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### **Transcript**

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**Melissa Vabic [MV]:** A wonderful vision would be to see like a like a massive healing treatment center here in the city, and there's many amazing Indigenous folks that have that lived experience, and...tt's a vision. We can do this and have like peer supports, or like counselors and healing ceremonies on site, and...We're getting there. And it's a big hope.

[MUSIC]

**Lyana Patrick [LP]:** Hadi, hello and welcome to *From Ceremony Up*, a podcast dedicated to uplifting community conversations about how health, justice, and connection are foundational to Indigenous self-determination. I'm your host, Lyana Patrick, a member of the Stellat'en First Nation as well as Acadian and Scottish.

[MUSIC]

**LP:** In this episode, we will be introducing you to the world of *From Ceremony Up*. This project came out of my PhD work where I committed to bringing the research to as wide an audience as possible. My co-researchers (the Native Courtworker and Counselling Association of British Columbia) suggested we do a podcast. Not quite knowing how to go about doing this, I enthusiastically jumped in with both feet! This podcast was recorded over the last three years, and while some people have moved onto other roles, the thoughts and ideas that are shared are still as urgent as ever. - The

goal for this three-episode mini series is to provide an in-depth discussion of the challenges and opportunities faced by Indigenous frontline workers and others working within colonial systems of health and justice. We will hear stories of the innovative work being done to challenge colonial systems of health, justice and social service provision to create hope, healing and connection for Indigenous peoples.

On today's episode, we will be talking about the transformative work of organizations that bring culturally informed resources to support justice and healing for Indigenous community members, and the ongoing legacy of colonialism that makes this work so vital. To bring this conversation together, we lean into the conversations that stretch across the work of the Native Courtworker and Counselling Association of BC (or NCCABC). We will hear from Hugh Braker, a member of the Tseshah First Nation and a founding member of the NCCABC. We will also hear from Melissa Vabic, member of the Heiltsuk First Nation and a counsellor with NCCABC. Here's Hugh to introduce himself in his own words:

**HB:** [*Speaking čičaaʔath*] ʔukłaaas Tapoo'scho'ah. [*Speaking English*] That's my current First Nations name - Tapoo. Tapoo is when a whale blows its spout.

Tapoo'scho'ah means whales coming around the corner and it's a name that refers to law and jurisdiction. Once the whales came around the corner, we could hunt them. They were out of the territory of the neighbouring tribe, because we can't hunt them when they're in the other tribe's territory, territory. We respect each other's laws and jurisdiction. I'm from Tseshah First Nation: T-S-E-S-H-A-H-T First Nation located near Port Alberni. My English name is Hugh Braker.

**LP:** And here's Melissa

**MV:** My name is Melissa, and I am extremely happy and thankful to be here today on the unceded traditional territories of the Squamish, Tsleil Waututh, Musqueam territories. I am...I'll introduce my mother's side. She is Heiltsuk First Nation, and she's also a residential school survivor, 60's scoop survivor and a day school survivor. And my father, he is from the former Yugoslavia, and he is Slovenian. He is from a small town called Maribor. My last name is Vabic. I take it from my settler side of the family. And I am one of the addiction counselors here at the Native Courtworker and Counseling Association of British Columbia.

**LP:** As a current counsellor, Melissa shared what the Native Courtworker and Counseling Association of British Columbia does and how the organization works to improve health for Indigenous peoples across BC.

**MV:** Here at the Native Courtworker and Counseling, we are a non-profit organization, and we support Indigenous folks involved within the justice system, and we also provide culturally appropriate court services and counseling for those that are looking for legal information, to help folks understand their rights and to navigate their court processes and access community resources. And moreover, the goal is to reduce barriers and support and promote fair treatment within the justice system.

Also, we have the counseling office here at the 520 Richard Street office, and we are the only addiction counseling program that is within the Native Courtworker and Counseling Association. We have two addiction counselors right now at the moment, and we have one detox support worker, and we have a front desk clerk that manages all the referrals and the intakes and inquiries. And we have a manager at the moment, and we are connected to the Courtworkers and how it came about. The Courtworkers found themselves wearing many hats. They were support worker, they were mediator, they were counselor, they were Courtworker. However, it was a lot of work and dedication for the Courtworker, and somewhere down the line, someone had a brilliant idea to come up with the counseling department to keep connected for folks that are needing that additional support as they navigate the court process. So overall, I work hand in hand with the Courtworker when an individual is needing addiction supports, and whether that would be walking with them through probation, trial, or simply saying “hello” to them when I’m at the courthouse. Which is every Wednesday, I make some time to get out of the office and walk up to 222 Main street and meet and greet with the individuals that are needing that support.

**LP:** NCCABC meets an essential need – and to truly understand the importance of this work, we need to understand its history alongside the history of colonialism that has made resources for justice and healing so critical. To appreciate that story, we turn to Hugh’s unique perspective and lifetime of advocacy. Please note in the following section, Hugh mentions Hereditary Chief Bill Wilson, a well respected First Nations leader who passed away January 25th, 2025. Chief Wilson was immensely dedicated to justice and education. Among his many accomplishments he advocated for and secured funding to establish the Native Courtworker and Counselling Association of British Columbia.

