

# A profile of Aboriginal offenders in federal facilities and serving time in the community

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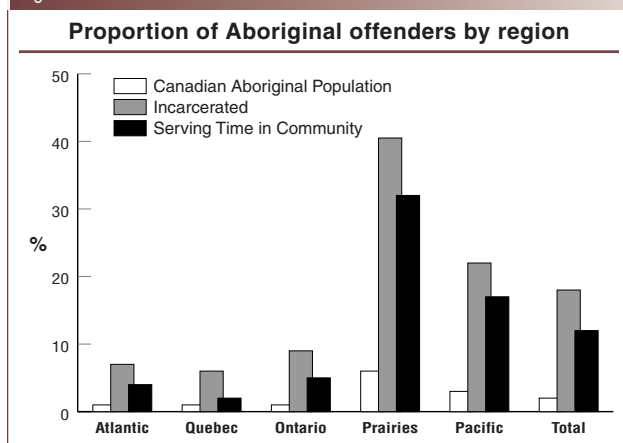
The disproportionate involvement of Aboriginal persons at all stages of the criminal justice system has been recognized for some time.<sup>2</sup> The January 2001 Speech from the Throne discusses the priority of addressing issues facing Aboriginal people by noting that "... Canada must take the measures needed to significantly reduce the percentage of Aboriginal people entering the criminal justice system, so that within a generation it is no higher than the Canadian average".<sup>3</sup> In an attempt to better understand the reasons for the over-representation and the programming needs of Aboriginal offenders, this article profiles Aboriginal offenders incarcerated in federal facilities and serving time in the community.

## Aboriginal offenders are over-represented in all regions

Currently, on any given day, approximately 2,200 Aboriginal offenders are incarcerated in federal facilities, representing 18% of the incarcerated population. Furthermore, approximately 1,100 Aboriginal offenders are serving time in the community, representing 12% of those on conditional release.<sup>4</sup> Since Aboriginal people represent about 2% of the adult population in Canada,<sup>5</sup> it is clear that Aboriginal people are over-represented in the federal correctional system.

As illustrated in Figure 1, Aboriginal offenders are over-represented in all regions of Canada. However, in the Prairie region, 41% of all federally-incarcerated offenders and 32% of offenders serving time in the community are Aboriginal, compared to 6% in the Prairies population.

Figure 1



## Incarcerated Population

### Young, single, uneducated and unemployed males

As illustrated in Table 1, while the largest proportion of both Aboriginal and non-Aboriginal offenders are male, the Aboriginal offender population is comprised of significantly more women than the non-Aboriginal offender population (4% versus 2%).

Table 1

Characteristics	Aboriginal	Non-Aboriginal
	%	%
Women	4	2 ***
< 35 at admission	69	55 ***
Single at admission	51	48 **
< Grade 8 at admission	26	18 ***
Unemployed at admission	75	66 ***

\*\*\*p < .001; \*\*p < .01; \*p < .05

Aboriginal offenders tend to be younger at admission to federal custody than non-Aboriginal offenders. Sixty-nine percent of Aboriginal offenders are less than 35 at the time of admission, compared to 55% of non-Aboriginal offenders. The mean age at the time of admission is 31 for Aboriginal offenders compared to 34 for non-Aboriginal offenders.

About one-half of all offenders are single at the time of admission to federal custody. However, slightly larger proportions of Aboriginal than non-Aboriginal offenders are single (51% versus 48%).

Aboriginal offenders have lower levels of education than non-Aboriginal offenders. One-quarter (26%) of incarcerated Aboriginal offenders have less than a grade 8 education upon admission to the institution, compared to 18% of their non-Aboriginal counterparts. Similarly, Aboriginal offenders are more likely to be unemployed at the time of admission than non-Aboriginal offenders. Three-quarters (75%) of incarcerated Aboriginal offenders are unemployed at the time of admission to federal custody, compared to two-thirds (66%) of non-Aboriginal offenders.

