

# Just Facts

May 2019

Research and Statistics Division

## Indigenous overrepresentation in the criminal justice system

Indigenous people are overrepresented in Canada's criminal justice system as both victims and as people accused or convicted of crime.

There are only a few national data sources that provide criminal justice statistics disaggregated by Indigenous identity. National data that does exist to identify Indigenous people in the criminal justice system include the General Social Survey (GSS) on self-reported victimization, police-reported homicide statistics, and data on provincial/territorial and federal custody.

This fact sheet uses data from the 2014 General Social Survey (GSS) on Victimization.<sup>1</sup> Every five years, the GSS on Criminal Victimization presents data on Canadians aged 15 years and older who report having been victimized in the previous twelve months. For comparison's sake, the survey focuses on eight specific categories of crime: sexual assault, robbery, physical assault, theft of personal property, break and enter, theft of motor vehicle or parts, theft of household property, and vandalism. This fact sheet also uses data from special studies conducted by the Canadian Centre for Justice Statistics at Statistics Canada, Statistics Canada's Homicide Survey, and the correctional surveys from Statistics Canada: Adult Correctional Services Survey (ACS); Integrated Correctional Services Survey (ICSS); and Canadian Correctional Services Survey (CCSS).

### Indigenous people, in particular women, are more likely to be victims of crime

In 2014, 28% of Indigenous people (aged 15+) reported being victimized in the previous 12 months, compared to 18% of non-Indigenous Canadians.<sup>2</sup> The rate of violent victimization among Indigenous people was more than double that of non-Indigenous people (163 incidents per 1,000 people vs. 74 incidents per 1,000 people).

Indigenous women had an overall rate of violent victimization that was double that of Indigenous men

<sup>1</sup> Perreault, S. 2015. [Criminal victimization in Canada, 2014](#). Juristat Statistics Canada Catalogue 85-002-X.

<sup>2</sup> Boyce, Jillian. 2016. "Victimization of Aboriginal people in Canada, 2014." Statistics Canada. Available online: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2016001/article/14631-eng.htm>



and close to triple that of non-Indigenous women. The rate of violent victimization for Indigenous women in 2014 was 220 violent incidents per 1,000 people, while the rate for Indigenous men was 110 per 1,000<sup>3</sup>. The rate of violent victimization reported by non-Indigenous women was 81 per 1,000, and for non-Indigenous men was 66 per 1,000.<sup>4</sup> Indigenous women also reported a sexual assault rate of 115 incidents per 1,000 population, much higher than the rate of 35 per 1,000 reported by non-Indigenous women.<sup>5</sup>

Researchers can use analysis strategies to study particular risk factors for victimization. When controlling for various risk factors, Indigenous people are no more at risk of violent victimization than their non-Indigenous counterparts. Rather, the higher rates of victimization observed among Indigenous people appear to be related to the increased presence of other risk factors—such as experiencing childhood maltreatment, perceiving social disorder in one’s neighbourhood, having been homeless, using drugs, or having fair or poor mental health.

However, high victimization rates among Indigenous women cannot be fully explained by risk factors of victimization. Even when controlling for various risk factors, Indigenous identity was a risk factor for violent victimization of Indigenous women. Notably, Indigenous women were more likely to report experiencing both physical and sexual maltreatment as a child than their male counterparts. Such childhood maltreatment is a risk factor for victimization.

## Indigenous people are overrepresented as homicide victims and people accused of homicide<sup>6</sup>

While representing an estimated 4.9% of the Canadian population<sup>7</sup>, Indigenous people accounted for 24% of all homicide victims in 2017.<sup>8</sup> The homicide rate for Indigenous people was 8.76 homicides per 100,000 Indigenous population, which is 6 times higher than for non-Indigenous people (1.42 homicides per 100,000 population). In 2017, the homicide rate for Indigenous people increased 8% from the previous year.

In 2017, there was a 32% increase in the rate of homicides for Indigenous women victims (4.22 per 100,000 Indigenous women) from the previous year. In comparison, the homicide rate for Indigenous men (13.40 per 100,000 Indigenous men) increased by 2% in 2017. The homicide rate for Indigenous men has been increasing consistently since 2014.

More than one-third (38%) of persons accused of homicide in 2017 were identified by police as

<sup>3</sup> Statistics Canada reports that these Indigenous figures should be used with caution because the coefficient of variation, which measures the sampling error, is between 16.6 and 33.3.

<sup>4</sup> Boyce, Jillian. 2016. “Victimization of Aboriginal people in Canada, 2014.” Statistics Canada.

<sup>5</sup> Perreault, S. 2015. “Criminal victimization in Canada, 2014.” Available online: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2015001/article/14241-eng.htm>

<sup>6</sup> Beattie, S., David, J-D., & Roy, J. 2018. “Homicide in Canada, 2017.” Available online: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2018001/article/54980-eng.htm>

<sup>7</sup> Statistics Canada. 2017. “Aboriginal peoples in Canada: Key results from the 2016 census.” (The Daily). Statistics Canada catalogue no. 11-001-X. Retrieved from <https://www150.statcan.gc.ca/n1/daily-quotidien/171025/dq171025a-eng.htm>

<sup>8</sup> Beattie, S., David, J-D., & Roy, J. 2018. “Homicide in Canada, 2017.” Available online: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2018001/article/54980-eng.htm>

Indigenous.<sup>9</sup> This proportion has been increasing since 2014 when 31% of persons accused of homicide were Indigenous. The rate of Indigenous people accused of homicide in 2017 was 12 times higher than the rate of non-Indigenous accused (11.12 vs. 0.93 per 100,000 population).

