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## RESEARCH REPORT

### Understanding the Profile Characteristics and Correctional Experiences of Indigenous Federal Offenders: A Review of Research Results

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**Understanding the Profile Characteristics and Correctional Experiences of Indigenous  
Federal Offenders:  
A Review of Research Results**

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## Executive Summary

**Key words:** *Indigenous federal offenders, offender profile characteristics, institutional correctional experiences, Indigenous correctional interventions, post-release outcomes*

Indigenous persons are overrepresented in the federal correctional system in Canada. In response, the Correctional Service of Canada (CSC) has incorporated a model of Indigenous corrections that includes specialized interventions and services at all sentence stages. CSC has also undertaken ongoing research to develop an understanding of the unique needs and experiences of Indigenous offenders. In light of a robust and cumulative knowledge base of empirical findings, the current report presents a synthesis of recent CSC research findings to contribute to a comprehensive understanding of federally-sentenced Indigenous offenders.

Research studies published between 2014 and January 2023 with results for Indigenous offenders were included in analysis. Findings were organized into four overarching themes: profile characteristics (e.g., demographics, sentence information, risk/need information); institutional experiences (e.g., program completion, involvement in incidents); release types and outcomes (e.g., discretionary release rates, returns to custody); and Indigenous initiatives (e.g., residency in Healing Lodges, participation in Section 84 release plans). Results across studies were synthesized to understand general themes and variations in findings. Where applicable, results were contextualized in relation to findings for comparison groups (most often, White or Non-Indigenous offenders).

With respect to profile characteristics, Indigenous offenders tend to be younger than non-Indigenous offenders, consistent with demographic trends in the larger Canadian population (Statistics Canada, 2022). Relative to offender comparison groups, Indigenous offenders tend to be serving shorter sentences, though often have more violent and extensive offending histories. In addition, Indigenous offenders are more likely to have a Security Threat Group (STG) affiliation, mental health concerns, substance use issues, and indicators of high risk/need. Indigenous offenders therefore enter the federal correctional system with unique challenges that require consideration during correctional planning.

Institutional security and correctional experiences of Indigenous offenders, relative to comparison groups, are also marked by key differences. During their time in federal institutions, Indigenous offenders are more likely to have a higher security rating, be involved in institutional incidents, and incur institutional charges. With respect to interventions, Indigenous offenders are more likely to be eligible for and commence correctional programming, though studies on relative rates of completion have produced mixed findings. When it comes to educational programs, vocational programs, and non-administrative and non-medical escorted temporary absences, Indigenous offenders tend to have higher rates of completion, highlighting efforts undertaken to support reintegration (i.e., opportunities for educational upgrading, developing marketable skills, and fostering community connections).

While improvement over time was noted regarding the successful community reintegration of all offenders, Indigenous offenders continue to experience results gaps in release measures relative to

comparison groups. Specifically, Indigenous offenders are less likely to be granted discretionary release, have successful periods of conditional release, or obtain and maintain community employment. They are also more likely to be detained past statutory release and incur suspensions and revocations of conditional release. While the improvements over time suggest existing strategies to support offender reintegration are effective, additional effort is required to further support Indigenous offenders in the community.

Analysis of results pertaining to Indigenous-focused interventions highlights the utility and efficacy of integrating culturally responsive approaches into federal corrections. Indigenous initiatives and services (e.g., culturally responsive living environments, fostering connections with Indigenous communities) were found to be valued by offenders committed to following a traditional healing plan. Indigenous offenders released on a Section 84 release are more likely to be successful in the community (though they tend to have certain profile differences relative to Indigenous offenders following a traditional release plan).

The current review summarized research on the needs and experiences of Indigenous offenders in Canada's criminal justice system. Indigenous offenders have unique profile characteristics and experiences that shape their trajectories in the federal correctional system. CSC has a suite of culturally informed interventions and services which appear to have positive impacts for Indigenous offenders on a spiritual healing journey. However, results gaps remain between Indigenous offenders and non-Indigenous comparison groups. This synthesis identified areas in which systemic efforts would be beneficial to enhance the institutional and community outcomes of Indigenous offenders.

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## **Introduction**

Indigenous persons are overrepresented within the federal correctional system in Canada. A year-end in-custody snapshot from the 2021-2022 fiscal year indicated that Indigenous representation was 31.8% among men and 49.5% among women (RIB-22-08; RIB-22-09). By comparison, Indigenous representation within the Canadian population was approximately 5% in 2021 (Statistics Canada, 2022). This overrepresentation in federal corrections reflects an ongoing upward trend, particularly in the case of women.

Given the overrepresentation of Indigenous peoples in federal corrections and the unique social history factors that contribute to Indigenous pathways to crime, CSC has incorporated a model of Indigenous corrections that includes diverse elements at all sentence stages. Key components of this model include culturally relevant Indigenous programming, Indigenous Interventions Centers (IICs), Healing Lodges centered around Indigenous values, traditions, and beliefs, and reintegration strategies that involve collaboration with Indigenous communities. CSC has also undertaken numerous research projects to contribute to a cumulative knowledge base that sheds light on the profile, institutional experiences, and release outcomes of Indigenous offenders.

The purpose of the current review is to summarize and synthesize recent research results from CSC studies to highlight key findings pertaining to Indigenous offenders. The scope of the review includes all CSC studies published between January 2014 and January 2023 focusing specifically on Indigenous persons or that include results disaggregated by Indigenous status. Study findings are grouped under four main categories: profile characteristics, institutional experiences, release outcomes, and Indigenous initiatives. Findings are highlighted for both men and women, as well as for different study groups (e.g., admissions cohorts, in-custody snapshots, release cohorts, and study-specific offender groups). Results are intended to provide a comprehensive understanding of the profile and institutional and release trajectories of federally-sentenced Indigenous offenders, with the goal of informing operational planning and case management.

## Method

CSC's research publication database was used to identify all studies published between January 2014 and January 2023 that included results for Indigenous offenders. This included studies focused exclusively on Indigenous offenders, as well as studies that included results disaggregated by race/ethnicity. Results were organized into four overarching themes: profile characteristics (e.g., demographics, sentence information, risk/need information); institutional experiences (e.g., program completion, involvement in incidents); release types and outcomes (e.g., discretionary release rates, returns to custody); and Indigenous initiatives (e.g., residency in Healing Lodges, participation in Section 84 release plans). A majority of variables were examined in multiple studies; results were compared to understand general themes and variations in findings.

CSC research studies employ different data collection strategies which must be considered in the interpretation of findings. Research study groups commonly include: in-custody and community snapshots (i.e., the offender population on a given day), admissions and release cohorts (i.e., all offenders admitted into/released from federal custody within a specified timeframe), year-end data drawn from CSC's Performance Direct system (i.e., an automated reporting system that provides results on standardized performance metrics), samples or populations based on inclusion criteria of interest (e.g., participation in an intervention), as well as incident-level data (i.e., incidents within a specified timeframe) that includes the profile information of the offenders involved. A certain degree of variation is expected across datasets on certain variables due to the different nature and context of the population or sample. For example, the in-custody population includes an accumulation of offenders serving longer sentences for more serious offences, whereas a cumulative impact is not applicable in the case of admissions and release cohorts. Therefore, findings are referenced in relation to the nature of the relevant sample or population. Sample size is not specified for studies examining the population of offenders at a given time (i.e., snapshot and cohort data) but is provided for examinations of sub-samples of offenders (e.g., program participants, interviews).

Across CSC research studies, Indigenous offenders are identified using the race variable within CSC's computerized database, the Offender Management System (OMS). Included in the category of Indigenous are First Nations, Métis, and Inuit persons. Indigeneity is based on self-identification. Research studies and results are often presented separately for men and women

given gendered elements of criminal pathways, offending patterns, risk/need factors, and re-entry experiences (CSC, 2010). While most studies provide results pertaining to Indigenous offenders as a unified group, select reports provide results by specific Indigenous ancestry.

Many studies that include results for Indigenous persons also include data for comparison groups. Most often in comparative studies, results for Indigenous offenders are compared to non-Indigenous offenders. In some cases, results are presented for several racial/ethnic groups. Throughout the review of research results, reference is made, where applicable, to the nature of the comparison group associated with each finding.

Each sub-section of results includes a text box that summarizes overall findings in relation to the profile, institutional, release, or intervention variable, complementing more specific findings that are highlighted in the body of the text. Additional information pertaining to the analytical strategy or research findings of cited studies can be obtained by accessing the original sources on the [CSC website](#). An in-text citation style is employed that includes the reference code assigned to CSC publications. Publication types include Research Reports (R-###), Research in Briefs (RIB-YR-##), Emerging Research Results (ERR-YR-##), and Special Reports (SR-YR-##). The full citations of these reports can be found in the reference list. Of note, RIBs and ERRs are one-page summaries of research projects that may discuss results thematically but not numerically. Percentages were therefore not available for all results.

## Understanding the Profile of Indigenous Offenders

The following section summarizes research on the profile and sentence characteristics of Indigenous offenders, including age, sentence information, criminal profiles, risk/need measures, and health measures.

### *Age*

***Indigenous offenders tend to be younger<sup>1</sup>.***

Consistent findings illustrate that Indigenous offenders tend to be younger than non-Indigenous and White offender comparison groups. Across studies, the average age of Indigenous men and women (i.e., 31 to 36) was four to six years younger than non-Indigenous and White offender comparison groups (i.e., 36 to 41; R-446, R-426, R-404, R-363, R-342, R-321, ERR-19-11). Indigenous offenders also tended to have greater representation in younger age brackets relative to non-Indigenous offenders (R-434, RIB-21-09, RIB-21-02, RIB-16-21). These findings include studies of admissions and release cohorts and in-custody and community snapshots for both men and women. During the COVID-19 pandemic, age composition shifted slightly upward for both Indigenous men and women in custody (RIB-22-11; RIB-22-10). These age differences parallel broader demographic trends in Canada (Statistics Canada, 2022).

### *Sentence Length*

***Indigenous offenders in custody are less likely to be serving an indeterminate sentence; they are slightly more likely to be serving a shorter sentence.***

In-custody snapshot data indicates Indigenous men and women are somewhat less likely than their non-Indigenous counterparts to be serving an indeterminate sentence. Across studies that examined in-custody data between 2012 and 2022, between 19% and 29% of Indigenous men were serving life sentences (R-321, RIB-22-10, RIB-21-08, RIB-21-05, RIB-16-24), and between

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<sup>1</sup> All comparisons are made in relation to non-Indigenous or White offender comparison groups

16% to 18% of Indigenous women were serving life sentences (RIB-22-11, RIB-21-08, RIB-21-05). For example, data from the 2019/2020 fiscal year indicated that 25% of Indigenous men were serving an indeterminate sentence, compared to 28% of non-Indigenous men, while 17% of Indigenous women were serving an indeterminate sentence, compared to 21% of non-Indigenous women (RIB-21-05).

In-custody data also reveals that Indigenous offenders are slightly more likely to be serving a shorter (i.e., less than four years) sentence (R-371, R-321, RIB-21-05). For example, data from the 2019/2020 fiscal year indicated that 38% of Indigenous men and 34% of non-Indigenous men were serving shorter sentences (RIB-21-05). With respect to sentence length for determinately-sentenced offenders, the average has been found to be nominally shorter for Indigenous men (i.e., 1125 days, or 3.1 years) relative to non-Indigenous men (1241 days, or 3.4 years; R-404). Among women, in-custody data from the 2019/2020 fiscal year indicated that 53% of Indigenous women and 49% of non-Indigenous women were serving shorter sentences (RIB-21-05). During the COVID-19 pandemic, sentence length for Indigenous offenders in custody shifted marginally, with a slightly lower percentage of men and a slightly higher percentage of women serving shorter sentences (RIB-22-11; RIB-22-10).

Admissions data shows a slightly different picture; specifically, Indigenous men admitted to federal custody are slightly more likely to be serving an indeterminate sentence and less likely to have a shorter sentence. An examination of men offenders admitted to custody between April 2016 and September 2018 found that 5% of Indigenous men were serving indeterminate sentences compared to 2% of White men (R-446). Furthermore, Indigenous offenders were less likely to be serving a sentence of less than four years (i.e., 68% compared to 74% for White men). Average sentence length for determinate sentences, however, was similar for Indigenous men (3.7 years) relative to White men (3.6 years).

Admissions data for women has shown inconsistent findings with respect to the prevalence of indeterminately-sentenced offenders, likely as a result of relatively low numbers (e.g., R-342; R-446). However, a majority of Indigenous women admitted into federal custody between April 2016 and September 2018 were serving a sentence of two to four years (i.e., 78%, compared to 81% of White women, 53% of Black women, and 72% of women in other racial/ethnic groups; R-446). Average sentence length was 3.2 years for Indigenous women, compared to 3.0 years for White women, 3.9 years for Black women, and 4.1 years for women in other racial/ethnic groups.

Among release data, a recent study indicated that Indigenous offenders appear to be similar to White offenders with respect to sentence length (R-446). In terms of the prevalence of indeterminate-sentenced offenders, the percentage was 1.4% for Indigenous men and 1.7% for White men. Average sentence length was 3.6 years for both Indigenous men and White men. Among women, average sentence length was likewise similar (i.e., 3.0 years for Indigenous women and 2.9 years among White women).

