

“TO SERVE AND PROTECT” (SETTLER-COLONIALISM):  
THE “*RAISON D’ETRE*” OF CANADA’S LAW ENFORCEMENT

By

CLEO NGUYEN

A Thesis Submitted to the  
College of Graduate and Postdoctoral Studies  
In Partial Fulfillment of the Requirements  
For the Degree of Master of Arts  
In the Department of Political Studies  
University of Saskatchewan  
Saskatoon

© Copyright Cleo My Tien Nguyen, January, 2024. All rights reserved.  
Unless otherwise noted, copyright of the material in this thesis belongs to the author

## PERMISSION TO USE

In presenting this thesis/dissertation in partial fulfillment of the requirements for a Postgraduate degree from the University of Saskatchewan, I agree that the Libraries of this University may make it freely available for inspection. I further agree that permission for copying of this thesis/dissertation in any manner, in whole or in part, for scholarly purposes may be granted by the professor or professors who supervised my thesis/dissertation work or, in their absence, by the Head of the Department or the Dean of the College in which my thesis work was done. It is understood that any copying or publication or use of this thesis/dissertation or parts thereof for financial gain shall not be allowed without my written permission. It is also understood that due recognition shall be given to me and to the University of Saskatchewan in any scholarly use which may be made of any material in my thesis/dissertation.

## DISCLAIMER

The [name of company/corporation/brand name and website] were exclusively created to meet the thesis and/or exhibition requirements for the degree of [title of degree] at the University of Saskatchewan. Reference in this thesis/dissertation to any specific commercial products, process, or service by trade name, trademark, manufacturer, or otherwise, does not constitute or imply its endorsement, recommendation, or favoring by the University of Saskatchewan. The views and opinions of the author expressed herein do not state or reflect those of the University of Saskatchewan, and shall not be used for advertising or product endorsement purposes.

Requests for permission to copy or to make other uses of materials in this thesis/dissertation in whole or part should be addressed to:

Head of the Political Studies  
283C Arts Building  
University of Saskatchewan  
Saskatoon, Saskatchewan SK S7N 5A5 Canada

OR

Dean  
College of Graduate and Postdoctoral Studies  
University of Saskatchewan  
116 Thorvaldson Building, 110 Science Place  
Saskatoon, Saskatchewan S7N 5C9 Canada

## Table of Contents

<b><i>Table of Contents</i></b>	<b>3</b>
<b><i>Abstract</i></b>	<b>4</b>
<b><i>Acknowledgements</i></b>	<b>5</b>
<b><i>Introduction</i></b>	<b>6</b>
<b><i>Chapter One: Theorizing Settler Colonialism</i></b>	<b>10</b>
<b>Theoretical Orientation</b>	<b>10</b>
<b>Methodology</b>	<b>11</b>
<b>Settler Colonialism &amp; the Administration of a “Good Order”</b>	<b>12</b>
<b>Dispossession &amp; Critical Infrastructure</b>	<b>16</b>
<b>Race &amp; Racialization</b>	<b>18</b>
<b>Racialized Policing</b>	<b>22</b>
<b>Conclusion</b>	<b>28</b>
<b><i>Chapter Two: Literature Review</i></b>	<b>29</b>
<b>Racialized Policing and the Limits of Reform</b>	<b>29</b>
<b>I. Difficulty in Reforming the Police</b>	<b>29</b>
<b>II. Lack of Formal Statistics and Quantitative Research on Race-Related Police Violence</b>	<b>33</b>
<b><i>Chapter Three: Criminalization and Managing Indigeneity</i></b>	<b>37</b>
<b><i>Chapter Four: Prisons as “Genocidal Carcerality”</i></b>	<b>49</b>
<b><i>Chapter Seven: Conclusion</i></b>	<b>74</b>
<b><i>Bibliography</i></b>	<b>76</b>

## Abstract

This thesis investigates the role of police and prisons in the reproduction of a violent, settler-colonial state order. The scope of police being examined pertains to all police forces in Canada, including city police and the RCMP. It asserts that proposals for reform in response to issues of police violence against Indigenous peoples and communities of color along racialized and gendered lines have been only at the micro-level and technical. I argue that we must broaden our approach to a macro-level to engage in a systemic analysis that views policing in the context of the state's racial, settler-colonial project and to this end I investigate how institutions of policing and prisons reproduce a white, settler-colonial order. With the production of this white, settler-colonial order, populations within it also come under the maintenance of the state via both policing *and* prisons. By recognizing the existence of racism as structures, such as the police and prisons, we can begin to utilize an abolitionist approach to justice which sees to their dismantlement and a transformative future. My thesis concludes that while it is theoretically possible to curb police violence through reform, doing so runs counter to its very *raison d'etre*.

## **Acknowledgements**

The most tangible thing that constitutes our humanity is our relations: no one does anything alone. I wouldn't have been able to write this thesis if it weren't for the unfaltering support of my many friends and colleagues who continued to believe in me even during the times I stopped believing in myself.

First, I'd like to extend my many thanks to my supervisor, Dr. Colleen Bell. I am grateful for the constructive feedback and guidance she has shown me during my thesis work at the University of Saskatchewan. With her, I found not only a mentor but a friend.

I'd also like to thank Dr. Kathy Walker, and Dr. Maggie FitzGerald, both of whom provided support in a myriad of ways, including being among those who listened to me, provided feedback, and simply believed in me.

In addition: I have been fortunate to be surrounded by a number of great friends, to which I express my deepest gratitude to Ashlynn, Kirsten, Carlos, Lucy, Nikaela, Snow, and Nadia. They all pushed me and sustained me throughout my undergraduate degree and continued to do so without fail once I moved on to my Master's.

I'd like to thank my parents for their support and love. Thank you, Father, for your sacrifices and for the traits of resilience you've passed on to me. Thank you, Mother, for your unconditional love and support.

## **Introduction**

I grew up on the West side of Saskatoon, Saskatchewan, in my beloved neighborhood of Confederation Park. Anyone who knows the dichotomy between the “West” vs the “East” side of Saskatoon understands the West side constitutes the “inner city” or the “core neighborhoods” of Pleasant Hill, Riversdale, and so forth, all consisting of a larger demographic of Indigenous and racialized persons, as well as persons facing houselessness. These demographics are notably also targets of the Saskatoon Police’s surveillance through their daily foot patrols. I work downtown, and every day I see cops stopping and prodding at people sleeping on the streets. At times, I have witnessed single individuals surrounded by six or more officers. These occurrences, while excessive, are not an unusual sight in downtown Saskatoon.

I used to want to be a cop. It was back when I was young, uncritical of the justice system, and believed in normative notions of criminalities and simple dichotomies that situated people as either good or just plain bad (i.e. criminal). Perhaps this dichotomous notion was a consequence a thirteen-year-old watching too much TV and consuming too many true crime materials. I used to believe the officers who drove Neil Stonechild out of the city to freeze to death were just a few “bad apples” among the bunch.

I used to want to be a cop because I wanted to keep people safe but, as I grew older and became involved in my own communities, I realized policing did more harm than good. I also learned this lesson through my involvement in several organizations, some of them no longer active, such as the Anti-Racist Organizing Coalition (AROC), Cop Watch, and now the Riversdale Community Fridge — all of which fostered my own critical attitudes towards policing, and my view that there are good reasons to limit our involvement and/or collaboration with police.

During my time with the community group CopWatch, I often witnessed police officers harassing individuals on the street. For example, we'd occasionally stop and speak to members of the community to hand out pamphlets and inform them of their rights when approached by officers. Oftentimes, any nearby police officers would intervene and assume those we were addressing were harassing us despite no visible signs or indicators of distress/need for intervention. When did it become a crime to hold a conversation with a person, houseless or not? Other times, we'd intervene in situations where an individual was being apprehended by the police. Once during an intervention with an intoxicated man, the police didn't even bother to inform him that he was being arrested – merely pushing him into their vehicle without even informing him of his rights. Another time, a police officer stopped us when we were helping a man to the nearest shelter, following us on his bike for a block or so even when we assured him that we were fine and not in need of assistance.

This thesis critically examines this system of policing by focusing on the connection between state violence (through racialized policing) and dispossession (racial capitalism) and how these connections are elements of a settler-colonial system. I explore these connections in relation to abolitionist thought which provides a framework to both imagine and create a more just society.

Police violence, through the killings of civilians and the use of force against Black, Indigenous, and other marginalized populations, is a well-studied topic in the United States, but less so in Canada. Despite the lack of formal literature and data, there is the widespread recognition that Black, Indigenous, and other persons of color find themselves disproportionately targeted by the police in Canada. To understand the nuances of police violence along racialized, gendered, and class lines, institutions of policing need to be examined at a more general, macro-level and through a systemic lens. We must move away from approaches that fixate on individual and interpersonal explanations of racism and police brutality and which see law enforcement's injustices as that of a “few bad apples.”<sup>1</sup>

In broadening our approach, we can begin to engage in a more systemic analysis that views policing in the context of the state's racial, settler-colonial project and investigates how institutions of policing reproduce a white, settler-colonial order. Policing needs to be understood

---

<sup>1</sup> Elizabeth Comack, *Racialized Policing: Aboriginal People's Encounters with the Police* (Winnipeg: Fernwood Publishing, 2012), 15.

as an extension, expression, and exercise of the political administration of the state itself.<sup>2</sup> The issue at hand is not only the violent conduct of the police officers themselves but the settler-colonial order they reproduce by policing people and spaces.<sup>3</sup>

As such, the question explored in my research is: In what ways do the police as a law enforcement institution advance and fulfill the settler-colonial interests of Canada and legitimize racial violence against Indigenous and marginalized communities? I argue that the criminal legal system, comprised of policing institutions and prisons, are key sites in which settler-colonialism and racial whiteness are reproduced and maintained.

In this vein, I critically analyze the police as a white-supremacist, settler-colonial institution reflective of the larger state apparatus they serve and protect. In challenging the normative perspective that sees the police as the “thin blue line” preventing society from collapsing into chaos, I adopt a decolonial imperative that situates contemporary policing in the structural context of settler-colonialism. I seek to redefine what it truly means to keep our communities “safe” and “secure,” without having to rely on law enforcement and instead, rely more on one another.

Chapter One gives an overview of my epistemological approach to this thesis, which consists of anti-colonial, abolitionist feminism. It also discusses my position as a researcher who is outside of Black and Indigenous communities, and my goal to avoid the creation of “damage-centered” research. I briefly describe the methodology I utilized in my approach as well. Following this, the chapter discusses the basic premise of settler-colonialism and the idea of a “good order” that is established and maintained by the state. There is also discussion of critical infrastructure as a form of dispossession of Indigenous peoples under settler-colonialism, as well as the existence of racialized policing which aids in maintaining this “good order.”

Chapter Two features a literature review, in which two primary themes were identified: 1) the difficulty in reforming the police and 2) the lack of access to and/or availability of formal statistics and quantitative research on race-related police violence. This literature review aids in my argument that the police cannot be reformed, as the research demonstrates the difficulty in both implementing and even kickstarting reform in the first place.

---

<sup>2</sup> Todd Gordon, *Cops, crime and capitalism: the law and order agenda in Canada* (Halifax: Fernwood Publishing, 2006), 38.

<sup>3</sup> Comack 2012, 23-4.



Chapter Three begins to examine the relationship between incarceration, policing, and property. I utilize Critical Race theorist, Cheryl Harris' arguments on property and whiteness, to demonstrate that property is a means of dispossessing and subjugating racialized and marginalized persons from this community, often leading to their criminalization and dehumanization. In this chapter, I recognize whiteness as a characteristic of the settler-colonial space carved out by the state and argue that the enforcement of this space throughout history has occurred through practices such as the creation and maintenance of the Indian Act.

In Chapter Four my primary argument borrows from Woolford and Gacek's (2016) notion of "genocidal carcerality," which I argue is achieved by the subjugation, dispossession, and incarceration of specific populations that have been identified as adverse/deviant/problematic to the settler-colonial order. Genocidal carcerality refers to a carceral space, which in practice, consists of "multiple destructive strategies."<sup>4</sup> These spaces' inherent purpose is to eliminate a targeted group, for purposes of exterminating or "transforming the group so that it no longer persists."<sup>5</sup> In examining prisons as an extension of this carceral mechanism which enforces state order, I also examine how prisons exclude populations from their political rights and freedoms both during their prison sentences and afterwards.

In Chapter Five, I begin to introduce the idea of prison and police abolition. I argue that abolitionism provides both a methodological and theoretical framework for dismantling the police and the prison-industrial complex.

---

<sup>4</sup> Andrew Woolford and James Gacek, "Genocidal carcerality and Indian residential schools in Canada," *Punishment & Society* 18, no. 4 (2016): 404.

<sup>5</sup> *Ibid.*

## Chapter One: Theorizing Settler Colonialism

My central argument speaks to the ongoing existence of settler-colonialism in Canada, in which the state imposes a racializing order upon individuals and groups. The imposition of this order depends on targeted policing and incarceration of those identified as “deviant.” Both Critical Race Theory and Settler-colonial theory helps us in recognizing these structures, and they are the primary theories that I use in my thesis.

### Theoretical Orientation

The foundations of this project are guided by three interrelated theoretical orientations: primarily that of Settler-Colonial Theory (SCT), aspects of Critical Race Theory (CRT) and Critical Political Economy (CPE). These critical approaches were chosen as they possess strengths in their analytical and explanatory ability to contribute to what Edward Said termed “antithetical knowledge,” which opposes dominant narratives and knowledge regimes. It consists of “the development of counter-accounts of social reality by subversive and subaltern elements of the reigning order.”<sup>6</sup>

My epistemological perspective operates from anti-colonial, abolitionist feminism. This perspective is inspired by the works of many scholars, including but not limited to, Angela Y. Davis, Ruth Wilson Gilmore, Eve Tuck, Glen Coulthard, etc. This epistemological stance entails intersectionality which recognizes my positionality as a racialized settler, yet nonetheless, a settler scholar who is external to the Indigenous and Black communities whose experiences and narratives I wish to center in my work.

While I take a strong stance with my arguments, I must remind myself that my way of thinking is, again, from the perspective of a settler and a non-Indigenous person and does not constitute a universal reality. Even in my vow to undertake a decolonial approach to my research, I must remain diligent in avoiding the unintentional reproduction of “colonialist regimes of knowledge.”<sup>7</sup> Academic institutions and settings, such as universities, play a central

---

<sup>6</sup> Kimberle Crenshaw, Neil Gotanda, Gary Peller and Kendall Thomas, “Introduction,” in *Critical Race Theory: The Key Writings that Formed the Movement* ed. Kimberle Crenshaw, Neil Gotanda, Gary Peller and Kendall Thomas (New York: The New Press, 1993): xiii.

<sup>7</sup> Dolores Calderon, “Moving from Damage-Centered Research through Unsettling Reflexivity,” *Anthropology & Education Quarterly* 47, no. 1 (March 2016): 5.

role in colonial production and its reproduction, by claiming “authoritative knowledge of Aboriginal selves and translating this for use in settler legal and policy systems.”<sup>8</sup>

According to Calderon (2016), ethnographic research has often displayed the tendency to “smuggle in” damage-centered approaches, that seek to explain or account for negative social outcomes through an analysis of the oppression and suffering of marginalized people.<sup>9</sup> In approaching my research through the context of settler colonialism, I do partake in those “deficit discourses” which are often identified as “part and parcel” of damage-centered research.<sup>10</sup> Tuck (2009) argues that much research conducted on Indigenous communities that partakes in this “damage-centered approach,” does more harm than good.<sup>11</sup> Despite the good intentions of researchers, often those from outside these communities, myself included, engage in research that often “looks to historical exploitation, domination, and colonization to explain contemporary brokenness, such as poverty, poor health, and low literacy.”<sup>12</sup> Research consequently “pathologizes” these groups, a process in which their oppression becomes the thing that “singularly defines” them.<sup>13</sup>

To move away from these “damage-centered” approaches, Calderon argues we must take up positions of “an unsettling reflexivity.”<sup>14</sup> Such reflexivity requires that I, as a researcher, recognize I am *not* external to the context in which I operate: *I am a settler, a scholar within these colonial regimes of knowledge, and possess the potential to reproduce them.* Furthermore, I wish to counterbalance these damage-centered approaches with narratives of Indigenous and Black futurity and resilience. At the end of the day, I undertake this research in part to learn more about the existing grassroots groundwork that is ongoing and has been established by these communities, as well as my firm belief in a politics of abolitionist hope that moves us away from our current carceral landscape.

## **Methodology**

My methodology consists of an institutional power analysis, with elements of political economy analysis. I chose institutional power analysis not only because it aids in uncovering

---

<sup>8</sup> Alissa Macoun and Elizabeth Strakosch, “The ethical demands of settler colonial theory.” *Settler Colonial Studies* 3, no. 4 (2013): 433.

<sup>9</sup> Calderon 2016, 6.

<sup>10</sup> Ibid.

<sup>11</sup> Eve Tuck, “Suspending damage: A Letter to Communities.” *Harvard Educational Review* 79, no. 3 (Fall 2009): 412.

<sup>12</sup> Tuck, 413.

<sup>13</sup> Ibid.

<sup>14</sup> Calderon 2016, 7.

problematic policies and practices that define and constrain the criminal justice system. I also believe institutional power analysis can mobilize my research and similar work to intervene in the communities where these institutions operate.

I examine and critique the overwhelming narrative in society that the police are here to protect us, as advocated to us by both the police themselves and other actors, such as the media. I also examined whiteness, racialization, and criminalization – all the way these are constructed under the state, and to what effect they exclude or include others. All these concepts create binaries of “us” vs “them,” or “good” and “bad” and consequently, these are used to justify inequalities in/under the law. They aid in the construction of norms, values, and expected patterns of behaviours seen in law enforcement.

### **Settler Colonialism & the Administration of a “Good Order”**

A decolonial prison abolition approach must recognize the state’s authority *as* a settler state. Canada's national mythologies often depict it as a benevolent, peace-loving entity with its hands free of a violent past. For example, in 2010 during the G20 summit, Prime Minister Stephen Harper claimed Canada has “no history” of colonialism.<sup>15</sup> Canada's supposed non-colonial legacy is a far cry from the truth and completely disregards our colonial past. Relatedly, to situate ourselves in a “postcolonial state,” by claiming that colonialism is in the “past” is to also deny our colonial present. Colonialism is *not* a singular event confined to a particular period of history, but rather, is an ongoing and contemporary societal structure.<sup>16</sup> Colonialism is alive and well in new forms which pervade every aspect of the social, political, cultural, and economic spheres of society.

Settler colonial theory (SCT), possesses strengths in its analytic and explanatory function that can emphasize and “confront” us with a narrative of contemporary colonialism that is “difficult to avoid,” as it exposes “... underlying similarities between conservative and progressive approaches to contemporary Indigenous policy and reveal[s] intimate connections between settler emotions, practices, knowledges and institutions.”<sup>17</sup>

---

<sup>15</sup> Assembly of First Nations of Quebec and Labrador, “Prime Minister Harper Denies Colonialism in Canada at G20,” Cision Canada, September 29, 2009, <https://www.newswire.ca/news-releases/prime-minister-harper-denies-colonialism-in-canada-at-g20-538621372.html>

<sup>16</sup> Rowe and Tuck 2017, 3.

<sup>17</sup> Alissa Macoun and Elizabeth Strakosch. “The Ethical Demands of Settler Colonial Theory.” *Settler Colonial Studies* 3, no. 3–04 (2013): 427.

Despite what position it is being approached from, whether it be a conservative or more progressive approach, the tendency is to anchor these frameworks within settler knowledges and institutions that are assumed to be universal. Settler-colonial theory challenges that, as Macoun and Strakosch (2013) also warn us that in emphasizing the continuities in colonial relationships between the past and the present also risk the construction of existing political relationships as “inevitable and unchanging.”<sup>18</sup> A conceptual distinction needs to be made between colonialism and settler-colonialism, the latter of which serves as the background for my thesis. Settler-colonialism pertains to a formation of colonialism which involves the migration of peoples to land originally inhabited by an Indigenous population whereby they “declare that land to be their new home.”<sup>19</sup> This form of colonialism revolves around “land theft and Indigenous erasure to facilitate the permanent settlement of non-Indigenous ‘exalted subjects.’”<sup>20</sup>

Settler-colonialism features a pervasive and pervading *spatialized logic* as a process that is essential to the project of “modernity.”<sup>21</sup> Order-making requires *dispossession*: if there is an identifiable settler order — it is an order that *must* assert itself as the *only* order, securing its normative status through “the violent erasures of alternative modes of being, whether physically, culturally, and psychically.”<sup>22</sup>

As Wolfe (2006) asserts, the settler-colonial order destroys Indigenous life and worlds in order to replace them.<sup>23</sup> The consequence is socially produced spatiality, a space constructed on virtues of “whiteness,” these virtues’ white supremacist origins stemming from French and British colonialisms alongside the “modern liberal epistemology that underpinned their colonial missions and the wealth their empires were able to amass.”<sup>24</sup> The white settler state was “ideologically entrenched and structurally made possible through the interconnected interests of imperial and private capital’s exploitations of the natural environments and its reliance on the

---

<sup>18</sup> Ibid.

<sup>19</sup> Rowe & Tuck 2017, 4.

<sup>20</sup> Preston 2017, 354.

<sup>21</sup> Patrick Wolfe, “Settler colonialism and the elimination of the native,” *Journal of genocide research* 8, no. 4 (2006): 394.

<sup>22</sup> Phil Henderson, “Imagined communities: the psychosocial space of settler colonialism,” *Settler Colonial Studies* 7, no. 1 (2017): 41.

<sup>23</sup> Wolfe 2006, 388.

<sup>24</sup> Jen Preston, “Racial extractivism and white settler colonialism: An examination of the Canadian Tar Sands mega-projects,” *Cultural Studies* 31, no. 2-3 (2017): 354.

expertise and knowledge of Indigenous peoples.”<sup>25</sup> The police were the central means of producing these outcomes.

In fact, policing has never been solely about the prevention of crime, nor was crime prevention its original function. The core of the police project concerned itself and continues to concern itself with governance, which Crosby and Monaghan argue as a “deeply racializing practice” concerned with the “reproduction of order.”<sup>26</sup> Within Canada, the dominance of white public authority asserted through liberal order-making was consolidated through the Northwest Mounted Police (NWMP) during the settlement of the West. The NWMP acted as the reinforcers of “civilization” and “civility” in what was portrayed as the “uncivilized” and “unruly” wilderness “lacking” order.

“Civilization” was “cast as a regime of rules promoting orderliness and good conduct, to which all societies should aspire.”<sup>27</sup> Their duties were concerned with not solely criminal activities but in addition, activities which were also “deemed to be potentially disruptive to the communal good.”<sup>28</sup> What was defined as the “communal good,” was whatever they deemed to be in settler interests, and resultantly, the responsibilities of the NWMP aimed to “consolidate Canadian claims of sovereignty over the territories [...] and assert control over the Indigenous population” through their displacement into the reserve system, the enforcement of pass laws, and the “dispersal (and non-dispersal) of rations and equipment based on complaint behavior (despite treaty obligations).”<sup>29</sup> The colonial interpretation of the numbered treaties, negotiated between the years 1871-1921, have been foundational to what scholars, such as Gina Starblanket and Joyce Green refer to as the order of “Project Canada.”<sup>30</sup> The relationship between Indigenous peoples and Canada, according to Green, is: “perpetuated by a mythologized history and by judicial and political institutions that proclaim and defend this mythology-cloaked, unhyphenated colonialism.”<sup>31</sup>

---

<sup>25</sup> Preston 2017, 363.

<sup>26</sup> Andrew Crosby and Jeffrey Monaghan 2018, *Policing indigenous movements: dissent and the security state* (Halifax & Winnipeg: Fernwood Publishing, 2018), 19.

<sup>27</sup> Colleen Bell and Kendra Schreiner, “The International Relations of Police Power in Settler Colonialism: The “civilizing” mission of Canada’s Mounties,” *International Journal: Canada’s Journal of Global Policy Analysis* 73, no. 1 (2018): 116.

<sup>28</sup> Bell and Schreiner 2018, 116.

<sup>29</sup> Jeffrey Monaghan, “Mounties in the Frontier: Circulations, Anxieties, and Myths of Settler Colonial Policing in Canada,” *Journal of Canadian Studies* 47, no. 1. (2013): 125-6; 128.

<sup>30</sup> Green, quoted in Gina Starblanket, “The Numbered Treaties and the Politics of Incoherency,” *Canadian Journal of Political Science* 52, no. 3 (2019): 445.

<sup>31</sup> Starblanket 2019, 445.

