are recognized and transformative spaces opened. They are also spaces that can reinforce repressive and marginalizing power relations when existing policies, legislation and programs are resistant to change. In my own work, I wanted to explore whether health and justice planning in the urban contact zone reflected similar tensions, whether emergent programs/policies/practices were similarly fraught with possibilities that could be both “consensual and conflictual” (Barry and Porter, p. 9).

Porter (2016) discusses the planning contact zone in the context of the Wurundjeri people and the City of Melbourne in Australia. She talks about how the creation of Registered Aboriginal Parties provide some statutory powers in certain urban development proposals for the Wurundjeri people who occupy the area and were dispossessed from their lands by settler authorities. The Registered Aboriginal Parties provide some form of recognition of ancestry and the right of Wurundjeri to control some aspects of their culture. They are also rights that are procedural in nature and driven by state governments for whom statutory power and authority
is foremost, and the desire to “settle and contain” is the impetus for working with the Wurundjeri in management of public lands and waterways in Melbourne. Porter’s description of how this planning contact zone unfolds in Melbourne emphasizes the asymmetrical power structures that form and shape the relationship. However, she also recognizes that opportunities to engage in planning mechanisms through the Aboriginal Heritage Act represent potentially transformative possibilities for urban planning contact zones, particularly those in which Indigenous peoples have been so profoundly disconnected through settler colonial social and legal structures. “Country Plans” are now widely used by Indigenous organizations across Australia and enable Indigenous groups to articulate their “lore, culture, identity and land management” (p. 81). While these plans are meant to be recognizable to settler states, they also enable partnerships with land management and planning agencies that potentially increase access to a land base for Indigenous communities. For people that have been violently removed from their lands and left with limited options for reclaiming territories, such legal instruments represent important sites of rupture for settler colonialism’s characterization of urban spaces as free of Indigenous claims to self-determination. Porter also describes Melbourne as a “highly limited and partial contact zone” which points to the need for careful attention to the specificities of scale (time/space/geographic locale) in attending to colonialism and ongoing settler colonialism.

A current example of planning in the urban contact zone in Canada – and how inclusionary local government practices can potentially be mobilized to challenge dominant planning discourses – is the Heather Lands redevelopment in Vancouver. The Heather Lands are
a 21-acre parcel of land in what is known as the Cambie Corridor Planning Area between West 33rd and 37th Avenues at Heather Street. Until 2012, the property was owned by the Royal Canadian Mounted Police “E” Division and contained its headquarters and operations centre. In 2011, the Musqueam, Skwxwú7mesh and Tsleil-Waututh Nations (incorporated as MST Development Corporation) partnered with Canada Lands Company to redevelop the Heather Lands. They put forward a plan that includes residential towers, a cultural centre, a daycare, park space and possibly a new francophone school. More controversial than housing and daycare centres, however, was the fate of the Fairmont Building. Built in 1914 in the Tudor Revival style, the Fairmont Building became RCMP headquarters in 1920. The building is listed on Vancouver’s Heritage Registry as an “A” building, meaning it “represents the best examples of a style or type of building; may be associated with a person or event of significance” (City of Vancouver, December 15, 2017). Through a survey completed as part of the initial consultation, a majority of respondents suggested that the building should be re-used as a community centre or community gathering space (City of Vancouver, 2018). Many people felt the “heritage” value of the building was worth preserving and that it could also be re-purposed for residential, retail, library and museum uses. The Musqueam, Skwxwú7mesh and Tsleil-Waututh, however, felt differently about what that heritage represents. In a city report summarizing dialogue around what should happen to the Fairmont Building, MST Partners wrote:

Law enforcement by the RCMP contributed to and enforced the legislative oppression. For example, the RCMP assisted the Indian Agents with the forcible removal of children from our Nations villages and imposed the legal requirements to attend Residential Schools. Therefore, the retention and operation of the RCMP Academy building with the Nations maintaining operation is akin to requiring the Nations owning a building that is a constant reminder of the negative history and imposition of colonial values, and is seen
as contrary to the spirit and intent of reconciliation (City of Vancouver, December 15, 2017).

In May 2018, Heritage Vancouver put the Fairmont Building on its Top 10 Watch List of buildings under threat of demolition. However, Heritage Vancouver also recognized that the issues are complex and intricate, “as there are a number of potentially conflicting economic, architectural, cultural, natural and historical values that are important to different communities. There are also social ideas around healing, reconciliation and the fact that the site contains both positive and painful memories. This project contains lessons to be learned about the past, challenges that need to be resolved on contested sites, and how we move forward positively from a painful history” (May 17, 2018, retrieved from: http://heritagevancouver.org/top10-watch-list/2018/1-heather-street-lands-and-fairmont-academy/). City staff are recommending that the Fairmont Building be relocated, although if a receiver site is not found, it may end up being demolished. While this represents an important assertion of self-determination for MST Partners – and the communities they represent – the Heather Street lands also remain part of the city’s comprehensive planning program and must conform to municipal land use regulations and bylaws.

Porter (2013) uses the idea of “coexistence” to differently imagine the space and place of Indigenous peoples in urban planning. Rather than reconstituting the Indigenous “Other,” coexistence reframes relations between Indigenous title law and governance and Western title law and governance (p. 290-291). Coexistence sees the “possibility for uneasy points of consensus to be reached and then reconstituted” (p. 291). Porter describes contemporary models of coexistence as deeply flawed and argues that what is needed is a “more analytical
and deconstructive stance towards planning’s own systems of thinking and rationalities about property, place, and governance” (p. 294). With the Heather Street lands, MST Partners are challenging how “heritage values” are conceptualized. In the case of the Fairmont Building, coexistence elicits very different historical perspectives on the place and significance of law enforcement with the consensus that the building could remain but not in a location purpose-built for reconciliation. Porter argues that there are two primary challenges to coexistence in the urban context: first, the very existence of cities is a material representation of imperial power, such that Indigenous rights and title are not easily conceived in urban settings (p. 299). Second, Indigenous peoples who move to cities are somehow seen as inauthentic in their Indigenous identity (p. 301). Porter writes this is a “conceptual and racially constituted myopia that has enabled planning to fail to see Indigenous rights as legitimate for planning, and more easily recognize and accommodate Indigenous interests outside of urban environments” (p. 301). MST’s assertion of its rights to develop the Heather Street Lands in a way that disrupts colonial history and draws attention to contemporary experiences of police brutality against Indigenous peoples and communities may help to counter this myopia; it presents a powerful challenge to those who would deny Indigenous sovereignty claims in the city.

Walker and Matunga (2013) argue that Aboriginal “citizens” are best assured representation by both running for and voting in municipal elections. Although Indigenous faces in city hall may indeed be inspirational and empowering for urban Indigenous communities, again I argue that this approach falls short of the “profound rethink” Porter advocates. She explicitly says her critique does not suggest doing away with planning, but rather that planning
has not sufficiently been called to account for “its assumed dominance and universality in its preconceptions about space and place, the entrenched assumptions about appropriate human-environment relationships, and about the narrow conception of liberal property rights and interests” (p. 303). Peters (2005) writes there is “little recognition that most cities are on Aboriginal peoples’ traditional territories or that urban development may affect places that are important for spiritual or historic reasons” (p. 392). She argues for making Indigenous peoples and cultures visible in the urban landscape, and importantly, for closely examining cultural values underlying planning regulations that have simultaneously posed as value neutral while maintaining the primacy of Western cultural value systems. From this perspective, there is limited scope for inserting Indigenous planning strategies into municipal planning frameworks either through electoral politics or voting at the municipal level.

2.6 Health and Planning

The City of Vancouver is responding to these challenges in several ways, particularly through strategies that target health and wellness. The Healthy City Strategy “includes goals to promote safety, inclusion, and connections between communities and individuals with reconciliation as an integral focus.” The City also has Social Policy Capital Grants which are awarded to Indigenous organizations for improved service delivery and for a range of issues, including cultural competency training, healing and wellness, and youth programming. One of the stated focal points for the Mayor’s Task Force on Mental Health and Addictions is support for Indigenous healing and wellness centres. These strategies are important for re-conceptualizing the relationship between Indigenous and non-Indigenous peoples. As with
commitments made by various levels of government in response to the Truth and Reconciliation Commission’s Calls to Action (2015), it remains to be seen whether these various programs and strategies will improve the health of urban Indigenous peoples, or indeed lead to a sustained culture shift within local government planning practice itself. As the following section outlines, the concept of the “healthy city” has shifted and changed over time, but what remains consistent is exclusion of Indigenous experiences and conceptions of health and well-being.

Corburn (2009) explains that public health, city planning, and civil engineering evolved together “as a consequence of late-19th-century efforts to reduce the harmful effects of rapid industrialization and urbanization, particularly infectious diseases” (p. 541). As “germ theory” evolved through the 20th century, public health professionals gradually became physicians rather than planners; improving health became a matter of individual choice – or “risk factors” – rather than an issue of urban infrastructure. Re-linking these fields has been a slow and somewhat uneven process. Discussing case studies in Australia, Crawford et. al. (2010) describe the fragmented relationship between health and planning, and the scarcity of close working relationships between the two. In the British context, Barton (2010) argues that it should be recognized that the overarching goal of what is now called spatial planning is really human health and well-being, and this not only goes back to but reinvigorates the roots of modern town planning. The fields have remained primarily separate due – in part – to departmental silos which fail to see how planning and health issues are interdependent. While planners do
recognize that urban planning influences health, says Barton, “they do not normally perceive
that it is their job to worry about it or to study it. Their priorities are elsewhere” (p. 96).

As described earlier, health has indeed been a central theme of town planning from the
profession’s earliest days. Barton (2017) outlines how Public Health Acts in Britain in the 1870’s
began to place responsibility for sanitation firmly within administration of local authorities. This
led municipalities to adopt by-laws that tackled not just sanitation, but construction, air quality,
space and overcrowding (p. 49). Concern for a “civilized, healthy environment” led to
innovations in law and practices that contributed to the professionalization of the interlinked
areas of public health, environmental health, town planning, landscape design and architecture
(ibid.). As the experience of Britain’s industrial cities demonstrated, regulatory tools like zoning
became important to city/town planners intent on creating order in increasingly disorderly
cities. For example, separating residential districts from noxious industrial uses was seen as a
key public health strategy (Frumkin et al., as cited in Barr, 2016). In the late 19th century,
Ebenezer Howard emerged in Britain as a major figure advocating for what evolved into the
contemporary criteria for healthy urban living: green, convivial, sustainable and healthy cities
(p. 51). These “garden cities” created new settlements to relieve pressure on polluted,
overcrowded industrial cities. Further, they created a new form of landholding that abolished
private land ownership in favour of community land trusts (ibid.). While the garden city model
did not survive the political and economic pressures of private property rights, Howard’s vision
of a city that would provide for all classes lived on in efforts to improve the health of cities and
their residents. The “healthy cities/communities” movement of the 1980’s and 1990’s – among
its early proponents Trevor Hancock and Len Duhl – saw the opportunity to take “global
concepts and apply them locally and concretely (Hancock, 1986, p. 16). In his article “The Urban
Condition,” Duhl (1986) wrote that “Nothing is separate in this planet's ecosystem. Thus,
systems models must prevail in dealing with problems, and individual concerns must, in part,
become secondary” (p. 111). Problems emanating from the city are systemic, Duhl argued,
therefore the values needed to address such problems must shift from individual to communal
concern. As Hancock described it, the healthy cities/communities movement is rooted in health
promotion which is defined as “the process of enabling people to increase control over and
improve their health” (p. 18). As Barr (2016) points out, while the research that directly links
community health and planning is relatively new, it builds upon a large body of literature
examining effects of social policy on well-being and quality of life. Barr’s PhD research identified
five major associations between health and the built environment that emerged from the
literature, particularly as they relate to healthy built environments work in BC: physical activity,
food environments and healthy eating, exposure to air pollution, pedestrian and traffic safety,
and mental and social health. Clearly, health and well-being have been central concerns of the
planning profession from its earliest inception. Dispossession from reserve lands aside, what is
missing is any practical engagement with or theorization of Indigenous health and well-being as
it relates to planning in urban areas.

If planners are reluctant to connect their work to public health, they are equally
confounded by the intersection of Indigeneity and planning. In her dissertation, Dorries (2012)
explains how municipal governments such as the City of Brantford, Ontario, seek to distance
themselves from Indigenous affairs by appealing to jurisdictional arguments. On the other hand, Dorries writes, “the City also appeals to the authority of higher levels of government to affirm its own authority. In placing responsibility for First Nations firmly in the hands of higher levels of government, while also tightly connecting its own authority to these higher levels of government, the City is quite firmly placing itself in the centre of Indigenous politics” (p. 122-123). Just as Dorries sought in her dissertation to expose planning as a manifestation of structural violence inherent in the law, my own research is interested in planning as a manifestation of structural violence inherent in both legal (primarily in the context of criminal law) and health care systems. It is no small task to connect these dots when municipal governments have largely avoided responsibility for colonial dispossession of Indigenous lands and the ongoing impacts of colonial policies on Indigenous peoples. However, it is exactly these interconnections that I wish to sketch out – and therefore make visible – though the framework of urbanization (on the ancestral homelands) of Indigenous peoples.

Corburn (2009) points out that while the need to reconnect public health and planning is gaining traction, what is missing is a theory or framework which explains why these fields should be reconnected. My own research attempts to create a framework in which to understand the critical work of Indigenous community organizations in filling the vacuum left by mainstream planning in areas of health and healing. While critical perspectives on urban Indigenous rights are emerging in the field of planning (Andersen, 2013; Porter, 2013; Peters and Lafond, 2013; Puketapu-Dentice, Connelly & Thompson-Fawcett, 2017) what is less clear is how Indigenous health links to planning and decolonization strategies. Corburn outlines
challenges to reconnecting the fields of public health and planning, several of which have relevance for Indigenous-focused planning strategies, including the:

- Need to pay increased attention to the public health effects of land use and places while also expanding our definition of planning to include the political processes that produce these outcomes;
- Need to develop a coordinated, multidisciplinary approach towards eliminating health disparities; and
- Need to develop a clearly articulated strategy to improve the health of urban populations.

Strongly connected to my own research is Corburn’s notion of “ecosocial epidemiology” as a reconnecting framework for public health and planning. Ecosocial epidemiology “makes explicit the importance of an interdisciplinary understanding of how both biology and different forms of social organization influence the well-being of individuals and populations and explicitly investigates social determinants of population distributions of health, disease, and well-being” (p. 544). This approach moves definitions of health beyond conventional biomedical models towards a perspective of health as a “continual and cumulative interplay between exposure, susceptibility, and resistance, all of which occur at multiple levels (e.g., individual, neighbourhood, national) and in multiple domains (e.g., home, work, school, community)” (ibid.).

While complementary to Indigenous holistic perspectives on health and well-being, this perspective does not explicitly address culture and race in planning, nor does it necessarily question the normative values underpinning a social determinants of health approach. Without such an analysis, epidemiological perspectives risk being co-opted into dominant planning
structures that have little incentive to critically appraise assumptions upon which the work of both planners and public health professionals is based. Krieger (2010) writes:

It is obvious that research on health inequities must reckon with huge socioeconomic disparities between U.S. racial/ethnic groups. Equally obvious, it is only through the use of racial/ethnic categories that it becomes possible to see the patterning of racial/ethnic socioeconomic inequities and their implications for racial/ethnic health inequities (p. 235).

Krieger is arguing for the importance of understanding how racial inequality becomes biologically embedded over the life course and across generations, thus creating racial/ethnic health inequities. It is injustice – not biology – that creates such inequities, which then become a biological expression of racism (p. 225). Krieger’s expansive use of epidemiology to explore structural and systemic violence as experienced through health inequities has much to offer an analysis of planning as it intersects with race and health.

2.7 “Race” in Planning

Much as planning has been slow to recognize its historical and ongoing complicity in colonization, so too has race remained a curiously under-examined concept in planning studies. Critical studies of race and planning point to persistent inequality within a “rational discourse” on planning (Beebeejaun, 2004; Córdova, 1994; Mele, 2013; Mier, 1994; Sandercock, 2003; Walks & Bourne, 2006). Córdova (1994) suggests that the primary relationship between the dominant Anglo culture and people of colour is one of appropriation – of land, resources, culture, and ideas (p. 242). In building coalitions for equity planning, Córdova argues, one must examine whether current social policies reproduce colonial characteristics such as appropriation. Importantly, she says planners must be wary of “fashions in postmodernism that
announce the death of “truth” at just that point when scholars of color, building on five hundred years of indigenous, anti-colonial, civil rights, and nationalist ideas, are “speaking truth to power” (p. 243).

In the New Zealand context, Kara Puketapu-Dentice, Sean Connelly and Michelle Thompson-Fawcett point to the absence of Māori values in urban settings as a form of “spatial injustice” (2017, p. 1). They write: “Taking indigeneity seriously in planning / urban design will not only result in a different physical environment. It will result in changes in how that environment is understood and used” (p. 7). Thompson-Fawcett’s work is a critical contribution to the literature on health and the built environment by calling for inclusion of Indigenous cultural values in the built environment as a pathway towards spatial justice and to create a sense of identity “through direct association to a place that is often dominated by Western design and planning practices” (p. 3). In discussing Rolleston and Awatere’s work (2009), Puketapu-Dentice, Connelly and Thompson-Fawcett discuss Indigenous principles in urban design as being “not simply about physical buildings and their placement, but the interconnections that buildings have with people, place, spaces and the wider environment from an Indigenous point of view” (p. 7). Burgeoning artistic and place-making practices in urban areas by Indigenous artists, architects, community leaders and others demonstrate dynamic awareness of the interplay between people and buildings. Such practices attend to the material and spiritual needs of Indigenous peoples in urban areas while drawing much-needed attention to the on-going presence of Indigenous peoples in towns and cities.
In the Canadian context, racialized discourses have historically been constructed as an “Indian problem” in which issues of poverty, low educational levels, poor health, and social dysfunction inhere in the inability of Indigenous groups to adjust to modernity (Regan, 2010). It’s unlikely that local governments will question their own legitimacy by interrogating their complicity in what is really the “colonial problem,” and the role they play in perpetuating racist institutions. For this reason, the work of Indigenous community organizations can perhaps be characterized as “shadow systems” (borrowing from complex systems theory) alongside mainstream planning, performing similar functions but in ways that serve to buttress Indigenous resurgence and restoration of health and well-being. By viewing the “problem” as originating in settler colonialism, a paradigm shift is required, an active engagement with and resistance to western cultural norms that have caused great harm to Indigenous peoples and communities. Shadow systems can play a role in holding local governments’ accountable to this history and establishing alternative approaches to planning.

Stacey (1996) defines shadow systems as “the complex web of interactions in which social, covert political and psycho-dynamic systems coexist in tension with the legitimate system” (as cited in Shaw, 1997, p. 235). This is an apt description of the work so often done by Indigenous groups. Provincial and municipal planning bodies tend to see themselves as the legitimate source of local planning authority while advisory bodies and committees, community organizations, local First Nations and others with vested interest in municipal matters become stakeholders in the central planning vision. Brant Castellano (2009) tells a powerful story about a health committee formed in 1980 through the Union of Ontario Indians (UOI) that
represented forty-six bands in central and southern Ontario. Work was carried out by people with limited formal education yet extensive local knowledge and ability to mobilize the community, resulting in community members identifying for themselves issues of importance. This represented an organic approach to policy development and formation, built on existing strengths that took advantage of diverse opportunities to provide new information and choices both informally around kitchen tables and at public community meetings with leadership. Brant Castellano argues that this work “promoted an essential balance between the practical requirements of improving life at home and the political work of negotiating space for First Nations self-determination in the world at large” (p. 217). Nine of the ten community appointees on the committee were women. At a time when Indigenous women still lost their Indian status for marrying non-Indigenous men, their work was transformative. It demonstrated the skill and resourcefulness of women who built on local strengths (as opposed to focusing on deficiencies) while making a case to primarily male leadership why health was important to governance. The intersection of gender and race is important, particularly in the limited scholarly studies of Indigenous women’s labour and the gendered division of labour within Indigenous health service delivery.10 Though the Union of Ontario Indians committee only lasted for three years, its work continued to have impacts through improved access to health services, in the priority assigned to health within the Union of Ontario Indians, the methods of

10 Mary Jane Logan McCallum’s book “Indigenous Women, Work and History: 1940-1980” is a pathbreaking study of Indigenous women’s activism and resistance to racist, patriarchal systems of control embedded within federal labour programs, such as the Community Health Representative Program. Rosemary Georgeson and Jessica Hallenbeck provide another important example of Indigenous women’s resistance and resurgence through participation in the fishing industry (Georgeson & Hallenbeck, 2018).
research and development that emerged across multiple sectors, and in affirmation and recognition of traditional understandings of holistic health (ibid.). This committee can be viewed as a “shadow system” co-existing with mainstream governance and planning systems and Indian Act governing structures. Their work subverted gendered leadership norms and tapped into the marginalized knowledge of community members in ways that mainstream planning processes likely could not. That this work continued to resonate beyond its end date (due to a breakdown of federal funding distribution mechanisms) points to the central role such systems play in countering exclusionary, homogenizing systems that tend to see Indigenous knowledge as something to be accommodated within a framework of western knowledge.

2.8 Friendship Centre Movement and Urban Indigenous Planning

Culhane (2003) describes the Downtown Eastside of Vancouver (DTES) as an active and activist neighborhood with a long tradition of labour and anti-poverty organizing. In comparison to depictions of illness and hopelessness, she writes, “less attention is paid by media, politicians, and the public to the strength and courage of many people in the Downtown Eastside who struggle daily to maintain and create community, to initiate and support change, to survive” (p. 599). While half of the Aboriginal population in British Columbia lives in the lower mainland (Statistics Canada, 2006), about 1/3 of the population of the DTES is Aboriginal (City of Vancouver, 2012; Culhane, 2003). Indigenous residents of the DTES face significant barriers to accessing safe, secure, and stable housing; are overrepresented in Vancouver’s homeless population; have greater risk of HIV infection; and higher rates of diabetes, alcohol and drug-related mortality, and death due to suicide and homicide (City of Vancouver, 2012).
As Culhane points out, community in the DTES is much more than these dire statistics. For community organizations working with Indigenous people in the DTES, supporting the personal agency of their clients while acknowledging historical and on-going trauma many have experienced throughout their lives becomes an important strategy for countering approaches that marginalize, silence, or “disappear.”

As Indigenous peoples started re-locating to urban areas in the 1950’s and 1960’s, they realized few services existed to help them make the transition from home communities. Pamela Ouart and the Saskatoon Indian and Métis Friendship Centre (SIMFC) (2013) discuss the rise of the Friendship Centre movement in that city. Friendship Centres began as federally-funded programs intended to provide referral services to urban Indigenous peoples who would then be referred on to other mainstream service providers. The Friendship Centre in Saskatoon – as in locations throughout Canada – eventually developed its own programs and services to meet the needs of urban Indigenous peoples. *Within this co-production model of service provision are the roots of Indigenous community planning in urban areas.* In fact, the Native Courtworker program was conceived by Indigenous peoples working at the Winnipeg and Edmonton Friendship Centers (Hathaway, 1984-85). Co-production “envisions direct citizen involvement in the design and delivery of city services with professional service agents” (Ouart and SIMFC, p. 133). In the case of the Friendship Centre movement, this model of planning emerged out of ingenuity and necessity. Once Indigenous peoples moved out of home communities, responsibility for their well-being entered a jurisdictional no-man’s land. While government officials viewed integration as the main goal for urban Indigenous “migrants,” from the
government’s perspective this would best be achieved through referral to mainstream organizations (Ibid., 135). Indigenous peoples were viewed as homogenous with similar needs and concerns, and urban Aboriginal organizations were key to their integration and assimilation (Ibid.). Organizations that emerged from the friendship centre movement, such as the Native Courtworker programs, played a key role in establishing programs and services tailored to the unique needs of urban Indigenous peoples. Friendship Centres evolved to provide a range of services to urban Indigenous peoples. In the Saskatoon Friendship Centre, this included acting as a trustee, providing counselling, support for hospital visits, interpretation, and transportation, housing referrals, employment services and, as mentioned, the provincial courtworker program (p. 142). In this way, argues Ouart and SIMFC, “the Friendship Centre moved closer to a self-governing role in the urban Aboriginal community” (p. 146).

In the following chapters I more closely examine the role of urban organizations in supporting the health and well-being of Indigenous peoples – specifically that of the Native Courtworker and Counselling Association of BC – as well as the role of local municipal governments in shaping urban Indigenous experiences. In doing so, I am joining up fields of study that have developed extensive bodies of literature on their own, but have rarely come together to address planning, health and urban Indigeneity as a whole. As a regional director with the First Nations Health Authority (FNHA) said at a Justice and Health gathering in January 2016, the “urban conversation” is one of great importance to FNHA. She explained that she has responsibility for 14 First Nations communities throughout the Vancouver Coastal Health Region including the urban community which, she said, makes up the 15th. There is growing
recognition – particularly among regional and municipal authorities – that the urban Indigenous community is indeed a community comprised of diverse individuals capable of describing for themselves their own vision of health, well-being and quality of life.
3.1 Rise of the Friendship Centre Movement

In the late 1950s, responsibility for thinking through policies and programs for urban Indigenous peoples fell to the Canadian Citizenship Branch. It was thought that Indigenous peoples in urban areas could be helped to adapt to Canadian life in much the same way as other immigrants coming to Canada (Ouart and SIMFC, 2013). Towards this end, federal funding was provided for Friendship Centres in a number of cities. These were intended to be referral-based organizations that would “integrate Aboriginal people into urban support systems (Ibid, p. 137). As Pamela Ouart and the Saskatoon Indian and Métis Friendship Centre explain, however, in the context of the friendship centre in Saskatoon, these centres soon began developing their own unique, culturally-grounded programming in the absence of any suitable programs and services to which they could make referrals. In British Columbia, the Vancouver Aboriginal Friendship Centre (VAFC) in conjunction with the Indian Homemakers' Association, Union of B.C. Indian Chiefs, B.C. Association of Non-Status Indians, North American Indian Brotherhood and John Howard Society came together in 1970 to start a courtworker program (Laliberte, 2014). Although the program was not located at the Vancouver Aboriginal Friendship Centre, as courtworker programs were in other centres across the country, NCCABC’s connection to VAFC remains an important one. When it opened at its current location in 1981 on Hastings Street in East Vancouver, VAFC became a focal point for programs and activities that could meet the needs of urban Indigenous peoples (Lindsay, 1998). William Lindsay (Cree) wrote a history of the VAFC and reflected on the importance of not only that centre but
Friendship Centres across the country when he was a young man in the late 1970’s: “In those
days, you still needed a warm, safe place to go to have a cup of coffee, so I have deep, personal,
heartfelt connections to the Friendship Centre here in Vancouver and other places as we
travelled across the plains. We went as far as Winnipeg, driving rickety old cars, three or four of
us in a car, finding ways to gas up along the way. We’d go to Friendship Centres in these
towns... people didn’t judge you” (W.G. Lindsay, personal communication, November 19, 2018).

Responsibilities of Friendship Centres primarily included guidance and counsel on
matters relating to employment, housing, education, health, and other community services.
Lindsay writes that one early observer found a friendship centre involved in such diverse
activities as counseling, court work, employment and housing referrals, recreation, functioning
as an Indian club, and functioning as a clothing supply centre (Lindsay, p. 14). Friendship
Centres have long held a central role as community planners for Indigenous peoples in major
urban areas. For example, in Saskatoon:

The Friendship Centre acted as trustee for the incomes of individuals receiving support
from the Department of Services and Welfare who had difficulty budgeting their money,
and these people also received counselling from the family worker at the centre.
Provincially funded programs delivered by the Friendship Centre included hospital visits,
interpretation, and transportation to allow individuals to look for housing, attend
appointments, or get to the bus or the train. The Friendship Centre also delivered the
provincial Courtworkers Program for Aboriginal people, providing advice to accused
individuals about their rights and assisting them in the courts. (Ouart and SIMFC, 2013,
p. 142)

NCCABC was specifically created “to facilitate and enhance access to justice by assisting
aboriginal people involved in the criminal justice system to obtain fair, just, equitable and
culturally sensitive treatment” (Lalonde, p. 346). The courtworker program in BC, however, has
developed not only as a service provider in the areas of health and justice but as the primary advocate for Indigenous justice in the province (as described in detail in Chapter 4). Like the friendship centre movement across the country, the courtworker program in British Columbia has taken on a key community role that transcends the silo of “justice.” It should be noted that while this research focuses on British Columbia, there may well be other courtworker programs across Canada that provide a broad range of community-based services. Nielsen (2004) describes one such program in Alberta that provides prevention and healing services in addition to justice-related programming and assistance. Nielsen’s exploration of the role played by Indigenous-operated criminal justice organizations in the community offers important insights into ongoing urban resurgence and self-determination. She discusses the explicit and implicit roles of five organizations located in Canada, the United States and Australia, with emphasis on implicit roles “because they are seldom discussed in the literature and not always utilized to their full potential for the benefit of indigenous organizations and communities alike” (p. 58).

One of her main findings is that organizations’ implicit roles serve to further the self-determination efforts of Indigenous peoples:

The organizations share expertise and information, develop the skills of community members, bring resources into the communities, develop nonindigenous knowledge and support, and debunk biases that could hinder self-determination. These functions may be unintended or unacknowledged officially by the organization, but many individual staff were well aware of these roles. (p. 69)

I would argue that such implicit roles could also be looked at as tenets of Indigenous community planning, especially in the cities and towns to which Indigenous peoples increasingly migrated after 1950. How then do we define community planning in this context? It is helpful to consider the history and contemporary practice of planning in better
understanding how Indigenous community planning might unfold in Indigenous territories beyond the jurisdictional pale of the Indian Act.

3.2 Indigenous Community Planning in the Context of (Settler) Colonialism

Perhaps not surprisingly, the planning profession has been slow to interrogate its historical and ongoing role in colonization. An emerging body of work is challenging this professional and academic amnesia and calling for a deep unsettling of the “culture of the practice of planning” (see Dorries, 2012; Jojola, 2008; Matunga, 2000; Porter, 2010; Sandercock, 2004). Porter (2010) describes several features of planning that create particular tensions with Indigenous peoples: planning systems are premised on a decision-making system that values scientific knowledge, and seeks to utilize ‘knowledge’ as an instrumental feature of that decision-making; planning systems assume a relationship between humans and land that is constructed entirely around property relations (ownership and exchange); and planning systems institutionalize processes that seek to incorporate stakeholder interests in order to make decisions for a generalized ‘public good.’ For Indigenous peoples, knowledge, property relations and making decisions for the ‘public good’ are critical to their planning endeavours. However, the epistemological foundations which underpin such features for Indigenous communities are rarely considered relevant in mainstream planning. In urban areas this myopia towards Indigenous community planning is even more pronounced.

