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Victimization and offending among the Aboriginal population in Canada

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Highlights

- According to the 2004 General Social Survey (GSS), Aboriginal people were three times more likely than non-Aboriginal people to experience a violent victimization (319 versus 101 incidents per 1,000 population). This is consistent with findings from the 1999 GSS, the last time the victimization survey was conducted.
- Violent incidents were much more likely to be committed against younger Aboriginal people than they were against their older counterparts. Those aged 15 to 34 years were nearly two and a half times more likely to experience a violent victimization compared to those who were 35 years and older (461 incidents versus 192 incidents per 1,000 population).
- Violent incidents committed against Aboriginal people were more likely to be perpetrated by someone who was known to the victim (56%), such as a relative, friend, neighbour or acquaintance, compared to violent incidents committed against non-Aboriginal victims (41%). Aboriginal people were victimized by a stranger in 25% of all violent incidents, compared to 45% of incidents committed against non-Aboriginal victims.
- Consistent with what was found in 1999, 21% of Aboriginal people reported having experienced some form of physical or sexual violence by a spouse in the 5 years preceding the 2004 survey. This compares to 6% of non-Aboriginal people who experienced spousal violence over the same time period.
- Aboriginal people are much more likely to be victims of homicide than non-Aboriginal people. Between 1997 and 2000, the average homicide rate for Aboriginal people was 8.8 per 100,000 population, almost seven times higher than that for non-Aboriginal people (1.3 per 100,000 population).
- Between 1997 and 2000, Aboriginal people were 10 times more likely to be accused of homicide than were non-Aboriginal people (11.2 accused persons per 100,000 Aboriginal population compared to 1.1 accused persons per 100,000 non-Aboriginal population).
- On-reserve crime rates in 2004 were about three times higher than rates in the rest of Canada (28,900 per 100,000 population on reserve compared to 8,500 per 100,000 population in the rest of Canada). The difference was even greater for violent crime, with an on-reserve rate that was eight times the violent crime rate of the rest of the country (7,108 compared to 953 per 100,000 population).
- Both for Aboriginal and non-Aboriginal adults, the number of admissions to sentenced custody decreased between 1994/1995 and 2003/2004. This decrease was more substantial for non-Aboriginal adults, resulting in an increase in the proportionate representation of Aboriginal people among sentenced custody admissions over the same time period.
- In 2003/2004, as compared to their representation in the adult and youth populations, Aboriginal adults and youth were highly represented in admissions to all types of correctional services. Furthermore, trends in both adult and youth corrections have shown that the proportional representation of Aboriginal people among females admitted to correctional services has been greater than that for males.



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Introduction

Aboriginal peoples have been the focus of extensive research over the last several decades. While studies have varied in scope, there has been a collective understanding among researchers that Aboriginal peoples live under generally different historic, social and economic conditions. This unique social context has been found to play a part in an increased likelihood of contact with the criminal justice system and has prompted legislators to recognize that Aboriginal peoples require distinct consideration. In the context of criminal justice, a number of policies have already been developed and implemented. Nevertheless, the relevance and effectiveness of these policies has been difficult to assess as various reports, commissions and enquiries still point to a lack of reliable and comprehensive data on the nature and extent of Aboriginal victimization and offending.

While there are currently limited comprehensive national data sources examining the issues surrounding Aboriginal peoples in the justice system, there have been increasing efforts to quantify the nature of Aboriginal victimization and offending. Using data from victimization, police and corrections surveys, this *Juristat* explores the involvement of Aboriginal peoples in the criminal justice system. The report finds that Aboriginal people are much more likely than non-Aboriginal people to be victims of violent crime and spousal violence. Aboriginal people are also highly overrepresented as offenders charged in police-reported homicide incidents and those admitted into the correctional system. Furthermore, crime rates are notably higher on reserve compared to crime rates in the rest of Canada.

This *Juristat* also examines particular factors which could be related to the high levels of representation in the criminal justice system, as well as information on Aboriginal peoples' fear of crime and their perceptions of the justice system. Finally, their experiences with discrimination are presented, along with a description of some of the programs and services that have been developed as a response to the specialized needs of Aboriginal people in the criminal justice system.

Text box 1

Defining the Aboriginal population¹

There are different ways to represent the Aboriginal population of Canada. For the purposes of this *Juristat*, the analysis will focus on the Aboriginal identity population, according to the Census of Population definition.

This population includes those persons who, in the 2001 Census, reported identifying with at least one Aboriginal group, i.e. North American Indian, Métis or Inuit, as well as persons who identified with more than one group, and persons who did not identify with an Aboriginal group, but who were Registered or Treaty Indians or members of an Indian band.

Across all national justice-sector surveys, Aboriginal identity is the desired method of identification, and the measures of Aboriginal identity are generally consistent with the Census of Population definition.² However, some police-reported Aboriginal data within this report may have been determined based on visual assessment.³ In addition, analysis of Aboriginal people is based only on data where the Aboriginal identity/status of the victim and/or the offender is known.

It is recognized that those who identify themselves as Aboriginal people are characterized by diversity in their culture, language, legal status and the various geographic settings in which they live. However, due to sample size restrictions as well as pre-established survey categories, analysis in this report is limited to considering Aboriginal people as one group.

See notes at end of text.

The Aboriginal population

According to the 2001 Census, 976,000 people in Canada identified themselves as Aboriginal people. This population represents 609,000 (or 62%) who identified as North American Indian, 292,000 (or 30%) who identified as Métis, 45,000 (or 5%) who identified as Inuit, and 30,000 who identified with more than one group or did not identify as Aboriginal persons but were Registered or Treaty Indians, or members of an Indian band (Statistics Canada, 2003).

Those who identified as Aboriginal persons represented 3.3% of the nation's total population and it is anticipated that the Aboriginal population could grow to 4.1% of Canada's population by 2017⁴ (Statistics Canada, 2005).

The context of Aboriginal overrepresentation as victims and offenders

Researchers have offered several explanations for the high levels of representation of Aboriginal people as victims and offenders. Some reports point to the conflict between Aboriginal and non-Aboriginal cultures (Hartnagel, 2000), while others suggest that overrepresentation can be explained by discrimination within the criminal justice system (Roberts and Doob, 1997).

One of the most common and comprehensive approaches to understanding Aboriginal overrepresentation has been to examine Aboriginal crime in a broader social context, by exploring a link between the individual life experiences, as well as the social and economic inequalities of Aboriginal people⁵ (Laprairie, 1983). This approach, which has been applied to crime and victimization in general, considers a number of individual, economic and social factors, which can alone or in combination, elevate the risk of criminal offending and victimization. Some of these factors, which are all more common among the Aboriginal population, include: being young, having low educational attainment, being unemployed, having low income⁶, being a member of a lone-parent family⁷, living in crowded conditions⁸, and having high residential mobility.⁹

Aboriginal people younger on average

The Aboriginal population is relatively young compared to the non-Aboriginal population. In 2001, the median¹⁰ age of those who self-identified as Aboriginal people was 24.7 years, compared to the non-Aboriginal population, whose median age was 37.7 years (Statistics Canada, 2003). Furthermore, in 2001, Aboriginal persons 15 to 24 years of age represented 17% of the total Aboriginal population, compared to 13% of the total non-Aboriginal population.¹¹

A person's age has been found to be one of the strongest risk factors for both offending and victimization. For example, according to a non-representative sample of 120 police services reporting to the Incident-based Uniform Crime Reporting (UCR2) Survey in 2004, while persons in the 15 to 24 year age group represented only 14% of the Canadian population, they accounted for 43% of those accused of property crimes and 32% of those accused of violent crimes. Furthermore, in

2004, the violent victimization rate for Canadians aged 15 to 24 years was the highest among all age groups (Gannon and Mihorean, 2005).

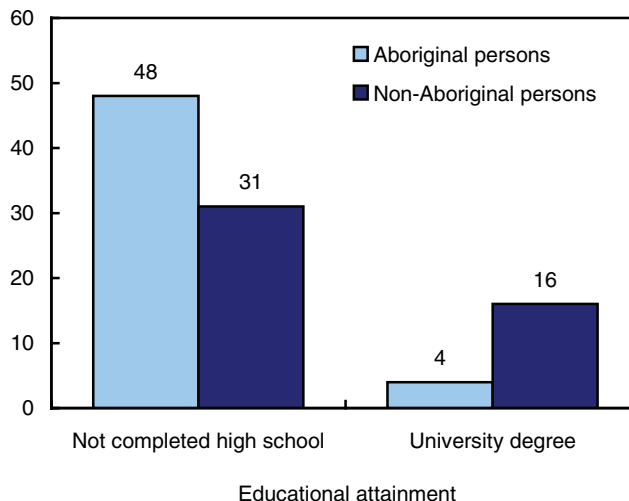
Educational attainment lower among Aboriginal people¹²

While the overall educational attainment of Aboriginal people has increased in recent years, there remain substantial disparities in levels of education between the Aboriginal and non-Aboriginal populations. For example, according to data from the 2001 Census, 48% of the Aboriginal population aged 15 years and older in Canada had not completed high school, compared to 31% of the non-Aboriginal population. Furthermore, only 4% of the Aboriginal population had acquired a university degree, compared to 16% of the non-Aboriginal population (Figure 1).

Figure 1

Aboriginal people have lower levels of educational attainment, 2001

% of population aged 15 years and older



Source: Statistics Canada, 2001 Census of Population.

Unemployment rates higher, incomes lower among Aboriginal people¹³

Unemployment rates tend to be significantly higher among Aboriginal people. In 2001, the rate of unemployment was almost one in five (19%) for the Aboriginal population, compared to a rate of 7% for the non-Aboriginal population.

Since an individual's income is largely dependent on factors such as his/her level of educational attainment and employment status, it is not surprising that Aboriginal people tend also to have lower incomes. In 2000,¹⁴ the median income from all sources of Aboriginal people was \$13,500, which was only 60% of the non-Aboriginal population's median income (\$22,400).¹⁵

Aboriginal children more likely to be members of a lone-parent family

Aboriginal children are significantly more likely to be members of a lone-parent family. In 2001, about 35% of Aboriginal children under the age of 15 lived in a lone-parent family, which was twice the proportion of non-Aboriginal children (17%) (Statistics Canada, 2003).

In large urban areas, Aboriginal children were almost as likely to live in a lone-parent family (46%) as they were with both parents (50%). In comparison, only 18% of non-Aboriginal children in urban areas lived with a single parent and 81% lived with both parents. Among those Aboriginal children living on reserves, 32% lived in lone-parent families, while 65% lived with both parents (Statistics Canada, 2003).

Aboriginal people in off-reserve areas more likely to live in crowded conditions¹⁶

According to the 2001 Census, the homes of Aboriginal people living in off-reserve areas in Canada were more crowded¹⁷ than those of the general population. About 17% of Aboriginal people living in off-reserve areas lived in crowded conditions, compared to only 7% of the total population of Canada (O'Donnell and Tait, 2003).

Aboriginal children under the age of 15 were almost twice as likely as all children in Canada to live in crowded conditions. One-quarter of Aboriginal children in off-reserve areas were considered to be living in crowded conditions compared to 13% for children overall (O'Donnell and Tait, 2003).

Aboriginal people more mobile than non-Aboriginal people

Generally speaking, Aboriginal people are much more mobile than non-Aboriginal people, which can pose particular challenges in planning and implementing social programs. In the 12 months preceding the 2001 Census, 22% of Aboriginal people moved, compared to 14% of non-Aboriginal people. Approximately two-thirds of those who moved remained in the same community, while the remaining one third changed communities (Statistics Canada, 2003).

Among Aboriginal people, there appears to be an overall movement away from rural and non-reserve areas to reserves and large urban centres. In the 12-month period before the May 15, 2001 Census, while rural, off-reserve areas incurred a net loss due to migration of 4,300 Aboriginal people, there were net gains in Aboriginal people to the reserves (almost 4,000) and large urban areas (1,265). The trend in movement to reserves and large urban centres has been occurring since 1981 (Statistics Canada, 2003).

Aboriginal people as victims of crime¹⁸

According to the 2004 General Social Survey (GSS)^{19,20,21,22,23}, approximately 40% of Aboriginal people aged 15 years and over reported having been victimized at least once in the 12 months preceding the survey. This figure was not statistically different from what was found in 1999, the last time the victimization survey was conducted.

Text box 2

Challenges in collecting data on Aboriginal people and the justice system

The need for reliable and complete data on Aboriginal people who come into contact with the criminal justice system has been well recognized, particularly over the last two decades. In 2005, the Canadian Centre for Justice Statistics documented the status of national data on Aboriginal victims and offenders, as well as the challenges in collecting and reporting these data (Kong and Beattie, 2005). The report also proposed a number of strategies which would improve the coverage and quality of Aboriginal data.

Administrative data sources

Currently, there are five surveys that collect administrative data on the Aboriginal status of individuals who come into contact with the criminal justice system: three corrections-level surveys and two police-level surveys. To date, corrections-level data have been considered the most reliable, with high levels of response and coverage. As a result, most national level indicators on Aboriginal people in the justice system have been corrections-based.

While police-level surveys also collect information on the Aboriginal status of the accused and victim, there are a number of challenges associated with the collection of this information. For example, certain agencies may not collect or report information on the Aboriginal identity of the offender or victim for a number of reasons, including the collection of the information would contravene internal policy, the information is not needed for the agency's own purposes, or, personnel find it impractical or insensitive to ask individuals about their cultural background. As a result, some police services systematically do not report these data by classifying the Aboriginal identity of accused persons and victims as 'unknown'.

Furthermore, there have been no established standards or guidelines with respect to the identification of victims and offenders as Aboriginal or non-Aboriginal. For instance, at the police level, the information on the Aboriginal status of the victim or the offender is collected through police observation, which is subject to error and is a method that lacks support by national Aboriginal groups.

Currently, the majority of respondent agencies that provide administrative data to surveys from criminal courts do not collect information on the Aboriginal status of the accused in their existing court information systems, nor do they consider it necessary for the purposes of court administration.

Additional data sources

Statistics Canada's General Social Survey on Victimization, a general population survey conducted every five years, is a source of national information on the experiences of Aboriginal people as victims of crime, their fear of crime and perceptions of the criminal justice system.

The Canadian Centre for Justice Statistics collects information from surveys on shelters for abused women and children and victim service agencies. Currently, while there is no information on the Aboriginal status of persons assisted, there is information on such things as culturally-sensitive programming for Aboriginal victims, and the number of agencies serving reserve areas.

Some of the suggested approaches to improve the quality of Canadian statistics on Aboriginal people in the justice system include these: gaining a better understanding of the positions of different Aboriginal groups on data collection and self-identification through consultation; developing a coordinated communication strategy with stakeholders to increase awareness and support for the collection of Aboriginal information; implementing national standards for defining and collecting Aboriginal identity and providing relevant education and training to data suppliers.

Results from the 2004 GSS also show that the proportion of Aboriginal people who reported having been victimized at least once in the previous year was much higher than the proportion of non-Aboriginal people who were victimized over the same time period (40% compared to 28%). Aboriginal people were also nearly twice as likely as their non-Aboriginal counterparts to be repeat victims of crime. Approximately 21% of the Aboriginal population reported being victimized two or more times in the previous 12 months, compared to 11% of the non-Aboriginal population. The differences in proportions for both single and multiple victimizations were comparable to those found in 1999.