The negotiation and construction of the numbered treaties represent a “formative period in Canadian narratives of settlement and development.”<sup>32</sup> Treaties, in their depiction in the normative mythos by Canadian political institutions, are portrayed as the historical events where Indigenous peoples *consensually* ceded and surrendered the land and their title to it, relinquishing “[...] [their] existing political authority to the Crown, in exchange for a fixed spectrum of rights and entitlements.”<sup>33</sup> Such normative interpretation is based on standard sources of history, such as the commissioners’ reports and treaty texts.<sup>34</sup> On the contrary, Indigenous oral history asserts “there was no surrender of lands through the treaty process.”<sup>35</sup> Among other sources, it is primarily Indigenous oral history asserts that First Nations “agreed to *share* their lands in exchange for the benefits offered by the Canadian government.”<sup>36</sup>

Colonization by the Hudson’s Bay Company, the Canadian Pacific Railway, and the Crown, led to the privatization of land that was leased, sold, and licensed. Through these practices, Canada was “built to colonize, and this shaped the liberal capitalist institutions of this country.”<sup>37</sup> The numbered treaties “made way” for infrastructure such as railroads, bridges, hydroelectricity, oil and gas, and other industries: all of which provided “jobs for settlers, revenue for governments, raw materials for global markets.”<sup>38 39</sup>

Property is central to our discussion of settler-colonialism and white supremacy, which I will go into further detail in a later chapter. European liberal ideologies of property and property laws were enforced upon Indigenous populations by colonizers. The emerging violence that followed was “perpetuated by the exercise of power and ratified through the rule of law.”<sup>40</sup> These conceptions of property not only “motivated the ‘resourification’ of Indigenous territories then and now, but also informed the racialization of Indigenous peoples as wasteful, lazy and unable to be productive in the economy or in white settler society more generally.”<sup>41</sup>

---

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Sheldon Krasowski and Winona Wheeler. *No surrender: the land remains Indigenous* (Regina: University of Saskatchewan, 2019), 1.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid., 70.

<sup>38</sup> Starblanket et al. 2019, 444.

<sup>39</sup> Sheri Pasternak, “Canada is a Bad Company: Police as Colonial Mercenaries for State and Capital,” in *Disarm, defund, dismantle: police abolition in Canada*, ed. Sheri Pasternak, Kevin Walby, and Abby Stadnyk (Toronto: Between the Lines Press, 2022), 70.

<sup>40</sup> Cheryl I. Harris, “Whiteness as Property,” in *Critical Race Theory: The Key Writings that formed the Movement*, ed. Kimberlé Crenshaw (New York: The New Press, 1995): 298.

<sup>41</sup> Preston 2017, 358.

## Dispossession & Critical Infrastructure

Critical infrastructure (CI), which refers to processes, systems, technologies, networks and services considered by the state as “essential” to the functioning of government, has been both a site of structured dispossession of Indigenous peoples and a central mode of organization for national security policing.<sup>42</sup> The very construction of critical infrastructure requires the removal of Indigenous peoples and theft of Indigenous land, alongside the containment of these communities to “establish, secure, and maintain the settler state.”<sup>43</sup> Settler state discourse imagines critical infrastructures as “assemblages that serve the Canadian public, need protection and reimagine the social good in terms of the aggregate economy.”<sup>44</sup> As the state aligns itself further with capital, its functions move away from the politics of a social good and the common good and towards policing, taking on functions of a security and police state. In doing so, it concerns itself less with social welfare and social policies and more so with processes of securitization. Canada has a deep, long-standing relationship with the transnational oil and gas industry.<sup>45</sup> The resourification and extraction of Indigenous lands and resources continue to be a means of obtaining resources to “create and distribute wealth for the exclusive benefit of settler society.”<sup>46</sup> Fossil fuel pipelines, alongside other material “critical infrastructures,” are built across the land without the free, prior, and informed consent of Indigenous peoples, as oil and gas infrastructures “continue to operate as emblems of national progress and resource wealth.”<sup>47</sup>

We can see how advancements in activities under the state economy continue to rely on displacing Indigenous communities from their lands, such as through the multiple ongoing Canadian pipeline projects. Coastal GasLink is merely one of the three multi-billion-dollar pipelines facing opposition from Indigenous communities, as the construction of the 670km pipeline goes through unceded Wet’suwet’en territory.<sup>48</sup> One of the last remaining sources of clean drinking water and salmon spawning grounds in the territory, the Wedzin Kwa (Morice River) is potentially subject to damage by the pipeline project, a concern expressed by

---

<sup>42</sup> Andrew Crosby, “The racialized logics of settler colonial policing: Indigenous ‘communities of concern’ and critical infrastructure in Canada,” *Settler Colonial Studies* 11, no. 4 (2021), 2.

<sup>43</sup> Crosby 2021, 416.

<sup>44</sup> Anne Spice, “Fighting Invasive Infrastructures,” *Environment and Society* 9, no. 1. (2018), 45.

<sup>45</sup> Preston 2017, 354.

<sup>46</sup> Crosby 2021, 4.

<sup>47</sup> Spice 2018, 44.

<sup>48</sup> Alice McCool and Lewis Lewton, “Canadian pipeline groups spend big to pose as Indigenous champions,” *The Guardian*, March 10, 2022, <https://www.theguardian.com/environment/2022/mar/10/canadian-pipeline-groups-spend-big-to-pose-as-indigenous-champions>



Wet'suwet'en Hereditary Chiefs.<sup>49</sup> Some parts of the Wet'suwet'en nation established checkpoints and blockade camps to prevent oil and gas companies from entering these territories. Not only were they defending their livelihood, but they were also defending a culturally distinct and ecologically sound way of life. In January 2019, the RCMP raided the Gidimt'en checkpoint, and then in February 2020, moved in with large force on all checkpoints and camps: forcibly removing land defenders and supporters to clear the space for pipeline workers to commence their work.<sup>50</sup>

Indigenous grievances about land rights have been delegated as secondary concerns, and always framed in terms of “minority rights,” “accommodation,” and “recognition.”<sup>51</sup> In Canada, Indigenous peoples must contend with colonial structures which have both political and legal support.<sup>52</sup> As Poirier (2010) explains, in the case of land rights and native title, for example, “the burden of proof is made to rest with Indigenous peoples, who are presumed not to actually possess aboriginal title, but to be making a claim to it before the Court.”<sup>53</sup> It is said that Canadian courts have secured what is considered an “unprecedented degree of protection for certain cultural practices within the state.”<sup>54</sup> Yet, as Coulthard (2014) points out, “they have nonetheless repeatedly refused to challenge the racist origin of Canada's assumed sovereign authority over Indigenous peoples and their territories.”<sup>55</sup>

Instead, Canadian sovereignty, resting on claims of legal fictions such as the Doctrine of Discovery and *terra nullius* continues to be asserted despite this serious legitimacy deficit. Furthermore, Coulthard adds, the collective rights and identities of Indigenous peoples are indeed recognized by the state, but only insofar as “this recognition does not throw into question the background legal, political, and economic framework of the colonial relationship itself.”<sup>56</sup> Canada seems to “recognize” Indigenous peoples, yet not their *nationhood*, as such doing so

---

<sup>49</sup> Amnesty, “Canada: Construction of pipeline on Indigenous territory endangers land defenders,” *Amnesty International*, October 3, 2022, <https://www.amnesty.org/en/latest/news/2022/10/canada-pipeline-indigenous-territory-endangers-land-defenders/#:~:text=October%20%2C%202022-,Canada%3A%20Construction%20of%20pipeline%20on%20Indigenous%20territory%20endangers%20land%20defenders,%2C%20said%20Amnesty%20International%20today.>

<sup>50</sup> Crosby 2021, 412

<sup>51</sup> *Ibid.*, 11.

<sup>52</sup> Sylvie Poirier, “Change, Resistance, Accommodation and Engagement in Indigenous Contexts: A Comparative (Canada–Australia) Perspective,” *Anthropological Forum* 20, no. 1 (2010): 43.

<sup>53</sup> *Ibid.*

<sup>54</sup> Coulthard 2014, 41.

<sup>55</sup> *Ibid.*

<sup>56</sup> *Ibid.*

would call into question the sovereign legitimacy of Canada as a nation-state.

## **Race & Racialization**

Race and racism are not purely ideological concepts, as they have material causes and consequences. Much like the settler colonial context of the United States, Canada is a deeply racialized state: it is an overwhelmingly white institution, an instrument of powerful interests, and a fundamentally racist institution.<sup>57</sup> The state is central to our discussion alongside property because, as Rosino and Hughey (2018) describe, “The state is also the sole legitimate possessor of the moral capital to use physical force, and it has a large amount of economic, cultural/informational, and symbolic capital.”<sup>58</sup>

Canada has a unique colonial history distinctive from that of the United States. Yet, it shares similarities in the forces that have given rise to anti-Black and anti-Indigenous racism and oppression which has been both “reinforced and perpetuated by law.”<sup>59</sup> Yet, Canada continues to parade itself under the mask of a cosmopolitan utopia of “freedom” and “liberty,” which boasts of its diverse background and “multicultural” heritage as a “nation of immigrants”: hence the illusion of being an inclusive state, or a “post-colonial” one.<sup>60</sup> Colorblind politics, or “race neutrality,” is often conflated and alleged to be part of anti-racism rhetoric.<sup>61</sup> Despite these claims, this more implicit form of racism “... impedes our collective ability to both recognize and tackle systemic and structural inequities leading to discrimination and injustice.”<sup>62</sup>

Racialization is a process in which individuals are “selected, sorted, given attributes, and assigned particular actions.”<sup>63</sup> When the process of racialization undergoes “Othering” another group, it becomes racism. This process becomes reflected in social policies and practices which subsequently act to maintain these “racial boundaries, power relations, and structurally embedded meanings.”<sup>64</sup> Racism is thus a social practice connected to power. As Comack (2012)

---

<sup>57</sup> Michael Rosino and Hughey, “The War on Drugs, Racial Meanings, and Structural Racism: A Holistic and Reproductive Approach: War on Drugs, Racial Meanings, & Structural Racism,” *American Journal of Economics and Sociology* 77, no. 3-4 (2018): 855.

<sup>58</sup> Ibid.

<sup>59</sup> Carol A. Aylward, *Canadian critical race theory: racism and the law*. (Halifax: Fernwood Publishing, 1999), 14.

<sup>60</sup> Emma Battell Lowman & Adam J. Barker, *Settler: identity & Colonialism in 21st Century Canada*. (Winnipeg, Manitoba; Black Point, Nova Scotia: Fernwood Publishing, 2015), 55.

<sup>61</sup> Sandy Rao, “Black Lives, Blue Shirts and ‘Colourblindness’: Application of Critical Race Theory in Police Response Models for Persons with Mental Illness.” *Community Mental Health Journal* 58, no. 1 (2022): 3.

<sup>62</sup> Ibid.

<sup>63</sup> Wendy Chan and Dorothy E. Chunn, *Racialization, Crime, and Criminal Justice in Canada*. (Toronto, Ontario: University of Toronto Press, 2014), 12.

<sup>64</sup> Ibid, 10.

describes, “it is the use of racial categories to define an Other. The idea of race, in this sense, is an effect of power.”<sup>65</sup> Thus, race is not only a descriptive term but an analytical term that helps to describe impacted social relations within Canadian society along racialized lines.

We should not consider the law to be “colorblind,” as much as legal advocates might claim it to be nor should it be considered “apolitical.” Law is a regulatory power which aids the state in managing racialized populations within it, following a logic of possession and ownership that has evolved throughout time to maintain and establish the racial and economic subordination of these groups under white supremacy.<sup>66</sup> Thus, law is not exempt from the process of racialization, as it undergoes racialization as well.

Critical Race Theory (CRT) recognizes that “race and racism are endemic, persistent, and a central factor in defining and explaining individual experiences.”<sup>67</sup> Race *cannot* be accepted as a given nor can it be written off as solely a social construct without further exploration as to what that means. Racialization has always been involved in the process of determining human valuation under colonialism. Racialization was a project central to colonialism alongside “capitalism, the labor market and to the construction and reconstruction of the category of the human itself.”<sup>68</sup> As Bonds (2018) argues, examining property within racial capitalism requires an understanding of “race as a constitutive element of capitalism.”<sup>69</sup>

The concept of racial capitalism highlights that race is not merely the product of unequal capitalist processes, but it is something which is “*essential* [italics in the original] to the workings of capitalism and its reproduction over time.”<sup>70</sup> Bonds concludes that all capitalism is racial capitalism, and “[t]he uneven capitalist development of places is simultaneously a racialized process of (de)valorization and (dis)accumulation that relies upon legal and *extra-legal* racialized violence.”<sup>71</sup> It is the law which protects property and allows it to be defended by the state.<sup>72</sup> We see the legal history of property ownership in the United States for example, as being

---

<sup>65</sup> Elizabeth Comack, *Racialized policing: aboriginal people’s encounters with the police* (Winnipeg: Fernwood Publishing, 2012), 18.

<sup>66</sup> Ibid, 277; Rinaldo Walcott, *On property: policing, prisons, and the call for abolition* (Windsor: Biblioasis, 2021), 23.

<sup>67</sup> Sandy Rao, “Black Lives, Blue Shirts and ‘Colourblindness’: Application of Critical Race Theory in Police Response Models for Persons with Mental Illness,” *Community Mental Health Journal* 58, no. 1 (2022): 3.

<sup>68</sup> Preston 2017, 354-5.

<sup>69</sup> Anne Bonds, “Race and ethnicity I: Property, race, and the carceral state,” *Progress in Human Geography* 43, no. 3 (2018): 577.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

“underpinned by the expropriation of indigenous territories, the enslavement of humans legally classified as property, and the exploitation of devalued labor.”<sup>73</sup> Racial capitalism allows for the creation and maintenance of racial hierarchies that transforms racialized lives into profit.

Incarceration is one of the racial capitalist systems that sees to police and prosecutors funneling people of color from cities into rural prisons. Gilmore (2007) describes these populations as “working or workless poor, most of whom are not white.”<sup>74</sup> The overrepresentation and disproportionate representation of people of color in criminal statistics is not because these populations engage in crime much more than the general population. Rather, policies and institutions disproportionately target these communities, particularly those which are disenfranchised and impoverished, and focus on the criminalization of behavior that is regarded as “unseemly” or bothersome.<sup>75</sup> People of color face a higher risk of racial profiling, biased policing, discrimination, and violence. Indeed, “African Americans, Latinos, and Native Americans are between two to seven times more likely to be stopped, ticketed, or arrested than their white peers.”<sup>76</sup> Those who live in over-policed communities consequently face significantly higher chances of being stopped by the police, “increasing the likelihood of being cited, ticketed, and or arrested.”<sup>77</sup>

CRT understands that racial privilege and oppression are ingrained in the history and the law “of the majority white, English-speaking liberal democracies such as the USA, Canada, and England.”<sup>78</sup> Hence, policing is “intimately related” to the protection of the contemporary social order, one which is based on “whiteness as property.”<sup>79</sup> In *Whiteness as Property*, critical race theory scholar Cheryl I. Harris (1995) explains how whiteness and white identity act as viable sources of both privilege and protection with tangible, economically valuable benefits that become institutionalized privileges.

---

<sup>73</sup> Ibid.

<sup>74</sup> Gilmore 2007, 15.

<sup>75</sup> Brianna Borrelli, “The Interplay of Mass Incarceration and Poverty,” *Georgetown Journal on Poverty Law and Policy* 3, no. 2 (2023): 291.

<sup>76</sup> Ibid., 291-92.

<sup>77</sup> Ibid., 292.

<sup>78</sup> Bryan Warde, “Black Male Disproportionality in the Criminal Justice Systems of the USA, Canada, and England: A Comparative Analysis of Incarceration,” *Journal of African American Studies* 17, no. 4 (2013): 463.

<sup>79</sup> Banu Bargu, “Police Power: The Biopolitical State Apparatus and Differential Interpellations,” *Rethinking Marxism* 31, no. 1 (2019): 292.

According to Wolfe (2006), both Indigenous and Black peoples have been racialized in ways that “reflect their antithetical roles in the formation of US society.”<sup>80</sup> As Wolfe writes: “Black people were racialized as slaves; slavery constituted their blackness, correspondingly, the Indigenous North Americans who were not killed, were driven away, romanticized, assimilated, bred White, and otherwise eliminated as the original owners of the land but *as Indians* [italics in original text].”<sup>81</sup> Furthermore, Wolfe emphasizes that it was the racialization of Indigenous and Black identities and their subsequent subordination which “provided the ideological basis for slavery and conquest.”<sup>82</sup> As Moreton-Robinson described: “While blackness was congruent with Indigenous subjugation and subordination, whiteness was perceived as being synonymous with freedom and citizenship.”<sup>83</sup>

When it comes to the formation of the nation-state, the state’s historical mythology, as seen with Australia and Canada, tends to stress “struggle, courage and survival, amidst pain, tragedy, and loss.”<sup>84</sup> It is described as a “history of suffering, sacrifice and defiance in defeat” which portrays a narrative of victimization, as opposed to that of domination.<sup>85</sup> Thus, Britishness has been expressed through that of “the bush battler, the pioneer, the explorer, and the convict” as those who struggled against the unforgiving and harsh landscape.<sup>86</sup> Painting the landscape as the oppressor thus disavows the violence that has been committed against Indigenous peoples, as the British see the landscape as that which “must be conquered, claimed, and named.” However, Indigenous peoples were at the “subconscious level,” not considered part of the landscape and “thus not human.”<sup>87</sup> In theorizing race via the notion of “white possessive logics” within the former British colonies, we can begin to understand how race becomes “intrinsic to the formation of nation-states and the development of national identity, where ‘logics of white possession and the disavowal of Indigenous sovereignty are materially and discursively linked.’”<sup>88</sup>

---

<sup>80</sup> Wolfe 2006, 387.

<sup>81</sup> *Ibid.*, 388.

<sup>82</sup> Harris 1995, 277.

<sup>83</sup> Aileen Moreton-Robinson, *The White Possessive: Property, Power, and Indigenous Sovereignty* (University of Minnesota Press, 2015), 30.

<sup>84</sup> Moreton Robinson 2015, 29.

<sup>85</sup> *Ibid.*

<sup>86</sup> *Ibid.*

<sup>87</sup> *Ibid.*

<sup>88</sup> Crosby 2021, 7.

## Racialized Policing

While Canadian police services claim to serve and promote values of multiculturalism and equality, researchers have long been able to identify “practices that contribute to the differential treatment of Black and Indigenous populations, in comparison to their white counterparts.”<sup>89</sup> There is a plethora of literature discussing the racialization of criminality which results in unequal police conduct along racial and ethnic lines throughout Canada. In the post-9/11 era, scholars have also documented the troubling rise of “discriminatory criminal practices and in the racial profiling of Arab, Muslim, and South Asian criminal suspects.”<sup>90</sup> Racialized policing has a long history within Canada, stemming back to the era of settlement in the West beginning with the Northwest Mounted Police (NWMP) and the government’s violent paternalism over Indigenous and immigrant populations in the later years.

Policing has long operated to maintain the “whiteness” of public space, through a variety of methods of day-to-day criminalization, harassment, and violence (such as carding, detainment, and assault).<sup>91</sup> As the NWMP played a central role in the management and containment of Indigenous peoples during early white settlement, contemporary policing today continues to partake in the management and containment of Indigenous and racialized populations as Canadian police are “increasingly empowered to determine and distribute trouble and problem populations according to an interpretation of the targets’ productive and consumptive value.”<sup>92 93</sup> Under neoliberalism, these “problem populations” often do not serve as “positive functions” in the market, e.g., “illiterate’ immigrants across Europe” or “deskilled ‘ex-cons’ in the United States.”<sup>94</sup> These populations are thus subject to “surveillance, discipline, and exclusion as the policing and penal instruments of the state are called upon to detect and contain risk.”<sup>95</sup>

There are practical consequences of unequal treatment in policing, as the racialization of

---

<sup>89</sup> Kanika Samuels-Wortley, “To Serve and Protect Whom? Using Composite Counter-Storytelling to Explore Black and Indigenous Youth Experiences and Perceptions of the Police in Canada,” *Crime & Delinquency* 67, no. 8 (2021): 1138.

<sup>90</sup> Hayli Millar and Tamara O’Doherty, “Racialized, Gendered, and Sensationalized: An examination of Canadian anti-trafficking laws, their enforcement, and their (re)presentation,” *Canadian Journal of Law and Society / Revue Canadienne Droit et Société* 35, no. 1. (2020): 24.

<sup>91</sup> Pasternak et al. 2022, 78.

<sup>92</sup> Craig Proulx, “Colonizing Surveillance: Canada Constructs an Indigenous Terror Threat,” *Canadian Anthropology Society* 56, no. 1. (2014): 83.

<sup>93</sup> Elizabeth Comack, *Racialized policing: aboriginal people’s encounters with the police* (Winnipeg: Fernwood Publishing, 2012), 32.

<sup>94</sup> Victor L. Shammass, “Superfluity and insecurity: Disciplining surplus populations in the Global North,” *Capital & Class* 42, no. 3 (2018): 411.

<sup>95</sup> Ibid.

criminality means that specific communities are more “likely to receive police attention, become targets of searches and arrests, not receive fair trials, or be overrepresented in the correctional system.”<sup>96</sup> Despite the evidence that indicates and confirms the existence of racialized policing, police authorities have vigorously denied their engagement in such practices.<sup>97</sup>

Existing legal narratives of criminality are both highly racialized and individualized, with crime being understood as “the simple product of equally free and autonomous “bad” choices made by persons who are acting unencumbered by their experiences and present circumstances.”<sup>98</sup> Maynard (2017) writes: “Because many forms of *overt* racism are not tolerated, state-sanctioned violence relies on the blameworthiness of *those it harms*.”<sup>99</sup>

Policing and prisons play a central role in reproducing “Indigenous people as a colonized and now criminalized group, subsumed into criminal justice language and logics.”<sup>100</sup> The mass criminalization of Indigenous peoples and their overrepresentation in every level of the correctional system is an ongoing and well-recorded phenomenon within Canada. Past reforms implemented in Canada have seen ineffective results, particularly those in the recent decades attempting to improve police-community relations and reduce incarceration rates.<sup>101</sup>

Legitimacy is an incredibly important question when it comes to adherence to law and authority and has become an increasingly important topic over the years, especially in relation to police and prisons. Procedural justice has been an important component of this conversation, and according to the procedural justice literature, people place a great deal of significance on the fairness of the procedures that power holders “use to wield their authority.”<sup>102</sup> Procedural justice aids in shaping the extent to which people perceive authorities to be legitimate actors, as legitimacy can be defined as “the recognition that authorities have the right to rule and the

---

<sup>96</sup> Chan and Chunn, 11.

<sup>97</sup> Sulaimon Giwa et al. “Racial Erasure: The Silence of Social Work on Police Racial Profiling in Canada,” *Journal of Human Rights and Social Work* 5, no. 4 (2020): 226.

<sup>98</sup> Craig Haney, *Criminality in Context: The Psychological Foundations of Criminal Justice Reform* (Washington, DC: American Psychological Association, 2020), 18.

<sup>99</sup> Robyn Maynard, *Policing Black Lives Matter: state violence in Canada from slavery to the present* (Halifax: Fernwood Publishing, 2017), 10.

<sup>100</sup> Chartrand 2019, 78.

<sup>101</sup> Wendy Chan and Dorothy E. Chunn, *Racialization, crime, and criminal justice in Canada* (Toronto: University of Toronto Press, 2014), 96.

<sup>102</sup> Monica M. Gerber, Jonathan Jackson, Roberto González, Héctor Carvacho, Gloria Jiménez-Moya, and Cristóbal Moya. “On the Justification of Intergroup Violence: The Roles of Procedural Justice, Police Legitimacy, and Group Identity in Attitudes towards Violence Among Indigenous People,” 381.

authority to dictate appropriate behavior.”<sup>103</sup> Relations between First Nations, Inuit, and Métis peoples and the police in Canada has “historically been marred by colonial practices that have perpetuated a lack of confidence and satisfaction, mistrust, and fear.”<sup>104</sup> Abuses of Indigenous peoples by the police are also evident in the current literature, and are not limited to the historical context. For example, the abuses of Indigenous women and girls by the police in British Columbia were documented by the Human Rights Watch (2013).<sup>105</sup> Another examination of public satisfaction with police in Saskatoon by Cheng (2015) found that Indigenous peoples have less satisfaction with police than non-Indigenous peoples.<sup>106</sup> Overall, when it comes to procedural justice, with police being the first point of contact with the criminal justice system, there is low confidence and legitimacy perceived in their authority.

Spatial relocation is a device of control: with the rise of mass incarceration, the scope and intensity of police activity continue to expand as police become increasingly engaged in “more enforcement of more laws, resulting in astronomical levels of incarceration, economic exploitation, and abuse.”<sup>107</sup> Incarceration rates of Indigenous peoples continue to skyrocket, despite the existence of principles such as those laid out in the Criminal Code under the *Gladue* provision, which requires “the consideration of the social and contextual factors that bring an Indigenous person before a criminal court.”<sup>108</sup> Evidence suggests that the overrepresentation of both Black and Indigenous peoples in the correctional system is consequential of the over-surveillance and the “harsher charging practices that have a significant impact [on] these racial communities, in particular.”<sup>109</sup>

Indigenous mass imprisonment is intentional and operates in favor of the prison industrial complex in the way it is meant to. Issues that burden various marginalized groups in society, and any challenges to state sovereignty “disappear from public view when the human beings contending with them are relegated to cages.”<sup>110</sup> Corrections Canada's statistics assert that

---

<sup>103</sup> Ibid.