As described earlier, settler colonial governments rely on a “jurisdictional logic” that utilizes certain tools and instruments such as regulatory regimes to assert sovereignty in the face of Indigenous claims to the contrary. As I write this, the “rule of law” is being upheld by
settler colonial authorities on Wet’suwet’en Nation lands, the latter of whom oppose a natural gas pipeline through their territory. The National Energy Board is upholding permits on lands over which the Wet’suwet’en have jurisdiction through hereditary ownership passed down over millenia. It is the regulatory regime of the colonial state that enables enforcement of laws not authorized by Indigenous legal systems and which continually abrogate Indigenous authority and ownership over ancestral lands. In fact, writing in the context of the United States, Mishuana Goeman (Tanawana Band of Seneca) argues that the rule of law has been used to erode and undermine Native sovereignty and self-determination, and that such laws effectively “exert a physical and cultural violence through spatial control” (Goeman, 2013, p. 96).

In areas that developed into towns and cities, regulatory regimes were carefully constructed to delegitimize Indigenous sovereignty claims to lands highly sought after by settlers and colonial authorities. Mawani (2003) describes how legal arguments were carefully constructed in late 19th century Victoria to justify removing Indigenous peoples, not only from their reserves, but from urban areas in general, in the service of creating a racially homogenous urban landscape. Kwakwaka’wakw scholar Sarah Hunt (2014) describes imposed colonial spatial rationales as “colonialscapes.” She writes:

> When I talk about colonialscape logics, I am speaking of the underlying categorizations and representations of terra nullius, ‘Indians’, Indian reserves, the frontier and so on, which together form a coherent logic which naturalizes colonial power relations. Importantly, I am also speaking of the spaces of settlement which form their outside: the city, civility, spaces of progress and resource extraction are all naturalized through the colonialscape as that which is not Indigenous. (p. 72)

As discussed in Chapter 2, Mawani’s work illustrates how this concept was legitimated and given force in the policy that compelled Indigenous men, and later women, to leave the city at
night. Colonial officials argued that the “racial degeneration” of Indians made inter-racial contact a dangerous thing for Europeans, with Indigenous women often identified as “the problem.” At the same time over on the mainland, colonial authorities argued that in removing Indigenous peoples from the Kitsilano Reserve in 1913 they were being removed from the temptation of the city (Barman, 2007). As Mawani points out, racial categories are also spatial categories. Policies of segregation had material consequences for the Indigenous populations that they targeted: “Through colonial policies including segregation, the reserve became a place of racial disorder, overcrowding and degeneracy, and a justified object of colonial governance” (p. 170, emphasis in original). In other words, colonial policies produced the very disorder they claimed to be trying to mitigate or prevent.

3.3 Native Courtworkers as Community Planners

Sarah Hunt talks about how these artificial divisions between urban and rural, on-reserve and off-reserve, become naturalized colonial divisions in Canadian society. Considering the socio-legal context of the racial and spatial segregation of Indigenous peoples in British Columbia, the transgressive community planning work of Native Courtworkers is brought into greater focus. As I argue throughout this research, NCCABC’s work is driven by more than immediate crisis needs (though it certainly involves responding to crises); it is holistic and community-driven because it exists in a society that has largely denaturalized the presence of Indigenous peoples in urban areas. It is not by accident that culturally-grounded practices are central to this work. Native Courtworker Laila describes how re-connecting clients to themselves can start the healing process for families and communities:
And I feel that many clients along the way they have burned their bridges with their family members or their loved ones. And there’s no going back to trying to connect with their family and their loved ones. Either they have had a, a really bitter experience. My family has never been there before – they have never been there for me – they will never be there for me – they’ve cut me out – they are completely disconnected from me why would I want anything to do with them? But then when you introduce yourself to the circle and you start thinking about well who am I and what do I know from my teachings? And what are our teachings, and everyone has different teachings and culture and ceremony. And they start thinking about it and I think that’s great for their healing journey because they start making that relations to themselves. And we feel that when you have no sense of belonging within your family and your loved ones that there is a lack of understanding of who you are as a person carrying that gene, the lineage of your family.

While the work is driven by community, it is the individuals that make up the community that determine the health and well-being of the collective. Laila explains that “bringing it back to [the client] and what they want and keeping it client-centered is the most important thing. And I think people forget about that and by people I mean like staff and professionals and sponsors. And I can’t speak on names or people but I mean it has been my experience and I think this frustrates clients.” Former Native Courtworker Nydia will forgo events in the community to ensure she meets the needs of her clients: “my first and foremost thing is clients first. If an event or an activity is gonna get in the way, well, then I don’t go to that. It’s first the clients.”

While this work could be considered social work or community organizing, I place it firmly within the scope of Indigenous community planning because frontline workers are building community while addressing a broad spectrum of client needs. Community building has always been a part of planning and is evident in the practices and principles that guide the work of NCCABC frontline workers.
A few years ago, I had the opportunity to meet with frontline workers of an NCCABC program that serves Indigenous youth in BC’s interior. Although my research didn’t focus on that program, I was struck by what the frontline workers told me. Many young people said interacting with workers from the NCCABC program was the first time they had been asked what they wanted. Until then, most adults in their lives (social workers, teachers, police officers) told them what they needed to do. NCCABC’s program was the first time they were given any sort of agency over their own lives. Many clients feel very little control over aspects of their healing journey. One Native Courtworker, for example, tells me that Drug Treatment Court does not support Indigenous peoples to access culturally-appropriate treatment. They’re often referred to “bad recovery homes” that don’t provide adequate social-emotional supports or even a clean place to live and adequate nutrition. With limited options and choices, Indigenous peoples accessing mainstream services often feel frustrated, as Laila said. They’re experiencing a lack of culturally-appropriate care, but they’re also falling between the gaps of huge resource silos that entrap even those with the skill and ability to navigate colonial structures. Kent, the former Native Courtworker who moved into a position with another Indigenous organization, described how NCCABC play a much bigger role in the community than just responding to needs in the justice system:

I mean as a service provider – always considering myself first line – the work that we have to do is so much more than the role that we are hired to perform. We are developing community as well as identity and when it comes down to identifying that gap, we need to bridge that gap. When it comes to the First Nation’s community there’s so many service gaps.
As in many organizations, tensions exist between the administrative/managerial levels within NCCABC and frontline staff. However, everyone agrees that resource gaps – and the lack of coordination between sectors and service providers – make NCCABC’s work that much more urgent and in many ways frustrating. One NCCABC manager talks about the unwillingness, primarily at the provincial level, of ministry staff to work together and with the organization to address clients’ needs:

If you talk about justice to anyone you usually think of its court, you were in jail, you’re an offender, you’re going to – you’re heading off to prison. So the stigma of trying to explain to anyone especially within ministries to say ‘like look you have a responsibility to the people that are accused of an offence because’...many years ago talking about they would always say you’re in an offender-based program. And we used to say, ‘we are an accused – that person is accused of a crime – we are not an offender program – offender program means jail and prison system that is not our mandate.’ So we’re constantly having to re-educate people, you know, that those individuals have needs and the needs are usually what would be inter ministry needs. The Ministry of Child and Families and like unemployment and Ministry of Health. And all the ones that help to support individual’s needs, it’s not just justice.

NCCABC are often stepping in and advocating for its clients within socio-political and legal structures that promote equality over equity, the former being the same services are provided to all regardless of age, ethnicity, gender, cultural background, etc. As this research demonstrates, equal access to programs and services will never achieve equity for urban Indigenous peoples, as the very foundations upon which such structures have been built relied upon the dispossession and ongoing exclusion of Indigenous peoples, particularly in areas defined as urban and therefore outside the scope of Indigenous claims to self-determination.
3.4 Bartholomew Plan and the Healthy City

In creating his 1928 plan for the City of Vancouver, Harland Bartholomew used an interesting turn of phrase in describing the importance of freeing up land for “healthful recreation,” a pursuit he felt trumped all other rights, even those of higher levels of government: “These rights of the crown, however valuable, are subsidiary to the general rights of the public which have been recognized from time immemorial” (A Plan for Vancouver, p. 298). Bartholomew made the case for the city to have title to all foreshore areas in the City of Vancouver, for “the health and well-being of a large urban community greatly depends upon these beaches being reserved for public use and the character of such use should be a matter of grave deliberation” (Ibid.). Stanger-Ross (2008) argues that “municipal colonialism” deserves special attention. He uses this phrase to describe settler territorial claims that were predicated on the “supposed requirements of urban vitality and development” (p. 544). Central to urban vitality and development was the availability of parklands freely accessible to the public. Major impediments to such green space were Coast Salish families that continued to occupy their lands along the beaches and waterways. In July 1937, Vancouver’s first city archivist James Matthews interviewed August Jack Khatsahlano to hear his reflections on the place and history of the Indigenous communities around the lower mainland. Chief Khatsahlano told Matthews that “[Skwxwú7mesh] Indians [lived] at Whoi Whoi [currently known as Stanley Park], Snauq [Kitsilano Reserve], Homulchesun [now known as Ḵwemelch’stn], and Steets-sah-mah [currently known as Seymour Creek]” before moving to Vancouver’s north shore. These communities were gradually dispersed as colonial authorities found various ways to remove the families onto
permanent reserves on the north shore. The last residents at Snaq were removed in 1913, and in 1923 the last Skwxwú7mesh resident of Whoi Whoi in Stanley Park – Aunt Sally – passed away and her home was later burned to the ground. When Harland Bartholomew was hired to produce Vancouver’s first city-wide plan, he was a leading expert in the planning field. Bartholomew was from the United States and an early advocate of slum clearance, serving on the national Slum Clearance Advisory Committee (New York Times, December 7, 1989). Stanger-Ross writes that “the history of colonialism presented opportunities to city planners.” These opportunities were the existence of reserve lands within the city. Had they been under private ownership, Stanger-Ross argues, it would have been much more difficult to realize the dreams of planners to create “community health and happiness.” While the federal government had responsibility for “Indians and lands reserved for Indians,” municipal governments engaged with other levels of government to negotiate access and ownership of reserve lands within the City of Vancouver.

As described above, Stanger-Ross draws out how the Kitsilano and Musqueam Reserves, first created in the late 1860’s, were looked at by city officials as impediments to growth and modernity. Although municipal governments have not generally been considered key actors in colonial land politics because of the nature of federal responsibility for reserve lands, local government in Vancouver nevertheless characterized urban reserves as “generous gifts” that could be reclaimed at will. The 1928 plan emphasized that the reserve at Kitsilano stood empty (its residents having been removed in 1913) and the city drew upon longstanding colonial claims to legitimize their interest in using it as a park. The city argued that the Kitsilano reserve
sabotaged the beautification of the city, that it was an eyesore for the many tourists who would come over the Burrard Street Bridge and gaze down at it. The city zoned the Kitsilano reserve for low density and park purposes despite having no authority to do so as it was crown land. Skwxwú7mesh leaders repeatedly rebuffed the efforts of city officials to acquire the Kitsilano Reserve without adequate compensation, which they did not receive until court action was initiated in 1977 (Campbell, 2015). In terms of Musequam land, the plan intended for it to be developed into a system of ‘Large Parks and Pleasure Drives,’ (City plan, 1930). Musqueam repeatedly denied that the city of Vancouver had any jurisdiction on their lands, and also argued that the Chinese tenant farmers who had market gardens on reserve lands did not have to pay taxes to either the city or Musqueam. Through his analysis of municipal colonialism and its intersection with the dispossession and resistance of Indigenous peoples in Vancouver, Stanger-Ross urges historians to integrate the history of urban surrenders into a larger narrative, but importantly to “remain attentive to the particularities of city history” (p. 579). These particularities are driven by jurisdictional responsibilities, as well as particular conceptions of how cities can and should function.

Oren Yiftachel (1998) counters planning’s glossy image as a progressive and reform-oriented social project by describing at length its dark side as an arm of the modern nation-state. Empirical studies on urban and regional planning, Yiftachel argues, overlook the “numerous instances in which planning functions as a form of deliberate social control and oppression exercised by elites over weaker groups” (p. 397). Drawing upon Yiftachel’s conceptual framework for understanding urban and regional planning through this lens, I have
crafted a framework for understanding the structures at play in urban Indigenous community planning. Yiftachel’s framework explores the dialectical nature of planning – that it is shaped by “ongoing tension between reform and control, and triggers reactions that range from compliance to resistance” (p. 401). I extend this analysis through consideration of the role of resurgence and possibility of creating new institutions via urban Indigenous community planning bodies (see Figure 1: Conceptual Framework for Urban Indigenous Community Planning.). The following section draws out these roles in response to the historical analysis presented in the first part of this chapter.

Figure 2: Conceptual Framework for Urban Indigenous Community Planning (design: Heather Bohn)
3.5 Conceptual Framework for Understanding Urban Indigenous Community Planning

I argue there are multiple Indigenous planning bodies at work in the urban setting. They range from First Nations communities that extend their jurisdiction into the city, either through urban locals (e.g., Nisga’a Nation) or communities like Musqueam, Squamish and Tsleil Waututh whose ancestral lands encompass Vancouver and surrounding municipalities and whose members flow back and forth across reserve boundaries. As described earlier in this chapter and throughout the dissertation, the friendship centre movement has been central to assertions of self-determination in the city, and the rights of Indigenous peoples to create their own service-delivery organizations. Andersen (2013) describes the tensions inherent within this work that make such institutions unique:

Urban Aboriginal institutions are forced to manage a diversity of cultural identification forms that are simply not present in First Nations reserve communities, in Métis settlements, or in many rural communities and, for this reason, represent a distinctive element of the urban Aboriginal identity landscape. (p. 57-58)

Coalitions also have formed in recent years that have amplified the voices of urban Indigenous peoples and harnessed vital resources towards supporting urban Indigenous communities. Such coalitions as the Ottawa Aboriginal Council and Metro Vancouver Aboriginal Executive Council not only bring local Indigenous organizations together, but also meet nationally to share strategies and success stories and provide a broad base of support for urban initiatives.

There is a complex relationship between these urban planning bodies and what I term “state-sanctioned planning entities” that include multiple levels of government along with First Nations communities. At the federal level, comprehensive community planning (CCP) is
increasingly being taken up in First Nations communities across the country. CCP is described as a “holistic process that enables a community to build a roadmap to sustainability, self-sufficiency and improved governance capacity” (CCP Handbook, 2006). It can also be argued that self-governance within the terms of the Indian Act is an anomaly, that true Indigenous governance springs from spiritual and cultural regeneration as defined solely by the people. However, comprehensive community planning can perhaps be seen as a reconciliatory approach to community planning that impacts on urban Indigenous peoples by drawing them back into the community through community-driven processes.

Provincial programs and services are key determinants of Indigenous health and well-being in urban areas. As described throughout this research, urban Indigenous planning is intimately connected with programs delivered by provincial governing bodies, such as in the areas of education, employment, health, social assistance, housing, transportation, and law enforcement. These programs – as will be detailed later in this dissertation in the areas of justice and health – are primarily driven by and defined through a non-Indigenous lens. The planning, design and delivery of provincial programs is largely accomplished without the participation of Indigenous peoples and represents an extension of provincial jurisdiction over urban Indigenous populations, as well as a form of control over urban Indigenous organizations and how they deliver programs and services. Some Indigenous organizations either refuse or are reluctant to accept certain provincial funding because they know too well the requirements that will accompany such funding, often resulting in harm to clients and frontline workers and
effecting a re-colonization through policies that produce structural violence (see discussion in Chapter 6).

Dorries’ (2012) work on municipal planning in Ontario illustrates how First Nations have been cast as “stakeholders” in the planning process as a result of how boundaries have been drawn and jurisdictions established. While the model of stakeholder consultation presumes it is enough to take into account Indigenous perspectives, it does not account for Indigenous law or political authority. Urban Indigenous peoples are further marginalized as many come from other places and often become disempowered “stakeholders” in the urban environment with little political recourse. While cities may have long denied their central role in historical and ongoing settler colonialism, some municipalities are slowly addressing the need to repair relationships with urban and neighbouring Indigenous communities. At a conference sponsored by the Metro Vancouver Aboriginal Executive Council in 2017, Marc Maracle with the Ottawa Aboriginal Coalition described how urban Indigenous peoples went from zero representation in city planning to formal representation under a municipal Urban Aboriginal Strategy. He describes how, after 2014, work has been grounded in ideas of collaboration and inclusion, to the point where commitment from the city has been built into line managers’ performance measures which, according to Marc, include assessing their work building relationships with Indigenous peoples (MVAEC Conference, February 6, 2017). The City of Vancouver passed a motion in 2014 to name Vancouver as a City of Reconciliation, to coincide with completion of the work of the Truth and Reconciliation Commission (TRC) and Walk for Reconciliation (the first took place in 2013 and a second in 2017). The city has a government to government
working group with the three local nations on whose territory Vancouver lies, and in recent years has hired Indigenous planners whose work is spread across all city departments, rather than being isolated in an Indigenous or social planning department. This work can be described as “reconciliatory” in part because – if we take seriously former TRC commissioner Chief Wilton Littlechild’s definition of reconciliation as “restoring respectful relations” – the city’s actions go beyond a model of inclusion towards a more fundamental acknowledgement of Indigenous legal and political authority over ancestral lands. In October 2018, for example, the City of Vancouver announced return of a parcel of land that forms part of the important village site described earlier, known to Musqueam as čəsnaʔam. The City of Vancouver has also established government to government relations with x̱w̱məθkw̱y̓ə̓ləm (Musqueam), Sḵwx̱wú7mesh (Squamish), and səl̓ilwətaʔɬ (Tsleil-Waututh). Vancouver is also a large municipality with a significant budget and human resources to commit to the work. When I was documenting the work of the Aboriginal Community Safety Planning committee in Prince George, one planner in a mid-sized town in Northern British Columbia shared with me that while significant change was happening, she would not be comfortable with hiring an Indigenous planner. When I asked why, she said that everything connected to the Indigenous community (on nearby reserves or in the town itself) went directly to the social planner. These issues were not seen as city-wide concerns, and rather than being everyone’s responsibility, they were being isolated to a certain individual and department. She felt that hiring an Indigenous planner without the appropriate support and resources would be setting someone
up for failure. This is the antithesis of restoring respectful relations. This remains an issue across the country as municipalities grapple with how to respond to the TRC’s calls to action.

The Canadian Institute of Planners recently released an Indigenous Planning Policy Statement intended in part to guide this work of reconciliation in response to both the TRC and the United Nations Declaration on the Rights of Indigenous Peoples. The policy contends that:

All planning in Canada happens on land connected to Indigenous peoples through treaties, self-government agreements, and/or inherent rights. The legal landscapes are complex, regionally diverse, and rapidly evolving. Planners are striving to understand the implications for their own practices and adopt more collaborative planning approaches that honour recognized Indigenous rights. While the colonial systems that remain in place can preclude the recognition of rights, planners have a responsibility to critically examine this status quo and to pursue better planning outcomes for all. (Canadian Institute of Planners, 2019)

Though municipal planners may not see the relevance of Indigenous sovereignty or self-determination claims to their work in urban areas, such claims nevertheless form the fabric of Indigenous experiences in the city, whether those communities have long ancestral ties to the land or are relative newcomers. Porter (2013) makes clear why municipal planners have to pay attention:

Far from being “another stakeholder” or indeed “another ethnicity” to be brought into a planning decision-making forum, Indigenous sovereignty challenges the very premise of that decision-making forum in the first place. This “claim-above-claims” – that Indigenous people constitute a particular kind of actor in relation to planning processes – is situated within, and arises from, historically constituted colonial power relations. We cannot, therefore, simply “add” Indigenous peoples to the list of stakeholders because the particular constellations and outcomes of colonial violence and power constitute the contemporary rights claims of Indigenous peoples in very different ways. (p. 289-90)

Urban Indigenous planning bodies (as I conceptualize them in the urban Indigenous planning framework) counter colonial violence in kind, with a constellation of responses. While
First Nations communities that lie adjacent to major urban centres might enter into partnership agreements with municipal governments through government-to-government tables or creation of urban reserves, other organizations might seek to create more independent institutions, such as Friendship Centres. Another example are the urban-based organizations that represent First Nations communities throughout the province, such as the former Native Brotherhood of BC and the Indian Homemakers Association of BC. These organizations formed through efforts at self-determination and represented diverse constituents mirroring Indigenous cultural diversity in cities and town. From its earliest inception, the friendship centre movement was also resisting assimilative practices and policies deployed by multiple levels of government towards urban Indigenous peoples. Some organizations explicitly reject government funding and rely on private donors, foundations and volunteers for their day-to-day operations. Another example is Vancouver Native Health Society which for years resisted relying solely on funding from Vancouver Coastal Health because it didn’t agree with VCH’s funding criteria and reporting requirements. For some organizations, it’s just not realistic to run programs and services that meet its constituents needs without access to government funding. However, as the friendship centre movement demonstrates, many organizations have assumed a co-production model of service delivery which has enabled creation of unique institutions designed by and for Indigenous peoples. As the Royal Commission on Aboriginal Peoples identified over two decades ago, urban Indigenous agencies however also struggle with fundamental structural issues:

Unstable and fragmented funding arrangements make it impossible to plan and deliver quality services at an adequate level, and programs are often understaffed and overly
dependent on unpaid and untrained volunteers. Burn-out of staff and volunteers is a constant problem as well. Administrators spend much of their time and energy seeking funding instead of delivering services. (RCAP, Chapter 7, p. 416)

In co-creating unique institutions, urban Indigenous planning bodies (as characterized in Figure 1. Conceptual Framework for Urban Indigenous Community Planning) face considerable challenges and respond in ways that reflect evolving political relationships.

3.5.1 Evolving Political Relationships

A growing body of scholarship is examining relationships between Indigenous communities that maintain treaty relationships with the crown and urban Indigenous constituencies, in the area of urban reserves (Tomiak, 2017; Iwama, 2018), municipal colonialism (Barry, 2016), and Indigenous-grounded urban design and development (Thompson-Fawcett, 2010; Puketapu-Dentice, Connelly & Thompson-Fawcett, 2017). These relationships are rooted in history and understood very differently by Indigenous and non-Indigenous communities and governing bodies. This is a very different context than can be found in British Columbia. Historical treaties negotiated in BC include the Douglas Treaties drafted between 1850-1854 on southern Vancouver Island and Treaty 8 that includes parts of northeastern BC. Several treaties have been negotiated through a tripartite process involving First Nations negotiating with provincial and federal levels of government, while the Nisga’a Final Agreement (1998) was the first “modern-day” treaty negotiated outside the BC Treaty Process but involving both provincial and federal levels of government. A majority of First Nations in the province do not have treaties but instead live under a range of governing relationships, ranging from limited forms of self-government (eg. First Nations Land
Management Agreements) to hereditary systems of governance that still operate in communities but have limited recognition by settler colonial governments.

It is now rare to attend an event without some acknowledgement of the original owners of the land. In Vancouver, x̱̓məm̕w̓əy̓əm (Musqueam), Sḵwx̱wú7mesh (Squamish), and səl̓ilwətaɁɬ (Tsleil-Waututh) lands are often evoked whether it’s a government announcement or a community event. Some have drawn attention to these acknowledgements as an increasingly meaningless formality that dispenses with a politically expedient requirement in order to move on to the business at hand. However, the material reality of unceded territories – and the unbroken assertion of Indigenous rights to ancestral lands – ensures that land acknowledgements performed in spaces not necessarily thought of as “Indigenous” (i.e. urban areas) perform the necessary and urgent task of reminding us of our responsibilities and relationships in cities to which – in planning terms – we all have a right. But as Harvey (2003) asks “whose rights and whose city?” While Harvey offers an important Marxist intervention into the growing inequality of cities premised on inalienable rights to private property and the profit rate, planners in BC and elsewhere must also understand that cities are spaces where Indigenous sovereignty and self-determination undergird settler colonial claims to the urban commons. Denial of this reality is what Dene scholar Glen Coulthard calls “urbs nullius,” that the city is a land devoid of claims to Indigenous sovereignty. Like sparks that have suddenly broken away from a blazing fire, reminders of Indigenous jurisdiction flare up in the media and eventually die down to be replaced by the latest political controversy. The Musqueam Nation, however, managed to sustain broad public attention when developers were given the go ahead
to develop condominiums on an important cultural site in 2012. For over two hundred days, Musqueam people and an extended network of supporters maintained a steady media presence at čəsnaʔəm, an important village site for Musqueam that had continuously been used and occupied by community members after the first settlers arrived in Musqueam territory. The community mobilized to protest not only their exclusion from the decision-making process when condominiums were approved at čəsnaʔəm, but more importantly to assert their historical and on-going occupation of those lands as core to family and community relationships within the larger territory.

Musqueam, Squamish, and Tsleil-Waututh have long asserted their ownership of lands in the Greater Vancouver area. One way they have done this is through legal actions – including those at čəsnaʔəm – but also actions that address historical dispossession of areas such as the Kitsilano Reserve or what is also called Snauq. Although controversial, the court ruled that these lands should be returned to the Squamish Nation and a settlement was reached that returned 11.7 acres of land. The Musqueam Nation have initiated important court cases that have resulted in defining federal fiduciary responsibilities (R. v. Guerin, 1984) and reaffirming Indigenous rights to fish for food, social, and ceremonial purposes (R. v. Sparrow, 1990). Local planning authorities are grappling with both their legal and moral obligations to redress Indigenous dispossession, though more often than not it continues to be legal challenges that force settler colonial governments to consider Indigenous rights and title in planning decisions.
What is perhaps easier for local governments to embrace is the Truth and Reconciliation Commissions’ Calls to Action (2015). The TRC indicated that all levels of government have responsibility for creating a new relationship between Indigenous and non-Indigenous peoples. The calls to action make clear the responsibilities of local governments to initiate and promote these renewed relationships. They are not prescriptive, however, and each municipality will respond differently according to its existing relationships, capacity and political will to create systemic change. There has been an uptick across the country – most notably as already mentioned with the creation of a Planning Practice and Reconciliation Policy through the Canadian Institute of Planners – but other provincial planning bodies such as the Union of BC Municipalities have also been working on initiatives that seek to better educate their members and, in some cases, promote better relationship with local First Nations. This is challenging work. It’s relatively easy to create a checklist of items to do and once they’re done, relationships with Indigenous peoples can be considered reconciled. But what about the “truth” part in Truth and Reconciliation? And what about ongoing and sustained reconciliation?

Some municipalities may be satisfied with a surface treatment of reconciliation, however those governments interested in the messy, uncomfortable “truths” of working to redress settler colonialism and establish a respectful, progressive co-existence with Indigenous peoples will be developing core competencies for our time. Aftab Erfan’s (2013) dissertation provides a pathway for planners engaging in work around reconciliation and what Erfan (following Sandercock) calls “therapeutic planning.” She focuses on three key qualities that planners need to cultivate: a beginner’s mind, compassion, and playfulness. With a beginner’s
mind, planners can start from a place of “not knowing” rather than being the experts. They remain open to new learnings and new experiences. Compassion is unlike empathy in that the latter – as Regan (2010) reminds us – can be problematic in testimonial practices that accompany truth and reconciliation processes. Within the context of the TRC’s work, Regan writes about why colonial empathy may be an inadequate response to such processes:

> It is integral to the misguided settler belief that our primary responsibility is to channel our caring impulses into solving the Indian problem. It enables us to observe the plight of Indigenous people from a safe distance that requires no substantive change on our part...Although settlers may be sympathetic listeners, their empathy could be short-lived, serving only to confirm their own humanitarianism and failing to generate a sense of moral responsibility for the IRS legacy that would lead to material change. (p. 46)

Quoting Pema Chodron, Erfan writes that compassion “is a relationship between equals. Only when we know our own darkness well can we be present with the darkness of others. Compassion becomes real when we recognize our shared humanity” (2013, p. 267). Regan quotes Syilx/Okanagan Nation author and activist Jeannette Armstrong who asks the non-Indigenous “to cast a critical eye on the imperial garden we have cultivated with our colonial tools, on the lands and in the lives of Indigenous peoples. She asks us to turn over the rocks and face whatever ugly creatures slither out, examining them honestly and unflinchingly” (p. 235). This quote has stayed with me since I first read those words almost seven years ago. As a woman of Indigenous and settler origin, I have turned over some of those rocks. I ask uncomfortable questions of my Acadian family who colonized Mi’kmaq lands in the 17th century. I know I have responsibilities to that history and ongoing relational accountability as an uninvited guest on Coast Salish lands. In tandem with Porter’s (2010) call for planners to
“unlearn the colonial cultures of planning,” opportunities abound to engage in ethically grounded planning practice that challenges planning’s normative framework as a progressive, value-neutral profession and face head-on its complicity in colonization and ongoing settler colonialism. The next chapters will focus on how urban Indigenous communities are creating unique planning structures that respond to the elision of Indigenous sovereignty in urban areas and in the process create new models for both co-existence and self-determination.
Chapter 4: Law, Police and Planning

On a cold November morning in 2015, I walk from my motel in downtown Prince George to the Scotiabank Building. I grew up in British Columbia’s north interior, came of age in this town that has long been a gathering place for Yinka Dene, Tsey Key, and other Indigenous peoples who gathered on the banks of the Fraser River to harvest, trade and renew ties with neighbouring nations. The air now sits heavy with the stink from the pulp mill, a smell that brings me back to my childhood every time I return. Prince George is currently known as the “capital of the north.” It is a place where Indigenous peoples still gather, along with newcomers, to live and work, in an atmosphere a little less tense (maybe) than when I was a child. Growing up, I often felt the heaviness of living in this territory. I remember my father’s involvement in the trial of men charged with killing Coreen Thomas who was walking home to Saik’uz just outside Vanderhoof, nine months pregnant when she was run down by a group of young white men in a car. I remember the vicious racism that formed bonds between settlers and created chasms between Indigenous and non-Indigenous communities. I felt a deep sadness, even as I lived a protected life. I also felt joy in my gramma aloo’s kitchen, eating warm bannock with butter and jam hot off the woodstove with my family, playing with my cousins. I felt connected to my family even as I felt the disconnect of growing up off reserve. The political organizing work my father was involved in during the 1970’s and 80’s, during the early days of constitutional negotiations when Indigenous communities continued their international work challenging colonial assumptions of European superiority, connected me in different ways to who I was as a
Yinka Dene person. Important work was happening in our territory as I grew into consciousness of the world around me and tried to make sense of how it all informed my identity.