Over two-thirds (68%) of the Aboriginal offenders are First Nations, 28% are Métis, and 4% are Inuit. This is a similar distribution as in the Canadian population (68%, 27%, and 5%, respectively).<sup>6</sup>

Although the results indicate that Aboriginal offenders tend to be younger, less educated and more often unemployed than non-Aboriginal offenders, these differences also exist in the general Canadian population. Therefore, the federal offender population is likely a reflection of what is occurring in society as a whole.<sup>7</sup>

### **Incarcerated for violent offences**

Aboriginal offenders are more likely to be incarcerated for crimes against the person than non-Aboriginal offenders. This is the case for 84% of Aboriginal offenders compared to 77% of non-Aboriginal offenders. As illustrated in Table 2, a larger proportion of Aboriginal than non-Aboriginal offenders are currently incarcerated for homicide / attempted murder (29% versus 27%), assault (15% versus 9%) and sexual assault (17% versus 14%). Non-Aboriginal offenders are proportionately more often incarcerated for drug-related offences (8% versus 3%), robbery (25% versus 22%) and property-related offences (10% versus 8%).

Table 2

Most Serious Current Offence	Aboriginal	Non-Aboriginal
	%	%
Homicide/Attempted Murder	29	27 *
Assault	15	9 ***
Sexual Assault	17	14 ***
Robbery	22	25 ***
Other Violent	1	2 **
Property	8	10 **
Drugs	3	8 ***
Impaired Driving	1	<1 (ns)
Other Criminal Code/Federal Statute	4	5 (ns)

\*\*\*p < .001; \*\*p < .01; \*p < .05; ns = not significant

Aboriginal offenders tend to have fewer convictions for the current admission to federal custody. One-third of Aboriginal offenders (31%) have one current conviction, compared to 25% of non-Aboriginal offenders.

Although they are incarcerated for more violent offences, Aboriginal offenders in federal facilities are serving shorter aggregate sentences than non-Aboriginal offenders. The average aggregate sentence for Aboriginal offenders (excluding those serving life sentences) is approximately 5.5 years, compared to 6.1 years for non-Aboriginal offenders.

Aboriginal offenders admitted to federal custody tend to receive higher levels of custody. A larger proportion of Aboriginal offenders (24%) are rated at the maximum level of security on the Custody Rating Scale at the time of admission, as compared to non-Aboriginal offenders (19%). In addition,

while 19% of non-Aboriginal offenders are rated at the minimum level of security, only 10% of Aboriginal offenders are rated at this level.

### **Extensive criminal history**

Aboriginal offenders tend to have more extensive criminal histories than non-Aboriginal offenders. In terms of youth court, 64% of incarcerated Aboriginal offenders have a youth court history, compared to 45% of non-Aboriginal offenders. Although the discrepancy is not as great as youth court histories, Aboriginal offenders also have more extensive adult criminal histories. Overall, 90% of incarcerated Aboriginal offenders have a prior adult court history compared to 84% of non-Aboriginal offenders. Aboriginal offenders also have more adult court appearances than non-Aboriginal offenders. Nearly one-half (45%) of Aboriginal offenders have 15 or more prior adult court appearances, compared to 31% of non-Aboriginal offenders.

In addition, a larger proportion of Aboriginal offenders have prior adult dispositions such as community supervision (81% versus 73%), provincial custody (81% versus 70%). However, the same proportion of Aboriginal and non-Aboriginal offenders have prior federal custody (33% each).

Finally, a larger proportion of Aboriginal offenders have failed on community-based sanctions (70% versus 58%), received segregation (38% versus 33%), escape / unlawfully at large (35% versus 26%), were reclassified to higher custody level (23% versus 19%), and failed on conditional release (47% versus 41%).

In sum, it appears that Aboriginal offenders have had more extensive contact with the criminal justice system prior to their current incarceration.

Aboriginal offenders are also rated as higher risk to re-offend than their non-Aboriginal counterparts. Nearly three-quarters (74%) of Aboriginal offenders were rated as high risk to re-offend on the intake assessment, compared to 57% of non-Aboriginal offenders.