<sup>104</sup> Amy Alberton, Brent Angell, Kevin M. Gorey Dr., and Harvey A. McCue. “Intersection of Indigenous Peoples and Police: Questions about Contact and Confidence,” *Canadian Journal of Criminology and Criminal Justice / Revue canadienne de criminologie et de justice pénale* 61, no. 4 (2019): 102.

<sup>105</sup> Ibid., 103.

<sup>106</sup> Ibid.

<sup>107</sup> Vitale 2018, 50.

<sup>108</sup> Carmela Murdocca, “Ethics of Accountability: *Gladue*, Race, and the Limits of Reparative Justice,” *Canadian journal of women and the law* 30, no. 3 (2018), 523.

<sup>109</sup> Samuels-Wortley 2021, 1141.

<sup>110</sup> Angela Y. Davis, “Masked racism: reflections on the prison industrial complex,” *Colorlines* 1, no. 2 (1999), 1.



Indigenous adults are “incarcerated over six times more than anyone else.”<sup>111</sup> The federal Canadian prisoner population demonstrates a relative consistency while the Indigenous federal prisoner population has increased by 50%, in which Indigenous women constitute the fastest-growing prison population.<sup>112</sup> Indigenous peoples overall account for 30% of the entirety of the correctional population, even though they are only 5% of the overall population.<sup>113</sup> In Saskatchewan, Indigenous peoples are incarcerated at nearly ten times the provincial rate and were found to be 76% of the province's inmate population.<sup>114</sup> Furthermore, Indigenous prisoners are also disproportionately represented in areas including “higher security classifications, segregation placements, use of force interventions, maximum security, and forced interventions,” all of which, as Chartrand (2019) notes, lead to longer sentences and institutional stays.<sup>115</sup> In January 2021, the Office of the Correctional Investigator reported that the proportion of Indigenous men and women in federal custody had reached a new historic high, surpassing 30% of the overall incarcerated population.<sup>116</sup>

There is also a gendered dimension with respect to both the incarceration and victimization of Indigenous women. First, the annual rates of federally incarcerated Indigenous women are on the rise. A statement from the Office of the Correctional Investigator reports that the proportion of Indigenous Women in Federal Custody has neared 50% of all federally-sentenced women.<sup>117</sup> Research finds that Indigenous peoples are overrepresented as victims of criminal offending, particularly Indigenous women.<sup>118</sup> Brennan (2011) reports that in 2009 Indigenous women “were almost three times more likely than non-Aboriginal women to report

---

<sup>111</sup> Charles C. Smith, “Racial Profiling in Canada, the United States, and the United Kingdom,” in *Racial Profiling in Canada*, ed. Carol Tator and Frances Henry (Toronto: University of Toronto Press, 2006), 81.

<sup>112</sup> Michaela M. McGuire and Danielle J. Murdock, “(In)-justice: An exploration of the dehumanization, victimization, criminalization, and over-incarceration of Indigenous women in Canada,” *Punishment & Society* 24, no. 4 (2021), 2.

<sup>113</sup> Kanika Samuels-Wortley, “To Serve and Protect Whom? Using Composite Counter-Storytelling to Explore Black and Indigenous Youth Experiences and Perceptions of the Police in Canada,” *Crime and Delinquency* 67, no. 8 (2021): 1141.

<sup>114</sup> Keith D. Smith, *Liberalism, surveillances and resistance: Indigenous communities in Western Canada, 1877-1927* (Edmonton: AU Press, 2009), 81.

<sup>115</sup> Vicki Chartrand, “Unsettled Times: Indigenous Incarceration and the Links between Colonialism and the Penitentiary in Canada,” *Canadian Journal of Criminology and Criminal Justice* 61, no. 3 (2019), 69.

<sup>116</sup> *Ibid.*

<sup>117</sup> Kristy Kirkup. “Nearly half of federally incarcerated women are Indigenous, evidence of ‘public policy failures,’” *The Globe and Mail*, December 17, 2021, <https://www.theglobeandmail.com/politics/article-rate-of-federally-incarcerated-indigenous-women-nears-sad-milestone/>.

<sup>118</sup> Elspeth Kaiser-Derrick. *Implicating the System: Judicial Discourses in the Sentencing of Indigenous Women*. (Winnipeg: University of Manitoba Press, 2019), 6.

having been a victim of a violent crime.”<sup>119</sup> In addition, Indigenous women have also reported having experienced proportionally more emotional or financial abuse within their spousal relationships than non-Indigenous women.<sup>120</sup>

In the cases Kaiser-Derrick examines in her 2019 study, Indigenous women's criminalization was frequently linked with past experiences of victimization (including state-based experiences of victimization through colonization) and often involves intimate partner violence or experiences related to this abuse.<sup>121</sup> Their experiences and concerns for safety also may be subject to minimization from the police, who fail to take their concerns seriously.

Furthermore, it should be noted that the violations of the law committed by these women were non-violent. Within this research, Kaiser-Derrick also found that in the examination of federally and provincially sanctioned women, 80% were mothers.<sup>122</sup> As she points out, motherhood and its additional responsibilities become difficult for incarcerated women “whose abilities to maintain relationships with their children are compromised by their separation and may also be challenging for women to balance alongside compliance with supervisory orders once they are released into the community.”<sup>123</sup>

The way that Indigenous women are criminalized must be linked to processes of colonialism. Criminality can be understood as manifesting within the modes of orientation and survival. Women's criminal behavior continues to take on different forms, and criminalized women's choices continue to be constrained by systemic forces. Any discussion of Indigenous women's victimization must also address missing and murdered women and children in Canada. In 2019, Canada's National Inquiry into Missing and Murdered Indigenous Women and Girls (the ‘MMIWG Inquiry’) published its Final Report (the ‘Final Report’). Within the report, the MMIWG Inquiry found that “this systemic violence amounts to an ongoing, race-based genocide against indigenous peoples, one that specifically targets women, girls, and 2SLGBTQIA individuals.”<sup>124</sup> However, its broad mandate and holistic approach allowed it to recognize that this was a matter of more than just bodily integrity violations, but towards a more accurate and

---

<sup>119</sup> Ibid.

<sup>120</sup> Ibid.

<sup>121</sup> Ibid, 41.

<sup>122</sup> Ibid., 48.

<sup>123</sup> Ibid.

<sup>124</sup> Colin Luoma, “Closing the cultural rights gap in transitional justice: Developments from Canada's National Inquiry into Missing and Murdered Indigenous Women and Girls,” *Netherlands Quarterly of Human Rights* 39, no. 1 (2021): 31.

full accounting of the range of harm experienced by Indigenous peoples in Canada, including “pervasive violations of their cultural rights under international law.”<sup>125</sup> These violations include:

the seizure of traditional lands, expropriation and commercial use of Indigenous cultural objects without permission by Indigenous communities, misinterpretation of Indigenous histories, mythologies and cultures, suppression of their languages and religions, and even the forcible removal of Indigenous peoples from their families and denial of their indigenous identity.<sup>126</sup>

There is no doubt that these attacks on Indigenous culture also fuel physical violence, but as the MMIWG rightfully recognized: “they also work to destroy the basic social fabric of Indigenous society, creating multigenerational, structural injustices that weaken Indigenous sovereignty and identity.”<sup>127</sup> Furthermore, the MMIWG called for a further investigation into policing in Canada as participants identified many gaps and inequities that obstructed fair and timely security and law enforcement for Indigenous women, girls, and 2SLGBTQQIA individuals, primarily police discrimination based on race, gender, and gender identity. The report writes:

Several participants described instances of racial profiling of Indigenous suspects, paralleled with delayed, or a lack of, responses to reports from Indigenous victims. Other participants spoke of instances of harassment, sexual abuse, transphobia, homophobia, and a lack of accountability for reports of discrimination or abuse of power.<sup>128</sup>

Thus, the police have been identified as contributing to the problem of Missing and Murdered Indigenous Women and Girls, and the overall lack of safety of these communities.

In addition to Indigenous peoples, it is found that both Black youth and adults are also grossly overrepresented in Canada’s prisons alongside Indigenous peoples.<sup>129</sup> Black people are also “the fastest growing racialized segment within the correctional population with most recent data indicating that Black peoples account for 8% of the correctional population, despite representing 3.5% of the overall population.”<sup>130</sup> While stop-and-search practices are deemed by the police as necessary to collect intelligence on suspicious activities and persons and deter “real” criminals from committing offences — the practice is intrusive, harassing, and

---

<sup>125</sup> Luoma 2021, 31.

<sup>126</sup> Ibid.

<sup>127</sup> Ibid.

<sup>128</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls, “Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls Volume 1b,” (2019), [https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final\\_Report\\_Vol\\_1b.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1b.pdf), 154.

<sup>129</sup> Samuels-Wortley 2021, 1141.

<sup>130</sup> Ibid.

intimidating.<sup>131</sup> In larger urban centers such as Toronto, Black men are “three and a half times more likely to be stopped, frisked, and documented by the police.”<sup>132</sup>

Furthermore, there is the phenomenon of “DWBBVs — Driving While Being Black Violations,” a claim that is supported by research. Between 2008 and 2012 — over 23,627 Black men were stopped and documented by the Toronto Police Service — within the patrol zone in which they live, for purposes of “general investigation.”<sup>133</sup> The stoppage numbers account for 22% of the total Black male population in Toronto as a whole. While racial bias means the targeting of Black people in every age group, it was also found that Black youth were more likely to be targeted, due to stereotypes attributing criminal and antisocial behavior to them.<sup>134</sup>

### **Conclusion**

Settler-colonialism is alive and well in Canada, with the state continuing to encroach upon Indigenous rights through the expansion of critical infrastructure, racialized policing, and prisons. Overall, race is not a neutral term under the state, despite the “colorblind” approaches Canadian policies and laws claim to undertake. Rather, Canada is a highly racialized state: it is an overwhelmingly white institution, an instrument of powerful interests, and a fundamentally racist institution. Racialization has been and continues to be a tool foundational to determining human value under capitalism. It is no surprise then, that racialized policing is carried out under and on behalf of the state – with disproportionate numbers of Indigenous people comprising the federal prison population, alongside an increasing Black population in prisons as well. In this first chapter, I have established my epistemological approach to my thesis and introduced the argument that institutions of the state, particularly the police and prisons, are not neutral entities of public protection. Rather these institutions target particular populations in order to facilitate Canada’s state sovereignty while producing harm.

---

<sup>131</sup> Yunliang Meng, “Profiling minorities: police stop and search practices in Toronto, Canada,” *Human Geographies* 11, no. 1 (2017): 6.

<sup>132</sup> Warde 2013, 462.

<sup>133</sup> Meng 2017, 6.

<sup>134</sup> *Ibid.*

## Chapter Two: Literature Review

### Racialized Policing and the Limits of Reform

This review primarily relies on articles retrieved from the database of the University of Saskatchewan. For my online search, I restricted my search to peer-reviewed publications written in English. It is worth noting that most of the literature reviewed comes from other disciplines aside from Political Science, such as Criminology and Sociology. This speaks to a major disconnect between the topic of policing and Political Science, and a lack of engagement by political scientists with police studies. Two prominent themes emerged from my review of the literature: 1) *the difficulty in reforming the police* and 2) *the lack of access to and/or availability of formal statistics and quantitative research on race-related police violence*. The contents of this literature review are meant to emphasize the point of my argument that the RCMP/policing *cannot be reformed*, or that there are major barriers to doing so. The two major themes point to the challenges involved in these efforts.

#### I. Difficulty in Reforming the Police

Police organizations have faced increasing and significant pressure and demands for accountability and adaptability in response to public safety demands. A range of disciplines have examined and offered perspectives on police reform within institutions, with most literature focusing on “case studies of agency-specific implementation efforts or the broader diffusion of innovative practices and approaches across the profession.”<sup>135</sup> It seems case studies range from examining the implementation efforts with either more specific-entities (e.g. individual precincts) or wider, macro-level changes across policing in general.

Opponents of the abolitionist argument have argued against the complete abolition of Canada's policing institutions as not necessary and that, instead, issues of racism and prejudice in policing can be resolved through measures such as “new and enhanced training, diversifying the police, and embracing community policing as strategies for reform, along with enhanced accountability measures.”<sup>136</sup> While this study does not dedicate a substantial amount of space to conducting an in-depth analysis of existing, local policy proposals — it does aim to emphasize how police culture makes it difficult to implement these reforms, and how they have failed in the

---

<sup>135</sup> Joseph A. Schafer and Sean P. Varano, “Change in Police Organizations: Perceptions, Experiences, and the Failure to Launch,” *Journal of Contemporary Criminal Justice* 33, no. 4 (2017): 393.

<sup>136</sup> Alex Vitale, *End of Policing* (London; New York, Verso, 2018): 4.

past.

Schafer and Varano (2017) have lamented the organizational change in policing institutions, both in terms of implementing and maintaining it, as it has oftentimes been “a stigmatized and controversial process.”<sup>137</sup> Reform has traditionally been difficult to implement among the rank-and-file officers. As to why, the answers lie within existing police culture which has been internalized by the officers: a culture and status quo composed of a multitude of “universal traits, resilient to change.”<sup>138</sup> As I explain below, these traits are broadly described in the literature as a masculine brotherhood characterized by competitiveness and conservatism.

The perceptions and responses to reform efforts from police officers influence the success of implementing change. Policing has been described by Fyfe (2010) as a “twenty-four-hour-a-day identity,” which in turn “generates powerfully distinctive ways of looking at the world, cognitive and behavioral responses which, when taken together, may be said to constitute “a working personality.”<sup>139</sup>

Policing is composed of a variety of informal meanings, values, and assumptions that shape the behavior of officers toward one another and the rest of society. There has been the adoption of certain unwritten rules by police within Western society, such as “customary ways of dealing with people who challenge police authority.”<sup>140</sup> Even in the cases in which a multitude of resources and willpower are invested into reform efforts, it is not uncommon for “change efforts to fail, either at an institutional or organizational level.”<sup>141</sup>

The practical policy aspect of police culture ensures that most operational policies, regulations, standards, and procedures are standardized across most police institutions, as they often operate within an institutional culture in which “policing policies and procedures are often exchanged and best practices shared.”<sup>142</sup> Consequently, most police services thus have “similar operational policies, regulations, standards, and operating procedures for most aspects of routine police work.”<sup>143</sup> While not all police services perform these functions in an identical manner, there is “a significant degree of uniformity in Canadian policing policy.”<sup>144</sup>

---

<sup>137</sup> Schafer and Varano 2017, 392.

<sup>138</sup> Allison Turner, “Exploring police culture and reform strategies post charing cross: Insights from the literature,” *The Police Journal: Theory, Practice, and Principles* (2022): 2.

<sup>139</sup> Skolnick Fyfe. *Above the Law: Police and the Excessive Use of Force* (New York: Free Press, 2010): 124.

<sup>140</sup> *Ibid.*, 122.

<sup>141</sup> Schafer and Varano 2017, 396.

<sup>142</sup> Murphy 2012, 7.

<sup>143</sup> *Ibid.*

<sup>144</sup> *Ibid.*

Police culture is foundational in our understanding of it as an institution of social control. As with any workplace culture, police culture possesses a powerful social aspect. We can see the social element of police culture is primarily that of a white, male, “brotherhood” of solidarity among uniformed officers who see themselves as the “thin blue line” that protects the current social order from descending into anarchy.<sup>145</sup> Research has demonstrated the embedded, conservative orientation of police culture, which includes an “opposition to social change” and the inclination to preserve what is considered “traditional.”<sup>146 147</sup>

Officers believe themselves to be protectors of social values, on the terms of which *they understand these values* and, as actors invested with significant authority, they are prone to become authoritarian-like in their behavior due to the perceived necessity and intensity of their role in upholding rules and the law.<sup>148</sup> These choices are not made via the “rational calculation of comparative economic values,” but rather “on moral grounds, developed within the subculture of a police department.”<sup>149</sup> Thus, officers are often resentful of reforms pushed on them by “civilian” incentives or proposals from community leaders and politicians, as they believe these individuals come from a demographic of the population that simply does not fully understand their work.<sup>150</sup>

Rawski and Workman-Stark (2018) have examined the difficulties in implementing change in police culture, which they characterize as defined by a brotherhood and “*masculinity contest culture*” in a predominately male workplace.<sup>151</sup> This “masculine contest culture” is argued to be related to police misconduct in the fatal shootings of civilians and/or sexual harassment.<sup>152</sup> Those involved in the Bastarache Report (2020), including the Honourable Michel Bastarache and two Additional Accessors as appointed by the Federal Court, undertook the assessment of 3086 claims and 644 interviews of women who had experienced sexual harassment and gender or sexual orientation based discrimination while working for the RCMP

---

<sup>145</sup> John Sewell and Christopher J. Williams. *Crisis in Canada's policing: why change is so hard, and how we can get real reform in our police forces* (Toronto: James Lorimer & Company Ltd., Publishers, 2021), 18.

<sup>146</sup> Crosby and Monaghan 2018, 12-3.

<sup>147</sup> Murphy 2012, 8.

<sup>148</sup> Sewell and Williams 2021, 19.

<sup>149</sup> Fyfe 2010, 123.

<sup>150</sup> Sewell and Williams 2021, 19.

<sup>151</sup> Rawski and Workman-Stark 2018, 607.

<sup>152</sup> Ibid.

as a regular member, a civilian member, or a public service employee.<sup>153</sup> The report ultimately concluded:

[...] the culture of the RCMP is toxic and tolerates misogyny and homophobia at all ranks and in all provinces and territories. This culture does not reflect the stated values of the RCMP, and it is found throughout the organization. RCMP members and officers are forced to accept that they must function in the context of this culture to succeed. RCMP employees appear to blame the “bad apples” without recognizing the systemic and internal origins of this conduct.<sup>154</sup>

With the increasing scrutiny of police conduct, training interventions through forms of sexual harassment training and diversity training have been increasingly proposed for implementation to “prevent or remedy the negative effects of masculinity contest cultures in policing organizations.”<sup>155</sup>

However, such culture continues to pervade the RCMP as the Bastarache Report asserts: For the last 30 years issues of workplace and sexual harassment and discrimination have been brought to the attention of the Government of Canada and the RCMP through internal reports, external reports and litigations before the Courts. The measures taken in response have not, in my view, succeeded in addressing the underlying issue arising from the RCMP’s toxic culture.<sup>156</sup>

These new approaches to training are often ineffective amongst officers as there is overall resistance to change in police culture and norms within police culture become deeply entrenched throughout the process of socialization of every officer within the organization.<sup>157</sup> As Ely and Meyerson describe, the culture of masculinity in policing:

[...] Promote[s] the acceptance and normalization of discriminatory and harassing behaviour. Specifically, the enactment of these types of masculine norms, mainly by male officers, promotes excessive risk taking and use of force, fractured relationships with family and peers; and the downplaying or hiding of poor health (Ely & Meyerson, 2010).<sup>158</sup>

Accountability and diversity are two areas that many proponents of police reform advocate for. While police services in Canada are beginning to recognize and acknowledge the role of bias in their decision-making, this does not resolve the issue of racial profiling.<sup>159</sup> In this

---

<sup>153</sup> Michel Bastarache, *Broken Dreams, Broken Lives: The Devastating Effects of Sexual Harassment on Women in the RCMP*, (Ottawa, Ontario: 2020), <https://www.rcmp-grc.gc.ca/wam/media/4773/original/8032a32ad5dd014db5b135ce3753934d.pdf>

<sup>154</sup> Ibid.

<sup>155</sup> Ibid.

<sup>156</sup> Bastarache Report 2020, 3.

<sup>157</sup> Rawski and Workman-Stark 2018, 608.

<sup>158</sup> Ibid., 611.

<sup>159</sup> Chan and Chunn 2014, 79.



case, even the most diverse police forces with officers from a plethora of racial backgrounds continue to struggle with racial bias.<sup>160</sup> In diversifying a police force, there is hope that racial diversity will mean encounters with communities of color are handled with more respect, dignity, and so forth. The simple fact is, there is little evidence to back this assumption.<sup>161</sup> The body of evidence that does exist shows that racial diversity has little to no effect on whether individual officers use force against people of color.<sup>162</sup>

## II. Lack of Formal Statistics and Quantitative Research on Race-Related Police Violence

The overrepresentation of racial minorities in criminal justice statistics, public concerns with racialized policing/bias, and experiences of racial profiling “demonstrates the need for further research into the systematic treatment of race by the criminal justice system in Canada.”<sup>163</sup> However, there is a substantial lack of evidence-based data that is necessary for this project. Ricciardelli and Griffiths (2017) argue that contemporary evidence-based research in areas of policing and police service provisions is limited.<sup>164</sup> Two primary lines of argument are put forward in highlighting this absence: 1) the general lack of structures and funding for the collaboration of research and dissemination of findings, and 2) the historical and “mutual distrust” and “suspicion” between police and academics.<sup>165</sup> Because of the significant gap in the political studies literature and other disciplines as well, Canada has a limited academic and applied police research environment in comparison to countries such as the United States, Great Britain, and Australia.<sup>166</sup> While there is a substantial number of excellent police academics and researchers dispersed throughout the country, the Canadian state itself does not have any national center or agency which oversees social science research on policing and no equivalent agency to the US Police Executive Research Forum or the Police Foundation, for example.<sup>167 168 169</sup>

---

<sup>160</sup> Vitale 2018, 11.

<sup>161</sup> Ibid.

<sup>162</sup> Ibid.

<sup>163</sup> Paul Millar and Owusu-Bempha, “Whitewashing Criminal Justice in Canada: Preventing Research through Data Suppression,” *Canadian journal of law and society* 26, no. 3 (2011): 655.

<sup>164</sup> Rose Ricciardelli and Curt Taylor Griffiths, “North of 49: The Dynamics of Canadian Policing,” *Police Practice and Research* 18, no. 6 (2017): 524.

<sup>165</sup> Ricciardelli and Griffiths 2017, 524-5.

<sup>166</sup> Christopher Murphy, “Canadian Police and Policing Policy, Post-9/11,” in *Canadian criminal justice policy: contemporary perspectives*, ed. Karim Ismaeli et al. (Don Mills, Ont.: Oxford University Press, 2012), 7.

<sup>167</sup> Julius Haag, “Police Use of Force in Canada: Dispelling the Myth of Difference,” in *Disarm, Defund, Dismantle: Police Abolition in Canada*, ed. Pasternak et al. (Toronto: Between the Lines Press, 2022), 29.

<sup>168</sup> Millar and O’Doherty 2020, 23.

<sup>169</sup> Murray 2012, 7.

Samuels-Wortley (2021) has drawn attention to the fact there exists both several formal and informal bans on the “collection and dissemination of race-based data from many social institutions, including the criminal justice system.”<sup>170</sup> This ban pertains to those beyond crime statistics, including “all data related to the processing of racial minorities through the criminal legal system.”<sup>171</sup> This proves to be a barrier for academic researchers, who must go through rigorous application and vetting processes to gain access to race-based data from institutions such as Statistics Canada. These barriers have only further supported police institutions’ reluctance to release race-based data to researchers.<sup>172</sup>

Oftentimes, Canadian police officers refuse or fail to report race for either victims or accused persons, with these values missing in more than 80% of reported cases.<sup>173</sup> Police officials have evoked public concerns over privacy by asserting that the collection of race-based data not only “impedes” upon privacy concerns, but the collection of this data demonstrates “a lack of concern “for all cultures and races” and therefore, its collection is not “beneficial or appropriate.”<sup>174</sup> Millar and Owusu-Bempah (2011) argue that this institutional preference for data in which race and ethnicity is removed is a form of “whitewashing,” and call for the transparency of data from police organizations and supporting institutions which guard this knowledge at the expense of the public.<sup>175</sup> In “whitewashing” the data, the race and ethnicity of victims and accused persons are suppressed by police organizations when reporting crime, thus deploying “color-blind” reporting. Consequently, the racial data currently being collected in crime statistics “lack the categories collected for other purposes such as employment equity, the Census, and the General Social Survey of crime victimization.”<sup>176</sup>

The lack of quantitative research on race-related violence is a real concern for researchers and scholars alike. While police conduct internal investigations of incidents involving the use of force, the statistics on police shootings or their non-lethal use of force are not routinely made

---

<sup>170</sup> Kanika Samuels-Wortley, “To Serve and Protect Whom? Using Composite Counter- Storytelling to Explore Black and Indigenous Youth Experiences and Perceptions of the Police in Canada,” *Crime and Delinquency* 67, no. 8., 2021, 1138.

<sup>171</sup> Scot Wortley and Akwasi Owusu-Bempah, “The usual suspects: police stop and search practices in Canada,” *Policing & Society* 21, no. 4 (2011): 395.

<sup>172</sup> Samuels-Wortley 2021, 1138.

<sup>173</sup> Paul Millar and Akwasi Owusu-Bempha, “Whitewashing Criminal Justice in Canada: Preventing Research through Data Suppression,” *Canadian Journal of Law and Society / La Revue Canadienne Droit et Société* 26, no. 3 (2011): 657.

<sup>174</sup> *Ibid.*, 1138-9.

<sup>175</sup> Millar and Owusu-Bempah 2011, 653.