At a recent meeting with graduate students at the University of British Columbia, Minister of Indigenous-Crown Relations and Northern Affairs, Carolyn Bennett, spoke to each of us about our research. As I described my research in Prince George, the minister invoked the long list of social injustices that have become what Northern BC, and Prince George, in particular are well known for: the Highway of Tears, sexual predator and former Judge David Ramsay who targeted young Indigenous girls, high crime rates, police brutality, particularly as practiced by the RCMP and brought to international shame by Amnesty International. These are indeed the facts of my childhood home. These facts sit alongside other truths, that in the midst of dysfunction and chaos wrought by colonial policies and practices, there are communities – urban and rural – working to correct those wrongs, to maintain precious cultural connections that tie us to our past and keep us alive in the present. I think of these stories as I walk on the homelands of the Lheidli T’enneh people. I feel that the stories of community organizing in the heart of northern BC, a place that is so often referenced with suffering for Indigenous peoples, is a story that somehow gets lost. This is the story I want to tell, at least in part, through my work with NCCABC.

Throughout this chapter I draw extensively on my field work conducted in Prince George documenting the Aboriginal Community Safety Planning process. I also draw upon field work in First Nations Courts in New Westminster and North Vancouver, and at initial meetings of the British Columbia Aboriginal Justice Council hosted by NCCABC in West Vancouver. I draw upon
these diverse sources to closely examine linkages between law, policing and community planning as they relate to Indigenous peoples in this province. This analysis draws together multiple scales of action that seek to bring about justice for Indigenous peoples, to examine the ways in which such efforts at times reproduce inequities and injustice and at other times open up opportunities for transforming relationships.

4.1 A Brief History of Native Courtworkers

The Native Courtworker and Counselling Association of British Columbia (NCCABC) has been in existence for over four decades. The Canadian Corrections Association conducted a study in 1967 that showed 3 to 5 times as many Indigenous peoples were being imprisoned as would have been anticipated by population statistics (Hathaway, 1984, p. 202). This became known as the “Indian incarceration problem.” In 1969, the Federal Department of Indian Affairs, Department of National Health and Welfare, and several small federal grant programs provided funds to start Native Courtworker programs across the country (Ibid.). In 1972, one year before BC got its own program, funding responsibility was transferred to the Department of Justice, with cost-sharing arrangements negotiated with the provinces who were tasked with supervising the Indigenous agencies that would be responsible for Native Courtworker programs. At the beginning of its operation, NCCABC was considered a “semi-autonomous” organization, as two of its board members were appointed by the provincial government with the remaining appointed from Indigenous communities around BC. The organization now has a community-elected board of directors representing 13 regions throughout the province, with
no representation from the province. Legal scholar James Hathaway explained in a 1984 article
the rationale for creation of the Native Courtworker program:

The essence of the Department of Justice's perception was that the inordinately high
native incarceration rate was linked to difficulties encountered by native persons in
transmitting to the court the substance of their defences and facts relevant to the
determination of sentence. The communication gap was thought to stem from native
cultural differences, the essentially reactive nature of the courts and the lack of
awareness of native society on the part of criminal justice personnel. It was believed
that by establishing a communications link between the native accused and his counsel
and the court, the non-deliberate differential conviction and sentencing of natives could
be eliminated. (Hathaway, p. 204, 1984)

The mandate of the Native Courtworker program was limited to “[C]ounseling, other than legal
counseling, to persons charged with an offense under any federal or provincial statute or
municipal by-law in order that such persons may receive information about court procedures,
be apprised of their rights, or be referred to legal aid or other resources” (Ibid, p. 205). The
“Indian incarceration problem” was narrowly defined as stemming from “native cultural
differences and the responsibility of the courtworker was to translate dense legal language and
proceedings to defendants resulting in clear communication and elimination of “non-deliberate
differential conviction and sentencing.”

As Hathaway writes, “The native courtworker project had been conceived by native
people working at the Winnipeg and Edmonton Friendship Centers. The apparently successful
program had evolved as a thoroughly native endeavor: it was administered by, employed and
served persons of Aboriginal descent. Funding of the project was thus entirely consistent with
government views on the provision of developmental assistance to native people” (p. 203).
Transferring responsibility for reducing incarceration rates to Indigenous peoples was perfectly
in line with policies advocated in the 1969 “White Paper,” a policy direction that sought to abolish “special status for natives in favor of full and equal participation in Canadian society” (Canada, 1969, Statement of the Government of Canada on Indian Policy). The late Cree writer and political leader Harold Cardinal described this policy as “a thinly disguised programme of extermination through assimilation” (Cardinal, 1969). Further, wrote Cardinal, “The Federal government, instead of acknowledging its legal and moral responsibilities to the Indians of Canada and honouring the treaties that the Indians signed in good faith, now proposes to wash its hands of Indians entirely, passing the buck to the provincial governments.” Support for Native Courtworker programs enabled federal and provincial governments to show they were taking action on justice issues while absolving themselves of responsibility for the structural violence that led to overincarceration in the first place. Angela Y. Davis has written extensively about the “prison-industrial complex” in the United States, and the disproportionate impact of its development on communities and people of colour:

Because disproportionate numbers of people behind bars are people of color, structural racism enables this process. Given the histories of colonization, slavery, and other forms of racist violence, the active use of the criminal justice system to permanently discard large numbers of young people of color is quite consistent with previous modes of racist dehumanization and destruction. (Davis, 2012)

It should come as no surprise then that since 1969, incarceration rates for Indigenous peoples have steadily risen. Since 2000-01, the federal Aboriginal (First Nations, Métis, Inuit) inmate population has increased by 56.2%. Overall representation rates in the inmate population increased from 17% in 2000-01 to 23.2% in 2013 (Office of the Correctional Investigator, 2013). As will be described in the following sections, the justice system consistently fails to address the
social, economic and historical factors that contribute to these conditions, and NCCABC are left
to grapple with the consequences.

In BC, Native Courtworkers bring together legal, health and other community resources
to provide culturally appropriate services to Indigenous peoples and communities throughout
the province. The Vancouver office has developed partnerships – including formalized
agreements – in all sectors whose policies impact Indigenous peoples, from the justice system
to local health authorities. Through its intersectoral work, the organization plays a key role in
policy development and implementation on justice issues. NCCABC have been on the frontlines
of Indigenous community development, supporting the health and well-being of people
struggling with the legacy of colonial policies and ongoing systemic oppression and
discrimination. They advocate for a continuum of care model which best meets the complex
needs of their clients. Through its Vancouver office, where I did a majority of my field work,
NCCABC serves the needs of Indigenous peoples and communities in the lower mainland. It
offers three levels of community engagement: direct in-house services where clients access
service providers in one location, including drug and alcohol counselling, help in the criminal
justice system, elders support programs, and other community-based services; direct referral
within Indigenous community resources or liaison with other service providers; and direct
referral to mainstream service providers or liaison with community service providers. The
Prince George office provides similar levels of service, along with a family and youth advocate
who focuses on Ministry of Children and Family Development files. In this chapter, I focus on
the micro level of frontline work taking place in the First Nations court system, and to a lesser
extent at the Main Street courthouse in downtown Vancouver. I also examine NCCABC’s involvement in multiple high-level justice projects that bring together diverse groups of people to address justice reform and public safety issues, which are really Indigenous planning issues. The chapter begins with a description of First Nations courts in North Vancouver and New Westminster.

4.2 In Search of a Healing Plan

“Criminals act like they have no relatives.” This is what Chief Justice Herb Yazzie of the Navajo Supreme Court recently told a group of people gathered in Vancouver, BC, to discuss therapeutic jurisprudence, a mental health approach to law. What they need then, he continued, is a connection to something positive or a disconnection from something negative. This gathering was titled “International Indigenous Therapeutic Jurisprudence +: Healing Courts, Plans, People.” The plus indicated that we were gathered to talk about more than incarcerating people; we were gathered to talk about how Indigenous courts address spiritual matters as well as those legal, social, political, cultural, and historical. Chief Wilton Littlechild - a Commissioner for the Truth and Reconciliation Commission of Canada – spoke at the gathering. He defined reconciliation as “restoring respectful relations,” and that this is what the courts will do if they focus on healing. Some months later, I sat in the provincial courthouse in North Vancouver observing the proceedings of the First Nations court. Judge Joanne Challenger was explaining to a 23-year-old man who had just spent 20 months in segregation\(^\text{11}\) and had been incarcerated

\(^{11}\) In Canadian prisons, “administrative segregation” is “the separation of an inmate to prevent association with other inmates, when specific legal requirements are met, other than pursuant to a disciplinary decision” (https://www.csc-scc.gc.ca/acts-and-regulations/709-cd-eng.shtml#s3, 2018). Inmates spend 23 hours a day in
his entire adult life that he needed to understand colonial history, and that the focus should be on healing. He asked her, “How can I heal in jail?” It was a simple, yet profound question that underscored my own discomfort with the structure and form of the proceedings.

While the Courtworker program was started to address overincarceration of Indigenous peoples, as previously indicated rates of incarceration have since skyrocketed. First Nations courts started in British Columbia in 2006 as an alternative to provincial court for Aboriginal persons, which includes First Nations, Inuit and Métis (Whonnock, 2011). The court system has since expanded to North Vancouver, Duncan, Kamloops and Merritt, with a sixth started in Prince George in March 2018. A unique component of First Nations court is that each client enters into a healing plan with everyone at the table contributing to that plan. As Whonnock describes, all are welcome at the table. This may include “provincial Crown counsel, defence counsel when available, social workers, alcohol and drug counsellors, native court workers, the Aboriginal advisor to the chief judge, probation officers, advocates, and families of the offender. Elders and children are encouraged to attend (Whonnock, p. 100).

On this sunny February morning in 2015, I sit in the provincial courtroom in North Vancouver as crown and duty counsel set up at a long rectangular table in front of the judge’s bench. When Judge Challenger enters the courtroom, she walks not to the bench but over to the table where lawyers, client and victims all sit together. The first case is called and it’s a sentencing hearing for a trafficking and aggravated assault case. Crown counsel describes the

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their cell, with one hour outside to shower and exercise. According to the Correctional Service of Canada website (2017), “the term ‘solitary confinement’ (as defined by the United Nations) is not applicable in the Canadian penitentiary context.”
charges and describes both mitigating and aggravating factors. The former includes the client’s
difficult childhood, Aboriginal heritage, and addiction at the time of the assault. Aggravating
factors are the fact he was dealing drugs, and that he’s a mid-level drug dealer. She explains
that the justice system requires prison time to effectively carry out the principles of
“deterrence and denunciation.” She also explains that conditional sentence orders are not an
option now in the era of “mandatory minimums,” offences which carry a mandatory minimum
sentence of imprisonment and the use of which increased dramatically under the federal
Conservative Party leadership of Stephen Harper (Globe and Mail, January 2, 2018). The 32nd
recommendation of the Truth and Reconciliation Commission calls “upon the federal
government to amend the Criminal Code to allow trial judges, upon giving reasons, to depart
from mandatory minimum sentences and restrictions on the use of conditional sentences.” As a
recent op-ed in the Globe and Mail stated, this “simple amendment would help address the
over-representation of Indigenous people in prisons across the country” (Ibid.)

In the case before First Nations court, the description of the aggravated assault is brutal
and difficult to listen to, made more intense by the presence of the victim and his wife sitting
directly across from the defendant. When crown counsel is finished, the defense begins by
providing details of the client’s background. He grew up in Prince Rupert with a mother who
had addictions issues. From the age of 3, he experienced verbal, physical and sexual abuse. At
the age of 6, he was removed from his mother’s care. His grandmother went to residential
school and his mother was a part of the ‘60’s Scoop,’ the mass removal of Indigenous children
from their homes and families into the child welfare system, often without consent of their
families or communities (First Nations Studies Program, 2009, UBC). Defense counsel described these as “Gladue Factors.” The 1999 Supreme Court of Canada decision in R. v. Gladue described a “crisis in the Canadian criminal justice system” (Rudin, 2008, p. 693). The court recognized that the issue was not that Aboriginal peoples were necessarily committing more crime than non-Aboriginal people, but rather that Aboriginal peoples went to jail for their actions much more frequently than non-Aboriginal people (Ibid.). The Court instructed judges to look at two sets of factors when sentencing an Aboriginal offender:

A. The unique systemic or background factors which may have played a part in bringing the particular aboriginal offender before the courts; and

B. The types of sentencing procedures and sanctions which may be appropriate in the circumstances for the offender because of his or her particular aboriginal heritage or connection (as cited in Rudin, 2008, p. 695).

These have come to be known as “Gladue rights.” Courts across the country now have the option of securing a Gladue Report which gives a complete picture of the background of the Indigenous person before the court. However, at a gathering at the University of British Columbia’s Faculty of Law to discuss the 20th anniversary of the Gladue Decision and its progress to date, one panelist noted that if lawyers aren’t aware of Gladue rights then reports are not necessarily done. Funding for Gladue reports (which includes paying a Gladue report writer) is patchy and inconsistent, and when Gladue “components” are included in a pre-sentencing report – rather than a full Gladue report – it risks being a “pan-Indian blanket” that
reinforces stereotypes rather than addressing systemic racism (UBC Indigenous Legal Studies, March 26, 2019).

Field notes record my thoughts as I listen intently to the case before First Nations court. I watch the victim and his wife listen to proceedings, visibly uncomfortable with what’s being said. The client sits mostly with his head down, facing away from onlookers as much as possible. I write, “I’m struck by how the important thing here is not these little [legal] details. I mean, he has to take responsibility for what he did. But what happens next? He’s incarcerated, becomes more deeply criminalized, disconnected from his children so the cycle begins anew.” First Nations courts were created to disrupt these cycles, to create new structures embedded within old ones, but with potential to create alternative paths for offenders. Judge Buller Bennett of the Mistawasis First Nation was the first Aboriginal female judge in British Columbia. She started First Nations courts in BC and told the jurisprudence plus gathering that the court receives no extra funding and that resources are re-allocated to First Nations courts to meet their needs. Preliminary findings from an evaluation of the pilot First Nations court in New Westminster – where Judge Buller Bennett has presided since 2008 – illustrate significant information gaps, including lack of documented evidence after the case is closed, lack of probation updates and available supports, and a lack of psychiatric reports (notes from Jurisprudence conference, Oct. 10, 2014). In addition, researchers found that rarely do courts have access to a full Gladue report, in spite of the recurring patterns of those appearing before the court: half are Indian Residential School survivors or intergenerational survivors, they have low levels of education, high rates of unemployment, and report high levels of abuse in foster
care and at home. In addition, Kaiser-Derrick (2019) writes that legal scholars have noted that “aggravating factors are seen to cast the offence – and the individual – in such negative light as to render Gladue inapplicable” (p. 19). As I sit in these courts, I witness the transformative power of community coming together to provide healing and support to those involved in the justice system. I also have deep misgivings about the ability of the system to adequately respond to the complex needs of people who have been institutionalized for generations.

4.3 First Nations Courts

In “Discipline and Punish: The Birth of the Prison,” Foucault (1977) writes about individuals and their bodies as targets of disciplinary power and techniques. Biopower, bodies and discipline are still intimately at work in this First Nations court, in the institutional setting, in the form of the judge, crown lawyer and duty counsel, and the form and structure of arguments. Where I see a difference – where the transformational power of relationship as alluded to by Chief Justice Yazzie seemed to be most potent – is in the work of those service providers seated at the table, particularly the work of the Native Courtworkers with whom I’ve spent considerable time over the past few years. In the court room in North Vancouver, the room is massive, lending a certain distance between the proceedings and community members and agencies there to support the healing plans of clients. In the New Westminster court, however, proceedings take place in an intimate setting, a small room in the provincial courthouse just up the street from Begbie Square, named for its statue of the famous “hanging judge,” Justice Matthew Begbie. Begbie was the first judge of the colony of British Columbia and infamous for imposing death sentences on five First Nations leaders charged with killing 20
white people in the 1864 conflict known as the Chilcotin War. New Westminster City Council is considering taking down the statue in the wake of conversations about what reconciliation should look like in the “historic” city (Vancouver Sun, April 14, 2017). As you enter the room, there are floor to ceiling windows along the far wall. At the front of the room, to the right of the entrance, are two long benches with chairs at either wall. There is a table in the center of the room, where elders are busy setting out medicines and a smudge bowl. Proceedings begin with a smudge ceremony in which everyone is invited to participate. Judge Bennett opens the proceedings with “I’m Cree and it’s always a good day for First Nations court.” On that warm July day in court (my field notes read “really hot in the room”), there are about 25 people present. Only 3 or 4 people are there for court appearances. The remainder are community service agencies there to provide support for the client, as well as a few family members. Judge Bennett invites everyone in the room to introduce themselves before the session begins (no one bats an eye when I let them know I’m a PhD student there to observe the proceedings). Many of the service providers seem to know each other and there is a warm, collegial atmosphere in the room.

Unlike the court in Prince George which I sat in one day, everyone scheduled to appear in front of the judge shows up for their appearance. The first case starts, and Judge Bennett explains that pre-sentencing and Gladue reports were ordered in February (it’s now July) and they’re still not complete. This corresponds with the evidence that rarely are full Gladue reports

12 On July 6, 2019, the statue was taken down after a motion was passed by New Westminster City Councillors Nadine Nakagawa and Chuck Puchmayr.
available. The young man sitting in front of the judge looks nervous. It turns out he missed an appointment with his probation officer and ended up with an outstanding warrant for his arrest. He explained that he had dental surgery which had prevented him from going to the appointment. Rather than deal with the problem, he took off on a fishing boat. The police were waiting for him when he got back. He finishes his statement and looks at the judge expectantly. She tells him that avoiding court just makes matters worse. She makes some inquiries about his original 6-month conditional sentence. She determines that the sentence has been discharged, meaning served, and that he’s done his time. He looks up in surprise. “That’s all?” Yes, it’s done, says Judge Bennet. “You’re free to go.” Pleasant surprises likely don’t happen very often in court settings. In First Nations court, the judges seem to genuinely want different outcomes for offenders. They’re not simply plowing through waist-deep files, racing the clock to get through as many as they can in that day’s sitting.

One issue I have with First Nations court is that it is a sentencing court. If clients wish to make use of the court, they must first plead guilty, potentially limiting who can benefit. In 1995, the federal government concluded its first major review of sentencing options in Canada. Out of this review came Bill C-41, a comprehensive sentencing bill that Rudin (2008) said:

Moved the principles of sentencing out of the common law and enshrined them in the Criminal Code. The Bill included section 718.2(e). The section read: 718.2. A court that imposes a sentence shall also take into consideration the following principles: (e) all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of aboriginal offenders”. (p. 689)

As Rudin further explains, the passage of Bill C-41 did not immediately lead to sentencing changes for Indigenous peoples. In fact, it more often benefited non-Indigenous people. As
described above, the Supreme Court decision in R. v. Gladue changed that. Jamie Gladue pleaded guilty to manslaughter in the death of her common-law husband Rueben Beaver in Nanaimo, B.C. Defense counsel requested that Section 718.2(e) be applied at the time of her sentencing. The trial judge, noted, however:

That both the appellant and the deceased were aboriginal, but stated that they were living in an urban area off-reserve and not “within the aboriginal community as such” [emphasis added]. He found that there were not any special circumstances arising from their aboriginal status that he should take into consideration. He stated that the offence was a very serious one, for which the appropriate sentence was three years’ imprisonment with a ten-year weapons prohibition. (Ibid.)

The case went to the Supreme Court of Canada where for the first time Section 718.2 (e) was thoroughly examined for its application to Aboriginal offenders. As mentioned, it recognized a "crisis in the Canadian criminal justice system" of Aboriginal overrepresentation and importantly to this research that Section 718.2 (e) applied to all Aboriginal peoples wherever they might live. The judge in the original trial was upholding the well-worn assumption that Indigeneity and its attendant experiences ceased to exist within city limits.

The Supreme Court of Canada decision explained that sentencing judges need to consider systemic and structural factors that have affected Aboriginal peoples. The court also stated that “[g]enerally, the more violent and serious the offence the more likely it is as a practical reality that the terms of imprisonment for aboriginals and non-aboriginals will be close to each other or the same, even taking into account their different concepts of sentencing (Rudin, p. 697). This has led many judges to interpret that where violence is involved, the sentencing should be the same for Aboriginal and non-Aboriginal offenders.” As Rudin argues, this “seems to be an odd message to take from a decision that spends most of its time talking
about the problem of over-representation. It also ignores the fact that Jamie Gladue pleaded
guilty to manslaughter — clearly a violent offence” (Ibid.). A Gladue Court was established in
Toronto in 2001. Similar to First Nations courts in BC, these courts (there are now three in
Toronto) are not trial courts but rather deal with bail hearings and sentencing Aboriginal
offenders. This is where Gladue reports originated. Gladue caseworkers were hired to produce
reports that detailed the individual’s life circumstances through interviews with family, friends
and anyone else who could shed light on the person’s background. In addition, they were to
consider structural factors that impact Indigenous peoples. In First Nations courts in BC, there
are no Gladue caseworkers. Therefore, lawyers are responsible for producing these reports
with their clients, in addition to everything else they do, with no additional resources to
produce such reports. It’s not surprising that few complete Gladue reports are available.
Although Gladue sentencing principles have been available to judges for nearly 20 years, rates
of incarceration have not declined. As indicated earlier, significant information gaps have made
it difficult to determine how successful First Nations courts have been in British Columbia. The
First Nations Court research project convened by Legal Aid British Columbia, Vancouver
Aboriginal Child and Family Services and NCCABC defined six areas for “success” which are also
important factors in expanding the court model. They included:

1. Rates of recidivism;
2. Effective use of funds;
3. Effectiveness of healing plans;
4. Effectiveness of Gladue Reports;
5. Personal and systemic barriers for offenders in completing healing plans; and
6. Assistance in developing similar courts in other geographic areas.

Researchers found that much of the high-level information that would allow judges to more fully apply Gladue principles was not available (for example, number of offenders who were in foster care; how many were living or grew up in poverty) and as already described serious information gaps made thorough analysis of the case files challenging. In describing evaluation of specialized courts (which includes First Nations courts), a 2016 BC Ministry of Justice strategy document explains that “[e]arly evaluation planning can allow for the careful consideration of important factors, such as the funds that will be required, the data that will be needed to evaluate the objective, as well as other variables that are of interest” (BCMOJ, 2016). To date, however, there are no other evaluations of the six First Nations courts in BC, and lack of statistics prevents a better understanding of how these courts are functioning in relation to the rest of the legal system. Each court has its own unique perspectives and approaches, driven by the contingencies of the presiding judge. When the New Westminster First Nations court first started, for example, all service providers sat at the table. Everyone contributed to the client’s healing plan, providing immediate feedback, guidance and support alongside the legal proceedings. After five years, the judge decided that only elders – in addition to crown and defense counsels – would be at the table, with service providers and others providing support from the public gallery (Arthur Paul, personal communication, January 12, 2018). This has a materially different impact on the proceedings, as well as the healing plan. As one research participant explained, when front-line workers are at the table, they develop a relationship with
clients that comes from being physically at the table with them as well as their availability to provide material and emotional supports. Once these relationships are put at arms-length, accountability is diminished, as is the necessity of being present for each client. I don’t write this to impugn the hard work and commitment of individual front line workers - including the Native Courtworkers. Rather it’s indicative of the disproportionate power that continues to be wielded in a court ostensibly focused on individual and community healing.

Years ago, an NCCABC employee created a manual for First Nations court in New Westminster that outlined everyone’s responsibilities and roles in the court. The judge at the time decided this was not necessary and that she wanted to run the court in a more “traditional” way. This “traditional” approach has produced a court that has few records or statistics and is being actively considered in other rural and urban areas with little understanding of what constitutes “better practices” in the context of First Nations court. Particularly concerning is how these practices can and should be adapted for unique local circumstances. Miller (2003) describes how some Indigenous communities, particularly in Canada, “are under pressure to import canned legal systems from elsewhere—including a Māori family conferencing model—that serve the interests of the state in being transportable, cheap, and controllable from the outside” (p. 136). In reference to detailed record-keeping, the NCCABC employee said, “we’ve always done this!” In potlatches, for example, the role of the oral historian (or “Potlatch Recorder” as Kwakwa’wakw scholar Daisy Sewid-Smith calls it), was to memorize each detail, each transaction, to keep meticulous oral records of activities that transpired throughout the ceremony. It was a vital aspect of governance and maintaining
social and political structures within the nation. As Sewid-Smith (1997) notes regarding her own training for that position: “it began when I was 6 years old, at the feet of my grandmothers and Chiefs. I was constantly urged by my grandmothers to act out various parts of our Potlatch System to show that I understood their teachings and those of the Chiefs” (p. 597). The need for a different approach to Indigenous/non-Indigenous relationships within colonially constructed legal regimes is abundantly clear. What is more challenging is how culture is understood and deployed in the creation of new justice programs (Miller, 2003). In the interface between “traditional” and “western” legal structures, there is both the potential to catalyze new structures that are potentially liberatory or to reinscribe colonial regimes under the gloss of “reconciliation” in action. This can also be described as a “planning contact zone,” a concept discussed earlier and that I will re-visit in more detail in Chapter 5.

Between this contentious space of deeply colonizing institutions and efforts to indigenize the judiciary, lies the work of the Native Courtworkers. A former employee described some of the community work courtworkers engaged in over the course of the year prior to my field work starting. They included a drum cafe, blanket honouring ceremony for clients, creation of an elders council, a youth council called “helping hands to youth,” the Downtown Eastside pow wow, the “red road to higher education” trolley bus tour, in addition to hosting quarterly dinners and potluck lunches, and one elders sock hop. This – to my mind – is community-centred resurgence (Corntassel, 2012). These are the practices that re-connect people to community, culture, homelands and sacred histories. Native Courtworkers reach out to Indigenous peoples in rural and remote places, and in cities and towns, striving where possible
to reconnect Indigenous peoples with home communities when those places are far removed. They work to collapse binaries maintained in legal and other spheres that distance “urban” from “rural,” “on-reserve” from “off-reserve.” Planning in Indigenous communities that strives to create vibrant, resilient places helps create the conditions under which community members can return; efforts by urban organizations to re-connect and heal Indigenous peoples supports community-building in the city while restoring individual, family, community and cultural strengths. This research is an examination of how comfortably we can extend this lens – NCCABC as “Indigenous community planners” – to the daily practices I witnessed over the years of my fieldwork. As I discuss, jurisdictional politics have girded the silos within which NCCABC work. Yet the organization – from frontline to head office – attempt to transcend these differences through relational approaches that foster partnerships wherever healing and change can occur.

In his opening address to the healing courts conference, Chief Wilton Littlechild said the Truth and Reconciliation Commission should have been called the Healing, Justice, Truth and Reconciliation Commission (field notes, p. 9). Healing and justice rarely go hand in hand, except in conversations around specialized courts, and even then, there is concern about how healing those spaces can be (as the experiences of the young man in solitary confinement speak to). Anecdotally, many of those involved in First Nations courts describe it as a transformative experience for clients. One courtworker in New Westminster explained how she had “seen many men and women turn their lives around” (field notes, p. 14). She quoted Dr. Diane
LeResche (1993) who promoted the idea of “sacred justice,” an approach that allows clients to mend relationships through a healing court structure. In her article, LeResche writes,

At its core, Native American peacemaking is inherently spiritual; it speaks to the connectedness of all things; it focuses on unity, on harmony, on balancing the spiritual, intellectual, emotional, and physical dimensions of a community of people. A peacemaking process tends to be viewed as a "guiding process," a relationship healing journey to assist people in returning to harmony. Peacemaking is capable of healing hurts and wounds. It brings peace through good feelings, not through fear. Peacemaking involves deep listening, not defending, arguing, forcing. It includes the widest circle of people concerned, each having a voice if they wish, not just the immediate "parties" and their representatives (p. 321).

This approach seeks to understand why people are there in the first place, how to re-orient and transform those feelings through being in relationship with others. In his Circle of Courage model, Martin Brokenleg (Lakota Sioux) talks about the importance of belonging from an Indigenous perspective. Quoting his aunt Ella Deloria, he described the spirit of belonging in this way: “Be related, somehow, to everyone you know" (Brokenleg, 1998). He concluded that in “this materialistic, fast-paced culture, many children have broken circles, and the fault line usually starts with damaged relationships. Having no bonds to significant adults, they chase counterfeit belongings through gangs, cults, and promiscuous relationships. Some are so alienated that they have abandoned the pursuit of human attachment. Guarded, lonely, and distrustful, they live in despair or strike out in rage” (p. 132). These are the stories I heard over and over in courtrooms and healing circles, stories of isolation and disconnection that often made me see the client as the wounded child of Brokenleg’s description.

Another support worker in the North Vancouver and New Westminster courts, hired through the Ministry of Justice, described the importance of working together with clients to
encourage healthy relationships. She talked about also engaging with victims of crime to move forward on the healing journey. Throughout this research, themes of relationships and healing came up repeatedly. At a staff meeting in 2015, an NCCABC program manager talked about working through tensions amongst staff: “It’s our relationships that provide support. We need to keep that as a focus.” For NCCABC workers, relationality is a core value, in their interactions as colleagues, with community partners and other outreach and service providers, and especially with clients. Over the many days I spent at 520 Richards Street, the downtown Vancouver office of the NCCABC health team, I bore witness to the many informal ways in which relationships developed and strengthened between clients and counselors. I would often spend a half hour or so after group sessions, or staff meetings, or whatever event or interview I was attending, to have a cigarette with one or more staff members outside the office. Many times, someone would come up and give one of the courtworkers a big hug, or just stop to say hello. They were always greeted in a friendly and open way, no matter what physical or emotional state they were in. Relationship-building extends from one-on-one counselling sessions, to courtrooms, to talking circles, to the alleys and sidewalks that bring people back and forth in a constant stream of activity. Relational approaches are at the heart of NCCABC’s work for a good reason. As many research participants explained, addiction is intimately about disconnection – from self, from family, from community, from responsibility. Relational approaches that are non-judgmental, consistent, and based in culturally appropriate methodologies work to re-connect Indigenous clients, first and foremost to themselves, and then to the possibility of establishing healthy and functional relationships with others.
Back in the courthouse, healing plans are a means of establishing a relational connection to keep clients/offenders focused on a good path and – in the case of the courtworkers – simply coming back, wherever they are on that path. The first event I attended for my fieldwork was a “Downtown Eastside Education Forum.” Suzanne Smythe in the Faculty of Education at Simon Fraser University talked about literacy becoming “de-stated.” She described how non-profit groups are taking over what was once the state’s responsibility. By deconcentrating core services without accompanying resources, Smythe argued, resource delivery is effectively dispersed across a range of non-profit providers. I was struck by her call for the literacy movement to align with environmental movements to address increased state diversion of funds that would normally go to education and health, and which increasingly fund “petrostates.” I thought of the intimate web of intersectoral relationships that NCCABC cultivate. I also thought about the work of healing as becoming “de-stated,” not as a simple transfer from the state to non-profit organizations, but a more insidious transfer that vests “healing” in the state through First Nations courts while simultaneously removing responsibility for structural transformation that creates the most profound opportunities for healing. As Mawani (2003) writes, “many scholars have reminded us that a legal framework premised on European concepts of justice, fairness and equality is deeply racialized, and cannot serve the basis for developing a more equitable relationship between coloniser and colonised” (p. 175). Overincarceration of Indigenous peoples is a profound inequity. Appealing to structures premised on racializing and criminalizing Indigenous peoples as a source of healing seems
paradoxical. How then do organizations like NCCABC engage with a system that so consistently fails Indigenous peoples at every point of encounter?