Violent victimization rates against Aboriginal people unchanged

The GSS examines the prevalence of violence for three offences: sexual assault, robbery and physical assault. Similar to results from the 1999 GSS²⁴, in 2004, Aboriginal people experienced violent victimization at a rate that was about three times greater than that of non-Aboriginal people (319 versus 101 incidents per 1,000 population) (Figure 2). This difference is largely driven by the rate of physical assault, the most frequently occurring violent offence. Specifically, the physical assault rate was nearly three and a half times greater for Aboriginal victims than for non-Aboriginal victims (238 versus 71 incidents per 1,000 population).

Violent victimization rates highest for Aboriginal females and those who are young

Violent victimization rates for males and females differed, with Aboriginal women at a particularly high risk of violence compared to their non-Aboriginal counterparts. The rate of

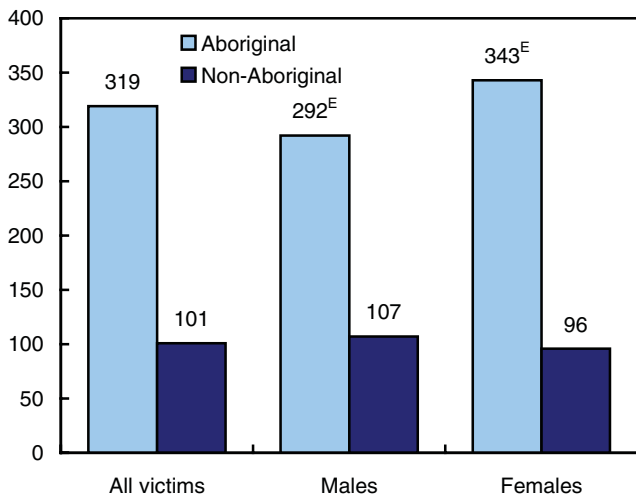
violence for Aboriginal females was 3.5 times higher than that for non-Aboriginal females (343 versus 96 incidents per 1,000 females). The pattern was similar for Aboriginal males, who had a rate of violent victimization that was almost 3 times higher than that of non-Aboriginal males (292 versus 107 incidents per 1,000 males) (Figure 2).

Research has consistently shown that within the general population, young people experience the highest levels of violent victimization (Gannon and Mihorean, 2005; Klaus and Rennison, 2002). According to the GSS, violent incidents were much more likely to be committed against younger Aboriginal people than they were against their older counterparts. Those aged 15 to 34 years were nearly two and a half times more likely to experience a violent victimization compared to those who were 35 years and older²⁵ (461 incidents versus 192 incidents per 1,000 population). While rates were much lower among both of the non-Aboriginal population age groups compared to their Aboriginal counterparts, those aged 15 to 34 years were 3 times more likely than the 35 years and older age group to be victims of a violent crime (182 incidents versus 61 incidents per 1,000 population).

Figure 2

Aboriginal people more likely to be victims of violent crime, 2004^{1,2}

Rate per 1,000 population aged 15 years and older



^E use with caution

1. Includes incidents of spousal physical and sexual assault.

2. Includes sexual assault, assault and robbery.

Source: Statistics Canada, General Social Survey, 2004.

Text box 3

Multivariate analysis: Aboriginal identity a strong independent predictor of being a victim of violent crime

While simple one-way or two-way tabulations provide a profile of the characteristics that are associated with violent victimization, they do not take into account that some risk factors can be correlated with one another. For example, Aboriginal people are younger, on average, than non-Aboriginal people, and the resulting age difference can have an effect on victimization rates, given that younger people tend to have higher rates of victimization. One way to identify whether certain factors independently increase the odds of violence is to undertake multivariate analysis.

In this analysis, logistic regression models²⁶ were used to isolate the effect of selected factors on the dependent variable – whether or not a person had been the victim of at least one violent crime in the 12 months preceding the survey. Through the GSS, there are a number of measures that can be used to assess whether certain factors are related to the risk of violent crime. The factors that were used in this analysis include²⁷: Aboriginal identity, sex, age, marital status, income, education, main activity and urban or rural residency.

It was found that, similar to previous results (Brzozowski and Mihorean, 2002; Mihorean, 2001), when the effects of all other factors were controlled, the strongest predictor of violent victimization was being young. Those in the 15 to 24 age group were at a particularly high risk, with odds of violence that were over 6 times greater than those in the 55 and over age group (the comparison group). In addition, while the effects were not as strong as they were for the youngest age groups, being an Aboriginal person significantly increased the odds of violent victimization. In fact, when all other factors were held constant, the odds of being the victim of a violent crime were still about three times higher for an Aboriginal person than they were for a non-Aboriginal person. Additional factors that elevated the odds of violent victimization included being single and being unemployed.

See notes at end of text.

Profile of violent incidents committed against Aboriginal people²⁸

Perpetrators of violence often known to victims

Violent incidents committed against Aboriginal people were more likely to be perpetrated by someone who was known to the victim²⁹ (56%), such as a relative, friend, neighbour or acquaintance, compared to violence committed against non-Aboriginal victims (41%).³⁰ Aboriginal people were victimized by a stranger in 25% of all violent incidents which was much lower than the proportion of violent incidents committed against non-Aboriginal victims by strangers (45%).

Violence against Aboriginal people most likely to go unreported

Generally speaking, when a violent crime occurs, it is more likely that the police will not be notified (Gannon and Mihorean, 2005; Besserer and Trainor, 2000). Aboriginal victims of violent crime are no exception to this general tendency, despite their higher rates of violent victimization. According to the 2004 GSS, approximately 6 in 10 incidents of violent crime that were committed against Aboriginal people went unreported to the police, a figure which was comparable to the non-Aboriginal population,³¹ and unchanged from what was found in 1999.

Incidents most likely to occur in Aboriginal victim's home

Overall, violent incidents are about twice as likely to occur in a commercial or institutional establishment than in the victim's home or surrounding area (Gannon and Mihorean, 2005; Besserer and Trainor, 2000). Results from the GSS, however, show that incidents involving Aboriginal victims have not followed this pattern. In 2004, violent incidents committed against Aboriginal people were most likely to occur in or around the victim's home (34%), followed by a commercial or institutional establishment (26%). For non-Aboriginal victims, only 17% of violent incidents took place in or around their home, while 41% occurred in a commercial establishment. The difference between Aboriginal and non-Aboriginal victims could partly be explained by the fact that Aboriginal people are more likely to be victimized by someone they know. Also, Aboriginal people are more likely to live in rural areas than non-Aboriginal people (40% versus 20%). By nature, rural areas are less likely to be surrounded by commercial establishments such as restaurants, bars, office buildings and shopping malls.

Weapon use and injury not common in violence against Aboriginal victims

Similar to the profile of violent incidents committed against non-Aboriginal victims, incidents involving Aboriginal victims did not commonly involve the use or presence of a weapon or result in injury to the victim. In 2004, the accused had a weapon in 30% of violent incidents committed against Aboriginal victims. Furthermore, Aboriginal victims suffered an injury in approximately 27% of violent incidents committed against them.

Alcohol or drug use related to violence

Many researchers have found that there is a strong link between alcohol or drug use and violence (Pernanen et al., 2002; Vanderburg et al., 1995). The GSS asked victims if they

felt the incident that was committed against them was related to the perpetrator's alcohol or drug use. Alcohol or drug use was a factor in about 6 in 10 incidents committed against Aboriginal victims, a figure that was not statistically different from incidents involving non-Aboriginal victims.

Aboriginal victims of spousal violence

In addition to being asked about their experiences with criminal victimization in general, respondents³² were asked a series of ten questions related to violent acts that had been committed by their current and/or previous spouses and common-law partners³³ ranging in seriousness from threats to sexual assaults and relating to offences that had occurred in the 12 months and 5 years preceding the survey.

Levels of spousal violence against Aboriginal people unchanged

According to results from the GSS, Aboriginal people experience much higher levels of spousal violence by current or ex-partners than their non-Aboriginal counterparts. This finding supports previous research suggesting that the prevalence of family violence is more extensive within Aboriginal communities (Lane et al., 2003; Canadian Centre for Justice Statistics, 2001). Consistent with what was found in 1999³⁴, 21% of Aboriginal people reported having experienced some form of physical or sexual violence by a spouse in the 5 years preceding the 2004 survey. This compares to 6% of non-Aboriginal people who experienced spousal violence over the same time period, and translates to a level of Aboriginal spousal violence which is over three times greater than that for non-Aboriginal people.

Research suggests that violence in Aboriginal communities usually involves family members, with women being particularly vulnerable (Corrado, et al., 2004). In 2004, nearly one-quarter of Aboriginal females suffered some form of spousal violence in the five years preceding the survey (Figure 3). This proportion is about three and a half times greater than that for non-Aboriginal females (7%). Similarly, Aboriginal males were at increased risk, with 18% reporting some form of violence over the same time period, compared to 6% of their non-Aboriginal counterparts.

It has been well documented that overall levels of spousal violence are higher in previous relationships than in current unions (Mihorean, 2005, Pottie-Bunge and Locke, 2000). This finding also holds true for the Aboriginal population. In 2004, approximately 37% of Aboriginal people reported having experienced spousal violence by an ex-partner in the 5 years preceding the survey, compared to 18% of non-Aboriginal people. In contrast, 11% of Aboriginal people suffered violence at the hands of a current partner compared to 3% of non-Aboriginal people.

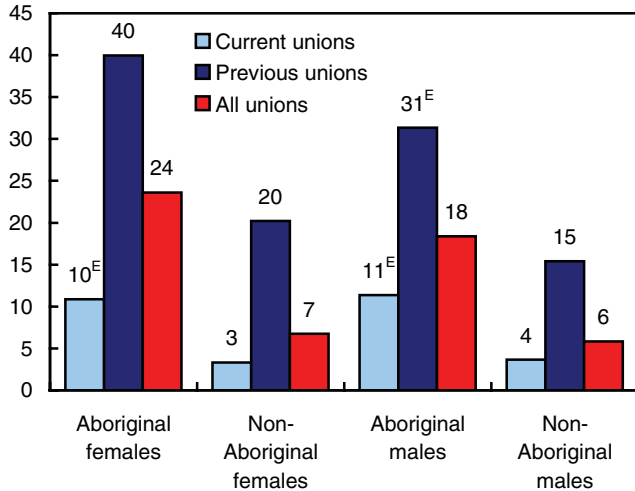
Nature and effects of spousal violence more severe for Aboriginal victims

Aboriginal victims of spousal violence were much more likely than non-Aboriginal victims to suffer the most severe forms of spousal violence, such as being beaten, choked, threatened with or had a gun or knife used against them, or sexually assaulted (41% versus 27%). The variation between

Figure 3

Aboriginal people at greatest risk of spousal violence, 2004^{1,2}

% of females and males



^E use with caution

1. Includes common-law partners.

2. Excludes people who refused to state their marital status.

Source: Statistics Canada, General Social Survey, 2004.

Aboriginal and non-Aboriginal spousal victims of these same forms of violence was even greater when only considering female victims of spousal violence (54% of Aboriginal women compared to 37% of non-Aboriginal women).³⁵

According to the 2004 GSS, regardless of Aboriginal identity, about one-third of spousal violence victims reported spousal violence to the police and about one-third disclosed that their children had witnessed the violence. In other instances, however, details surrounding the violence varied between Aboriginal and non-Aboriginal victims, often pointing to the more serious nature of spousal violence involving Aboriginal victims.

For example, Aboriginal victims of spousal violence were more likely to sustain injuries than non-Aboriginal victims.³⁶ Just under half (43%) of Aboriginal victims reported injuries, compared to 31% of non-Aboriginal victims. In some instances, the violence was so severe that the victim feared for his/her life. About one-third of Aboriginal spousal violence victims reported having feared for their lives, a proportion which was significantly higher than that reported by non-Aboriginal victims (22%).

Results from the 2004 GSS show that alcohol use is common during spousal violence incidents, particularly those involving Aboriginal victims. Approximately 48% of Aboriginal spousal violence victims reported that their partner had been drinking during the incidents, compared to 33% of non-Aboriginal victims.

Homicides involving Aboriginal victims³⁷

Not only are Aboriginal people at an increased risk of being victims of violent crimes such as sexual assault, assault and robbery, they are also overrepresented as victims of the most serious form of violence. Specifically, while Aboriginal people represented on average, about 3% of the population between 1997 and 2004, in incidents where the Aboriginal status of the victim was known, Aboriginal people made up 17% of victims of homicide over the same time period.³⁸

Rates of homicide much higher for Aboriginal victims

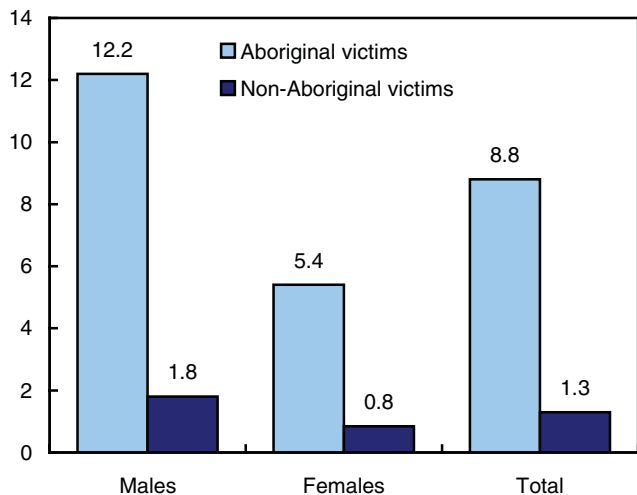
The average victim homicide rate between 1997 and 2000^{39,40,41} for Aboriginal people was 8.8 per 100,000 population, almost seven times higher than that for non-Aboriginal people (1.3 per 100,000 population).

The rate of homicide was particularly high among Aboriginal male victims (12.2 per 100,000 population), which was double that of Aboriginal females (5.4 per 100,000 population) and almost 7 times greater than the rate for non-Aboriginal male victims (12.2 compared to 1.8 victims per 100,000 population) (Figure 4).

Figure 4

Rates of homicide much higher for Aboriginal victims, 1997-2000^{1,2,3}

Average rate per 100,000 population



1. Rates are calculated per 100,000 population and are based on the average number of homicides per year, between 1997 and 2000.

2. Excludes homicides where the Aboriginal status of the victim was unknown.

3. Population estimates were derived from 2001 post-censal estimates and 1996 Census counts, provided by Statistics Canada, Census and Demographic Statistics, Demography Division.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Aboriginal victims less likely to be killed with a firearm, more likely to know their killer

Over the eight-year time period, Aboriginal people were less likely to be shot to death compared to non-Aboriginal people. While 13% of Aboriginal victims were killed with a firearm, a far greater proportion of victims were stabbed (44%) or beaten to death (32%). Conversely, non-Aboriginal victims were most likely to be shot (32%), followed by being stabbed (27%) and being beaten (22%).