<sup>176</sup> *Ibid.*, 660.

available.<sup>177</sup> Most insights into policing violence have been achieved through observation and research gathered by independent scholars and academics, most having to draw upon a “mix of media accounts, data collected by police oversight agencies, [and] police reports.”<sup>178</sup> As a result, much of the research conducted on various issues is largely qualitative.<sup>179</sup> This becomes problematic when critics demand quantitative evidence and statistics. As Millar and O’Doherty (2020) emphasize, without nationally produced and publicly accessible ethno-racial crime and victimization data: “it is exceptionally challenging to prove or disprove claims about real or perceived bias in Canadian law enforcement and the administration of criminal justice.”<sup>180</sup>

## **Conclusion**

Most of the literature which I drew upon came from the disciplines of Sociology, Criminology, and legal studies. Political Studies could engage more with police studies, and my hope is that my thesis will contribute to this conversation. Policing is as political as any other government function, as it is argued policing aids in protecting a democratically elected government. The police work on behalf of the state, as portrayed by the myth which sees them as independent, neutral crime-fighters who act as an extension of the law. Policing is political because we must examine the legal frameworks and policies which are being enacted that the police are being told to enforce.

Within my literature review, two themes have been documented: a) difficulty in reforming the police and b) a lack of formal and quantitative statistics related to race-related police violence. Police institutions face many pressures in accountability and adaptability in response to public safety demands. My thesis speaks to the existing police culture that is imbued with toxic masculinity, homophobia, misogyny, and racism which is difficult to change. Police officers believe themselves to be protectors of the law and do so in ways which resent civilian initiatives and calls for reform, as they believe civilians and external actors simply do not understand the demands and requirements of their positions.

Overall, there is a deep-seated attitude within policing institutions which is resistant to change. Furthermore, when demands for change are made, counterarguments often draw upon the lack of formal statistics and quantitative data that could demonstrate the presence of race-

---

<sup>177</sup> Chan and Chunn 2014, 83.

<sup>178</sup> Haag 2022, 29.

<sup>179</sup> Wortley and Owusu-Bempah 2011, 396.

<sup>180</sup> Millar and O’Doherty 2020, 25.

related police violence. Without this important data, it is difficult to make arguments for change because the public perceive policing institutions as legitimate and fair. The theory of a “bad apple,” isolates and reduces the problem of police violence to a single, misbehaving, and rogue cop. We must move beyond this individuation of violence in policing. Keeping these two themes in mind, we can move forward to discuss the structural-functional aspects of policing, how police work is violence, and how criminality is constructed by the state. The next chapter examines these issues.

### Chapter Three: Criminalization and Managing Indigeneity

The purpose of this chapter is to explain how police violence works and explore the structures of knowledge which form it. It will discuss the identification of those considered “deviant” or a “threat” to the state, how certain individuals and groups become “criminalized,” and what discourses construct the image of a “criminal.” Criminality identifies a deserving “we” versus the under-deserving “them,” the latter acting as a threat to national health in the political, social, and economic sense.<sup>181</sup> I argue that the property regime excludes and subjugates Indigenous, Black, and racialized persons, thus laying the groundwork for criminalization. This is because, in our settler colonial capitalist context, property is essential to our identities as individuals and to our recognition as members of a political community. I utilize Cheryl Harris' arguments on property and whiteness to demonstrate that property is a means of dispossessing and subjugating racialized and marginalized persons from a political community, often leading to their criminalization and dehumanization.<sup>182</sup>

Critical Race Theory as a whole, which partially gleams insights from Harris' work, provides a useful analytical lens to examine the issue of over-representation of Indigenous and Black people throughout Canada's criminal justice system, particularly policing. Encounters with the police are also often an individual's first encounter with the criminal justice system itself. Criminal justice interventions — from policing to courts to prisons — are complex and differ from region to region. However, the American style of “broken-window policing,” otherwise described as “order maintenance,” “quality-of-life policing,” “zero tolerance” and “stop and frisk” has been integrated into the heart of Canadian policing.<sup>183</sup> As Herring (2019) describes, the methods are “grounded in a faith in deterrence to curb low-level criminality or as aesthetic interventions designed to signal order and police presence to criminals.”<sup>184</sup>

“Broken window” policing was a theory first laid out by criminologists James Q. Wilson and George Kelling, though this theory is tied back to a larger arc of urban neoconservative thinking going back to the 1960s. Unlike the prior models of policing which concerned themselves with deterrence and apprehension, Wilson and Kelling sought to put in motion a

---

<sup>181</sup> Jessica Evans, “Penal nationalism in the settler colony: On the construction and maintenance of ‘national whiteness’ in settler Canada,” *Punishment & Society* 23, no. 4 (2021): 519.

<sup>182</sup> Harris 1995, 297.

<sup>183</sup> Chris Herring, “Complaint-Oriented Policing: Regulating Homelessness in Public Space,” *American Sociological Review* 84, no. 5 (2019), 772.

<sup>184</sup> *Ibid.*

process that would “increase the ability of the community to exercise informal controls.”<sup>185</sup> Its achievement required the involvement of the police responding to minor disturbances and crimes and rapidly dealing with disorder and/or incivilities — in other words, order-maintenance policing.<sup>186</sup> In dealing with minor crimes that constitute scenes of “incivilities” including vandalism, loitering, public drinking, etc. convey scenes of disorder, police are supposedly able to curb more serious anti-social behavior and civil unrest — as visible signs of unruliness, petty crime, and disorder are said to attract and encourage further crime. Walcott (2021) traces this form of policing targeting poor, urban communities where Black people lived since the 1990s:

[...] breaking families apart and grooming younger Black people to enter the system through practices such as carding— often the first instance when a young person's personal information is entered into computerized systems. Later the existence of this information will be used to claim that a youth is “known to the police.”<sup>187</sup>

While this form of policing has been argued as merely ensuring orderliness in society, this approach utilized aggressive surveillance which resulted in social and psychological impacts on the populations being monitored. Research has suggested a palpable relationship between aggressive policing and the risks of psychiatric illness for men.<sup>188</sup> Living in highly policed areas can be harmful to mental health, due to the negative effects of hypervigilance and perceived unfairness.<sup>189</sup> Furthermore, there is the creation of a “climate of fear,” as residents live with the knowledge that they can be criminalized at any moment.<sup>190</sup>

Such violence work does not occur in a vacuum, as it is the practices of race and racialization that are integrated into the everyday practices of policing as “officers bring to bear the cultural frames of reference or stocks of knowledge that inform their work.”<sup>191</sup> For example, while homelessness is not a crime, persons experiences houselessness are frequently subject to encounters with the police, particularly adult men, and people with mental illnesses.<sup>192</sup> Police officers are often expected to provide care for these individuals, yet also reduce their impact on the public. The presence of homelessness, begging, prostitution, and

---

<sup>185</sup> David Weisburd et al., “Understanding the Mechanisms Underlying Broken Windows Theory: The Need for Evaluation Evidence,” *Journal of Research in Crime and Delinquency* 52, no. 4 (2015): 591.

<sup>186</sup> Ibid.

<sup>187</sup> Walcott 2021, 39.

<sup>188</sup> Alyasah Ali Sewell et al. “Living under surveillance: Gender, psychological distress, and stop-question-and-frisk policing in New York City,” *Social Science & Medicine* 159 (2016): 2.

<sup>189</sup> Ibid.

<sup>190</sup> Ibid.

<sup>191</sup> Comack 2012, 57.

<sup>192</sup> Vitale 2018, 90.

people with disabilities *threatens* the aspirations of urban neighbourhoods and cities in their missions to “reinvigorate” “the urban core as a viable site for capital accumulation” and as marketable space.<sup>193</sup> In turn, cities have developed strict and widespread “zero-tolerance” policies for “minor nuisance and quality-of-life offenses, such as drinking alcohol, smoking marijuana in public, littering, or panhandling.”<sup>194</sup> Alongside these strict policies include a number of ordinances that prohibit normal activities such as sitting, eating, or sleeping in public spaces, “as well as more advanced legal tools such as “off-limits, and park exclusion orders” that draw on trespass law “to remove the socially marginal from contested public spaces.”<sup>195</sup>

The level of socio-economic disadvantage of residential populations in a neighbourhood were most strongly associated with the highest rates of both violent and property crimes. Consequently, poor, racialized spaces become stigmatized as spaces of violence and disorder, and they increasingly come under heavy surveillance via policing. It is no coincidence that Winnipeg has the highest per-capita number of police officers in the country, while simultaneously being home to the largest number of Indigenous people living in a Canadian city.<sup>196</sup> As Dobchuk-Land (2017) asserts: “The ideas promoted by both tough on crime rhetoric and rehabilitative efforts are that Indigenous peoples need intervention – either in the form of containment by the state or help from the state.”<sup>197</sup>

Other studies have shown that rates of poverty, unemployment, and limited labour force participation were considerably worse in the “inner city” than in Winnipeg as a whole.<sup>198</sup> Winnipeg’s inner city is a racialized space, as Comack and Silver (2006) explain, as during the 1960s and 1970s, many Indigenous peoples began to move from rural and reserve communities to urban centers. Many arrived in Winnipeg “ill-prepared for urban industrial life,” consequential to the Residential School system, which left many Aboriginal peoples without adequate formal educational qualifications.<sup>199</sup> Oftentimes, the police argue that it is the *residents* in high-crime communities who demand police action.<sup>200</sup> However, it is often these same communities which

---

<sup>193</sup> Jeremy Kaplan-Lyman, “A Punitive Bind: Policing, Poverty, and Neoliberalism in New York City,” *Yale Human Rights & Development Law Journal* 15 (2012), 186.

<sup>194</sup> Tony Sparks, “Reproducing Disorder,” *Social Justice* 45, no. 2 (2018), 56.

<sup>195</sup> *Ibid.*

<sup>196</sup> Dobchuk-Land 2017, 405.

<sup>197</sup> Bronwyn Dobchuk-Land, “Resisting ‘progressive’ carceral expansion: lessons for abolitionists from anti-colonial resistance,” *Contemporary Justice Review* 20, no. 4 (2017): 406.

<sup>198</sup> Comack and Silver 2006, 819.

<sup>199</sup> Comack and Silver 2006, 819.

<sup>200</sup> Vitale 2018, 2.

desperately request better schools, parks, libraries, and jobs: requests which are rarely fulfilled, as the police “lack the political power to obtain real services and support to make their communities safer and healthier.”<sup>201</sup>

Surveillance and racial profiling of Black, Indigenous, and communities of color are and have “historically been used for control, domination, and continued settler colonial hierarchy.”<sup>202</sup> Policing seeks to remove anything and anyone who challenges racialized capitalist police power. Criminalization is an *inherently political exercise* as its primary goal is to “target those activities of groups that authorities deem it necessary to control.”<sup>203</sup> Social control has always been a function of urban government to “control labor organizing, social movements, defend private property, and diffuse social conflict and resistance.”<sup>204</sup> In the case of Indigenous land defenders and activists, with their declaration as sovereign subjects on Indigenous land, the state labels such acts as “resistance” and consequently, both “illegitimate and criminal by state agencies.”<sup>205</sup> Indigenous communities who have and continue to challenge settler colonialism are labelled as “treasonous outsiders,” and the recent “war on terror” has accelerated the practices of targeting Indigenous movements.<sup>206</sup> The police efforts on these communities have intensified with the “war on terror,” particularly as a result of the widely invoked notion of “Aboriginal extremism.”<sup>207</sup>

As Crosby and Monaghan (2018) explain, the concept of “Aboriginal extremism” was created by national security agencies to expand their domain of surveillance and policing by using the language of the “war on terror.”<sup>208</sup> The term is highly racialized, as the application of this term has generally been deployed against Indigenous movements that assert self-determination and challenge settler sovereignty, alongside water protectors and knowledge keepers.<sup>209</sup> Surveillance is used out of fear of Indigenous resistance to colonial projects (such as

---

<sup>201</sup> Vitale 2018, 2.

<sup>202</sup> Shelley G. Marshall, “Canadian Drug Policy and the Reproduction of Indigenous Inequities,” *International Indigenous Policy Journal* 6, no. 1 (2015): 4.

<sup>203</sup> Comack 2012, 87.

<sup>204</sup> Pauline Lipman, *The New Political Economy of Urban Education: Neoliberalism, Race, and the Right to the City* (New York: Routledge, 2011), 25.

<sup>205</sup> Rebecca Hume and Kevin Walby, “Framing, Suppression, and Colonial Policing Redux in Canada,” *Journal of Canadian Studies/Revue d'études canadiennes* 55, no. 3 (2021): 508.

<sup>206</sup> Crosby and Monaghan 2018, 15.

<sup>207</sup> Ibid.

<sup>208</sup> Ibid.

<sup>209</sup> Ibid., 16.



pipelines and extractive operations), as non-Indigenous peoples fear “the economic and political costs of activism, protests and blockades.”<sup>210</sup>

Mass incarceration within Canada is a continuation of settler colonial practices alongside mass criminalization, both stemming from the creation of the Indian Act (1876).<sup>211</sup> One of the first state policy attempts at managing indigeneity occurred through the Indian Act, which was part of a larger project of colonialism that rejected indigeneity and sought to assimilate Indigenous peoples into Canada’s white European culture. The Indian Act served to construct categories of the “citizen” legible in ways that reflected an anti-Indigenous vision “across multiple spheres of social and political life.”<sup>212</sup> The national identity of the Canadian “citizen” was achieved and reproduced, partly, by the carceral apparatus (consisting of the police and prisons) which served to “contain and regulate Indigenous peoples while selectively including, exploiting, and expelling the bodies of racialized labour, including migrants.”<sup>213</sup>

Though inherently problematic, the Indian Act remains the basic legal anchor of First Nations’ rights in Canada. To this day, the Indian Act continues to regulate indigeneity “as a legal status and in doing so also limits community membership and undermines the principles which have customarily formed the basis for community membership and belonging.”<sup>214</sup> As aforementioned, the original purpose of the Act sought to assimilate First Nations into the rest of Canada. In making amendments to the Act, Duncan Campbell Scott, Deputy Superintendent of the Department of Indian Affairs from 1913-1932, asserted the purpose of the act was to:

[G]et rid of the Indian problem. I do not think as a matter of fact, that the country ought to continuously protect a class of people who are able to stand alone...Our objective is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian Department, that is the whole object of this Bill.<sup>215</sup>

The Indian Act recognized and codified racial group identity as an instrument of exclusion, but as Harris (1995) emphasizes, this exclusion was a negative one in which the law still refused to

---

<sup>210</sup> Proulx 2014, 83.

<sup>211</sup> Denica Dione Bleau et al. “Over-Incarceration of Indigenous People and Perpetuated Health Determinants: The Hidden Agenda of Genocide,” *The International Journal of Health, Wellness and Society* 13, no. 1. (2022): 2.

<sup>212</sup> Heather Dorries, “What is planning without property? Relational practices of being and belonging,” *Environment and Planning D: Society and Space* 40, no. 2 (2022): 310.

<sup>213</sup> Evans \_\_, 521.

<sup>214</sup> Ibid.

<sup>215</sup> Department of Indian Affairs and Northern Development, *The Historical Development of the Indian Act*, 2 ed, by J Leslie (Ottawa: Department of Indian Affairs and Northern Development, Treaties and Historical Research Branch, 1978) at 114, cited in Hewitt 2016, 325.

recognize group identity when asserted by racially oppressed groups as a basis for affirming or claiming rights.<sup>216</sup> It recognizes Indigenous peoples as subjects *just enough* to be subjected under state discipline, as Foucault (1975) asserts:

In discipline, it is the subjects who have to be seen. Their visibility assures the hold of the power that is exercised over them. It is the fact of being constantly seen, of being able always to be seen, that maintains the disciplined individual in his subjection.<sup>217</sup>

In maintaining these subjects, power, can hold them in a mechanism of “objectification.”<sup>218</sup> With the Indian Act, the agency, self-knowledge, or individuality of the subject is determined or controlled by the colonial state. As Comack (2012) asserted, the Indian Act defined in law who was an “Indian” and “specified how someone could lose status as an Indian.”<sup>219</sup> The definition was highly gendered as well, as the legal definition pertained to “any male person of Indian blood reputed to belong to a particular band, and any child of such person and any woman who is lawfully married to such a person.”<sup>220</sup> This meant an Indian woman would “cease” being Indian in legal terms upon marrying a non-Indian man, as well as her children, losing all rights associated with that status.<sup>221</sup>

The Indian Act simultaneously homogenized Indigenous peoples, despite groups having distinct cultures, languages, laws, practices, and traditions, into a singular “Indian category.”<sup>222</sup> As part of the Indian Act, Indigenous peoples were relocated to sites known as reserves, which were smaller settlements often further away from major cities, rail lines, roads, water bodies, fertile land and thus limited their access to essential resources.<sup>223</sup> Not only were their essential resources limited, but their access to their traditional territories outside of ‘reserved lands’ consequently disrupted their basic structures of life. The importance of land and its role in their abilities to sustain a livelihood cannot be understated— with many families being generationally self-sustaining through their relationship with the land. Such displacement was one of the many

---

<sup>216</sup> Harris 1995, 287.

<sup>217</sup> Michel Foucault, *Discipline and Punish* (Paris: Vintage Books, 1975): 187.

<sup>218</sup> *Ibid.*

<sup>219</sup> Comack 2012, 70.

<sup>220</sup> *Ibid.*

<sup>221</sup> *Ibid.*

<sup>222</sup> Jeffery Hewitt, “INDIGENOUS RESTORATIVE JUSTICE: APPROACHES, MEANING & POSSIBILITY,” *University of New Brunswick Law Journal* 67 (2016): 325-6.

<sup>223</sup> Aruoriwo Egor, “Modern Day Slavery and Assimilation in Canada: An Exploration of the Analogous Nature of the Prison System and the Residential School System,” *INvoke* 5 (2020): 45.

means that “led to the gradual loss of culture and disenfranchisement of the Indigenous people as a whole.”<sup>224</sup>

After moving Indigenous peoples onto smaller tracts of land, the state sought to “re-educate” them through the colonial, totalizing institution of the Residential School system. While a number of colonial actors operated in “Indian communities,” including federal government agencies represented by the Department of Indian Affairs (the Indian Agent and the Indian Commissioner), the clergy in schools and churches, and so forth — the RCMP was “the main and only agency spread throughout the country, including reserves, which could administer laws, by-laws and regulations.”<sup>225</sup> The RCMP provided policing services for all Indians on reserves, including those in Ontario and Quebec, the Inuit of the Northwest Territories and most Indian and Métis settlements off reserve.<sup>226</sup> Most importantly, they were involved in many activities designed to advance institutional and social colonial control over Indigenous peoples.

For example, the RCMP assisted in enforcing the Pass System (1885-1951), an illegal system in which Indigenous peoples were restricted in their movements and unable to leave the reserve without permission and/or permit from Indian Agents.<sup>227</sup> This system was utilized to not only restrict but control Indigenous movement and prohibit activities such as hunting, fishing, and visiting other communities without permission.<sup>228</sup> Aside from the Pass System, the police also upheld the criminalization of various cultural and spiritual practices which were banned under the Potlatch Law (an amendment to the Indian Act), and carried out the abduction of Indigenous children from their homes and delivered them into residential schools.<sup>229</sup> They would also serve notices to parents who did not deliver their children to the schools, and searched for truants.<sup>230</sup>

The hegemonic understanding of private property is central to our discussion of identity-making and settler violence, as the protection of property is a major function of the police. As

---

<sup>224</sup> Ibid.

<sup>225</sup> Marcel-Eugène LeBeuf. *The role of the Royal Canadian Mounted Police during the Indian Residential School system* (Ottawa, ON: Royal Canadian Mounted Police, 2011), 37.

<sup>226</sup> LeBeuf 2011, 37.

<sup>227</sup> Bleau et. al. 2022, 3.

<sup>228</sup> Ibid., 3.

<sup>229</sup> Jean Denis-David and Megan Mitchell. “Contact with the Police and the Over-representation of Indigenous Peoples in the Canadian Criminal Justice System,” *Canadian Journal of Criminology and Criminal Justice / Revue canadienne de criminologie et de justice penale* 63, no. 2. (2021): 26.

<sup>230</sup> LeBeuf 2011, 40.

Singh (2014) describes: “Policing can be understood as those preventive mechanisms and institutions for ensuring private property within public order, including access to the means of violence, their legal narration, and their use.”<sup>231</sup> Police protect private property, as policing “determines finally who requires discipline so that others can be secure enough to pursue their self-interest.”<sup>232</sup> Policing is an institution which makes white valuation both realizable and concrete; and ensures the *maintenance of racially valorized and devalorized spaces*.<sup>233</sup>

Race, property, and personhood are intangibly caught up with one another. Property has always been central to the racializing projects and racial terror of colonialism and slavery.<sup>234</sup> Settler-colonialism aims have always been concerned with land acquisition, for the sake of the new population. The modern liberal subject is understood as an idea predicated on freedom, rights, and self-possession. European definitions of property constituted who and what was considered “human,” and who was considered “non-human.” For example, Locke believed “every man has a property in his own person” in which the individual is considered *both owned and owner*.<sup>235</sup> As Stone (2015) observes, according to Lockean understanding: “The well-known implications drawn out from this position from private property as an extension of self-ownership to ownership of the self’s products of labor – are not, therefore, *fundamentally* political but are derivative of a basic metaphysical claim.”<sup>236</sup> This idea of property thus serves dual functions: it is both something to be *possessed* and something which *possesses*, which can be understood when we understand possession as the foundation of property: as possession requires *physical occupation and the will and desire to possess*.<sup>237</sup> *Property is both power and a possession*.

Harris (1995) examines slavery as a legal institution that treated Black slaves as property that could be “transferred, assigned, inherited or posted as collateral.”<sup>238</sup> It was, as she describes, something which “produced a peculiar, mixed category of property and humanity — a hybrid

---

<sup>231</sup> Singh 2014, 1092.

<sup>232</sup> Ibid.

<sup>233</sup> Ibid., 1097.

<sup>234</sup> Leslie Thielen-Wilson, “Feeling Property: Settler Violence in the Time of Reconciliation,” *Canadian Journal of Women and the Law* 30, no. 3 (2018): 498.

<sup>235</sup> Matthew Stone, “Roberto Esposito and the Biopolitics of Property Rights,” *Social & Legal Studies* 24, no. 3 (2015): 393.

<sup>236</sup> Ibid.

<sup>237</sup> Aileen Moreton-Robinson. *The white possessive: property, power, and indigenous sovereignty*. (Minneapolis: University of Minnesota Press, 2015), 328.

<sup>238</sup> Harris 1995, 279.

with inherent instabilities that were reflected in its treatment and ratification in law.”<sup>239</sup> It is through both whiteness and property that both have the power and right to *exclude* as their central principles and in its exclusion — excluding others deemed “not white” from the benefits and privileges afforded by whiteness.<sup>240</sup> Whiteness is “simultaneously an aspect of identity and a property interest, it is something that can both be experienced and deployed as a resource.”<sup>241</sup> Whiteness, as Moreton-Robinson (2015) explains, is the “norm against which other races are judged in the construction of identity, representation, decision making, subjectivity, nationalism, knowledge productivism, and the law.”<sup>242</sup>

According to Walcott (2021), one of the most significant ideas to result from plantations was the logic of possession and how “it extends all the way from property to various cultural practices and who possesses the power and authority in all manner of social relations in our culture.”<sup>243</sup> The logics of possession end up naturalizing property and space as a white possession, by creating meanings and definitions of property that are upheld as common knowledge and legal jurisdiction under the state. Spaces that were once common to all become private property under the guise of the law and become relegated under individual ownership. Walcott describes how contract law and management systems that were created and developed to manage the rights of slave owners and non-slave owners also produced social practices where white people came to see themselves as “having “management” and regulatory powers over all Black people.”<sup>244</sup> Consequently, this management and regulation evolved into an attitude in which white people’s “sense of superiority and understanding of the social contract came with an expectation that Black people would practice subordination in a number of different ways.”<sup>245</sup> Settler-colonialism follows a similar logic here, in which settlers expect the subordination of the Indigenous population in the implementation of a “social contract.”

Possession had to be something *more* than ownership, so it becomes authority “invested in white people to direct all inferiors.”<sup>246</sup> Here, it is those other than those considered “white”

---

<sup>239</sup> Ibid., 278.

<sup>240</sup> Ibid., 283.

<sup>241</sup> Ibid., 282.

<sup>242</sup> Moreton-Robinson 2015, 325.

<sup>243</sup> Walcott 2021, 21-2.

<sup>244</sup> Ibid., 23.

<sup>245</sup> Ibid.