4.4 Northern Urban Context: Aboriginal Community Safety Planning in Prince George

One bright fall morning in Vancouver, that time of year when a perceptible chill in the air points to the coming winter, I meet up with an NCCABC client outside the Native Education College he now attends. I remember the day I first saw him at First Nations court. He was close to “graduating” which meant he had nearly completed his healing plan. The judge suggested maybe he would “come back [to court] as an elder.” We sat at a picnic table sipping our coffee as he described the role of the courtworkers in his healing plan:

Part of my conditional sentence order and probation order was to, you know, get counseling from, from alcohol and drug counselors and other counseling that the Native Courtworkers and Counseling Association offered. And so I started going there on a weekly basis doing one on one’s with alcohol and drug counselor. And also started attending some of their weekly workshops. And what, what’s kept me going is just – is positive atmosphere that, that they have there and the willingness to, you know, work with clients. And also take in a lot of the information that they offer and the workshops and, yeah. So, yeah, that’s the reason I continued with them and kept, kept going with them and want to continue going when I’m able to, yeah.

Although he doesn’t say it, the courtworkers willingness to work with clients wherever they’re at makes the work I witnessed so powerful. In a place like Vancouver’s Downtown Eastside, service providers can understandably get frustrated as clients come and go, as various states of physical and emotional distress dictate what they must do to survive. A client could disappear for months, even years, and the moment they step back into the office they are welcomed back and invited to participate in all of the programs and services offered. While not a prerequisite to working there, many courtworkers come from similar places to the clients. As the client
quoted above explains, “One thing I like about [name] is that, you know, we, we come from this, you know, this same background of, you know, he can relate to me I can relate to him. And he, you know, he’s very caring and concerned and, you know, he’s got really good insight on things. And the same with all the other staff there.”

During one staff meeting, a manager asked everyone “what is the most important thing we do here?” One person said, “we help create safer and healthier communities.” Another offered that “we create relationships first.” Relational approaches happen at many levels in the organization. They take place in one-on-one sessions, during group therapy and talking circles, in ceremonies, and as part of robust intersectoral outreach that I argue makes the work of the organization unique. In 2015, Public Safety Canada identified Prince George as a high-risk community and provided funds to complete a 10-year Prince George Aboriginal Community Safety Plan. For several years, Prince George had the unwelcome title of “Canada’s most dangerous city,” bestowed due to its relatively high crime severity index, an analysis that takes the number of police-reported incidents for each offence multiplied by the weight for that offence and based on the sentence typically handed out (Prince George Citizen, July 31, 2017). NCCABC were chosen to lead the plan’s development following on work initiated by the Prince George Native Friendship Centre. Over the course of five meetings, representatives from a wide range of sectors in Prince George sifted through hundreds of pages of local, provincial, and national programs and services to develop a safety plan for the Indigenous community in BC’s “northern capital.” The RCMP were well-represented with an Aboriginal Liaison Officer, Parole Officer and – importantly – Superintendent Warren Brown, the officer in charge of the Prince
George detachment. Relationships between law enforcement (particularly the RCMP) and Indigenous peoples in Northern BC have long been a major area of concern for Indigenous communities. A 2015 report by Human Rights Watch called it a “dysfunctional relationship” and noted that “indigenous women and girls report having little faith that police forces responsible for mistreatment and abuse can offer them protection when they face violence in the wider community” (Human Rights Watch, p. 8). One community service provider summarizes the state of relations between Indigenous women and law enforcement as follows: “The most apparent thing to me is the lack of safety women feel. A lot of women, especially First Nations women we see never feel safe approaching the RCMP because of the injustices they’ve experienced … The system is really failing women” (ibid.).

Although I recognize the strategic importance of RCMP involvement in the plan, I wonder how free people feel to discuss the structural and systemic violence of carceral forces that have long been present in northern British Columbia. Even the renaming of Lheidhli T’enneh Memorial Park (formerly Fort George Park) was fraught with settler colonial tensions as vile, racist comments in news items celebrating the re-naming reveal (Prince George Citizen, June 15, 2015). Haudenosaunee scholar Audra Simpson (2014) and Glen Coulthard (2014) describe such initiatives as part of a “politics of recognition.” Simpson writes that “(r)ecognition is the gentler form, perhaps, or the least corporeally violent way of managing Indians and their differences, a multicultural solution to the settlers’ Indian problem” (p. 20). That even this “gentle” gesture of conciliation could be met with such resistance speaks to the rigidity with which settler colonial norms are structured and maintained in this northern town. It is what
makes me think that how this process is structured and who has a voice in the creation of this plan – in a region that is unsafe for so many Indigenous peoples – are extremely important and will shape how the plan is taken up and implemented in the years to come. Documenting the work of this group provided an opportunity for me to participate in shaping the direction of community safety in a community where I had grown up, and to witness intersectoral work in a community more often divided than united in providing supportive community services to Indigenous peoples. I was invited not only to observe the meetings, but to actively participate in break out groups and offer my perspectives as someone with deep ties to the territory.

NCCABC would appear to be an ideal organization to lead this planning process.

Although the northern office is small, they’re well-known in the community and work hard to make connections with other service providers and agencies. As Alyssa, a courtworker in Prince George, explained:

You can’t just sit back and expect everybody in the community to support you and to go along with everything you’re doing if you’re not showing up for what they’re doing and supporting what they’re doing. So we in our regional office here, we pay a lot of attention to the different events and different opportunities that the other organizations are providing the community. And we even though we’re very small – there’s only three of us – we do our best to participate and we’re present during those times.

In Prince George, relationships between community-based organizations can be rocky. As is the case in most urban centers, organizations are often forced to compete against each other for much-needed funds. As I reported elsewhere (Patrick, Finding Shelter, 2012), non-profit organizations justifiably feel protective of what they have established, including long-term relationships with clients. This can create tension between organizations, even those working
towards the same goal of creating equity and opportunity for Indigenous peoples in the urban setting. In my report on homeless shelters in Vancouver, it was pointed out that the more you try to accomplish with fewer resources, the more vulnerable you potentially make people. This causes inter and intra-organizational tension and puts immense pressure on leadership, especially when they are dealing with matters of life and death. For the Native Courtworkers, creating relationships with other helping agencies is critical to their role assisting clients with immediate crisis needs. One courtworker described what’s at stake in these relationships: “And then when I’m doing something like our community safety project that I’m doing now, you know, I have a fairly good success at drawing them in as stakeholders to say “you know what, we have an opportunity now here in Prince George” but I need those key people – those stakeholders to actually agree to be able to come forward and develop this plan right? So if they didn’t trust the native courtworkers or me, and didn’t see me putting an effort into their organizations, I don’t know how lucky I would be at actually drawing those executive directors or managers in during this time when this is, you know, an opportunity for the native courtworkers to – that we’re taking the lead with this particular project right?”

At the November 2015 gathering of the core group advising on the Aboriginal Community Safety Plan, representatives from diverse sectors in the community were present, including the RCMP. One participant described a potlatch ceremony that her organization had hosted. During the ceremony the community talked about what safety means in the community. The RCMP were present at the ceremony, and one elder said it was good to see the RCMP participating in the ceremony because it helped them to see the officers as people. This
was a striking statement, but not particularly surprising considering the history between law enforcement and Indigenous peoples. At the potlatch, people explained that safety meant being accepted in the community. It meant breaking down stigma and discrimination. That the RCMP were at this event – and were here now supporting this Aboriginal Community Safety Plan – was significant. Warren Brown, the Officer in charge of the Prince George detachment, told the group that day the RCMP “want to aggressively support [the safety plan].” While his words could have been more carefully chosen, the intent behind them was clear. He said further “we need to take ownership of areas where we’ve been remiss,” and that law enforcement is a part of community safety.

At the January 25th stakeholders\textsuperscript{13} meeting, NCCABC presented Warren Brown with a blanket for his support and involvement with the Aboriginal Community Safety Plan (see Photo 1). One of the courtworkers said, “Warren Brown has come with us to our community from the right place. You have proven that through letting your constables be here and by making First Nations court a reality here.” The blanket contains a medicine wheel, representing balance and belonging. It shows the foundation as father sky and mother earth, with a maple leaf and the four colours, black, red, yellow and white. Someone described the Yinka Dene belief around blankets: “When you come into the world, you are wrapped up in a blanket, and when you leave the world you also have a blanket. It’s like the creator is giving you a hug.” Warren

\textsuperscript{13} In this dissertation, I trouble use of the term “stakeholders” when referring to Indigenous peoples to draw attention to how – particularly in the urban setting – Indigenous peoples and communities have often been cast as simply one of many interest groups to be considered in planning processes. Participants in the Aboriginal Safety Planning process, however, were described as “stakeholders” in meeting materials, reports, and internal correspondence. I use that terminology here for consistency in referring to those materials.
responded by saying “It’s an honour to be part of the table and to be given this high level of credibility.” As the representative of a system that most often fails Indigenous peoples, that reinforces laws reflecting an inability or unwillingness to account for structural issues of poverty, racism and gendered violence, this exchange is perhaps a microcosm of what needs to happen continuously within oppressive structures. There needs to be relational accountability, a constant reminder that when you enter into such relationships you have responsibilities to nurture, sustain and ensure the long-term health and well-being of those relationships. But this cannot be the burden of Indigenous peoples alone. Otherwise, there is no relational accountability.

Photo 1: Blanket Ceremony for RCMP Superintendent Warren Brown

Warren describes how he stops at the 7-11 every morning for his coffee at 7 am and sees people begging out front. He knows that poverty, inadequate or no housing, and hunger drive people to the streets to make money however they can. He talked about how there are not
many agencies helping people in early morning hours. One RCMP constable even references the Human Rights Watch report which explains that the literal translation of police in the Athapaskan Dene language is “those who take us away.” He said as long as people continue to feel this way and pass those feelings onto their children – that police cannot be trusted – then relationships between Indigenous peoples and the RCMP will never change. Interestingly, he said, “We are the best tool in the toolbox if everything needs a nail. We can hammer away.”

RCMP culture is steeped in its own language, has its own way of relating to the larger community. Society has vested power, authority and control in them, and even as they strive to connect with the community in healthier ways, the language remains rooted in aggression and control. I feel that protocols like the blanket ceremony and the potlatch can potentially transform these “contact zones” from spaces “of highly asymmetrical relations of power” to something less violent and dehumanizing. These community processes are vital for humanizing both RCMP and the Indigenous peoples they encounter, but perhaps more importantly they serve as a reminder of the ongoing practices of self-determination that maintain urban Indigenous communities even in the totalizing environment of settler colonial institutions.

At the November safety planning meeting, a local housing manager talked about how “collaboration, community-readiness, being able to trust...it takes time to build these relationships. It’s about protocols.” The City of Prince George is also working to repair and re-

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14 In Canada, there are several forms of policing services provided to communities. Some municipalities have their own police force (such as the Vancouver Police Department) while other communities, such as Prince George, have policing services provided by the RCMP. Under agreements with Public Safety Canada, First Nations or Inuit communities manage their own policing services or have them provided by local RCMP detachments.
build relationships. A city staff person spoke about initiatives underway that complement the community safety plan. She talked about how the city is a signatory to a municipal coalition against racism and discrimination and has convened an Aboriginal Health Improvement Committee whose intent is to map out mental health services. The city is also part of a child, youth and family strategy that is exploring what outreach services might look like from different perspectives. In a follow up meeting with the staff member a few days later, she felt that it was premature to engage the city in areas of reconciliation. The city has long neglected to tend to relationships with Indigenous peoples and local First Nations communities. Before 2014, municipal issues had focused on infrastructural needs and quality of life services that fell under the realm of social development were gutted. While municipal priorities have been slowly changing, how ready local government is to take on reconciliation remains up in the air. The staff member also felt that the readiness of the urban Aboriginal community to engage in safety planning had not been addressed through the planning process.

4.5 Municipal Context: Unsettling Reconciliation

At the end of a PhD planning seminar at UBC we were each asked for our definition of planning, an important question as how one defines planning will ultimately guide how one approaches research in planning. My own definition is guided by an Indigenous worldview, one that privileges a decolonizing, self-determining vision for Indigenous peoples and communities. Through this lens, planning becomes a process of reclamation whereby Indigenous peoples reclaim ancient values and principles (now commonly referred to as “Indigenous knowledge”) that have guided community development for millennia. Ted Jojola (2008) describes Indigenous
planning as “both an approach to community planning and an ideological movement” (p. 42). I frame Indigenous community planning as a theory and practice that accounts for the fact that Indigenous peoples have been dispersed, fractured, and torn apart by colonial policies (following Yiftachel’s argument that planning is a form of deliberate state-sanctioned social control and oppression); and in grappling with this past, Indigenous community planning envisions Indigenous futurities based on reclamation and self-determination. The process of creating community for urban Indigenous peoples often starts in the recognition that we are guests on the territories of other Indigenous peoples. It also involves recognizing the collective experiences of colonization that are the ongoing legacies of Indigenous peoples everywhere. Cities have long avoided responsibility for their role in dispossessing Indigenous peoples from their ancestral lands, even though they operated as “key mechanisms of colonial expansion” (Stanger-Ross, 2008, p. 543). As I witnessed in Prince George, and in other municipalities, this is slowly changing, particularly in response to the 2015 Truth and Reconciliation Commission’s Calls to Action.

Municipalities across the nation, big and small, are making efforts to hire Indigenous peoples, negotiate Memorandums of Understanding with local nations, re-name streets and parks to honour local Indigenous peoples and communities, and support the work of community-based organizations that for decades have provided services to urban Indigenous peoples (see for example Skelton, 2012; Chand, 2013; Walker & Belanger, 2013). I was told by the Prince George city employee that interest in a reconciliation agenda within the city represents a major shift as previous mayor and council had little commitment to Indigenous
communities. However ephemeral this change might be for municipal leadership, the potential to materially change the health and well-being of Indigenous peoples is vital in a climate of racism and violence that is tacitly accepted when those in power don’t speak out against it.

During the safety planning meetings that I attended, and in subsequent conversations and interviews I had with participants, the word “reconciliation” did not often come up. What was more urgent and relevant seemed to be the words “decolonization” and “relationships.” In the last meeting I attended, the group brainstormed ideas for how to present the plan in the coming months. One stakeholder talked about the disconnect between Indigenous peoples and organizations and the City of Prince George. She described how the city has responsibility for storefronts in the downtown area as well as the people who hang around those storefronts. She wanted clients from the different organizations to be invited to the plan’s unveiling. A Native Courtworker said that businesses should be invited and that their involvement will create better understandings between groups of people. Divisions between the business sector, Indigenous organizations, city officials and staff, and the larger Indigenous and non-Indigenous community run deep in Prince George. The safety planning process has provided a forum in which to talk about these divisions, but also to strategize about how these relationships can be mobilized to benefit Indigenous peoples. One Native Courtworker I interviewed in Prince George put it this way:

And the RCMP have stepped forward in a very supportive way to help us with this project. And we’re very grateful for that because we want to role model to the community healthy, healthy living and healthy approach. And so part of that is the reconciliation with RCMP and with government, with social workers and people that we systemically have had issues and problems with. So it’s so terrific when you’ve got people in the community that are on the same page as you and willing to do that similar
work. And so we’ve got that in Prince George right now – we’re just really excited for the project. The city has – is a hundred percent supportive of this project too.

Many are treating the concept of reconciliation with a healthy dose of skepticism, and for good reason. In the absence of a critical framework and well-thought out actions, reconciliation risks becoming a substitute for meaningful change. As Tuck and Yang (2012) write about the casual use of “decolonization” by settler scholars and educators:

When metaphor invades decolonization, it kills the very possibility of decolonization; it re-centers whiteness, it resettles theory, it extends innocence to the settler, it entertains a settler future. Decolonize (a verb) and decolonization (a noun) cannot easily be grafted onto pre-existing discourses/frameworks, even if they are critical, even if they are anti-racist, even if they are justice frameworks. The easy absorption, adoption, and transposing of decolonization is yet another form of settler appropriation (p. 3).

Actions described as “reconciliation” hold the potential for redressing historical colonialism in ways that fail to reference how colonization continues to inform contemporary experiences of Indigenous peoples. When ongoing structural and systemic violence is recognized and acted upon as a key determinant of Indigenous peoples’ experiences in urban areas, reconciliation may then be enacted. A phrase I find interesting is “reconcili*action,*” a word Chief Wilton Littlechild used during a talk at an Indigenous health conference in 2016. Reconciliation without concrete action to fundamentally re-think relationships between Indigenous and non-Indigenous people risks becoming, as Tuck and Yang write, a settler “move to innocence.”

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15 Some Indigenous scholars argue that the word “reconciliation” should not be tampered with, that changing the form and content of “reconciliation” produces a different (possibly watered down) societal responsibility to the history of Indigenous/non-Indigenous relationships. I am attentive to these criticisms and will use this term carefully in describing government-supported reconciliation processes.
At the therapeutic jurisprudence conference, Chief Littlechild described the commission’s mandate as guiding and inspiring a process of reconciliation and renewed relationships. From what I’ve learned in the two years since I attended the stakeholder meetings, there hasn’t been a lot of follow up to the goals and plan outlined in the community safety plan. In an ideal planning world, process and outcome work together to re-imagine a new set of future possibilities. In the case of the Aboriginal community safety plan, while the outcomes might have been limited, the process of coming together, the work of identifying gaps and areas of need, of bringing together diverse stakeholders, demonstrated what a relational accountability framework could look like. In other words, renewing relationships between advisory group participants and among the populations they serve was an important outcome. As the draft safety plan stated:

Aboriginal people are often leery of adopting “non-Aboriginal” solutions to address problems that stem from historical colonization. Therefore, empowering aboriginal participants to play an active role in the process was a critical component of this project and necessary in order both to reach marginalized members within the targeted aboriginal communities and to have leaders in the community fully engaged and committed to the process and desired outcomes (Prince George Aboriginal Community Safety Plan, Phase 1, January 25, 2016).

From early discussions on whether to use the term “Aboriginal” or “Indigenous,” it was clear that a diversity of opinions existed in the room. At all times, however, the tone of discussion was respectful, engaged, exploratory. Each person recognized the other for their commitment to spending this time exchanging information, learning from each other, identifying needs, and thinking creatively about strategies and solutions that could bring about necessary changes. During Phase 1 which involved stakeholders gathering over a seven-month period to discuss key
strategic priorities and review existing programs and services, stakeholders met a total of five times. I attended two of those day-long gatherings. I was astounded by the sheer number of reports collected by the project team. There were 14 pages detailing regional reports and recommendations, 48 pages of provincial reports and recommendations, and 45 pages of national reports and recommendations. In a support letter for the Highway of Tears project, an initiative supported by Carrier Sekani Child and Family Services to draw attention to the primarily Indigenous women who have gone missing in northern British Columbia along Highway 16, the Native Courtworkers explained how the review of community safety initiatives had uncovered some startling facts: “When this work began to evolve, one of the first areas identified was the outstanding Highway of Tears Symposium Recommendations from 2006. As the stakeholders reviewed the 33 recommendations, we were alarmed to discover that most of them continue to be labelled with the status: ‘no action to date.’” (NCCABC support letter, December 1, 2015). Each of the Truth and Reconciliation Commission’s recommendations are included, and a review of these showed that of the three recommendations currently being addressed that relate to youth, justice and healing, all of them are stalled or limited in the progress they’re making. According to a March 2018 report by the Canadian Broadcasting Corporation, ten of the ninety-four calls to action have so far been completed (Carreira, March 19, 2018, https://www.cbc.ca/news/indigenous/beyond-94-truth-and-reconciliation-1.4574765).

Many of the reports compiled through the Aboriginal Safety Plan process demonstrated remarkable lack of action in response to the many recommendations. For example, in 2013, the
BC Schizophrenia Society undertook a review of inquest recommendations issued by the BC Coroners Service since 2008 in response to deaths related to mental illness. Of the 34 recommendations included in the Aboriginal community safety plan review, only six had a status of “in progress” or “episodical.” The one recommendation that was completed was a practice already being followed by the Prince George RCMP. Many reports, like “Forsaken: The Report of the Missing Women Commission of Inquiry” (also known as the Oppal Report, 2012), have no status listed next to the recommendations. It’s striking how many inquiries, reports, commissions have been undertaken, with pages of recommendations, and yet little to no implementation. I’m reminded of Rudin’s article in which he muses about why the Gladue decision, which directed judges to change the way Aboriginal offenders are sentenced, had not met with the same response as other decisions of the Court. After listing a number of court decisions that promptly resulted in changes, he writes:

The key difference between R. v. Gladue and the other examples cited above is that in the latter cases, failure by the government to act would mean that potentially guilty people might go free or be released from custody. Inaction on these issues would lead to serious questions from the opposition, editorials in newspapers and the fanning of fears for public safety. On the other hand, inaction in response to Gladue means that Aboriginal people continue to go to jail. While this development clearly constitutes ‘a crisis in the Canadian criminal justice system’ in the eyes of the Court, it does not carry the political baggage that being ‘soft on crime’ carries (p. 704).

Government inaction on overincarceration – as well as countless recommendations from stacks of reports – maintains the status quo and produces unending frustration among Indigenous peoples and communities. I’m beginning to better understand one stakeholder’s comment that research hasn’t done a lot for Indigenous peoples and they don’t trust it. One of the elders said “there are so many studies out there. Why don’t we just use what we have?” Service providers,
community-based organizations, and Indigenous communities have seen decades of
information-gathering and recommendation-producing at local, provincial and national levels,
with very little action to show for it. Deep distrust and even hostility towards “research” is
understandable in this context.

Back in the Aboriginal Community Safety Planning process, I participate in a break-out
group that is parsing through pages of reports, recommendations, initiatives, and programs
related to regional resources. We’re asked to look at how the safety plan can build upon
existing programs and services and be accountable to what has already been recommended.
Our conversation that afternoon covered topics on mental health and addictions, health in
general, housing, and justice. It became clear how interrelated safety and well-being are with
experiences of (in)justice, homelessness, mental health and addiction. What was also clear is
how silos continue to prescribe the nature of community work. Each organization has its own
unique needs grounded in the programs and services it provides, whether that’s housing or
mental health, justice services or educational support. In addition, there are often three levels
of government providing various levels of support, which further fractures efforts to work
across sectors. At a roundtable hosted by NCCABC on justice and health, one participant noted
that “silos work against the process of creating the circle.” Another way of describing the circle
is the “continuum of care.” This model of care – also known as a “wraparound” approach to
service-delivery – is defined within the field of substance abuse treatment as “psychosocial
services that treatment programs may provide to facilitate access, improve retention and
address clients’ co-occurring problems” (Oser, Knudsen, Staton-Tindall, & Leukefeld, 2009, p.
MacPherson (2001) describes drug policy approaches in Vancouver’s Downtown Eastside as a “framework that ensures a continuum of care for those suffering from substance addiction and communities impacted by those same people” (p. 32). Wraparound services require highly skilled staff members and a supportive organizational culture to effectively deliver services.

One U.S. study that looked at women-specific programs for re-entering criminal offenders in substance abuse treatment noted that organizations serving women tend to provide more programs, the hypothesis being that women have greater needs. Researchers looked at what wraparound services were available to women, including case management, housing assistance, legal assistance, child-care, crisis intervention, mental health counseling, medical care, and HIV/AIDS testing and/or counseling (Oser et. al., 2009). The least likely wraparound services to be offered included housing assistance, legal assistance, and child-care (also some of the greatest needs faced by Indigenous women in urban areas). Kent – a Native Courtworker – speaks to how important this approach is at NCCABC:

Because at Native Courtworkers and Counseling I mean the funders have expectations regarding measurable outcomes. And we need to be able to properly wrap around services and properly support our community members. Not just get them off charges but actually help them connect with the counselor to explore why do you drink? A lot of the, I guess the high percentage of charges and say addiction or drinking or drugs fall into that is pretty high. And we need to be able to identify the gap and bridge the gap. It’s one of the most important things that I’ve learned as a service provider. It’s not enough just to see oh there’s a gap there and not do anything about it. It’s, unfortunately within the public health there’s so much of that. With our agency there was no real gap between justice and health.

4.6 Provincial Context: BC Aboriginal Justice Council

The need to strengthen the circle brings together a group of legal professionals at NCCABC’s head office in October 2015. Eight years earlier, the First Nations Leadership Council (FNLC) –
comprised of representatives from the First Nations Summit, BC Assembly of First Nations, and the Union of BC Indian Chiefs – wanted to create a First Nations Justice Council. Various political roadblocks prevented the council from forming in 2007. It speaks to the sensitive nature of justice in this province that in spite of the existence of other councils formed by the FNLC, it took eight years to convene a justice council. From conversations that day, I gained insight into the challenges of a provincial-level inquiry into Indigenous justice issues. When NCCABC stepped forward to lead the formation and work of the council, many were relieved that justice issues would finally be properly represented at the provincial scale. In 2013, the Social Justice Policy Platform and Strategic Plan was developed by NCCABC in consultation with and support of the Union of BC Indian Chiefs. It focused on the following priorities:

- Address the absence of Native Courtworkers in family court process and the impact that has on the numbers of Aboriginal children in care of the government (more than at the height of the residential schools);
- Achieve funding support to address magnitude of issues and continued statistics of incarceration of Aboriginal people;
- Seek support from BC First Nation leadership to address disproportionate Aboriginal incarceration rates;
- Hold the ministry of Justice responsible for direction of incarceration reform. There needs to be a greater call of Aboriginal leadership to hold Ministry of Justice to task – calling for fundamental change in system;
- Create an Aboriginal Justice Council as a Multi-Agency leadership initiative that convenes regularly, prioritizes actions – which utilizes the NCCABC strategy plan as vehicle; and
- Call for required resources and fundamental change because of continuing children in care rates and incarceration rates. (NCCABC Briefing Note, October 10, 2014)

The priorities point to the deep and enduring need for structural reform of the justice system, and the broad community and intersectoral support necessary to even begin to initiate such change.
At the first justice council meeting, a member of the Sḵwx̱wú7mesh Nation gave a welcome to territory. He started by saying, “When I look at maps, I see that we [the Sḵwx̱wú7mesh Nation] are just a small part of that, but it reminds me that we are all together in this.” He encouraged everyone to keep a “strong heart, mind, spirit and body...You’re working for all of us in BC. We have our protocols, our ways, and we must balance that with the ways we have today.” Reflecting later on his words, I thought of the process of creating the circle. The role of knowledge holders in the community is to bring people together, to prepare the path in a good way so we can all move forward together. This is relational accountability. He finishes by declaring that “When we stand together, we truly are like a bundle of arrows that together cannot break.” For the discussions and the work ahead, this exhortation to strong heart, mind, spirit and body could not be more appropriate. The purpose of the council is to be a robust province-wide advocacy body for justice. NCCABC were tasked with the technical work of carrying the council forward. The facilitator said that the “strength of the council is that NCCABC supports it.” The organization is tasked with facilitating information exchange between the Leadership Council and the Justice Council. As part of the first meeting that I attended, a representative from the First Nations Summit talked about how the Justice Council will work at the policy level to define how the justice system impacts Indigenous peoples and to seek solutions to these issues with ministry officials. Two issues came up repeatedly: the disproportionate number of Indigenous children in care and the number of Indigenous peoples incarcerated. They were viewed as inseparable and in urgent need of discussion by the committee. Everyone agreed that the council had to promote “calls to action,” not just “fluff”
or recommendations. As the Aboriginal Community Safety Plan process demonstrated, it’s not just a matter of semantics. A call to action carries momentum and force, the potential for reconcili*action*; whereas a recommendation can be made and then life carries on. When it comes to health and justice issues for Indigenous peoples, when life carries on, Indigenous lives hang in the balance. As in the safety planning meeting in Prince George, much of the afternoon was taken up with discussion on the use of “First Nation” or “Indigenous.” One committee member had an extreme aversion to the use of “Aboriginal” or “Indigenous.” Most of the committee members, however, agreed that in the context of justice work an inclusive term like “Indigenous” was most appropriate. One person pointed out that while Métis peoples may be less represented in the province compared to First Nations, they are equally impacted as children in care. These conversations highlight the challenge of dealing with such complex issues when even the terminology used to describe the work is contested and at times deeply divisive among groups equally committed to justice work.

A representative from the Union of BC Indian Chiefs noted that there is a desperate need for a Justice Council and a body tasked with looking at justice issues provincially. She also noted that no other council has a host agency or supporting body, making it much more likely that work done at this table will remain focused on priority areas as set out in the terms of reference. In 2013, NCCABC was instrumental in reviving the idea for a First Nations Justice Council. In its role as a provincial organization, NCCABC consistently moves beyond simply providing services in the justice system. It provides a space where vital and urgent issues can be discussed, energies can be focused. It’s a safe space to explore ideas, to probe the dark corners
of systems in which Indigenous peoples are bound up and simultaneously have been pushing back against for decades. In the first meeting I attended, many people spoke to the conflict between Indigenous law and provincial law, especially in the area of child protection. One council member said, “our laws are in our language.” I also heard this in other gatherings. At one provincial courtworker training session, an employee spoke about First Nations courts as upholding non-Indigenous justice. She asked, “How can we get an Indigenous Justice Act?” Another council member – a recent law school graduate – shared that she gets a “sense of emptiness practicing law.” This is the tension underlying many of the conversations I’ve had with courtworkers and other Indigenous service providers and organizations over the years. The legal traditions which this council is tasked with strategizing around are inconsistent with – if not hostile to – Indigenous legal traditions. Many recognize that Indigenous laws emerge from the language, however, the laws continue to be written, legislated, interpreted, and enforced in English. It is with some hope that I read about the world’s first Indigenous law program that will graduate students with two professional degrees, one in Canadian Common Law and one in Indigenous Legal Orders (University of Victoria, 2018).

Time and again throughout this research, I heard the need for Indigenous-oriented statistics and methodologies, for culturally appropriate ways of measuring outcomes, including what “success” looks like for NCCABC clients. In addition to a dearth of statistics on Indigenous peoples in the provincial justice system – something brought forward by members of the justice council – there is a lack of political will to innovate around the concept of outcomes and what constitutes success as defined by Indigenous peoples and organizations. At a 2012 meeting
between Vancouver Coastal Health and Indigenous service providers in the lower mainland, a priority area for Aboriginal health service provision included “new ways of structuring assessment and evaluation with a focus on client and community input and an alternate means of measuring success and impact (storytelling, images, cultural indicators) (Draft Collaborative Meeting Report, July 2012). As I’ve briefly discussed in this chapter, and will discuss in greater depth in chapter 6, I see success and impact being measured by the Native Courtworkers through the lens of relational accountability. Although I’ve long thought about the idea of relationality, something that Wilson (2008) describes as being at the heart of what it means to be Indigenous (p. 80), I have come to see this research as grounded in my own relational accountability to the research process, as well as the work of relational accountability that guides the Native Courtworkers. While the concept of therapeutic planning provides a much-needed space in which to work through and across differences, to process grief, and collectively move forward, relational accountability is a way of being and becoming. It structures the day-to-day interactions of frontline workers, while also acting as an indicator of how well that work is being done.