Generally speaking, victims of homicide are much more likely to be killed by someone known to them than by a stranger (Dauvergne, 2005). Among solved homicides over the 8-year period, 88% of Aboriginal victims knew their killer, compared to 83% of non-Aboriginal victims.⁴² In contrast, 12% of Aboriginal victims were killed by a stranger, compared to 17% of non-Aboriginal victims. This finding is similar to that from the GSS, which found that the perpetrator in incidents of non-lethal violence against Aboriginal victims was less likely to be a stranger compared to incidents involving non-Aboriginal victims.

When Aboriginal and non-Aboriginal victims knew their killers, the perpetrator was more likely to be a non-family member (i.e. acquaintance) (59% compared to 54%), than a family member (41% compared to 46%).

Aboriginal victims more likely to have consumed an intoxicant and to have initiated violence

In homicides where it was known whether the victim had consumed an intoxicating substance⁴³, including alcohol, drugs and/or another intoxicant, Aboriginal victims were almost twice as likely to have consumed an intoxicant compared to non-Aboriginal victims (82% compared to 45%, respectively). Further, about one-quarter of Aboriginal homicide victims had initiated violence⁴⁴ either through a threat or through the use of physical force. This compares to 11% of non-Aboriginal victims.

Aboriginal people as perpetrators of crime⁴⁵

Homicides involving Aboriginal accused^{46,47,48}

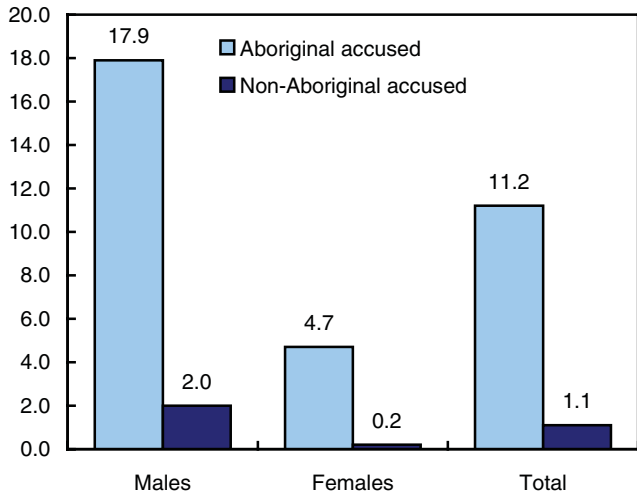
Similar to their overrepresentation as victims of homicide, Aboriginal people were also highly overrepresented as persons accused of homicide. For homicides in which the Aboriginal status of the accused was known, Aboriginal people represented 23% of those accused of committing a homicide between 1997 and 2004.⁴⁹

When taking into account differences in population between 1997 and 2000⁵⁰, it was found that Aboriginal people were 10 times more likely to be accused of homicide than were non-Aboriginal people (11.2 accused persons per 100,000 Aboriginal population compared to 1.1 accused persons per 100,000 non-Aboriginal population). Aboriginal males were particularly highly represented, being 4 times more likely than Aboriginal females and 9 times more likely than non-Aboriginal males to be accused of homicide (17.9 per 100,000 Aboriginal males compared to 4.7 per 100,000 Aboriginal females and 2.0 per 100,000 non-Aboriginal males, respectively) (Figure 5).

Figure 5

Aboriginal people more likely to be accused of homicide, 1997-2000^{1,2,3}

Average rate per 100,000 population



1. Rates are calculated per 100,000 population and are based on the average number of homicides per year, between 1997 and 2000.
2. Excludes homicides where the Aboriginal status of the accused was unknown.
3. Population estimates were derived from 2001 post-censal estimates and 1996 Census counts, provided by Statistics Canada, Census and Demographic Statistics, Demography Division.

Source: Statistics Canada, Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Second-degree murder charge most common for Aboriginal accused

According to the *Criminal Code*, there are four separate homicide charges that can be laid by police: first degree murder⁵¹, second-degree murder⁵², manslaughter⁵³ and infanticide.⁵⁴ While Aboriginal people are proportionately more likely to be accused of homicide, they are less likely to be charged with the most serious type of homicide offence.

Between 1997 and 2004, for those homicides where a charge was laid or recommended against the accused⁵⁵, Aboriginal people were most likely to be charged with second-degree murder (66%) followed by first-degree murder (20%) and manslaughter (14%).⁵⁶ These findings indicate that homicides involving Aboriginal accused are less likely to be planned and deliberate and more likely to be the result of an impulsive or emotional response.

By comparison, non-Aboriginal accused were most likely to be charged with the most serious offence, first-degree murder (46%), followed by second-degree murder (39%), manslaughter (14%), and infanticide (1%).

Aboriginal persons accused of homicide more likely to have a criminal record

A substantial proportion of individuals charged with homicide have had at least one prior conviction. In incidents where it was known whether or not the accused had a criminal past⁵⁷,

previous convictions were particularly common for Aboriginal people. Between 1997 and 2004, 82% of Aboriginal accused had been previously convicted, compared to 62% of non-Aboriginal accused.

The most common types of previous offences were violent in nature both for Aboriginal and non-Aboriginal accused (71% compared to 61%), followed by property offences (18% compared to 19%) and other *Criminal Code* or federal/provincial statute offences (11% and 20%).

Homicides involving Aboriginal accused more likely to be related to alcohol and/or drug consumption

As previously stated, the consumption of alcohol and drugs, either by the victim or the perpetrator, has often been cited as a risk factor for violent crime. According to data from the Homicide survey, between 1997 and 2004, while the consumption of an intoxicating substance was common among many accused persons, it was much more prevalent among Aboriginal accused. In incidents where it was known whether alcohol and/or drugs were involved⁵⁸, 89% of Aboriginal accused had consumed an intoxicant at the time of the homicide. This compares to 61% of non-Aboriginal accused.

In general, it has been found that the use of alcohol and/or drugs among persons accused of homicide is more common among males than females (Dauvergne, 2005). This finding does not hold true for Aboriginal males and females accused of homicide. In fact, Aboriginal females were slightly more likely than Aboriginal males to have used alcohol, drugs and/or other intoxicants at the time of the incident (94% versus 88%). Among non-Aboriginal accused, females were less likely than males to have consumed an intoxicant at the time of the incident (41% versus 64%).

The nature and extent of crime on reserves⁶²

Thus far, this *Juristat* has provided a profile of available data sources pertaining to Aboriginal people as victims and offenders. Generally speaking, Aboriginal people's experiences of victimization and offending have been compared to those of non-Aboriginal people.

This section identifies incidents that have occurred on reserve and compares them to incidents that have occurred elsewhere in Canada. The data are drawn from a database that identifies the geographic location of the criminal incident (on reserve or elsewhere in Canada), the sex of the accused, and whether the accused was an adult or a youth. The data do not, however, provide information on the Aboriginal identity of the victim or the accused. Furthermore, the term 'on reserve' refers strictly to the location of the offences committed and not to the residency of the victim or the perpetrator.

Research has shown that crime rates on reserves are higher than crime rates outside reserves (Quann and Trevethan, 2000). These differences have been attributed (at least in part) to differences in the nature of policing in these communities

Text box 4

Perceptions of social disorder and fear of crime among Aboriginal people⁵⁹

Aboriginal people more likely to identify social problems in their neighbourhoods

In 2004, respondents to the GSS were asked to indicate how problematic socially disruptive conditions were in their neighbourhood. These included, noisy neighbours or loud parties, people loitering in the street, people sleeping on the streets, garbage, vandalism, harassment or attacks motivated by racial, ethnic or religious intolerance, drugs, public drunkenness and prostitution.

Generally speaking, Aboriginal people were more likely than non-Aboriginal people to identify socially disruptive conditions to be "very" or "fairly" big problems in their neighbourhoods. For example, Aboriginal people were more likely than non-Aboriginal people to report drug use and drug trafficking (22% versus 12%), public drunkenness and rowdy behaviour (18% versus 6%) and vandalism, graffiti and other types of property and vehicle damage (15% versus 8%) as problems characteristic of their neighbourhoods.

Aboriginal people have relatively low levels of fear of crime

Given the high rates of victimization and offending among the Aboriginal population, as well as their increased likelihood of reporting social problems in their neighbourhoods, one might assume that their fear levels would also be higher. In fact, the vast majority of Aboriginal people (92%) indicated that they were either "somewhat" or "very satisfied" with their safety from criminal victimization, a proportion which was similar to that of non-Aboriginal people (94%) (Table 1). These findings were unchanged compared to results from the last victimization survey.

The GSS also measured individuals' fear of criminal victimization by asking them how safe they felt from crime while engaging in certain activities. The analysis is based only on the responses of those people who indicated that they did engage in these activities.

Consistent with findings from the 1999 GSS, 88% of Aboriginal people who walked alone at night⁶⁰ said that they felt safe doing so. Similar to levels of fear among non-Aboriginal people, more than three-quarters of Aboriginal people (78%) reported that they were "not at all worried" about becoming the victim of crime while alone in their homes in the evening. Using public transportation alone in the evening seemed to evoke more concern than the above-mentioned activities.⁶¹ One half of Aboriginal people reported being at least somewhat worried when engaging in this activity, a proportion which was not statistically different from the non-Aboriginal population.

When respondents were asked whether, compared to other areas in Canada, they thought their neighbourhood had a higher amount of crime, about the same or a lower amount of crime, about 6 in 10 of both Aboriginal and non-Aboriginal persons felt that crime in their neighbourhood was lower than in other areas of the country.

See notes at end of text.

as well as differences in the likelihood of the police recording incidents that are reported to them (Roberts and Doob, 1997). While most Aboriginal people do not live on reserves⁶³ (about seven in ten live in large and small cities and rural areas elsewhere in Canada), among the reserve population, the vast majority (89%) of individuals are Aboriginal people.⁶⁴ Further, for individuals living on reserves, police-reported data indicate that the nature and extent of crime in those communities differs compared to crimes committed elsewhere in Canada.

Text box 5

First Nations policing

Public Safety and Emergency Preparedness Canada works with Aboriginal communities, provincial/territorial governments and other law enforcement partners to implement the First Nations Policing Policy (FNPP). The First Nations Policing Policy, announced in June 1991 by the federal government, gives First Nations communities the opportunity to participate with provincial and federal governments in the development of dedicated policing services in their communities. First Nations communities may choose to develop and administer their own police service, or they may choose a police service delivered by a contingent of First Nations officers working within an existing police force. Either way, the new First Nations Policing Policy is designed to give First Nations communities greater control over the delivery and management of policing services in their communities.

The nature of crime on reserves varies compared to the rest of Canada

In 2004, there were about 93,000 police-reported *Criminal Code* incidents on reserves across Canada, representing 4% of the national total. These offences can typically be grouped into three main sub-categories: violent crimes, property crimes and 'other' *Criminal Code* incidents. Over half (55%) of on-reserve incidents were classified as 'other' *Criminal Code* offences, such as mischief and disturbing the peace, while 25% were violent and 21% were property offences (Table 2).⁶⁵

Elsewhere in Canada, the breakdown of offence types differed substantially from that on reserves. In off-reserve areas, property crimes were the most frequently occurring crimes, representing about half (51%) of all offences, followed by 'other' *Criminal Code* offences (38%), and violent offences (11%).

Crime rates higher on reserve

Police-reported data also show that on-reserve crime rates were about three times higher than crime rates elsewhere. For instance, in 2004⁶⁶ the crime rate for offences committed on reserves was 28,900 per 100,000 population compared to 8,500 per 100,000 population for crimes committed elsewhere. For certain types of offences, the differences between on-reserve and rates for the rest of Canada were greater still (Table 2).

Overall, rates of violent crime committed on reserves were much higher than rates elsewhere in the country. In particular, compared to the rest of Canada, on-reserve rates were eight times higher for assaults, seven times higher for sexual assaults and six times higher for homicides. The only violent crime with a higher rate in off-reserve areas was robbery, which had a rate that was almost twice that of the on-reserve population.

Unlike violent crime rates, there was less disparity in the rates of property crime on and off reserves. In general, on-reserve property crime rates were modestly higher than rates for such crimes committed elsewhere, with some exceptions. For instance, the on-reserve rate of break and enter was three times higher and the rate of possession of stolen goods was twice that of off-reserve rates. In contrast, the rate of fraud incidents committed on reserve was about two-thirds the rate of frauds committed throughout the rest of Canada.

Other types of *Criminal Code* offences were five times higher on reserves than outside reserves. In particular, crimes such as disturbing the peace (12 times higher) and offensive weapons violations (7 times higher) occurred at distinctly higher rates on reserve, relative to the rest of Canada.

Clearance rates higher on reserve⁶⁷

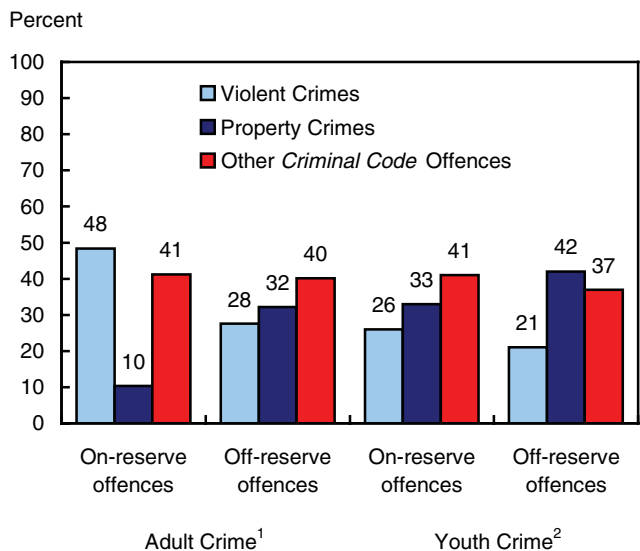
Expressed as a percentage, clearance rates represent the number of criminal incidents that have been cleared either by charge or other means, as a proportion of all criminal incidents that come to the attention of police in a given year.⁶⁸ In 2004, overall clearance rates for on-reserve offences were higher than rates for incidents occurring elsewhere in Canada, at 54% and 31%, respectively. Clearance rates were highest for violent incidents committed both on and off reserve (69% respectively), followed by other *Criminal Code* offences, at 55% for on-reserve crimes and 36% for offences committed outside reserves. Property crimes had the lowest clearance rates, with one-third of on-reserve offences and one-fifth of off-reserve offences cleared by charge or otherwise.

Adult crime on reserve⁶⁹

In 2004, about 18,800 adults were charged with crimes committed on reserves across Canada. Nearly half of these charges were for violent crimes, followed by other *Criminal Code* violations (41%) and property crimes (10%). In comparison, the largest proportion of charges laid against the 391,300 adults in crimes committed outside reserves were for other *Criminal Code* incidents (40%), followed by property offences (32%), and violent crimes (28%) (Figure 6). Further, compared to adults

Figure 6

Violent crimes most common for adults charged on-reserve, least common for youth, 2004



1. Includes adults aged 18 and over charged with a *Criminal Code* offence.

2. Includes youth aged 12 to 17 accused of a *Criminal Code* offence.

Source: Statistics Canada, Canadian Centre for Justice Statistics, On-reserve and off-reserve police-reported crime database.

involved in off-reserve crimes, the rate for those charged on reserve was about ten times higher for violent offences, nearly six times higher for 'other' *Criminal Code* violations and about twice as high for property crimes (Table 3).