<sup>246</sup> Ibid., 22.

who are the “inferiors.” The subjection of “inferiors” necessarily meant the creation of rules, practices, laws, and etiquettes for “such subjection to be maintained and for it to appear normal and natural.”<sup>247</sup> Indeed, the “presumption of freedom [arose] from the color [white]” and the “black color of the race [raised] the presumption of slavery,” as whiteness “became a shield from slavery.”<sup>248</sup> Whiteness is both stipulated and upheld by the law – as perfectly put by Harris: “Whiteness has value, whiteness is valued, and whiteness is expected to be valued in law.”<sup>249</sup>

In contemporary times, colonial property laws continue to operate in similar ways — in which whiteness is still conflated with property, and property is still conflated with whiteness. As Harris explains: “just as whiteness as property embraced the right to exclude, whiteness as a theoretical construct evolved for the very purpose of racial exclusion.”<sup>250</sup> The economic, political, and social advantages granted to whiteness became institutionalized privileges — “they became part of the settled expectations of whites — a product of the unalterable original bargain.”<sup>251</sup> As Singh (2014) argues: “Whiteness suggests a relationship between differential human valuation and materially valuable access to indigenous land and human capital (i.e., slaves), and later skilled jobs and varieties of state support.”<sup>252</sup>

One of the main objectives of colonial rule is resource extraction; hence the control and possession of land is central to colonial endeavours. In analyzing settler colonialism and whiteness, it is useful in “materially locating privilege in settler states because of their emphasis on enduring *structures* of genocide and forced labor upon which white power rests.”<sup>253</sup> As Bonds and Inwood (2016) describe:

European and, later, North American colonists created and developed a logic of race that placed white, European men at the pinnacle of the social hierarchy and all others in various positions of subordination (Bonnett, 1997; Goldberg, 2002). These imaginations valorized whiteness and sanctioned the violence of white domination, enslavement, and genocide while bolstering Eurocentric understandings of land use, private property, and wealth accumulation.<sup>254</sup>

---

<sup>247</sup> Ibid.

<sup>248</sup> Harris 1995, 279.

<sup>249</sup> Harris 1995, 287.

<sup>250</sup> Harris 1995, 283.

<sup>251</sup> Harris 1995, 287.

<sup>252</sup> Nikhil Pal Singh, “The Whiteness of Police,” *American Quarterly* 66, no. 4 (2014): 1091-2.

<sup>253</sup> Anna Bonds and Joshua Inwood, “Beyond white privilege: Geographies of white supremacy and settler colonialism,” *Progress in Human Geography* 40, no. 6 (2016):

<sup>254</sup> Ibid., 720.

Whiteness is a central organizing principle of Western modernity, “legitimizing both European colonialization and settler projects.”<sup>255</sup> This “white settler epistemology” is thus grounded in both racialized and gendered western knowledge systems “and the norms of liberal individualism that legitimate privatization and private property rights.”<sup>256</sup>

Settler-colonialism takes place through the removal of land and does not only seek to eradicate and contain Indigeneity but also to replace it with what Wolfe (2006) describes as “the new colonial society on the expropriated land base.”<sup>257</sup> This is why settler-colonialism is distinctive from colonialism, as settler-colonialism depends on the eradication of Indigeneity, and such is achieved through processes of exclusion and erasure. As Harris described, in excluding Indigenous peoples as “not white,” they are not afforded the same privilege and benefits as settlers and placed lower on the larger overarching hierarchy that has been created.

Indigeneity is a term that has been articulated in a number of struggles and movements, but an important feature of indigeneity in most definitions is “the permanent attachment of a group of people to a fixed area of land in a way that marks them as culturally distinct.”<sup>258</sup> While we must recognize and acknowledge land is both more than a material object of importance to Indigenous cultures yet we must also understand that: “Place is a way of knowing, of experiencing and relating to the world with others.”<sup>259</sup> To deny Indigenous land rights is to deny Indigeneity in itself: it is the denial of a sense of identity that locates Indigenous peoples as “an inseparable part of an expansive system of interdependent relations covering the lands and animals, past and future generations, as well as other people and communities.”<sup>260</sup>

While the Pass System has been abolished, some scholars argue that this system has merely evolved and that prisons are the “new reserves.”<sup>261</sup> Prisons incapacitate people the same way reserves do by taking away their livelihood, limiting their freedom, and making them dependent on the state. As Gilmore (2007) writes: “It takes muscular political capacity to realize wide scale dispossession of people who have formal rights, and historically those who fill

---

<sup>255</sup> Ibid.

<sup>256</sup> Ibid., 721.

<sup>257</sup> Hume and Walby 2021, 510.

<sup>258</sup> Tania Murray Li, “Indigeneity, Capitalism, and the Management of Dispossession,” *Current Anthropology* 51, no. 3 (2010): 385.

<sup>259</sup> Coulthard 2014, 61.

<sup>260</sup> Ibid., 63.

<sup>261</sup> Kelly Struthers Montford and Dawn Moore. “The Prison as Reserve: Governmentality, Phenomenology, and Indigenizing the Prison (Studies),” *New Criminal Law Review* 21, no. 4: 640.

prisons have collectively lacked political clout commensurate with the theoretical power that rights suggests.”<sup>262</sup>

### **Conclusion**

Overall, race, property, and personhood are intangibly caught up with one another. Property has always been central to the racializing projects and the racial terror of colonialism and slavery. In this chapter, I argue that whiteness becomes the normative basis of institutions, as a product carved out by settler-spaces. It is this whiteness that everything else is contrasted against and which facilitates the categorization of the “Other” as abnormal, subordinate, and underserving, the very opposite of whiteness. Blackness and Indigeneity, in other words, become antithetical to the norm of Whiteness. In abnormalizing and marginalizing these populations, they become easily criminalized.

---

<sup>262</sup> Ruth Wilson Gilmore. *Golden gulag: prisons, surplus, crisis, and opposition in globalizing California* (Berkeley: University of California Press, 2007), 12.



## Chapter Four: Prisons as “Genocidal Carcerality”

My argument now turns to prisons, which I argue, are part of the web of carceral institutions that shape and construct the state as one of whiteness. I demonstrate how populations disappear or become subordinate within the prison system, and how it consequently removes the membership of these populations and excludes them from settler society.

If we were to follow the colorblind or “race-neutral” logics and rhetoric, they would have us believe that the overrepresentation of Black and Indigenous peoples in the criminal justice system is an unfortunate result of disproportionate rates due to their participation in crime. People justify prisons by arguing that there are those who must be confined due to their certain actions that are considered deviant or dangerous, and therefore the latter’s loss of freedom is their own fault. Prisons therefore exist, simply because there are “criminals.” There is no issue of race or racism, but only an issue of “crime.” By this logic, there is no need for a discussion of race and racism in relation to crime and imprisonment, but only public discourse about crime as a consequence of criminal behaviour, drugs, gangs, and so on.

Contrary to this “race-neutral” and “color-blind” perspective, we must consider that *what* is defined as “crime” and *who* is a “criminal” varies across time and political context. Laws change “depending on what, in a social order, counts as stability, and who, in a social order, needs to be controlled.”<sup>263</sup> The role of criminal justice in policing, prosecuting, incarcerating, and executing people of color has deep historical roots. The process of criminalization functions in a similar fashion as to the process of racialization, as criminalization can be understood as “the institutionalized process through which certain acts and behaviors are selected and labelled as ‘crimes’ and through which particular individuals and groups are subsequently identified and differentially policed and disciplined.”<sup>264</sup> There is a particular form of power being exercised through “the power to criminalize” or “to turn a person into a criminal.”<sup>265</sup> Again, we can return to the example of the criminalization of Indigenous resistance, in which spiritual and political Indigenous leaders and activists, who act as the bedrocks of their communities, are routinely imprisoned for defending said communities.

---

<sup>263</sup> Gilmore 2007, 12.

<sup>264</sup> Chan and Chunn 2014, 15.

<sup>265</sup> Comack 2012, 87.

As Singh (2014) describes policing what is denoted as a “crime” was the very essence of slave and frontier law.<sup>266</sup> Racial oppression and essentialist racism in law did not disappear in 1865 when chattel slavery legally ended. As Chan and Chunn (2014) observe, it is clear that criminal law and policy in liberal states such as Canada have been framed within the parameters of ideas and discourses about sameness and difference.<sup>267</sup> While white people are prosecuted by the criminal justice system, the Canadian justice system has racialized crime by turning race into a defining feature of criminality — in a similar way, the “presumption of freedom” still arises from the privilege of whiteness, while Blackness and other races signify an “unfreedom” based on their non-whiteness: a non-whiteness that is criminalized. The promotion of Whiteness will always mean the devaluation of Blackness.<sup>268</sup>

Following the end of legalized racial discrimination, as Brewer and Heitzeg (2008) describe, there was a “concentrated effort” to escalate the control of Black peoples via the criminal justice system. As cited by them, Marable (1983) makes the point: “White racists began to rely exclusively on the state apparatus to carry out the battle of white supremacy.... The criminal justice system became, in short, a modern instrument to perpetuate white hegemony.”<sup>269</sup> In a society structured on racial subordination, “‘whiteness’ became the ‘quintessential property for personhood.’”<sup>270</sup> The law constructs “whiteness” as an ideological proposition proposed through subordination, in other words, whiteness is increasing its value by enforcing its exclusivity. Indeed, just as whiteness as property embraced the right to exclude, whiteness as a theoretical construct evolved for the very purpose of racial exclusion.<sup>271</sup>

Whiteness is normalized, while non-whiteness is “abnormalized.”<sup>272</sup> In order to participate in the surveillance of marginalized communities, abnormality is identified by “what it *looks* like rather than what it *does*: it needs to abnormalize - or criminalize - by visible social category, not by social behavior.”<sup>273</sup> Black, male youths continue to remain the focus of

---

<sup>266</sup> Singh 2014, 1098.

<sup>267</sup> Chan and Chunn 2014, 87.

<sup>268</sup> Rose M. Brewer and Nancy A. Heitzeg, “The Racialization of Crime and Punishment: Criminal Justice, Color-Blind Racism, and the Political Economy of the Prison Industrial Complex,” *American Behavioral Scientist* 51, no. 5. (2008): 632.

<sup>269</sup> Brewer and Heitzeg 2008, 633.

<sup>270</sup> Harris 1995, 281.

<sup>271</sup> Harris 1995, 283.

<sup>272</sup> Tator and Henry 2006, 27.

<sup>273</sup> Ibid..

heightened police attention, while refugees and migrants have been perceived as “illegals,” and Arabs and Muslims have become targets of suspicion and concern in relation to national security in the post-9/11 era.<sup>274</sup> Historically, criminality and moral deviance have long been associated with Indigeneity and Blackness as negative racial stereotypes in the construction of the “other” in a “we/they” polarization, the “we” representing “the values and norms of the White dominant culture [...], *they* [italics in original] refer to those who are the ‘other,’ and who possess ‘different’ (read ‘questionable’) values, beliefs, and behaviors.”<sup>275</sup> It is in this way, for example, that Indigenous peoples become “suspect,” and subject to the stigmatization that views them as part of a criminal group “likely to ‘threaten the social order, safety and security of citizens turns them into racialized subjects that are “always under suspicion.””<sup>276</sup>

Expressions of Indigeneity and assertions of autonomy and self-determination made by land defenders and others, for example, have been perceived as challenges to the authority of the Canadian government through their disruptive capacity: hence these expressions of Indigeneity become forms of “crime” “in an effort to make an Indigenous politics of self-determination unspeakable.”<sup>277</sup> In addition to this point, we must also consider the broader context in which crime occurs and the structural violence which Indigenous peoples face. While many Indigenous communities have and continue to flourish despite colonial forces, there remain ongoing, disruptive social inequalities that have profoundly negative effects.

Indigenous peoples experience ongoing trauma linked to contemporary practices of colonialism, alongside poverty, violence, and alcohol use which contributes to the over-representation of Indigenous peoples in both the Canadian welfare and justice systems. Poverty becomes criminalizable, as both mass incarceration and poverty are “driven by fines, citations, and arrests associated with homelessness and crimes of necessity that arise out of homelessness.”<sup>278</sup> This trauma must not be considered an object of the past but understood as continually triggered by events of the present. Indigenous peoples continue to face a myriad of structural inequalities and violence. Structural violence is the accumulation of disadvantages and sufferings which are consequences of the creation and perpetration of structures, policies and

---

<sup>274</sup> Chan and Chunn 2014, 15.

<sup>275</sup> Tator and Henry 2006, 137.

<sup>276</sup> Ibid.

<sup>277</sup> Andrew Crosby and Jeffrey Monaghan, *Policing indigenous movements: dissent and the security state* (Halifax & Winnipeg: Fernwood Publishing, 2018), 9-10.

<sup>278</sup> Borrelli 2023, 304.

institutional practices [...]”<sup>279</sup> This violence creates the conditions which “sustain the proliferation of social and health inequities.”<sup>280</sup>

A myriad of methods and genocidal practices have occurred in effort to both assimilate and exterminate Indigenous peoples. Such efforts include relocation, residential schools, the outlawing of cultural practices, all which have “deeply negative long-term impacts on individuals, families, and communities.”<sup>281</sup> These negative long-term impacts include “the loss of land, traditional and spiritual ways, self-respect from poor treatment from government officials, language, family ties, trust from broken treaties, culture, and people (through early death).”<sup>282</sup>

Many Indigenous peoples who were forced into Residential Schools were left with inadequate formal educational qualifications, most of which did not meet standards of many jobs available in larger urban centers. Industrial jobs that had been historically available to those with limited formal educational qualifications continue to disappear, and with few well-paying jobs available, simultaneously while facing systemic racism and discrimination for being Indigenous, many Indigenous peoples were effectively “locked out” of the formal labour market.<sup>283</sup> Poverty is often concentrated in these areas known as the “inner city,” where housing is also often inadequate.<sup>284</sup>

Given this combination, crime often flourishes within this context. As Comack and Silver (2006) explain, “This is particularly so when street drugs are readily available as a means of escape, and can be bought and sold at prices and in volumes sufficient to earn a living well beyond what can be earned in part-time, low-wage, non-union, service sector “McJobs.””<sup>285</sup> For many young and disproportionately Aboriginal women, employment in the street sex trade is

---

<sup>279</sup> Browne et al., “Enhancing health care equity with Indigenous populations: evidence-based strategies from an ethnographic study,” *BMC Health Services Research* 16, no. 1 (2016): 2.

<sup>280</sup> Ibid.

<sup>281</sup> Jeff Shantz, “‘The foundation of our community’: cultural restoration, reclaiming children and youth in an indigenous community,” *Journal of Social Welfare and Family Law* 32, no. 3 (2010): 231.

<sup>282</sup> Catherine Elizabeth Burnette and Charles R. Figley, “Historical Oppression, Resilience, and Transcendence: Can a Holistic Framework Help Explain Violence Experienced by Indigenous People?,” *Social Work* 62, no. 1 (2016): 38.

<sup>283</sup> Elizabeth Comack and Jim Silver, *Safety and Security Issues in Winnipeg’s Inner-City Communities: Bridging the Community-Police Divide* (Manitoba: Canadian Centre for Policy Alternatives – Manitoba, 2006), 819-20, [https://policyalternatives.ca/sites/default/files/uploads/publications/Manitoba\\_Pubs/2006/Safety\\_and\\_Security\\_in\\_Winnipegs\\_Inner\\_City.pdf](https://policyalternatives.ca/sites/default/files/uploads/publications/Manitoba_Pubs/2006/Safety_and_Security_in_Winnipegs_Inner_City.pdf).

<sup>284</sup> Ibid., 820.

<sup>285</sup> Ibid.

often “their only recourse for getting by.”<sup>286</sup> That being said, poverty does not necessarily lead to crime. Rather, we must understand that crime is driven by inequality and the inherent failings of capitalism.

Within their work, Woolford and Gacek (2016) have utilized the term “genocidal carcerality” in their analysis of residential schools to describe “spaces enlisted towards the elimination of a targeted group, either for purposes of exterminating or transforming the group so that it no longer persists.”<sup>287</sup> I utilize this definition in this chapter, in which I argue that racism as a structure cannot be reduced to policing alone. Prisons must also be understood as an extension of racism as a structure, and prisons aid in the facilitation of this “genocidal carcerality” in that it by both culturally and physically displacing racialized populations, and specifically Indigenous peoples.

Genocide does not occur through “coordinated human action” alone, but as Cole (2003) suggests, through this “space,” as: “space is transformed into a destructive place to target fundamental aspects of group life.”<sup>288</sup> I argue that *prisons* fall under the definition of genocidal carcerality, as well. Prisons are sites where Indigenous peoples (particularly Indigenous women), Black people, the poor, and other marginalized groups disappear from the public eye by being relegated to cages. The carceral system is a system that sorts and identifies who can exist/belong in/to society and those who are excluded and marginalized — those whose membership is mediated, suspended, or removed entirely.<sup>289</sup> Under settler-colonialism, as Evans (2021) describes, “criminal justice systems have always performed dual functions of erasure and creation. The criminal justice system not only erases, displaces, and objectifies BIPOC communities, it also actively constructs ideas of racial whiteness.”<sup>290</sup>

Imprisonment means the removal of Indigenous individual from their communities, resulting in both the depoliticization and severance of their ties to the land.<sup>291</sup> In removing Indigenous peoples from their communities through imprisonment, a layer of anxiety and uncertainty manifests as they become unable to answer to cultural obligations and programming,

---

<sup>286</sup> Ibid.

<sup>287</sup> Woolford and Gacek 2016, 404.

<sup>288</sup> Ibid., 407.

<sup>289</sup> Evans 2021, 515.

<sup>290</sup> Ibid., 529.

<sup>291</sup> Hilde Tubex et al. “Throughcare for Indigenous peoples leaving prison: Practices in two settler colonial states,” *European Journal of Probation* 13, no. 3. (2021): 290.

such as attending funerals.<sup>292</sup> Cultural disruption has been linked to “high rates of depression, alcoholism, suicide, and violence in many communities, with the greatest impact on youth.”<sup>293</sup> With the rates of Indigenous youth in the criminal legal system, there has been an expressed concern regarding reduced capacity to pass on traditional knowledge, often through oral relations, as lack of exposure to “the traditional involvement of Elders and other respected persons can result in a loss of cultural awareness.”<sup>294</sup> Additionally, when Elders and respected persons become part of the criminal legal system themselves, the sources of traditional knowledge disappears.<sup>295</sup>

Correctional Services Canada (CSC) claims it delivers “culturally relevant,” “trauma-informed,” and “culturally sensitive” programs for Indigenous offenders, delivered by trained Indigenous correctional program officers (ICPOs) or culturally-competent correctional program officers (CPOs).<sup>296</sup> They also claim these programs “meet the needs of Indigenous offenders, consider Indigenous history, and include Elder involvement.”<sup>297</sup> In the Corrections and Conditional Release Act (CCRA), Section 80, it mandates CSC to meet the needs of Indigenous offenders. In Section 80, it also outlines how the CSC is allowed to enter into agreements with “any Indigenous governing body or any Indigenous organization for the provision of correctional services to Indigenous offenders.”<sup>298</sup>

It also claims that CSE consults Indigenous stakeholders — although to what extent, and to in what ways, remains questionable. Furthermore, these programs constrain individuals nonetheless in that a) the definition of Indigeneity is a state-formulated one, and b) such definition does not include the recognition of Indigenous sovereignty and nationhood. As I argue below, these issues leave open concerns that practices of the CSE remain assimilatory and racist; that prison programs continue to advance “genocidal carcerality” while being presented as “indigenized.”

---

<sup>292</sup> Ibid.

<sup>293</sup> Jeff Shantz, “‘The foundation of our community’: cultural restoration, reclaiming children and youth in an indigenous community,” *Journal of Social Welfare & Family Law* 32, no. 2 (2010): 230.

<sup>294</sup> Tubex et al. 2021, 290.

<sup>295</sup> Ibid.

<sup>296</sup> “Correctional programs for Indigenous offenders,” Correctional Service Canada, Google, last modified December 20, 2021, <https://www.csc-scc.gc.ca/002/002-0004-en.shtml>.

<sup>297</sup> Ibid.

<sup>298</sup> “Institutional and Community Corrections (continued),” Government of Canada, Google, last modified August 3, 2023, <https://laws-lois.justice.gc.ca/eng/acts/C-44.6/page-8.html#docCont>

For example, CSC is required to conduct an “Aboriginal Social History report,” a report which “examines the impacts of systemic harm on prisoners’ lives to “identify and consider culturally appropriate ... options that could contribute to mitigating risk and may also inform placement in a facility like a healing lodge.”<sup>299</sup> Many who underwent the process and provided information to staff felt as though their “histories were used against them for security classification.”<sup>300</sup> Furthermore, according to the Auditor General of Canada (2016), these reports were either not obtained at all, or the staff delivering these reports were not trained properly in how to consider Indigenous offenders’ histories in their decisions.<sup>301</sup>

A further example is that the CSC offers “the Aboriginal Women Offender Correctional Program (AWOCP)” which is the CSC’s first “comprehensive and holistic Indigenous correctional program model and is available across all institutions.”<sup>302</sup> Despite this, CSC is said to: “co-opt a notion of Indigeneity through appropriating use of the medicine wheel, sweat lodges, and medicine bundles that are particular to certain Nations into its programming.”<sup>303</sup> However, as McGuire and Murdoch (2021) rightfully assert: generic pan-Indigenized programming “cannot account for the myriad of Nations, cultural practices, identities, shame, prejudice, and racism that permeate the lives of Indigenous women.”<sup>304</sup> Claiming one’s identity is a complex process which requires an individual to work through years of “colonial control, patriarchal identity restrictions, and oppression:” it is an individual and ongoing experience.<sup>305</sup> What the CSC is offering to Indigenous offenders, is a “generic Indigeneity that pushes their cultural identities to the sidelines, and introduces, and forces, a state-imposed version of Indigeneity.”<sup>306</sup> Legitimized as valid efforts for “cultural accommodation,” the state reproduces tactics of control that perpetuate “the very configurations of colonialist, racist, patriarchal state power that Indigenous peoples’ demands for recognition have historically sought to transcend.”<sup>307</sup>

---

<sup>299</sup> McGuire and Murdoch 2021, 537.

<sup>300</sup> Ibid.

<sup>301</sup> Ibid.

<sup>302</sup> Ibid., 539.

<sup>303</sup> Ibid., 540.

<sup>304</sup> Ibid., 541.

<sup>305</sup> Ibid.

<sup>306</sup> Ibid., 536.

<sup>307</sup> Coulthard 2014, 3.

Since the state positions the abuses of colonialism as firmly in the past (or not having existed at all), the contemporary, broader socioeconomic and cultural conditions under which prisoners exist and are released remain unchanged.<sup>308</sup> Colonialism is not something that has merely “dissipated but is central to current events and arrangements throughout our world.”<sup>309</sup> Colonialism continues to be evidenced by ongoing living conditions endured by First Nations communities within Canada, such as the lack of adequate housing and clean drinking water within various communities, alongside the presence of racialized poverty.<sup>310</sup>

From the early days of its, prisons were viewed as “a vast new modern mechanism of social control through reformation and securing the nation.”<sup>311</sup> Prisons are meant to incapacitate, that is to “[...] remove a criminal or violator of the law from society so that he or she may not inflict further damage. They are also supposed to act as a deterrent or as a mechanism of deterrence.”<sup>312</sup> Losing one’s civil liberties is the worst unfreedom imagined in society, thus this is meant to deter citizens from committing crimes. Foundational to this carceral system is the idea of retributive justice, a form of justice which is inadequate in enacting a system that can implement “socially significant behavior changes for those it deems criminal.”<sup>313</sup> We must truly consider how far an “eye for an eye” logic under the retributive system can carry us forward — particularly if we wish to address social harms within communities such as poverty and domestic violence, for example. What sort of justice arises out of locking somebody up in a cage and leaving them to rot?

The prison-industrial complex is central to discussions within Critical Race Theory and abolitionists, yet there is a lack of literature that connects the insights of Critical Race Theory to the Canadian state. This is because there is no parallel corporate prison-industrial complex of the same size and scope in Canada. The United States is home to some of the fastest-growing prison populations in the world, with most prisoners being from racially marginalized communities.<sup>314</sup>

---

<sup>308</sup> Montford and Moore 2018, 658; Coulthard 2014, 22.

<sup>309</sup> Chartrand 2019, 68.

<sup>310</sup> Comack 2012, 219.

<sup>311</sup> Chartrand 2019, 73.

<sup>312</sup> Eduardo Mendita, “The Prison Contract and Surplus Punishment: On Angela Y. Davis’s Abolitionism,” *Human Studies* 30, no. 4 (2007): 298.

<sup>313</sup> Worner Leland and August Stockwell, “Anti-Oppressive Restorative Justice: Behavior Analysis in Alternatives to Policing,” *Behavior Analysis in Practice* \_\_, no. 1 (2021), 1.

<sup>314</sup> Angela Y. Davis and Cassandra Shaylor, “Race, Gender, and the Prison Industrial Complex,” *Meridians* 19, no. 1 (2020): 88.