### ***Index Offence***

***Indigenous offenders are somewhat more likely to be serving time for a violent offence and less likely to be serving time for a drug offence.***

Across in-custody and admissions studies, Indigenous offenders are more likely to be serving time for a violent offence and less likely to be serving time for a drug-related offence (R-446, R-404, R-371, R-349, R-342, R-321, RIB-21-05). Analysis of in-custody data for the 2019/2020 fiscal year indicated that Indigenous and non-Indigenous men had similar rates of homicide-related offences (i.e., 28% versus 27%); however, Indigenous men were more likely to be serving time for major assault (16% versus 9%) and robbery (14% versus 11%), while non-Indigenous men were more likely to be serving sentences for drug offences (15% versus 8%; RIB-21-05). Among women, Indigenous offenders were somewhat more likely to be serving time for homicide, major assault, and robbery, while they were less likely to be serving time for drug offences.

During the COVID-19 pandemic, there was a slight shift in offence composition for Indigenous men in custody, with a small increase in the percentage of offenders serving time for Murder and Schedule I offences, and a slight decrease in the percentage of offenders serving time for Schedule II (drug) and other non-violent offences (RIB-22-10). Admissions data from April 2016 to September 2018 (R-446) indicated that Indigenous men and women were slightly to moderately more likely than their White counterparts to be serving time for violent offences such as homicide, assault, and robbery. Indigenous offenders were considerably less likely to be serving time for a property offence.

## ***Criminal History***

***Indigenous offenders tend to have more extensive criminal histories. Indigenous men are more likely to have a youth criminal history, prior adult convictions, and previous periods of incarceration.***

Research studies indicate that Indigenous offenders are more likely to have a youth criminal history, prior adult criminal history, and previous periods of incarceration (R-362, R-349, R-321, RIB-21-03, RIB-17-12). Analysis of in-custody snapshot data from the 2020/2021 fiscal year revealed that Indigenous men and women were more likely than their non-Indigenous counterparts to have a youth criminal history (i.e., for men: 66% versus 42%; for women: 39% versus 18%) and prior adult criminal history (i.e., for men: 89% versus 78%; for women: 80% versus 57%; RIB-21-03). Both Indigenous men and women were also considerably more likely to have served a prior provincial prison sentence (i.e., for men: 81% versus 64%; for women: 64% versus 41%) and were slightly more likely to have served a prior federal prison sentence (i.e., for men: 36% versus 30%; for women: 13% versus 11%). These results parallel previous findings stemming from studies of an admissions cohort from the 2013/2014 fiscal year (R-362), and an offender population snapshot (in-custody and community) from April 2012 (R-321).

## ***Static Risk***

***Indigenous men and women are more likely to have high static risk.***

The [Static Factors Assessment](#) is a tool completed for offenders at intake and is integral to the development of correctional plans. The Static Factors Assessment is tied to the extent and severity of offending history and is comprised of the Criminal Risk Index, Offence Severity Record, and the Sexual Offence History checklist. Overall static risk ratings include low, medium, and high (with high corresponding with the greatest risk level). Across snapshot and admissions data, Indigenous men are more likely to have high static risk (R446, R-437, R-404, R-371, R-321, SR-15-06). Admissions data reveals similar trends for women offenders (R-446, R-342).

More specifically, admissions data for offenders from April 2016 to September 2018 revealed that 59% of Indigenous men had high static risk, compared to 45% of White offenders,



48% of Black offenders, and between 18% and 47% for offenders in all other racial/ethnic groups (R-446). In the case of women, 26% of Indigenous women had high static risk, compared to 14% of White women, 9% of Black women, and 7% of women identified as another race/ethnicity. Among women, greater differences were evident when it came to the percentage of offenders with low static risk; specifically, 18% of Indigenous women had low static risk, compared to 43% of White women, 66% of Black women, and 56% of women identified as another race/ethnicity. Release data for this same period indicated that Indigenous men were less likely than White men to have low static risk (i.e., 6% versus 12%) and more likely to have high static risk (55% versus 43%). Indigenous women were also more likely than White women to have high static risk (i.e., 33%, compared to 15%).

### ***Criminal Risk Index***

***Indigenous men and women are more likely to have a Criminal Risk Index rating of high.***

The [Criminal Risk Index](#) (CRI) is a tool used to assess risk and guide intensity of correctional interventions (R-403). The CRI pertains to the extent and nature of an offender's prior involvement with the criminal justice system and is derived from the Criminal History Record component of the Static Factors assessment.

Admissions and in-custody snapshot data indicate a majority of Indigenous men score in the moderate-high to high ranges of the CRI (47% to 54%) and are more likely to have a high CRI rating relative to non-Indigenous and White offender comparison groups (R-446, RIB-22-10). For example, admissions data from April 2016 to September 2018 indicated Indigenous men were more likely to have a high CRI score relative to all other racial/ethnic groups (i.e., 32%, compared to 15% for White men, 15% for Black men, and 0% to 21% for all other groups; R-446). Similar results were found among women: 21% of Indigenous women were rated as having a high CRI compared to 8% of White women.

## *Dynamic Need*

***Indigenous men and women are more likely to have high dynamic need relative to comparison groups.***

The [Dynamic Factor Identification and Analysis Revised Assessment \(DFIA-R\)](#) is an assessment tool that examines an offender's need for improvement in relation to seven domain areas. The seven domain areas include Associates, Attitude, Community Functioning, Employment/Education, Marital/Family, Personal/Emotional, and Substance Abuse. Ratings refer to level of need and include low, medium, and high for each of the domains. An overall rating is also determined, which relates to the overall level of dynamic need (low, medium, or high). The full assessment is completed for offenders at intake and the domain and overall ratings are also periodically updated throughout an offender's sentence.

Across in-custody, admissions, release, and other offender datasets, the vast majority of Indigenous offenders are rated as having high dynamic need (R446, R-437, R-404, R-371, R-349, R-342, R-321, RIB-22-11, RIB-22-10, RIB-21-15, RIB-21-04, RIB-16-24, SR-15-06, ERR-19-11). Both Indigenous men (R-446, R-404, R-371, R-349, R-321) and women (R-446, R-342) are more likely to have high dynamic need than offenders in comparison groups. For example, in-custody data from the 2021/2022 fiscal year indicated that 90% of Indigenous men and 88% of Indigenous women had high dynamic need at intake (RIB-22-10, RIB-22-11), reflecting higher percentages relative to the overall men and women in-custody populations (RIB-22-08, RIB-22-09). The percentage of Indigenous offenders with high dynamic need slightly increased during the COVID-19 pandemic (i.e., for men, from 77% in the 2019/2020 fiscal year to 81% in 2021/2022, and for women, 68% to 77%).

Admissions data from April 2016 to September 2018 indicated that over three-quarters of Indigenous men had high dynamic need at intake (R-446). This percentage was higher than the percentages for all other racial/ethnic groups (e.g., 57% for White offenders). Among women, Indigenous offenders were significantly more likely to have high dynamic need (i.e., 70%, compared to 45% for White women, 17% for Black women, and 18% for women identified as another race/ethnicity; R-446). Release data for the same period indicated that Indigenous men were less likely than men from other racial/ethnic groups to have low dynamic need (4%) and

more likely to have high dynamic need ratings at release (53%, compared to 46% for White men and 42% for Black men). Indigenous women were more likely than women in all other racial/ethnic groups to have high dynamic need at release (i.e., 48%, compared to 31% of White women, 17% of Black women, and 20% of women of another race/ethnicity).

### ***Reintegration Potential***

***Indigenous men and women are less likely to have high reintegration potential.***

Reintegration potential is a key measure in correctional planning (CSC, 2019). The measure relates to an offender's likelihood of successful reintegration as a law-abiding citizen upon release from custody. Ratings include low, medium, and high. Low reintegration potential reflects a need for correctional programming and other risk management strategies implemented in an institutional setting and while under community supervision. Conversely, high reintegration potential indicates interventions in an institutional setting are not required, although services, work placements, and educational upgrading may be used. Reintegration potential is calculated for non-Indigenous men using the Custody Rating Scale (CRS), Revised Statistical Information on Recidivism (SIR-R1), and Static Factor Rating. For women and Indigenous offenders, reintegration potential is assessed using the CRS, Static Factor Rating, and Dynamic Factor Rating.

Several studies have indicated that reintegration potential ratings are most commonly low for Indigenous men and medium for Indigenous women (R-446, R-342, R-321, SR-15-06). Indigenous men and women offenders tend to have less favourable ratings on the reintegration potential measure relative to comparison groups. Illustratively, admissions data from April 2016 to September 2018 revealed that Indigenous men were considerably more likely than men offenders in all other racial/ethnic groups to have low reintegration potential (i.e., 55%, compared to 28% of White offenders, 31% of Black offenders, and between 11% and 28% in the case of all other racial/ethnic groups analyzed; R-446). By the same token, Indigenous men were less likely than men in all other racial/ethnic groups to have high reintegration potential (i.e., 12%, compared to 35% of White men, 28% of Black men, and between 33% to 70% in the case of all other racial/ethnic groups). The same pattern was found for women, whereby Indigenous offenders were more likely to have low reintegration potential (i.e., 24%, compared to 10% of White offenders)

and less likely to have high reintegration potential (i.e., 13%, compared to 30% of White offenders).

In-custody and community snapshot data from 2012 revealed similar findings for men offenders (R-321). Among the incarcerated group, Indigenous offenders of all ancestry groups were more likely to have low reintegration potential ratings (67% of First Nations men, 61% of Métis men, and 74% of Inuit men) relative to non-Indigenous men offenders (43%). Within the community snapshot data, 38% of First Nations offenders, 27% of Métis offenders, and 68% of Inuit offenders had low reintegration potential, compared to 16% of non-Indigenous offenders.

### ***Motivation***

***Indigenous men and women are less likely to have a high motivation rating.***

Motivation is another key rating assessed during the correctional planning process (CSC, 2019). Motivation is based on the offender's recognition that a problem exists regarding their criminal behaviour, their feeling of personal responsibility and comfort with the problem, willingness to change, knowledge and skillset required to change, external support network, and demonstrated history of change. Ratings include low, medium and high; high motivation reflects the presence of self-motivation to address problem areas, while low motivation reflects denial of the need for change marked by an unwillingness to participate in programs or interventions.

Overall, results indicate a majority of federal offenders have a motivation rating of medium. Indigenous offenders are less likely to have a motivation rating of high (R-446, R-342, R-321, RIB-16-24). Admissions data from April 2016 to September 2018 indicated that Indigenous men were less likely than men offenders in most other racial/ethnic groups to have high motivation (e.g., 12% of Indigenous men versus 20% of White men; R-446). Similarly, 40% of Indigenous women had high motivation, relative to 47% of White women, 72% of Black women, and 49% of women identified as another race/ethnicity. Similar results have been found across other studies, including an earlier admissions cohort of women offenders (R-342) and in-custody and community snapshots including Indigenous men offenders (R-321).

## ***Accountability***

***Indigenous men and women are less likely to have a high accountability rating.***

The accountability measure used during correctional planning pertains to an offender's attitude, behaviour, and insight, including but not limited to their sense of responsibility for their criminal behaviour, remorse and victim empathy, institutional adjustment, behaviour under community supervision, and understanding of offence cycle and relapse prevention. Ratings include low, medium, or high; high accountability reflects a willingness to accept responsibility, recognize problems, display guilt and victim empathy, and indicates a low level of cognitive distortion (CSC, 2019).

Findings pertaining to accountability among Indigenous offenders are somewhat limited, though results suggest Indigenous men and women most often have a rating of medium, with less favourable distributions relative to comparison groups (R-446, SR-15-06). Illustratively, a study of admissions from April 2016 to September 2018 revealed that Indigenous men were somewhat less likely than men in all other racial/ethnic groups to have high accountability (e.g., the percentage was 15% for White men compared to 9% for Indigenous men; R-446). Similar results were found for Indigenous women; 33% had high accountability, compared to 39% of White women and 45% of Black women.

## ***Responsivity***

***Indigenous men and women are more likely to have identified responsivity concerns.***

Responsivity factors are characteristics that may influence an offender's capacity to benefit from interventions, such as language and literacy barriers, mental health concerns (e.g., learning or intellectual disabilities, concentration problems, and antisocial behaviours), and other case factors (e.g., grief and loss, cultural communication style). The responsivity measure includes responses of "yes" (presence of a responsivity factor) or "no" (CSC, 2019).

Only one study was identified that included detailed results pertaining to responsivity factors (R-446). This study, which drew on admissions data from April 2016 to September 2018,

revealed that Indigenous men were more likely to have responsivity issues compared to men in most other racial/ethnic groups (i.e., 30%, compared to 14% of White men and 9% of Black men). Indigenous women were also more likely to have responsivity issues (i.e., 35%, compared to 24% of White women, 12% of Black women, and 25% of women in other racial/ethnic groups).

### ***Engagement***

***Indigenous men and women are similar to comparison groups in regards to correctional plan engagement.***

The engagement measure pertains to an offender’s willingness to actively participate in their correctional plan, remain free of criminal activity throughout their sentence, display conduct that is respectful, and follow the requirements of their supervision (CSC, 2019). Engagement is a dichotomous “yes” (engaged in correctional planning) or “no” measure and is determined based on the offender’s motivation, accountability, and responsivity ratings.

Research findings indicate that the vast majority of all federal offenders are engaged in their correctional plan (R446; SR-15-06). Analysis of admissions data from April 2016 to September 2018 revealed that 79% of Indigenous men were engaged, compared to 80% of White men and 71% to 90% for other racial/ethnic groups (R-446), while 93% of Indigenous women were engaged, compared to 95% for White and Black women (R-446).