[Music]

**HB:** Long, long, long time ago, in the words of the children's book, when dinosaurs still walked around the world, I was asked if I would run for president of the Native Courtworkers. I had just been elected as the representative for the west coast of Vancouver Island. It was...I think it might have been my first or second meeting. And the

late Ethel Pearson, from the Kwak'wala speaking people, the mother of Bill Wilson, for example. She came up to me and asked if I would run for president of the Native Courtworkers. I think at the time, if I remember correctly, I had just graduated from law school, or was about to...something like that, or maybe I was in law school. I can't remember. Nobody really remembers how many years I've been President. Nobody. The only ones who know they're all dead now. So I said, yes, I would. And I remember the meeting was at what's now the Marriott Residence Inn on Hornby. It was called the Page Book back then, and I got in by...There were two votes for somebody else, and I got all the rest of the votes. And how that happened, I don't know. I'm pretty sure that Ethel Pearson worked her magic and worked the crowd during the coffee break. I think that's what happened. And so that would have been somewhere probably in the early 80s. People think I've been President of the court workers for going on 30 years, but it hasn't been solid.

**LP:** Hugh has demonstrated an enormous commitment to working with the organization. And in part through his influence over decades of change and challenges NCCABC has been able to form strong relationships, grounded in accountability, and oriented toward culturally informed resources.

**HB:** Our relationship with First Nations is amazing. People love the Courtworkers. It's extremely rare that we get complaints about our Courtworker staff, and when we do get complaints, usually it's because, "Why weren't you guys there? I need a Courtworker, and I'm in..." wherever the place is. And the reason we're not there is we don't have any money to hire a Courtworker for there. I mean, I'd love to be in every court in the province, but we can't. So other than that sort of complaint, I've never heard of another complaint from anybody about the Courtworkers. The other people who do appreciate us and do understand the work we do are the judges. Judges in British Columbia do things that they're not supposed to do when it comes to the Courtworkers. Judge Saunderson from Campbell River – he's now retired – he wrote a letter saying, "If I don't have a Native Courtworker in my court, I can't function." They are indispensable to the court system. Gosh, you got me started. So all over British Columbia, there are Provincial Court judges who know the value of the Courtworkers. They know the work they do. They know that the court system cannot function without the Courtworkers.

**LP:** The essential nature of the Native Courtworker and Counselling Association of BC was clear to me in my conversations with both Hugh and Melissa. As Melissa mentions, NCCABC is doing work that isn't found elsewhere.

**MV:** The gaps that we fill and what we may be able to identify, and what we've been experiencing over the years, and what we've been seeing...we we bridge or we

collaborate between Indigenous folks, families, communities, external services and other service providers, such as, say, First Nations Health Authority, to refer folks to, you know, one-to-one counseling or treatment. And also, we do work alongside with the western justice system to provide culturally safe and respectful support whilst a person attends or navigates the court system. We continue to address the systemic barriers with ongoing racism that individuals have faced or continue to face, and we do connect Indigenous folks to traditional forms of healing, such as our counseling office here at 520 Richard Street. We're also mindful to refer individuals to relevant community supports and meet folks where they're at. And I usually hear meet them where they're at, but then what happens after that, and not leave them behind and continue to connect with them and support them, no matter what their circumstances may be. If an individual is wanting harm reduction, if they're looking for support with moderation management or abstinence-based, we do honour the model of the Medicine Wheel as one of the holistic approaches to healing. And also we empower individuals, you know, for their personal autonomy, empowerment, self-determination, promoting options and choices for what their personal healing and wellness means to them.

**LP:** I feel like that's probably something that is very much lacking in terms of mainstream services and what people have access to, especially around cultural approaches to healing and wellness and so that, to my mind, is why this work, is essential, in addition to, like, all of those other kinds of connecting pieces that you talk about. Like, I wonder how much is actually available to people in terms of culture as treatment, if this is something that is available to them widely, or if it's something that is a big gap. Do you have other thoughts on that?

**MV:** So for myself, with my personal experiences and family members that are within the justice system and needing the additional support once they are discharged from the court system, moving forward to work on a healing plan, that part can get quite difficult, especially if one person is asking for treatment, such as like Indigenous treatment that is throughout the province. And there's many, many barriers to that, and it's required for individuals to have X amount of months or weeks for sobriety from certain substances, they may not be able to attend if there is a particular sentence, such as if they are on house arrest and they ought to be monitored. However, that might be a barrier for the person that is wanting treatment. And we quite often discuss with other external professionals that help liaise with the plan, walk beside the person wanting to go to treatment. It's important...we always say, "Strike while the iron is hot." And if we can't get them in, that's a gap, and it's a disappointment to the individual to not follow along with that criteria, or if a person is on suboxone or methadone, and the treatment center may not be set up for that. On the other hand, it is understandable, because many of these treatment centers, from what I've learned over the years, are located in

remote areas, and they may not have the proper medical assistance or support i the person has, say, withdrawal symptoms, and they have not withdrawn from certain substances, and that might be critical and detrimental for their health. Which is completely understandable, however, another gap that I see...and would be amazing to have, like a massive indigenous treatment center. Say in Vancouver we have, like many folks that come from across Turtle Island, particularly Canada, to come to Vancouver, because of our climate and the multiple resources that they may be able to access. And a wonderful vision would be to see like a like a massive healing treatment center here in the city, and...There's many amazing Indigenous folks that have that lived experience. And...it's a vision. "We can do this" and have like peer supports, or like counselors and healing ceremonies on site, and we're getting there. And it's a big hope.

**LP:** In talking with Melissa and Hugh, and through my doctoral work, I started to really understand how important the Native Courtworker and Counselling Association of BC is for Indigenous community members across the province. To truly understand how essential these services are, we need to better understand how the need arises and why healing is so necessary as Indigenous peoples across Canada navigate life in the wake of ongoing colonialism.