Kovach (2009) reminds us that all qualitative research is relational and that the interconnection between all entities requires a reciprocal rather than extractive gathering of knowledge. Photo 2 illustrates this relationality through the web of relationships NCCABC forms with its partners. At the center of the web is the client, and surrounding the client are intersecting organizations intended to support the client’s health and well-being. From this perspective, the client is supported through relationships that are intentionally multi-sectoral
and representative of the broad range of experiences each person brings to the relationship. Each strand of the web has its own unique identity, but when clients experience relationships within the web as a whole – conceptualized as community ensconced within an eco-social support structure – they are accessing a continuum of care that supports complete growth and development. A system of silos serves to disconnect people, it works against “the process of creating the circle.” The circle as web is a powerful metaphor for exploring the complex structures that daily interact to support or hinder the healing journey of Indigenous peoples. Frontline workers intimately understand these processes because they work within and against them every day. They understand the many ways in which systems interact to continually fail Indigenous peoples.

To better understand how such structures operate in the lives of Indigenous peoples I turn next to an analysis of incarceration as a visible and ongoing reminder of colonial legacies. The chapter will draw out the roots of NCCABC’s work within a regime of incarceration that disproportionately affects Indigenous peoples. The roots of this inequality are complex and vested in colonial policies of segregation and control, including mechanisms employed at the municipal level such as land surveys, mapping, and bylaw creation. Such tools are closely linked to the dispossession of Indigenous peoples from their lands and criminalization of their activities within urban areas. I seek to connect the legal structures that manage and control Indigenous populations with the resurgent work being done by frontline workers to center Indigenous concepts and values in practices of relational accountability.
Photo 2: Model of NCCABC's Inter-Agency Relationships
Chapter 5: Incarceration as a “Settler” Problem

The findings of my research suggest Native Courtworkers are laying a new foundation not only for their clients but extended urban, rural and reserve communities. Planning as a future-looking practice is perfectly suited for this type of work. However, the systems and structures in which NCW’s work are not changing to conform to this new foundation. If anything, they are doubling down on attempts to retain authority and control. At a provincial courtworkers training session in March 2015, there was a session on the “art of the power question.” Staff came up with honest and insightful questions, some of which included:

- How can we set up more First Nations courts?
- How can we convince government to use tax dollars to help our people?
- Why are so many of our people incarcerated?
- What will it take to get Harper out of government?
- How can we be less dependent on government funding? How to create programs not dependent on government funding?
- First Nations court - still have format of non-Indigenous justice. How to get an Indigenous justice act?

The last question stayed with me. It stayed with me as I sat through multiple First Nations court sessions and spoke to frontline workers deeply familiar with court structures and processes. There is a tension inherent within their work that continually surfaces in my research. Important and life-changing relational processes are enacted by frontline workers – Native Courtworkers and other Indigenous service providers – who daily cut away at structural and
institutional violence like machetes through dense jungle foliage. Often, it feels like the foliage grows back at the end of the day, frustrating attempts to answer questions like “How can we create programs not dependent on government funding?” and “What will it take to get Harper out of government?” While the latter was accomplished, changes in political leadership have limited impact on the daily practices of civil servants and policy makers. Many of the same issues experienced by Indigenous peoples under a Conservative federal government continue to be experienced under a Liberal one.

In this chapter, I draw out the roots of NCCABC’s work within a regime of incarceration that acknowledges Indigenous peoples’ “overrepresentation” as connected to structural and historical discrimination and dispossession (Office of the Correctional Investigator, 2013) but does little to actually address that reality. Native Courtworkers are part of a history of resistance long carried out by Indigenous peoples in their struggles against colonization and its ongoing presence as settler colonialism. Native Courtworkers carry this forward by infusing their work with Indigenous concepts and values centered on the principle of relationality. In this way, I describe their work as resurgent, following Leanne Simpson (2011, 2017) and others who talk about the many daily acts that constitute a resurgence of Indigeneity, however unglamorous and small those acts may seem. The following section places these acts within the larger context of legal and political systems that historically dispossessed Indigenous peoples, and which continue to re-produce criminality as a key distinguishing feature of Indigenous community life.
5.1 Regulating Indigenous Space

The majority of men that are in jail are, again, it’s about 85% to 90% of the men that I work with, who are in there because drug or alcohol related crime. But they, when I talk to them, their experience is that their parents weren’t able to parent them properly. Because their parents were the ones that were in residential school or in foster care. So a majority of the other generation like probably about 30% or more of the men that are in jail were in foster care and they experienced physical, emotional and sexual abuse, and racism. And lot of them that are in there because of gangs, it’s because their home life on reserves was not good, you know, because their parents weren’t able to parent them because they weren’t taught to be parents in a cultural [way], and they don’t practice culture and spirituality because of the entrenchment that they were in the religion, religions that were put into our systems, right? (Jon, Former Native Courtworker)

In thinking through my research, I have wondered if it’s even possible to reconcile the historical and on-going reality of colonization/settler colonialism with mainstream planning. Critical analysis of the concept of “reconciliation” however has led me to consider that NCCABC – while sometimes taking up and at other times resisting various institutional ideologies – is working within a unique space of resistance and resurgence. In the context of planning, as mentioned previously, this space can be described as a “contact zone.” In its most extreme form, this contact zone produces social suffering on a massive scale. In describing the management of dispossession through creation of the reservation system in British Columbia, Harris (2004) writes that the most important technologies involved were maps, numbers, law, and the geography of resettlement itself. Through naming what was and was not “Indian” land, by drawing lines on a map that bounded and described the uses to be made of such land, and ultimately incorporating Indigenous peoples into a regulatory framework such tools both created and managed dispossession. The regulation of Indigenous space produced social
suffering among Indigenous peoples that has been passed down through generations and experienced as historical trauma and cultural dislocation. This is a critical place from which to understand incarceration as an expression of colonial violence and “overrepresentation” as a symptom of deepening aggression within a settler colonial society. This has deep implications for planners who want to address historical and ongoing injustices for Indigenous peoples.

5.2 Carcerality as Colonial Violence

A non-Indigenous NCCABC client, Julie, talks about her recent experience in two non-Indigenous health programs:

I just completed two, two classes within that community one was called Mindfulness for Depression and the other was CBT for anxiety, classic white healing models right? And being there in those groups I sometimes left feeling worse than when I went in. I felt lonely, unacknowledged as a multi-faceted complex human being. No connection to the other members in the group, no sense of genuine human caring from the facilitators. Very much – we’re going to do this with you, we’re going to teach this to you, it’s going to help you like ____ - not to question their skills I mean they were very good at what they were teaching, their knowledge was good knowledge and, you know, good information to share regarding skills that could help with these particular, you know, mood disorders. But a feeling of lack of community, coldness and in my wildest dreams I could never imagine doing anything with those people in those groups both of which lasted twelve weeks, three hours each time. And nothing grew up between us, you know, there was no before group chitchat, no after group chitchat and no really authentic deep sharing. It was very sterile, that’s the word that comes to my mind.

My experience during four years of working within a Faculty of Medicine and taking courses in preparation for entrance to medical school is that health education teaches practitioners to be objective, to leave their personal beings out of interaction with patients as a hallmark of professional practice. This in part protects the practitioner from becoming emotionally involved with patients and is a coping mechanism in an intense work environment where lives are at
stake. Lives are no less at stake in the field of addictions and mental health and yet Native Courtworkers place themselves firmly within rather than apart from the healing dynamic. One client, Rubin, tells me the difference participating in the programs at NCCABC made for him:

I think we became more of a, it became more of a team effort, right, to support each other and stay in that group, you know. It’s just like we’re all like a feather right and then once we get together then we all become a wing, you know, then we stay in that wing right and just go together, we start planning the peace, the love, the trust, unity and, you know, we start bonding, right?

Rubin’s counsellor was the first woman he ever trusted enough to share details about his traumatic childhood. As he describes it, “[name] was like the first woman I ever really trusted to give her all this information because she goes, Rubin, if you could just do this, this will clear a lot and you can move on and you’ll have the greatest time of your life I promise you that. And I said, “if you promise me this, I’ll do it”. I said, ‘I never did this because it sort of scared me right?’ I started to get freaked out but then I let it go.” NCCABC’s model of care emphasizes that the client is at the center of the model. The supports and services that wrap around the client are vital to the health and well-being of Indigenous peoples in Vancouver and urban areas throughout the province. This is antithetical to systems of population control that position the state at the center, where the state and its aims are central to the justice system. In writing about colonial subjugation of Indigenous peoples in the mid-19th century, the late Métis scholar Jo-Ann Episkenew (2009) wrote: “Colonial officials were aware that they had to take action to minimize Indigenous differences before they would be able to control the Indigenous population. Before Indigenous people could be constituted as imperial subjects, they had to replace their ideologies with that of the empire” (p. 24). Episkenew traces the source of “social
problems” in Indigenous communities to colonial policies that de-centered Indigenous
knowledges, in the process devaluing the traditions, customs and ways of the colonized, and
thus “colonized and colonizers become conditioned to think of themselves and each other in a
prescribed, and hierarchical, set of ways and behave accordingly” (p. 26). This (un)natural
history of colonial policies reveals how control and containment of Indigenous bodies is central
to state activities, even as it seeks solutions to self-created problems.

Rubin describes one NCCABC program that profoundly changed his healing journey:

I know like the anger management course I thought there was going to be a whole
bunch of crazy guys and all this and that right because I’ve never really experienced it. If
I did it was in prison but it was just like went in one ear and out the other right? But I
was there and I was really wanting to see, identify what’s the problem? I know there’s
solution but what’s the problem? And then I went there and then there was nine
women and just me. I was freaking out. I was totally freakin just like I’m the only
guy here and I, you know, but I stayed, I stayed right through it all because I knew like
after I seen that I could be a good part of their healing and they’re a good part of mine.

Rubin’s description shows the close interrelationship of health and justice, a framing that
NCCABC has been strongly focused on for the last couple of years. While individual healing is a
big component of their work, for the Native Courtworkers it is the group/community/family
components that reinforce the values of relational accountability, reciprocity and responsibility.

I see these values reflected in the comments of clients and frontline workers alike. Rubin felt he
had a good role to play in the groups’ healing efforts and the women in the group were
important for his own healing. This speaks to the interrelationships fostered by Native
Courtworkers to create strong bonds for the duration of the program, and that hopefully
endure when the program ends. The bonds that Rubin describes are not ones easily broken. His
metaphor of the bird’s wing in flight is a powerful testimony to the importance of relational
practices established early on and enacted through the practices and teachings of the Native Courtworkers.

NCCABC’s work is a partial antidote to what Rob Nichols (2014) describes as the colonial violence enacted by the penal system. Nichols writes:

When the critique of incarceration rests upon the over-representation of racialized bodies within penal institutions, this tacitly renders carcerality as a dehistoricized tool of state power—even if distorted by the pathological effects of a racist society—displacing an account of the continuity and linkages between carcerality, state formation and territorialized sovereignty.”

Nichols’ critique of the concept of “overrepresentation” is crucial to understanding historical and contemporary experiences of colonial violence as enacted through containment and control of Indigenous bodies. I describe NCCABC’s work as “partial” because attending to the violence of policies of incarceration requires social, political, and economic intervention in concert with a re-orientation of health practices that call into question the legitimacy of a normative framework that enshrines individual (or community) dysfunction as the root of the problem. For many Indigenous peoples, rehabilitative practices that focus on individual healing have limited effectiveness. Colonization, as Dene scholar Glen Coulthard reminds us, is a “relationship where power...has been structured into a relatively secure or sedimented set of hierarchical social relations that continue to facilitate the dispossession of Indigenous peoples of our lands and self-determining authority” (Coulthard, 2014, p. 7). The root of the “problem,” therefore, is much more complex and vested in unequal power relations that seek to pathologize Indigenous bodies while securing access to lands and resources that nourish and heal such bodies. Community-based interventions must therefore deploy a range of strategies
in responding to the social disruption brought on by the violence of colonization/settler colonialism.

As described throughout this research, Native Courtworkers are doing their work within the confines of western social, political and legal structures. Their work in the courts, in particular, is confined by juridical principles that late Mohawk scholar Patricia Monture-Angus argues are “incompatible with Aboriginal cultures, law and tradition” (as cited in Nichols, 2014). Monture-Angus argued for “justice re-created” as one way to facilitate the regeneration of Indigenous nations “including the healing of the women and men of these many nations” (Monture-Angus, 1995, p. 224). Even in the relatively progressive arena of First Nations Court, as described in the previous chapter, participants must first plead guilty to access a healing plan, and while understanding and flexibility are guiding principles, judges often re-affirm the juridical logic that governs everyone who comes in contact with the justice system. One woman, for example, brought before the New Westminster First Nations Court for stealing from her employers’ petty cash fund, was given a conditional discharge, pending adherence to a lengthy healing plan. Crown counsel were looking for a jail sentence, and Judge Buller, who is from the Mistawasis First Nation, said ordinarily she would have agreed with crown counsel that the starting point [for sentencing] is jail. “Deterrence and denunciation are terms the court uses to send a message that we don’t tolerate this [behavior],” she said. But here “the good things outweigh the bad.” She also said considerable shaming of the woman had gone on in the community, inferring that a certain measure of community justice had been served. While definitely a desirable outcome for the woman – who may have gotten jail time in another
courtroom – the very language of the court occludes an alternative pathway to justice. Certain behavior is not tolerated – including the stealing of petty cash by a woman in a dire financial situation. While the judge acknowledged the desperation of the crime, she affirmed the principle of deterrence, a principle even the Supreme Court of Canada held lacks empirical evidence suggesting certainty in relation to the deterrent effect of incarceration (Kaiser-Derrick, 2019), in saying under ordinary circumstances she would agree with crown counsel. Ordinary circumstances, presumably, is referring to a non-Indigenous plaintiff, and would not take into consideration the woman’s background as an intergenerational residential school survivor and someone in long-time financial crisis.

The overarching goal of First Nations Courts is “to take a holistic, culturally appropriate approach to First Nations offenders and find solutions to the problems underlying their criminal behaviour other than incarceration. The focus of these courts is holistic, recognizing the unique circumstances of First Nations offenders within the framework of existing laws [italics added],” (BC Ministry of Justice, Specialized Courts Strategy, March 2016). Questioning the applicability of those laws to indigenous peoples would be a non-starter. In fact, to participate in the court, individuals must:

- Self-identify as an Aboriginal person;
- Acknowledge the wrongdoing and plead guilty to a criminal offence; and
- Have available to the person the sentencing option of either a probation order (generally referred to as a healing plan) or a conditional sentence order.

Participation in the process, therefore, involves submitting entirely to the state’s definition of wrongdoing and excludes those with more serious crimes that preclude the possibility of
healing plans or a conditional sentence. While First Nations courts may hold significant healing for individuals, they remain within the “framework of existing laws” which perpetuates the domestication of Indigenous rights. As an approach nested within a system that seeks to uphold and legitimize existing laws, First Nations courts may be well-intentioned but ultimately unable to respond to the violence of a system that must continually affirm its existence by denying the legitimacy of alternative (Indigenous) legal orders.

Lack of funding for diversionary programs is offered as one factor in the “overrepresentation” of Indigenous peoples in the justice system. I argue that under-resourcing of such programs is symptomatic of the systemic violence that reinforces legitimacy of settler colonial carceral institutions. Attempts to realize co-existing legal orders will always be undermined by a criminal justice system that refuses to peel back the layers of colonization to better understand how “overrepresentation” is maintained through under-resourcing and other means of control. As described in the previous chapter, First Nations court started with a re-allocation of resources, rather than dedicated funds. Important information that judge, duty counsel, crown prosecutor, elders, courtworkers, probation officers, and anyone else directly involved in the process might need is often absent (eg. full Gladue reports, psychiatric reports, probation updates). In New Westminster First Nations court, the dynamic of the courtroom changed when service providers no longer sat at the table, with fewer service providers showing up and providing supports to clients. In a presentation on Vancouver’s Drug Treatment Court, Judge Garth Smith described 13 best practices gleaned from drug courts in the United States (Therapeutic Jurisprudence Conference, October 10, 2014). One component that makes
a drug court successful is provision of a continuum of services. Judge Smith described a study that was a meta-analysis of outcomes in 2600 drug courts in the US, where a single coordinated treatment program providing a range of services makes the program 10 times more effective. In spite of overwhelming evidence that access to coordinated services makes all the difference for those in the justice system, such access always seems just out of reach. The woman described above who appeared in First Nations court returned the following month for a check in with the judge on how her healing plan had progressed. Her plan included doing counselling and participating in other programs (including with NCCABC), a written apology under the direction of elders to the healing centre from whom she had stolen, restitution of $30 to the healing centre, and skills training and educational upgrading. The woman had been sick with a serious infection and had been unable to tackle any of her healing plan. The previous month she had explained that she was homeless and the healing plan identified various places she could access information about housing, with recommendations of 2-3 different people who could help her coordinate with the organizations. She told the judge she was going to meet someone at Luma Native Housing and was still waiting to hear back from social services. In my field notes, I had written down names of two other people who had offered to help her with her housing issues. I understand that frontline workers have extremely heavy case-loads and are overworked and some of the most poorly paid people in the system. It seemed to me that excluding service providers from being direct participants at the table, coupled with a fragmented, siloed approach to service provision, leaves people struggling in a gap between Indigenous-centered
care and a legal framework that largely ignores the social/cultural/historical context of Indigenous “offenders.”

5.3 Dream of an Aboriginal Healing Centre

In 2014, the Surrey Criminal Justice Task Force looked into creation of a community court in Surrey. Instead of a community court, the final report recommended development of an “Integrated Services Network of social, health and justice service providers in a single location to provide a coordinated, collaborative approach aimed at reducing crime in Surrey” (BC Gov, p. 15). The City of Surrey now supports an Integrated Services Network that combines health, justice and social service supports in one location (Vancouver Sun, March 19, 2015).

Xavier – who has long worked with NCCABC – describes a similar approach he and a co-worker began developing over 20 years ago:

That's when the minister of health had pulled together approximately 40 agencies, a lot of them were doing health services, and it was before the 5 health authorities were developed. It was health services providing and doing contracts with these agencies, all non-profit. And it was then where the ministry of health said if money was not the issue and we were living in a perfect world where we could have anything that we wanted for our services, what would you look at, how would you look at a resource, how would you come out and say this is the type of perfect world I'd like to live in, and this is the perfect world of services I'd like to live in. And it was then where [name] and I, I said to [name], homey we're taking the white board and it was like 6 feet wide and 4 feet high and just went a perfect world, with all the resource and we have all the resources at our fingertips, what would we look at? We just started planning, just started writing and [name] and I work well off each other and I said we need alcohol and drug, we need detox, we need family support services, we need an elder-type service. Back then we were talking about FAS and we were going, we need something to work with FAS and working with mental health and concurrent disorders I think it was back then. There's gotta be a way where we can actually start working with corrections because when an individual gets charged in criminal court, they're gonna go to corrections so we gotta have more prison liaison workers to work inside with them and alcohol and drug counselors on the inside. And then when the individual is coming out of jail, we have to look at and say, well there's got to be a release plan because as the prison liaison worker
my job was to help with release plans. We need another prison liaison worker that's on the outside of corrections so when the individual comes out this person can introduce him to the resources and re-introduce him back into their community and re-educate the community to accepting the individual back. And then I believed at that point the restorative justice program would be maintaining this individual's crime prevention concept of maintaining and ensuring that this person doesn't re-offend in any form. It was no longer our job, but it was pretty much their job. And then utilizing that person as a mentor for the rest of the community. And then if they did re-offend, the restorative justice and the courtworker could say, this is the gap in services, and this is why the individual re-offended, there's all sorts of reasons. That was when it was first put down on paper, was actually written on a white board. It was indicated in a perfect world, this is what we need. We called it the Aboriginal Healing Centre. In a perfect world, it would be in one building and this is where the person can come.

Xavier explains that around 2001 he began describing it as a model of care:

We started presenting it as that, as a healing centre, and we started doing presentations to community members and back then we started a potluck and a networking agency twice a year...I started doing a presentation of this concept saying we can all do this and together I don't need to ask you for more money. I just need you to come in and spend your time with my clients and you're already being paid by your boss, we're just asking you to spend your time over here, not in your office but at this office. People liked it, they thought it was great.

The woman sentenced at First Nations court had to travel all over Vancouver to access housing services from non-profit organizations like Atira, Vancouver Aboriginal Transformative Justice, and Luma Native Housing. Xavier and his colleague’s dream was to harmonize these services within a community-based, collaborative, and integrated model of care. What sets this vision apart from Surrey’s Integrated Services Network is the focus on culturally-appropriate care and creative allocation of resources in a way that enhances Indigenous peoples’ access to programs and services. Surrey’s Integrated Services Network is still under development and has yet to be implemented within the community.
While the First Nations court structure is also supported by a reallocation of resources, the difference with a healing centre is that NCCABC have been practicing a model of care for decades. It is not a new structure. Creating a new First Nations court without unique dedicated funds available to support it is deeply problematic. A healing centre that draws on existing resources to provide a streamlined, collaborative approach to program and service delivery is a sustainable model that draws upon decades of struggle to provide appropriate services to Indigenous peoples in urban areas. Unfortunately, that struggle has deepened in many respects because of changing funding structures and priorities (see discussion in Chapter 6). The small area of the DTES (which encompasses eight distinct areas) is home to an enormous number of social service agencies. As I described in a report on homeless shelters in the DTES (Patrick, 2011), these agencies face several obstacles to more effectively coordinating their programs and services. Shelter providers constantly have to compete against each other for funding, and rightly feel protective of what they have established, including long-term relationships with clients. There is a lack of space in the shelter system for people with complex needs (mental health issues, addictions, poverty, etc.) at the same time the number of people with complex needs seems to be increasing. These challenges put great strain on staff time and resources, and partly explain why such high needs persist in spite of much dedicated effort. In addition, time constraints often prevent these agencies from sharing information and resources. While my study looked specifically at homeless shelters, from this research I gained a sense that these problems are endemic among non-profit, community-based agencies.
Xavier fully recognized these challenges when he started the potluck gatherings. I attended several of them and witnessed how bringing together diverse service providers could be enormously beneficial to the community. They brought together social service providers as well as people in education, health, probation services, and other Indigenous organizations to talk about the needs of NCCABC clients and how best to harmonize limited resources. Back in the NCCABC offices, a spider web was sketched out that visually represented how all of these organizations could work together (see Photo 2: Model of NCCABC’s Inter-Agency Relationships). By regularly connecting with a diverse array of professionals and grassroots organizations, NCCABC are enacting their responsibility to the model of care. Xavier describes it as a continuous process since NCCABC started over four decades ago:

In my opinion courtworkers have been doing the model of care since day one, the conception of the actual Native Courtworkers, the association itself. The very first courtworker who ever took on the job was probably doing exactly what we’re doing today. And the thing that wasn't recognized until I came along and started putting it down on paper was we went from oral traditions as Aboriginal people do just providing a service. But if you look at their job description it doesn’t really say all the coordination of resources and pulling together such for an individual client. But in my opinion, I think they were already doing it, just nobody had actually set it up and said hey and recognize it saying you are an exceptional coordinator of resources, you are the best community engagement leader that the Aboriginal community needs and recognizes or doesn't recognize. They recognize it to a certain degree when a native courtworker calls an agency and says hey do you have a detox bed, a recovery bed that my Aboriginal client can come to, go to, and stay at for the next few days. Majority of the time, detox places or recovery places say yes we do. But we have rent that needs to be paid, oh I'll coordinate the rent, I'll talk to the financial aid worker and they'll pay the rent. I think it was the courtworkers taking the lead and recognizing that there was a resource that was needed or service that was needed and set it up for the client. But I think what the agencies were looking for is someone to do the extra step, the extra work, coordinating the rent payment, getting the individual transportation and picking up his belongings from his old place of residence and getting it to the recovery home and then after the individual stayed at the recovery home for 30 days or less, coordinate the resources again to find him another apartment or somewhere to stay at and then coordinate all
the transportation and packing up all the clothes and then the rent again. It was a coordination of resources out there and nobody actually took it on. I think that's what the courtworker did and since the courtworkers' willing to take all those extra steps and coordinate all those resources, food, transportation, clothing, day services as well as evening, after hour services, and weekend services so they wouldn't re-offend. Because people started recognizing that and clients started saying gee the courtworker did this for me. I think the community resources started looking at the courtworkers going, geez these guys are actually really good. But nobody knew how to put it in any kind of specific word or format of what a courtworker did until I came along and said this is a model of care, we're doing a continuum of service here and you have to recognize that.

These are necessary interventions in a climate of colonially-induced social suffering. The planning structures described in Chapter 3 create urban spaces that tend to exclude Indigenous peoples, where home and belonging can be elusive for peoples dispossessed of their ancestral and home communities. In the wake of this vacuum, an organization like NCCABC can be a lifeline. Not only do they help in the courts, but they access health and social services, in addition to securing food, shelter, transportation, child-care, and many other basic necessities of life for peoples most marginalized by social and structural inequities. Xavier and others say that simply being present in the courts to tell clients what services are available is not enough. Xavier bluntly states that this reduces the courtworker to a “traffic cop in court going ‘there's legal aid, there's duty counsel, and there's support services over there’.” Courtworkers, Xavier argues, need to speak up in court (they only do so in British Columbia) and they need to demonstrate that they are an essential service there to provide the judge sentencing options. More than that, though, they provide a stable presence in the client’s life. Native Courtworkers push back against the social, political, and juridical boundaries that continuously operate to destabilize the lives of NCCABC’s clients (and many other Indigenous peoples). There are both
immense challenges and opportunities embedded within this work that I have attempted to
describe in this chapter. In the next chapter, I focus closer attention to the daily practice
enacted in the healing spaces in which NCCABC work. In closely looking at the day-to-day work
of NCCABC’s health team, public health and planning are brought into conversation as
normative frameworks complicit in urban settler colonialism; yet these fields are potentially
transgressive when grounded in Indigenous structures and practices. The following chapter will
explore the organizational challenges and grassroots level resurgence taking place to bring
about transformative healing for NCCABC’s clients, families and communities.
Chapter 6: Relational Accountability as Resistance and Resurgence

Our culture is finally getting recognized that it is a healing component for our people in the justice system.

- Russ (research participant)

On a typical slightly soggy Vancouver afternoon, I accompany Laila to Vancouver Daytox, a six-week outpatient withdrawal management program for adults (over 19) living in Vancouver. Native Courtworkers conduct talking circles and meet with potential new clients who identify as Indigenous (or are identified by staff) at various detoxification facilities throughout Vancouver. I love that we are walking to Vancouver Daytox as it gives us a chance to chat about the work, say hi to people we pass who know Laila, be in the fresh air as opposed to a windowless office which is the reality at the downtown office. Laila tells me there are some great people working at Vancouver Daytox and mentions a few with whom I should talk. We wind our way through the cobbled streets of Gastown, past shops selling fancy clothes, pastries, coffee, furniture, through the southwest edge of the neighbourhood where expensive eateries confront the poverty on the street, people hustling to survive, towards Olympic Village where we skirt the giant McDonald’s at the edge of Science World, edging our way past strollers and children and bikes and large groups heading for a day of science fun. When we arrive at Daytox, an intercom alerts reception. We are buzzed in and immediately head down a hall to a big circular desk surrounded by small rooms. Laila greets everyone with a friendly smile, taking up a chart with client names for a quick scan, and then asks if there are any new Indigenous clients for referral. The nurse behind the desk says there might be someone and directs her to the cafeteria where a handful of people sit at tables scattered around the room. We head to one
table and start chatting with a man. Laila introduces herself and lets him know she’s with the Native Courtworkers and that she’s available as a resource to provide any information or set up a healing plan if he’s interested. The man has recently arrived at Daytox. He says he might be interested but he has to go to acupuncture so he doesn’t have time to create a plan. Laila gives him her card and says he can contact her anytime. We then head downstairs to a small basement room with a set of windows along the south side of the room that look out onto the building next door but still manage to let in some light. This is where the talking circles take place. Anyone is welcome to join. We first step outside to do a smudge ceremony in which everyone is also free to participate. It’s a bit windy outside making it difficult to light the sweetgrass, but eventually it’s lit and each person in turn passes the fragrant smoke over arms, face, body, in preparation for the circle where the only expectation is that participants are present with an open heart and mind and willingness to listen and be present for each other.

For NCCABC’s frontline workers, the office at 520 Richards Street is a hub that coordinates efforts spanning outwards to courthouses, detox and health centres, hospitals and offices around downtown Vancouver, as well as First Nations court in North Vancouver and New Westminster. As I mention in the fieldwork description, Native Courtworkers are known and loved in the community. As Russ says, “I can honestly say that I always end up bumping into these people. And I bump into them when they’re in detox, when, you know, I’m walking down the street and they notice me or they recognize the native court worker symbol and they’ll stop and have a conversation with me. And so I do know that what we do does help us recognize, the people do recognize who we are.” I cherish the moments spent alongside frontline workers,
in ceremony and circle, with clients and other workers, sharing my own thoughts and experiences albeit very carefully so I don’t take up more space than I’m due. This is not an autoethnography. This is not a project about me, and yet I bring myself to this project with all the complications and entanglements that Indigenous scholars bring to research in which they are relationally accountable. I have spent a lot of time with frontline workers, interviewing staff and administrators, attending ceremonies and circles, community events and meetings. I have taken up their precious time with my questions, and they have generously shared time and answers back. I have a responsibility to honour their participation in this research, while also remaining conscious of my own place within it.

In this chapter I describe the work being done by Native Courtworkers (particularly the health team) in the context of structural violence and oppression, but also in the context of creating and nurturing agency and community both among themselves as co-workers and in their clients. I also describe this work as activating relational accountability to affirm Indigenous place and belonging in urban spaces that have treated Indigenous bodies with hostility and suspicion. I map out the organizational challenges faced by frontline workers and how they define success as Indigenous service providers. I conclude with a discussion of public health and planning and the ways in which I see this research contributing to the literature on Indigenous community planning.
6.1 Daily Life for Frontline Workers

One of the most striking aspects of speaking with frontline workers and observing their work is the many ways I have witnessed them moving beyond their job descriptions to meet the needs of clients and others working in the system. Leesa, a Native Courtworker, told me:

We work with other divisions and we do a lot of communication with Crown Counsel. And we also work with, you know, the judges will inquire because they know of our services. If there is anything extenuating to help even victims or victim’s families. We’ve gone to that length also. They’ll ask us to step outside to, to take, take on an endeavor over and above our daily [tasks]...which clearly means that there is something to be had there. And it’s actually something to be said for us and our ability to do our work.