Derived from the military-industrial complex, the term “prison-industrial complex” highlights the similarities between prisons and the military, both of which “produce vast profits out of immense social destruction and [transform] public funds into private profits.”<sup>315</sup> The prison industrial complex is one of the fastest-growing industries within the United States, motivated by the profit from prison privatization.<sup>316</sup> The prison-industrial complex must be understood as more than prison labor or the private prison industry, but instead, as a “symbiotic and profitable relationship between politicians, corporations, the media, and state correctional institutions that generates the racialized use of incarceration as a response to social problems rooted in the globalization of capital.”<sup>317</sup>

This landscape of privatization includes not only “the privatization of prison management, but also the exchange of a number of services by for-profit-corporations at each stage of the criminal justice process, including bail bonding, records management, telecommunications, health care services, and many others.”<sup>318</sup> Corporations producing all kinds of goods, such as buildings, electronic devices, and hygiene products, to supplies — from meals to therapy to healthcare — are now all “directly involved in the punishment business” as capitalist enterprises.<sup>319</sup> Rather than strengthening the welfare state, politicians dismantle it, alongside the deregulation of industry and economy — eliminating social welfare programs and replacing these with the solidification of the prison complex, one that is the third largest employers in the nation.<sup>320</sup>

Under neoliberalism, the market also plays a central role in creating and sustaining prisons as carceral spaces.<sup>321</sup> As LeBaron and Roberts (2010) describe:

Neoliberal legislation has facilitated the corporate use of prisoners’ labor power, which then (re)integrates them into unfree capitalist relations of production, offering capital the opportunity to exploit the labor of primarily poor and racialized prisoners while simultaneously disempowering labor outside the prison because low-skilled workers are laid off when their jobs are moved behind bars.<sup>322</sup>

---

<sup>315</sup> Marina Bell, “Abolition: A New Paradigm for Reform,” *Law & Social Inquiry* 46, no. 1 (2021): 44.

<sup>316</sup> Shannon M. Sliva and Ceema Samimi, “Social Work and Prison Labor: A Restorative Model,” *Social Work* 63, no. 2 (2018): 153.

<sup>317</sup> Julia Sudbury, “A world without prisons: resisting militarism, globalized punishment, and empire (1),” *Social Justice* 31, no. 1-2 (2004): 12

<sup>318</sup> *Ibid.*

<sup>319</sup> Angela Y. Davis, *Are Prisons Obsolete?* (USA: Seven Stories Press, 2003), 88.

<sup>320</sup> Calathes 2017, 448.

<sup>321</sup> Genevieve LeBaron and Adrienne Roberts, “Toward a Feminist Political Economy of Capitalism and Carcerality,” *Signs* 36, no. 1 (2010): 29.

<sup>322</sup> *Ibid.*

At the heart of the prison industrial process is Black workers, who are used again as “exploited labor and as consumers — of products produced by prison labor.” Ultimately, prisoners generate profits for the companies that build and house prisoners. They also “generate profits by providing a cheap, plentiful, and easily controlled workforce.”<sup>323</sup>

Prisons are often removed from their colonial and racial context. The incarceration of Black peoples within the United States, for example, has been linked by scholars such as Michelle Alexander (2019) to practices of slavery and segregation as legitimated through “Jim Crow laws and prison privatization.”<sup>324</sup> From a critical race theory perspective, Alexander argues that the racial caste system in the US had never been demolished, therefore there is no such thing as a post-racial state in which there is no racism or discrimination.<sup>325</sup> Instead, the US’ racial caste system was merely redesigned and repackaged in the new form of the penal system.<sup>326</sup>

Despite the lack of literature on the Canadian prison-industrial complex, Canadian prisons are subject to similar problems encountered within American jails including overcrowding, decreased programming, and overall deteriorating conditions of confinement.<sup>327</sup> There is a lack of resources to respond to high rates of substance abuse and mental health disorders, all which contribute to self-injury and suicide in Canadian prisons.<sup>328</sup> In accordance with the United Nations, prisoners are entitled to the same level of healthcare as any other citizen within the state.<sup>329</sup> However, it has been demonstrated repeatedly that they do not enjoy the same levels of health care. The lower quality of health care received by inmates was particularly emphasized by the most recent case of the COVID-19 pandemic.

As Nelson and Kaminsky (2020) documented, the individual, upon entering prison, is no longer viewed as akin to “any other citizen within the state,” as they have gained status as an “ex-citizen,” having been deprived of their liberties. Massive outbreaks of COVID-19 within prisons have been attributed to overcrowding, inadequate control measures, and the shortage of

---

<sup>323</sup> Stormy Ogden, “The Prison Industrial Complex in Indigenous California,” in *Global Lockdown: Race, Gender, and the Prison-Industrial Complex*, ed. Julia Sudbury (New York:Routledge, 2005), 63.

<sup>324</sup> Chartrand 2019, 70.

<sup>325</sup> Fernando Avila and Jessica Bundy, “Prison abolitionism and critical race theory,” in *Building Abolition: Decarceration and Social Justice*, ed. Kelly Montford, *Chloë Taylor* (London: Routledge, 2021), 21.

<sup>326</sup> Ibid.

<sup>327</sup> Rose Ricciardelli and Pegah Memarpour, “‘I was trying to make my stay there more positive’: rituals and routines in Canadian prisons,” *Criminal Justice Studies* 29, no. 3 (2016): 179.

<sup>328</sup> Eilish Scallan et al., “The “problem” of health: An analysis of health care provision in Canada’s federal prisons,” *Health: An Interdisciplinary Journal for the Social Study of Health, Illness and Medicine* 25, no. 1 (2021): 5.

<sup>329</sup> Scallan et al. 2021, 3.

basic supplies.<sup>330</sup> COVID disproportionately affected the prison population, and those highly susceptible to infection were often interlinked with vulnerable and disadvantaged communities.<sup>331</sup> It is documented that up to half of all US inmates have chronic conditions, including hypertension, heart disease and diabetes, which act as specific risk factors for worse COVID-19 outcomes.<sup>332</sup>

Punishment continues even when inmates are released from prisons, in that a criminal record restrict the social mobility of many individuals and families and “help(s) to (re)integrate people into capitalist relations of production and social reproduction that are themselves hierarchical, coercive, and filled with gendered and other meanings.”<sup>333</sup> Former inmates face obstacles in their re-entrance into society, in both formal and informal ways. Formal barriers, sometimes referred to as “invisible punishment or civil death,” are laws and practices in which individuals with a history of a criminal record lose their rights and privileges as citizens.<sup>334</sup>

Consequently, people holding a criminal record are essentially stripped of many of their rights and social protections fundamental to Canada and the United States. When relegated to the status of an “ex-citizen,” it is nearly impossible to find a home or a form of regular employment.<sup>335</sup> Other legal sanctions include the prohibition of receiving forms of federal or government aid and social services, such as welfare, veteran benefits, unemployment, subsidized housing, food stamps, and so forth.<sup>336</sup>

Informal barriers to re-entry include the direct effects of prisonization, such as “long-term and sustained exposure to schools of crime and psychological trauma, in addition to weakened support networks and family ties, a lack of social, vocational, and educational skills.”<sup>337</sup> Furthermore, these individuals face stigma from negative public perceptions, due to media depictions, stereotypes, and misinformation — creating a reluctance for individuals to be associated with the ex-inmate, especially when it comes to hiring people with records, as they are

---

<sup>330</sup> Bryn Nelson and David B. Kaminsky, “A COVID-19 crisis in US jails and prisons,” *Cancer Cytopathology* 128, no. 8 (2020): 513.

<sup>331</sup> Ibid.

<sup>332</sup> Ibid.

<sup>333</sup> LeBaron and Roberts 2010, 28.

<sup>334</sup> Bell 2021, 35.

<sup>335</sup> Ibid.

<sup>336</sup> Ibid.

<sup>337</sup> Ibid.

stigmatized as “untrustworthy, inept, or unreliable.”<sup>338</sup> In addition, time in prison often means the depletion of work experience of the incarcerated compared to their non-incarcerated counterparts. These formal and informal modes of structural violence extend beyond the individual as well, to families and communities, across generations, and thus impact society.<sup>339</sup>

Regardless of what the carceral system purports to do in Canada and the United States, there is tremendous evidence that it operates as a tool of racial capitalism to maintain power over subjugated groups: it is an effective tool of domination. At the heart of capitalism is racialization, because for capitalism to exploit — it requires race, and “the promotion of racial animus has been a core practice of the dominant white class.”<sup>340</sup>

In the words of Chartrand (2019), prisons have been used to spatialize and control populations by modern systems of governance and sovereignty. As Calathes (2016) describes, a dominant political order establishes punishment practices as social control weapons that “neatly fit into the inherently exploitative paradigm of racial capitalism.”<sup>341</sup> Prisons are “unequivocally” about punishment, and it must be understood that both their existence and purpose are political.<sup>342</sup> The purpose of incarceration is linked to the agendas of politicians, the profit drive of corporations, and media representations of crime.<sup>343</sup> Victims are exposed to the “normalization” of a “premature death,” which is a defining feature of both slave and late modern-colonial regimes.<sup>344</sup>

## Conclusion

Within this chapter, I argued that prisons are mechanisms that carry out “genocidal carcerality” on behalf of the state. Control is a political task that mirrors certain rules of conduct and standards that keep individuals bound to conventional standards that are upheld as values of the state through laws. Those who deviate from these values are subsequently punished. For example, through charges such as “failure to obey” or “resisting arrest,” police can “criminalize people who threaten in real time exercises of racialized colonial capitalist police power.”<sup>345</sup>

---

<sup>338</sup> Ibid.

<sup>339</sup> Ibid., 43.

<sup>340</sup> Calathes 2017, 443.

<sup>341</sup> Ibid., 442.

<sup>342</sup> Ibid., 449.

<sup>343</sup> Davis 2003, 112.

<sup>344</sup> Calathes 2017, 442.

<sup>345</sup> Lisa Marie Cacho and Jodi Melamed, “Don’t Arrest Me, Arrest the Police”: Policing as the Street Administration of Colonial Racial Capitalist Orders,” in *Colonial Racial Capitalism* ed. Susan Koshy, Lisa Marie Cacho, Jodi A. Byrd, and Brian Jordan Jefferson (Durham and London: Duke University Press, 2022), 177.

Consequently, any and every act of resistance against police power is criminalizable.<sup>346</sup> For example, Indigenous land defenders continue to be criminalized for protecting their way of life, and are deemed a threat to Canadian sovereignty under the label of “Aboriginal extremists.” Prisons are often removed from their colonial and racial context, but it is also a racialized institution, just as policing is. Prisons are meant to incapacitate populations and continue to serve the state as a mechanism of control.

---

<sup>346</sup> Ibid.

## Chapter Five: Alternatives to Retributive Justice

In this chapter, I will be introducing and discussing ideas of prison abolitionism, the idea of restorative justice, and a decolonial approach to justice. I argue that abolition requires that we must move away from our retributive approach to punishment, and the idea of “punishment” in general. Rooted in a broader understanding of crime and punishment as socially constructed concepts, prison abolitionism contests popular ideas of liberal reform. Specifically, it challenges the ideological framework of punishment, and its legitimization of prisons as a social response to human problems and conflicts.<sup>347</sup> As Cullors (2019) writes:

Abolition calls on us not only to destabilize, deconstruct, and demolish oppressive systems, institutions, and practices, but also to repair histories of harm across the board. Our task is not only to abolish prisons, policing, and militarization, which are wielded in the name of “public safety” and “national security.” We must also demand reparations and incorporate reparative justice into our vision for society and community building in the twenty-first century.<sup>348</sup>

Abolition has a long history that goes back to the anti-slavery movements and within the anti-colonial movements “embedded in a Black history of resistance.”<sup>349</sup> It has crossed multiple academic disciplines, historical periods, and social movements. Prison abolition draws inspiration from earlier ideas of the Abolitionist Movement in the United States during the 1700s, as echoed in the writings of W.E.B. Du Bois on the abolition of slavery.<sup>350</sup> For abolition to be meaningful, Du Bois argued, it required more than the eradication of slavery — abolition required a “positive project” as opposed to a negative one.<sup>351</sup> Oppressive conditions that produced and maintained the institution of the prison cannot be eliminated by legal reform alone.

Angela Y. Davis (2005) elaborates upon this idea, as she argues the abolitionist process is not merely the “tearing down” of institutions but also one of collectively “re-imagining institutions, ideas, and strategies, and creating new institutions... that render prisons obsolete.”<sup>352</sup> It includes the refusal to accept any surface-level reforms, and instead, an aim to shift power into

---

<sup>347</sup> Avila and Bundy 2021, 19.

<sup>348</sup> Patrisse Cullors, “Abolition and Reparations: Histories of Resistance, Transformative Justice, and Accountability,” *Harvard Law Review* 132, no. 6 (2019): 1686.

<sup>349</sup> Naomi Sayers, “The Relationship between Restorative Justice and Prison Abolition,” in *Neocolonial Injustice and Mass Imprisonment of Indigenous Women*, ed. Lily George, Adele N. Norris, Antje Deckert, Juan Tauri (Switzerland: Palgrave Macmillan Cham, 2021), 36.

<sup>350</sup> Allegra M. McLeod. “Prison abolition and grounded justice,” *UCLA Law Review* 62, no. 5 (2015): 1162.

<sup>351</sup> *Ibid.*

<sup>352</sup> Meghan G. McDowell and Luis A. Fernandez, “‘Disband, Disempower, and Disarm’: Amplifying the Theory and Practice of Police Abolition,” *Critical Criminology* 26, no. 3 (2018): 377.

impacted communities and “fundamentally transforming the relationship among state, market, and society.”<sup>353</sup> The process through which imprisonment became the norm and primary mode of state-inflicted punishment had much to do with the rise of capitalism and the “new set of ideological conditions” that support it, as Davis (2003) describes.<sup>354</sup> Eliminating prisons and police will not eliminate capitalism, but to get beyond capitalism “special attention must be paid to the prison system, and to the culture that it accepts as normal.”<sup>355</sup>

Contemporary prison abolition frameworks are oriented in similar ways, in which they make efforts to incorporate positive “substitutive social projects, institutions, and conceptions of regulating our collective social lives and readdressing shared problems— interventions that might over the longer term render imprisonment and criminal law enforcement peripheral to ensuring relative peace and security.”<sup>356</sup> An abolitionist framework requires positive forms of collective social interaction, integration, and security that are not organized around criminal law enforcement, confinement, criminal surveillance, punitive policing, or punishment.<sup>357</sup>

We can begin to move away from traditional liberal narratives that uphold reform that adhere to the status quo, and instead begin to recognize the value of ideas and frameworks from the restorative justice tradition can be very helpful in envisioning a future with less harm.<sup>358</sup> Rodriquez (2018) refers to traditional liberal narrative as “the liberal-to-progressive reform narrative,” which perceives the law as tending towards fair and legitimate processes and assumes that violence, systemic bias, and institutional dysfunction of carceral systems are “deviations and errors,” rather than as fundamental and systemic features of these systems.<sup>359</sup>

In its bias, the liberal perspective on law assumes that approaches such as internal auditing, shifts in law and policy, “piecemeal rearrangements of state infrastructures,” and “bureaucratic invigorating” through increases in efficiency, surveillance, and control, will be able to fix these deviations and errors.<sup>360</sup> For example, reformers have called for the implementation of body cameras on police officers as a way to deter and hold officers

---

<sup>353</sup> Bell 2021, 44.

<sup>354</sup> Davis 2003, 43.

<sup>355</sup> Steve Martinot, “Toward the Abolition of the Prison System,” *Socialism and Democracy* 28, no. 3 (2014): 196.

<sup>356</sup> McLeod 2015, 1163.

<sup>357</sup> Ibid.

<sup>358</sup> Bell 2021, 41.

<sup>359</sup> Ibid., 41-2.

<sup>360</sup> Ibid., 42.

accountable for improper behavior.<sup>361</sup> In 2016, numerous Canadian police services were involved in pilot projects designed to test the effectiveness of these cameras on monitoring police officer conduct.<sup>362</sup> At the time, the police services involved were Victoria, Edmonton, Calgary, Amherstburg, and Toronto.<sup>363</sup> Edmonton, Canada's seventh largest municipal service, piloted the body-worn cameras with largely negative evaluations, and decided against standardizing the equipment on its offices. Similarly, the Royal Canadian Mounted Police piloted and rejected the use of body-worn cameras for its officers, as have the Vancouver and Victoria police services in British Columbia, Halifax Police Service in Nova Scotia, and Montreal Police Service in Quebec.<sup>364</sup> Some police services, including Hamilton, Ottawa, and Winnipeg have shown interest in the pilot project but have yet to do so. As it is, body-worn cameras seem to be more of "a potential in Canada than a reality."<sup>365</sup> In places where body-worn cameras have been implemented in practice, such as in the United States, there remains the problem of officer compliance. In numerous shooting cases, officers have failed to turn on their cameras.<sup>366</sup> One study found that departments using cameras had *higher rates* of shootings.<sup>367</sup>

The conventional justice system possesses a "retributive" lens that views criminal behavior primarily if not only as a violation of the law. This view discourages offenders from understanding the impact of their crime on the victim and viewing themselves as accountable for the pain they cause to others. It is more concerned with punishing criminals for their transgressions by forcing them to endure transgressions themselves, as the core of incarceration is a "revenge ethic."<sup>368</sup> However, as Martinot (2014) argues: this revenge ethic cannot be used to respond to or diminish the violence in our society, because "it is in itself an act of violence."<sup>369</sup> There is no evidence that harsher or more intensive punishments has led to greater public safety and peace.<sup>370</sup> Rather, as Walgrave (2008) describes: "the more the public policy relies

---

<sup>361</sup> Vitale 2018, 23.

<sup>362</sup> Thomas K. Bud, "The Rise and Risks of Police Body-Worn Cameras in Canada," *Surveillance & Society* 14, no. 1 (2016): 118.

<sup>363</sup> *Ibid.*

<sup>364</sup> Amanda Glasbeek et al., "Seeing and Not-Seeing: Race and Body-Worn Cameras in Canada," *Surveillance & Society* 18, no. 3 (2020): 335.

<sup>365</sup> *Ibid.*

<sup>366</sup> Vitale 2018, 23.

<sup>367</sup> *Ibid.*

<sup>368</sup> Martinot 2014, 191.

<sup>369</sup> *Ibid.*

<sup>370</sup> Kuhlmann and Kury 2017, 7.



exclusively on repression and punishment, the more this will lead to more imprisonment, more humane and financial costs, less ethics, less public safety, and a lower quality of social life.”<sup>371</sup>

In contrast, restorative justice, is often presented as an alternative to the retributive approach of the court system. There are a variety of definitions and understandings as to what restorative justice is, though it generally is described as a “process whereby all parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence.”<sup>372</sup> Under the restorative perspective, crime is viewed as a violation of the relationship between offender and victim. Thus, this approach is an alternative to the liberal approach to crime, which merely sees punishment of the offender as the one-size fits all solution. Through the relational approach, this perspective encourages offenders to repair the harm. The participation of the community in this process is also “central to the effectiveness and uniqueness of restorative justice,” as it gives any crime a “social context” and stresses viewing the incident as “an issue to be fixed collectively.”<sup>373</sup> Examples of specific approaches to restorative justice include victim-offender reconciliation (or mediation) programs, conferencing, victim impact panels, victim-offender panels (or surrogate RJ), and peacemaking circles.<sup>374</sup>

Oftentimes, the restorative justice approach is said to have customary practices such as healing circles used by American and Canadian Aboriginal communities at the heart of its roots.<sup>375</sup> For example, the Gladue principle is based upon a restorative justice model and sentencing structure “loosely inspired by traditional Native law, but it is neither tribally controlled nor a sovereign Indigenous court.”<sup>376</sup> Gladue sentencing has helped many small-time and repeat offenders who have benefitted from a holistic or communal approach to rehabilitation, treatment, and support.<sup>377</sup> The Gladue principle requires judges to:

[...] weigh the effects of colonization, systemic discrimination, and racism. They are supposed to review the backgrounds of offenders who survived residential schools themselves or have family members who did so. They should also factor in the social support systems available to offenders, such as treatment programs aimed at reducing recidivism.<sup>378</sup>

---

<sup>371</sup> Ibid.

<sup>372</sup> Stephanie Vieille, “Frenemies: restorative justice and customary mechanisms of justice,” *Contemporary Justice Review* 16, no. 2 (2013): 175.

<sup>373</sup> Ibid., 176.

<sup>374</sup> Reza Barmaki, “On the incompatibility of ‘Western’ and Aboriginal view of Restorative Justice in Canada: a claim based on understanding of the Cree justice,” *Contemporary Justice Review* 25, no. 1 (2022): 25.

<sup>375</sup> Vieille 2012, 174.

<sup>376</sup> Leena Minifie, “Canada: Crime and Restorative Justice,” *World Policy Journal* 34, no. 2. (2017): 3.

<sup>377</sup> Ibid.

<sup>378</sup> Ibid.

While the implementation of the Gladue principle encounters difficulties at times, it is a step in the right direction because it “confronts the ongoing effects of the apartheid-like systems established by the Canadian government’s Department of Indigenous Affairs.”<sup>379</sup> That being said, we must utilize caution when it comes to state-imposed definitions of “restorative justice,” and bear in mind it is not simply a “one-size fits all” approach. As Cyndy Baskin (2022) recognizes: “An intervention that is community controlled and culture-based recognises that for Aboriginal peoples, the concept of healing—rather than merely responding to incidents of violence—demands a strategy that is different from the mainstream responses to issues such as sexual offending.”<sup>380</sup> Ultimately, this justice process provides a framework which sees to the promotion of recovery and healing for the victim and is ultimately their domain. Victims are empowered in the fact they can maximize their input and participation in determining the needs and outcomes.

The mainstream justice system works in contradiction to the Aboriginal solution which “seeks harmony and balance among individuals, the family and the community” whilst the mainstream one is “crisis-oriented, punishes the abuser and separates the family and community.”<sup>381</sup> In the culture-based approach to restorative justice, Baskin (2002) describes holistic healing practices and community involvement as the “keys.”<sup>382</sup> By working with both the offenders and the offended, there is a focus on positive Aboriginal identity, particularly in the “the cultural roles and responsibilities of men—since the majority of sexual offenders are male.”<sup>383</sup>

What is identified as the most powerful aspect of the culture-based approach, is the ways in which the offenders are held accountable to the victim, their family, and the community. Those involved come together in a ceremony/gathering in a circle, which includes the offender, their family, their helpers, the victim, their family, their helpers, and any other community members that these people choose to invite.<sup>384</sup> Baskin describes the ceremony as one focusing on

---

<sup>379</sup> Ibid., 4.

<sup>380</sup> Cyndy Baskin, “Holistic Healing and Accountability: Indigenous Restorative Justice,” *Child Care in Practice* 8, no. 2 (2002): 133.

<sup>381</sup> Ibid.

<sup>382</sup> Ibid., 135.

<sup>383</sup> Ibid.

<sup>384</sup> Ibid.

the offender “facing the people he harmed, taking responsibility for this hurt, making a public apology and attempting to make amends through further commitment.”<sup>385</sup>

We can take away some elements of restorative justice in consideration while being mindful of the role of the state, as the state is not a static entity. Ideally, abolitionists like to get to a point where there is no reliance on the state at all in the implementation of justice and completely reduce the state’s role in crime control. Most social conflicts cannot be solved by justice institutions.<sup>386</sup> To decolonize justice means a cultural revitalization. A decolonial approach to abolition “means land return and redress, as well as decarceration and cancellation of colonial courts, cops, and corrections.”<sup>387</sup> As Tynetta Muhammad from BYP100<sup>388</sup> asserts: “Indigenous resistance is created through wellness, community healing, liberation movements and abolition of political prisons.”<sup>389</sup>

In this vision of the future, we must recognize Indigenous sovereignty, and the ability of Indigenous communities to carry out their own practices in justice. Each nation possesses its respective, complex legal orders, all of which have been described by Barmaki (2022) as the following: a) being sophisticated enough to deal with conflict and deviance, and to hold individuals accountable; b) give the accused the right to defend themselves, c) possess mechanisms for changing old norms or instituting new ones, d) are based on collective reasoning processes, e) deal with injustice and oppression, and e) enjoy communal legitimacy.<sup>390</sup>

Generally, according to Barmaki (2022), the aim of the legal order is to arrive at the “truth.” The process in which truth and honesty are sought, is revealed with the help of the Creator. Barmaki writes: “It is only that faithful performance of proper rituals and processes is of great importance in this regard.”<sup>391</sup> At the core of this view rests a moral belief, in which “the problem of crime is due to offenders’ loss of belief in sacred communal values.”<sup>392</sup>

---

<sup>385</sup> Ibid.

<sup>386</sup> Kuhlmann and Kury 2017, 9.

<sup>387</sup> “Mapping the Networks: An Opening Roundtable on Transitional Transformative Justice,” in *Abolition Feminisms: Organizing, Survival, and Transformative Practice*. Ed. Alisa Bierria, Jakeya Caruthers and Brooke Lober (Chicago:Haymarket Books, 2022), 271.

<sup>388</sup> Black Youth Project 100 (BYP100) is a member-based organization of Black youth activists creating justice and freedom for all Black people. They mobilize through building a network focused on transformative leadership development, direct action organization, advocacy, and education. Their membership core believes in principles of decision-making, radical inclusivity, and building a Black politic through a Black, queer, feminist lens.

<sup>389</sup> Isabel Coronado and Emily Kim, “Prison Abolition-But Make it Indigenous,” CLASP: The Centre for Law and Social Policy, Blog Post, March 31, 2023, <https://www.clasp.org/blog/prison-abolition-but-make-it-indigenous/>

<sup>390</sup> Barmaki 2022, 42.

<sup>391</sup> Barmaki 2022, 42.

<sup>392</sup> Ibid.

