Disrupting Intergenerational Imprisonment
Linda Mussell

> [I think about] my mother who went to residential school and my father who went through residential school and how that affected them, and how it affected me intergenerationally. I have a daughter, I have a son. How does that affect them intergenerationally?
>
> – Formerly imprisoned Cree man

People living through intergenerational imprisonment have the solutions to disrupt these ongoing colonial legacies. On this topic, I interviewed 122 people both with lived experience of confinement and other community stakeholders in Canada, Australia, and New Zealand. I heard that it is not enough to reform or tweak the carceral system – governments have been doing that centuries, and generations of people have been targeted in that violence. Instead, we need to listen to criminalized people and communities, and give the keys so to speak to communities, meaningfully handing over the power and resources to create change.

WHAT IS INTERGENERATIONAL IMPRISONMENT?

The impacts of criminalization and imprisonment are felt throughout generations. In 2018/2019, Indigenous adults comprised 31% of provincial/ territorial and 29% of federal prisoners, while representing 4.5% of the national population (Malakieh, 2020). Indigenous women represented 41% of women federal prisoners, and Indigenous youth constituted 43% of youth prisoners (Malakieh, 2020). Indigenous and racialized communities experience confinement on a hyper-scale. A recent article by Thalia Anthony and Harry Blagg (2020) uses the term "hyper-incarceration". This is a term that was coined by David Garland (2001) twenty years ago. "Mass-incarceration" gives the impression that everyone is imprisoned on a mass scale. Yet, certain people are targeted much more – including Indigenous and racialized people (Anthony and Blagg, 2020). I emphasize the importance of talking about the intergenerational imprisonment in conjunction with hyper-imprisonment. The same people who are hyper-

imprisoned are experiencing different types of confinement within families and communities over generations.

I use critical policy analysis to look at intergenerational imprisonment. Critical policy analysis is discursive, interpretive, and reflexive (Bacchi, 2000; Fischer, 2016; Fischer et al., 2017; Yanow, 2007). In simple terms, it approaches policy framing and policy solutions as something to be critiqued or troubled rather than accepted at face value. Critical policy analysis cares about looking at the taken-for-granted assumptions behind policy, who benefits, and who is disadvantaged. It challenges that policy is objective and neutral. Policy changes have not been mitigating criminalization rates and instead exacerbate experiences of harm. Carceral systems under colonialism have removed and imprisoned people from their communities considerably over time. Prisons are being called the "new residential schools" in Canada (Macdonald, 2016, n.p.), a "national tragedy" in Australia (Tickner, 2018, n.p.), and sites of "the most incarcerated tribe in the world" in New Zealand (Roy, 2018, n.p.).

Different forms of confinement are experienced intergenerationally (within and across generations) by some families and communities. People have experienced this in different ways. Using intersectionality, which considers multiple and interlocking inequities (Crenshaw, 1989; Hankivsky and Jordan-Zachary, 2019; Collins, 2001) – there is not one experience of intergenerational confinement. The intersection of factors such as Indigeneity, race, gender, class, ability, rural/urban location, and "status" is relevant. What I heard in interviews is that some Indigenous people express they and their family and community have been imprisoned by the authorities of the land now known as Canada, in different ways, over generations – such as in reserves, forts, schools, hospitals, foster care, group homes, youth detention, jails, and penitentiaries. Chris Cunneen and Māori scholar Juan Tauri (2019) say that criminalization of Indigenous people, manifest in overwhelming confinement rates in the criminal justice system today, is one of the most effective ways in which exclusion and marginalization are reproduced in settler colonialism. The child removal system is another major site of exclusion and marginalization in Canada today according to scholars such as Cree/Assinniboine/Saulteaux scholar Raven Sinclair (2016).