Leesa points to a key principle that informs the work of frontline workers: the ability to be flexible and respond to constantly-changing needs, both of clients who are at various stages of their healing journeys and other frontline workers for whom collaboration is key to helping clients create necessary change in their lives. It is both a constraint and a responsibility that many I spoke to take seriously. Native Courtworkers are working with individuals who face constant daily obstacles in accessing and obtaining basic resources for survival. My work with the City of Vancouver on its poverty reduction strategy showed that people in the city are stuck in “poverty traps” – cycles in systems that trap people in poverty. For example, the link between housing and work: if you can’t get stable housing it’s extremely difficult to hold down a job, but if you can’t get a full-time job you can’t get a lease for an apartment. Clients live these frustrations daily and often feel dehumanized by their interactions with service providers. Kent understands what community members are experiencing and recognizes that he has a role
to play – however seemingly small – in restoring some of that humanity. As he says in the following:

I mean as a service provider, always considering myself first line, the work that we have to do is so much more than the role that we are hired to perform. We are developing community as well as identity and when it comes down to identifying that gap, we need to bridge that gap. When it comes to the First Nations’ community there’s so many service gaps. And as a service provider I realize that sometimes it is just me going up to somebody and asking ‘hey, hi, how are you doing, do you want a cup of coffee, do you want a water or a tea?’ I believe that we all need to wear many hats, we all need to be the front-line worker.

Many frontline staff I interviewed talked about the personal connections they have to the work. Roshelle describes it like this:

I think it’s more client-based and it’s more...more personal. More...I mean, you know, we have boundaries but what I mean by personal like, you know, we can relate to the Aboriginal clients, right? Um, because we can talk about cultural stuff and a lot of times when you do, the client hasn’t been in the culture at all, right? So they look forward to going to sweats and hearing about different drumming groups and stuff like that.

Kent also describes the importance of personal experience in connecting with clients (whom he prefers to call “community members”):

I believe that the work that we’re doing is so personal. And we do need to connect with people on a very personal level. My experiences with addiction is so important as a community member. I always like to say it’s one thing to read a book about skydiving. It’s another thing to actually go skydiving. It’s one thing to walk down a path or read of addiction or read a book about that.

Most Native Courtworkers see their role as connecting clients to the community, drawing them away from the isolating, self-serving behaviours that emerge from addiction and re-connecting them to community supports that will endure beyond short-term programs and services. Nydia, a former Native Courtworker, explains the difference between natural supports and professional supports:
I can navigate systems and get people linked but other than that, I don’t want to be a therapist or any of that. I like to see people move through and develop their own natural supports as opposed to professional supports. That isn’t a healthy lifestyle having professional supports and not natural supports. So case conferences, I want everybody who they see as a support or otherwise I’ll cancel it. I will not participate at all. I’ll be like, ‘No, sorry. We’re going to have to change it. This person wants these natural supports there.’ Even if it’s their street mom or something, they identified that as support, they’re going to be in the case conference and also the client needs to be in the case conference...

Frontline workers profoundly understand that community – however it is defined by clients – is the source of strength and healing for individuals. Native Courtworkers also honour clients’ individuality by creating individualized healing plans, to meet their immediate material and health needs and connect them to cultural and spiritual supports.

In writing about health and human rights, anthropologist and physician Paul Farmer argues that “violence against individuals is usually embedded in entrenched structural violence” (Farmer, 2005). Farmer importantly draws attention to the true dimensions of health problems ranging from tuberculosis in Russian prisons to HIV care in Haiti, and how a human rights perspective can re-frame possible interventions. While this research also seeks to illuminate the true dimensions of the Native Courtworkers’ intersectoral work, I do not take a human rights approach to structural violence. As previously described in this research, I share perspectives from critical race theory and ground the research in an Indigenous knowledge framework that looks at the impact of community planning and health on Indigenous peoples as an extension of settler colonialism (following Sandy Grande, 2018). As I’ve attempted to argue, Native Courtworkers both take up and resist (even create anew) the normative frameworks within which they work. Structural violence and racism are daily, lived experiences not only for
Indigenous peoples with whom the Native Courtworkers come into contact every day, but for themselves. McGibbon, Waldren, & Jackson (as cited in Reading, 2013) write that structural refers to “the economic, social and political institutions and processes of society and the moral and cultural systems that underpin them...[structural racism] is perpetrated when policy makers and power brokers [re]produce or fail to redress structural inequities between racialized groups. In this way, the ideological concept of race is given material power in the social order, as it becomes linked to political and economic structures and systems (Essed & Goldberg, as cited in Reading, 2013, p. 4).

Native Courtworkers are acutely aware of how their daily labours are connected to the structural violence and inequities they see every day. As Leesa explained earlier, crown counsel will ask them “to take on an endeavor over and above our daily [tasks].” Responsibility for the well-being of those involved in the criminal justice system is thus shifted from a collective social order to an individualized response embodied in the Indigenous labour performed by Native Courtworkers. This is consistent with a society that individualizes health and healing, and consequently undermines the collective relationships that form the basis of Indigenous societies, historically and still today. On many occasions, I’ve heard that Indigenous labour is often exploited because of the dedication and commitment many Indigenous peoples have when it comes to the health and well-being of community members. My conversation with Native Courtworker Shirley, illustrates this point:

And I think that’s the difference with court workers I think, is, you know, we’ll take you back, you know, we’re not going to say “no”. You know, we, we [laughing] we’re a little flexible I think right because people get banned or people are rude, well, okay, don’t come back for a while – come back, you know, when you’re ready to talk. You know and
like you said, “that’s why they [the client] come back”. You know they feel the sincerity, the caring right because I think everybody here really has a passion for their job, right? And, you know, we, we get to know these people pretty personally, you know, when we’re here. And that, you know, they leave for a long time and I’ll say “oh where is this person” right?

Laila describes the personal responsibility she feels to assist people in dire situations.

Yeah, especially, you know, when the weather is horrible, they want help, they want support. They want shelter – they want anything they can get into. And we’ll support that no matter what. We’ll support them. We’ll let them know we’ll walk with you on your journey, we’re here for you.

For many frontline workers, their lived experience gives them insight and compassion that is instantly recognizable to clients. Russ shares his first-hand knowledge:

When I walked into this place when I started a practicum there was a sense of safety and a warmth about this place that I hadn’t experienced since I got clean. When I, when I went into this recovery house, I’d been on the street for two years – felt very unsafe a lot of the time not knowing what’s gonna happen one day to the next. And once I got into this place it was warm, it was inviting, it felt loving, compassionate and you could just feel that in the air…I’ve started a career, I want to end my career here. So I want to get the education that I need to uphold my end of the bargain and do my due diligence for clients, but I don’t plan on going anywhere else – I plan on staying here. It’s not ever been about the money – it’s never been about that – it’s been about a place that I’m appreciated at that people like me and they want me to be around and I feel that here.

Russ talks about his experiences working with other treatment programs:

I’ve had really bad experiences working with mainstream organizations. You know its lateral violence, it’s about power a lot of the time and control. I just want to be a team member. I want to be treated equally and respectfully and I want to be able to have a voice and be appreciated and I find that here.

Creating agency and community for clients is as much about creating a culture of safety and community among frontline workers as it is supporting the immediate and long-term needs of clients. Nowhere was this more evident for me then at a staff meeting in 2016 when an NCCABC manager mentioned there would have to be a healing process developed – for Native
Courtworkers, clients, community collaborators, and other organizations – if they were not the successful proponents of funds recently transferred from another organization (described in greater detail below). In suggesting the need for a healing process, he acknowledged how disruptive and traumatizing loss of funding is for everyone, reinforcing that relational accountability is not only a practice of individual Native Courtworkers, but a necessary part of the “corporate” culture.

One conversation with Russ reinforces how relational accountability is an essential framework for the Native Courtworkers. He talked with me about a client who had recently arrived in the lower mainland from the northern interior of British Columbia. He and another courtworker from BC’s northern interior had worked together on a plan for this person, working with the justice system, social services, and health authorities to create a transition plan for a woman facing a lengthy jail sentence if an alternative plan couldn’t be reached. Russ picked her up from the bus station, took her to the treatment centre, and continues to work to connect her to community resources, including health, education and culturally-based resources:

Our culture is finally getting recognized that it is a healing component for our people in the justice system. Which is great so, you know, her being able to be there and learn and get in touch with her culture, be in touch with some ceremony as well as learning some addiction, you know, education and psycho education and all that – it’s just been, it’s going to hopefully allow her to have a different, different life or perspective on her life than it was. I told her that on our walk and I was like, ‘you know, it doesn’t have to be forever but, you know, this is gonna, this is way better than where you were at. At least you have some freedom – look at, you have your cell phone – she was just like this – she hadn’t seen her cell phone in a year, right? And like so, you know, you have your cell phone and you have some freedom. You know you’re going to be going out places and going – being able to go to the store, able to go and have some sunshine on your
I said, ‘you know that says something, you know, it’s got to be worth something for you.’

Part of Russ’ job description is to “assist clients in building appropriate personal support networks, and connect with community (NCCABC pamphlet, ND).” He knew that in setting up an alternative to incarceration for this woman, he needed to provide robust community connections and a support network that could give her some hope for the future. Russ emphasizes the positive aspects of the plan they put together for her – to feel sunshine on her face, to pick up a cell phone and make a call, her very freedom. He is trying to create an alternative pathway through a system that overwhelmingly supports punitive approaches to healing for those in the justice system and disproportionately impacts Indigenous women who are often criminalized by experiences of poverty and gendered violence.¹⁶

Dietrich (2017) writes that:

relationality is conceived of as a mode of being and living in the world, as well as a mode of political life and existence that can work to disrupt settler colonial logics and unsettle systems of thought in which biopolitical hierarchies are implemented that naturalize hetero-patriarchal White settler rule. (p. 71)

As described in Chapter 5, the logic of incarceration as a practice of surveillance and control is well described but not necessarily theorized from Indigenous perspectives. I characterize the work of Native Courtworkers as disrupting the colonial logic of incarceration through establishing relationships that challenge the business administrative model that underpins

accountability within the justice system. That an Indigenous man can co-create an alternative pathway within this system also disrupts the heteropatriarchal ideology that disproportionately impacts Indigenous women. As Rubin, the Native Courtworker client, discovered from the women in his group, he could be a good part of their healing and “they’re a good part of mine.”

Native Courtworkers explicitly recognize the gendered aspects of Indigenous experiences of colonization. There is always a male and female counselor/detox support worker/courtworker available. They recognize that colonization has violently disrupted gender norms in Indigenous societies and part of NCCABC’s work is to restore healthy and harmonious relationships. They pay close attention to clients’ needs for safety and security, but also work to build trust in the interdependence of all community members. As the next section details, this work is constantly under threat by funding structures that often have fundamentally different priorities.

6.2 Challenges and Opportunities of Grassroots Service Delivery

Miles, a former NCW who has been on the frontlines of social service delivery for many years, describes the chaos that is created in the interface of what he calls “grassroots programming” and a business administrative model of service delivery. Miles was involved in the creation of one of the first grassroots counselling programs for Indigenous peoples in the lower mainland. It was well-known for its use of both Western and Indigenous healing modalities and for creating guidelines to ensure its counsellors adhere to healthy social and professional practices, something that had not been the case among counsellors in previous decades. Over the years, he has seen the erosion of programming he describes as taking place “from ceremony up.” This community-centred approach emphasizes cultural teachings and
participation of the entire community in the healing process. Miles describes a family program that took place in the organization on Wednesday nights from 1989-1997:

All the families would come together and then they’d have a, a smudge and then they’d break into a men’s group, a women’s group, a children’s group and a teenager’s group, a young adult’s group. And then afterwards they’d, they’d have little workshops and then after the workshops they’d come back together and smudge and that was the end of the evening…During that time a number of families came together and a lot of those family members now are in the kind of upper middle class of what they do and some of them are executive directors in agencies. And that’s, that’s the way – nobody ever did a study and followed it but if you did you would have seen where all these people went and how they ended up back in the helping field or in something else that, that lifted their lives to another level and this was done in a family, in a family setting.

Individuals could feel safe in their own group while having the opportunity to connect with the entire community both at the beginning and end of the night. The program created opportunities for urban Indigenous families to come together, to participate in cultural practices, and to develop competencies that resulted in what many would consider a measure of success (e.g., becoming executive directors). When Friendship Centres first opened around the country in the 1950s, they were places that not only provided assistance to Indigenous peoples coming to the city from rural and remote areas, but also developed professional competencies among their staff and volunteers. This provided important work experience for Indigenous peoples – who most often had received substandard educations in residential schools – while also being places for the design and delivery of culturally-based programs (Ouart & SIMFC, 2013). These were spaces that developed according to local Indigenous protocols and needs specific to urban areas, and for many were part of the movement towards greater self-determination (Ibid.). Friendship Centres are also sites of disruption of settler
colonial logics around urban community planning. In the contemporary context, the loss of culturally-grounded programming in some ways represents a renewed assault on Indigenous self-determination and community planning. Program funding requirements are increasingly framed by narrow understandings of what makes for successful interventions. Programs must show their success through numbers and the privileging of Western therapeutic approaches, in addition to hiring staff with very specific post-secondary credentials.

Success in addictions and mental health treatment is often conflated with abstinence and productivity. For example, outcomes are frequently measured in rates of substance use, social function (such as employment, involvement with justice system and family problems) and health outcomes (McLellan et. al, 1998). Some studies looking at Indigenous peoples and addictions have measured levels of acculturation (changes in the way one expresses one’s culture) to elucidate differences in treatment outcomes among different Indigenous groups (Venner and Feldstein, 2006). For many Indigenous elders and healers, reconnection to culture, community and spirituality is healing for Indigenous people (McCormick, 2000). Indigenous healing modalities such as ceremonies, elders’ programs, and community gatherings have largely not been empirically tested for their efficacy in treating addictions and mental health issues among Indigenous peoples. Although there may be a lack of empirical studies, my research with NCCABC provides qualitative evidence supporting the efficacy of community-based Indigenous healing approaches. Julie, the NCCABC client mentioned in Chapter 5, for example, describes how important spiritual approaches are compared to the healing modalities offered within western therapeutic orientations:
It’s really hard for me to put it to you in words the degree of acceptance that exists [at NCCABC]. Taking people where they’re at exactly as they are as the starting point. It’s unique and wonderful and I suspect it’s coming from a deeper place of like a value, First Nations value. It’s very different from our Caucasian white world where, I mean I have access to First Nations treatment modalities so pretty much a lot of different things like sweat lodges, coming to the sun dance and counseling and different kinds of healing ceremonies and dozens, hundreds of talking circles and so on. I’ve also accessed I don’t know what to call it, the white man’s way, you know, psychiatrists because I have depression quite badly. Psychiatrists, white counselors and group therapy and so on and it’s just different.

An elder who worked with NCCABC as part of the elders’ program describes why this contrast might exist:

We would teach moccasin making, drum making, button blankets, prairie regalia. We would meet the needs of each client – find out what nation they were from. And we found that the culture was really healing our people more so. I wouldn’t say more so than the counseling but with the counseling, our people are not accustomed to a school-like setting. And they feel a little intimidated a bit by it. And our class was not a school-like classroom it was very open and casual. We had circles, smudging circles and we spoke of methods of healing, sweats and that sort of thing to help heal our people.

Julie, the client quoted above, became involved with NCCABC because her partner was a client and his counselor wanted Julie to be involved in his healing, which is how Julie came to pursue her own healing journey. The organizations’ “non-school-like setting,” coupled with the deep care which I say is characteristic of an ethic of relational accountability, points to reasons why spirituality is such an important component of the healing journey for NCCABC clients.

In the client talking circle, Rubin talks about the different cultural practices he engaged in that did not help him:

I tried to sun dance. I done it three times. I’ve done a lot of sweats, a lot of singing, a lot of dancing, a lot of praying. But nothing of that worked because I always relapsed. And I relapsed even harder into my addictions. I became more violent, even deeper. It’s pretty scary who I was on the streets, you know. Some of the guys I see out there [now], they say holy smokes Rubin you look good, you’ve changed. You can see it. We’re grateful.
you’re off the streets, because you were pretty mean out here. The streets are more safer without you. I was like holy smokes. I was pretty brutal, when I think of who I was. I was pretty lethal. I get crazy. I get really really crazy so instantly, so quickly. And I’m so nuts, I have to slow myself down. But I’m aware of that today. I’m really aware of what’s going on. You know with that, holding onto the past, all that abuse and pain and suffering from my stepfamily and all these, my mothers, all that what I witnessed. When I hold onto that, that’s what made me so triggered so quickly and I’d snap and just grab you so fast, put you down so quickly and I’d go nuts. But now, today, that I let go, I don’t know who I am. I’m still trying to adjust to this new guy.

Rubin’s testimony is insightful. As he explains, the ceremonies and cultural practices on their own did not lead him to a healing place. As described in Chapter 5, it was only when he was able to establish trusting relationships, along with the teachings and ceremonies, that he was able to confront his childhood trauma. Another client, Veronica, affirms the importance of community in her own healing journey:

Native Courtworkers, it’s not just Native Courtworkers. We’ve got Shirley [one of the counsellors], and [name] was here, lots of changes. However, I don’t think I could make it through the week without being here, because of the fellowship and the tools that we’re learning, and we’re not alone.

Veronica’s conceptualization of community resonates with Studdert and Walkerdine’s (2016) proposed description of community as “relational linkages.” Community for Studdert and Walkerdine is not simply “an object composed of people who live in the same place or have the same interests.”

Community as a term depends upon its root, which equally exists in common, commune, communication. Community then implies a sense of holding something in common, sharing and communing with one another. It is this sense that we hold as the basis for understanding community today. Not a thing created out of people happening to share a location or interest, but a set of processes and practices, actions that are constantly moving and changing, continually creating and transforming the communal. (p. xii)
The tension between business approaches to health and grassroots efforts at community and individual healing emerged strongly through the course of this research. In November 2015, the Vancouver Province ran a story that:

A damning audit has uncovered financial irregularities – including hundreds of thousands of dollars of unsupported expenses, poor oversight and inadequate services at an East Vancouver non-profit tasked with helping at-risk and vulnerable clients. (Chan, C. November 11, 2015, “Addictions Society Faces Closure After Audit,” Vancouver Province, online)

Hey-Way’-Noqu’ Healing Circle for Addictions Society (the service at the centre of this story) had been around for over 25 years (and was the first Indigenous organization I ever worked for). Miles was a counselor in the organization and the family night program he described took place at Hey-Way’-Noqu’ Healing Circle for Addictions Society (hereafter referred to as Hey-Way’-Noqu’). When it closed in 2015, clients were transferred to NCCABC and the organization scrambled to respond to the surge of clients and needs that were suddenly thrust upon them.

New people were hired, programs created, and whereas Native Courtworkers had primarily worked with individuals (but always in close contact with and involving extended families), the closing of Hey-Way’-Noqu’ meant NCCABC had to develop more specialized programming to meet expanded needs (such as men’s programming, family workshops, etc.). Now when I came to the office there was barely room to make your way around. People were doubled up in offices, the meeting room was overflowing, while the back kitchen/staff area was packed with workshop participants, clients, practicum students, and counselors. It was both chaotic and exciting for the Native Courtworkers. Vancouver Coastal Health transferred the funds to NCCABC which was an opportunity for the Native Courtworkers to extend important and
necessary grassroots, culturally-based programming under the leadership of individuals who understood both the needs of the community and mainstream funding structures.

During a discussion with one Native Courtworker, I was told that in this transition from Hey-Way’-Noqu’ to NCCABC there were people who had lost their lives. I didn’t ask for details because it was a sensitive topic and I never pushed for answers beyond where I felt people were willing to go. However, Native Courtworkers told me about the disruption their clients experienced, having established trusting relationships with their counselors and then suddenly having to start that relationship over again with someone new. As Shirley described it:

Yeah and the big thing right with [Hey-Way’-Noqu’] when it closed for those clients like traumatizing, like scary right? And, you know, just like when we lose counselors here like [name] we lost [name], we lost [name] and they’re all like oh my gosh, you know, their clients ____. I mean it’s really, really hard on them, you know, and it’s scary.

Laila further describes the importance of consistency for clients:

And I think it’s important that you have a person in the position for a long period of time like longevity is important to be a helper in Native Courtworkers and Counselling because clients need familiarity. They want that connection. They want that rapport and they want to see someone that knows their story. And it can be tiresome if you have to repeat your story consistently to different people and I think that can keep clients coming back.

Maintaining relationships is key to how Native Courtworkers describe their work and is a primary factor in whether or not clients will continue to see their counselor and attend workshops and programs. Funders such as Vancouver Coastal Health tend to focus on the bottom line, rather than the relational accountability I saw exemplified by the concerns and actions of the Native Courtworkers who took over from Hey-Way’-Noqu’. In their care and attention to meeting the needs of newly transferred clients, the Native Courtworkers
recognized that they needed to support and nurture both their own and the clients’ spirits in this time of chaos and change. Counselors were hired that knew about and could lead ceremonies and drum groups, provide the necessary teachings. Eventually, the programs became so crowded that people were spilling out of rooms and standing or sitting elbow to elbow. Yet they continued to come to the workshops and programs. In the rooms of 520 Richards Street, a few short blocks from the financial heart of the city, clients and Native Courtworkers alike nurture an ethic of care that is grounded in spirit, informed by the ancestors that connect all Indigenous ceremonial practices. For the Native Courtworkers, this intimate work is about individual healing and connecting that healing to the larger community.

I also witnessed this work unfolding in sometimes chaotic – and unproductive – ways. An elders group attached to NCCABC used to meet regularly to provide advice and guidance to the organization. At one meeting I attended, an NCCABC employee described the various activities that could be promoted through the group, including an urban cultural camp, sweatlodge ceremonies, monthly talking circles in a “less professional setting” such as outdoors, attendance at community cultural events where talking circles could be hosted, and fundraising for the Downtown Eastside Powwow. The meeting included clients as a way of drawing upon their community knowledge and lived experience attending NCCABC programs. Talking to an elder later about the meeting, she said,

those clients started coming to the elder advisory group and a lot of them are not well. And so they’re very disruptive in our meetings and now we have a group of clients that are not well and a group of – some professional people and some people just like me who teach the culture. And we’re finding that these people the native court workers pulled into the advisory group are not able to advise because they’re not well.
What seems like a perfect opportunity to build community limits the capacity – at least for one elder – of others to feel safety and belonging within the group. I also felt that the range of activities suggested to the committee was unwieldy. Participants didn’t quite know which activity to concentrate their attention and energy on and the meeting ended without any sense of next steps or priorities. Working within a model of relational accountability is not without its challenges and requires careful thought and consideration to avoid producing harm when the very opposite is intended.

6.2.1 Enacting Radical Relationality

Slife and Wiggins (2009) describe radical relationality as an approach where relationships are seen in context, as an experience to be appreciated and honoured. They write that relationships are the most basic reality of the world: “Things, events, and places are not first self-contained entities that later interact and relate to other things, events, and places. All things, events, and places are first relationships—already and always related to one another” (p. 18). From a Western perspective, we tend to see people as disembodied and focus on the individual. It takes some effort to shift our gaze to the contextual features of health and well-being and to the embodiment of relationship. Kim Tallbear (quoted in Baldy and Yazzi, 2018) argues that “scholarly theories of relationality are simply inadequate for capturing the “vibrancy” and “spirit” of “Indigenous relationships with our non-human relations in these lands.” Melanie Yazzie and Cutcha Risling Baldy (2018) extend the scholarly analysis of relationality by engaging with the concept of “radical relationality” within an Indigenous framework. Radical relationality, they argue, can operate to interconnect variously scaled
decolonial practices including “acts of cultural reclamation, Indigenous knowledge-making, or individual healing.” Drawing from this notion of “variously scaled decolonial practices,” I connect the daily labours of individual Native Courtworkers in supporting the healing efforts of their clients with larger political acts of cultural reclamation and self-determination. The seemingly small, daily interventions of Native Courtworkers ripple outwards in ever expanding waves across the neighbourhood. At an NCCABC staff meeting in December 2016, staff members were asked what they felt was the most important aspect of their work. One frontline worker said, “we create relationships first.” In those intimate interactions, Native Courtworkers enact a radical relationality that grounds the work of re-building our nations in everyday actions of re-building humanity in individuals often de-humanized by the structural and systemic violence they face every day. It is a scalar interconnection that brings into view the ways in which the labour of frontline workers is nested within larger political efforts towards Indigenous reclamation and resurgence. In fact, NCCABC are one of very few urban organizations doing this kind of work. As Miles explains: “This is the last of the grassroots programs that want to continue to work with community, do indigenous modalities, healing modalities, wants to continue to do these things in the community that are more community-oriented, working from ceremony up.”

This orientation towards healing work creates a different set of responsibilities and understandings that facilitates intersectoral collaboration as well as expanded understanding of how Native Courtworkers contribute to community health and well-being. It is also work that faces significant barriers. Miles has been around long enough to understand that what
happened to NCCABC in 2018 was part of an on-going legacy of struggle against mainstream health systems that has been going on for decades in this province. When Hey-Way’-Noqu’ closed, NCCABC took over its $1.1 million budget. The organization’s long history in the community, combined with its culturally-based programming and professional capacity, made it well-suited to take over programming from Hey-Way’-Noqu’. Vancouver Coastal Health – the primary funder – made it clear they trusted NCCABC’s capacity to run the programs and assured them funding would be in place to expand its offering of programs and services. Shortly after, a new administrator took over Indigenous health at Vancouver Coastal Health. Miles explains: “Another person came in, an administrator came in, and changed the whole idea of what was going to happen and wanted to go more towards a program that was more colonial or more therapeutic...or closer to their style of the way they’re going to work because [NCCABC] is a grassroots program.” In other words, it sounded like Vancouver Coastal Health wanted to see more western therapeutic interventions and less culturally-oriented programming. Around 10 years ago, an organization formed in the lower mainland that was a coalition of Indigenous non-profit organizations serving the urban Indigenous community. This Indigenous-led organization has slowly gained prominence in Vancouver and – importantly – gained the attention and interest of both Vancouver Coastal Health and the City of Vancouver. It was this organization that put in a bid to deliver the Aboriginal Addiction and Substance Use programming previously delivered by Hey-Way’-Noqu’. Although NCCABC had taken over program delivery, and as mentioned were assured that they would continue to receive this funding, nevertheless a request for proposals was put out with several organizations vying for
the funds. Months before the decision was made, Miles explained that “it sounds like
Vancouver Coastal Health wants to hand more of the money over to [this other
organization]...to develop a more mental health program but these people have never
developed a mental health program. Whereas with, with the Native Courtworkers we have
been working with mental health and trauma for years and years and years in a grassroot type
of a process and also using cultural healing modalities in that process.”

The health team at NCCABC understood clearly what was at stake with this funding
process. In October 2016, the health team hosted a “Gratitude Gathering” that brought
together community partners, service delivery organizations, local Indigenous leaders and
politicians, clients and community members. It was an opportunity to thank everyone for
supporting NCCABC, to acknowledge the collaborative intersectoral partnerships, and to
provide staff and client testimony about the importance of NCCABC’s work to a potentially
influential audience. A former client said the counselling had saved her life, that “with love from
my counsellors, I’m still here.” One health team member (who I didn’t get a chance to formally
interview) said that “our ceremonies are holistic...Western methods forget about spirit.” He
described culture and ceremony as the “foundation of our work...We live in this urban setting
and we need these cultural teachings. The people are expecting it now.” Xavier became very
emotional when talking about the closure of Hey-Way’-Noqu’ and the responsibility NCCABC
has taken on to ensure there is no service disruption. Harriet, a Native Courtworker who helped
organize the gathering, later said:

working towards creating the gratitude gathering back in October I was really able to
visualize the extent of our support system within the community and our connections
within the community. And we have a huge number of organizations that we work with. Some on a daily basis and some on a weekly basis.

The event was a reminder of the simple yet powerful ways in which the organization works to reduce silos and build supports for clients and community members.

In April 2018, NCCABC were informed they were not successful in their bid to continue providing the addiction and substance use programming. A letter from the Executive Director of NCCABC to Vancouver Coastal Health states: “We are incredulous not only that our bid was unsuccessful, but also that no legitimate reason was given as to why we were not the successful proponent” (NCCABC letter to Vancouver Coastal Health, April 19, 2018). In a press release a week later, the successful organization wrote that “a full opportunity now exists to firmly establish healing approaches that use Indigenous cultures as the intervention” (https://www.newswire.ca/news-releases/new-indigenous-mental-wellness-and-substance-use-counselling-agency-to-offer-a-bold-approach-to-healing-for-vancouver-680834941.html).

NCCABC – and other organizations over the years – have been doing this work in a culturally-grounded manner for decades, something not taken into account in this press release. An organization spokesperson further says that “an important shift in how Vancouver Coastal Health approached this funding was by asking the community to determine what our priorities were.” The implication is that funding structures to Indigenous health programs prior to this bid did not explicitly seek Indigenous community input, nor did they respond adequately to its needs and priorities. As this research has documented, NCCABC has responded to community issues and concerns for over four decades. In the years I spent with the organization, particularly 2016-2018, as they built up the Aboriginal Health Transition Project (the name used
to denote core services taken over from Hey-Way’-Noqu’), recognizing and responding to community needs – as an opioid crisis began to take hold in the community – was a programming priority. What then is going on?

In December 2016, I worked with the health program at NCCABC to identify rationales for the use of funds for various purposes. They were being asked by VCH to account for use of funds for things like medicines (sage, sweetgrass, etc.), beads, journals, food and bus passes. These program costs were essential for frontline staff to appropriately carry out their work. We went through each item that they needed and discussed why they used these items and what difference they made to clients. We created a rationale document that described, for example, why materials for honouring ceremonies – likes blankets and feasting food – were necessary because “honouring ceremonies promote pride and accomplishment in the hard work being done by clients, honour their successes, and boost confidence and self-esteem which enhances the likelihood clients will make healthy and positive choices.” We created rationales for every item that frontline workers needed to do their work because Vancouver Coastal Health’s funding structure required careful justification. Funding guidelines that require Indigenous organizations to rationalize expenditures that do not conform to Western health practices are far from value neutral. Such guidelines gatekeep resources in accordance with principles and practices of mainstream health service delivery. Addictions and mental health service providers that deliver programs and services supported by “evidence-based medicine” are recognizable to health authorities. That is, Western-oriented therapeutic approaches are a known quantity. They are the foundation upon which the health care system rests, and from which evidence-
Based practice flows. Attempts by mainstream health care providers to assist Indigenous peoples in recovering from addictions, however, has led to only minimal success (McCormick, 2000). The 1996 Royal Commission on Aboriginal People (RCAP)’s recommendations on reforming health care included “adaptation of mainstream services to accommodate Aboriginal people as clients and as full participants in decision making” (Canadian Ministry of Supply and Services, 1996).