### ***Security Threat Group Affiliation***

***Indigenous men and women are more likely to be affiliated with a Security Threat Group relative to certain comparison groups.***

Affiliation with a [Security Threat Group](#) (STG) is a factor that has implications for institutional security and plays a significant role in determining an offender’s placement within an institution. Offenders can be identified as a member, associate, or key player of a recognized STG.

Results of two studies indicate that Indigenous men and women are more likely to be affiliated with an STG than certain non-Indigenous comparison groups (R-446, ERR-20-09). Admissions data from April 2016 to September 2018 indicated that 18% of Indigenous men were

affiliated with an STG; a percentage higher than reported for White men (4%), but slightly lower than reported for Black men (19%; R-446). STG affiliations were less common among women, though the percentage was higher for Indigenous women (10%) compared to White women (1%) and Black women (0%).

Snapshot data from May 2020 similarly revealed greater STG affiliation among Indigenous offenders relative to comparison groups (ERR-20-09). Among offenders in custody, 22% of Indigenous men and 13% of Indigenous women were affiliated with an STG, compared to 9% of non-Indigenous men and 1% of non-Indigenous women (ERR-20-09). Among offenders in the community, 13% of Indigenous men (compared to 6% of non-Indigenous men) and 6% of Indigenous women (compared to 1%) were affiliated with an STG.

### ***Mental Health***

***Indigenous men and women are more likely to have mental health concerns.***

Several studies have examined the prevalence of mental health issues and conditions<sup>2</sup> among federal offenders. Consistently, research results indicate Indigenous men and women have higher rates of mental health issues than non-Indigenous offenders (R-420, R-406, R-357, R-342, R-298).

A study based on structured clinical interviews conducted with men offenders admitted to federal custody between March 2012 and September 2014 ( $n = 1,110$ ) found that 94% of Indigenous men reported having had a mental health condition at least once in their life, compared to 78% of non-Indigenous men. With respect to current mental health conditions, 83% of Indigenous men reported a current mental health condition, compared to 78% of non-Indigenous men (R-357). An earlier study on mental health condition prevalence focused specifically on men admitted to the Regional Reception and Assessment Centre in the Pacific region over a 14-month period in 2006 and 2007 ( $n = 488$ ; R-298). Of the offenders with more than one mental health condition or one severe condition, 67% were non-Indigenous and 33% were Indigenous. In

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<sup>2</sup> Collection of mental health data within CSC is part of a [Mental Health Strategy](#) that includes assessment and intervention at all sentence stages. Mental health screening is completed by trained staff within 24 hours of admission to any CSC institution to provide early indication of offenders who may be exhibiting symptoms associated with mental health concerns. Mental health treatment and intervention are also provided by qualified professionals in all CSC institutions.

contrast, of the offenders with no condition or one mild condition, 82% were non-Indigenous and 18% were Indigenous.

Mental health condition prevalence was examined among a sample of women in a study conducted between February 2015 and October 2016 involving clinical interviews ( $n = 154$ ; R-406). Relative to non-Indigenous women, Indigenous women were more likely to report a diagnosis of antisocial personality disorder (85% versus 33%), borderline personality disorder (48% versus 26%), an anxiety disorder (63% versus 55%), and/or a psychotic disorder (10% versus 6%). The only category of mental health conditions not more prominent among Indigenous women was mood disorders (56% compared to 64%).

A follow-up study combined results for the February 2015 to October 2016 in-custody participants ( $n = 154$ ) with those for a cohort of women admitted to custody between October 2016 and December 2017 ( $n = 86$ ) who also participated in the structured clinical interviews (R-420). The follow up study added substance use issues as a mental health condition (along with the categories in the earlier study). Indigenous women were more likely to have a mental health condition at least once in their life, i.e., 97% compared to 84% of non-Indigenous women. Excluding antisocial personality disorder, borderline personality disorder, and substance abuse, 59% of Indigenous women met criteria for a current mental health condition, relative to 52% of non-Indigenous women, with a similar trend for conditions experienced at any point in their life (81% versus 73%). Results for the major mental illness (i.e., major depressive disorder, bi-polar disorder, and psychotic disorder) differed slightly; Indigenous offenders were more likely to have a current major mental illness (23%, relative to 16% of non-Indigenous women), while they were slightly less likely to have experienced a major mental illness at any point in their life (49% versus 53%).

### ***Substance Misuse***

***Substance misuse issues among Indigenous offenders tend to be more extensive and severe.***

A consistent finding across several studies is that Indigenous men and women are more likely than non-Indigenous comparison groups to experience substance use issues and have greater



severity in substance use issues<sup>3</sup> (R-406, R-358, R-357, R-321, RIB-21-04, RIB-20-04, RIB-19-08, ERR-20-08). Additionally, differential patterns in drug use have been noted among Indigenous versus non-Indigenous women offenders (RIB-19-08).

One study examined substance use issues among men offender admissions by way of clinical interviews conducted between March 2012 and September 2014 ( $n = 1,110$ ; R-357). A majority of Indigenous offenders (85%) reported having had issues with substances at least once in their life, while 77% reported experiencing current substance use issues. In comparison, 61% of non-Indigenous offenders experienced substance use issues at least once and 43% had current issues.

Another study examined substance use over time between two admission cohorts (ERR-20-08). Drawing on CASA data for a cohort of men offenders admitted from January 2006 to March 2019, analyses were conducted based on two year intervals, with results presented as a comparison between two cohorts (i.e., 2006 to 2008 and 2017 to 2019). Findings indicated that lifetime drug use rates were greater among Indigenous men relative to non-Indigenous men, and was greater in later time periods for both Indigenous offenders (from 71% to 91%) and White offenders (from 63% to 79%). Alcohol use remained relatively consistent over time for White and Indigenous offenders. Finally, poly-substance use increased for both Indigenous offenders (45% to 60%) and White offenders (34% to 56%).

Snapshot data has similarly pointed to higher rates of substance use among Indigenous offenders. An in-custody snapshot from April 2012 (R-321) revealed that a greater percentage of Indigenous offenders had identified substance use issues (91% of First Nations offenders, 86% of Métis offenders, and 86% of Inuit offenders) compared to non-Indigenous offenders (69%). In addition, Indigenous offenders had greater rates of “severe” substance use issues compared to non-Indigenous offenders. Similar results were evident within a community snapshot examined in the same study.

Among women, certain substance-related issues appear to be more common among Indigenous women offenders relative to non-Indigenous women. One study examined 962 women

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<sup>3</sup> Collection of data pertaining to drug and alcohol use within CSC is part of a [Mental Health Strategy](#) that includes assessment and intervention at all sentence stages. Substance abuse is assessed as a component of the DFIA-R and by the Computerized Assessment of Substance Abuse (CASA; R-173) which is completed during intake. CASA is an extensive assessment which examines the nature and significance of an offender’s issues with substances and explores the connection between substance abuse and other areas of criminogenic need

offenders admitted between 2010 and 2014 (R-358). Indigenous women represented a higher proportion of women with alcohol issues and of women with both alcohol and drug issues. In addition, they represented a greater proportion of women with “substantial” and “severe” substance use issues. However, Indigenous representation was lower among women with drug-related issues but not alcohol issues. In another study of women admitted to custody between 2016 and 2019, Indigenous women reported greater history of injection drug use (46%, compared to 24% of non-Indigenous women), but non-Indigenous women reported greater use of central nervous system stimulants (27%, compared to 13% of Indigenous women; RIB-19-08), highlighting differential patterns in drug use.

### **Summary**

Regarding offender profile information and sentence characteristics, CSC research findings indicate that, relative to comparison groups, Indigenous offenders tend to:

- Be younger;
- Have different offence and sentence profiles;
- Have indicators of more extensive criminal histories;
- Have less favourable ratings on risk and need measures;
- Have a greater likelihood of STG-affiliation;
- Have greater mental health concerns;
- Have more extensive and severe substance misuse issues.

## **Institutional Experiences of Indigenous Offenders**

The following section summarizes research on the institutional experiences of Indigenous offenders, which includes factors related to incarceration such as offender security level, institutional security, institutional programming and employment, and temporary absences.

### ***Offender Security Level***

***Indigenous men and women are more likely to be classified in higher security levels and are less likely to be classified as minimum security.***

Offenders in federal custody are placed in an institution corresponding to their assigned Offender Security Level<sup>4</sup> (OSL) of minimum, medium, or maximum. Comparisons of OSL by Indigenous status indicate that Indigenous offenders are more likely to be assigned higher initial security ratings at intake and are less likely to be classified as minimum security (R-446, R-342, R-321). For example, analysis of admissions data from April 2016 to September 2018 indicated that 21% of Indigenous men were initially classified as minimum security (compared to 37% of White men), 66% were classified as medium security (compared to 56%), and 13% were classified maximum security (compared to 7%; R-446). Among women, 33% of Indigenous women were initially assessed as minimum security, relative to 54% of White women and 73% of Black women.

Similar results have been found in studies analyzing current OSL (i.e., most recent OSL at time of data collection). An April 2012 in-custody snapshot revealed that Indigenous men were somewhat more likely to be classified as maximum security (i.e., 19% of First Nations men, 17% of Métis men, and 18% of Inuit men) relative to non-Indigenous men (15%; R-321). Indigenous men were less likely to be classified as minimum security (16% of First Nations men, 16% of Métis men, 5% of Inuit men) compared to non-Indigenous men (23%).

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<sup>4</sup>OSL is informed by the Custody Rating Scale (CRS) or the Security Reclassification Scale (SRS; SRS-W for women) in combination with professional judgement (CSC, 2018).

## *Institutional Security*

### *Incidents*

***Indigenous men and women are more likely to be involved in institutional incidents.***

Overall, Indigenous offenders are more likely to be involved in institutional incidents<sup>5</sup> than non-Indigenous offenders (R-446, R-435, R-321). For example, a study of offenders admitted to custody between April 2016 and September 2018 revealed that 61% of Indigenous men and 72% of Indigenous women were involved in at least one incident, compared to 44% of White men and 52% of White women (R-446). Mean number of incidents was also greater for Indigenous men relative to White men (i.e., 2.2 versus 1.3), as was mean number of days until the first incident (126 versus 132). Disparities were also evident in the case of Indigenous women relative to White women.

Analysis of snapshot data has revealed modest disparities in incident involvement by Indigenous status. Based on an in-custody snapshot from April 2012, Indigenous men were somewhat more likely to be involved in a major institutional incident (28% to 29% across ancestry groups) compared to non-Indigenous offenders (23%). In the case of minor incidents, 26% to 33% of Indigenous offenders were involved, compared to 27% of non-Indigenous offenders (R-321).

Special reports and other studies examining specific types of incidents have presented results by race/ethnicity. For example, special reports have examined the deaths in federal custody that occurred between 2009/2010 and 2016/2017 (SR-19-01, SR-17-02, SR-16-02). These analyses revealed that Indigenous offenders accounted for 14% of natural deaths and 23% of non-natural deaths in custody (including 27% of suicide deaths, 11% of overdose deaths, and 32% of homicides deaths).

With respect to security incidents, overrepresentation of Indigenous offenders has been noted in relation to certain types of incidents. For example, a report on the 91 escapes from custody between 2011/2012 and 2016/2017 revealed that 43% of cases involved Indigenous offenders (R-407). In addition, a report on the 39 offender-on-offender incidents of sexual coercion and violence

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<sup>5</sup>Institutional incidents include security, behavioural, and other types of incidents. CSC has policy and procedures for responding to and documenting all incidents in custody and for convening an investigation in certain cases (CSC, 2016a). Within incident reports, offenders can be recognized as an instigator, an associate, or a victim of the incident. Incidents can also be classified as either minor or major.

in 2021/2022 indicated that Indigenous offenders were overrepresented as both instigators (69%) and victims (57%; RIB-22-17). Reports examining the 536 fatal and non-fatal overdose incidents between 2012/2013 and 2018/2019 (SR-20-01, SR-19-02, SR-18-02) revealed that approximately one third involved Indigenous offenders, i.e., 36% between 2012/2013 and 2016/2017, 32% in 2017/2018, and 34% of non-fatal overdose incidents in 2018/2019. Collectively, these reports indicate that Indigenous offenders are more likely to experience certain challenges in federal custody as evidenced by overrepresentation in certain types of serious institutional incidents.

### ***Institutional Charges***

***Indigenous men and women tend to incur more institutional charges.***

Across studies, Indigenous offenders are consistently found to be more likely to incur an institutional charge<sup>6</sup> relative to comparison groups (R-446, R-435, R-446, R-342, R-321). For example, analysis of admissions between April 2016 and September 2018 revealed that 51% of Indigenous men incurred at least one institutional charge, compared to 40% of Black men and 33% of White men; R-446). Women offenders had a similar pattern of results; 59% of Indigenous women incurred an institutional charge, compared to 37% of White women and 24% of Black women. Analysis of snapshot data has also revealed disparities by race/ethnicity; in-custody data from April 2012 revealed that 32% to 37% of Indigenous men had incurred at least one institutional charge, compared to 28% of non-Indigenous offenders (R-321).

Analysis of charges categorized as “serious” has also revealed disparities by Indigenous status in the case of both men and women (R-446, R-435, R-342). For example, admissions data from April 2016 to September 2018 indicated 32% of Indigenous men and 25% of Indigenous women incurred at least one serious charge, compared to 17% of White men and 16% of White women (R-446). Results were less pronounced for the in-custody snapshot, with 20% to 22% of Indigenous offenders having incurred a serious charge, compared to 19% of non-Indigenous offenders (R-321).