In 2017, the rate of Indigenous men accused of homicide (18.05 per 100,000 Indigenous men) was 11 times higher than the rate of non-Indigenous men (1.69 per 100,000 non-Indigenous men). The rate of Indigenous men accused of homicide in 2017 was four times higher than the rate of Indigenous women accused (4.33 per 100,000 Indigenous women).

## Indigenous adults are overrepresented in custody and the numbers are increasing<sup>10</sup>

In 2017/2018, Indigenous adults accounted for 30% of admissions to provincial/territorial custody and 29% of admissions<sup>11</sup> to federal custody, while representing approximately 4% of the Canadian adult population. In comparison, ten years ago, 21% of admissions to provincial/territorial custody and 20% of federal custodial were Indigenous.<sup>12</sup>

## Saskatchewan can report unique persons entering custody to provide more accurate data than admissions counts

For the province of Saskatchewan, the Canadian Centre for Justice Statistics reports on the number of unique persons<sup>13</sup> (as opposed to admissions) who have entered custody in order to get a more accurate indication of the proportion of people who come into contact with custodial services.<sup>14</sup> In Saskatchewan, over a three year period, the number of unique Indigenous adult women who entered custody increased from 1,008 in 2015/2016 to 1,098 in 2017/2018. This represents an increase of 9% over this period. In contrast, the number of unique non-Indigenous adult women who entered custody over the same period increased from 166 to 233, which represents a 40% increase. The number of unique women, where Indigenous identity is unknown, decreased 64% from 47 to 17.

Over a three year period in Saskatchewan, the number of unique Indigenous men who entered custody decreased from 4,137 in 2015/2016 to 4,080 in 2017/2018, which represents a 1% decrease.

<sup>9</sup> Beattie, S., David, J-D., & Roy, J. 2018. "Homicide in Canada, 2017." Available online: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2018001/article/54980-eng.htm>

<sup>10</sup> Malakieh, Jamil. 2019. "Adult and youth correctional statistics in Canada, 2017/2018." Statistics Canada. Available online: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2019001/article/00010-eng.htm>

<sup>11</sup> Admissions are counted each time a person begins any period of supervision in a correctional institution or in the community. These data describe and measure the flow of persons through correctional services over time. The same person may be included several times in the admission counts whenever he/she moves from one correctional program to another (e.g., from remand or pre-trial detention to sentenced custody) or re-enters the system later in the same year.

<sup>12</sup> The proportion of Indigenous admissions was unknown in Prince Edward Island.

<sup>13</sup> "Unique persons" describes individuals who have entered custody within the reporting period. Each individual is counted only once regardless of subsequent contact with correctional services including changes in status (e.g., from remand or pre-trial detention to sentenced custody) and time spent in custody.

<sup>14</sup> The number of unique persons who have entered custody is defined as the count of individuals entering into custody during a specific time period. Persons are counted only once regardless of their number of contacts with custody within the referenced time period.

In contrast, the number of unique non-Indigenous men who entered custody decreased from 1,621 to 1,492, which represents an 8% decrease. The number of unique men, where Indigenous identity is unknown, decreased 19% from 296 to 241.

## **Indigenous youth are overrepresented in custody and the numbers are increasing**

In 2017/2018, Indigenous youth (aged 12-17) made up 43% of admissions to correctional services in the nine reporting jurisdictions,<sup>15</sup> while representing about 8% of the Canadian youth population. Among the eight jurisdictions that have reported correctional admissions consistently over the last decade, the proportion of Indigenous youth admissions to correctional services increased from 26% in 2007/2008 to 43% in 2017/2018.<sup>16</sup>

Indigenous youth are overrepresented in both custody and community supervision, making up 48% of custody admissions and 39% of community admissions in 2017/2018 in the reporting jurisdictions.

## **Overrepresentation in custody is more pronounced for Indigenous women<sup>17</sup>**

In 2017/2018, Indigenous adult men accounted for 28% of the men admitted to custody in the provinces and territories. Indigenous women made up a greater proportion of custody admissions than their male counterparts, accounting for 42% of the women admitted to custody. Compared to 2007/2008, the number of admissions of Indigenous men to provincial/territorial custody increased 28% while the number of admissions of Indigenous women increased 66% in the provinces and territories.

## **There is more criminal justice system re-contact among Indigenous people<sup>18</sup>**

Statistics Canada conducted a special study using record linkage procedures to explore an individual's re-contact with the criminal justice system. A re-contact study with the Saskatchewan justice system found that Indigenous people were significantly more likely than non-Indigenous people to have re-contact with police following correctional involvement (80% vs. 57%).<sup>19</sup>

<sup>15</sup> Excludes Nova Scotia, Quebec, Alberta and Yukon due to unavailability of data.

<sup>16</sup> Excludes Prince Edward Island, Nova Scotia, Quebec, Alberta and Yukon due to unavailability of data.

<sup>17</sup> Malakieh, Jamil. 2019. "Adult and youth correctional statistics in Canada, 2017/2018." Statistics Canada. Available online: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2019001/article/00010-eng.htm>

<sup>18</sup> Brennan, S., & Matarazzo, A. 2016. "Re-contact with the Saskatchewan justice system." Available online: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2016001/article/14633-eng.htm>

<sup>19</sup> Ibid.