Interdisciplinary scholar Joseph Gone (Gros Ventre Tribal Nation) studied one tribal treatment centre whose staff members attributed their own stable abstinence to regular engagement in local “traditional” cultural activities, particularly participation in ceremonies like sweat lodges, sun dances, and pipe rites (Gone, 2011). While the scientific literature examining treatment outcomes for Indigenous peoples is limited (Callaghan, et al., 2005; Elia, 1993; Forcehimes et al., 2011; Madras et al., 2009; Oviedo-Joekes, 2010; Stolberg, 2006), there is even less evidence relating to outcomes of cultural treatment programs aimed specifically at Indigenous peoples. Perhaps for this reason, mainstream service providers are reluctant to fund programs that privilege Indigenous healing modalities. I would argue that this dilemma is an extension of the political struggle for self-determination versus recognition. Eisenberg (2014) argues that a politics of self-determination “aims at emancipating people from relations with others insofar as these relations distort the group’s capacities to be free to determine their own direction and future” (p. 294). Struggles for recognition, in contrast, can include “attempts to reform legal and political institutions so that they are more representative of societal diversity” (p. 293). This is more akin to what is imagined by the RCAP reforms which call for adaptation.
and accommodation of Indigenous approaches within mainstream institutions. As Eisenberg also points out, however, what happens if state institutions lack the capacity or the will to decide in a fair and unbiased way which group identities to recognize and how to recognize them? Eisenberg writes that the politics of recognition, many critics conclude, is a misguided and unsuccessful form of politics.

There is a further challenge in discussing Indigenous cultural and political claims in the urban context, particularly in the context of NCCABC’s intersectoral work to a client base that includes a broad cross-section of Indigenous communities and individuals. As I emphasize throughout this dissertation, what is currently known as the lower mainland is also Coast Salish territory, and erasure of Indigeneity from the urban landscape is the product of policies implemented by local, provincial and federal authorities. As discussed elsewhere in this dissertation, movements for self-determination in the urban context arose from governments assimilative efforts, as they did wherever Indigenous peoples resided. In Vancouver, the diversity of Indigenous peoples has led to the creation of unique Indigenous social and political structures that recognize the land upon which many of us are guests, and which constantly seek ways of bringing together diverse Indigenous populations through culturally-grounded and inclusive practices. These are manifestations of self-determination, acts of resurgence and reclamation, often undertaken outside of formal funding structures and performed as labours of love by community volunteers. A participant at one of the last NCCABC events I documented in April 2018 noted that all three levels of government (federal/provincial/municipal) maintain Indigenous organizations and frontline workers in chronic crisis mode, and that they “play on
our empathy and willingness to do something." Clearly, relational accountability is far less important than issues of liability for mainstream funding providers. I heard repeatedly that having letters after your name carried far greater value than community relationships and connections to clients. In the case of Hey-Way’-Noqu’, there was clear financial mismanagement (if not outright fraud). However, rather than work with the organization to address these issues and maintain stability for the clients – many of whom had long-time relationships with program staff and counselors – the place was shut down and funding immediately transferred. Two years later, the cycle is repeated, with clients yet again being transferred to another service provider, experiencing the devastation of disrupted relationships and having to re-build those relationships with yet another group of people. While clients may have lost trust in an organization that mismanaged its finances, as mentioned above, lives were lost in the first transition. It remains to be seen how the most recent disruption will impact clients, but for some it will be simply another example of how the “system” continues to fail Indigenous peoples.

In writing this, I don’t want to undermine or minimize the work of individuals who are clearly dedicated and committed to healing work with Indigenous peoples. The organization that ultimately received Vancouver Coastal Health funding is working hard to build up cultural and clinical supports through a culturally-based, trauma-informed practice model. Rather, my critique is aimed at the political and funding structures that seek to bound and define the ways in which this healing should take place, and that contribute to fractured relationships among Indigenous organizations. Eisenberg (2014) comments that “religious, ethnic and Indigenous
minorities often realize that they must frame their interests in terms that the state is willing to recognize and doing this often distorts their identities in ways that can further entrench the disadvantages of the group” (p. 295). NCCABC did everything it could to fulfill the funder’s requirements. They stayed true, however, to their grassroots, to a form of “radical relationality” that sprang from the organization’s founding but also emerges from millenia-old Indigenous community planning practices that hold leadership accountable for the long-term well-being and sustainability of the community. With no reason given for the unsuccessful bid to deliver the substance use and addiction programming, we can only guess why NCCABC were unsuccessful. However, in the context of a long history of organizations competing for limited funds, and the struggle to expand programming that is culturally-responsive and attuned to the needs of urban Indigenous peoples, it’s sadly not surprising.

6.2.2 Indigenous-Defined Success

Another challenge faced by NCCABC is how organizations are often forced to frame their outcomes. Xavier, a current Native Courtworker, tells a story about an employment program formerly run by NCCABC. The following quote is lengthy, but I include it in its entirety because it’s an important example of how organizations like NCCABC refuse to define outcomes solely with western-oriented criteria:

We ran a First Nations focus program which is an employment training program and it was also referred by our courtworker as well. It would come out from the top, from the courtworker, at court and the individual had committed a crime, then we’d get them down to A&D [alcohol and drug] and get them into counselling. After a couple of months, we’d get them to treatment and after treatment we’d get them to First Nations focus, so the employment program to get these individuals moving forward. But what we found then was that a majority of the individuals who became healthy stated ‘I recognize that I have a grade 6 to grade 8 education and I recognize I’m going to have to
get a minimum Grade 10 education in order to get some kind of a job to go to some trade school.’ So they would actually go to get their grade 10. And in our opinion that was huge success. First of all, if individuals kept coming back to the First Nations focus program on a day to day basis that was successful, but for individuals to recognize that they needed education, was huge success in my opinion. But we were funded by the Ministry of Social Services at the time and the reason they wanted us to run the First Nations employment program is that they wanted us to get Aboriginal individuals off welfare and by getting these individuals off welfare, that's a success in their mind. But in our mind, success was getting the individual from grade 6 to grade 10, recognizing that, and then they would go for a trade. They would go to a trade school and somewhere down, two years after that, they would have a job and they would be off welfare. Well the Ministry said no that's not a success, no you must get them off welfare. We kept saying we can't do that. And the process we're doing at this time is a process that's been working, and we have way more successes. And your concept is, what's a success? Showing up every day, two, recognizing that they're limited in their education and wanting to return and taking steps to do that, getting their grade 10 and then going back to a trade school. We're going, that is successful! We're moving this forward, and the ministry kept saying no. For a couple of years, we fought with them and at that point we just looked at them and said we can't fight for these dollars anymore and you're going to have to get somebody else to do this cuz we're stopping. We're not doing this program anymore, and we walked away, and we know what we walked away from. We walked away from a lot of successes in the program. That was successful, but we just couldn't take this, what the ministry of social service kept saying to us, ‘you must get individuals off welfare.’ I can't do that, honestly, I can't do that.

NCCABC could not frame its interests in terms that the state wanted. Those who ran the program defined success as participants seeing the value of high school completion; Ministry officials wanted to see a reduction in welfare rolls. This conflict was insurmountable for NCCABC which had to stop delivering the program in spite of the success they saw with program participants. More recently, Corrections Canada agreed to fund an Aboriginal Resource Worker, but again NCCABC had to turn it down because the position was under-paid and no funds were provided for additional resources for things like travel. This is frequently what Indigenous organizations come up against: the requirement to produce specific outcomes
or results that are incommensurable with the capacity, needs, or desired outcomes of Indigenous staff and clients themselves. Consequences of not meeting funding requirements or keeping in line with institutional rules and regulations can be extremely punitive and reinforce inequities that the programs are seeking to redress. One former NCCABC employee who now works with Corrections Canada describes his treatment as an elder support for Indigenous inmates:

The experience that I’ve had with working with Corrections is really difficult. It’s because a lot of the higher ups don’t buy into the culture but they’ll, I think they, the government tells them they have to help us but majority of times, the culture and spirituality is watered down because we don’t have time to do the correct ceremonies. They won’t allow us or they put restrictions on us. They won’t allow us to do the ceremonies like we do outside, inside, and that’s sad. But when we talk about it, you know, they don’t treat us very well. They either talk down to us or they’ll change things and put in laws that we’re not allowed to do certain types of ceremonies or time-wise or even have food for the guys, like we normally do and bring them things. If you speak up against what they want to do a lot of times, their answer is that they’ll move you to a different prison. They don’t feel like if you speak up, speak out about what’s happening, they’ll just move you. They’ll say, ‘Well you don’t fit here and, you know, we’ll just move you to this prison.’ And that’s their answer to it instead of change.

Organizations also struggle with the need to prove success through numbers. Miles describes how Vancouver Coastal Health tried to shut down one youth-oriented Indigenous treatment facility in Vancouver because it had a lower number of clients than other youth programs. Although fewer numbers of Indigenous youth attended the program (because it only took youth based in Vancouver as opposed to other programs that took youth from around the province), youth would stay longer and have better long-term outcomes compared to similar programs province-wide. “And that’s because of the ceremonies,” Miles tells me, “and they tried to get rid of it and I can’t believe it when it was finally moved over to the First Nations part
of Vancouver Coastal Health. They tried to get rid of it because its numbers wasn’t doing what they wanted it to.” Leadership from local Indigenous service providing organizations came together to save the program, however, the relationship with local health authorities remains strained and at times combative.

Again, it’s not only frontline staff and committed leadership who suffer from arbitrary and unequal application of institutional rules and regulations, but clients – as in the above example with Indigenous inmates – who experience the full brunt of structural violence in the threat of having their sole cultural support moved to another prison. Frontline workers are given the impossible choice of towing the institutional line, preventing them from doing the work they need to do, or risk having no cultural supports at all for inmates. A spectrum of consequences is thus possible, ranging from another organization taking over and the program continuing in some form, to complete removal of programming. Because the stakes are so high for clients, I would argue that it makes working “from ceremony up” that much more important for frontline staff and managers.

These are the daily struggles for resurgence (Corntassel, 2012) that form the fabric of survival for many urban Indigenous peoples. These small, sometimes seemingly insignificant, daily activities represent both an important resistance to oppressive policies, as well as an active creation of alternative spaces of being for both clients and frontline workers. Shirley, for example, talks about the issue of liability as a Native Courtworker:

So if another counselor’s client shows up, I’m going to go and see them. Where other people don’t think that’s right [because of liability issues]. But what I’m going to see is something I can help them with now. I’m not going to work on their plan or try to
change anything. It’s just acknowledging then, okay, well let’s make an appointment for you to come back to see your counselor this day.

Liability is akin to accountability; however institutionalized liability that becomes dogmatic in its application can operate to prevent relationships from forming. Shirley’s concern is that if the client’s counselor is not around, and nobody else will step in, then that client will feel discouraged and may not come back. A relational accountability framework creates responsibility to ensure that the client returns while also honouring the relationship that person has with their own counselor. Shirley is clear about this:

So I think it’s important to just acknowledge them and say, ‘anything I can help you with now?’ No, okay, well there’s nothing I can really help you with right now, come back on this day your counselor is here – here’s an appointment…I know in the end I get in trouble for that right just because it’s a liability of letting somebody in who could be intoxicated and angry, right, so that’s the liability part.

Shirley is an experienced counselor who is deeply respected by both clients and co-workers. She understands the risks associated with creating a low barrier work place in terms of institutional regulations about client and worker safety, but she also understands what is at stake when clients fall through the net because a co-worker is tending to another client or away from the office.

Funders also expect that frontline workers will see a certain number of people every day. Frontline workers are expected to make appointments with people they can then report out on at the end of each day. Former NCCABC employee Nydia explains how she meets these expectations, but reverse engineers the reporting requirements:

Nydia: There is no scheduled day. I make appointments with people but that’s ridiculous...What I do now is after I see people, I write it in my calendar afterwards and put it there so I have it for stats and everything. I do different stats. I do stats for
[organization] and [organization] ‘cause they’re my funders, ‘cause it’s a project so you have to prove that you’re getting numbers.

Researcher: So you don’t make appointments because....

Nydia: I try.

Researcher: It’s a low likelihood that people will actually [show up]....

Nydia: Yeah extremely low.

Nydia works in public health and it’s extremely unlikely her clients would show up for appointments. She has to be creative in how she does outreach. She uses numerous strategies to work with and find clients, many of whom have complex, chronic health issues. I talked with Nydia about the places she goes to do outreach, including single room occupancy (SRO) hotels and bars:

What I always recommend is you know that small chitchat you have to do with like, that a bartender has to do? So if like I go into like, say the [name of SRO], I’ll shoot the shit with people for five, ten minutes. I don’t go in and just demand to see someone. I go in and, you make it personal, you know. Whereas I’ll get past the staff before somebody else that just comes in and throws their tags down and goes, ‘This is who I am.’ I don’t carry ID, I have to for court and that’s it but, yeah, I don’t pull out ID anywhere. I’ve never pulled out ID. Even in the shitty SROs where I can’t stand the people behind the counter, I am as nice as pie to them. Yeah, I’m sweet and disgusting. It’s just to get past them. ‘Cause sometimes you can’t get past!

She finds ways to access people who need her the most, even when it means getting past people she can’t stand. One of the biggest challenges in any frontline work are time constraints, in terms of standard business hours that organizations follow compared with the time it takes to develop relationships with clients. Nydia expresses frustration with the hours during which she’s expected to get her work done:

8:30 to 4:30 just does not work for my population. By 1:30, it’s a write-off out there so I’d rather work 7:00 to 3:30 and I’m way more productive, I get way more done with
them. That’s what I used to do. So I don’t know. I mean, there’s sometimes I’d like to come in on a Saturday to try to track someone down, have flexibility that way.

Unfortunately, Nydia couldn’t change her hours, which was a source of frustration. Again, the issue of liability is an important one, but when it interferes with Native Courtworkers’ ability to do their jobs – which for many is to build and maintain relationships – it reproduces the structural violence with which clients are only too familiar. Figure 2: Indigenous-Defined Success illustrates some of the ways in which Native Courtworkers have articulated Indigenous conceptions of success.

Figure 3: Indigenous Defined Success (design: Heather Bohn)
Through these seemingly small and insignificant acts, I would argue that Native Courtworkers create alternative spaces of being and belonging. They are not necessarily dismantling colonial structures but creating space in the interstices for Indigenous peoples to feel a sense of belonging and humanity. In ecology, interstices are tiny spaces where marine fauna can “live between individual sand grains in the soil or aquatic sediments.” That creatures can live and thrive in these microscopic spaces is astounding. So too are the communities created in marginal spaces within the dominant society. As one client, Julie, aptly noted:

[NCCABC] broaden their, their range of services far, far beyond simply helping people get through the legal system and that they’re willing to understand that a person going through the legal system is a member of a family, has a community that he comes from and they’re all affected in some way or other.

Whether it’s a community of people who use substances, a First Nations community, or extended family and friends, Native Courtworkers recognize that the people they work with have community connections. Their job first and foremost is to create safety to establish trusting relationships, and then to work on ensuring those relationships and community connections are healthy and secure. Julie talks about how supportive the community in the Downtown Eastside can be, but also acknowledges the reality of what it means to be part of that community: “I just was finishing talking about the drug addicts bonding, a community in Downtown Eastside, but I mean it can happen but there is a flaw there because you are all so sick.”

6.3 Public Health, Planning, and Indigenous Peoples

Deeply embedded in the history of public health is the idea that sick bodies – particularly in port cities and towns – should be separated from the rest of the population.
Maglen (2014) describes how the use of quarantine and medicalised lines of territoriality across Europe and the United States created “geo-bodies” that “sought the same protection as individual bodies in repelling potentially dangerous infections” (p. 6). She describes quarantine as an “important tool in the drawing of land and sea borders” (Ibid). Within the colonial milieu of the early 20th Century port city of Vancouver, a city whose population went from just over 27,000 in 1901 to 100,401 in 1911 (Roy, 2011/12), arguments for public health would become a racialized discourse used to justify Indigenous deterritorialization, and separation and control not only of Indigenous bodies, but other racialized peoples. Kelm’s (1998) important work on Indigenous health in the first part of the 20th century vividly describes deteriorating conditions in reserve communities that led government officials at the time (including Dr. Peter Henderson Bryce who first drew attention to horrific conditions for children in Indian Residential Schools in the early part of the 20th century) to focus blame on individual behaviour and ignore socioeconomic factors. In the colonial context, this individualization of disease could be overlaid with notions of ‘culture’ so that whole [Indigenous] nations could be collectively implicated in their own ill-health (p. 40). Writing about the development of early public health initiatives in several small towns in BC, Davies (2005) describes how “the crusade for public sanitation should also be understood as part of a broader civic enterprise to create a white settler society.” She writes that “First Nations people had been the focus of earlier public health campaigns intended to exclude them from BC’s towns. While still physically present, they were entirely absent from the discourse concerning the new urban communities envisioned by sanitary officials” (p. 2-3).
As described earlier, public health and civil engineering were key considerations in early city planning endeavours in North America. In 1904, for example, the Vancouver Medical Association advised Vancouver City Council to consider essential the appointment of a Medical Health Officer with training in bacteriology, prompting council to call for applications for a full-time Medical Health Officer who, along with ordinary medical qualifications, had a degree in ‘Sanitary Science, Public Health, or State Medicine’” (Andrews, 1986, p. 142). Until that point, the Medical Health Officer had a wide range of duties, from imposing quarantine and compiling physicians’ reports of infectious diseases, to reporting unsanitary premises, improper street cleaning and pollution of English Bay beaches (Ibid., p. 137). The role of the Medical Health Officer was broadly imagined in a 1904 City Council report to include “school medical work, jail medical work, and an inspectorate of meat and food” (p. 143). It was through the Medical Health Officer’s work, for example, that a racialized geography was enacted in areas such as Chinatown. Shacks and other dwellings were targeted by health, boarding house, and laundry bylaws, with Chinatown listed as a separate category in the Medical Health Officer rounds (Anderson, 1987). The historical partnership between public health and planning has reinforced colonial dispossession and compounded the effects of social suffering experienced by Indigenous and other peoples. In fact, Stanger-Ross (2008) describes the discursively established incongruity between “urban” and “Aboriginal” as a prolonged political project in Vancouver.

In 1912, the McKenna-McBride Commission was established to hold hearings around the province of British Columbia with the intent of adding to, reducing and sometimes
eliminating lands reserved for Indians throughout the province. The following is an excerpt from commission hearings held in North Vancouver with local city councillors about the adjacent Skwxwú7mesh Nation reserve. The certainty with which city officials – and the physician who is quoted in this excerpt – connected “contagion” with the local reserve is eclipsed only by the total lack of evidence they were able to procure in backing up their claims:

**Mr. Mckenna:** Do you think that tuberculosis spreads from the Indians to the whites?

**A.** It is only reasonable to suppose that it does, but I cannot state any instance in which this has occurred.

**Q.** In your four years practice, can you trace, or could you trace any case of tuberculosis as having come from this particular Indian reserve?

**A.** It would be almost impossible.

**Q.** In your opinion, is tuberculosis more prevalent in the City of North Vancouver than in any other City that you know of - I mean white people?

**A.** I don't think so. If we have a case of tuberculosis in that vicinity, we naturally infer it comes from an infecious district. The children come out and congregate among the white people to a certain extent, and the larger people seek employment and intermingle with the white people.

**Q.** And do you think that the reserve being so close is a menace to the health of the City.

**A.** Yes, I think it is a menace to the health of the City.

**Q.** In the immediate vicinity of the reserve, do you find more tuberculosis than you do actually in the reserve?

**A.** I cannot say.

**Mr. Macdowall:** Suppose there was no reserve here at all, would you expect to find less tuberculosis in North Vancouver than you do find?

**A.** We should have less, although I cannot say.
Mr. Shaw: What you do have and what you should have are two different things.

A. I do wish to say that at the present time there has been a very large increase in tuberculosis, and if this town continues to grow the way it has, a larger percentage of that disease may be looked for owing to the reserve being so close.

Although city councillors acknowledged that providing vital infrastructure to the reserve – including garbage pickup, drainage, water and sewer connections – would greatly improve the health of the people living there, rather than providing such services (which they considered under federal jurisdiction) they advocated for the elimination of the reserve altogether. As Corburn (2004) writes in the context of the United States many professional elite, including scientists and physicians, connected poverty, immigrants, and especially African Americans with biological defects that led to immorality and even explained the origin of infectious diseases (p. 31). Similar concepts were deployed to justify the removal of Indigenous peoples in the early colonial history of Vancouver and Victoria, including racialized concerns about liquor and prostitution (Mawani, 2003); describing conditions on reserves within the city as unsanitary and embarrassing (Stanger-Ross, 2008); and characterizing Indigenous peoples as squatters on their own territory (Barman, 2007). Echoes of these tropes persist today in media representations of the Downtown Eastside as a cost, blight and burden to “healthy” Vancouver (Woolford, 2001).

As I describe in this research, the resurgent practices that emerge from day-to-day actions of frontline workers are constrained by historical and on-going characterizations of urban Indigeneity while also creating new pathways of self-determination that begins with the individual but ripples outwards to reinforce connections to community, wherever those communities might be. For NCCABC, what constitutes healthy and vibrant community-building
is working towards the meaningful restoration of relationships that cross socio-legal-political boundaries; a continuation of work that has taken place for decades and which propels urban Indigenous communities towards creative, contentious and potentially transformative possibilities. This work is made possible, as this thesis has demonstrated, through a relational accountability framework that defines success as collaboration, partnership-building, creating and maintaining relationships as definitions of “successful” programming. This is how NCCABC – and perhaps many other Indigenous organizations across the country – has been able to survive the precarity of government funding and maintain stability for urban Indigenous peoples while working towards decolonizing social and structural inequities.
Chapter 7: Conclusion

People don’t know how good it is that our ceremonies help us until they try it themselves. How are you gonna know? It’s like the sweat lodge. If you haven’t gone into it and tried it, how are you going to know if it changes anyway? How are you going to know? Or the sun dance, if you don’t even go look at it and see what it does or how it’s done, how are you going to know if it’s going to help people or not? Because you don’t know. You can’t read it in a book, you know?

- Jon (research participant)

A lot of our service providers within the public health authority and otherwise say justice, housing, and all around, you know, the services within our western society we have people that are educated from a text book. And we need to recognize that a lot of wisdom and knowledge is rooted within experience as what was cultural teachings and they’re not all the same. So we need to, I do believe that we do need to reconnect with those teachings, those principles and introduce them to our community members.

- Ken (research participant)

7.1 Summary of Findings

Any normative framing of urban Indigenous community planning is just not possible. The complexities of the “urban” Indigenous experience – compounded by colonial policies that impacted communities in different ways across time and space – make it challenging to define what Indigenous community planning looks like in a contested, culturally-diverse, and (at least in a planning context) undertheorized and poorly understood environment. In describing the day to day frontline work carried out by NCCABC employees, however, I outline the cumulative impacts of such work in countering the daily structural and systemic violence faced by Indigenous peoples in the territories of hən̓q̓əmn̓īʔəm speaking people, and across what is currently known as Canada. The stories I have told in the previous three chapters have offered some insights and answers to the research questions I posed in Chapter One. I wanted to know
“what are the practices of the Native Courtworker and Counselling Association of British Columbia in the context of providing supportive community services to people marginalized by social and structural inequities in an urban context?” Such practices include acting with integrity and personal accountability, promoting cultural practices, engaging in ceremony, and creating relationships of trust. These are practices of relational accountability that counteract colonially-produced structures that tend to traumatize and oppress Indigenous peoples. Practices of relational accountability become naturalized in day-to-day practices, as Courtworker Beth alludes to: “You know if you see anybody struggling out there you, you will help just as anybody would on the street to help with directions.”

I also wanted to investigate the ways in which the resurgent practices of NCCABC relate to the emerging theory and practice of Indigenous community planning. I came to see the work being done by frontline staff as building community among peoples marginalized and disempowered by colonizing and violent institutional structures. While funders may want to target individual healing, frontline workers ensure their efforts both restore personal agency and intimately connect individual client healing to the health of the land and waters, families, communities and Nations. Through ceremonies performed in downtown boardrooms and stark institutional common areas – spaces laid bare of the beautiful coastal rainforest that once blanketed the territory – frontline workers infuse spirit and hope into the work of connecting clients to themselves and to a group of people with whom they can find a sense of belonging. For many, it’s the first step in the long walk home. Indigenous community planning creates possibilities for Indigenous futurities based on the needs, hopes and aspirations of Indigenous
peoples and communities. NCCABC is (re)claiming Indigenous space and affirming that self-determination is possible for diverse Indigenous peoples in urban areas. Re-affirming the humanity of Indigenous peoples draws them into a web of relations which is a transgressive act in the context of dehumanizing and disconnecting policies and practices that erase Indigenous futurities.

In this dissertation I discussed the Native Courtworkers and the strengths they bring to this work as reflected in large part through an Indigenous lens underpinned by relational understandings. My intention was not to valorize Native Courtworkers as “the good practitioners” and non-Native Courtworkers working in Indigenous spaces as “the bad practitioners.” Rather, it was my intention to shift the gaze from individual practitioner to colonial and neocolonial institutions with embedded policies and practices that tend to marginalize Indigenous peoples. No single person or approach is perfect. However, it was clear from my findings that relational approaches as understood and lived out by Native Courtworkers did make a difference. Through my research, I also wanted to navigate the choppy waters of funding for Indigenous service providers. Unfortunately, Indigenous organizations often have to compete against each other for funding. Organizations rightly feel protective of what they have established, including long-term relationships with clients/community members. I also heard that the more you try to accomplish with fewer resources, the more vulnerable you potentially make people. I hope that the recommendations outlined at the end of this chapter can contribute to bringing these organizations together towards creating a shared vision of healthy urban Indigenous communities that can connect
social practice and learning (Friedmann, 1973). Knowledge that emerges from shared learning gives space to new understanding rather than validating specific experiences. Social learning methods are therefore inclusive, firmly rooted in local contexts, and require commitment to open and continuous learning and practice.

At the Healing Through Justice Roundtable hosted by NCCABC in January 2017 one employee of NCCABC talked about the organization’s history, how in 1973 there were so many Indigenous peoples pleading guilty to offences and some thought if there were Native people to provide support in the courts then less people would plead guilty. A year later, in 1974, urban Indigenous organizations in Vancouver felt that if more people were clean and sober then less crime would be committed. This was the origin of the health team, comprised of detox support workers and alcohol and drug counsellors. As the employee pointed out, A&D counselors are important but it’s about much more than drugs and alcohol; the health team are in fact meeting a range of health needs. *Core to this need is the creation of safe and trusting relationships which make it more likely that clients will return and contribute to creating a sense of community and solidarity.* While community does exist in neighbourhoods like the Downtown Eastside, they are not always healthy communities. If community planning is about creating healthy, vibrant, sustainable communities, then Native Courtworkers can absolutely be described as doing the work of community planners. Every day, they show flexibility and creativity in responding to changing and diverse needs; they have personal connections to the work that helps build rapport with clients and maintain ongoing relationships; they carve out space within a corporate climate of “healing” in which to cultivate personal and professional
responsibilities *based on Indigenous values and principles and a framework of relational accountability*. Their work is a continuation of the assertion of self-determination that began in urban areas in the 1950’s through the Friendship Centre movement and continues today in diverse forms of resistance and resurgence.

When I came into this research, I was interested in how drug policy and treatment were being deployed by Indigenous service providers and municipal authorities in conjunction with other levels of government. I closely examined drug policies like the “four-pillar approach” (prevention, treatment, enforcement, harm reduction) adopted by the City of Vancouver in 2000. I wanted to know what material impacts such policies had on Indigenous peoples and communities in the city. As I spent time with NCCABC staff – and came to better understand the history of the organization – I realized that rather than analyzing these macropolitical processes I wanted to focus attention on the daily labour of frontline workers. While recognizing that we need to pay attention to the many different scales of decolonial work being enacted among diverse Indigenous nations, I wanted to better understand what I saw as grassroots resurgent practices and connect those to larger questions of urban self-determination and planning histories of exclusion and criminalization of Indigenous bodies. In closely examining these practices, I foregrounded the ways in which health, justice and planning systems interact and the micro strategies frontline workers deploy to create circle in the midst of silos. I contribute to the literature by bringing into conversation the intersection between the fields of planning, public health and Indigenous studies to better understand the complex history and contemporary realities of Indigenous urbanization. Perhaps more importantly, I map out
alternative possibilities for program and service provision to Indigenous peoples, one that
draws from diverse Indigenous values, beliefs and practices to envision a decolonial future for
urban Indigenous peoples.