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<sup>6</sup> Offenders may receive an institutional charge under section 40 of the *Correctional and Conditional Release Act*. Institutional charges are processed through an internal institutional court system wherein CSC staff submit an Inmate Offence Report and have an institutional charge recorded in the offender’s file. In each institution, a delegated manager reviews the submissions and determines whether a charge is warranted and whether the charge is minor or serious.

### *Administrative Segregation*

***Indigenous offenders were more likely to be placed in administrative segregation prior to its abolition.***

Prior to changes to the *Corrections and Conditional Release Act (CCRA)* in 2019, offenders could be placed in [administrative segregation](#). Grounds for placement included voluntarily, involuntarily, and disciplinary purposes. Studies examining segregation revealed that Indigenous offenders were more likely than non-Indigenous offenders to be placed in segregation. For example, one study examined time spent in segregation in the 12 months prior to the data collection date (April 1st, 2012) among men offenders in custody (R-321). The study found that 28% of First Nations offenders, 31% of Métis offenders, and 29% of Inuit offenders had spent at least one day in segregation, compared to 24% of non-Indigenous offenders. Segregation placements were most often categorized as involuntary (i.e., 24% to 27% of Indigenous offenders had at least one day in involuntary segregation, compared to 22% for non-Indigenous offenders). Voluntary segregation placements were noted among 7% to 8% of Indigenous offenders, compared to 5% of non-Indigenous offenders. Less than 1% of all offenders had a placement in segregation for disciplinary reasons. Total days spent in segregation averaged highest for First Nations offenders (24), followed by Métis offenders (21), non-Indigenous offenders (17), and Inuit offenders (16).

A study of involuntary segregation placements among women admitted to federal custody between April 2008 and March 2010 revealed notable differences by Indigenous status (R-342). Specifically, 41% of First Nations women and 30% of Métis women had at least one placement in involuntary segregation during their sentence, relative to 24% of non-Indigenous women. Thus, disparities in regards to segregation placements by Indigenous status were more pronounced in the case of women.

### *Structured Intervention Units*

***Indigenous offenders are more likely to be transferred to a Structured Intervention Unit.***

[Structured Intervention Units](#) (SIUs)<sup>7</sup> came into effect on November 30<sup>th</sup>, 2019 coinciding

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<sup>7</sup> Structured Intervention Units (SIUs) are intended to accommodate offenders who cannot be safely managed in

with the abolition of administrative segregation. Given the relatively recent incorporation of such units within federal corrections, there is currently limited research pertaining to trends and outcomes associated with SIUs (i.e., only one study within the review period was identified that examined trends in SIUs among Indigenous offenders; RIB-21-22).

A snapshot on February 28<sup>th</sup>, 2021 revealed that there were 91 Indigenous offenders in an SIU (RIB-21-22), which corresponded with 42% of the of the SIU population on that day (RIB-21-13). By comparison, Indigenous representation among the federal correctional population was approximately 31% in 2020/2021 (RIB-22-08), highlighting overrepresentation within SIUs. Of Indigenous offenders in SIUs, 42% were authorized for reason 34.1A of the *CCRA* (i.e., jeopardizes the security of the institution or the safety of any person), while 58% were authorized under reason 34.1B (i.e., the offender's safety was in jeopardy; RIB-21-22). Indigenous offenders in an SIU had certain indicators of higher risk relative to comparison groups, particularly Indigenous offenders in the mainstream population. For example, they were more likely to have a high or very high CRI rating (75% versus 53%) and high dynamic need (96% versus 81%). Among SIU offenders, Indigenous offenders were more likely to have high need in the domains of personal/emotional (78%, compared to 64% of non-Indigenous) and substance abuse (68%, compared to 46%), although they were slightly less likely to have high need in the attitude domain (76% versus 79%).

### ***Institutional Programming***

CSC provides [institutional programming](#) to address criminogenic need areas so as to facilitate rehabilitation and successful reintegration among offenders. Institutional programming includes correctional programs (i.e., programs designed to target risk factors linked to criminal behaviour), educational programs (i.e., programs that allow offenders to complete and upgrade education), and employment programs (i.e., programs to facilitate development of marketable skills).

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mainstream units. Interventions are prioritized to address offender needs with the goal of facilitating successful returns to the mainstream population. As per the *Corrections and Conditional Release Act*, offenders in an SIUs are offered a minimum of two hours of meaningful human contact and four hours of time outside cell on a daily basis.

## *Correctional Programs*

***Indigenous men and women have similar or higher rates of correctional program eligibility, referral, and assignment rates. Results on correctional program completion rates have varied across studies.***

Studies of correctional programs<sup>8</sup> among federal offenders have included different measures, reflecting distinct aspects of program registration and completion. Measures include: eligibility (i.e., offenders who meet program inclusion criteria based on risk/need measures), referral (i.e., when an eligible offender's parole officer submits a referral to a specific program), enrollment or assignment (i.e., when the program board accepts a referral and the offender is registered to the program), participation (i.e., when the offender attends at least one session), and program completion.

One study considered eligibility for correctional programming (as determined by Criminal Risk Index scores) among offenders admitted to federal custody between April 2016 and September 2018 (R-446). Indigenous men were found to have higher eligibility rates (87%) than all other racial/ethnic groups (44% to 73%; 73% for White men). Indigenous women likewise had higher eligibility rates (71%) compared to White women (51%) and Black women (26%).

Stream referrals were examined among an April 2012 in-custody snapshot for Indigenous and non-Indigenous offenders (R-321). Indigenous offenders were more likely to be referred to Indigenous correctional programs (46% of First Nations offenders, 69% of Métis offenders, and 71% of Inuit offenders) relative to non-Indigenous offenders (8%). Non-Indigenous men were most likely to have a referral to non-Indigenous programming (66%), followed by Métis men (63%), First Nations men (56%), and Inuit men (50%). Among offenders referred to programs, participation rates for Indigenous programs exceeded 90% for all Indigenous offenders (85% for non-Indigenous offenders), while participation rates in non-Indigenous programs exceeded 95%

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<sup>8</sup> CSC offers the [Integrated Correctional Program Model \(ICPM\)](#) for men offenders, which targets areas of risk such as substance misuse, violence, problem solving, goal setting, social skills, emotional regulation skills, and self-management. ICPM has a Multi-Target and a Sex Offender stream, both of which are also offered separately for Indigenous offenders. Each of the four streams of ICPM is also offered with differing intensity levels (i.e., moderate intensity, high intensity). For women, CSC offers an engagement program, programs in both general and Indigenous specific streams (i.e., moderate intensity, high intensity, and self-management), and a women's modular intervention program designed for women in secure units.



for all groups.

Studies examining enrollment in correctional programming have found that Indigenous offenders have similar or higher enrollment rates relative to comparison groups (R-446, R-435, R-404). For example, one study examining admissions to custody between April 2016 and September 2018 indicated that 40% of Indigenous men and 73% of Indigenous women were enrolled in at least one correctional program, compared to 37% of White men and 68% of White women (R-446). Another study examining admissions between August 2014 and March 2018 found that 71% of Indigenous veterans and 85% of Indigenous non-veterans were enrolled in programs, relative to 59% of non-Indigenous veterans and 65% of non-Indigenous non-veterans (R-435).

Another study noted a pronounced difference in rates of correctional program assignment between Indigenous and non-Indigenous women offenders (R-342). Among admissions between April 2008 and March 2010, 89% of Indigenous women were assigned to any correctional program, relative to 66% of non-Indigenous women. Among Indigenous women, 53% of First Nations women, 28% of Métis women, and 47% of Inuit women were assigned to an Indigenous-specific correctional program stream. Another study considered a cohort of women enrolled in Indigenous programs between 2010 and 2015 (R-391). Indigenous representation was between 77% and 82% of women enrolled in the Indigenous women offender correctional programs.

Studies examining trends in successful correctional program completion have demonstrated modest differences in rates among Indigenous men and comparison groups. An examination of an in-custody snapshot from April 2012 study found a slightly lower rate of completion among Indigenous offenders (89% of First Nations participants, 90% of Métis participants, and 75% of Inuit participants) relative to non-Indigenous men (92%; R-321). However, a more recent study, which examined offenders admitted to federal custody between April 2016 and September 2018, found slightly higher rates of program completion among Indigenous men relative to White men (i.e., 40% compared to 37%; R-446).

Another study found that correctional program completion outcomes vary by program intensity level for men offenders. Among admissions to federal custody between August 2014 and March 2018, Indigenous men had somewhat higher rates of completion than non-Indigenous men in relation to moderate intensity programs (62% versus 57%) but somewhat lower rates in relation to high intensity programs (12% versus 18%; R-435). However, among veteran offenders, Indigenous veterans were slightly less likely to complete moderate intensity programs (55% versus

58%) but somewhat more likely to complete high intensity programs (17% versus 12%).

Studies of correctional program completion among women have found Indigenous women have lower completion rates relative to non-Indigenous offenders. For example, a study of women offenders admitted to federal custody between April 2016 and September 2018 indicated that Indigenous women were less likely to complete correctional programming (i.e., 60%, compared to 68% for White women, and 71% for Black women; R-446). Similar results were found among women program participants in custody between September 2010 and July 2014 (R-374). Specifically, Indigenous women were less likely to have completed moderate intensity programs (74% versus 80% of non-Indigenous women), engagement programs (87% versus 93%), and self-management programs (60% versus 71%).

In another study, completion rates were examined among women assigned to Indigenous programs between 2010 and 2015 (Indigenous representation was between 77% and 82% of the study group; R-391). Results indicated that, relative to non-Indigenous women, Indigenous women were less likely to complete the Indigenous moderate intensity program (80% versus 90%), the Indigenous engagement program (88% versus 96%), and the Indigenous self-management program (55% versus 57%).

Contrastingly, a study of non-Indigenous correctional programs revealed higher completion rates for Indigenous women (R-342). Among women admitted to federal custody between April 2008 and March 2010, completion of non-Indigenous centered programs was 82% for First Nation women, 79% for Inuit women, and 71% for Métis women, compared to 65% for non-Indigenous women.

## *Educational Programs*

***Indigenous men and women are more likely to participate in and complete educational programming.***

Research studies highlight that Indigenous offenders are slightly more likely than non-Indigenous comparison groups to participate in and complete educational programs in federal custody.<sup>9</sup> Educational program completion has been measured in terms of any educational achievement (R-446), obtaining an educational credit (R-446), educational upgrading (RIB-18-08), and obtaining any Adult Basic Education (ABE) level (R-342).

With respect to educational programming participation, a study examining offenders admitted to federal custody between August 2014 and March 2018 found that Indigenous men had slightly higher participation rates than non-Indigenous offenders (39% versus 36%; R-435). Participation rates among Indigenous and non-Indigenous veterans were comparable (26% and 27%, respectively).

In regards to educational achievement, a study of offenders admitted to federal custody between April 2016 and September 2018 found higher rates of achievement for Indigenous offenders relative to White offenders (i.e., 33% versus 26% among men, and 55% versus 40% among women; R-446). A study of ABE completion among women admissions between April 2008 and March 2010 likewise found slightly higher rates of completion for Indigenous women (i.e., 17% for First Nations women, 17% for Métis women, and 19% for Inuit women) relative to non-Indigenous women (i.e., 15%; R-342).

Analysis of snapshot data has similarly revealed higher rates of educational attainment for Indigenous offenders (RIB-18-08). Analysis of departmental results extracted from CSC's Performance Direct system for 2015/2016 revealed Indigenous offenders were similarly likely to have completed educational upgrading (56% versus 55%); however, 2017/2018 data revealed the

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<sup>9</sup> CSC offers a variety of educational programs designed to help offenders enhance literacy, academic, and personal skills and facilitate educational achievement. Programs include the Adult Basic Education (ABE), which encompasses education up to grade 12 based on the curriculum of the provincial ministries of education. Post-secondary opportunities are also available, such as a prerequisites program (which allows upgrading of specific high-school level skills after high school completion), trade school, college, and university level courses. Finally, adapted programs are offered to offenders with specific needs that cannot be accommodated through traditional educational programs.

percentage was 61% for Indigenous offenders, compared to 55% for non-Indigenous offenders.

### ***Employment Programs***

***Indigenous men are more likely to be assigned to vocational programming but are less likely to be assigned to a CORCAN program or obtain a training certificate.***

Studies of employment programming<sup>10</sup> highlight that Indigenous men offenders are more likely than offenders in comparison groups to participate in certain programs (i.e., institutional employment), but less likely to participate in other types (i.e., CORCAN programs). Results were inconsistent for women offenders, though rates of employment involvement were generally similar for Indigenous and non-Indigenous women.

Among offenders admitted to federal custody between April 2016 and September 2018, Indigenous men were slightly more likely than men in other racial/ethnic groups to be assigned to institutional employment (i.e., 76%, compared to 74% for Black men and 73% for White men; R-446). Similarly, participation in institutional employment was higher for Indigenous men in an August 2014 to March 2018 admissions cohort examined by Indigenous and military veteran status; 13% of Indigenous veterans and 16% of Indigenous non-veterans participated in institutional employment, compared to 9% of non-Indigenous veterans and 13% of non-veterans (R-435). This study included all men who completed the CoMHISS assessment during admission, accounting for 83% of all men offenders admitted to federal custody during that period. Based on methodology information available in the reports, it was not possible to discern reasons to explain the discrepancy in percentages between these two studies.