**LP:** Well, one of the things that that came really clear through the research was that addiction is really about disconnection, and it's disconnection from self, from community, from nation, from teachings. And so the way that was talked about with a lot of the the frontline workers was that reconnecting or connecting and creating community was a way to address addiction and and disconnection. So because the pandemic made everything a lot harder. You know, you couldn't see people in person. You couldn't see your counselor. You couldn't do all these things...there was a lot of disconnection that was happening. So I just wondered if you might have some thoughts about that idea of of connection as an antidote to addiction.

**HB:** But isn't that the biggest problem facing First Nations, people who moved to the city? We've got a huge number of First Nations people moving to British Columbia from, for example, the prairies. At one time, I think late 70s, Cree was one of the biggest languages spoken in BC, and they're not even from here. But it was one of the biggest, if not the biggest, it was one of the biggest, First Nation languages with in with fluent speakers. And they were all immigrants, a lot of them living in Kamloops, Prince George, the Northeast, and Vancouver. And at the time, the Native Courtworkers, I remember distinctly having a board meeting at which we talked about how we should strengthen the ties that people have within the community. And at the time we had the discussion...we talked about generic Indians, you know? "Oh, let's just...we'll have a pow wow at the friendship center, and they can all go dance for a while and sing a few

songs.” That's not what we mean. We've always said as Courtworkers that when someone goes to prison, they have a right to practice their own religion, and it should be their religion, not white people's thoughts about some generic Indian religion. I can't understand that. So we've always said that if you're Nuu-chah-nulth and you go to prison, you should have access to Nuu-chah-nulth counselors, anyway. So people move to Vancouver and they have a disconnect from their home, and that's why we have Indian centers – or friendship centers, they're called – in cities because we want to give people a connection. But the connections they get is more of a racial one, I think . It's a generic Indian one, but it's not really a connection to their home community at all. There have been studies done, I know I read some of them, about addictions and school success rates. Don't forget, First Nations boys in public school have the lowest graduation rate of any group in British Columbia. So somebody's done a study about First Nations communities that have strong language and culture programs within the community, their achievement level in school is better. There's a direct correlation between them. And all the negative statistics, because First Nations are always on the wrong side of statistics, the negative statistics, the charges like the criminal record, those all fall. We've known that for a long time. So we're going to have to try and find a way to use that knowledge about the effects of language and culture programs distinct to each First Nation, and somehow take that and apply it in the city. We haven't found a way to do that yet. That's one of our biggest challenges. I don't know how we're going to do that. If you look at the Vancouver Indian Center, they do try. They have programs they're like they will have what they call a West Coast night when people from the west coast will come in to sing. But I find that at those things, you get a lot of other people coming in as well. They just want to be around Indians. That's my term for us Indians. Because I'm old school. They just want to be around Indians for the night. They don't want to go anywhere else, so they come to it anyway. And sometimes you see my people, what we call West Coast Nuu-chah-nulth. You see them going to the prairie night at the friendship center, where they do pow wow dancing. And my people will go do it anyway, just because they feel better if they sit around with First Nations people. So there's a huge disconnect between First Nations people from outside BC, moving into BC, but also from remote areas of BC, moving into Vancouver, Victoria, wherever it is that they're going to live. I do know that some First Nations try and remedy it a bit. So the Nisga'a, for example, have a group in Vancouver, but I'm not sure of what they do. I can't say that it's an answer or it's not an answer. I just don't know. I know that Nuu-chah-nulth people in Nanaimo, Victoria, Vancouver, do occasionally get together and to celebrate or have a big community dinner or something. But again, I don't know what the effect of that is. The Nuu-chah-nulth Tribal Council used to go around just before or after Christmas, and they'd host community dinners for all Nuu-chah-nulth Vancouver, Seattle, Victoria and Nanaimo and Campbell River, I think. And I don't know, again, I don't know what the effect of that is, but I think that's a step in the right direction

in terms of the disconnect and trying to correct that. Some places, institutions try and address it. So the University of British Columbia, we have the First Nations House of Learning, I think it's called or something like that, and they bring First Nation students together. And if you go there, and you sit there at lunchtime, and you'll see who...lots of First Nations students come in from all over campus just to hang out, just to sit in a First Nations building and sit beside other First Nations students. And I think that tells us a lot.

**LP:** Yeah, it's just making me think...on Saturday morning, I went up – because I'm at SFU – and we just had the groundbreaking for the First Peoples Gathering House. And it was a small gathering, but I was speaking with a colleague there, and we both remember the First Nations House of Learning on UBC campus. And we both wanted to be there at SFU for this groundbreaking, because we remember how important that space is for Indigenous people, even if it's not our territory and our cultural connection, to feel connected in some way. And so it's it's also making reminding me of a conversation I had with a one of the elders who used to work with the Native Courtworkers. And she was telling me about an elders program that used to run, and what they would do is they would welcome everybody in, and they would ask them where they were from, and they would try to match them up with an elder or knowledge holder, somebody from their nation, so that they could connect with them in that way. And I think that's really important work for all the reasons you just mentioned. And I also think it's work that needs to be supported and resourced and made sustainable, but I know that they lost their program funding eventually, so I think it's just this continuous challenge that all the for all the reasons you just mentioned, but they have such profound impacts on people as well.