Most discussion about this topic falls under "parental incarceration" scholarship. The mainstream focus is on parents confined in prisons and

their children in these discussions (e.g. Lanuza and Turney, 2020). There is little attention devoted to the impacts and relationships of other family and community members experiencing apprehension, removal, and confinement directly or indirectly. Often left out in discussion is careful discussion of intergenerational trauma, oppression, and other carceral institutions (aside from prisons, such as child removal and policing). For example, in the literature in Canada, there is, to my knowledge, only one research report that focuses on Indigenous people with particular attention to intergenerational trauma and speaks directly to the colonial context and generations of harmful policies such as residential schools (Bennett, 2015). This work is by Ojibway scholar Marlyn Bennett, a Sixties Scoop survivor, one of the thousands of Indigenous children "scooped" from their families into foster or adoptive care during the 1950's-1980's (and continuing today).

There is growing interest regarding the effects of parental imprisonment on children, including transmission of criminal behaviour (Besemer et al., 2017; Flynn et al., 2017), and antisocial behaviour and delinquency (Besemer et al., 2017b; Chavira et al., 2018). Summing up this view, as stated by Besemer and colleagues (2016), "crime runs in families" (p. 417). And according to Strensrud and colleagues (2018), there is a "childhood to prison pipeline" (p. 11). In general, there is little literature viewing the impacts of imprisonment beyond the individual (e.g. Sexton, 2016). Programs are seen as sufficient to prevent children from following in their parents' footsteps (e.g. Rossiter et al., 2017), rather than larger system-wide change. Literature may focus on families as part of successful return to community (e.g. Datchi et al., 2016), in an instrumental way. In other words, families are a tool to encourage rehabilitation of prisoners. People who are imprisoned, their family, and community are not seen as the people with solutions to disrupt this harm. They are treated as objects of policy or instruments to meet mandates.

HOW TO DISRUPT INTERGENERATIONAL IMPRISONMENT

I present five ways to disrupt intergenerational imprisonment, synthesizing what was shared in my interview research. It is important to acknowledge that Indigenous and criminalized people have been calling for change for a long time but have not been listened to. These are not novel paths

forward, but important to amplify, nonetheless. The literature focuses on the individual, through parenting programs for confined parents and mentoring programs for children (e.g. Rossiter et al., 2015). It is missing the mark by ignoring the broader scope of changes needed, the role of racism and colonialism, and the importance of policies in creating these issues in the first place.

Shifting Attitudes

Interview participants spoke about the need to overcome the barrier of public and political opposition to disrupt intergenerational criminalization. Tough-on-crime attitudes, lack of appetite for prevention, disinterest in granting transformative mandates, desire for easy fixes, and compassion fatigue were identified as part of this attitude barrier. To create significant changes, there is a need to change people's thinking. Such efforts might take place through education systems, awareness campaigns, language in public policy reports, speaking points by public figures, workplace training, and importantly providing a platform for people with lived experience. Participants described the need to foster empathy and understanding. In the words of a criminalized man in Canada, "we are marginalized in society, and there are not a whole lot of people who really give a damn. I mean, they forget about us when we're inside and they don't really think about us when we get out". Not only do attitudes need to change at the society-level, but also at an interpersonal level for criminalized people to participate in society without shame, stigma, and discrimination. As shared by a criminalized man in Canada, "I don't know how many times I've heard somebody say, 'you're a convict and a criminal. That's all you are and that's all you ever will be'".

Handing Over the Keys

There is a crucial need for partnership and handing over power to where it belongs in communities. This means supporting action and options embraced by Indigenous communities. It also means fostering capacity and adequately resourcing communities. Handing over the keys requires centring knowledge, understanding, and history as uniquely rooted in communities and an essential component in solutions. Further, it also means acknowledging past harms perpetuated by policy and institutions and developing and adhering to ways of working that are focused on equity, respect, and dignity. Handing over power entails moving to community

autonomy and provision of supports such as housing, education, employment, health care, justice, healing, and family wrap-around support. Interview participants underscored the value of partnering and investing power and resources in communities to disrupt intergenerational imprisonment. From the interview of an Indigenous social worker, for programs to work they must "belong to and are owned by the community". Participants with lived experience expressed a distrust of non-community lead initiatives and support. In the words of an Indigenous former prisoner, "I've literally spent the last twenty of my years in and out of these systems".