Among women admitted to federal custody between April 2008 to March 2010, Indigenous and non-Indigenous women were found to have relatively comparable rates of employment assignment (71% versus 73%; R-342). However, in a more recent study among women admitted to federal custody between April 2016 to September 2018, involvement in institutional employment was 72% for both Indigenous and Black women, compared to 67% for White women (R-446).

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<sup>10</sup> CSC's Vocational Training programs provide the opportunity to develop skills and obtain third-party issued and industry recognized certification. Training prepares offenders for a variety of jobs in the areas of construction, computers, building and cleaning services, administration, and food and culinary arts, amongst many others.

In regards to CORCAN employment, a study of admissions between April 2016 and September 2018 revealed a lower rate of participation among Indigenous men (18%) compared to all other race/ethnicity groups (22% to 29%; 29% of White men). Among women, participation was slightly lower though similar for Indigenous women (21%) compared to White women (23%; R-446), with lower participation among Black women (13%). A previous study of women admitted to federal custody between April 2008 to March 2010 had also identified a similar rate of CORCAN program participation rates among Indigenous women (16%) and non-Indigenous women (17%; R-342).

With respect to vocational training, analysis of admissions to federal custody between April 2016 and September 2018 revealed that Indigenous men were less likely to obtain vocational training certificates relative to comparison groups (R-446). Specifically, 30% of Indigenous men obtained a certificate, compared to 35% to 50% for other racial/ethnic groups (the percentage was 37% for White men). Among women, there were comparable rates of certification (i.e., 76% for Indigenous women and 75% for White women).

### ***Visits During Incarceration***

***Indigenous men and women are less likely to receive visits while incarcerated.***

Visitation<sup>11</sup> during incarceration has been examined in two studies that included results for Indigenous men and women offenders (R-446, R-342). Findings from these studies indicate that Indigenous offenders are less likely to receive institutional visits relative to comparison groups.

An analysis of offenders admitted to federal custody between April 2016 and September 2018 revealed that 35% of Indigenous men had at least one visit of any kind while incarcerated, a percentage lower than for any other racial/ethnic group (41% to 79%; 54% for White men; R-446). Indigenous men also had the lowest average number of visits, and were the least likely to have Private Family Visits (4%) relative to offenders in other race/ethnicity groups (9% to 21%; 9% for White men). Among women, 34% of Indigenous women had at least one visit of any kind while

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<sup>11</sup>Visits during incarceration are possible at all CSC institutions. There are four types of visits available: closed visits (i.e., visitation through a barrier inhibiting physical contact), open visits (i.e., in an open, supervised space which permits physical contact), video visitation, and Private Family Visits (PFV), through which offenders can have private visits in a special unit with their families.

incarcerated, compared to 60% of White women. Indigenous women had the lowest average number of visits, and were somewhat less likely to have Private Family Visits (4% versus 8%), a finding consistent with an earlier study of women admitted to federal custody between April 2008 to March 2010 (10% versus 12%; R-342).

### ***Temporary Absences***

***Indigenous men and women are more likely to be granted escorted temporary absences.***

Several studies have examined [Temporary Absences](#) (TA) among offenders in federal custody that included results by race/ethnicity. Temporary Absences include Escorted Temporary Absence (ETA) and Unescorted Temporary Absences (UTA) and may be granted for different reasons, including medical, community service, family contact, parental responsibility, personal development for rehabilitative purposes, administrative, and compassionate-related.<sup>12</sup>

Research studies examining TAs (including both ETAs and UTAs) for non-administrative and non-medical reasons have found that Indigenous offenders are more likely to be granted a TA than non-Indigenous offenders (R-354, R-351). Illustratively, among men released between April 2005 and March 2011, 34% of Indigenous offenders were granted at least one TA prior to release, compared to 20% of non-Indigenous offenders (R-351).

Two studies examined the frequency of non-administrative and non-medical ETAs among men offenders. One study examined the rate at which offenders were granted at least one ETA prior to day parole eligibility among a cohort of offenders admitted between April 2016 and September 2018. ETAs were granted less often to Black men (6%), followed by White men (7%), Latin American men (8%), and Indigenous men (9%), while rates were highest for Filipino men (24%; R-446). An examination of a cohort of men released between 2005 and 2011 indicated 34% of Indigenous offenders participated in at least one ETA prior to release compared to 19% of non-Indigenous men (R-351).

Studies examining UTAs among federal offenders are constrained by low numbers, which

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<sup>12</sup> The Parole Board of Canada (PBC) is responsible for granting most ETAs and UTAs, although CSC can authorize some initial and re-occurring TAs. Temporary Absences can be used to facilitate opportunities to further develop skills that are beneficial for successful community reintegration and strengthen relationships with family members and friends in the community (CSC, 2016b).

limits analysis by race/ethnicity. For example, analysis of offenders admitted to federal custody between April 2016 and September 2018 indicated that less than 1% of offenders were granted a UTA prior to day parole eligibility date, including 0.3% of Indigenous men and 0.7% of White men (R-446). In an analysis of releases from federal custody between April 2005 and March 2011, 4% of both Indigenous and non-Indigenous offenders were granted at least one UTA.

A similar trend was found among women, in that Indigenous women tended to have higher rates of TAs relative to non-Indigenous and White women. For example, among women released between April 2005 and March 2011, 60% of Indigenous women had participated in a TA (including ETAs and UTAs), compared to 38% of non-Indigenous women (R-354). Regarding ETAs, Indigenous women in an April 2016 to September 2018 admissions cohort were more likely to be granted an ETA prior to day parole eligibility (40% versus 31% of White women), although Black women had the highest rates (61%; R-446). A similar trend was noted among an April 2008 to March 2010 admissions cohort in which 56% of First Nations women, 70% of Métis women, and 61% of Inuit women were granted at least one ETA during their incarceration (relative to 37% of non-Indigenous women; R-342). Analysis of UTAs among women excluded results for Indigenous offenders due to low numbers (R-446).

### **Summary**

Regarding institutional experiences, CSC research findings indicate that, relative to comparison groups, Indigenous offenders:

- Are more likely to be classified at higher security levels and experience institutional difficulties, as evidenced by involvement in institutional incidents and charges, as well as segregation and SIU stays;
- Have similar or higher rates of correctional program eligibility, referral, and assignment, and are more likely to complete educational and vocational programming, though are less likely to be assigned to a CORCAN program or obtain a training certificate;
- Have less contact with outside persons through visits, though are more likely to be granted escorted temporary absences.

## Release Measures and Outcomes for Indigenous Offenders

Among federal offenders, [conditional release](#) includes both non-discretionary and discretionary release. Non-discretionary conditional release, referred to as statutory release, is automatic for most determinately-sentenced offenders upon serving two-thirds of their sentence in custody (PBC, 2013). Offenders serving determinate sentences are generally eligible for full parole review once they have served one-third of their sentence, and for day parole review at six months prior to Full Parole eligibility. CSC research examining releases from federal custody has included analyses of rates of discretionary versus non-discretionary release, as well as post-release outcomes such as returns to custody. The following section summarizes research involving release-related measures in regards to Indigenous offenders.

### *Parole Review Waivers, Postponements, and Cancellations*

***Indigenous men and women are more likely to waive, postpone, or withdraw parole reviews.***

A subset of analyses on releases from federal custody has examined the parole review process, including administrative factors affecting timely review. In general, research results indicate Indigenous offenders waive, postpone, or withdraw their parole reviews<sup>13</sup> more often than non-Indigenous offenders (R-396, R-365, R-342, R-321). Parole reviews can be delayed or cancelled for many reasons, though the most common reasons are to avoid a negative decision or to complete required programming (R-396).

A study of day and full parole reviews scheduled in the 2014/2015 fiscal year for men identified as low risk (in accordance with CSC's program referral guidelines) revealed differences by race/ethnicity with respect to decision outcomes. Among men, a decision was recorded in 61% of cases, including in 69% of day parole reviews and in 56% of full parole reviews (R-396). Decisions were recorded in 50% of day and full parole reviews for Indigenous men, relative to 62% of reviews for non-Indigenous men. Postponements were the most common reason for a lack of decision, accounting for 22% of reviews for Indigenous men (versus 18% for non-Indigenous

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<sup>13</sup> While offenders must apply for day parole, full parole reviews are automatically scheduled within six months of full parole eligibility date. However, offenders can choose to waive, postpone, or withdraw an application for a review hearing.



men). Waivers were the second most common reason for a lack of decision, which were evident in 18% of cases for Indigenous men and 15% for non-Indigenous men. Finally, application withdrawals were noted in 6% of cases for Indigenous men and 3% of cases for non-Indigenous men. Similar results were evident among reviews scheduled for low risk women offenders in the 2014/2015 and 2015/2016 fiscal years. A parole review decision was recorded in 49% of cases for Indigenous women, compared to 63% of cases for non-Indigenous women. Administrative factors impeding review were more common among Indigenous women relative to non-Indigenous women, including postponements (i.e., 24% versus 17%), waivers (19% versus 15%) and withdrawals (7% versus 4%).

Another study examining parole reviews scheduled for all Indigenous men offenders in 2014/2015 and for all Indigenous women offenders in 2014/2015 and 2015/2016 highlighted that the majority of reviews (60%) were delayed or cancelled (RIB-17-04). Inuit offenders were most likely to delay or cancel their parole reviews (68%), followed by First Nations offenders (61%) and Métis offenders (57%). Waivers were the most common reason for parole reviews that did not result in a decision (31%), followed by postponements (23%) and withdrawals (6%). A similar trend was found for both medium and high risk offenders, although, low risk offenders were more likely to postpone their review.

Analysis of all day and full parole reviews scheduled in 2013/2014 followed a similar pattern of results (i.e., Indigenous offenders delayed or cancelled reviews more often), although, waivers were found to be more common than postponements (R-365). Specifically, decisions were recorded in only 36% of PBC reviews involving Indigenous offenders, relative to 47% of reviews for non-Indigenous offenders. Reviews without decisions were waived (32% of reviews for Indigenous offenders versus 23% for non-Indigenous offenders), postponed (23% versus 22%), or withdrawn (5% versus 4%). An examination of parole reviews among women admitted to federal custody between April 2008 and March 2010 yielded a similar pattern of results; 22% of Indigenous women waived a day or full parole hearing (compared to 14% of non-Indigenous women), while 13% postponed (versus 10%; R-342).

Snapshot data has highlighted discrepancies by Indigenous status in particular regards to waivers. Specifically, an analysis of offenders on community supervision in April 2012 revealed that Indigenous men were more likely to have waived a previous parole review (52% of First Nations men, 39% of Métis men, and 60% of Inuit men) relative to non-Indigenous men (35%; R-

321). Differences were less pronounced in regards to the percentage of postponements (i.e., 23% for First Nations men, 35% for Métis men, and 22% for Inuit men, relative to 24% for non-Indigenous men) and withdrawals (10% for First Nations men, 11% for Métis men, and 16% for Inuit men, relative to 9% for non-Indigenous men).

### ***Detention Past Statutory Release***

***Indigenous men are more likely to be detained past statutory release.***

While most offenders serving a determinate sentence are released after having served two-thirds of their sentence in custody (i.e., statutory release), offenders meeting certain legal criteria may be referred for detention until the warrant expiry date (i.e., sentence expiration; CSC, 2015). The PBC can order an offender's detention until sentence expiration if it is believed on reasonable grounds that the offender is likely to commit a serious offence before the end of their sentence (i.e., an offence causing death/harm, a sexual offence involving a child, or a serious drug offence).

A study examining offenders with a statutory release date between April 2004 and March 2014 found that Indigenous men were somewhat more likely to be detained until sentence expiration relative to non-Indigenous men (8% versus 3%; R-375). During this time period, the percentage of Indigenous offenders subject to detention fluctuated, increasing from 6% in fiscal year 2006/2007 to a peak of 11% in 2010/2011, followed by a subsequent decrease (6% in 2013/2014). Comparatively, detention rates of non-Indigenous men remained between 2% and 4.5% across the ten year period.

In a second study, differences in detention rates among all offenders with a statutory release date between April 2004 and March 2014 were examined while controlling for profile and sentence information, risk and need ratings, and institutional behaviour (R-380). Differences were found in examinations by Indigenous status and by sexual offence type: Indigenous offenders without a violent sexual offence were detained more frequently than non-Indigenous offenders without a violent sexual offence, but Indigenous offenders with a violent sexual offence were detained less frequently than non-Indigenous offenders with a violent sexual offence.

### ***Conditional Release Population***

***Indigenous men and women represent a growing percentage of CSC's conditional release population.***

Indigenous offenders represent an increasing percentage of the federal offender population under community supervision (RIB-22-07, RIB-21-01, RIB-19-12). For example, Indigenous men represented 33% of all releases in fiscal year 2021/2022 compared to 28% in 2017/2018 (RIB-22-07). Overall, releases declined during the height of the COVID-19 pandemic (i.e., 2019/2020 to 2021/2022; RIB-22-07). Releases of men declined by 8% (from 6,699 in 2019/2020 to 6,124 in 2021/2022), while releases of women decreased by 10% (547 to 491). However, this trend was not reflected among Indigenous offenders. Releases involving Indigenous men increased by 2.4% (i.e., from 1,999 in 2019/2020 to 2,047 in 2021/2022, and releases involving Indigenous women declined by only 2% (from 231 to 227). While the overall count of federal releases decreased over the pandemic, Indigenous offenders continue to represent an increasing proportion of federal releases.