**HB:** Yeah, the program, the funding was cut by the province. One of the problems we had with the program, like so many programs we have, it's Vancouver-focused. It becomes a program of the Vancouver area, and I sort of understand it, because there's such a huge number of First Nations people living in the Vancouver area. If you walk down East Hastings at any given time, it looks like half the people are First Nations people that are laying on the street and sleeping there, or walking the street, or at the soup kitchens that are run by the churches and things there. It looks like half of them are First Nations people. So I understand the urge, the need to have some counselors in Vancouver, but it means that places like Prince George, where there's a huge problem, they don't get the funding and they don't get the program.

**LP:** As organizations like NCCABC work to counter disconnection and injustice, it feels poignant to me that the same government that is responsible for the colonial project that brought these issues into our communities continues to be responsible for creating

barriers to addressing the harm they have caused. Over Hugh's time with NCCABC, he has gained an intimate knowledge of these barriers to change.

**HB:** The Native Courtworkers do not have long term funding, as you probably know. We are a program, and we're funded yearly by the federal government. Federal government kicks in 50% and the province kicks in 50% and they decide what the terms of the contract are. We don't have any voice in it. Never have. We're treated like children. We have demanded that the contract be three ways: us, the province, and the Feds, and they've always resisted that. So even this contract for this year is...we're excluded from signing it, and that's a huge impediment to us. The federal government says they're going to pay for the criminal court, that's all. But of course, we're not just affected by criminal court. First Nations people, as you know, are treated horrendously in child protection hearings. Gosh, you're going to get me wound up here pretty soon. So many years ago, I think it was in the late 80s, I could be wrong on the date, the then province of British Columbia decided to write rewrite the child protection legislation, and it became the Child Family and Community Service Act. But before they wrote it, they said to the Courtworkers, "Hey, we want to set up two panels that are going to hold hearings around British Columbia and ask for the people's input on this legislation. And one of the panels will be just for everybody, and the second panel will be specifically for First Nations people, because they are disproportionately reflected in the statistics of children who come into care by court order." At that time, it was about 51-52% of children who came into care of the director of child services by court order were Indigenous. So we said, "Oh, that's a good idea." The government said, "Would you please do the panel?" So the panel was formed. Rosalie Tizzy I think, was on the panel. I know Lavina Lightbound was on the panel. And we toured British Columbia for approximately six months. I went along because the Courtworkers had the contract to hold the hearings all over BC, and we compiled recommendations...a few of them were reflected in the new legislation. And then we wrapped it up and they brought in the new legislation, introduced it to the legislature and it was passed and became law. At that time, as I said a moment ago, 52% of children in care by court order were Indigenous. Here we are, some 20 years later, and now today, 64% of children in care by court order are Indigenous. It hasn't helped at all. It's gone backwards, and I blame the government for that, wholeheartedly. So getting back to what I said about government, my relationship – Canada doesn't want us to work in the area of family law. They said, "No, that's provincial jurisdiction. We're only going to pay for criminal law work." But the point is that heaps of our family run into problems in court when their children are removed and or there are orders being sought by the director of child services, like no contact or exclusive possession of a home or something like that. And then they also run into problems in family court, when the family dissolves they need assistance, help, they need someone to tell them, how the system works and what their rights are. The

Director of Family maintenance will make an application in court when somebody falls behind on their family maintenance payments, the child maintenance payments, or something like that. And the Director of Family Maintenance will go to court asking that, usually the father, asking that the father be put in jail for not adhering to the court order to pay maintenance. And he needs counseling as well. He needs...he wants to know, "Hey, what are my rights? What is...what does it mean that I have to go to jail, sort of thing?" So our relationship with the federal government...we always want to be in writing the contract, because we think that we should be providing services. When somebody is charged with an offense, or when someone's children are taken, who do they call? They call the Native Courtworker. When they when they're charged with a criminal offense and they want Legal Aid. Who do they call? They call the Native Courtworker. They don't pick up the phone and call Legal Aid. Never. They call us. First Nations people feel more comfortable going to a First Nations person than talking on the telephone to legal aid. You know, it's actually quite easy. If you phone legal aid to get legal aid. They do it over the phone. Now they do a telephone interview with you, and the documentation comes later, the proof of income and that sort of thing. And native people just won't do it. They won't if there's two offices in the courtroom at the courthouse, one's a legal aid office, and it's some non Indigenous person sitting there, and the other one's a Native Courtworker, I'm going to bet you 99.99% of the time they're going to go to the Native Courtworkers office. They will never go to the other office no matter what. And so it's us who get called. So here we are doing all these services, and the federal government doesn't want to pay for it. In the past, it's caused us problems, because the federal government audits us, I don't know, every few years, they'll come and do an audit to make sure that we're doing the right thing, make sure we're not cheating, I guess I don't know. So there was a time when I was with the Courtworkers and we had to counsel our Courtworkers "Hide your time. Don't report your time on the timesheet, because we're going to we might get audited, and we don't want the federal government to know that you were in court on a family matter, because if you were, they deduct that from the amount of money we get the next year." So it led to stupid things like that, and we wanted to be part of the contract, but the governments won't let us. So we've always had a difficult problem with the two levels of government – both levels. As you may know, the province of British Columbia tried to eliminate us when Gordon Campbell was Premier, I think. And it got very close to the Courtworkers being eliminated, and we had to go to the then leadership of the First Nations in British Columbia. We asked Ed John and Stewart Phillip to support us. And the nice thing is grand chief Stewart Phillip from the Penticton band, he used to be a Courtworker. Oh yeah, I've got lots of secrets for you. He was a Courtworker way back when it was just starting. So they actually went to Victoria on our behalf and demanded the government keep the Courtworker Program, and so we escaped being chopped by the province of British Columbia. And so we've always had this tenuous, friction-filled relationship with