Charge rates for males higher than for females on reserve and elsewhere in Canada

Generally speaking, rates of persons charged are much higher for males than for females. In 2004, overall on-reserve charge rates for men were four times those of women, while elsewhere in Canada, they were five times higher (Table 3).⁷⁰ Specifically, for crimes occurring on reserves in 2004, men were four times more likely than women to be charged with a violent offence or a property offence and five times more likely to be charged with an 'other' *Criminal Code* offence.

For certain crimes, the gender gap in charge rates was more pronounced off reserve. For example, outside reserves, the charge rate for homicide was ten times higher for males than it was for females, compared to a charge rate for males that was five times higher than for females on reserve.

Off reserve, rates of motor vehicle theft were ten times higher among men than among women, whereas on reserve, they were five times higher for men than for women. For break and enter offences committed off reserve, men were charged at 12 times the rate of women. In comparison, on reserve, the rate at which men were charged with a break and enter offence was eight times higher than the rate of women so charged.

Youth crime on reserve⁷¹

Youth accused of a crime can be formally charged or dealt with by other means.⁷² In 2004, about 9,800 youths aged 12 to 17 were accused of a criminal offence on a reserve; 44% of youth accused were formally charged and the remaining 56% were cleared by an alternate means. Identical proportions of youths were charged (44%) and cleared otherwise (56%) in crimes committed outside reserves. However, the figure for the number of youth cleared by alternative means is likely undercounted, since not all police services keep complete records on youth dealt with in this manner.

Rates of youth crime higher on reserve

In 2004, the rate of youth crime on reserves was three times higher than the rate of youth crime throughout the rest of Canada (Table 4). This difference is smaller than the relative difference in on- and off-reserve crime rates among the adult population. Crime rates for adults charged with an on-reserve crime were six times higher than off-reserve rates.

Higher rates of youth crime on reserve were most notable for homicide, followed by break and enter and disturbing the peace. Specifically, young offenders were accused of committing homicides on reserve at about 11 times the rate of young people so accused elsewhere in Canada, and were seven times more likely to be accused of break and enter and disturbing the peace. In contrast, differences in on-reserve youth crime and youth crime in the rest of the country were relatively small for offences such as theft of \$5,000 and under, possession of stolen goods and robbery. In addition, the on-

reserve rate for fraud among youth was about half that of the off-reserve rate (Table 4).

The nature of youth crime similar on-reserve and outside reserves

Consistent with research indicating that younger individuals are more likely to be involved in committing less serious types of crimes (Wood and Griffiths, 2000), young people involved in crimes, both on reserves and in the rest of the country, were least likely to be accused of a violent crime. In 2004, about one-quarter of on-reserve youth offences were violent crimes, compared to one-fifth elsewhere in Canada. The vast majority of violent offences both on reserve and outside reserves were assaults.

In 2004, youth committing on-reserve crimes were most often accused of other *Criminal Code* offences (Figure 6). On reserves, 41% of youth crimes were classified as other *Criminal Code* incidents, as were a similar proportion of youth crimes committed outside reserves (37%). Among youth accused of other *Criminal Code* offences on and off reserve, the largest proportions were involved with mischief offences (38% and 36% respectively).

Text box 6

Aboriginal people's perceptions of discrimination⁷³

Some research has suggested that one of the causes of the overrepresentation of Aboriginal people in the justice system is due to differential legal processing. It has been speculated that this stems from cultural conflict and racial discrimination (Roberts and Doob, 1997). In 2004, for the first time, the GSS attempted to measure respondents' perceptions of their experiences of discrimination in the past five years, based on factors such as race, ethnicity, sex, religion, language, age, and sexual orientation.

The survey also asked about the types of situations in which perceived discrimination was experienced, such as these: on the street, in a store, when applying for a job, when dealing with the police, while using public transportation, while attending school, while participating in sports, and in dealing with health care workers.

Overall, Aboriginal people were twice as likely to report having experienced some form of discrimination compared to non-Aboriginal⁷⁴ people (31% compared to 14%). The most commonly cited precipitating factors for discrimination against both Aboriginal and non-Aboriginal respondents were on the basis of ethnicity (22% compared to 5%), race (20% compared to 5%) and age (8% compared to 3%).

Among all of the situations in which survey respondents could have experienced discrimination, they were most likely to report its occurrence at work or when applying for a job or promotion (14% of Aboriginal people versus 7% of non-Aboriginal people). Regardless of the location, discrimination was always more common for Aboriginal respondents than it was for their non-Aboriginal counterparts. For example, Aboriginal people were more likely to experience discrimination on the street (14% compared to 4%), at a store (13% compared to 5%) and when dealing with the police (8% compared to 1%). Generally speaking, Aboriginal males and females were equally likely to experience discrimination based on similar factors and in similar situations.

Property crime offences constituted one-third of on-reserve youth crime and 42% of youth crime elsewhere in 2004. Over half of young people accused of property crimes on reserve were involved in break and enter offences and another 26% were involved in thefts of property of \$5,000 and under. Throughout the rest of Canada, the reverse was true: 57% of young offenders were accused of theft of property worth \$5,000 or less and 21% were accused of break and enter.

Aboriginal peoples contacts with and attitudes toward the justice system⁷⁵

Beyond measuring the nature and extent of victimization, respondents were asked to indicate whether or not they had had contact with the police in the 12 months preceding the survey, under a number of specified circumstances.

Aboriginal people more likely to have contact with the police for serious reasons

Similar to findings from 1999, there were virtually no differences between Aboriginal and non-Aboriginal people in their contact with the police for such things as a public information session or a traffic violation. However, Aboriginal people were more likely to have had contact with the police for what could be considered more serious reasons. In particular, Aboriginal people were more likely to come into contact with police as victims (13% compared with 7%), witnesses to a crime (11% compared with 6%) and by being arrested (5% compared with 1%).

Levels of satisfaction with police performance lower for Aboriginal people

By indicating whether each was doing a “good”, “average” or “poor” job carrying out certain functions, respondents to the 2004 GSS were also asked to rate the performance of four sectors of the criminal justice system, the police, courts, prisons and parole system.

While the performance of the police was generally rated favourably, both by Aboriginal and non-Aboriginal respondents, Aboriginal people were less likely to rate the police at doing a “good” job with the following functions: ensuring the safety of citizens (50% compared with 62%), treating people fairly (49% compared with 60%), enforcing the laws (48% compared with 60%), supplying information to the public on ways to reduce crime (45% compared with 51%) and responding promptly to calls (45% compared with 52%). The lower levels of satisfaction among Aboriginal people could in part be explained by the fact that Aboriginal people are more likely to report having experienced discrimination when dealing with the police. Furthermore, they are more likely to come into contact with the police. Research has shown that Canadians who come into contact with the police are less likely to feel that police are doing a good job (Tufts, 2000).

Evaluations of criminal court performance differed depending on the type of activity being performed. For example, Aboriginal people were less likely than non-Aboriginal people to rate

the courts at doing a “good” job at ensuring a fair trial for the accused (39% compared with 45%), and determining the guilt or innocence of the accused (21% compared with 27%). In contrast, Aboriginal respondents were more likely than their non-Aboriginal counterparts to evaluate the courts positively at helping the victim (24% compared with 20% respectively). There was no difference between Aboriginal and non-Aboriginal respondents in their assessments of the court’s ability to provide justice quickly.

Similar to what was found in the 1999 GSS, both Aboriginal and non-Aboriginal respondents assessed the performance of the prison system similarly in 2004, with just over one-quarter reporting that the prison system was doing a good job at supervising and controlling prisoners. Further, 18% of both Aboriginal and non-Aboriginal respondents reported that the prison system was doing a good job at helping prisoners become law-abiding citizens.

Assessments of the parole system’s performance were consistent for both Aboriginal and non-Aboriginal respondents, with 17% of both groups believing that the parole system was doing a good job at releasing offenders and 15% (respectively) believing that it was doing a good job at supervising offenders on parole. A significant proportion of Aboriginal and non-Aboriginal respondents (between 15% and 23%) were uncertain about how to assess the performance of the prison and parole systems.

Aboriginal people in the correctional system⁷⁶

The issue of increasing proportions of Aboriginal people in the correctional system has been a concern within the criminal justice system at all levels of government. In recognition of the high level of representation of Aboriginal people in prisons, in 1996, the *Criminal Code* was reformed with the addition of Section 718.2 which requires a court to consider the following principle: that

- “e) all available sanctions other than imprisonment that are reasonable in the circumstances, should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders.”

Canada’s *Youth Criminal Justice Act (2003)* also includes a similar provision in relation to young offenders (s.38(2)(d), YCJA).

Despite these legislative changes, Aboriginal people are still highly represented in admissions to all types of correctional services⁷⁷ in Canada. In 2003/2004, while Aboriginal people represented 2.6% of the adult population in jurisdictions with available admissions data on Aboriginal identity, they were highly represented in admissions to all correctional services. Specifically, Aboriginal people accounted for 21% of admissions to provincial/territorial sentenced custody, 19% to conditional sentence, 18% to remand and 16% to probation (Table 5). They also represented 18% of all admissions to federal custody.

Aboriginal adults in the correctional system

High representation of Aboriginal adults in admissions to correctional services across Canada

While Aboriginal people are generally highly represented in admissions to correctional services throughout Canada, there are considerable differences across the country with respect to the proportions of Aboriginal adults in the general population and in correctional services. For example, in 2003/2004, Aboriginal people made up 80% of those who were admitted to adult provincially sentenced custodial facilities in Saskatchewan, compared to their representation of 10% of the provincial adult population. In Manitoba, Aboriginal people represented 68% of admissions to provincial custody (compared to 11% of the provincial population) and in Alberta, 39% of admissions to provincial facilities were Aboriginal persons (compared to 4% of the provincial adult population). In other provinces and territories⁷⁸, the proportion of Aboriginal people admitted to sentenced custody ranged from two to six times their proportional representation in the general population. Similar patterns of representation were also found for community correctional services such as probation and conditional sentence (Table 5).⁷⁹

Proportions of Aboriginal admissions to custody increasing⁸⁰

For all custodial admissions, the proportion of Aboriginal admissions increased over the ten-year period between 1994/1995 and 2003/2004 (Table 6). In contrast, the proportion of Aboriginal adult admissions to community supervision, including probation and conditional sentences, remained stable over the same time period.

Generally speaking, the proportional representation of Aboriginal females admitted to custody has been greater than that for Aboriginal males. For example, between 1994/1995 and 2003/2004, Aboriginal females made up between 25% and 29% of all female admissions to provincial sentenced custody compared to Aboriginal males, who made up between 15% and 18% of all male admissions to provincial sentenced custody over the same time period (Table 6). For remand, Aboriginal females represented between 14% and 23% of all female admissions while Aboriginal males represented between 11% and 16% over the same time period.

In general, the number of admissions to sentenced custody has decreased over time while admissions to remand have been increasing (Beattie, 2005). While this is true for both Aboriginal and non-Aboriginal adults, there have been variations between the two groups. For example, although there was a general decline in the number of adults admitted to provincial sentenced custody between 1994/1995 and 2003/2004, this decrease was larger for non-Aboriginal adults (-35%) than Aboriginal adults (-19%).

With respect to remand, admissions for Aboriginal adults increased by 34% between 1994/1995 and 2003/2004 compared to a 3% increase for non-Aboriginal adults. The largest increase was for Aboriginal females, whose admissions to remand doubled over the same time period (Table 6).

Aboriginal adults in correctional services younger, less educated, more likely to be unemployed⁸¹

As mentioned earlier, factors that can increase the likelihood that a person will become involved in the criminal justice system are often more common among the Aboriginal population. Using data from the Integrated Correctional Service Survey (ICSS), it is possible to examine adults who are in the correctional system by a number of characteristics, including their Aboriginal identity, sex, age at first involvement, marital status, education and employment status.

Between 2002/2003 and 2003/2004, almost 40,000 adults⁸² were involved in correctional services in Nova Scotia, New Brunswick and Saskatchewan. Of these, approximately 11,400⁸³ or 30% were Aboriginal people⁸⁴ (Table 7).

Aboriginal males and females represented relatively high proportions of all males and females in adult correctional services (28% and 35% respectively). While females represented a minority of all persons involved in adult correctional services overall, the representation of Aboriginal females in adult correctional services was higher compared to that of non-Aboriginal females (18% versus 13%).

Similar to their representation in the general population, Aboriginal adults in correctional services were younger than their non-Aboriginal counterparts, had lower levels of education and were less likely to have been employed. Specifically, Aboriginal adults were an average of 3 years younger than non-Aboriginal adults, with a larger proportion of Aboriginal persons who were between the ages of 20 and 29 (42%) than non-Aboriginal persons (35%). Furthermore, approximately three-quarters (74%) of Aboriginal adults involved in correctional services had not completed their secondary school education, compared to one-third (33%) of non-Aboriginal adults. Aboriginal persons were also less likely to be employed at the time of admission to correctional services compared to non-Aboriginal persons (35% versus 44%).

Nine out of ten Aboriginal adults in correctional services in Saskatchewan had a substance abuse need⁸⁵

When an individual is involved in correctional services, risk/need assessment tools are often used to determine treatment options and to assess the risk of future offending (Beattie, 2005). Needs data are available for persons assessed on six needs: attitude, criminal peers and companions (social interaction), drug and alcohol abuse (substance abuse), employment, family/marital relationships (marital/family) and emotional stability (personal/emotional).⁸⁶

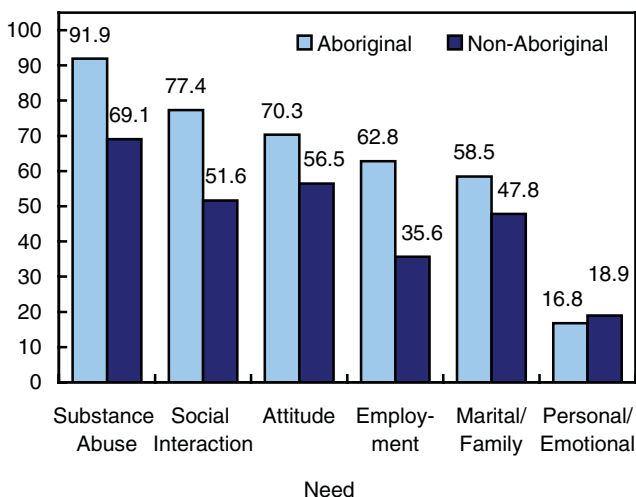
With the exception of the personal/emotional need domain, a larger proportion of Aboriginal persons was assessed as having a medium or high level of need compared to non-Aboriginal persons (Figure 7). Substance abuse was assessed to be at a medium or high level for a majority of adults involved in correctional services, but was particularly prevalent among Aboriginal persons. Specifically, over 9 in 10 had a substance abuse need compared to 7 in 10 non-Aboriginal adults. In addition, over three-quarters of Aboriginal adults were assessed as having a medium or high level of need in the social

interaction domain compared to slightly more than one-half of non-Aboriginal adults. While more than 6 in 10 Aboriginal adults had an employment need indicated, the same was true for slightly less than 4 in 10 non-Aboriginal adults.

Figure 7

Aboriginal adults involved in Saskatchewan correctional system more likely to be assessed as having a medium or high level of need, 2002/03 to 2003/04

Percent with medium or high level need present



Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Correctional Services Survey.