### ***Discretionary Release***

***Indigenous men and women are less likely to be granted discretionary release; however, they account for a growing percentage of discretionary releases.***

Indigenous offenders are less likely to be granted discretionary release (i.e., day or full parole) relative to non-Indigenous offenders. Analysis of community snapshot data has revealed that the percentage of offenders who were granted discretionary release in 2015/2016 was 29% for Indigenous offenders, compared to 47% of non-Indigenous offenders. In 2017/2018, the percentage increased for both groups, up to 40% for Indigenous offenders and 58% for non-Indigenous offenders (RIB-18-08), highlighting ongoing disparities.

Analysis of release data also highlights that Indigenous offenders are less likely to be granted discretionary release (R-435, R-321, R-446, R-371, R-342). Among Indigenous men offenders released from federal custody between April 2015 and March 2017, 31% were granted a discretionary release, a percentage lower than for any other racial/ethnic group (43% to 71%,

50% of White men; R-446). Findings were similar among women; 58% of Indigenous women were granted discretionary release, relative to 72% of White women and 81% of Black women (R-446).

Comparative analysis of release cohorts highlights that Indigenous offenders account for a growing percentage of discretionary releases. Among men, the percentage of discretionary releases (i.e., day and full parole releases) involving Indigenous offenders was 15% in 2000/2001, up to 20% in 2019/2020 (RIB-21-01). The percentage of day parole releases was 18% in 2017/2018, up to 20% in 2021/2022 (RIB-22-13). Among women, the percentage of day parole releases was 30% in 2017/2018, up to 35% in 2021/2022 (RIB-22-13).

### ***Release Conditions***

Upon conditional release, offenders released from federal custody are required to follow standard [conditions of release](#). In addition, the PBC may impose special release conditions as additional measures to manage risk. Special conditions include but are not limited to: residency conditions; abstinence orders; restrictions on certain associates and/or movement; treatment/intervention requirements; restrictions on communication devices/internet access; requirements to report relationships; and financial disclosure. Overall, a vast majority of offenders have special conditions imposed on their conditional release (99% of men and women; RIB-18-11, RIB-18-10).

### ***Number of Special Conditions***

***Indigenous men and women tend to have a greater number of release conditions.***

Research studies have found that Indigenous men and women tend to have more release conditions relative to non-Indigenous offenders. An examination of offenders released from federal custody between April 2013 and March 2017 revealed that 61% of Indigenous men had five or more conditions, compared to 40% of non-Indigenous men (RIB-18-10). Similarly, 58% of Indigenous women had more than five conditions, compared to 44% of non-Indigenous women (RIB-18-11). Another study similarly noted a higher median number of conditions for First Nations, Métis, and Inuit offenders relative to non-Indigenous offenders (i.e., 4, 4, 6, and 3, respectively; R-321).

## *Residency Conditions*

***Indigenous men and women are more likely to have residency conditions while on conditional release.***

Residency conditions require offenders to reside in a halfway house or a community correctional centre during their conditional release. Residency conditions are generally standard for day parole releases but may also be imposed on offenders supervised on full parole or statutory release. Research studies indicate that Indigenous offenders are more likely to have a residency condition relative to non-Indigenous offenders (R-446, R-342, R-321, RIB-18-11).

An examination of offenders released from federal custody between April 2015 and March 2017 revealed that residency conditions were more common for Indigenous men (44%) and women (37%), compared to White men (37%) and women (25%; R-446). Similar results were evident in a study of women offenders admitted to federal custody between April 2008 and March 2010; 12% of Indigenous women had residency conditions while on release, relative to 4% of non-Indigenous women (R-342).

Community snapshot data has also demonstrated disparities; among a snapshot of offenders on conditional release in April of 2012, residency conditions were imposed in the case of 22% of First Nations men, 15% of Métis men, and 62% of Inuit men, relative to 16% of non-Indigenous offenders (R-321). In another study, community snapshot data from March 2014 revealed that Indigenous offenders represented a higher percentage of offenders with residency conditions (R-360). Results indicated Indigenous representation was 15% among offenders on day parole (for which release conditions are standard), 26% among offenders on other types of release with a residency condition, and 15% among offenders on release without residency conditions.

### *Other Release Conditions*

***Indigenous men and women are more likely to have abstinence conditions. Racial disparities were less pronounced in the case of other special conditions, and Indigenous offenders were less likely to have certain types of conditions.***

Studies of release conditions have consistently found Indigenous men and women to be more likely to have conditions related to abstinence from substances (R-321, R-342, RIB-18-10, RIB-18-11). For example, analysis of an April 2012 community snapshot revealed that the percentage of offenders with an abstinence condition was 89% for First Nations men, 86% for Métis men, and 91% for Inuit men, relative to 63% for non-Indigenous men (R-321). Similarly, analysis of women offenders admitted to federal custody between April 2008 and March 2010 revealed that 88% of Indigenous women relative to 67% of non-Indigenous women had an abstinence condition on release (R-342).

In the case of avoidance conditions (i.e., conditions to avoid certain places or people), Indigenous men have similar or slightly lower rates relative to non-Indigenous men. For example, analysis of an April 2012 community snapshot revealed that Indigenous men had similar or slightly lower rates of avoidance conditions (70% for First Nations offenders, 75% for Métis offenders, and 69% for Inuit offenders) relative to non-Indigenous offenders (75%; R-321). A study examining release suspensions between April 2009 and March 2017 also found that Indigenous offenders were slightly less likely to have avoidance conditions (85%, compared to 89% of non-Indigenous offenders; R-368). Avoidance conditions were also found to be less common for Indigenous men released from federal custody between April 2013 to March 2017, and were less likely to be tied to suspensions among Indigenous offenders (percentages not available; RIB-18-10).

In the case of women, mixed findings have been produced regarding racial/ethnic disparities in avoidance conditions. Analysis of women offenders admitted to federal custody between April 2008 and March 2010 revealed Indigenous women were slightly less likely to have conditions to avoid certain people (i.e., 78% for Indigenous women, and 80% for non-Indigenous women) and also less likely to have conditions to avoid certain places (13% versus 18%; R-342). Similarly, an examination of release suspensions among women offenders between April 2009 and March 2014 revealed that Indigenous women had lower rates of avoidance conditions (80%,

compared to 86% for non-Indigenous women; R-368). However, analysis of women released from federal custody between April 2013 and March 2017 revealed that Indigenous women were more likely to have conditions to avoid people (percentages not provided; RIB-18-11). This condition was noted to be associated with returns to custody for Indigenous women only.

In regards to treatment/mental health-related conditions, one study revealed differences by Indigenous group in the case of men offenders. Specifically, analysis of an April 2012 community snapshot revealed that mental health-related conditions were most common for Inuit men (49%), relative to First Nations men (37%), Métis men (36%), and non-Indigenous men (35%). Among women offenders, analysis of offenders admitted to federal custody between April 2008 and March 2010 revealed that Indigenous women and non-Indigenous women had similar rates of counselling-related conditions (32% and 31%, respectively), but Indigenous women were somewhat more likely to have program related conditions (78% versus 73%; R-342).

Finally, two studies included analysis of special conditions categorized as ‘other,’ which included conditions such as reporting requirements, driving restrictions, the requirement to report relationships, restrictions on financial activities, and computer and telecommunication restrictions among men (RIB-18-10) and women (RIB-18-11). In regards to ‘other’ types of special conditions, Indigenous men and women were found to be less likely than non-Indigenous offenders to have a condition of this type.

### ***Release Outcomes***

Community release and reintegration outcomes among federal offenders have received robust analytical attention within CSC. Studies have used different measures to assess outcomes, including: successful community release; suspensions of conditional release; revocations of conditional release, and re-offending following sentence completion.

### ***Successful Conditional Release***

***Indigenous offenders are less likely to have a successful conditional release, however, improvements over time are noted.***

Successful conditional release occurs when an offender remains lawfully on release in the community until the warrant expiry date of their sentence. Studies have found Indigenous offenders are less likely than non-Indigenous offenders to have a successful period of conditional

release (R-429, R-336, RIB-21-17, RIB-18-08, RIB-16-13). For example, year-end standardized results available in CSC's Performance Direct (PD) system indicated 45% of Indigenous offenders successfully completed their sentence in the community in the 2020/2021 fiscal year, relative to 67% of non-Indigenous offenders (RIB-21-17). Despite ongoing disparities, there has been improvement over time; 42% of Indigenous offenders completed their sentence in the community in 2017/2018 (versus 66% of non-Indigenous offenders) and 37% in 2015/2016 (versus 62%; RIB-18-08).

Disparities in the rate of successful release were also found in a recent examination of offenders released from federal custody between April 2012 and March 2017 (R-429). Among men, success in the community was noted in 55% of cases for Indigenous men, compared to 73% for non-Indigenous men. Among women, success in the community was noted in 58% of cases for Indigenous women, compared to 75% of non-Indigenous women. Disparities were noted in release outcomes within a study examining offenders with electronic monitoring in the community between July 2015 and November 2017 (R-428). Indigenous representation was 11% within the successful group, compared to 19% in the non-successful group.

### ***Suspensions***

***Indigenous men and women are more likely to have their conditional release suspended, be suspended for breaching conditions, and have fewer days in the community.***

Release [suspensions](#) are a key indicator of release performance. Suspensions may be issued following a breach of condition, to prevent a breach, and/or to protect society. A suspension of conditional release typically results in apprehension by law enforcement and temporary detainment pending review of the offender's case. A suspension can be cancelled, resulting in a return to the community, or it can result in a release revocation. Studies consistently indicate that Indigenous offenders have higher rates of suspension relative to non-Indigenous offenders (R-435, RIB-18-10; R-342, RIB-18-11).

Analysis of offenders released from federal custody between April 2013 and March 2017 revealed that 70% of Indigenous men incurred at least one suspension, compared to 46% of non-Indigenous men (RIB-18-10). Similar disparities were noted in an analysis of men offenders admitted to federal custody between August 2014 and March 2018, which included results by



Indigenous status and military veteran status. Among Indigenous men offenders, 47% of veterans and 54% of non-veterans incurred a suspension. The percentages were much lower for non-Indigenous men offenders; 25% of veterans and 29% of non-veterans incurred a suspension (R-435).

Research on release suspensions among women have similarly noted disparities by Indigenous status. A study of women released from federal custody between April 2013 and March 2017 revealed 66% of Indigenous women incurred a suspension, compared to 38% of non-Indigenous women (RIB-18-11). In a similar vein, a study of admissions to federal custody between April 2008 to March 2010 admissions revealed 53% of First Nations women and 43% of Métis women incurred a suspension, compared to 33% of non-Indigenous women (R-342).

Research analyzing time to suspension (i.e., time between the release and suspension dates) has also revealed differences by Indigenous status, with Indigenous offenders averaging fewer days to suspension (R-435, R-342). Specifically, analysis of offenders admitted to federal custody between August 2014 and March 2018 revealed Indigenous men spent an average of 69 days in the community prior to their first suspension, compared to 87 days for non-Indigenous men (R-435). Among women, analysis of offenders admitted to federal custody between April 2008 and March 2010 revealed that Indigenous women spent an average of 41 days in the community prior to their first suspension, compared to 57 days for non-Indigenous women (R-342).

Two studies have considered reasons for suspensions, with attention paid to variation by Indigenous status. Both studies found that Indigenous men and women offenders were more likely to be suspended following a breach of conditions or to prevent a breach of conditions (R-435, R-368). Between April 2009 and March 2014, breach of conditions was the reason behind 63% of suspension warrants among Indigenous men, compared to 58% for non-Indigenous men. In 17% of cases for Indigenous men, compared to 12% for non-Indigenous women, the reason for suspension was to prevent a breach of conditions (R-368).

## **Revocations**

***Indigenous men and women are more likely to have their conditional release revoked and average fewer days until revocation.***

A key marker employed by CSC to examine offender reintegration is [revocation](#) of conditional release (i.e., re-admissions to federal custody following a cancellation of release). Revocations can be issued directly to an offender in the community but are issued most often following a suspension of conditional release. An offender can incur a revocation with or without a new criminal offence. Different timeframes have been employed in analyses of revocations (e.g., prior to sentence expiration, or within a fixed follow up period).

Overall, results consistently indicate that Indigenous offenders are more likely to incur a revocation than non-Indigenous offenders (R-389, R-336). This has been found to be the case for both men (R-446, R-435, R-426, R-424, R-404, R-368, R-363, R-321, RIB-18-10) and women (R-446, R-426, R-424, R-369, R-368, R-342, RIB-18-11). For example, Indigenous men accounted for 42% of revocations for men in the 2021/2022 fiscal year, while Indigenous women accounted for 65% of revocations involving women (RIB-22-14). Additionally, Indigenous representation among revocations has increased over time; Indigenous men and women offenders accounted for 39% of revocations in fiscal year 2019/2020, and 23% in 2000/2001 (RIB-21-01).

Although Indigenous persons are increasingly overrepresented in revocations, there is evidence to suggest revocation rates are decreasing over time. For example, a comparative analysis of releases from federal custody revealed that 63% of Indigenous offenders incurred a revocation in fiscal year 2011/2012, compared to 69% in fiscal year 2007/2008 (R-426). Comparatively, 39% of non-Indigenous offenders incurred a revocation in fiscal year 2011/2012, relative to 47% in fiscal year 2007/2008.