the federal government and the provincial governments, even today, with this government, I would not say it's a wonderful relationship. I would say it's difficult at times. They still won't let us sit at the negotiation table. And I think they don't really appreciate the work we do. I don't think anybody does. Funding has been more or less frozen since I certainly started. When I say frozen, I mean, I know it goes up a little bit each year, depending on on the cost of living and some other factors, but it's nowhere near where it should be. We do not have Courtworkers in every single court in the province, and we should, we should have them everywhere. But we just can't afford it. We can't afford that service.

[MUSIC]

**LP:** You've raised some some key pieces here that I also found through my research and I think are well known, and particularly the issue of funding, which really is a key factor in programs and initiatives and and how successful you can be at running them and...

**HB:** That's because government only sees things narrow. They don't see things holistically like we do, and that's a big problem. We've had, in addition to the basic Courtworker program, we've had other programs over the years, because we realize – and we've had this discussion at the board many times – we realize that you can't just attack one problem. You have to deal with them all. If you've got a man coming in who's charged with an offense, let's say theft, and it turns out that he's an alcoholic, you got to attack the alcohol problem too. But the government doesn't see that. So we have alcohol and drug counselors working for us. In the past, we used to have a program called the First Nations Focus. It was paid for by the province of BC, and that program took people of the lower east side of Vancouver – people who were about as challenged as you could be – and we had to teach them things like how to open a bank account, how to operate a washing machine... I mean, it's so basic, it was incredible. But we had to do that before we could ever get them to the point where they could apply for a job. A lot of them were runaways, and the late Val Dudoward, now deceased, she used to run that program in East Vancouver, and I used to give her the most credit possible, because the people she worked with were so in need of things. But we realized, as a Courtworker, that you have to look at the whole person, the whole life. You you can't just say, "Oh, we're going to try and deal with your, your theft problem, and I will speak to it in that and then you'll be finished." No, then what do you end up with? You end up with someone who's dysfunctional, someone who cannot do the basic things in life, and they're going to be coming right back to you within a few months with another theft charge. That doesn't accomplish anything at all, but you can't get government to see that. And we've had so many programs over the years...I don't know if we still have it.

I'd have to look again, but we even had a program where someone would go to the person's house and they would walk them to the treatment center, because 9 times out of 10, if you leave them alone, they're not going to make it. They need that support. They need someone there telling them, "Here's what you're going to do, here's what it's like in there, and here's why you really need to do this. It's for your children, your wife..." whatever the reason is. And so we would actually walk them there – I think we might still have that program – and make sure that they get to the treatment center. So really, you need government to take a holistic approach to things. If they don't, we'll just keep getting these little programs over year after year, and it won't attack the root causes.

**LP:** As a health scholar, I see these root causes as a concept that we describe as the social determinants of health. To share more about this concept, I turn to friend and scholar Lara-Lisa Condello, a faculty member at Nicola Valley Institute of Technology and an educator on justice and abolitionist movements in Canada, who I met through my doctoral studies at the University of British Columbia. Here's Lara:

**Lara Lisa Condello [LLC]:** My name is Lara-Lisa Condello. Most people call me Lara. Just a little bit about myself personally. My mom is Friulian from northeastern Italy and my father was born in Calabria, this is in the south region part of Italy. I was born and raised in Treaty One Territory, and left Winnipeg to pursue my higher education. Professionally, I'm a faculty member with the Nicola Valley Institute of Technology, that's B.C.'s Indigenous post secondary institution. And I've been with them for the past 17 years. My work there...I primarily teach Criminology and also in Education, but my work, I think, is primarily informed by the ideologies of penal abolition, transformative justice and collaborative learning. I think a lot of things that we'll be unpacking today. And today, I am very privileged to live on Nlaka'pamux territory with my husband and son. And firstly I'd like listeners to ground ourselves and start thinking about and reflecting about the intersections of health and justice to not only our social determinants, but how these systems have been impacted by colonization. Right? So what I mean about social determinants is, think about your own health and your own experiences with the justice system, maybe through your friends or family, if not personally, and how those are impacted and related to things like your experiences in your childhood, you know, your formal or informal education; how you have felt protected in your life; even things like food security and the nutrition that you've had access to; evidently, your employment; your income; housing is a big one. And I know some of these episodes are going to be talking about the impact of the pandemic, so another important social determinant is feelings of social inclusion that we experience, and, of course, access to healthcare. And then I think one thing Lyana that you know a lot about is sustainable environments, right, and how that impacts us. And then in terms of the notion of colonization, I think everybody needs to understand that all our institutions and what we call Canada today,

and our systems, are colonized projects, right? And what I mean by that is that they're primarily built on Western ideologies, you know, that unfortunately have created centuries of systemic inequities and inequalities, right, that serve the interests of a certain class and a certain people.