Aboriginal youth in the correctional system

One in five youths admitted to sentenced custody in 2003/2004 were Aboriginal

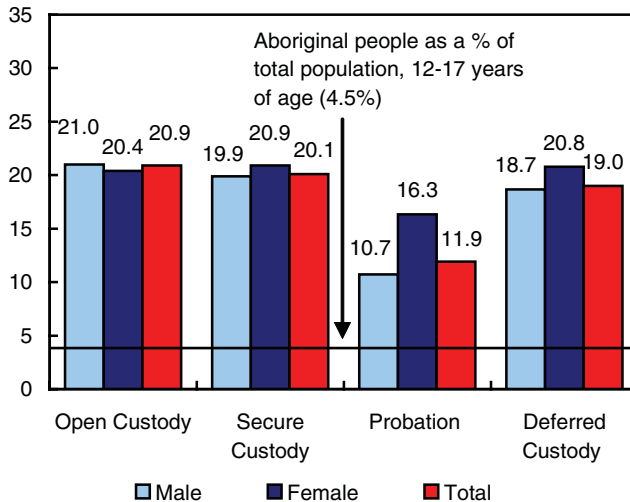
Similar to Aboriginal adults, according to data from the Youth Custody and Community Services Survey (YCCS), Aboriginal youth were highly represented in admissions to all types of correctional services in 2003/2004. While they represented approximately 5% of the population in areas with available corrections data⁸⁷, Aboriginal youth comprised 21% of admissions to open custody, 20% of admissions to secure custody, 19% of admissions to deferred custody and 12% admissions to probation.

For nearly all types of correctional services, male and female Aboriginal youth were highly represented and in similar proportions (Figure 8). The only exception was in admissions to probation, where females had a higher representation of Aboriginal people than their male counterparts (16% compared to 11%).

Figure 8

Aboriginal youth highly represented in admissions to all types of correctional services, 2003/04¹

Percent Aboriginal



1. Due to data unavailability, data for Prince Edward Island, Quebec, Saskatchewan, British Columbia, Yukon, Northwest Territories and Nunavut are excluded.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Custody and Community Services Survey, Demography Division, Census and Demographic Statistics.

Aboriginal representation among youth admissions to correctional services varies by province

Also similar to Aboriginal adults in correctional services throughout Canada, there were some variations in the representation of Aboriginal youth as a proportion of admissions to correctional services compared to their representation in the general population. In 2003/2004, the provinces with the highest Aboriginal representation among youths admitted to custodial and community programs compared to their provincial youth populations were Manitoba, Saskatchewan, Alberta and British Columbia (Table 8).

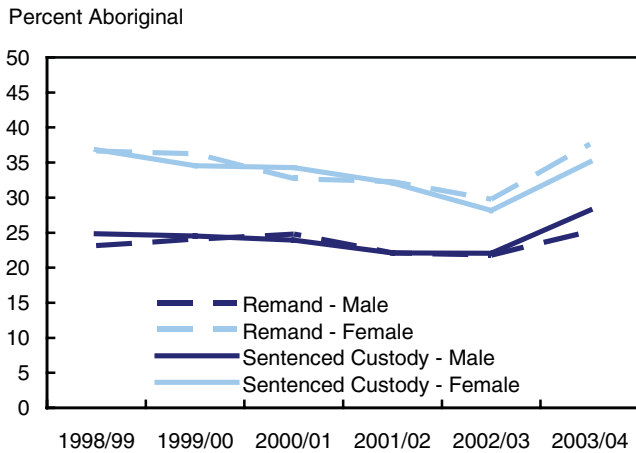
Recent increase in proportion of Aboriginal youth admitted to correctional services⁸⁸

The overall proportion of Aboriginal youth admitted to remand and sentenced custody gradually and consistently declined between 1998/1999 and 2002/2003. This proportion rose sharply in 2003/2004, the first year following the implementation of the *Youth Criminal Justice Act*. While the proportions rose, the overall number of youth admissions to sentenced custody and remand declined dramatically over the same time period. Specifically, between 2002/2003 and 2003/2004, the number of Aboriginal youths admitted to sentenced custody decreased by 33% while the number of non-Aboriginal youth admissions decreased by 51%. With respect to remand, there was a slight increase (+3%) in the number of Aboriginal youth admissions and a decrease for non-Aboriginal youth (-17%).

Consistent with the trends in adult corrections, the high representation of Aboriginal female youths admitted to remand and sentenced custody (open and secure custody) was greater than that for Aboriginal male youths (Figure 9). For example, while Aboriginal female youth comprised between 28% and 37% of all female admissions to sentenced custody between 1998/1999 and 2003/2004, young Aboriginal males made up between 22% and 28% of male admissions over the same time period. Similarly, young Aboriginal females represented between 30% and 38% of admissions to remand compared to a range of 22% and 25% for young Aboriginal males.

Figure 9

Percent of Aboriginal youth admitted to remand and sentenced custody rose in 2003/04¹



1. Due to data unavailability for some years, data from Prince Edward Island, New Brunswick, Quebec, Ontario 12 to 15 year olds, Saskatchewan, and Nunavut were excluded.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Custody and Community Services Survey; Demography Division, Census and Demographic Statistics.

Text box 7

Predicting re-involvement in correctional services following release

Research has found that Aboriginal persons are more likely than their non-Aboriginal counterparts to be re-admitted to the correctional system after being released.⁸⁹ In addition, factors such as substance abuse, social interaction, and family and marital problems tend to be related to higher levels of re-involvement (Johnson, 2005).⁹⁰

In order to assess the degree to which various factors were related to re-involvement, separate multivariate analyses⁹¹ were performed for Aboriginal and non-Aboriginal offenders⁹² released from correctional services in Saskatchewan between April 1, 1999 and March 31, 2000.

Some of the factors that predicted return to correctional services were the same for both Aboriginal and non-Aboriginal offenders. For example, lower education levels, higher employment need levels, higher substance abuse need levels, higher marital/family need levels, release from custody (as opposed to release from a community correctional program), and custody and community involvement (as opposed to community-only involvement) were all predictors of re-involvement regardless of Aboriginal identity.

It was also found that there were additional factors that were unique predictors of re-involvement for Aboriginal and non-Aboriginal offenders. For example, being male and being young, as well as having high social interaction need levels, were unique predictors of re-involvement for Aboriginal offenders. In contrast, predictive factors that were exclusive to non-Aboriginal offenders included having high attitude need levels and low personal/emotional need levels.

For Aboriginal offenders, it was found that males were almost twice as likely as females to be re-involved. Furthermore, Aboriginal offenders assessed as having a high social interaction need were almost twice as likely to return, and Aboriginal offenders rated as having a high substance abuse need were 2.2 times more likely to return to correctional services compared to those assessed as having a low need level.

Non-Aboriginal offenders who were released from custody were over four times more likely to return than those released from a community correctional program. Furthermore, those who were rated as having a high substance abuse need were over two-and-a-half times more likely than those rated as low need, and those rated as having a high attitude need level were more than twice as likely to return to correctional services compared to those who were rated as low need.

See notes at end of text.

Text box 8

Aboriginal-specific initiatives in the criminal justice system

In recent years, Canadian researchers and policy-makers, as well as Aboriginal communities themselves, have placed growing importance on the development of culturally appropriate criminal justice policies, programs and services for Aboriginal people. This need has been reinforced through amendments to the *Criminal Code*⁹³ and court-based decisions such as *R. v. Gladue* (1999) and *R. v. Wells* (2000), recognizing the particular circumstances of Aboriginal offenders. Across Canada, numerous programs have arisen to respond to Aboriginal involvement in the criminal justice system. Selected Aboriginal-specific initiatives are described below.

Aboriginal courtwork program

This national program is designed to offer assistance and support to Aboriginal accused throughout the court process. Types of assistance include: explaining the reason for the charges to the accused; providing general information about legal rights and responsibilities; helping the accused get legal counsel; acting as a liaison between the accused and the police, defence lawyers, the court or the Crown prosecutor; ensuring the accused understands all court proceedings; translating court proceedings for the accused who are not fluent in English or French; and accompanying the accused to court appearances.

The Aboriginal Courtwork Program is accessible to all Aboriginal people regardless of status or residency. Currently, the Aboriginal Courtwork Program is operating in every jurisdiction except New Brunswick.

Aboriginal-specific correctional rehabilitation programs and services for federal offenders

The Correctional Service of Canada (CSC) provides Aboriginal-specific programs, services and initiatives targeted towards the safe and successful reintegration of Aboriginal offenders, such as these: Aboriginal treatment and healing programs; Aboriginal-specific health strategies

in HIV/AIDS, Fetal Alcohol Spectrum Disorder and traditional healing; research projects on Aboriginal reintegration; Aboriginal healing lodges (currently 8 across Canada); halfway houses for Aboriginal offenders (currently 24 across Canada); agreements with Aboriginal communities to offer services to Aboriginal offenders; a national Aboriginal employment/recruitment strategy; elders working in institutions and in the community; liaison services in federal institutions; Native brotherhood and sisterhood groups; and offender employment and job placement.

The Aboriginal justice strategy

One of the federal government's key responses to addressing the issue of Aboriginal involvement in the justice system has been the Aboriginal Justice Strategy (AJS), which co-funds diversion, sentencing, and family and civil mediation projects in Aboriginal communities with provinces and territories.

In response to recommendations related to justice made by the Royal Commission on Aboriginal Peoples, the AJS was established in 1996 to:

- help Aboriginal people assume greater responsibility for the administration of justice in their communities;
- promote the inclusion of Aboriginal values within the Canadian justice system; and
- contribute to a reduction in rates of crime, victimization, and incarceration among Aboriginal people.

The AJS is managed by the Department of Justice Canada's (DOJ) Aboriginal Justice Directorate (AJD). In collaboration with provincial and territorial counterparts, the AJD pursues the goals of the AJS through policy development and support, community-based justice program funding, training and development funding, self-government negotiations and capacity-building support, and outreach and partnership. The AJS supports activities on reserve and off reserve and in urban settings to all members of their communities.

See notes at end of text.

Methodology/Data sources

The General Social Survey (GSS) on Victimization

As part of the GSS program, Statistics Canada conducts a survey on criminal victimization every 5 years. The most recent survey was conducted in 2004, and involved telephone interviews with approximately 24,000 people aged 15 and older, living in the 10 Canadian provinces. Similar to previous surveys, respondents were asked about their experiences with criminal victimization, spousal violence, and their opinions on a variety of justice-related topics including their fear of crime and their perceptions about the performance of the police, criminal courts, and prison and parole systems.

Respondents to the survey were asked to self-identify their cultural or racial background which included whether they identified with an Aboriginal group, including North American Indian, Métis and Inuit. Based on responses to this question, a variable was derived to distinguish Aboriginal from non-Aboriginal respondents. Although it is recognized that Aboriginal culture is diverse and comprises various groups, small numbers in the sample survey prohibit a more detailed breakdown of Aboriginal groups. Respondents who refused to provide their cultural background were excluded from the current analysis.

The reader is cautioned that survey results exclude data from the Northwest Territories, Yukon and Nunavut, territories where high concentrations of Aboriginal people reside. Furthermore, the GSS uses random digit dialing, a telephone sampling method which includes both on-reserve and off-reserve Aboriginal populations, yet does not distinguish between them. Finally, comparisons between the Aboriginal and non-Aboriginal populations should be made with the consideration that, according to the 2001 Census, the Aboriginal population in Canada is on average, 13 years younger than the non-Aboriginal population (with median ages of 24.7 years versus 37.7 years) (Statistics Canada, 2003). This difference can have a substantial effect on many socio-economic variables. It can also have a significant impact on victimization rates, given that people in younger age groups have been shown to be the most likely to be victimized.

Aggregate Uniform Crime Reporting (UCR) Survey

The aggregate UCR survey records the number of incidents reported to the police. It includes the number of reported offences, actual offences, offences cleared by charge or cleared otherwise, persons charged (by sex and by an adult/youth breakdown) and those not charged. It does not include victim characteristics.

The aggregate UCR survey classifies incidents according to the most serious offence in the incident (generally the offence that carries the longest maximum sentence under the *Criminal Code*). In categorizing incidents, violent offences always take precedence over non-violent offences. As a result, less serious offences are under-represented by the UCR survey.

The aggregate UCR survey scores violent incidents (except robbery) differently from other types of crime. For violent crime, a separate incident is recorded for each victim (i.e., if one person assaults three people, then three incidents are recorded; but if three people assault one person, only one incident is recorded). Robbery, however, is counted as if it were a non-violent crime in order to avoid inflating the number of victims (e.g., for a bank robbery, counting everyone present in the bank would result in an over-counting of robbery incidents). For non-violent crimes, one incident (categorized according to the most serious offence) is counted for every distinct or separate occurrence.

On-reserve and off-reserve police-reported crime database

The analysis in this report focuses on on-reserve and off-reserve incidents reported to the police in 2004. Police-reported crime data for on-reserve incidents in this report are drawn from a database that combines data from 2001 to 2004 provided by the Royal Canadian Mounted Police (RCMP) and subsets from the aggregate UCR survey. The RCMP on-reserve data are for all detachments serving reserves in their jurisdiction. The UCR subset of on-reserve data contains all First Nations police services in Canada that report to the UCR survey. The off-reserve police-reported data are the difference between the aggregate UCR survey and the on-reserve data.

Except for Ontario and Quebec, the majority of police-reported crime data for incidents occurring on reserves come from the RCMP. Specifically, 75% of all police-reported *Criminal Code* violations committed on reserves between 2001 and 2004 were supplied by RCMP detachments that police reserves. However, the on-reserve data for Ontario and Quebec included in this report largely comprise data from self-policed reserves in those provinces, as on-reserve crimes reported to the Ontario Provincial Police and Sûreté du Québec could not be distinguished from incidents committed off reserve. Therefore nationally, on-reserve crimes may be slightly under-counted as crime data for a small proportion of reserves (less than 25%) in Ontario and Quebec were included among off-reserve crime figures.

It should also be noted that 2001 was the first year that the RCMP provided comprehensive data for offences occurring on reserves at the request of the UCR survey. Consequently, offences occurring on reserves served by the RCMP may be under-reported for 2001 due to the introduction of these new reporting practices.

As well, data for on-reserve crimes reported to the RCMP in Yukon in 2004 were incomplete due to changes in record management systems. Therefore, 2004 on-reserve data from the RCMP for this jurisdiction were estimated using data reported in 2003.

Data drawn from this database identify the location of the crime (i.e., if it was committed on reserve or off reserve) yet do not identify the Aboriginal status of the accused. Therefore, assumptions about the cultural identity of the accused should not be made.

Rates are calculated using 2001 population counts, as this is the most recent year for which Census of Population estimates for on- and off-reserve populations are available. These population counts have not been adjusted for Census undercounting. Counts for on-reserve areas of residents are more affected than most by the incomplete enumeration of certain Indian reserves and Indian settlements. The extent of the impact will depend on the geographic area under study. In 2001, a total of 30 Indian reserves and Indian settlements were incompletely enumerated by the census. The populations of these 30 communities are not included in the census counts.