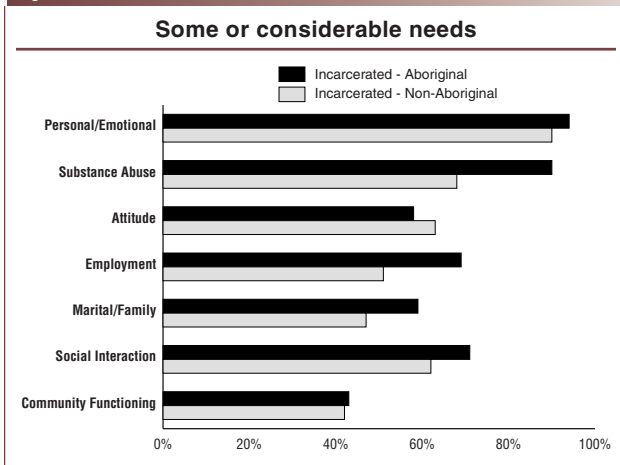
Finally, larger proportions of Aboriginal offenders are assessed as having low potential for reintegration. Over two-thirds (69%) of incarcerated Aboriginal offenders are rated as having low reintegration potential at the time of intake, compared to 36% of non-Aboriginal offenders.

### **Present a variety of needs**

Aboriginal and non-Aboriginal offenders in federal custody are rated with different needs for programming. Overall, larger proportions of incarcerated Aboriginal offenders are assessed as

being high need (80% versus 64%). As illustrated in Figure 2, larger proportions of incarcerated Aboriginal offenders are rated as having some or considerable need in the areas of personal/emotional, substance abuse, social interaction/associates, employment, and marital/family. Aboriginal offenders have particularly high needs for personal/emotional issues (96%) and substance abuse (92%). In contrast, a larger proportion of non-Aboriginal offenders have high needs in the areas of attitude. No significant differences emerged in the area of community functioning.

Figure 2



### Offenders serving time in the community

Aboriginal offenders serving time in the community have similar socio-demographic and offence profiles as those currently incarcerated, with a few exceptions. Larger proportions of Aboriginal offenders on release are women as compared to those incarcerated (7% versus 4%). Also, Aboriginal offenders serving time in the community tend to have slightly less serious offence profiles. For instance, the most serious current conviction for 74% of those serving time in the

community is a violent offence, compared to 84% of those incarcerated. Furthermore, they tend to have a less extensive criminal history.

At the time of release into the community, differences still exist between Aboriginal and non-Aboriginal offenders. About one-quarter (28%) of the Aboriginal offenders serving time in the community were considered high risk to re-offend at the time of release, compared to 15% of non-Aboriginal offenders. Similarly, larger proportions were considered to have low reintegration potential (23% versus 13%) and low motivation for intervention (17% versus 11%).

Furthermore at the time of release into the community, 29% of Aboriginal offenders compared to 19% of non-Aboriginal offenders were rated as high need overall. In terms of specific needs, larger proportions of Aboriginal than non-Aboriginal offenders are considered to have some or considerable need in the area of personal/emotional issues such as psychological well-being or depression (76% versus 59%) and substance abuse (63% versus 36%). Aboriginal offenders are also higher need in the areas of employment (48% versus 33%), marital/family (45% versus 27%), associates/social interaction such as criminal acquaintances (44% versus 36%) and community functioning (29% versus 25%).

### Summary

This profile confirms the results from previous studies that compare Aboriginal and non-Aboriginal offenders in federal and provincial/territorial corrections.<sup>8</sup> The differences between Aboriginal and non-Aboriginal offenders, and the issues facing Aboriginal offenders, point to the importance of providing appropriate programming within federal facilities and upon release to the community to address their needs. This would move towards addressing the call from the Speech from the Throne to reduce the percentage of Aboriginal people entering the criminal justice system. ■

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<sup>2</sup> For example, see Royal Commission on Aboriginal Peoples (1996). *Bridging the cultural divide: A report on Aboriginal people and criminal justice and Canada*. Ottawa, ON: Ministry of Supply and Services Canada.

<sup>3</sup> Government of Canada (2001). *Speech from the Throne to open the first session of the 37<sup>th</sup> Parliament of Canada*. Ottawa, Ontario.

<sup>4</sup> The data are based on a one-day snapshot of offenders incarcerated in federal facilities or serving time on conditional release in the community in March 2002.

<sup>5</sup> Statistics Canada (1996). *Census of Population*.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> For example, see Motiuk, L., and Nafekh, M. (2000). Aboriginal offenders in federal corrections: A profile. *Forum on Corrections Research*, 12(1), 10-15. Also see Trevethan, S., Tremblay, S., and Carter, J. (2000). *The over-representation of Aboriginal people in the justice system*. Canadian Centre for Justice Statistics, Statistics Canada.