A more recent study controlled for time at risk by examining revocations that occurred within a fixed period of time (i.e., eight months from release) among offenders released from federal custody between April 2015 to March 2017 (R-446). Results indicated that 15% of Indigenous men on discretionary release were revoked, compared to 9% of White men, 7% of Black men, and 3% of men identified as another race/ethnicity. For offenders on statutory release, 45% of Indigenous men were revoked, compared to 28% of White men, 23% of Black men, and 15% of men identified as another race/ethnicity. Among women offenders on discretionary release,

16% of Indigenous women incurred a revocation, relative to 9% of non-Indigenous women. Among women on statutory release, 46% of Indigenous women and 24% of non-Indigenous women incurred a revocation<sup>14</sup>.

Another factor analyzed as a post-release outcome is the incurrence of a new criminal charge during conditional release (i.e., revocation with an offence). Several studies have found that Indigenous offenders are more likely to incur a revocation with offence compared to non-Indigenous men (R-446, R-426, R-424, R-363, RIB-17-12) and women (R-446, R-424), although some studies demonstrate a less clear pattern of results (R-368, R-321).

One study examined rates of revocation with offence among offenders released during the 2007/2008 and 2011/2012 fiscal years (R-426). In both fiscal years, Indigenous offenders were more likely to incur a revocation with offence relative to non-Indigenous offenders; however, revocations decreased for both groups. Specifically, among offenders released in 2007/2008, 22% of Indigenous offenders incurred a revocation with offence, compared to 14% of non-Indigenous offenders. Among offenders released in 2011/2012, 17% of Indigenous offenders incurred a revocation with offence, compared to 9% of non-Indigenous offenders. Similar results were highlighted in a more recent study of offenders released from federal custody between 2013 to 2017; 12% of Indigenous men had a revocation with offence, compared to 6% of non-Indigenous men. Among women, 14% of Indigenous women had a revocation with offence, compared to 3% of non-Indigenous women (R-424).

Research demonstrates variation in revocation with offence rates by Indigenous ancestry group. A snapshot from April 2012 indicated that First Nations offenders had the highest rates of revocation with offence at 18%, followed by non-Indigenous offenders (15%), Métis offenders (12%), and Inuit offenders (7%; R-321). By comparison, rates for any revocation were higher for Indigenous offenders across all ancestry groups (29% to 33%) relative to non-Indigenous offenders (16%).

Another study examined outcomes of suspension warrants issued to federal offenders between April 2009 and March 2014 (R-368). While Indigenous offenders were found to have higher rates of any revocation (50% versus 43%), they were slightly less likely than non-Indigenous offenders to have revocations with an offence (8% of Indigenous men compared to

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<sup>14</sup> Results for Black women and women of another race/ethnicity on discretionary and statutory release were suppressed due to low numbers.

11% of non-Indigenous men), demonstrating variation from previous findings.

Analysis of time between release and revocation has also revealed differences by Indigenous status in the case of both men and women. As in the case of suspensions, research has found that Indigenous offenders tend to have fewer days to revocation compared to non-Indigenous offenders (R-437, R-435, R-342, R-321). For example, among men admissions to federal custody between August 2014 and March 2018, average days to revocation was found to be lower for Indigenous veterans (M = 158) and Indigenous non-veterans (M = 206) compared to non-Indigenous veterans (M = 222) and non-veterans (M = 236). Among women admitted to federal custody between April 2008 and March 2010, average time to revocation was 206 days for Indigenous women, compared to 251 days for non-Indigenous women (R-342). Snapshot data has yielded similar findings; specifically, analysis of an April 2012 community snapshot revealed that Indigenous men had fewer days to revocation (M = 271 days for First Nations offenders, M = 297 for Métis offenders, and M = 183 for Inuit offenders), compared to non-Indigenous offenders (M = 347; R-321).

### ***Re-offending After Sentence Completion***

***Indigenous offenders have higher rates of re-offending following sentence completion.***

While revocation with offence speaks to re-offending prior to sentence expiration, research has also examined criminal offending that occurs post-sentence (RIB-18-08, R-426). Findings from these studies indicate that Indigenous offenders have higher rates of re-offending after sentence completion than non-Indigenous offenders.

An analysis of recidivism was conducted using comparative standardized results extracted from CSC's Performance Direct (PD) and Corporate Reporting System-Modernized (CRS-M) for fiscal years 2015/2016 and 2017/2018 (RIB-18-08). Analyses focused on returns to federal custody on a new sentence within five years after warrant expiry. While improvement over time was noted, results indicated that Indigenous offenders had higher recidivism rates relative to non-Indigenous offenders for both the 2015/2016 (24% versus 16%) and 2017/2018 (16% versus 13%) fiscal years.

Another study examined recidivism rates of federal offenders using data from the [Canadian Police Information Centre](#) (CPIC), which includes criminal offences across police jurisdictions in Canada (R-426). Recidivism was examined for offenders released from federal custody in

2007/2008 and 2011/2012, with a fixed five year follow up period. Recidivism rates decreased between fiscal years for all offenders (e.g., 53% of all offenders in fiscal year 2007/2008 incurred new charges, compared to 39% in fiscal year 2011/2012). However, recidivism rates were consistently higher for Indigenous offenders relative to non-Indigenous offenders. For example, in fiscal year 2011/2012, 59% of Indigenous men and 40% of Indigenous women incurred new charges within five years of release, compared to 34% and 18% of non-Indigenous men and women, respectively.

### ***Community Employment***

***Following release, Indigenous offenders are less likely to hold employment and demonstrate positive employment indicators.***

Post-release employment outcomes have also been examined for offenders on conditional release. Research studies have found that Indigenous offenders have lower rates of community employment (R-435, R-446), as well as lower rates of positive indicators pertaining to employment (e.g., retention, placement completion, promotion; R-446). Indigenous offenders are also slightly less likely to require CSC's Community Employment Services support to obtain employment, as indicated by an employment placement flag in OSM (R-446).

Analysis of offenders released from federal custody between April 2015 and March 2017 revealed that 47% of Indigenous men began community employment within eight months of release, compared to 62% of White men. Among women, 42% of Indigenous women began community employment within eight months of release, compared to 56% of White women (R-446). Indigenous men and women were also less likely to have positive indicators pertaining to employment (29% and 26%, respectively) compared to White men (36%) and women (37%). While rates of having an employment placement flag were relatively equivalent for Indigenous men and White men (36% versus 37%), Indigenous women were found to require less support in obtaining employment than White women (36% versus 43%). Disparities in community employment outcomes by Indigenous status were also noted among men and women offenders released between April 2010 and March 2011 (R-316). Specifically, Indigenous ancestry was found to be associated with a significant decrease in likelihood of having stable employment.

Other research has provided additional context to understanding post-release outcomes

among Indigenous offenders. For example, one study found that participation in work release programs during incarceration reduced unemployment by 64% (RIB-14-32). Another study considered the employment challenges faced by Indigenous women on conditional release (R-338). Interviews with Parole Officers revealed that systemic factors such as prejudice, racism, and discrimination were barriers to obtaining employment. Employment status was also deemed to be impacted by factors such as histories of trauma, low self-esteem, lower levels of education (including language skills), and a lack of employment history. Additionally, Indigenous women returning to their home communities faced fewer opportunities and resources.

### *Predictors of Release Outcomes*

***Among Indigenous offenders, factors that mediate release outcomes include profile factors (e.g., age, reintegration potential, marital status), exposure to interventions (e.g., program completion) and temporality of interventions and release.***

Several studies have examined factors that mediate release outcomes for Indigenous and non-Indigenous offenders, including profile characteristics (e.g., age, security classification, risk/need measures), circumstances of release, and interventions (e.g., program completion).

For example, a study of offenders released from federal custody between 2007 and 2012 found that younger offenders had higher revocations rates and this remained true when results were disaggregated by Indigenous status and gender (ERR-18-02). Security classification at time of release is also tied to release outcomes. Analysis of offenders released from federal custody in 2013/2014 revealed offenders released from a medium rather than minimum security setting were more likely to incur suspensions, revocations, and revocations with offence (R-376). Although results were not disaggregated by Indigenous status, Indigenous offenders were more likely to be released from medium (26%) than minimum (17%).

Another study examined predictors of successful community reintegration among offenders admitted and released between April 2012 and March 2017. Predictors of successful reintegration (defined as six months under community supervision without a suspension or revocation), were analyzed by Indigenous status (R-429). The study found that high reintegration potential at release was positively related to successful reintegration; Indigenous men with a high reintegration potential rating were 7.15 times more likely to be successful in the community than

Indigenous offenders who did not have high reintegration potential (compared to 9.12 for non-Indigenous offenders). The presence of a significant other was also associated with successful reintegration; those with a partner were 1.29 times more likely to succeed in the community (compared to 1.35 for non-Indigenous offenders). Conversely, Indigenous men with a residency condition and high static risk rating were less likely to succeed.

The study also considered Indigenous interventions in relation to release outcomes. Participation in Indigenous services was consistently tied to success for Indigenous offenders; Indigenous men with a healing plan were 1.28 times more likely to succeed and Indigenous men who spent time in a Healing Lodge were 2.05 times more likely.

Additional studies have examined the impact of interventions on release outcomes. Results from two studies demonstrated that completion of the ICPM correctional program was associated with a greater likelihood of successful community reintegration (R-363, RIB-16-01). For example, revocation with a Schedule 1 offence for Indigenous offenders dropped from a rate of 36 per 1000 in 2012/2013, to 18 in 2014/2015 in the region in which the new ICPM had been implemented (i.e., the Pacific region). Comparatively, a region which had not yet implemented the ICPM program (i.e., the Prairie region) saw no change in revocation rates over time (61 in 2012/2013 and 61 in 2014/2015).

Another study examined interventions and services associated with positive release outcomes among men offenders admitted to federal custody between September 2009 and August 2013 and who were subsequently released prior to April 2014 (R-363). For both Indigenous and non-Indigenous men, the most promising factors included educational programs, community correctional programs, and institutional visits. Of Indigenous services examined, the strongest predictor of successful community reintegration was the number of Elder reviews.

Another study examined how timing of correctional programming may impact successful community reintegration (R-439). An examination of a cohort of determinately-sentenced offenders released between April 2010 and March 2020 revealed that for every 1% increase in the proportion of an offender's sentence that passed prior to program completion (ICPM Moderate Intensity Program), there was an associated 1% decrease in the likelihood of revocation and 6% decrease in the likelihood of revocation with offence. Furthermore, recidivism rates decreased for offenders who completed ICPM just prior to day parole eligibility and remained relatively low thereafter. Results pertaining to the Indigenous stream of the ICPM moderate intensity and the

Inuit Integrated (non-sex offender) Moderate Intensity Programs were similar for revocations with offence, however, no differences were noted for any revocation. For every 1% increase in the proportion of an offender's sentence that passed prior to program completion, there was a 3% decrease in the likelihood of revocation with offence. In other words, program completion in close proximity (before or after) to day parole eligibility was associated with lower revocation with offence rates.

Temporality of release has also been examined with respect to release outcomes. One study found that Indigenous offenders released between April 2012 and March 2017 were more likely to incur a suspension and a revocation when released later in the week and this was constant across Indigenous ancestry, security classification at release, region, age, and when controlling for time at risk (RIB-17-14).

### **Summary**

Regarding release outcomes and experiences, CSC research findings indicate that, relative to comparison groups, Indigenous offenders:

- Are more likely to face constraints to timely release; they are more likely to waive, postpone, or withdraw parole reviews and be detained past statutory release, and are less likely to be granted discretionary release.
- Tend to have a greater number of special conditions upon conditional release and are more likely to have residency and abstinence conditions.
- Are less likely to have successful periods of conditional release; they are more likely to incur suspensions and revocations, spend less time in the community prior to returns, and are more likely to re-offend following sentence completion.
- Are less likely to obtain community employment and demonstrate positive employment indicators.
- Have similar predictors of successful release (e.g., older age, presence of a significant other, high reintegration potential, exposure to interventions).



## Indigenous Initiatives

Given the unique social history factors that contribute to Indigenous pathways to crime, CSC has incorporated an Indigenous model of corrections developed in consultation with Indigenous Stakeholders entitled the [Indigenous Continuum of Care](#). This approach ensures culturally relevant programs and interventions are available to Indigenous offenders and recognizes the value of engaging with Indigenous communities to support offender reintegration.

Indigenous initiatives are available to all Indigenous offenders and include the Indigenous streams of the ICPM program, as well as access to specialized staff such as Elders, spiritual advisors, Indigenous Liaison Officers, and Community Liaison Officers. Other services are available to Indigenous offenders who demonstrate motivation and commitment to follow a traditional healing plan focused on emotional, mental, physical, and spiritual change. These include residency in a Healing Lodge, Section 84 release plans, Pathways Initiatives, and Indigenous Intervention Centres. The following research results pertain to experiences and outcomes associated with participation in the various types of Indigenous interventions available to offenders in federal custody and/or under federal supervision.

### *Healing Lodges*

***Indigenous offenders residing in Healing Lodges benefit from a number of Indigenous interventions and services; however, clear impacts on release outcomes have not been discerned.***

[Healing Lodges](#) are living environments designed to emulate a community and foster cultural and spiritual connections for offenders with a demonstrated commitment to following an Indigenous healing plan. There are ten Healing Lodges in operation across Canada which fall into two categories: Section 84 (i.e., CSC operated) and Section 81 (i.e., operated by the community or partner organizations in accordance with the *CCRA*). Offenders are informed about the opportunity to reside in a Healing Lodge during the intake process. Healing Lodges provide culturally specific interventions, services, and opportunities to address Indigenous offender's unique needs. Emphasis is placed on spiritual leadership, the value of the life experiences of staff and community members, interactions with nature, participation in ceremonies, and fostering connection with Indigenous communities in preparation for reintegration.