Narrowing the Net
Interview participants called for narrowing (and dismantling) the criteria and systems that target, sentence, and detain people. This option is provided with the goal that we should move away altogether from a focus of editing the carceral system, and towards focusing more completely on the social supports that build healthy communities. Narrowing the net means a focus on alternatives to child removal, policing, sentencing, and confinement. Participants questioned who benefits from a wider net, the impacts of a wider net, and the possibility of many people being released from prison "without negative impacts on wider society" (community worker). They noted that while the tools used may change over time, the carceral system fundamentally persists. As shared by a legal practitioner, "the prison industrial complex favours ways of incorporating a greater use of restorative measures as a way of channeling people into an alternative route, but still within the same system". For example, restorative justice (RJ) has been packaged, sold, and integrated into the overarching criminal justice system. Narrowing the net means recognizing that criminalization is not inevitable, and many industries should not be needed. In the words of one Indigenous participant in Canada, "If you're not trying to work yourself out of your job and move into a different job, for me, that's a problem. Maybe it's because I've sat on the other side of this and seen how it has destroyed and tried to destroy me and my family".

Resourcing Upstream
Focusing upstream means understanding the impacts of policy from cradle to grave in oppressing Indigenous people and moving away from those structures and towards providing what families and communities need to

thrive and survive. It replaces a focus on punishment, delinquency and deficiency with strength, growth, and resilience. This includes addressing poverty, funding education and employment opportunities, providing physical and mental health resources, supporting people living through intergenerational and historical trauma, addressing disruption of culture and language, and delivering alternatives to punitive justice. The importance of upstream work to disrupt pipelines to prison were noted by people in frontline work, "[People] move through child protection, often straight into youth justice. They spend time in youth detention, then they put them into the adult system. So, a lot of our work is up at the very front end when children are very young, trying to work with families to strengthen them, so that kids can stay safe at home". Frontline participants urged resourcing trauma support, noting that "It's not about the prison, it's not about the size of the prison, you've got to get to the front of the pipeline, you've got to address the trauma at the front".

Accounting for Ripple-Effects

Decision-making must account for the long-term ripple effects. In other words, the impacts of criminalization on people's health, autonomy, connection to culture and community, not only for individuals now but for generations of families and communities to come. Accounting for ripple effects means situating policymaking in the historic and ongoing legacies of colonialism. The orientation should be addressing racism, trauma, and oppression of Indigenous people. The goal should be to mitigate current and future harms, the trauma of carceral systems. Policymaking rarely accounts for these impacts. Participants express the need for decision-makers to think about the long-term impacts of decisions, rather than short-term horizons. In the words of a participant, "there's a lot of interest in looking at preventative or upstream approaches. The problem is you don't tend to see the benefit within an electoral cycle. So, the political will – these are policy decisions that can and should be made by different hands – often isn't there because you're unlikely to see the change within the three or four years". The justice system and its impacts on people now and in the future must be understood in a context of colonialism and racism. In the words of a legal practitioner, "The fundamental architecture the justice system is built upon that colonizing perspective in this country".

CONCLUSION

In the words of an Ojibway Sixties Scoop survivor, "I've been separated from my culture, my family, and my community since I was twelve. I've been trying to spend my entire life to get back to that, but I've still lost so much". It is not enough to reform or tweak the carceral system, the harms have been and continue to be devastating. The central argument I make is that we need to listen to criminalized people and communities, and give the keys so to speak, the power and resources, to communities. They know how to disrupt intergenerational criminalization that is taking place through multiple carceral institutions, and we need to listen.

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