**LP:** Given the context of the Native Courtworker and Counselling association of BC, I asked Lara to share a little more about the connections between the carceral system, colonization, and the social determinants of health:

**LLC:** You know anybody who has spent time in our carceral settings, understands that colonization is today, alive and well, right? So a clear example of that is the representation of Indigenous, Black and people of colour that we have incarcerated, not only in Canada, but worldwide. And then another example is that generational impact of colonization. So in the States, there's some literature around the school to prison pipelines, and one story that this reminds me of is when I was teaching NVIT's prison courses at a correctional provincial facility here, I was taken aback that in one course, there was a mother and a daughter in the same course, and the daughter was pregnant. And very, very profound to have that experience, that there was three generations of people who were incarcerated at that time. So again, moving forward, I think this podcast is so important to talk about the work, the important work that your interviewees are doing in community, and how we can move away from, you know, our fixation on crime and punishment into ideas of harms and healing. And so I always remind learners in our classrooms, the ideas that we have and our knowledge that we have will change the way that we respond to conflict in our societies.

**LP:** We can see the social determinants of health as central to the issues we have talked about so far, things like sufficient program funding, opportunities for connection, and culturally appropriate healing all contribute to creating an environment where Indigenous peoples have access to robust wellbeing. Hugh talked about how his work with NCCABC fights back against the systemic racism in the punishment-focused, colonial project that we call the justice system, which as Lara points out, is a colonized project itself. Hugh shared concrete examples from his work, where he witnessed how our justice system impacts the determinants of health in our communities and how strongly these colonial systems resist change.

**HB:** In 2022 we were aware of six or seven Indigenous people who were killed by the police in British Columbia between the months of July and October. Now we're only somewhere between 3.5 and 5.5% of the population, I'm told. I don't think that's actually true, but that's what I'm told. I think it's closer to 6%. And so even just those six in one year is way disproportionate to what our percentage of the population is, and we know there are more – it's actually going to be higher than that, it's going to be higher than

six. So that's one example of a statistics that's just wonky. It's way worse than it should be, and I'll come back to that later, because it just is a reflection of the rampant racism in the justice system. But other statistics: First Nations, people who are in prison apply for parole at a much lower rate than non-Indigenous people. If you've got an Indigenous person and a non-Indigenous person charged with the same offense, shoplifting. Both are 16 years old. Both are in school. One's First Nation and one's Caucasian. The First Nation one is going to get convicted and will get a sentence. The Caucasian one might be diverted to something else, or the sentence will be lighter. First Nations people go to prison for crimes at a greater rate than the non-Indigenous population. I could just go on and on, the statistics are grim, and there's no admission from anybody that there's racism in the justice system, even though we see it every day.

[Music]

**HB:** Some years ago, a woman charged with an offense in Nanaimo went to see the Native Courtworker. It involved violence, and her name was Gladu. That was her last name. The Native Courtworker was the first person to see that woman after she was charged with the offense, and as a result of going to the Supreme Court of Canada, that woman's name has become synonymous with something called Gladu reports. And everybody at the time thought, "Oh, wow, this is amazing. This is going to change everything, how First Nations people are sentenced." And what the Supreme Court of Canada said, is that you have to take into account everything about a person's background when they're First Nations. That's essentially...I've sort of oversimplified it, but essentially, that's what they said, and the court must structure a sentence that, in part, at least reflects the background of the person. And at that time, the judges said, "There's far too many Indigenous people going to prison, and we have to change this. This is a scandal for Canada." They didn't use those words, that's my interpretation. So here we are, some 15 years later. Has it improved? No, we've still got courts in the prairies that have over 80% of the inmates are Indigenous. We've still got too many people in British Columbia who are going to prison. When I was a lawyer, I had a young, 16 year old Native girl charged with shoplifting, she stole something less than \$2. I don't know if it was a chocolate bar or if it was a little thing for makeup. But anyways, it was less than \$2, I remember that point. And she got probation, and she had to complete her probation. She did, but while she was completing it, she ran away to see her boyfriend in Campbell River. So she got charged with breach. She was in the care of the director of child services, so they charged her with breach. So I sat there thinking to myself, if any other child in British Columbia ran away to see their boyfriend, they would never be charged with anything. It's not a crime for a child to run away from home to visit a boyfriend. But she did it and got charged for one reason, because she was on probation at the time, and the director of Child Services, in all of his wisdom, said, "No,