Consequently, what is necessary is not punishment and retribution but a “compassionate moral re-education” and “sincere recommitment to these values.”<sup>393</sup> These values serve as objective standards of justice (right belief and conduct) that are to be respected and observed by everyone which in turn – ensures communal authority and peace. Again, within the retributive approach to justice employed by the Canadian state, the state’s version of rehabilitation is far from a “compassionate moral education.”

## **Conclusion**

Abolishing prisons, detention, and policing requires decolonization and moving away from our antiquated system of punishment. In this chapter, I began to explore the idea of alternatives to our current prison system. Retributive justice that demands an eye for an eye does not solve the fundamental problems in which crime emerge from. As Davis describes, not only must we tear down current institutions, but we also must completely “re-imagine them.” Restorative justice offers us alternative tools of justice that can be borrowed and taken into consideration as we re-imagine our institutions, yet we must be cautious of adopting state-definitions. In a future reconfigured with abolition in mind, Indigenous sovereignty must be at the forefront.

---

<sup>393</sup> Ibid.

## Chapter Six: Abolitionism and its Potentials

This chapter will review some frequently asked questions when it comes to the project of abolitionism, though this overview is not comprehensive. We must bear in mind that abolition is an ongoing conversation and work in progress, spear-headed by Indigenous and Black activists who continue to lead the fight against state-violence.

Abolition requires three necessary components: 1) defunding the police, 2) the disarming of the police, and 3) the abolition of policing as an institution. Three primary questions often arise in response to prison/carceral abolitionism. First, there is a concern with our collective safety — *how will we stay safe? Won't society descend into crime and chaos?* In response to these concerns, it must be kept in mind that prison abolitionism is a *gradual process* of strategically reallocating funding, resources, and responsibilities away from the police and towards community-based models of safety, support, and prevention.

It is difficult for many to imagine a society without police and prisons because the prison-industrial complex is much more than the sum of all prisons: it is “a set of symbiotic relationships among correctional communities, transnational corporations, media conglomerates, guards' unions, and legislative and court agendas.”<sup>394</sup> In our everyday lives, the narrative that cops keep us safe pervades the media in every form — and such a narrative is widely accepted among the general public. To abolish prisons and police is scoffed at as a utopian idea, as many question: “How can we deal with harm, whether it be to persons or property, whether it be through physical violence or other forms of injustice, without the police?”<sup>395</sup>

An abolitionist approach, with decarceration as its overarching strategy, envisions a continuum of alternatives to imprisonment — such as “the demilitarization of schools, revitalization of education at all levels, a health system that provides free physical and mental care to all, and a justice system based on reparation and reconciliation rather than retribution and vengeance.”<sup>396</sup> The emergence of the prison industrial complex has rendered whatever rehabilitative potential prisons may have previously possessed as obsolete. State budgets are increasingly dedicated to the costs of building and maintaining prisons, while budgets dedicated to improving communities are slashed. In various municipalities across Canada, spending on police budgets has continued to grow, with police budgets now accounting for 30% of municipal

---

<sup>394</sup> Davis 2003, 107.

<sup>395</sup> Walcott 2021, 65.

<sup>396</sup> Davis 2003, 107.

budgets.<sup>397</sup> In 2017, the Winnipeg Police Service budget was \$288 million dollars, which equated to roughly 27% of the City of Winnipeg’s overall operating budget: an increase of 55% over ten years.<sup>398</sup> As Dobchuk-Land and Walby (2022) assert: “Policing consumes resources in our cities, states, and provinces, at a scale and rate that is neither sustainable nor justifiable.”<sup>399</sup>

We must also provide a further answer to the prior question, *what about the worst of the worst? How do we deal with them?* (e.g., rapists, armed bank robbers, murderers, etc.). The vast majority of new convicts have not been dangerous criminals, but rather small-time nonviolent offenders.<sup>400</sup> Abolitionists do not deny the fact that there are people in prisons who commit “crimes,” but rather, what we must realize is, as Davis (2005) argues, punishment is a consequence of racialized surveillance.<sup>401</sup> What counts as “crime” changes, while “what happens to people convicted of crimes does not, in all times and places, result in prison sentence.”<sup>402</sup> As Gilmore (2007) argues, crime means a “violation of the law,” yet laws change: “depending on what, in a social order, counts as stability, and who, in a social order, needs to be controlled.”<sup>403</sup>

Nonetheless, punishment is not an effective way to deal with crime. The solution here is not more cops. Crime is not random, rather, it a consequence of an individual’s inability to meet their needs through other means. Instead of more cops, society requires more educational opportunities, more arts programs, more community centers, more mental health resources, etc. Additionally, we need to address the systemic issues that contribute to criminal behavior. By providing individuals with the resources they need, we can prevent crime. We must focus on rehabilitation and providing individuals with the support they need to re-enter society.

Finally, the last question arises: *Why not fund the police and all these alternatives as well? Why is it an either/or choice?* We must remember it is not just that the police are ineffective but rather, they are actively perpetuating harm in a myriad of ways. As Vitale (2018) describes:

---

<sup>397</sup> Bronwyn Dobchuk-Land and Kevin Walby, “Police Abolition as Community Struggle against State Violence,” *Social Justice* 48, no. 1 (2022): 8.

<sup>398</sup> *Ibid.*

<sup>399</sup> *Ibid.*

<sup>400</sup> Jan Rehmman, “Hypercarceration: A Neoliberal Response to “Surplus Population,” *Rethinking Marxism* 27, no. 2 (2015): 305.

<sup>401</sup> Angela Y. Davis, *Abolition democracy: Beyond empire, prisons, and torture* (New York: Seven Stories Press, 2005), 37.

<sup>402</sup> Gilmore 2007, 12.

<sup>403</sup> *Ibid.*

While the police will often go through the motions of crime control — though not always — it is through aliens of class and race skepticism if not outright animus. While individual officers may not harbor deep biases-though many do- the institution’s ultimate purpose has always been one of managing the poor and non-white, rather than producing anything resembling true justice.<sup>404</sup>

We must also consider the larger issue beyond just police brutality/violence and consider the role of the prison industrial complex, the War on Drugs, immigration law, and the policies, criminal law, and the institutional culture that form the Canadian criminal justice system — all of which have brought harm upon families and have destroyed the lives of individuals.

There should be alternative first responders other than the police to turn to during mental health crises. However, in directly linking jails and other carceral institutions to care and treatment, the net of the carceral state is widened.<sup>405</sup> Within Canada and the United States, there is a well-documented increase in contact between people with mental illnesses and the police. The police have been particularly notorious during mental wellness checks or "compassionate to locate" calls — which are calls for service in which the police are asked to verify the safety and well-being of an individual for whom someone is concerned.

Previous research, for example, documented police attendance at calls with individuals threatening self-harm or experiencing thoughts of suicide.<sup>406</sup> These encounters have become increasingly deadly with encounters resulting in “police assisted suicide,” or death consequential of police intervention. It seems in these instances police have only aggravated and escalated the situation, as opposed to dealing with it in the least non-confrontational way possible, which is necessary when dealing with a major health crisis. Canadian police have notoriously caused death while conducting mental wellness checks, and there is a long list of names of racialized persons struggling with mental health who were killed during these “wellness checks.” This list ranges from 2020-2022 and includes, but is not limited to:

- *Ejaz Ahmed Choudry*: A sixty-four-year-old man with schizophrenia, was shot and killed by an officer of Peel Regional Police after his family called a non-emergency helpline for help while he was in a crisis. He was armed with a knife

---

<sup>404</sup> Vitale 2018, 53.

<sup>405</sup> Angela Y. Davis et al., *Abolition, feminism, now* (London, UK: 2022, Hamish Hamilton, 2022), 66.

<sup>406</sup> Laura Huey et al., “The limits of our knowledge: tracking the size and scope of police involvement with persons with mental illness,” *FACETS* 6, no. 1 (2021): 428.

and at risk for self-harm, and the officers shouted at him to drop it in English, a language which he did not understand.<sup>407</sup>

- *Regis Korchhinski-Paque*: Korchhinski-Paque died after falling to her death from the balcony of her High Park apartment in Toronto, while five police officers were in her home that night.<sup>408</sup>
- *Chantel Moore*: A twenty-six-year-old Indigenous woman who was shot twice in the chest, once in the abdomen and once in her left leg. Moore was killed by a police officer in Edmunston, New Brunswick during a wellness check after she allegedly approached a responding officer with a knife.<sup>409</sup>
- *Rodney Levi*: An Metepenagiag man was killed and shot by the police in Sunny Corner, New Brunswick after officers received a call about a disturbance in the home.<sup>410</sup>

Police are not formally trained to recognize, assess, and treat mental illness. Mental illness has been consistently associated with violence over time. Further, negative stereotypes and representations that are uncritically aligned with people with mental illnesses create a repeated and pronounced profile of “dangerousness.” Despite this, most studies agree that people with mental disorders are not at any greater risk of violence than the rest of the population, and in fact, are more likely to be criminally victimized.<sup>411</sup>

Thus, we must invest in mental health resources and provide alternative first responders to handle these mental health crises. Alternative responses can help reduce the impact of criminal justice on the mentally ill and the impact of the mentally ill on the criminal justice system, but these are not replacements for a functioning health system.<sup>412</sup> As Davis (2022) asserts: “Delinking health care and mental health services — and the many other necessary flourishing

---

<sup>407</sup> Shanifa Nasser, “No charges in death of Ejaz Choudry, 62-year-old shot and killed by police while in crisis,” *CBC News*, April 6, 2021, <https://www.cbc.ca/news/canada/toronto/ejaz-choudry-no-charges-siu-peel-police-1.5976266>.

<sup>408</sup> Rachel Ward, “SIU clears police officers in the death of Regis Korchhinski-Paquet,” *CBC News*, August 26, 2020, <https://www.cbc.ca/news/canada/toronto/fifth-estate-regis-korchhinski-paquet-siu-1.5699999>.

<sup>409</sup> Kevin Bissett, “Chantel Moore shot by N.B. police officer in chest, abdomen and leg, inquest hears,” *CTV News*, May 18, 2022, <https://atlantic.ctvnews.ca/chantel-moore-shot-by-n-b-police-officer-in-chest-abdomen-and-leg-inquest-hears-1.5908799>.

<sup>410</sup> Kevin Bissett, “Officer who killed Rodney Levi says N.B. Indigenous man refused to surrender knives,” *CTV News*, October 4, 2021, <https://atlantic.ctvnews.ca/officer-who-killed-rodney-levi-says-n-b-indigenous-man-refused-to-surrender-knives-1.5609970>.

<sup>411</sup> Chan and Chunn 2014, 47.

<sup>412</sup> Vitale 2018, 87.



life functions such as housing and education — from jailing and other facets of the carceral apparatus is crucial.”<sup>413</sup> It is not more funding into specialized police units and enhanced mental health services in jails and prisons, but rather, a more radical overhaul of the entire mental health system. Other alternatives of reform include the proposal of community policing, which is frequently posed as a solution to crises of police legitimacy in poor neighborhoods of color, “promising to improve policing through improved relationships between the police and these communities.”<sup>414</sup> Decades of research have demonstrated that despite its efforts to be oriented towards changing negative perspectives of police, it rarely results in changes to law enforcement practices.<sup>415</sup>

Furthermore, these police programs have operated with the belief that the “community” will approach them with concerns about all kinds of neighbourhood conditions, a “community” which will supposedly work with them to improve conditions and develop solutions. However, the tools that police utilize to solve these problems will always be limited to punitive enforcement actions such as arrests and ticketing.<sup>416</sup> As Vitale (2018) adds, there is little research to suggest that these endeavors reduce crime or help to overcome over-policing.<sup>417</sup>

## **Conclusion**

Abolition requires a radical overhaul of policing as an institution. Abolition is not just a theory, but a praxis – one which sees to the necessity of community well-being and consequently, the need for resources. In this chapter, I gave the example of police officers as first responders to mental-health crises and the deadly consequences which have ensued in the past years. I do not deny the fact that there are people who commit “crimes,” but suggest that we must acknowledge that what constitutes a “crime” change as laws do overtime. Solutions to crime should not be the implementation of more police officers or the expansion of prisons to accommodate more prisoners.

---

<sup>413</sup> Davis 2022, 66.

<sup>414</sup> Dobchuk-Land 2017, 415.

<sup>415</sup> Ibid.

<sup>416</sup> Vitale 2018, 16.

<sup>417</sup> Ibid., 17.

## Chapter Seven: Conclusion

As aforementioned, abolition is not a perfect approach and continues to be a work-in-progress. While it is often cited as naïve, I have faith that abolition as the way forward can help us reimagine a more just, and inclusive future. In my thesis, I have discussed the settler-colonial context in which colonization is still ongoing. From the very beginning, the police have served the state in this process of colonization, particularly the North-West Mounted Police as they enforced laws under the Indian Act. Contemporary police continue to carry on this violent work, through the surveillance of Indigenous and Black communities as well as with their arrest and consequent funneling into the prison system where they are dramatically overrepresented. The surveillance and racial profiling of Black, Indigenous, and other communities of color are and have “historically been used for control, domination, and continued settler colonial hierarchy.”<sup>418</sup> By removing populations considered “deviant” and needing to be controlled, the state can continue carving out a space of whiteness. Whiteness is the basis of the norm in institutions, a product carved out by settler-spaces.

Racism is a structure which cannot be reduced to policing alone. Prisons are also an essential component of the web of carceral institutions. As disproportionate numbers of Indigenous and Black peoples are confined within the prison system, their presence in society is reduced, if not entirely removed. Thus, prisons must be understood as an extension of racism as a structure. Prisons facilitate “genocidal carcerality” in that they both culturally and physically displace populations, especially the Indigenous and Black peoples of Turtle Island.

I discussed the notion of prison/police abolition near the end of my thesis. Abolishing prisons, detentions, and policing requires moving away from our antiquated system of punishment. It also necessitates decolonization to re-imagine our current institutions away from state-imposed orders.

It is only recently that abolitionism has begun to include Indigenous perspectives and be taken seriously in scholarly analysis. Abolition needs to continue to grow by building on the recognition of Indigenous self-determination, the contributions of Black women, and intersectional analyses of interlocking oppressions, in addition to its grounding in a long tradition of Black abolitionists. Future research should continue to integrate and feature these perspectives

---

<sup>418</sup> Shelley G. Marshall, “Canadian Drug Policy and the Reproduction of Indigenous Inequities,” *International Indigenous Policy Journal* 6, no. 1 (2015): 4.

while also challenging dominant scholarly analysis on crime, policing and prisons. At the time of writing, the academic literature which centers on abolitionist voices, is nascent and marginal. There are many abolitionist resources outside of academic articles, their value should not be underestimated when it comes to research.

Abolition is not a straightforward process with a step-by-step manual. Much of the work is still in progress, yet there are several movements and groups such as Land Back, Idle no More, INCITE!, the Audre Lorde Project (ALP) and Showing Up for Racial Justice (SURJ) who gather to carry out abolitionist, anti-racist action. Of course, there are also unnamed individuals and known activists from all walks of life who are partaking in the work and bringing real change to their communities. These communities are full of resilience and hope. Those who are incarcerated are not reduced to their imprisonment, as they are also individuals with hopes and dreams. We must mirror their resilience and hope in our own politics as we strive for a better world.

## Bibliography

- Alberton, Amy; Angell, Brent; Gorey, Kevin M. Dr; and McCue, Harvey A.. (2019). Intersection of Indigenous Peoples and Police: Questions about Contact and Confidence. *Canadian Journal of Criminology and Criminal Justice / Revue canadienne de criminologie et de justice pénale*, 61 (4), 101-119. <https://scholar.uwindsor.ca/socialworkpub/130>
- Amnesty International. "Canada: Construction of Pipeline on Indigenous Territory Endangers Land Defenders," October 3, 2022. [https://www.amnesty.org/en/latest/news/2022/10/canada-pipeline-indigenous-territory-endangers-land-defenders/#:~:text=October%20%2C%202022-.Canada%3A%20Construction%20of%20pipeline%20on%20Indigenous%20territory%20endangers%20land%20defenders.\)%2C%20said%20Amnesty%20International%20today](https://www.amnesty.org/en/latest/news/2022/10/canada-pipeline-indigenous-territory-endangers-land-defenders/#:~:text=October%20%2C%202022-.Canada%3A%20Construction%20of%20pipeline%20on%20Indigenous%20territory%20endangers%20land%20defenders.)%2C%20said%20Amnesty%20International%20today).
- Anthony, Thalia, and Harry Blagg. "Biopower of Colonialism in Carceral Contexts: Implications for Aboriginal Deaths in Custody." *Journal of Bioethical Inquiry* 18, no. 1 (March 2021): 71–82. <https://doi.org/10.1007/s11673-020-10076-x>.
- Atleo, Clifford, and Jonathan Boron. "Land Is Life: Indigenous Relationships to Territory and Navigating Settler Colonial Property Regimes in Canada." *Land* 11, no. 5 (April 21, 2022): 609. <https://doi.org/10.3390/land11050609>.
- Aylward, Carol A. *Canadian Critical Race Theory: Racism and the Law*. Halifax, N.S: Fernwood Pub, 1999.
- Bargu, Banu. "Police Power: The Biopolitical State Apparatus and Differential Interpellations." *Rethinking Marxism* 31, no. 3 (July 3, 2019): 291–317. <https://doi.org/10.1080/08935696.2019.1629196>.
- Barmaki, Reza. "On the Incompatibility of 'Western' and Aboriginal Views of Restorative Justice in Canada: A Claim Based on an Understanding of the Cree Justice." *Contemporary Justice Review* 25, no. 1 (January 2, 2022): 24–55. <https://doi.org/10.1080/10282580.2021.2018654>.
- Baskin, Cyndy. "Holistic Healing and Accountability: Indigenous Restorative Justice." *Child Care in Practice* 8, no. 2 (April 2002): 133–36. <https://doi.org/10.1080/13575270220148585>.
- Bastarache, Michel. "Broken Dreams, Broken Lives: The Devastating Effects of Sexual Harassment on Women in the RCMP." Ottawa, Ont., 2020. <https://www.rcmp-grc.gc.ca/wam/media/4773/original/8032a32ad5dd014db5b135ce3753934d.pdf>.
- Bell, Colleen, and Kendra Schreiner. "The International Relations of Police Power in Settler Colonialism: The 'Civilizing' Mission of Canada's Mounties." *International Journal: Canada's*

- Journal of Global Policy Analysis* 73, no. 1 (March 2018): 111–28. <https://doi.org/10.1177/0020702018768480>.
- Bell, Marina. “Abolition: A New Paradigm for Reform.” *Law & Social Inquiry* 46, no. 1 (February 2021): 32–68. <https://doi.org/10.1017/lsi.2020.21>.
- Bierria, Alisa, Jakeya Caruthers, Brooke Lober, and Dean Spade, eds. *Abolition Feminisms. 1: Organizing, Survival, and Transformative Practice*. Chicago, Illinois: Haymarket Books, 2022.
- Bissett, Kevin. “Chantel Moore Shot by N.B. Police Officer in Chest, Abdomen and Leg, Inquest Hears.” *CTV News*, May 18, 2022. <https://atlantic.ctvnews.ca/chantel-moore-shot-by-n-b-police-officer-in-chest-abdomen-and-leg-inquest-hears-1.5908799>.
- . “Officer Who Killed Rodney Levi Says N.B. Indigenous Man Refused to Surrender Knives,” October 4, 2021. <https://atlantic.ctvnews.ca/officer-who-killed-rodney-levi-says-n-b-indigenous-man-refused-to-surrender-knives-1.5609970>.
- Bleau, Denica Dione, Joban Dhanoa, and Violet Ignace. “Over-Incarceration of Indigenous People and Perpetuated Health Determinants: The Hidden Agenda of Genocide.” *The International Journal of Health, Wellness, and Society* 13, no. 1 (2022): 1–17. <https://doi.org/10.18848/2156-8960/CGP/v13i01/1-17>.
- Bonds, Anne. “Race and Ethnicity I: Property, Race, and the Carceral State.” *Progress in Human Geography* 43, no. 3 (June 2019): 574–83. <https://doi.org/10.1177/0309132517751297>.
- Bonds, Anne, and Joshua Inwood. “Beyond White Privilege: Geographies of White Supremacy and Settler Colonialism.” *Progress in Human Geography* 40, no. 6 (December 2016): 715–33. <https://doi.org/10.1177/0309132515613166>.
- Borrelli, Brianna. “The Interplay of Mass Incarceration and Poverty.” *Georgetown Journal on Poverty Law and Policy* 3, no. 2 (Winter 2023).
- Brewer, Rose M., and Nancy A. Heitzeg. “The Racialization of Crime and Punishment: Criminal Justice, Color-Blind Racism, and the Political Economy of the Prison Industrial Complex.” *American Behavioral Scientist* 51, no. 5 (January 2008): 625–44. <https://doi.org/10.1177/0002764207307745>.
- Browne, Annette J., Colleen Varcoe, Josée Lavoie, Victoria Smye, Sabrina T. Wong, Murry Krause, David Tu, Olive Godwin, Koushambhi Khan, and Alycia Fridkin. “Enhancing Health Care Equity with Indigenous Populations: Evidence-Based Strategies from an Ethnographic Study.” *BMC Health Services Research* 16, no. 1 (December 2016): 544. <https://doi.org/10.1186/s12913-016-1707-9>.

- Bud, Thomas K. "The Rise and Risks of Police Body-Worn Cameras in Canada." *Surveillance & Society* 14, no. 1 (2016). <https://ojs.library.queensu.ca/index.php/surveillance-and-society/index>.
- Burnette, Catherine Elizabeth, and Charles R. Figley. "Historical Oppression, Resilience, and Transcendence: Can a Holistic Framework Help Explain Violence Experienced by Indigenous People?" *Social Work* 62, no. 1 (January 2017): 37–44. <https://doi.org/10.1093/sw/sww065>.
- Calathes, William. "Racial Capitalism and Punishment Philosophy and Practices: What Really Stands in the Way of Prison Abolition." *Contemporary Justice Review* 20, no. 4 (October 2, 2017): 442–55. <https://doi.org/10.1080/10282580.2017.1383774>.
- Calderon, Dolores. "Moving from Damage-Centered Research through Unsettling Reflexivity: Moving from Damage-Centered Research." *Anthropology & Education Quarterly* 47, no. 1 (March 2016): 5–24. <https://doi.org/10.1111/aeq.12132>.
- Chan, Wendy, and Dorothy E. Chunn. *Racialization, Crime, and Criminal Justice in Canada*. Toronto, Ontario: University of Toronto Press, 2014.
- Chartrand, Vicki. "Unsettled Times: Indigenous Incarceration and the Links between Colonialism and the Penitentiary in Canada." *Canadian Journal of Criminology and Criminal Justice* 61, no. 3 (July 2019): 67–89. <https://doi.org/10.3138/cjccj.2018-0029>.
- Comack, Elizabeth. "Corporate Colonialism and the 'Crimes of the Powerful' Committed Against the Indigenous Peoples of Canada." *Critical Criminology* 26, no. 4 (December 2018): 455–71. <https://doi.org/10.1007/s10612-018-9414-y>.
- . *Racialized Policing: Aboriginal People's Encounters with the Police*. Winnipeg: Fernwood Pub, 2012.
- Comack, Elizabeth, and Jim Silver. "Safety and Security Issues in Winnipeg's Inner-City Communities: Bridging the Community-Police Divide." Manitoba: Canadian Centre for Policy Alternatives - Manitoba, November 2006.
- Coulthard, Glen Sean. *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*. Indigenous Americas. Minneapolis: University of Minnesota Press, 2014.
- Crenshaw, Kimberlé, ed. *Critical Race Theory: The Key Writings That Formed the Movement*. New York: New Press, 1995.
- Crosby, Andrew. "The Racialized Logics of Settler Colonial Policing: Indigenous 'Communities of Concern' and Critical Infrastructure in Canada." *Settler Colonial Studies* 11, no. 4 (October 2, 2021): 411–30. <https://doi.org/10.1080/2201473X.2021.1884426>.