Homicide survey

Whenever a homicide becomes known to police, the investigating police department completes a survey questionnaire, which is then sent to the Canadian Centre for Justice Statistics. Information on persons accused of homicide are only available for solved incidents (i.e., where at least one accused has been identified). Accused characteristics are updated as homicide cases are solved and new information is submitted to the Homicide survey. In incidents where there are multiple accused persons, only the relationship between the victim and the closest accused is recorded.

In 1997, the variables for the Aboriginal status of the victim and the accused on the Homicide survey were revised and expanded. Therefore, for the purposes of this report, when analyzing proportions of victims and accused, homicide data for 8 years (between 1997 and 2004) were rolled up to produce an aggregated total of victims and accused persons. Analysis of victims and accused of homicide excludes those whose Aboriginal status is unknown. Over the 8-year period, an average of 31% of victims of homicide (varying between 15% and 45%) and an average of 29% of accused (varying between 18% and 44%) had an unknown Aboriginal status. In some cases, the Aboriginal status of the accused was not known to police at the time the data were reported. In accordance with internal guidelines, as of 1997, the Toronto Police Service and as of 2001, the RCMP discontinued reporting the Aboriginal status of victims and accused persons to the Homicide survey. This resulted in a substantial increase in the proportions of victims and accused with an unknown Aboriginal status.

Due to the substantial under coverage resulting from unreported data from large police forces, it was not possible to calculate homicide rates for the 8-year period between 1997 and 2004. Instead, data for the years 1997 through to 2000 were used to calculate rates of homicide for Aboriginal and non-Aboriginal victims and accused. Over this time period, an average of 18% of victims and 16% of accused had an unknown Aboriginal status. It is possible that rates for both Aboriginal and non-Aboriginal victims would be higher if the accused Aboriginal status was known for all homicides. Homicide rates were calculated using an average of the 1996 Census counts and

the 2001 post-censal population estimates. This was done in order to compensate for the varying growth rates of the Aboriginal and non-Aboriginal populations in the absence of intercensal population data.

Correctional Services Surveys

The corrections system has historically been the primary source of national data on Aboriginal involvement in the criminal justice system. Aboriginal identity is routinely collected upon intake of the individual into the correctional system as this information is necessary for case administration and program delivery. Due mostly to the nature of the operational objectives of correctional services, including the delivery of programs and services to individuals, the level of quality of these data is considered to be relatively sound. The Adult Correctional Services Survey (ACS), the Youth Custody and Community Services Survey (YCCS) and the Integrated Correctional Services Survey (ICSS) collect Aboriginal Identity information, with the frequency of reporting Aboriginal Identity as 'unknown' relatively low.

Glossary of corrections terms

Conditional sentence: refers to a disposition of the court introduced in 1996 where the adult offender serves a term of imprisonment in the community under specified conditions.

Conditional sentences are more restrictive than probation, but less serious than custody. This type of sentence can only be imposed in cases where the term of imprisonment would be less than two years, and are therefore, administered by provincial and territorial correctional agencies.

Custodial supervision/custody: refers to detention of a person in a secure facility (prison), including sentenced custody, remand and temporary detention.

Deferred custody: a deferred custody and supervision order allows a young person to serve his/her custody sentence in the community. A deferred custody and supervision order is similar to a conditional sentence of imprisonment for adults.

Open custody: refers to youths in sentenced custody "in (a) a community residential centre, group home, childcare institution, or forest or wilderness camp or (b) any like place or facility". A facility is considered "open" when there is minimal use of security devices or perimeter security. The extent to which facilities are "open" varies across jurisdictions.

Secure custody: a facility is considered secure when youths are detained by security devices, including those which operate with full perimeter security features and/or where youths are under constant observation. The extent to which facilities are "secure" varies across jurisdictions.

Probation: refers to a disposition of the court where the offender is given a suspended sentence or conditional discharge and is released on conditions prescribed in a mandatory probation order. The court may also direct the offender to comply with conditions of a probation order in addition to a fine or a sentence of custody.

Remand: refers to court ordered detention of a person while awaiting a further court appearance.

Types of Needs:

Attitude: degree to which an individual accepts responsibility for the offence and shows a willingness to change.

Peers/companions (social interaction): level of problems associated with some or all of the individual's peers.

Drug or alcohol abuse (substance abuse): degree to which use of alcohol and/or drugs is associated with problems.

Employment: employment status (employed versus unemployed) and employment history.

Family/marital relationships (marital/family): presence or absence of serious problems in relationships.

Emotional stability of offender (personal/emotional): whether or not emotional instability exists and the degree to which this is related to serious problems.

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Endnotes

- For additional information, refer to Methodology/Data sources.
- The portion of the Census definition of Aboriginal identity which includes individuals as members of an Indian Band or First Nation, is not included in justice surveys.
- Throughout this report, when it is unknown whether the person has self-identified as Aboriginal or whether the person has been identified as Aboriginal based on visual assessment, the term 'Aboriginal status' has been used.
- These projections have been made according to Statistics Canada's medium-growth scenario. See Statistics Canada, *Projections of the Aboriginal populations, Canada, provinces and territories*, Catalogue no. 91-547-XIE. Ottawa: Statistics Canada.
- These inequalities are believed by some researchers to be the result of the colonization and attempted assimilation of Aboriginal people by European settlers. It is argued that a long-term effect of colonization has been the marginalization of Aboriginal peoples, which is reflected in high unemployment rates, low levels of education, low income and inadequate living conditions (Wood and Griffiths, 2000).
- See Lochner, 2004; Raphael and Winter-Ember, 2001.
- See Statistics Canada, 1996; Stevenson et al., 1998.
- See O'Donnell and Tait, 2003; Health Canada, 1999.
- See Trevethan, Tremblay and Carter, 2000.
- Median age refers to the point where exactly one-half of the population is older, and the other half is younger.
- See Statistics Canada, *Selected Demographic and Cultural Characteristics (205), Aboriginal Identity (8), Age Groups (6), Sex (3) and Area of Residence (7) for Population, for Canada, Provinces and Territories, 2001 Census – 20% Sample Data*, Catalogue no. 97F0011XCB2001040. Ottawa: Statistics Canada.
- See Statistics Canada, *Selected Educational Characteristics (29), Aboriginal Identity (8), Age Groups (5A), Sex (3) and Area of Residence (7) for Population 15 Years and Over, for Canada, Provinces and Territories, 2001 Census – 20% Sample Data*. Catalogue no. 97F0011XCB2001042. Ottawa: Statistics Canada.
- See Statistics Canada, *Selected Labour Force Characteristics (50), Aboriginal Identity (8), Age Groups (5A) and Sex (3) for Population 15 Years and Over, for Canada, Provinces, Territories and Census Metropolitan Areas, 2001 Census – 20% Sample Data*. Catalogue no. 97F0011XCB2001045. Ottawa: Statistics Canada.
- Income Reference Period. Income data from the 2001 census relates to the calendar year prior to the census year, i.e. 2000. For additional information, refer to the 2001 Census Dictionary, Catalogue no. 92-378. Ottawa: Statistics Canada.
- See Statistics Canada, *Selected Income Characteristics (35), Aboriginal Identity (8), Age Groups (6) and Sex (3) for Population, for Canada, Provinces, Territories and Census Metropolitan Areas, 2001 Census – 20% Sample Data*. Catalogue no. 97F0011XCB2001047. Ottawa: Statistics Canada.
- In this section, the analysis is limited to Aboriginal people living off reserve. The off-reserve population refers to those living outside of most First Nation or Band-affiliated communities. However, in this analysis, the total Aboriginal population in the Northwest Territories is included, i.e. those residing in both reserve and off-reserve areas in the Northwest Territories.
- For this analysis, crowding refers to 1.0 or more people per room.
- This section of the *Juristat* is based on findings from the 2004 General Social Survey (GSS).
- This section includes incidents of spousal physical and sexual assault. For more information, see Gannon and Mihorean, 2005.
- Readers are cautioned that the GSS results present rates of violence committed against those who self-identified as being part of an Aboriginal group. The GSS does not identify the cultural background of the perpetrator, therefore, no assumptions should be made about the cultural identity of the accused.
- Ideally, the following analysis examining victimization rates of Aboriginal people would be conducted by comparing groups with similar socio-economic conditions. However, sample size of the GSS is too small to support such detailed analysis.
- Unless otherwise noted, differences between estimates are statistically significant at $p < 0.05$.
- For additional information on the GSS, refer to Methodology/Data sources.
- The difference between the rates in 1999 and 2004 was not statistically significant.
- Due to the fact that Aboriginal people represent a relatively small proportion of the survey sample, age groups have been combined to allow for releasable estimates.
- A multivariate, logistic regression analysis tests for the relationships between variables controlling for the effects of other variables. A significant association in a multivariate, logistic regression analysis means that a particular independent variable is still significantly associated with a dependent variable when the effects of many other independent variables (such as ethnicity, age, income, etc.) are controlled for in a statistical test or model involving one dependent variable and more than one independent variable.
- It is important to note that there are other possible factors that could increase or decrease the risk of violent victimization that were not included as variables in the GSS.
- This section excludes incidents of spousal physical and sexual assault because detailed information on each spousal incident is not available.
- Only incidents involving a single perpetrator were examined in the analysis of the relationship of the perpetrator to the victim.

30. The perpetrator was a friend, neighbour or acquaintance in most of the incidents for both Aboriginal (50%) and non-Aboriginal (37%) victims. However, this analysis excludes spousal violence. If spousal violence incidents were included in the total, the proportions of offences committed by a relative would increase.
31. Due to small sample size, reasons for reporting and non-reporting for Aboriginal people cannot be examined.
32. Respondents who were asked spousal violence questions were either married or living common-law at the time of the survey interview, or had been married or in a common-law relationship in the 5-year period preceding the survey and had had contact with their ex-partner during that 5-year period.
33. For more information on measuring spousal violence through the GSS, see Mihorean, 2005.
34. The difference between what was found in 1999 and 2004 was not statistically significant.
35. Numbers of Aboriginal men who experienced being beaten, choked, threatened with or had a gun or knife used against them, or who were sexually assaulted were too small to produce reliable estimates.
36. Due to small sample sizes, male/female comparisons for this section are not possible.
37. This section of the *Juristat* is based on findings from the Homicide survey examining Aboriginal and non-Aboriginal victims between 1997 and 2004. Rates, however, are calculated using data for the years 1997 through to 2000. For additional information, refer to Methodology/Data sources.
38. Over the 8-year period between 1997 and 2004, there were 4,534 homicide victims – 519 were identified as Aboriginal, 2,589 as non-Aboriginal and 1,426 were unknown or not collected. The Aboriginal status of the victim was known for 69% of victims of homicide. Analysis of victims of homicide excludes those whose Aboriginal status is unknown. The proportion of homicide victims with an unknown Aboriginal status fluctuated over the 8-year period, ranging from 15% to 45%. In some cases, this information was not known to the police at the time the data were reported. In accordance with internal guidelines, as of 1997, the Toronto Police Service and as of 2001, the RCMP ceased reporting the Aboriginal status of victims to the Homicide survey, resulting in an increase in the proportion of victims with an unknown Aboriginal status.
39. Between 1997 and 2000, an average of 18% of victims had an unknown Aboriginal status. Between 2001 and 2004, the proportion of victims with an unknown Aboriginal status increased to an average of 44%, resulting in substantial undercoverage of the Aboriginal status variable.
40. Victim homicide rates are calculated based only on homicides where the Aboriginal status of the victim was known (82% of victims). It is possible that rates for both Aboriginal and non-Aboriginal victims would be higher if the accused Aboriginal status was known for all homicides.
41. Homicide rates were calculated using an average of the 1996 Census counts and the 2001 post-censal population estimates. This was done in order to compensate for the varying growth rates of the Aboriginal and non-Aboriginal populations in the absence of intercensal population data.
42. Analysis of the information on the accused-victim relationship is limited to those homicides in which an accused person was identified (solved cases).
43. Whether the victim had consumed an intoxicating substance was unknown for 26% of non-Aboriginal victims and 12% of Aboriginal victims.
44. Whether the victim had initiated the violence was unknown for 37% of both Aboriginal and non-Aboriginal victims.
45. There has been some research indicating that there is considerable variation in crime rates among Aboriginal communities and groups in Canada (Wood and Griffiths, 2000). While this section of the report examines differences between Aboriginal and non-Aboriginal people accused of homicide, it does not distinguish between Aboriginal communities nor does it distinguish between Aboriginal groups.
46. This section of the *Juristat* is based on findings from the Homicide survey examining accused between 1997 and 2004. Rates, however, are calculated using data for the years 1997 through to 2000. For additional information, refer to Methodology/Data sources.
47. Between 1997 and 2000, an average of 16% of accused had an unknown Aboriginal status. Between 2001 and 2004, the proportion of accused with an unknown Aboriginal status increased to an average of 42%, resulting in substantial undercoverage of the Aboriginal status variable.
48. Homicide rates were calculated using an average of the 1996 Census counts and the 2001 post-censal population estimates. This was done in order to compensate for the varying growth rates of the Aboriginal and non-Aboriginal populations in the absence of intercensal population data.
49. Over the 8-year period between 1997 and 2004, there were 4,129 persons accused of homicide – 678 were identified as Aboriginal, 2,239 as non-Aboriginal and 1,212 were unknown. The Aboriginal status was known for 71% of those accused of homicide. Analysis of accused persons excludes those whose Aboriginal status is unknown. The proportion of those accused of homicide with an unknown Aboriginal status fluctuated over the 8-year period, ranging from 14% to 45%. In some cases, this information was not known to the police at the time the data were reported. In accordance with internal guidelines, as of 1997, the Toronto Police Service and as of 2001, the RCMP ceased reporting the Aboriginal status of accused persons to the Homicide survey, resulting in an increase in the proportion of accused with an unknown Aboriginal status.
50. When accounting for differences in population, calculations are based only on homicides where the Aboriginal status of the accused was known (84% of accused). It is possible that rates for both Aboriginal and non-Aboriginal accused would be higher if the accused Aboriginal status was known for all homicides.
51. First degree murder occurs when: (a) it is planned and deliberate; or (b) the victim is a person employed and acting in the course of his/her work for the preservation and maintenance of the public peace (e.g. police officer, correctional worker); or (c) the death is caused by a person committing or attempting to commit certain serious offences (e.g. treason, kidnapping, hijacking, sexual assault, robbery and arson).
52. Second degree murder is all murder that is not first degree.
53. Manslaughter is culpable homicide that is not murder or infanticide. It is generally considered to be a homicide committed in the heat of passion caused by sudden provocation.
54. Infanticide occurs when a female wilfully causes the death of her newly-born child (under one year of age), if her mind is considered disturbed from the effects of giving birth or from lactation.
55. The proportions of those who did not have a charge laid or recommended against them were 2% of Aboriginal persons and 11% of non-Aboriginal persons identified in connection with the homicide. Some of the reasons for not laying a charge include the suicide or death of the person involved or the identified person is under the age of 12.
56. There were no Aboriginal women accused of infanticide over the 8-year time period.
57. It was not known whether the accused had a criminal past for 1% of Aboriginal accused and for 2% of non-Aboriginal accused.
58. It was not known whether the accused had consumed an intoxicant for 15% of Aboriginal accused and 32% of non-Aboriginal accused.
59. This text box is based on findings from the 2004 General Social Survey (GSS).
60. About eight in ten Aboriginal Canadians indicated that they walk alone at night.
61. Only those who reported that there was public transportation in their city or local community and those who said that they used public transportation after dark were asked this question.