no, we shouldn't let this girl run away. She's in care. So they charged her with another crime. She ended up being charged with six times, and sometimes she went to jail. What the hell for? And what's the social purpose of putting a First Nations teenage girl in prison, in jail for a few days because she ran away to see her boyfriend? What does it achieve? Absolutely nothing. It was a complete and utter waste, and it destroyed a life. All she ends up with is a huge criminal record. So here's the Supreme Court of Canada saying, "Hey, we're sending too many Indians to jail. Hey, we got to stop charging the Indians with so many crimes." And here I am in court as a lawyer, and the court is doing exactly the opposite of what the Supreme Court of Canada said they should do. I still remember to this day, the very day that the Gladue decision came out from the Supreme Court of Canada. It was a Thursday. I was in Port Alberni court on Friday, and I had an accused who was Indigenous, and I stood up to speak to sentence. I said, "Your Honour, the Supreme Court of Canada gave a seminal decision yesterday. I think it has a direct bearing on this case. And here's what it says. I read it last night." And the judge's answer, he looks at me, and he says, "Mr. Breaker, I saw that decision, but have you seen what the Province Newspaper is saying about it today?" I'm quoting from the Supreme Court of Canada, the highest court in the country, and the judge is quoting from a tabloid newspaper. There was such resistance among a lot of judges to that decision, that today, still there are judges who do not follow it. They just don't, they don't bother. They still sentence as if nothing has changed, they still give the same sentence. And that's part of... I wouldn't say it's part of racism.. I think it's... there's a whole other group of other factors, but there's no doubt, there's racism in the court and in the justice system. When I was a junior lawyer, I had... oh, God, now you got me started. When I was a junior lawyer, I had four or five accused. They were all charged with illegal fishing, and they were all from a small village on the west coast of Vancouver Island that you could only access by boat or by float plane, and their court was going to be in Tofino. So we go for the trial – they pled not guilty – we go for the trial, and they never showed up. And so I stood up, and we waited about 15-20 minutes, and I stood up in court, and I said, "Your Honour..." It was Judge Green. You can put it in because he's dead now. Thank goodness. I stood up; I said, "Your Honor. I want to say for the record, there's a big storm outside. The wind is howling, the waves are big, and my clients have to come from a small village only accessible by boat or by float plane. And when the weather is bad, they just can't travel. And the judge looks up and he says, "Well, it never stops them from coming in and getting their beer, does it?" But alcohol had never come up yet, it wasn't even a factor. They weren't drinking when they were fishing. It was the judge and his racism about First Nations people. I remember being in BC Supreme Court and listening to defense counsel, a white guy, and the accused was a First Nations woman. She looked to me like she was in her ninth month of pregnancy. I actually thought, "Oh my god, she's gonna pop here in the court." But in any event, defense counsel stands up and makes submissions. I forget what she was charged

with. He stands up and makes submissions. He looks at the judge...and the courtroom was full of Native people, because they had come to support her, and there were other issues. He looks at the judge, and he says, "My Lord, as is very often, the problem with her people, she was drunk at the time." It hit me like a brick wall. I'm Indigenous. It hit me like, "What do you mean, my people? What's wrong with my people? Her people? My people are her people. They're all Indigenous. And I've heard other counsel in the courtroom say...you know, there's a family that breaks up, one's Indigenous, one's Caucasian. The lawyer was representing the Caucasian, he looks at the judge, he says, "There's no way my client is ever going to consent to her children growing up on an Indian reserve." What's that supposed to mean? They were members of the First Nation. The children...because their father was from the First Nation. What does he mean, they're not going to consent to them growing up on a First Nation? I have seen so much racism in the court over the years. I think, I hope, I pray, it's getting a bit better. I think since the residential school exposures of the amount of First Nations people horrifically treated in residential school – the amount of sexual assaults, etc, Since that started, I think the tone in Canada, I think the realization in Canada, I think the empathy in Canada has all changed.

**LP:** Hugh's discussion of Indian Residential Schools points to the important role NCCABC occupies in addressing a long dark history of colonization through their work in health, justice and child services systems. Residential schools are one part of a long history of violence against Indigenous peoples in Canada. Beyond the barriers to wellbeing that colonialism erects in our systems today, Indigenous peoples across Canada must reckon with the generational impacts of that historic and systemic violence. In the following segment, Hugh mentions UNDRIP and CP land. UNDRIP is the United Nations Declaration on the Rights of Indigenous Peoples, a comprehensive international instrument adopted in 2007 to establish minimum global standards for the survival, dignity, and well-being of Indigenous peoples. CP is a certificate of possession, a formal document granting a First Nation member lawful, individual possession of a specific parcel of reserve land. Here's Hugh.

**HB:** Port Alberni, as you probably know, had a notorious residential school, the Alberni Indian residential school. And in the judgment, Mr. Plinth was a maintenance man there, and he was charged with sexually abusing, I think 18...no 25 young boys. I think he pled guilty to 18 or 19, if I remember correctly, I could be wrong on the numbers. He never said that he did not sexually abuse the other boys. He said, "I can't remember." God. He said, "I can't remember those ones, I remember the other ones, so I'll plead guilty to those, but I can't remember some other ones, so I can't plead guilty to those." Make a long story short, he was convicted, sent to prison and he died there. The judge in the judgment said "The residential school system in Canada was a factory for the

sexual abuse and physical abuse of children.” He was 100% right. I've heard so many horrid stories coming out of the Alberni Indian Residential School. You probably know some of them, the stories about medical experiments being conducted on the children without them even knowing, and without their parents knowing. I have no doubt in my mind that we're going to deal with the effects of residential school for generations yet. We've got to get around that if we want to accept responsibility in the field of justice. I'm not sure we can have a healthy justice system if we don't have healthy people. You know, my people, I don't think that they would accept some of the offenders in the community now, to come back. Most of the offenders are men, in my experience, sexual offenders in the community are men. There's also violence in the community. There's addiction problems in the community. All of these, I think I can trace a large part of it back to residential school. The kids were taken out of the homes, put in residential school, taken away from their families, and they had no place to learn about proper parenting, about how husband and wife should treat each other, about how the community should deal with offenses. They had none of that instruction that they would otherwise get in the home. It was taken away from them. And if they went to residential school, they were beaten up. My grandmother was whipped because she dared to say her own language in the residential school. You know, they have this thing called First Nations court. It's not really First Nations court, it's a sentencing court. You can't go in there unless you've pled guilty. So it's not really a First Nations court. I would like to see us maybe start in the civil area. I think there's a lot that we can do in civil law, child protection. I think we could do a lot there, where we keep the children within the community so they're exposed to language and culture continuously. You know, under the old system, the director of Child Services has to...has to file with the court a document that's called Plan of Care. So the director goes and he says, “I want one year custody of this child because violence in the home, and they're alcoholics, okay?” So the judge says, “Okay, what's your plan of care for this child for the next year.” And there's a space on the last page that says something like, “How are you going to expose the child to his own culture and people and strengthen those bonds?” And quite often, you'll see the director of Child Services, which is the social worker, will put in a sentence that says, “Oh, we're going to bring him to the friendship center once a week,” or something like that, and that'll be it. So we'll place him in a non-Indigenous home and bring him to the friendship center once a week. Recently, there's been a decision from Madam Justice Wakus [sic, referring to Justice Walkem], just came down three weeks ago, in which she has recognized, as far as I know, the first time in Canadian judicial history, the rights of First Nations children and communities, and the strength of First Nations children and communities. And she ordered that foster parents not have custody of three Indigenous children. And so I see that possibly there's change that's happening, but it's going to be small. So I think we'd do good if we went after civil court first – custody of children, care of children, split ups of family, inheritance, I think in wills