- Crosby, Andrew A., and Jeffrey Monaghan. *Policing Indigenous Movements: Dissent and the Security State*. Halifax & Winnipeg: Fernwood Publishing, 2018.
- Cullors, Patrisse. “Abolition and Reparations: Histories of Resistance, Transformative Justice, and Accountability.” *Harvard Law Review* 132, no. 6 (2019).
- David, Jean-Denis, and Megan Mitchell. “Contacts with the Police and the Over-Representation of Indigenous Peoples in The Canadian Criminal Justice System.” *Canadian Journal of Criminology and Criminal Justice* 63, no. 2 (April 1, 2021): 23–45. <https://doi.org/10.3138/cjccj.2020-0004>.
- Davis, Angela Y. *Are Prisons Obsolete?* Open Media Book. New York: Seven Stories Press, 2003.
- . “Masked Racism: Reflections on the Prison Industrial Complex [Article Reprinted from Colourlines].” *Indigenous Law Bulletin* 4, no. 27 (2000): 4–7.
- Davis, Angela Y., Gina Dent, Erica R. Meiners, and Beth Richie. *Abolition, Feminism, Now*. [London], UK: Hamish Hamilton, an imprint of Penguin Books, 2022.
- Davis, Angela Y., and Cassandra Shaylor. “Race, Gender, and the Prison Industrial Complex.” *Meridians* 19, no. S1 (December 1, 2020): 87–111. <https://doi.org/10.1215/15366936-8565858>.
- Dobchuk-Land, Bronwyn. “Resisting ‘Progressive’ Carceral Expansion: Lessons for Abolitionists from Anti-Colonial Resistance.” *Contemporary Justice Review* 20, no. 4 (October 2, 2017): 404–18. <https://doi.org/10.1080/10282580.2017.1377057>.
- Dobchuk-Land, Bronwyn, and Kevin Walby. “Police Abolition as Community Struggle against State Violence.” *Social Justice* 48, no. 1 (202AD): 1–30.
- Dorries, Heather. “What Is Planning without Property? Relational Practices of Being and Belonging.” *Environment and Planning D: Society and Space* 40, no. 2 (April 2022): 306–18. <https://doi.org/10.1177/02637758211068505>.
- Egor, Aruoriwo. “Modern Day Slavery and Assimilation in Canada: An Exploration of the Analogous Nature of the Prison System and the Residential School System.” *INvoke* 5 (February 14, 2020). <https://doi.org/10.29173/invoke48984>.
- Evans, Jessica. “Penal Nationalism in the Settler Colony: On the Construction and Maintenance of ‘National Whiteness’ in Settler Canada.” *Punishment & Society* 23, no. 4 (October 2021): 515–35. <https://doi.org/10.1177/14624745211023455>.
- Friedenberg, Edgar Z. “The Punishment Industry in Canada.” *Canadian Journal of Sociology / Cahiers Canadiens de Sociologie* 5, no. 3 (1980): 273. <https://doi.org/10.2307/3340178>.

- Fyfe, Skolnick. *Above the Law: Police and the Excessive Use of Force*. New York: Free Press, 2014.
- George, Lily, Adele N. Norris, Antje Deckert, and Juan Tauri, eds. *Neo-Colonial Injustice and the Mass Imprisonment of Indigenous Women*. Palgrave Studies in Race, Ethnicity, Indigeneity and Criminal Justice. Cham: Palgrave Macmillan, 2020. <https://doi.org/10.1007/978-3-030-44567-6>.
- Gilmore, Ruth Wilson. *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. American Crossroads 21. Berkeley: University of California Press, 2007.
- Giwa, Sulaimon, Delores V. Mullings, Paul B. Adjei, and Karun K. Karki. "Racial Erasure: The Silence of Social Work on Police Racial Profiling in Canada." *Journal of Human Rights and Social Work* 5, no. 4 (December 2020): 224–35. <https://doi.org/10.1007/s41134-020-00136-y>.
- Glasbeek, Amanda, Mariful Alam, and Katrin Roots. "Seeing and Not-Seeing: Race and Body-Worn Cameras in Canada." *Surveillance & Society* 18, no. 3 (2020).
- Gordon, Todd. *Cops, Crime and Capitalism: The Law and Order Agenda in Canada*. Halifax, N.S.: Fernwood Pub, 2006.
- Henderson, Phil. "Imagined Communities: The Psychosocial Space of Settler Colonialism." *Settler Colonial Studies* 7, no. 1 (January 2, 2017): 40–56. <https://doi.org/10.1080/2201473X.2015.1092194>.
- Hewitt, Jeffery G. "INDIGENOUS RESTORATIVE JUSTICE: APPROACHES, MEANING & POSSIBILITY." *University of New Brunswick Law Journal* 67 (2016): 313–35.
- Hume, Rebecca, and Kevin Walby. "Framing, Suppression, and Colonial Policing Redux in Canada: News Representations of the 2019 Wet'suwet'en Blockade." *Journal of Canadian Studies/Revue d'études Canadiennes* 55, no. 3 (2021). <https://muse-jhu-edu.cyber.usask.ca/pub/50/article/841399/pdf>.
- Ismaili, Karim, Jane B Sprott, and Kimberly N Varma. *Canadian Criminal Justice Policy: Contemporary Perspectives*. Don Mills, Ont.: Oxford University Press, 2012.
- Jarombek, Laurel, trans. "The Big Question." *World Policy Journal* 34, no. 2 (June 1, 2017): 3–7. <https://doi.org/10.1215/07402775-4191164>.
- Jarrett, Brian, and Polly Hyslop. "Justice for All: An Indigenous Community-Based Approach to Restorative Justice in Alaska." *Northern Review*, no. 38 (2014). <https://link.gale.com/apps/doc/A406708976/EAIM?u=usaskmain&sid=bookmark-EAIM&xid=a528c4a3>.
- Jensen, Eric L., and Jurg Gerber. "State Efforts to Construct a Social Problem: The 1986 War on Drugs in Canada." *Canadian Journal of Sociology* 18, no. 4 (1993): 453–62.



- Johnson, Andrew. "Foucault: Critical Theory of the Police in a Neoliberal Age." *Theoria* 61, no. 141 (January 1, 2014). <https://doi.org/10.3167/th.2014.6114102>.
- Jones, Nikki, Kenly Brown, Eduardo Bautista Duran, Kaily Heitz, Jasmine Kelekay, Gil Rothschild Elyassi, and Geoffrey Raymond. "'Other than the Projects, You Stay Professional': 'Colorblind' Cops and the Enactment of Spatial Racism in Routine Policing." *City & Community* 22, no. 1 (March 2023): 3–21. <https://doi.org/10.1177/15356841221123820>.
- Kaiser-Derrick, Elspeth. *Implicating the System: Judicial Discourses in the Sentencing of Indigenous Women*. Winnipeg, Manitoba, Canada: University of Manitoba Press, 2019.
- Khenti, Akwatu. "The Canadian War on Drugs: Structural Violence and Unequal Treatment of Black Canadians." *International Journal of Drug Policy* 25, no. 2 (March 2014): 190–95. <https://doi.org/10.1016/j.drugpo.2013.12.001>.
- Kirkup, Kirsty. "Nearly Half of Federally Incarcerated Women Are Indigenous, Evidence of 'Public Policy Failures.'" *The Globe and Mail*, December 17, 2021. <https://www.theglobeandmail.com/politics/article-rate-of-federally-incarcerated-indigenous-women-nears-sad-milestone/>.
- Koshy, Susan, Lisa Marie Cacho, Jodi A. Byrd, and Brian Jordan Jefferson, eds. *Colonial Racial Capitalism*. Durham: Duke University Press, 2022.
- Kovach, Margaret. *Indigenous Methodologies: Characteristics, Conversations, and Contexts*. Second edition. Toronto ; Buffalo: University of Toronto Press, 2021.
- Krasowski, Sheldon, and Winona Wheeler. *No Surrender: The Land Remains Indigenous*. Regina, Saskatchewan: University of Regina Press, 2019.
- Kuhlmann, Annette, and Helmut Kury. "Some Considerations of Restorative Justice Before and Outside of Contemporary Western States." *Kriminologijos Studijos* 5 (April 19, 2018): 5–42. <https://doi.org/10.15388/CrimLithuan.2017.5.11731>.
- Laura Huey, Lorna Ferguson, and Adam D. Vaughan. "The Limits of Our Knowledge: Tracking the Size and Scope of Police Involvement with Persons with Mental Illness." Edited by Jules M. Blais. *FACETS* 6, no. 1 (January 1, 2021): 424–48. <https://doi.org/10.1139/facets-2021-0005>.
- LeBaron, Genevieve, and Adrienne Roberts. "Toward a Feminist Political Economy of Capitalism and Carcerality." *Signs* 36, no. 1 (2010).
- LeBeuf, Marcel-Eugène. *The Role of the Royal Canadian Mounted Police during the Indian Residential School System*. Ottawa, Ont.: Royal Canadian Mounted Police, 2011.

- Leland, Worner, and August Stockwell. "Anti-Opressive Restorative Justice: Behavior Analysis in Alternatives to Policing." *Behavior Analysis in Practice*, August 26, 2021. <https://doi.org/10.1007/s40617-021-00633-0>.
- Li, Tania Murray. "Indigeneity, Capitalism, and the Management of Dispossession." *Current Anthropology* 51, no. 3 (June 2010): 385–414. <https://doi.org/10.1086/651942>.
- Lipman, Pauline. *The New Political Economy of Urban Education: Neoliberalism, Race, and the Right to the City*. The Critical Social Thought Series. New York: Routledge, 2011.
- Lowman, Emma Battell, and Adam J. Barker. *Settler: Identity and Colonialism in 21st Century Canada*. Winnipeg, Manitoba ; Black Point, Nova Scotia: Fernwood Publishing, 2015.
- Luoma, Colin. "Closing the Cultural Rights Gap in Transitional Justice: Developments from Canada's National Inquiry into Missing and Murdered Indigenous Women and Girls." *Netherlands Quarterly of Human Rights* 39, no. 1 (March 2021): 30–52. <https://doi.org/10.1177/0924051921992747>.
- Macoun, Alissa, and Elizabeth Strakosch. "The Ethical Demands of Settler Colonial Theory." *Settler Colonial Studies* 3, no. 3–04 (November 2013): 426–43. <https://doi.org/10.1080/2201473X.2013.810695>.
- Marshall, Shelley G. "Canadian Drug Policy and the Reproduction of Indigenous Inequities." *International Indigenous Policy Journal* 6, no. 1 (January 7, 2015). <https://doi.org/10.18584/iipj.2015.6.1.7>.
- Martinot, Steve. "Toward the Abolition of the Prison System." *Socialism and Democracy* 28, no. 3 (September 2, 2014): 189–98. <https://doi.org/10.1080/08854300.2014.954922>.
- Maynard, Robyn. *Policing Black Lives: State Violence in Canada from Slavery to the Present*. Halifax: Fernwood Publishing, 2017.
- McDowell, Meghan G., and Luis A. Fernandez. "'Disband, Disempower, and Disarm': Amplifying the Theory and Practice of Police Abolition." *Critical Criminology* 26, no. 3 (September 2018): 373–91. <https://doi.org/10.1007/s10612-018-9400-4>.
- McElligott, Greg. "Invested in Prisons: Prison Expansion and Community Development in Canada." *Studies in Social Justice* 11, no. 1 (2017): 86–112.
- McGuire, Michaela M, and Danielle J Murdoch. "(In)-Justice: An Exploration of the Dehumanization, Victimization, Criminalization, and Over-incarceration of Indigenous Women in Canada." *Punishment & Society* 24, no. 4 (October 2022): 529–50. <https://doi.org/10.1177/14624745211001685>.

- McLeod, Allegra M. "Prison Abolition and Grounded Justice." *UCLA Law Review* 62, no. 5 (2015).
- Meiners, Erica R. "Ending the School-to-Prison Pipeline/Building Abolition Futures." *The Urban Review* 43, no. 4 (November 2011): 547–65. <https://doi.org/10.1007/s11256-011-0187-9>.
- Mendieta, Eduardo. "The Prison Contract and Surplus Punishment: On Angela Y. Davis's Abolitionism." *Human Studies* 30, no. 4 (December 2007): 291–309.
- Meng, Yunliang. "Profiling Minorities: Police Stop and Search Practices in Toronto, Canada." *HUMAN GEOGRAPHIES – Journal of Studies and Research in Human Geography* 11, no. 1 (May 30, 2017): 5–23. <https://doi.org/10.5719/hgeo.2017.111.1>.
- Millar, Hayli, and Tamara O'Doherty. "Racialized, Gendered, and Sensationalized: An Examination of Canadian Anti-Trafficking Laws, Their Enforcement, and Their (Re)Presentation." *Canadian Journal of Law and Society / Revue Canadienne Droit et Société* 35, no. 1 (April 2020): 23–44. <https://doi.org/10.1017/cls.2020.2>.
- Millar, Paul, and Akwasi Owusu-Bempah. "Whitewashing Criminal Justice in Canada: Preventing Research through Data Suppression." *Canadian Journal of Law and Society* 26, no. 3 (December 2011): 653–61. <https://doi.org/10.3138/cjls.26.3.653>.
- Montford, Kelly Struthers, and Dawn Moore. "The Prison as Reserve: Governmentality, Phenomenology, and Indigenizing the Prison (Studies)." *New Criminal Law Review*, 21, no. 4 (2018): 640–63.
- Montford, Kelly Struthers, and Chloë Taylor, eds. *Building Abolition: Decarceration and Social Justice*. Penal Abolition and Transformative Justice Series. Abingdon, Oxon ; New York, NY: Routledge, 2021.
- Moreton-Robinson, Aileen. *The White Possessive: Property, Power, and Indigenous Sovereignty*. Minneapolis: University of Minnesota Press, 2015.
- Nasser, Shanifa. "No Charges in Death of Ejaz Choudry, 62-Year-Old Shot and Killed by Police While in Crisis." *CBC News*, April 6, 2021. <https://www.cbc.ca/news/canada/toronto/ejaz-choudry-no-charges-siu-peel-police-1.5976266>.
- National Inquiry into Missing and Murdered Indigenous Women and Girls. "Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls Volume 1b." National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019. [https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final\\_Report\\_Vol\\_1b.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1b.pdf).
- Nelson, Bryn, and David B. Kaminsky. "A COVID-19 Crisis in US Jails and Prisons." *Cancer Cytopathology* 128, no. 8 (August 2020): 513–14. <https://doi.org/10.1002/cncy.22335>.

- Oparah, Julia Chinyere, ed. *Global Lockdown: Race, Gender, and the Prison-Industrial Complex*. New York: Routledge, 2005.
- Pasternak, Shiri, Kevin Walby, and Abby Stadnyk. *Disarm, Defund, Dismantle: Police Abolition in Canada*, 2022.
- Perkins, Krystal M. “The Integration of ‘Bottom-up’ Approaches to the Analysis of Race Talk for the Future of Discourse Analytic Research: The Integration of ‘Bottom-up’ Approaches.” *Social and Personality Psychology Compass* 10, no. 6 (June 2016): 329–36. <https://doi.org/10.1111/spc3.12254>.
- Poirier, Sylvie. “Change, Resistance, Accommodation and Engagement in Indigenous Contexts: A Comparative (Canada–Australia) Perspective.” *Anthropological Forum* 20, no. 1 (March 2010): 41–60. <https://doi.org/10.1080/00664670903524202>.
- Preston, Jen. “Racial Extractivism and White Settler Colonialism: An Examination of the Canadian Tar Sands Mega-Projects.” *Cultural Studies* 31, no. 2–3 (May 4, 2017): 353–75. <https://doi.org/10.1080/09502386.2017.1303432>.
- “Proportion of Indigenous Women in Federal Custody Nears 50%: Correctional Investigator Issues Statement.” Ottawa, Ont.: Office of the Correctional Investigator, December 17, 2021. <https://www.oci-bec.gc.ca/cnt/comm/press/press20211217-eng.aspx>.
- Rao, Sandy. “Black Lives, Blue Shirts and ‘Colourblindness’: Application of Critical Race Theory in Police Response Models for Persons with Mental Illness.” *Community Mental Health Journal* 58, no. 1 (January 2022): 1–10. <https://doi.org/10.1007/s10597-021-00888-5>.
- Rawski, Shannon L., and Angela L. Workman-Stark. “Masculinity Contest Cultures in Policing Organizations and Recommendations for Training Interventions: Masculinity Contest Cultures in Policing Organizations.” *Journal of Social Issues* 74, no. 3 (September 2018): 607–27. <https://doi.org/10.1111/josi.12286>.
- Rehmann, Jan. “Hypercarceration: A Neoliberal Response to ‘Surplus Population.’” *Rethinking Marxism* 27, no. 2 (April 3, 2015): 303–11. <https://doi.org/10.1080/08935696.2015.1007790>.
- Ricciardelli, Rose, and Pegah Memarpour. “‘I Was Trying to Make My Stay There More Positive’: Rituals and Routines in Canadian Prisons.” *Criminal Justice Studies* 29, no. 3 (July 2, 2016): 179–98. <https://doi.org/10.1080/1478601X.2016.1189423>.
- Ricciardelli, Rose, and Curt Taylor Griffiths. “North of 49: The Dynamics of Canadian Policing.” *Police Practice and Research* 18, no. 6 (November 2, 2017): 524–27. <https://doi.org/10.1080/15614263.2017.1368238>.

- Rosino, Michael L., and Matthew W. Hughey. "The War on Drugs, Racial Meanings, and Structural Racism: A Holistic and Reproductive Approach: War on Drugs, Racial Meanings, & Structural Racism." *American Journal of Economics and Sociology* 77, no. 3–4 (May 2018): 849–92. <https://doi.org/10.1111/ajes.12228>.
- Rowe, Aimee Carrillo, and Eve Tuck. "Settler Colonialism and Cultural Studies: Ongoing Settlement, Cultural Production, and Resistance." *Cultural Studies ↔ Critical Methodologies* 17, no. 1 (February 2017): 3–13. <https://doi.org/10.1177/1532708616653693>.
- Samuels-Wortley, Kanika. "To Serve and Protect Whom? Using Composite Counter-Storytelling to Explore Black and Indigenous Youth Experiences and Perceptions of the Police in Canada." *Crime & Delinquency* 67, no. 8 (July 2021): 1137–64. <https://doi.org/10.1177/0011128721989077>.
- Scallan, Eilish, Kari Lancaster, and Fiona Kouyoumdjian. "The 'Problem' of Health: An Analysis of Health Care Provision in Canada's Federal Prisons." *Health: An Interdisciplinary Journal for the Social Study of Health, Illness and Medicine* 25, no. 1 (January 2021): 3–20. <https://doi.org/10.1177/1363459319846940>.
- Schafer, Joseph A., and Sean P. Varano. "Change in Police Organizations: Perceptions, Experiences, and the Failure to Launch." *Journal of Contemporary Criminal Justice* 33, no. 4 (November 2017): 392–410. <https://doi.org/10.1177/1043986217724532>.
- Seigel, Micol. "Violence Work: Policing and Power." *Race & Class* 59, no. 4 (April 2018): 15–33. <https://doi.org/10.1177/0306396817752617>.
- Sewell, Alyasah Ali, Kevin A. Jefferson, and Hedwig Lee. "Living under Surveillance: Gender, Psychological Distress, and Stop-Question-and-Frisk Policing in New York City." *Social Science & Medicine* 159 (June 2016): 1–13. <https://doi.org/10.1016/j.socscimed.2016.04.024>.
- Sewell, John, and Christopher J Williams. *Crisis in Canada's Policing: Why Change Is so Hard, and How We Can Get Real Reform in Our Police Forces*, 2021.
- Shammas, Victor L. "Superfluity and Insecurity: Disciplining Surplus Populations in the Global North." *Capital & Class* 42, no. 3 (October 2018): 411–18. <https://doi.org/10.1177/0309816817738319>.
- Shantz, Jeff. "'The Foundation of Our Community': Cultural Restoration, Reclaiming Children and Youth in an Indigenous Community." *Journal of Social Welfare and Family Law* 32, no. 3 (September 2010): 229–36. <https://doi.org/10.1080/09649069.2010.520515>.
- Singh, Nikhil Pal. "The Whiteness of Police." *American Quarterly* 66, no. 4 (2014): 1091–99.

- Sliva, Shannon M, and Ceema Samimi. "Social Work and Prison Labor: A Restorative Model." *Social Work* 63, no. 2 (April 1, 2018): 153–60. <https://doi.org/10.1093/sw/swy009>.
- Smith, Keith D. *Liberalism, Surveillances and Resistance: Indigenous Communities in Western Canada, 1877-1927*. The West Unbound : Social and Cultural Studies Series. Edmonton: AU Press, 2009.
- Spice, Anne. "Fighting Invasive Infrastructures." *Environment and Society* 9, no. 1 (September 1, 2018): 40–56. <https://doi.org/10.3167/ares.2018.090104>.
- Starblanket, Gina. "The Numbered Treaties and the Politics of Incoherency." *Canadian Journal of Political Science* 52, no. 3 (September 2019): 443–59. <https://doi.org/10.1017/S0008423919000027>.
- Starblanket, Gina, Dallas Hunt, Tasha Hubbard, and Jade Tootoosis. *Storying Violence: Unravelling Colonial Narratives in the Stanley Trial*. Semaphore Series. Winnipeg: ARP Books, 2020.
- Stone, Matthew. "Roberto Esposito and the Biopolitics of Property Rights." *Social & Legal Studies* 24, no. 3 (September 2015): 381–98. <https://doi.org/10.1177/0964663914554144>.
- Sudbury, Julia. "A World without Prisons: Resisting Militarism, Globalized Punishment, and Empire (1)." *Social Justice* 31, no. 1–2 (Spring-Summer 2004).
- Suzuki, Masahiro. "Current Debates over Restorative Justice: Concept, Definition and Practice." *Prison Service Journal* 228 (2016).
- Tator, Carol, and Frances Henry. *Racial Profiling in Canada: Challenging the Myth of "a Few Bad Apples"*. Toronto [Ont.] ; Buffalo [N.Y.]: University of Toronto Press, 2006.
- Thielen-Wilson, Leslie. "Feeling Property: Settler Violence in the Time of Reconciliation." *Canadian Journal of Women and the Law* 30, no. 3 (December 1, 2018): 494–521. <https://doi.org/10.3138/cjwl.30.3.007>.
- Tubex, Hilde, John Rynne, and Harry Blagg. "Throughcare for Indigenous Peoples Leaving Prison: Practices in Two Settler Colonial States." *European Journal of Probation* 13, no. 3 (December 2021): 282–300. <https://doi.org/10.1177/20662203211044956>.
- Turner, Allison. "Exploring Police Culture and Reform Strategies Post Charing Cross: Insights from the Literature." *The Police Journal: Theory, Practice and Principles*, July 12, 2022, 0032258X2211075. <https://doi.org/10.1177/0032258X221107588>.
- Varma, Kimberly N., Karim Ismaili, and Jane B. Sprott. *Canadian Criminal Justice Policy: Contemporary Perspectives*. Don Mills, Ont.: Boxford University Press, 2012.

- Vieille, Stephanie. “Frenemies: Restorative Justice and Customary Mechanisms of Justice.” *Contemporary Justice Review* 16, no. 2 (June 2013): 174–92. <https://doi.org/10.1080/10282580.2012.734570>.
- Vitale, Alex S. *The End of Policing*. London ; New York: Verso, 2018.
- Walcott, Rinaldo. *On Property: Policing, Prisons, and the Call for Abolition*. First edition. Windsor, Ontario: Biblioasis, 2021.
- Wang, Jiayu. “A New Political and Communication Agenda for Political Discourse Analysis: Critical Reflections on Critical Discourse Analysis and Political Discourse Analysis.” *International Journal of Communication* 10 (June 2016): 2766–84.
- Ward, Rachel. “SIU Clears Police Officers in the Death of Regis Korchinski-Paquet.” *CBC News*, August 26, 2020. <https://www.cbc.ca/news/canada/toronto/fifth-estate-regis-korchinski-paquet-siu-1.5699999>.
- Warde, Bryan. “Black Male Disproportionality in the Criminal Justice Systems of the USA, Canada, and England: A Comparative Analysis of Incarceration.” *Journal of African American Studies* 17, no. 4 (December 2013): 461–79. <https://doi.org/10.1007/s12111-012-9235-0>.
- Weisburd, David, Joshua C. Hinkle, Anthony A. Braga, and Alese Wooditch. “Understanding the Mechanisms Underlying Broken Windows Policing: The Need for Evaluation Evidence.” *Journal of Research in Crime and Delinquency* 52, no. 4 (July 2015): 589–608. <https://doi.org/10.1177/0022427815577837>.
- . “Understanding the Mechanisms Underlying Broken Windows Policing: The Need for Evaluation Evidence.” *Journal of Research in Crime and Delinquency* 52, no. 4 (July 2015): 589–608. <https://doi.org/10.1177/0022427815577837>.
- Wodak, Ruth, and Michael Meyer. *Methods of Critical Discourse Analysis*. 6 Bonhill Street, London EC2A 4PU: SAGE Publications, Ltd, 2001. <https://doi.org/10.4135/9780857028020>.
- Wolfe, Patrick. “Settler Colonialism and the Elimination of the Native.” *Journal of Genocide Research* 8, no. 4 (December 2006): 387–409. <https://doi.org/10.1080/14623520601056240>.
- Wood, William. “Through the Belly of the Beast? The Promises and Problems of Restorative Justice in Prisons.” *Prison Service Journal* 228 (November 2016).
- Woolford, Andrew, and James Gacek. “Genocidal Carcerality and Indian Residential Schools in Canada.” *Punishment & Society* 18, no. 4 (October 2016): 400–419. <https://doi.org/10.1177/1462474516641375>.

Wortley, Scot, and Akwasi Owusu-Bempah. "The Usual Suspects: Police Stop and Search Practices in Canada." *Policing and Society* 21, no. 4 (December 2011): 395–407. <https://doi.org/10.1080/10439463.2011.610198>.

Zaidi, Zareen, Antonio A. Bush, Ian M. Partman, and Tasha R. Wyatt. "From the 'Top-down' and the 'Bottom-up': Centering Foucault's Notion of Biopower and Individual Accountability within Systemic Racism." *Perspectives on Medical Education* 10, no. 2 (February 24, 2021): 73–75. <https://doi.org/10.1007/S40037-021-00655-Y>.