62. This section of the *Juristat* is based on findings from the on-reserve and off-reserve police-reported crime database. It is important to note that data drawn from this database identify the location of the crime (i.e., if it was committed on reserve) yet do not identify the Aboriginal status of the accused. Therefore, assumptions about the cultural identity of the accused should not be made. Unless otherwise stated, analysis of *Criminal Code* offences in this section excludes traffic offences and other federal statutes such as drug offences. On-reserve data for Ontario and Quebec included in this report largely comprise data from self-policed reserves in those provinces, as on-reserve crimes reported to the Ontario Provincial Police and Sûreté du Québec could not be distinguished from incidents committed off reserve. Therefore nationally, on-reserve crimes may be slightly under-counted as crime data for a small proportion of reserves (less than 25%) in Ontario and Quebec were included among non-reserve crime figures. For additional information, refer to Methodology/Data sources.
63. Aboriginal people make-up about 2.4% of the off-reserve population in Canada and 3.3% of the nation's total population.
64. Census of the Population, 2001.
65. In addition to these 93,000 *Criminal Code* violations, about 4,600 *Criminal Code* traffic incidents, 1,700 drug incidents (almost half of which were for possession of cannabis) and 8,100 violations of other federal statutes occurred on reserves and came to the attention of police in 2004. The UCR does not collect data on provincial or municipal by-law infractions.
66. Rates were calculated using 2001 population counts. Refer to Methodology/Data sources for further information.
67. An incident is 'cleared' when a police investigation results in the identification of a suspect against whom a charge could be laid. More precisely, an incident can be 'cleared by charge' or 'cleared otherwise'. An incident is cleared by charge when the suspect is formally charged. An incident is cleared otherwise when an investigation leads to the identification of a suspect against whom there is sufficient evidence to support the laying of charges, but does not actually result in charges being laid.
68. The criminal investigation process is often time-consuming and an offence committed in one year may not be solved for months or years after its occurrence and submission to the UCR survey. Therefore, it is possible for the number of incidents cleared in a given year to exceed the number of incidents reported to the UCR survey in that same year, and thus for the clearance rate to exceed 100%.
69. To calculate rates of adult crime on reserves, the population of adults aged 18 years and over, living on reserves is used (as is the population of adults living off reserves, used for off-reserve adult crime). However, readers should note that the cultural identity of the accused is not known. Therefore, assumptions about the cultural identity of the accused should not be made.
70. Rates were calculated using 2001 Census of Population counts. Refer to Methodology/Data sources for further information.
71. For youth crime, populations for youth aged 12 to 17 living on and off reserves are used to calculate on-reserve and off-reserve youth crime rates, respectively. However, readers should note that the cultural identity of the accused is not known. Therefore, assumptions about the cultural identity of the accused should not be made.
72. Other means for dealing with youth accused of a crime could include formal measures such as a Crown caution or extrajudicial sanctions, or informal measures such as a police warning or referral to a community program. The *Youth Criminal Justice Act* (YCJA) provides police services with a number of alternatives to charging a youth, including informal police warnings, formal police cautions, referrals to community programs and referrals to extrajudicial sanctions programs, however, the use of these alternatives can vary significantly.
73. This text box is based on findings from the 2004 General Social Survey (GSS).
74. It should be noted that 12% of the non-Aboriginal group reported being a visible minority. Therefore, the information on perceptions of discrimination could vary within the non-Aboriginal group. For example, considering only visible minorities, 28% reported having experienced discrimination. Similar to Aboriginal people, the most commonly cited precipitating factors for perceived discrimination against visible minorities were on the basis of race (21%) and ethnicity (18%). If visible minorities were excluded from the non-Aboriginal group, overall discrimination experienced by the non-Aboriginal group would be 12% and race and ethnicity as precipitating factors for perceived discrimination reported by non-Aboriginal people would be 3%, respectively.
75. This section of the *Juristat* is based on findings from the 2004 General Social Survey (GSS). The analysis of the performance of the criminal justice system is based on the responses from all respondents to the 2004 GSS and also considers the respondents who answered 'don't know/not stated'. This was done in order to acknowledge the importance of those who had no response since this information is a crucial element in data regarding public opinion.
76. This section of the *Juristat* is based on findings from the Adult Correctional Services Survey (ACS), the Integrated Correctional Services Survey (ICSS), and the Youth Custody and Community Services Survey (YCCS).
77. For definitions of types of correctional services, refer to Methodology/Data Sources.
78. In Nunavut, Aboriginal people made up 97% of admissions to provincial custody and 79% of the provincial population. Data on admissions to provincial custody were unavailable for Newfoundland and Labrador.
79. Please note that due to data unavailability for some categories, data from Newfoundland and Labrador, Prince Edward Island, and Northwest Territories were excluded.
80. For those jurisdictions that have consistently provided data over a time period, it is possible to examine trends in admissions to correctional services. Due to data unavailability for some years and/or categories, data from Newfoundland and Labrador, Prince Edward Island, New Brunswick, Manitoba, Northwest Territories and Nunavut were excluded.
81. This section analyzes data from Nova Scotia, New Brunswick and Saskatchewan; therefore, results may not apply to other jurisdictions.
82. This represents the unique number of people who were involved in correctional services between 2002/03 and 2003/04.
83. The representation of Aboriginal people in adult correctional services among the three provinces is as follows: 10,259 (90%) in Saskatchewan, 689 (6%) in New Brunswick and 448 (4%) in Nova Scotia.
84. Aboriginal identity was unknown for 1,761 cases, representing 4% of the total.
85. Although risk assessments are performed in most jurisdictions, only Saskatchewan was able to provide this information at this time.
86. Refer to Methodology/Data sources for definitions of the various types of needs.
87. Due to data unavailability for some categories, data for Prince Edward Island, Quebec, Saskatchewan, British Columbia, Yukon, Northwest Territories and Nunavut are excluded. These data cannot be compared to data from previous years due to differences in data availability over time.
88. For those jurisdictions who have consistently provided data over a five-year period (between 1998/1999 and 2003/2004), it is possible to examine trends in admissions to youth correctional services over time. Please note that due to data unavailability for some years and/or some categories, data from Prince Edward Island, New Brunswick, Quebec, Ontario 12 to 15 year olds, Saskatchewan and Nunavut were excluded.

89. As noted earlier, characteristics which place persons at risk for involvement in the correctional system were more prevalent in the Aboriginal population supervised in Saskatchewan corrections than their non-Aboriginal counterparts. However, even when taking many risk-related factors into consideration, Aboriginal persons consistently had higher re-involvement rates than non-Aboriginal persons. For more information, please see Johnson (2005).
90. Re-involvement is defined as a return to correctional services following complete release from involvement in correctional services.
91. This analysis employed separate multivariate stepwise logistic regression analyses for Aboriginal and non-Aboriginal offenders. A multivariate, logistic regression analysis tests for the relationships between variables controlling for the effects of other variables. A significant association in a multivariate, logistic regression analysis means that a particular independent variable is still significantly associated with a dependent variable when the effects of many other independent variables are controlled for in a statistical test or model involving one dependent variable and more than one independent variable.
92. For all follow-up analysis, persons were excluded whose involvement included only remand, bail supervision and/or certain temporary detention statuses during the release cohort year.
93. s.718.2 (e) of the *Criminal Code* provides that “all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of aboriginal offenders”. In practical terms, when attempting to determine the appropriate sentence for an Aboriginal offender, the court must take into account the primary importance of restorative justice principles within Aboriginal conceptions of sentencing. This does not mean, however, that judges must always put the greatest weight on this factor, particularly when the offence is very serious.

Table 1

Feelings of safety from crime by Aboriginal status^{1,2}, 2004

	Aboriginal population	Non-Aboriginal population
	percentage of population	
While waiting for/using public transportation alone after dark, how do you feel about your safety from crime?		
Not at all worried	50	57
Somewhat worried	43	38
Very worried	F	5
Don't know/Not stated	0	1 ^E
How safe do you feel from crime when walking alone in your area after dark?		
Very safe	45	44
Reasonably safe	42	46
Somewhat or very unsafe	13	10
Don't know/Not stated	0	0 ^E
While alone in your home in the evening or at night, how do you feel about your safety from crime?		
Not at all worried	78	80
Somewhat worried	19	18
Very worried	4 ^E	2
Don't know/Not stated	0	0 ^E
In general, how do you feel about your safety from crime?		
Very satisfied	47	44
Somewhat satisfied	45	50
Somewhat dissatisfied	5 ^E	4
Very dissatisfied	2 ^E	1
Don't know/Not stated	F	0

0 true zero or a value rounded to zero

^E use with caution

F too unreliable to be published

1. Includes only respondents who engaged in these activities.

2. Excludes responses of those whose Aboriginal status was not known or refused.

Note: Figures may not add to total due to rounding.

Source: Statistics Canada, General Social Survey, 2004.

Table 2

Federal statute incidents reported to police on-reserve, 2004¹

	On-reserve			Outside reserves		
	Incidents		% of all <i>Criminal Code</i> offences (excluding traffic)	Incidents		% of all <i>Criminal Code</i> offences (excluding traffic)
	number	rate ²	percentage	number	rate ²	percentage
Homicide	41	13	0.0	581	2	0.0
Attempted murder	24	7	0.0	693	2	0.0
Robbery	162	50	0.2	27,315	93	1.1
Assault	20,804	6,464	22.3	225,843	770	9.1
Sexual assault	1,694	526	1.8	21,840	74	0.9
Other sexual offences	123	38	0.1	2,502	9	0.1
Abduction	30	9	0.0	605	2	0.0
Total violent crimes	22,878	7,108	24.6	279,379	953	11.3
Breaking and entering	7,276	2,261	7.8	267,441	912	10.8
Motor vehicle theft	2,887	897	3.1	166,657	568	6.7
Theft over \$5,000	257	80	0.3	17,037	58	0.7
Theft \$5,000 and under	7,586	2,357	8.1	673,299	2,297	27.2
Possession of stolen goods	594	185	0.6	34,806	119	1.4
Fraud	691	215	0.7	96,400	329	3.9
Total property crimes	19,291	5,994	20.7	1,255,640	4,283	50.7
Prostitution	9	3	0.0	6,484	22	0.3
Gaming and betting	2	1	0.0	191	1	0.0
Offensive weapons	1,289	400	1.4	16,713	57	0.7
Arson	603	187	0.6	12,545	43	0.5
Bail violations	5,337	1,658	5.7	98,997	338	4.0
Counterfeiting currency	282	88	0.3	159,607	544	6.4
Disturbing the peace	13,721	4,263	14.7	103,301	352	4.2
Mischief (property damage over \$5,000)	810	252	0.9	11,836	40	0.5
Mischief (property damage \$5,000 and under)	15,990	4,968	17.2	325,025	1,109	13.1
Other	12,883	4,003	13.8	209,047	713	8.4
Total other <i>Criminal Code</i> offences	50,926	15,823	54.7	943,746	3,219	38.1
Total <i>Criminal Code</i> offences (excluding traffic)	93,095	28,925	100.0	2,478,765	8,455	100.0
Impaired driving ³	3,661	1,138	...	75,299	257	...
Other <i>Criminal Code</i> traffic	894	278	...	39,005	133	...
Total <i>Criminal Code</i> traffic	4,555	1,415	...	114,304	390	...
Total <i>Criminal Code</i> offences (including traffic)	97,650	30,340	...	2,593,069	8,845	...
Drugs	1,715	533	...	95,415	326	...
Other federal statutes	8,147	2,531	...	26,426	90	...
Total federal statutes (including <i>Criminal Code</i>)	107,512	33,404	...	2,714,910	9,261	...

... not applicable

0 true zero or a value rounded to zero

1. On-reserve data for Ontario and Quebec included in this report largely comprise data from self-policed reserves in those provinces, as on-reserve crimes reported to the Ontario Provincial Police and Sûreté du Québec could not be distinguished from incidents committed off reserve. Therefore nationally, on-reserve crimes may be slightly under-counted as crime data for a small proportion of reserves (less than 25%) in Ontario and Quebec were included among non-reserve crime figures.

2. Rates are calculated per 100,000 population using counts from the 2001 Census of Population because population estimates for on-reserve and off-reserve populations were only available for that year. These population counts have not been adjusted for Census undercounting. Population counts for on-reserve areas are more affected than most by the incomplete enumeration of certain Indian reserves and Indian settlements. The extent of the impact will depend on the geographic area under study. In 2001, a total of 30 Indian reserves and Indian settlements were incompletely enumerated by the census. The populations of these 30 communities are not included in the census counts.

3. Includes impaired operation of a vehicle causing death, causing bodily harm, alcohol rate over 80 mg, failure/ refusal to provide a breath/ blood sample.

Source: Statistics Canada, Canadian Centre for Justice Statistics, on-reserve and off-reserve police-reported crime database.

Table 3

Adults charged with federal statute offences on-reserve, 2004^{1,2}

	On-reserve						Outside reserves					
	Total		Males		Females		Total		Males		Females	
	number	rate ³	number	rate ³	number	rate ³	number	rate ³	number	rate ³	number	rate ³
Homicide	41	21	34	35	7	7	441	2	398	4	43	0
Attempted murder	20	10	16	16	4	4	502	2	451	4	51	0
Robbery	79	41	69	71	10	10	7,045	31	6,305	58	740	6
Assault	8,319	4,306	6,573	6,760	1,746	1,819	93,088	414	76,912	707	16,176	140
Sexual assault	607	314	593	610	14	15	6,269	28	6,159	57	110	1
Other sexual offences	36	19	32	33	4	4	591	3	573	5	18	0
Abduction	1	1	0	0	1	1	119	1	53	0	66	1
Total violent crimes	9,103	4,711	7,317	7,525	1,786	1,861	108,055	481	90,851	835	17,204	149
Breaking and entering	833	431	739	760	94	98	18,857	84	17,356	159	1,501	13
Motor vehicle theft	308	159	253	260	55	57	7,621	34	6,903	63	718	6
Theft over \$5,000	35	18	22	23	13	14	1,596	7	1,195	11	401	3
Theft \$5,000 and under	437	226	323	332	114	119	56,905	253	40,222	369	16,683	144
Possession of stolen goods	230	119	197	203	33	34	19,992	89	16,217	149	3,775	33
Fraud	110	57	60	62	50	52	21,109	94	14,803	136	6,306	54
Total property crimes	1,953	1,011	1,594	1,639	359	374	126,080	561	96,696	888	29,384	254
Prostitution	2	1	2	2	0	0	3,821	17	2,015	19	1,806	16
Gaming and betting	0	0	0	0	0	0	129	1	113	1	16	0
Offensive weapons	341	176	318	327	23	24	6,616	29	6,152	57	464	4
Arson	38	20	28	29	10	10	685	3	584	5	101	1
Bail violations	2,678	1,386	2,217	2,280	461	480	66,961	298	54,514	501	12,447	107
Counterfeiting currency	5	3	4	4	1	1	1,136	5	938	9	198	2
Disturbing the peace	510	264	390	401	120	125	4,240	19	3,643	33	597	5
Mischief (property damage over \$5,000)	103	53	93	96	10	10	903	4	816	7	87	1
Mischief (property damage \$5,000 and under)	913	473	713	733	200	208	11,935	53	10,416	96	1,519	13
Other	3,160	1,635	2,671	2,747	489	509	60,774	271	52,250	480	8,524	74
Total other Criminal Code offences	7,750	4,011	6,436	6,619	1,314	1,369	157,200	700	131,441	1,207	25,759	222
Total Criminal Code offences (excluding traffic)	18,806	9,733	15,347	15,784	3,459	3,604	391,335	1,742	318,988	2,930	72,347	625
Impaired driving ⁴	1,939	1,004	1,489	1,531	450	469	61,038	272	52,712	484	8,326	72
Other Criminal Code traffic	545	282	470	483	75	78	14,256	63	12,875	118	1,381	12
Total Criminal Code traffic	2,484	1,286	1,959	2,015	525	547	75,294	335	65,587	602	9,707	84
Total Criminal Code offences (including traffic)	21,290	11,019	17,306	17,799	3,984	4,151	466,629	2,077	384,575	3,533	82,054	709
Drugs	386	200	300	309	86	90	46,067	205	39,337	361	6,730	58
Other federal statutes	420	217	300	309	120	125	5,263	23	4,594	42	669	6
Total federal statutes (including Criminal Code)	22,096	11,436	17,906	18,416	4,190	4,365	517,959	2,306	428,506	3,936	89,453	773

0 true zero or a value rounded to zero

1. The cultural identity of the accused is not known. Therefore, assumptions about the cultural identity of the accused should not be made.