and estates. I think we could do a lot there, and we could reflect on First Nations traditional law. So for my tribe, for example, I could have a will that says, "I give my name to my great nephew" or something. You can't do that in the white man's law, because names are not something you can leave in a will. But in my law, it is something you can leave. No, I don't see why we can't do that. And you could also say something like, "I leave my position as a beach keeper to my great grandson, provided the hereditary chief is in agreement," something like that. So I see no reason with that...I think it would strengthen our culture. I think it would strengthen our people. I think our people would have more respect for this justice system if it reflected their own culture. Property Law is civil. We have a dispute sometimes in our tribe about who has the right to certain land. We don't...we don't have CPs on our reserve. We just have two people that fought in the war. All of our reserve is held communally by the hereditary chief. So we could have property law in our own courts. So I do think there's room for us to make a movement. I think UNDRIP helps. I think that section 35 helps. But I want to see a good foundation, a good path forward first before we start.

**LP:** To close our conversation, Hugh and I spoke about what his unique journey through the justice system had taught him about what a good path for change could look like and what examples of change made him most hopeful. While Hugh offered advice for making good change, he told me that it is still too early to see what impacts meaningful Indigenous participation in the court system will have, as this participation is still so new. After all, Hugh was BC's first First Nations lawyer appointed to the Queen's Council, which became the King's Council in 2022. He also witnessed the first First Nations person appointed to the BC Supreme Court and court of appeals during his career.

**HB:** You know, you ask for examples, or do I see any lights that you could point it and say, "Oh, man, it's amazing." I just don't, because it's all been so recent. The people that I look up to and that I respect so much in my lifetime have been the people that are predictable – my hereditary chief, my grandparents...When I think about the suffering that they went through just so that I could go to university and that I could do things that I do today is just amazing to me.

[Music]

**HB:** When people ask me, What can I do? I always say that the first thing you do, if you're not Indigenous, the first thing you do is educate yourself; that will work wonders. You have to understand what happened in residential school, if you want to understand First Nations people today. You have to understand the Indian Act and what it's done to us. I always ask people. I always say, you know, if you're not Indigenous, "Do you know there's a piece of the Indian Act still in existence today? It's the law in Canada that says

no will written by an Indian is valid unless it's approved by the Minister of Indian Affairs.” Who? Who else in Canada has that, where a politician has to approve your will before it's valid? Nobody, only Indians. I said “That law still exists today. It's still in the Indian Act.” So you have to educate yourself. You have to know about the ban on alcohol. You have to know about when Indians first got the right to vote. I could just go on and on. So educate yourself first. That's the best thing you can do if you want to help us.

[Music]

**LP:** Mussi Cho, thank you for joining me for this first episode of *From Ceremony Up*.

In this episode, we talked about the role of the Native Courtworker and Counselling Association of BC in pushing back against colonial harms to support Indigenous healing in and beyond the justice system. We also explored how Indigenous peoples are both deeply impacted by and resist historic and ongoing colonial violence to imagine different pathways forward. I've asked our guests today to share some resources for you, our listener, to deepen this knowledge; you can find links to those resources in our show notes.

Going forward, we will dive deeper into what planning for urban Indigenous healing can look like, and hear stories about people who are leading the way to show the transformative possibilities of land-based healing. I invite you to join me on that journey.

*From Ceremony Up* is the result of so many people who have supported bringing this story to life. I want to thank our guests for taking the time to share their voices, and thank the many hands that have contributed to this project; you can find a full list of the folx who have made this work possible in our show notes.

*From Ceremony Up* is supported through the Podcaster in Residence program with the Creative Entanglement Collaboratory, a collective that takes a relational approach to platform the voices, stories, and artistic productions of those too often silenced in Western systems of academic knowledge and arts production. The podcast was also generously supported in its early days through an Indigenous Digital Media Grant from the Simon Fraser University Library.

Our Executive Producer is Emilia Nielsen, and our producers are Coco Nielsen and Emily Blyth. And I'm your host, Lyana Patrick.

The music for this podcast is composed by Jason Burnstick. You can find him at [jasonburnstickcomposer.com](http://jasonburnstickcomposer.com) that's [j-a-s-o-n-b-u-r-n-s-t-i-c-k-composer.com](http://j-a-s-o-n-b-u-r-n-s-t-i-c-k-composer.com). We will have that link in our show notes.

This has been *From Ceremony Up* - if something stood out to you in today's episode, I encourage you to reflect, stay curious, and to get in touch - we'd love to keep this conversation going. You can find my email address in our show notes.

[Music swells then fades]