Dominant culture planning is intimately and insidiously connected to NCCABC’s work
within the justice system. My research has connected the contemporary control and
surveillance of Indigenous bodies to historical planning processes that created a colonial land
regime which dispossessed Indigenous peoples of their ancestral lands and waters. Through the
Indian Act, Indigenous peoples’ actions and movements have been monitored and controlled,
with legal (and sometime paralegal as was the case with the pass system) instruments deployed
to ensure compliance. The Indian Act facilitated the pass system, a system in which Indigenous
peoples could be jailed if found off the boundaries of the reserve with an expired pass or
without approval from the Indian agent. The Indian Act criminalized ceremonial (i.e., socio-
political) practices and preventing gatherings of groups of people, in large part to circumvent a
growing movement towards using the tools of the state to fight for Indigenous rights and access
to territories. RCMP officers would show up at the doors of families who wouldn’t send their
children to residential schools. The criminal “justice” system has always been present in the
lives of Indigenous peoples. These are the insidious legacies that NCCABC frontline workers face
daily, and which they see replicated in high rates of incarceration, child welfare apprehensions,
and deep mistrust of educational institutions that are supposed to be about advancing
knowledge and ideas but more often produce harm for Indigenous peoples.
At times, I’ve described NCCABC as working within an urban planning contact zone. When I talk about planning, I’m not referring to land use or environmental planning, or modes of planning practice that might be more visible and well understood. Instead I am referring to planning case studies that don’t conform to mainstream planning precepts. In describing their case studies in a recent book on Indigenous rights and land use planning, Porter and Barry (2016) write that “there is no particular type of event, structure or action that calls planning contact zones into being, nor a recipe to follow for transforming everyday planning practice.” I provide several examples of urban planning contact zones throughout this dissertation, primarily structured around a land use or development conflict which tend to be better understood as planning contexts. Although NCCABC’s work is not necessarily defined within these planning parameters, I argue that they are working within a particularly violent contact zone, one that has sought to delegitimize Indigenous presence in urban areas and deny claims to sovereignty and self-determination, while providing a narrow scope for assertion of Indigenous rights. An important future area of research is what urban planning contact zones might look like beyond land use issues. The contact zones I witnessed through my research occupied diverse spaces including court houses, detox centres, city halls, friendship centres and meetings rooms. These are spaces in which Indigenous peoples grapple with power structures that define the terms of their inclusion. They are also spaces in which Indigenous peoples assert their responsibilities as rightful owners and occupants of “urban” lands. Frontline workers continuously draw attention to this uncomfortable truth and refuse to be bracketed as just another stakeholder.
Indigenous planning as a reserve-based administrative practice has undergone a significant shift over the last 10-15 years. Comprehensive Community Planning has started to build on existing strengths within communities, bringing together groups of people (including those historically excluded from such processes such as children, elders, youth, and grassroots leaders) to envision together a future for the community based on honouring (and sometime healing from) the past. They are not the 5-year plans mandated by the federal government (which are still a reality in many First Nations communities), which generally have minimal community input and provide little use or value to the community. They are one tool – as described earlier in this dissertation – in a necessarily large toolbox Indigenous communities are using to reclaim control and authority over at least some portion of their ancestral lands and waters. At the same time, it is critical that such planning initiatives challenge (un)natural divides between “on-reserve” and “off-reserve.” Such divides are historically rooted and maintained by ongoing colonial policies and practices. It’s not possible – nor should it be desirable – to ignore the realities of half of all First Nations peoples who live in areas other than those defined by reserve boundaries. Collapsing such colonial categories as “on-reserve” and “off-reserve” demonstrates relational accountability to the peoples and communities that have been impacted by the state’s many strategies for dispersing Indigenous peoples from their ancestral lands. Challenging these designations also asserts Indigenous sovereignty and self-determination in places that have taken for granted the displacement of Indigenous peoples as necessary and just in the creation of settler cities.
Tools being used by municipalities to address ongoing relationships with Indigenous peoples and communities such as municipal declarations and accords, re-naming streets and squares, and agreements between local governments and First Nations can form an important response to the political and moral directives emerging from processes like the Truth and Reconciliation Commission. Important work is being done at the City of Vancouver, for example, to develop robust mechanisms for meaningfully involving the urban Indigenous community in planning which begins to redress the history of municipal colonialism. A question I am left with, however, is who is left out of these agreements? Whose work is recognized through such agreements and whose work does not quite meet “institutional standards” or “bureaucratic measures of ‘success’”? I’m thinking of NCCABC’s struggle to retain funding – this was an opportunity for the city to support a grassroots organization that provides some of the only culturally-based drug and alcohol programming in the city. NCCABC had been in talks with the city to secure a much-needed larger space for the health team, but nothing came from it. Declarations and accords move the relationship forward, but do they fundamentally disrupt the values underlying dominant system planning principles? Do they re-configure relationships between Indigenous and non-Indigenous peoples? Do declarations diffuse responsibility for repairing relationships across all departments and make it clear that such relationships are not the sole responsibility of the Indigenous planners?

Through this research, I have also pointed to tensions that exist within the organization itself. I would argue that rather than solely highlighting internecine dysfunction, they are tensions that often emerge from external struggles over funding and jurisdiction (and
sometimes from internal differences of opinion over long-term visioning). There were times at the downtown office when I would walk in and there was barely room to squeeze past people, both clients and employees, as well as practicum students. It was sometimes difficult to find things for the practicum students to do, and the challenge of finding space for them to work was compounded by the fast-paced environment brought about by the transfer of Hey-Way’-Noqu’ funding. I also heard about the challenge of bringing together people with different skill levels to guide program development. It’s not always comfortable (or even desirable) to bring together groups of people at different stages in their healing journey. However, the idea that clients and elders and frontline workers could all work together to create culturally responsive, community-grounded programs and services is informed by a grassroots commitment to radical relationality. It’s an approach that empowers by drawing upon the individual strengths of those involved to envision a collective future – it does not seek to empower but be productive of collective energy, will and vision.

I think back to the Hey-Way’-Noqu’ model from the 1980s, when each group did its own healing work and then came back together again at the end of the night. It’s a simple yet effective model that builds space for individual safety while connecting those individuals back into the community. I’ve at times observed within the organization attempts to accomplish too many things at once, with results ranging from low participation to restricted – though important – outcomes (such as creation of Indigenous Court as a result of the Aboriginal Safety Planning process in Prince George). I write this to point to organizational challenges and to draw attention to NCCABC’s strengths. What does it do best? How has it endured through four
decades of social, political, cultural, economic and legal upheaval to remain a grassroots-minded organization with enduring credibility among Indigenous peoples? It has accomplished this through relational accountability that transcends political whims and places the client at the center of the model; by promoting healing modalities that act upon personal responsibility while connecting to community strengths and supports; and through promoting self-determination in an urban context which means refusing to participate when it produces harm for clients (and frontline workers). As Flowers (2015), drawing upon Audra Simpson’s (2014) work, explains: “Refusal is simultaneously a negation of access to information and resources, as well as an affirmation of sovereignties.” In refusing to administer certain programs or set people up for failure by providing inadequate resources to do the job, NCCABC strives to minimize harms that proliferate across health, justice and social service sectors.

Cultural practices within such spaces are political practices. Until 1950, all ceremonial practices were outlawed under the Indian Act, creating conditions for criminality that functionally prevail today as carceral colonialism. This work in the justice system, across sectors, as Indigenous community planners, is not just about working across or through cultural differences. It’s working to create new social, cultural, political, and economic possibilities across colonially-imposed boundaries (or colonialsapes as Kwakwaka’wakw scholar Sarah Hunt describes them). It comes from deeply understanding that “overrepresentation” in the justice system cannot be solely attributed to racism, socioeconomic circumstances, or historical policies; that incarceration is a political phenomenon rooted in historical state formation and ongoing Indigenous dispossession from lands. While cultural practices may also be political,
there is a danger when Indigenous claims to sovereignty in urban areas are reduced to claims of “cultural difference.” Without a nuanced understanding of how legal and political principles are embedded within cultural practices, opportunities for self-determination become limited to municipal interventions that only partially address the settler colonial erasure of Indigenous presence in towns and cities.

7.2 Future Areas of Study

This study reveals many future research and theoretical possibilities. Reflecting upon findings from this research, I ask, how do urban Indigenous organizations and community groups in other parts of the country organize themselves? What are the characteristics of the work, the underlying philosophies or worldviews? How are their actions connected to questions of land-territory-self-determination-resurgence-decolonization in different geographical-cultural-political contexts? How do variously scaled decolonial practices (cultural reclamation-individual healing-Indigenous knowledge-making) interconnect with each other in urban areas? How might connections between urban Indigenous community planning and planning efforts in First Nations-Métis-Inuit communities harmonize to envision Indigenous futurities based on opportunities to return to land, mobilities that expand rather than constrain opportunities for community members to (re)connect with self-family-community-nation-land? And how do all of these connect with comparative empirical and theoretical work in urban settings in similar settler colonial societies such as Australia, New Zealand/Aotearoa, and the United States (Porter, 2013; Jojola, 2013; Thompson-Fawcett, 2018).
In my future research, I want to more deeply explore the connection between public health and community planning, and how these evolving fields impacted Indigenous peoples historically and continue to impact Indigenous health and well-being today. As I combed through the City of Vancouver archives, particularly those files related to the nascent Public Health Department, I became increasingly frustrated at the lack of any mention of Indigenous peoples. It finally occurred to me this was one of my findings. Absence of Indigenous communities in public health discourses was a strategic ellipsis enacted in concert with laws and bylaws that attempted to contain Indigenous bodies to small parcels of land (and eventually eliminate them altogether). In future research I want to better understand the historical role of local governments in shaping health discourses that structured and suppressed Indigenous activities in cities like Vancouver and Victoria, and other urban areas across Canada. Mary Ellen Kelm’s (1998) important work draws out the discursive public health frameworks at play in the first half of the twentieth century as they impacted on and were resisted by Indigenous peoples and communities; Adele Perry (2001) and Renissa Mawani’s (2009) work contributes to our understanding of how local colonial officials structured and suppressed Indigenous activities in growing urban centres like Vancouver and Victoria. The mechanisms that enabled rupture between public health, planning and Indigenous peoples are embedded in legal and political efforts to deny self-determination and sovereignty but also constitutive of carefully constructed ideas of the “healthy city” and the Eurocentric ideals that create and maintain such spaces. This is a promising area of further study, particularly when put in conversation with Indigenous ontologies and methodologies as part of a “two-eyed seeing”
research agenda, a “weaving back and forth between knowledges in which each strand is necessary to the process” (Iwama, Marshall, Marshall & Bartlett, 2009).

7.3 Findings to Inform an Aboriginal Healing Centre

In Chapter 5, I talked about the dream of an Aboriginal Healing Centre, something that has been discussed and debated for a very long time in the region where this research has taken place. Competition for limited funding, lack of political will and divisive community politics may continue to impede progress towards achieving this vision; however, findings from this research may help amplify the need for such a centre as well as how to continue supporting frontline workers who – regardless of political exigencies – continue to activate principles of relational accountability in their day-to-day work. I also include a set of policy recommendations in this research (see Appendix B: Policy Recommendations for Health and Justice) co-developed with the Community Advisory Committee which can be used to mobilize knowledge in the community and influence policymakers and funders to critically respond to challenges raised throughout this dissertation.\(^\text{17}\) Three specific recommendations emerge from this work:

1. **Strengthen connections between the health team and those working in the courts**

\(^{17}\) Although my recommendations focus on the Health and Justice sections of the TRC’s Calls to Action, Section 62 (Education for Reconciliation), part ii is also relevant. This section calls upon federal, provincial, and territorial governments to provide necessary funding to post-secondary institutions to educate teachers on how to integrate Indigenous knowledge and teaching methods into classrooms. Planning educators need to develop skills and capacity to understand and teach about Indigenous/settler issues. The 2019 Planning Practice and Reconciliation Policy put out by the Canadian Institute of Planners begins this work by supporting the “integration of Indigenous history, rights, issues, and culture in the curricula of planning schools and as a core competency for the accreditation of professional planners.”
It is crucial that institutional support is provided to enhance and increase communication between the health team and those assisting clients in the courts. This works provides the infrastructure for intersectoral, collaborative work to flourish. It demonstrates how harmonizing and sharing resources can provide relief for individuals navigating across silos, and ultimately start to break down those silos.

2. *Create a research and evaluation unit within NCCABC*

A research and evaluation unit would enable the organization to create its own criteria for success based on the needs of the organization (see Figure 2: Indigenous-defined success). Such a unit could build in principles of culturally-responsive Indigenous evaluation (CRIE) to guide long-term development. Creating such a culturally responsive research and evaluation unit is “most likely to produce different and more valid results (outputs, outcomes, and impacts) that have the highest potential for transforming practice, policies, and programming” (Waapalaneexkweew & Dodge-Francis, 2018, p. 26). A 2017 report on First Nations courts in BC demonstrated that limited data is being collected. In particular, “data are needed on the information available to the judges, the sentencing decisions, the healing plans and their implementation, the review process, the role of Elders, the offenders’ actual access to assistance and services, the way the courts respond when offenders fail to comply with courts orders (and healing plan), and, the offenders’ response to this process” (p. 22). NCCABC are uniquely situated to help with this massive data gap. They have a sophisticated understanding of First Nations court and collect data on NCCABC clients which can be harmonized with data in
the justice system to provide a clearer picture of what impact First Nations courts are having on Indigenous peoples and communities.

**NCCABC should work closely with health authorities/academic institutions to ensure appropriate ethics are followed in all projects.** Researchers and others need to demonstrate how their work will benefit the organization and its clients, how that work will be returned to community, and measures that will be taken to ensure safety of everyone involved in the process. There is a massive need for culturally appropriate research and evaluation that follows OCAP® principles (ownership/control/access/possession), the set of standards for research by and with First Nations communities. Research guidelines should be developed in accordance with the Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans (TCPS 2), and where appropriate OCAP® standards, and that also reflect the goals and aspirations of NCCCABC.

3.  

*Ensure adequate human and financial resources are available to appropriately resource programs and services*

**NCCABC are community leaders and have a high level of credibility in Indigenous and non-Indigenous communities.** It is often called upon to participate in and/or lead projects, high-level processes, community events, workshops, etc. relating to a range of topics (but primarily health and justice). A challenge of being put into this community planning role is that Native Courtworkers don’t always have the skills or resources to comprehensively address community needs. Providing inadequate support and resources may set people up for failure and prevent future opportunities to lead important community-planning processes.
Understand the very different gendered experiences of incarceration and how those experiences create unique programmatic, service delivery, and resource needs. The fastest growing population of federal inmates is Indigenous women, with 40 per cent of incarcerated women in Canada having Indigenous ancestry (Office of the Correctional Investigator, 2018). NCCABC has directed resources specifically at Indigenous women, including a booklet titled “Women’s Right to be Safe” and “Trust Your Instinct: A Guidebook for Women Who Work and Travel Alone.” While these are important prevention resources, funding must be directed at understanding the needs of incarcerated and formerly incarcerated Indigenous women, how they have been impacted by systemic and gendered violence and what actions can be taken to fully support and advocate for Indigenous women and their families.

7.4 Concluding Thoughts

When I started my PhD journey I was very much interested in the notion of “unsettling” or “unlearning” as it relates to planning practice and theory. I hope that through the course of this research I have contributed to a process of “unlearning” and pointed to ways in which dominant culture planning can attend to settler colonial practices and policies on Indigenous lands largely characterized as “urbs nullius.” While I champion progressive planning practices, I have also come to realize over the course of my 7-year collaboration with NCCABC that my scholarly commitment is primarily vested in better understanding, articulating and amplifying Indigenous community planning as defined by Indigenous peoples themselves; not so much an unlearning but a re-learning and re-articulating of ancient practices informed by contemporary needs and desires. I want to ground my theorizations in Indigenous resurgence and self-
determination, and continue to ask “how do we understand the work of community planning as Indigenous peoples? What are our roles? How do we see our own futures?” In September 2011 I dreamt that I was at a ceremony in which I needed to give something away, but I had nothing to give away. A trusted friend lent me something and I felt relief and gratitude. I often reflected on this dream throughout my research process – my anxiety and fear around starting down a new path, something I knew would take a great deal of mental, spiritual, and emotional labour. What I did not anticipate was how powerful this journey would be for me as I engaged in my own relational accountability to NCCABC, its clients, partner organizations and allies. Relational accountability is about building individual strengths as a means of creating healthy and strong communities; it’s a reorientation of responsibilities and priorities. When we lose sight of this, we lose sight of the practices that have sustained Indigenous peoples across centuries of colonization and ongoing settler colonial incursions. It is my hope that in centering such practices I am contributing to the growing movement of Indigenous and other scholars committed to articulating pathways towards thriving Indigenous futures.

With gratitude to everyone who joined me along this journey.

Mussi cho.
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Appendices

Appendix A: Collaborative Research Agreement

Project Title: Dis/connection in 21st Century Canada: Therapeutic Planning Through an Indigenous Lens

THIS COLLABORATIVE RESEARCH AGREEMENT is made this 7th day of April, 2015.

BETWEEN:

Principal Researcher
Name: Lyana Patrick
Supporting Agency: University of British Columbia, School of Community and Regional Planning
Address: 5026 Commercial Street, Vancouver, BC, V5P 3N2

Native Courtworker and Counseling Association of British Columbia (NCCABC)
Contact person(s): Arthur Paul
Organization: Native Courtworker and Counseling Association of British Columbia
Address: 207 - 1999 Marine Drive, North Vancouver, B.C. V7P 3J3
The principal researcher, as named, and NCCABC agree to conduct the named collaborative research project in accordance with the guidelines and conditions described in this document.

1. **Purpose of the Research Project**

The purpose of this research project, as discussed with and understood by NCCABC, is to investigate the day to day operations of the organization and look at the intersections between its work and that of other organizations. This qualitative exploration will look at whether NCCABC’s work might be considered therapeutic planning. The results of this research may be used to increase awareness and understanding of the work of NCCABC, to map out for the organization areas where political pressure might be applied to gain access to resources which will enhance the well-being of those who access NCCABC programs and services. It is also anticipated that this work may help create a Research and Evaluation Unit to improve program and service delivery.

2. **Scope of the Project**

The project aims to answer the following questions:

Primary research question:

*What are the practices of the Native Courtworker and Counseling Association of British Columbia in the context of providing supportive community services to people marginalized by social and structural inequities in an urban context?*

Sub-questions:

- *How does NCCABC work in ways that support people with problematic substance use?*
- *What are the mechanisms that operate both to constrain and facilitate therapeutic planning in this context?*
• What obstacles and what supports are there among municipal planning structures and dominant society institutions? Is it an 'impossible contradiction' or are there transformative possibilities?

• In what ways might NCCABC’s work bridge the separate yet interdependent fields of public health and planning?

• How does the NCCABC work/collaborate/intersect with other community organizations and their approaches?

In order to meet the objectives or answer the questions stated above, the following types of information will be gathered: interviews, information-gathering talking circles, participant observation, and document analysis.

3. Methods and Procedures

Data will be gathered using the following methods or procedures: interviews, information-gathering talking circles, participant observation, and document analysis.

The amount of data that is required for this project is up to 30 interviews, 2 information-gathering talking circles, as well as participant observation and document analysis. This number is required because I want to ensure a broad range of perspectives and ideas is generated through this research.

A Community Advisory Council (CAC) made up of 2-3 employees of NCCABC will be convened to provide cultural and community-based guidance to the project. The NCCABC advisory council will co-lead the participant recruitment process. They will use their internal systems to identify client participants and other research participants. In some instances, the researcher will contact the participants with the advisory council.

Individual consent to participate in the project will be obtained in the following way: From the start of the project, the researcher and/or CAC members will informally let participants know
they will have the opportunity to take part in an interview or information-gathering talking circle. It is therefore expected that participants who are interested in this prospect will approach the researcher to participate in the project. This approach will serve the purpose of reducing participants' anxiety about being interviewed. Members of the CAC will also use their insider knowledge to recruit client participants for the study. Once the participants are in agreement as part of the research project, the potential participants will contact the researcher and/or members of the CAC to arrange a time to meet, review the consent form and questions, to ask additional or clarifying questions, and ensure free, prior and informed consent is provided.

Participants have the right to withdraw from the project at any time for any reason. In this case, that participant’s data will be destroyed.

**Research data will be stored in the following ways:** Copies of the data will be kept on a password protected external hard drive in a locked filing cabinet in the researcher's office for 5 years or more.

**The following persons will have access to research data:** The researcher, Lyana Patrick, the supervisor Dr. Leonie Sandercock, and members of the CAC will have access to the data. Full interviews, with full consent, will be made available by request to the original participant.

**Confidentiality of research data (if desired) will be ensured in the following ways:** Research participants will be promised confidentiality; however if information is expressly shared in data gathering talking circles with others, participants will be informed on the Consent Form that the researchers cannot guarantee confidentiality; however we will try to encourage confidentiality in all participants. One exception will be if individual participants expressly wish to be identified in any reports, journal articles or presentations by name.
Data will be analyzed or interpreted through the following methods: Institutional Ethnography is a qualitative research technique that begins with some issues, concerns, or problems that are real for people and that are situated in their relationships to an institutional order. Field methods in institutional ethnography include the same methods used in all ethnographies, including interviews, document analysis and participant observation.

The final research report will be submitted to the community for review and approval.

Research findings will be presented to the organization in a language and format that is clear and comprehensible to employees.

Research findings will be presented to the organization and/or any other audience in the following formats: a) NCCABC staff meetings, b) NCCABC website, c) plain language reports, d) Potluck hosted by NCCABC bi-monthly at various locations in downtown Vancouver and to which many different organizations and service providers are invited to attend, and e) in other ways that the CAC determines is appropriate.

4. Expected Outcomes, Benefits and Risks

The expected outcomes of this research project are: As described in Section 1, outcomes may include increased awareness and understanding of the work of NCCABC, access to resources which will enhance the well-being of NCCABC clients, and creation of a Research and Evaluation Unit.

The project will benefit the principal (external) researcher in the following ways: Enhancement of professional status through gaining a PhD in Community and Regional Planning.

The project will benefit the community (individually or collectively) in the following ways: It is hoped that participants will indirectly benefit from this study - although benefits cannot be assured. As this study will lead to a better understanding of the challenges and opportunities for
Indigenous community planning in urban areas, it is expected that its results will enhance the organization’s programs and services and contribute to improving the lives of Indigenous peoples in urban areas. It may also lead to the development of a Research and Evaluation Unit which will generate information to support future funding applications.

The project poses the following risks to the community: In talking about their experiences accessing services in the Downtown Eastside, client participants may experience emotional stress as a result of the interview, or information gathering talking circle, in a way that isn't experienced in the course of daily life.

Measures that will be taken to minimize these risks are: Participants will be informed that if requested, a counselor will be made available to them after the interview for further support and additional resources in case of emotional distress. Interviews will be conducted wherever the client feels most comfortable, including NCCABC offices to facilitate close access to supportive services. If any participant become distressed during the interview, the process will be stopped until they feel ready to continue. Alternatively, if the participant prefers, the interview can be rescheduled for another day. If participants become tired during the course of the interview, the interview will be stopped and rescheduled at their convenience.

5. Obligations and Responsibilities

External Research Partner:

✧ To do no harm to the organization.
✧ To involve the organization in active participation of the research process and to promote it as a community-owned activity.
✧ To ensure research design, implementation, analysis, interpretation, reporting, publication and distribution of its results are culturally relevant and in compliance with the standards of competent research.
✧ To undertake research that will contribute something of value to the organization/community.
To create opportunities for acquisition of new skills by advisory committee members, such as research design, planning, data collection, storage, analysis, interpretation and so on.

To promote the dissemination of information to society at large if desired and appropriate through both written publications and oral presentations.

To abide by any local laws, regulations and protocols in effect in the organization, and to become familiar with the culture and traditions of the organization.

Within their respective roles as researchers and community representatives, to advocate and address health, social or other issues that may emerge as a result of the research.

To ensure that the organization is fully informed in all parts of the research process, including its outcomes through publications and presentations, and to promptly answer questions that may emerge regarding the project and its findings.

To communicate equally with the other partners in all issues arising in the project.

To ensure that research carried out is done in accordance with the highest standards, both methodologically and from a First Nations cultural perspective.

To support the organization by providing resources as a matter of priority.

To abide by their own professional standards, their institution’s guidelines for ethical research and general standards of ethical research.

**Organization Partner:**

First and foremost, to represent the interests, perspectives and concerns of the organization and, if appropriate, of the community as a whole.

To ensure that research carried out is done in accordance with the highest standards, both methodologically and from a First Nations cultural perspective.

To communicate the results of the research to other organizations/communities, and to share ideas as well as program and service development for mutual benefit and involvement.

To serve as co-guardian of the research data during and/or after completion of the project.

6. Dissemination of Results

Research results will be disseminated to the following stakeholders: preliminary results may be presented at academic conferences. Information gathered may also be used in future academic and non-academic publications on the same topic. Research results may also be shared with other organizations and service providers.
Research results will be disseminated in the following manner: As described in Section 3, results will be disseminated through presentations, plain language reports, community workshops, as well as academic conferences.

Any future publication or dissemination of research results, beyond what is described in this agreement, shall not be undertaken without consultation with NCCABC.

7. Use of Data

The principle researcher will use the data for the purposes of completing the requirements for a PhD in Community and Regional Planning, and disseminating the results as stated in Section 6.

The principal researcher will only use the data for the stated purposes and the data may not be used for any other purposes (further disclosure) without the approval, in advance, of NCCABC.

The principal researcher may not release the data for any purpose unless agreed to in advance by all parties, and provided it is not in violation of provincial, territorial or federal legislation.

8. Communication

Communication on all aspects of the research, including progress reports to the community, will be ensured in the following ways: through regularly scheduled meetings, and updates via e-mail where necessary.

In the case of media inquiries during or after the project, designated spokespersons are:

Executive Director Darlene Shackelly, and NCCABC President.

The organization will be the first to receive research results and the first invited to provide input and feedback on the results. The results should be presented in a format that is language appropriate and accessible to the community. Results will not be released without the approval of the organization.
At the end of the study, the research partners agree to participate in meetings to discuss the results and their implications.

9. Dispute Resolution

In the event that a dispute arises out of or relates to this research project, both parties agree first to try in good faith to settle the dispute by mediation administered by an agreed upon neutral party before resorting to arbitration, litigation or some other dispute resolution procedure. A mediator will assist the parties in finding a resolution that is mutually acceptable. If a dispute cannot be resolved to the satisfaction of both parties, the research project may be terminated according to the terms described below.

10. Term and Termination

This agreement shall have an effective date of March 2015 and shall terminate on August 2016. This agreement may be terminated by the written notification of either party.
Appendix B: Policy Recommendations for Health and Justice

Policy Recommendations for Health and Justice

Health

In keeping with the Truth and Reconciliation Commission’s Calls to Action in Sections 19, 20, 21 and 23, all levels of government can work together to:

- Create funding for an Aboriginal healing centre to support work already being done by NCCABC to promote holistic healing of individuals experiencing health and justice-related challenges.

- Work with Indigenous organizations to better understand the strengths and skills they provide in communities and reduce the need for service providers to compete against each other for limited and fragmented funding.

- Increase funding to hire individuals that could staff a healing centre. Policies and procedures are already in place as NCCABC employees are trained to provide culturally-appropriate education to criminal justice personnel on Indigenous cultures, values, and socio-economic contexts. Hires should include:
  - Legal counsel, psychologists, therapists, elders, cultural workers, trainers, advocates, educators and support outreach workers.

Justice

In keeping with the Truth and Reconciliation Commission’s Calls to Action in Sections 50 and 55, all levels of government can:

- Increase funding for prevention and intervention services grounded in Indigenous legal principles.

- Secure resources to support Indigenous families and prevent child apprehension; overwhelming numbers of people in the criminal justice system have experience with the child welfare system.

- Provide funding to train legal personnel in cultural safety/humility, and to understand the historical and contemporary experiences of Indigenous peoples.

Policy Considerations
• Work to deconstruct funding requirements that reproduce colonial policies; this includes re-defining with Indigenous organizations and communities what successful program goals and outcomes might be. This cannot be externally defined and measured.
• Important to understand that “overrepresentation” cannot be solely attributed to racism, socioeconomic circumstances, or historical factors (colonial policies, etc.); incarceration is a political phenomenon rooted in historical state formation and ongoing Indigenous dispossession from lands.
• Take time to understand where Indigenous legal principles come from; this is complex work embedded within the teachings and values of each Indigenous nation.
• Draw upon existing grassroots expertise to address legal and health issues and appropriately compensate those who choose to share valuable insights and knowledge.
• Important to have legal and health personnel who exhibit & nurture cultural competence/safety/humility; they need to know how to connect with individuals deeply impacted by structural and systemic inequities and navigate multiple complex systems.
• While justice and health are often treated independently (other than in therapeutic jurisprudence or specialized courts settings), it’s important to understand how they are interconnected and develop policies that reflect an integrated and coordinated approach.
Appendix C: Reflections on Methodology

Need for Creative Approaches

When I started this research, I wanted to engage in a participatory model of community-based research. I wanted to involve my community partners in all aspects of the research, and be led by the community’s needs, wants and aspirations. I quickly realized I had to modify my own expectations in meeting the needs of my community partners. I convened a community advisory committee (CAC) to help guide the design and approach of the research. While this group maintained a few core members over the six years we met, there were often new members invited to sit in, including practicum students who were just getting to know the work of the organization. This meant that I sometimes had to re-introduce the research and wasn’t always able to get the feedback I needed on specific aspects of the work. Frontline workers are also busy people, and there were varying levels of interest in terms of how people wanted to be involved in the work. There were also varying levels of organizational commitment in terms of dedicating human resources to the project, understandable given the intensity of the work detailed in the dissertation.

Part of my commitment to a collaborative, community-based approach included taking on more work where needed, such as doing initial thematic analysis on interview data to facilitate collective analysis of emerging themes and ideas in the research. I also used elements of institutional ethnography to better understand institutional dynamics shaping the work of frontline workers. As reported earlier, certain aspects of Institutional ethnography were very helpful in grounding my analysis in colonization and the on-going impacts of settler colonialism.
for those accessing and delivering Indigenous programs and services. This analysis was complementary to my efforts to collectively analyze with the CAC emergent themes in the data. My methodological approaches were therefore informed by the needs and interests of my research partners and required a flexible, creative approach to understanding the data.

Challenges

I describe below some specific challenges I encountered in doing collaborative, community-based work with my Indigenous research partners and how my creative methodological approach was informed and shaped by these challenges.

**Engagement fatigue**

As I was doing my research, three levels of government (federal, provincial, municipal) were engaging with communities around poverty reduction strategies. There was a feeling in the community that they had been asked over and over again to share their stories (which can be re-traumatizing) without seeing improvements in living conditions. I was mindful of this when I was seeking participation particularly among clients in the study. Somewhat connected to this is the issue of trauma within the community. There were times when clients I was going to interview or who were recommended to me didn’t show up or at some point during my field work passed away. My research took place during one of the most intense periods of the opioid overdose crisis in Vancouver that started around 2016. Coupled with ongoing crises in Vancouver – including access to housing and treatment options – I was keenly aware of not adding to the burden of frontline workers and clients alike.

**Desire for capacity development**
As described above, when I started the research, I wanted it to be a participatory process and to facilitate capacity development across research processes. I then ran into the realities of time constraints, interest, institutional willingness to provide the resources necessary to engage in this kind of work, and my own capacity to fully engage in participatory research approaches.

**Ensuring comprehensive support**

This is a core consideration in any research with Indigenous peoples and communities. Both Indigenous and non-Indigenous researchers have to be aware of the dynamics and politics in the community, of who speaks for who, and what kind of support is needed to do the research in the best possible way. At one point, I found out my research did not have the support of people within the organization that I needed to continue with the work. I arranged a meeting and subsequent presentation to the appropriate people and then received organizational support to continue with the research. Navigating community/organization concerns, interests, needs and perspectives is time-consuming and absolutely vital to the success of Indigenous research projects.

**Idealizing the work of research participants**

When you work closely with a community or organization to develop collaborative agreement and maintain close working relationships, it can be challenging to portray the work in all its nuances without seeming to valorize your participants. There are lots of issues with the organization and its frontline workers, because they are human, and no human is perfect. My intent was to draw attention to the structural factors that produce so much harm and violence
for clients and that frontline workers work within and against. This is an important point in relation to my methodologies. I engaged in immersive participation which brought me close to the organization and enabled me to witness important work unfolding. I balanced my responsibility to carry out my obligations under the collaborative research agreement with the need to ground my research in the values of respect, relevance, reciprocity and responsibility and in doing so maintained my academic integrity throughout the research process.