2. On-reserve data for Ontario and Quebec included in this report largely comprise data from self-policed reserves in those provinces, as on-reserve crimes reported to the Ontario Provincial Police and Sûreté du Québec could not be distinguished from incidents committed off reserve. Therefore nationally, on-reserve crimes may be slightly under-counted as crime data for a small proportion of reserves (less than 25%) in Ontario and Quebec were included among non-reserve crime figures.

3. Rates are calculated per 100,000 population using counts from the 2001 Census of Population because population estimates for on-reserve and off-reserve populations were only available for that year. These population counts have not been adjusted for census undercounting. Population counts for on-reserve areas are more affected than most by the incomplete enumeration of certain Indian reserves and Indian settlements. The extent of the impact will depend on the geographic area under study. In 2001, a total of 30 Indian reserves and Indian settlements were incompletely enumerated by the census. The populations of these 30 communities are not included in the census counts.

4. Includes impaired operation of a vehicle causing death, causing bodily harm, alcohol rate over 80 mg, failure/ refusal to provide a breath/ blood sample.

Source: Statistics Canada, Canadian Centre for Justice Statistics, on-reserve and off-reserve police-reported crime database.

Table 4

Youth crime on-reserve, 2004^{1,2,3}

	On-reserve				Outside reserves			
	Youth charged	Youth cleared by other means ⁴	Total youth	Rate per 100,000 population ⁵	Youth charged	Youth cleared by other means ⁴	Total youth	Rate per 100,000 population ⁵
		number				rate			number	rate
Homicide	6	0	6	15	34	0	34	1
Attempted murder	1	0	1	2	47	3	50	2
Robbery	42	8	50	124	3,009	628	3,637	151
Assault	1,131	1,192	2,323	5,773	14,313	14,571	28,884	1,196
Sexual assault	101	43	144	358	1,272	1,438	2,710	112
Other sexual offences	11	3	14	35	113	167	280	12
Abduction	1	0	1	2	1	2	3	0
Total violent crimes	1,293	1,246	2,539	6,310	18,789	16,809	35,598	1,474
Breaking and entering	922	842	1,764	4,384	8,889	5,807	14,696	609
Motor vehicle theft	247	224	471	1,170	4,110	1,846	5,956	247
Theft over \$5,000	10	10	20	50	159	153	312	13
Theft \$5,000 and under	184	656	840	2,087	9,748	30,500	40,248	1,667
Possession of stolen goods	78	27	105	261	4,739	2,414	7,153	296
Fraud	8	13	21	52	1,223	1,421	2,644	109
Total property crimes	1,449	1,772	3,221	8,004	28,868	42,141	71,009	2,941
Prostitution	1	0	1	2	33	36	69	3
Gaming and betting	0	0	0	0	0	6	6	0
Offensive weapons	92	80	172	427	1,515	1,714	3,229	134
Arson	47	35	82	204	440	958	1,398	58
Bail violations	515	73	588	1,461	10,759	908	11,667	483
Counterfeiting currency	1	0	1	2	217	277	494	20
Disturbing the peace	80	633	713	1,772	612	5,792	6,404	265
Mischief (property damage over \$5,000)	23	39	62	154	336	518	854	35
Mischief (property damage \$5,000 and under)	341	1,132	1,473	3,661	4,840	16,984	21,824	904
Other	435	528	963	2,393	7,414	9,623	17,037	706
Total other Criminal Code offences	1,535	2,520	4,055	10,077	26,166	36,816	62,982	2,608
Total Criminal Code offences (excluding traffic)	4,277	5,538	9,815	24,391	73,823	95,766	169,589	7,023
Impaired driving ⁶	54	7	61	152	0	178	178	7
Other Criminal Code traffic	44	11	55	137	0	225	225	9
Total Criminal Code traffic	98	18	116	288	0	403	403	17
Total Criminal Code offences (including traffic)	4,375	5,556	9,931	24,679	73,823	96,169	169,992	7,039
Drugs	57	126	183	455	6,000	11,898	17,898	741
Other federal statutes	128	469	597	1,484	4,751	2,068	6,819	282
Total federal statutes (including Criminal Code)	4,560	6,151	10,711	26,618	84,574	110,135	194,709	8,063

0 true zero or a value rounded to zero

1. Youth represents the population aged 12 to 17 years.

2. The cultural identity of the accused is not known. Therefore, assumptions about the cultural identity of the accused should not be made.

3. On-reserve data for Ontario and Quebec included in this report largely comprise data from self-policed reserves in those provinces, as on-reserve crimes reported to the Ontario Provincial Police and Sûreté du Québec could not be distinguished from incidents committed off reserve. Therefore nationally, on-reserve crimes may be slightly under-counted as crime data for a small proportion of reserves (less than 25%) in Ontario and Quebec were included among non-reserve crime figures.

4. Other means for dealing with youth accused of a crime could include formal measures such as a Crown caution or extrajudicial sanctions, or informal measures such as a police warning or referral to a community program.

5. Rates have been rounded to the nearest decimal. They have been calculated using population counts from the 2001 Census of Population because population estimates for on-reserve and off-reserve populations were only available for that year. These population counts have not been adjusted for Census undercounting. Population counts for on-reserve areas are more affected than most by the incomplete enumeration of certain Indian reserves and Indian settlements. The extent of the impact will depend on the geographic area under study. In 2001, a total of 30 Indian reserves and Indian settlements were incompletely enumerated by the census. The populations of these 30 communities are not included in the census counts.

6. Includes impaired operation of a vehicle causing death, causing bodily harm, alcohol rate over 80 mg, failure/ refusal to provide a breath/ blood sample.

Source: Statistics Canada, Canadian Centre for Justice Statistics, on-reserve and off-reserve police-reported crime database.

Table 5

Percentage of adult admissions to remand, provincial/territorial sentenced custody, probation and conditional sentence accounted for by Aboriginal people, by jurisdiction, 2003/04

	Percent Aboriginal				Total adult population ¹
	Remand	Provincial/territorial sentenced custody	Probation	Conditional sentence	
Newfoundland and Labrador ²	..	..	..	..	3.2
Prince Edward Island	4.8	2.0	..	..	0.8
Nova Scotia	7.4	7.3	6.7	7.0	1.5
New Brunswick	8.5	8.9	7.4	8.3	2.0
Quebec	3.8	2.4	7.2	5.8	0.9
Ontario	8.6	8.8	6.5	8.4	1.5
Manitoba	62.1	68.2	50.4	44.4	10.6
Saskatchewan	77.5	80.2	66.6	71.8	9.9
Alberta	27.9	38.7	23.6	16.5	4.2
British Columbia	22.2	19.8	19.0	16.9	3.6
Yukon	77.9	72.9	61.3	65.6	19.9
Northwest Territories	85.3	87.5	..	..	44.7
Nunavut	97.4	97.1	98.9	97.9	78.5
Total (all available data)	17.6	21.2	15.7	18.5	..
Adjusted total ²	17.5	20.8	15.7	18.5	2.6

.. not available for a specific reference period

1. Indicates the percentage of the total adult population who are Aboriginal per jurisdiction as of the 2001 Census.

2. Due to missing data for some categories Newfoundland and Labrador, Prince Edward Island and Northwest Territories data were excluded.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Correctional Services Survey; Demography Division, Census and Demographic Statistics.

Table 6

Number and percent of adult admissions to remand, provincial/territorial sentenced custody, federal sentenced custody, probation and conditional sentences accounted for by Aboriginal people, 1994/95, 1999/00 to 2003/04

	Custody											Community						
	Remand ¹						Provincial/territorial sentenced custody ¹					Federal sentenced custody	Probation ¹		Conditional sentence ¹			
	Male		Female		Total		Male		Female		Total		Total		Total		Total	
	number	%	number	%	number	%	number	%	number	%	number	%	number	%	number	%	number	%
1994/95	10,378	11	1,403	14	11,781	11	14,689	15	2,447	25	17,136	16	..	13	8,626	12	...	...
1999/00	13,892	15	1,863	18	15,755	16	11,430	16	1,903	26	13,333	17	..	17	8,683	13	2,074	15
2000/01	15,572	16	2,040	19	17,612	16	11,526	17	1,894	27	13,420	18	..	18	9,242	13	2,413	17
2001/02	12,233	12	2,097	18	14,336	13	11,578	17	1,988	28	13,568	18	..	18	9,226	13	2,344	15
2002/03	12,987	13	2,190	18	15,179	14	11,986	18	2,173	29	14,163	19	..	18	9,299	13	2,560	16
2003/04	13,055	13	2,751	23	15,813	14	11,731	18	2,123	29	13,858	19	..	18	9,090	13	2,543	16

.. not available for any reference period

... not applicable

1. Due to missing data for some years, values exclude Newfoundland and Labrador, Prince Edward Island, New Brunswick, Manitoba, Northwest Territories, and Nunavut.

Note: Totals include values where sex was not stated.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Correctional Services Survey.

Table 7

Characteristics of all persons¹ involved in adult correctional services, by Aboriginal identity, Nova Scotia, New Brunswick and Saskatchewan 2002/03 to 2003/04

	Total ²		Aboriginal		Non-Aboriginal	
	number	%	number	%	number	%
Total	39,275	100.0	11,396	100.0	26,118	100.0
Jurisdiction						
Nova Scotia	11,972	30.5	448	3.9	11,523	44.1
New Brunswick	10,043	25.6	689	6.0	9,063	34.7
Saskatchewan	17,260	43.9	10,259	90.0	5,532	21.2
Sex						
Male	33,268	84.8	9,333	81.9	22,561	86.6
Female	5,946	15.2	2,057	18.1	3,504	13.4
Unknown	61	0.2	6	0.1	53	0.2
Age at first involvement admission date						
Under 18	13	0.0	x	x	x	x
18-19	3,233	8.2	957	8.4	2,060	7.9
20-24	8,480	21.6	2,688	23.6	5,369	20.6
25-29	6,201	15.8	2,129	18.7	3,807	14.6
30-34	5,595	14.2	1,899	16.7	3,483	13.3
35-39	5,233	13.3	1,582	13.9	3,442	13.2
40-44	4,341	11.1	1,091	9.6	3,088	11.8
45-49	2,718	6.9	539	4.7	2,069	7.9
over 50	3,426	8.7	507	4.4	2,757	10.6
Unknown	35	0.1	x	x	x	x
Mean (standard deviation)	32.8	(11.3)	30.9	(9.6)	33.7	(11.9)
Median	31.0		29.0		32.0	
Marital status³						
Single - never married	17,510	54.7	5,721	51.0	11,426	56.9
Married	3,521	11.0	1,040	9.3	2,372	11.8
Common-law	6,860	21.4	3,370	30.1	3,354	16.7
Separated/Divorced	3,892	12.2	996	8.9	2,784	13.9
Widowed	214	0.7	80	0.7	131	0.7
Unknown	7,278	18.5	189	1.7	6,051	23.2
Education completed²						
Some primary	1,797	6.2	1,001	9.6	752	4.2
Completed primary	2,384	8.2	1,028	9.8	1,316	7.3
Some secondary	9,813	33.9	5,742	54.9	3,898	21.7
Completed secondary	12,500	43.2	2,216	21.2	10,048	56.0
Some post-secondary	715	2.5	249	2.4	453	2.5
Completed post-secondary	1,715	5.9	228	2.2	1,449	8.1
No formal education	24	0.1	0	0.0	23	0.1
Unknown	10,327	26.3	932	8.2	8,179	31.3
Employment status at admission²						
Unemployed (but able to work)	14,741	48.2	5,001	47.6	9,418	48.7
Employed (part-time, full-time)	12,546	41.0	3,663	34.8	8,548	44.2
Not employable - disabled, medical reasons, etc.	782	2.6	457	4.3	295	1.5
Student - not employed	1,473	4.8	715	6.8	726	3.8
Other - not employed	1,059	3.5	681	6.5	355	1.8
Unknown	8,674	22.1	879	7.7	6,776	25.9

0 true zero or a value rounded to zero

x suppressed to meet the confidentiality requirements of the *Statistics Act*

1. Represents the unique number of persons who were involved in correctional services between 2002/03 and 2003/04.

2. Includes 1,761 (4%) cases where Aboriginal identity was unknown.

3. Refers to most recent status as of the most recent involvement in correctional services.

Note: Unknown values are excluded from percent calculations.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Correctional Services Survey.

Table 8

Percentage of youth admissions to remand, open custody, secure custody and probation accounted for by Aboriginal people, by jurisdiction, 2003/04

	Percent Aboriginal				Total youth population
	Remand	Open custody	Secure custody	Probation	
Newfoundland and Labrador	3.0	8.6	8.0	4.4	5.3
Prince Edward Island	..	..	..	..	1.4
Nova Scotia	5.9	7.6	0.0	6.3	2.7
New Brunswick	5.1	4.2	7.3	7.5	3.0
Quebec	..	..	..	..	1.6
Ontario	..	8.3	11.1	6.2	2.2
Manitoba	71.0	81.2	76.8	55.8	19.0
Saskatchewan	..	83.5	74.8	65.0	19.3
Alberta	38.6	43.5	37.0	29.4	7.5
British Columbia	35.5	35.5	31.8	28.5	6.6
Yukon	91.3	100.0	100.0	83.3	25.9
Northwest Territories	87.5	100.0	83.3	..	62.7
Nunavut	100.0	100.0	100.0	..	94.8

.. not available for a specific reference period

0 true zero or a value rounded to zero

1. Youth represents the population aged 12 to 17 years.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Custody and Correctional Services Survey; Demography Division, Census and Demographic Statistics.

Canadian Centre for Justice Statistics

For further information, please contact the Canadian Centre for Justice Statistics, 19th floor, R.H. Coats Building, Ottawa, Ontario K1A 0T6 at (613) 951-9023 or call toll-free 1 800 387-2231.

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