One study examined offender interest in a transfer to a Healing Lodge among Indigenous offenders in custody based on a 2012 snapshot (R-321). Interest in a Section 84 placement was expressed by 34% of First Nations men, 18% of Métis men, and 47% of Inuit men, while interest in a Section 81 placement was expressed by 30% of First Nations men, 18% of Métis men, and 37% of Inuit men.

Another study examined outcomes among Indigenous offenders released between April 2013 and March 2018, comparing Indigenous offenders released from Healing Lodges to Indigenous offenders released from mainstream institutions (R-437). As anticipated, Healing Lodge residents were more likely to participate in Indigenous services and opportunities, including Pathways Initiatives, Indigenous correctional programs and healing plans. Additionally, they were more likely to have Elder reviews on file and have Indigenous services staff assigned to their case. They were also more likely to participate in temporary absences and work releases.

Indigenous men released from Healing Lodges had less favourable ratings on static risk and dynamic need ratings at intake and release and on reintegration potential at intake; however, they were more likely to have high motivation at release (R-437\_M). They were more likely to have completed employment programs, though men in the non-Healing Lodge group were more likely to complete educational programs and obtain vocational certificates. Finally, Indigenous Healing Lodge residents were less likely to be granted discretionary release, although they had equal rates of suspensions and returns to custody. This finding is contrasted by another study in which Healing Lodge residents were 2.05 times more likely to succeed in the community compared to offenders released from mainstream institutions among offenders admitted and released between April 2012 and March 2017 (R-429).

Among women, Indigenous women released from Healing Lodges were more likely to have high dynamic need and low reintegration potential at intake, although they tended to have lower dynamic need at release (R-437\_W). They were more likely to complete Indigenous correctional programs, vocational training, Indigenous cultural programs, institutional employment, temporary absences, and work releases. Women released from Healing Lodges were less likely to receive a discretionary release, although suspension and revocation rates were relatively equivalent to Indigenous women released from mainstream institutions.

This study also included a comparison between Indigenous offenders released from Section 84 Healing Lodges and Indigenous offenders released from Section 81 Healing Lodges (R-437\_C).

Findings revealed that offenders released from Section 81 Healing Lodges demonstrated greater improvements in dynamic need over the course of their sentence and were more likely to have high reintegration potential and lower dynamic need at release. Section 81 residents were also more likely to be involved in Indigenous interventions throughout their sentences (e.g., participation in healing plans, Elder reviews, and Pathways Initiatives). On the other hand, offenders released from Section 84 Healing Lodges were more likely to complete correctional programs, educational programs, and Indigenous-specific cultural programs. They were also more likely to participate in more ETAs, although Section 81 residents participated in more UTAs.

Regarding releases, Section 81 and Section 84 residents were equally likely to be released on discretionary release, statutory release, and a Section 84 release. Suspension rates were equivalent between the two groups, although Section 81 residents spent a significantly greater period in the community prior to suspension and were more likely to have their suspensions cancelled or withdrawn. Finally, Section 84 residents were more likely to incur a revocation with offence.

A different study employed qualitative strategies to understand Healing Lodges within CSC, including site visits and interviews with residents and staff. The Healing Lodges examined included three Section 84 Healing Lodges, namely Kwìkwèxwelhp Healing Village (KHV), Pê Sâkâstêw Centre (PSC), and Willow Cree Healing Centre (WCHC). Overall, the research highlighted the diversity across Healing Lodge environments, as well as the perceived benefits and challenges from staff and residents' perspectives. For example, while KHV and WCHC were described by residents as open and barrier-free environments that encouraged interaction with the engaged and supportive staff, PSC was noted to have a greater emphasis on security. Furthermore, the KHV and WCHC environments were described by staff and residence as rooted in the traditions of the affiliated communities with which strong reciprocal relationships were encouraged through joint ceremonies and temporary absences. Elders were described as the pillars of the KHV and WCHC Healing Lodge environments, while there was an expressed desire to increase Elder involvement in the management at PSC to balance the principles of the Healing Lodge principals with CSC's security requirements.

## *Section 84 Releases*

***Indigenous men with a Section 84 release plan are more likely to be of Inuit descent, have participated in Indigenous initiatives, obtain a discretionary release, and have positive release outcomes.***

A community reintegration initiative available to Indigenous offenders is a [Section 84 Release](#), whereby offenders are released to an Indigenous community or in an urban area with the support and direction of an Indigenous organization. Section 84 release planning relies on community involvement in correctional planning and case management; thus, early engagement with the community is paramount. Resultantly, offenders are informed of this initiative during the intake process. If an offender expresses interest in being released to an Indigenous community, CSC is required to notify the community of the offender's parole review or statutory release date and provide them with ample time to propose a plan for the offender's reintegration.

One study examined a cohort of Indigenous men released between April 2012 and March 2017 to compare the profile characteristics, sentence information, and institutional experiences of Section 84 release participants relative to Indigenous offenders who followed a traditional release plan (RIB-17-10). Just under one quarter of Indigenous men (23%) participated in a Section 84 release, including 34% of Inuit men, 26% of First Nations men, and 12% of Métis men. Offenders in the Prairie and Pacific regions were most likely to participate in a Section 84 release (26% each), while those in the Atlantic region were least likely (11%).

Section 84 release participants were more likely to have resided in a Healing Lodge, have a discretionary release, be engaged in their correctional plan, and participate in Indigenous interventions prior to release<sup>15</sup>. They were less likely to be affiliated with an STG, have a Long-Term Supervision Order (LTSO), and have high static risk or dynamic need ratings at release. They were equally likely to have a short sentence, violent index offence, responsivity issues, substance use issues, high static risk and dynamic need at intake, and to have completed non-Indigenous programming.

Among women, 41% of Indigenous women participated in a Section 84 release, including

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<sup>15</sup> This included Pathways Initiatives, Elder reviews, Indigenous programs, healing plans, and having Indigenous services staff assigned to their caseload

46% of First Nations women and 27% of Métis women<sup>16</sup> (RIB-17-09). Women released on a Section 84 release plan were more likely to have resided in a Healing Lodge, have a discretionary release, participate in temporary absences and work releases, and participate in Indigenous interventions. They were less likely to have responsibility issues, have completed non-Indigenous programming, and have high dynamic need at release. They were equally likely to have a short sentence, a violent offence, substance use issues, and high static risk and dynamic need ratings at intake.

Another study compared release outcomes among Indigenous offenders with a Section 84 release versus a traditional release (RIB-17-15). Section 84 participants (57%) were less likely to have a suspension of conditional release relative to Indigenous men released on a traditional release plan (69%). Similar results were found for revocation rates (42% versus 55%), although, there was no difference in rates of revocation with offence. After controlling for time at risk, OSL at release, release type, region, risk, marital status, and on-going Elder involvement, Indigenous men released on a traditional release plan were 14% more likely to be suspended and 26% more likely to return to custody relative to men released on a Section 84 plan. A different trend was identified for women; there was no difference between Section 84 participants and women following a traditional release plan with respect to suspensions or revocations after controlling for OSL at release, release type, and substance issues. However, Section 84 release participants were less likely to return to custody with a new offence (7% versus 13%).

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<sup>16</sup> Inuit women represented only 2% of the release cohort and were therefore not considered in analyses due to small numbers.

## *Other Interventions*

***A majority of Indigenous offenders have an Elder review on file, over one-third have resided in a Pathways unit, and most eligible offenders participate in Indigenous Intervention Centres.***

Elder reviews are a holistic assessment of an offender's progress during incarceration and are available to all Indigenous offenders in CSC custody.<sup>17</sup> Research indicates that a majority of Indigenous offenders have an Elder review on file. Snapshot data from April 2012 indicated that First Nations men were most likely to have at least one Elder review on file (70%), followed by Métis men (51%) and Inuit men (44%; R-321). Among women admitted between April 2008 and March 2010, 72% of First Nations women and 65% of Métis women had an Elder review<sup>18</sup> (R-342).

Another component of Indigenous services is the [Pathways Initiative](#), an Elder-driven intensive healing initiative based on the Indigenous Medicine Wheel. The Pathways initiative is available to offenders at all security levels who demonstrate a commitment to following an Indigenous healing plan. For offenders in minimum security, the Pathways Initiative may involve residence in a Pathways Transition House or Unit designed to prepare offenders for reintegration while maintaining their healing path. In-custody snapshot data from April 2012 indicated 43% of First Nations men, 33% of Métis men, and 17% of Inuit men had resided in a Pathways unit (R-321). Results for a cohort of women admitted between April 2008 and March 2010 indicated that 30% of First Nations women and 13% of Métis women had resided on a Pathways Unit (R-342).

[Indigenous Intervention Centres](#) (IICs) are another Indigenous initiative offered by CSC, located at all women's institutions and at several men's institutions. IICs are characterized by a concentration of Indigenous resources, including specialized staff and Pathways Initiatives.<sup>19</sup> One study examined a cohort of Indigenous offenders admitted between April 2018 and March 2020,

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<sup>17</sup>Elder reviews are written by an Indigenous Liaison Officer (ILO) in consultation with an Elder, and are used by the Parole Officer and Case Management Team when measuring progress made against an offender's correctional plan. Elder reviews are comprised of a review of the offender's file, observations of their institutional behaviour, examination of the progress made towards their correctional plan, their understanding of their offence and impact on victims, and their ability to use spiritual interventions to find peace and identify a crime-free path.

<sup>18</sup> Given the small number of Inuit women, this group could not be examined as separately.

<sup>19</sup> In order to participate in IICs, offenders must meet eligibility criteria including having a shorter sentence, non-sexual offence, none or moderate program needs, and a willingness to work with specialized staff and participate in the Indigenous continuum of care.

comparing the profile characteristics of IIC participants to a comparison group of eligible non-participants (ERR-21-01). Among Indigenous offenders, 21% of men and 64% of women participated in IICs, while 13% of men and 7% of women were identified as eligible non-participants. Men IIC participants were found to be slightly older, less likely to be serving a sentence for a violent offence, and less likely to have an STG affiliation. They also had more favourable ratings with respect to engagement, accountability, motivation, reintegration potential, dynamic need and static risk. Results for women indicated IIC participants were more likely to be of First Nations descent and were less likely to be identified as having responsivity issues.

A final study examined if and how Indigenous Social History (ISH) factors were taken into consideration in assessment for decisions relating to security classification and discretionary release among Indigenous offenders (R-356).<sup>20</sup> A total of 618 assessment for decision documents completed for Indigenous offenders prior to May 2014 were analyzed. Overall, ISH factors were considered in 98% of assessments, although the extent to which ISH factors were explicitly linked to the resulting recommendations varied. In addition, variation was noted in regards to the nature of ISH factors cited. Substance misuse was the most common factor mentioned and tied to the recommendation, followed by histories of victimization, loss of cultural identify, and effects of residential school attendance (both direct and intergenerational). Other factors were frequently mentioned but not linked to the decision or recommendation, including mental health, family and community history of suicide, and gang affiliation.

A secondary component of this analysis involved a comparison of assessment for decisions for Indigenous offenders compared to non-Indigenous offenders. Overall, it did not appear as though ISH factors influenced the final recommendations of the assessments. This suggests ISH factors were not inadvertently used to increase an offender's risk.

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<sup>20</sup> In line with rulings from the Supreme Court of Canada and the Ontario Court of Appeal, in reaching decisions pertaining to Indigenous offenders in the criminal justice system, the effects of years of systemic disadvantage must be considered. CSC therefore ensures ISH factors are taken into account in all case management decisions.

## Summary

Regarding participation in Indigenous-based interventions and initiatives, CSC research findings indicate that:

- Indigenous offenders residing in Healing Lodges benefit from a number of Indigenous interventions and services; however, there are mixed findings regarding the impact of Healing Lodge residency on release outcomes.
- Indigenous offenders released on a Section 84 release plan have certain profile differences relative to Indigenous offenders who followed a traditional release plan (e.g., prior Healing Lodge residency, lower risk) and are more likely to be successful on release.
- Many Indigenous offenders are receiving Indigenous-focused interventions and case management strategies.



## Discussion

CSC research efforts have contributed to a growing understanding of Indigenous offenders under federal jurisdiction, including profile factors, institutional experiences, release outcomes, and experiences with interventions and services. The current review summarized this literature with the goal of synthesizing findings into a cumulative knowledge base.

Studies examining profile factors reveal that relative to non-Indigenous comparison groups, Indigenous offenders tend to be younger, have different offence and sentence profiles, and have indicators of more extensive criminal histories and higher risk/need considerations. Indigenous offenders are more likely to be affiliated with a Security Threat Group, have mental health concerns, and have identified issues with substance use. Indigenous offenders therefore arrive to the federal correctional system with unique profiles and characteristics that require intervention and consideration during the correctional planning process.

Research on institutional experiences highlights that Indigenous offenders face certain challenges during incarceration. They are more likely to have a higher security rating, both at intake and throughout their sentence, are more likely to be involved in incidents and incur institutional charges, and are less likely to have visits from community members. While Indigenous men and women are more likely to be eligible for and enrolled in correctional programs, results on correctional program completion rates have varied across studies. Indigenous offenders are, however, more likely to participate in and complete educational programs, vocational programs, and escorted temporary absences, highlighting efforts undertaken to help Indigenous offenders prepare for release and community reintegration.

Studies on release outcomes demonstrate an improvement over time with respect to successful community reintegration among federally-sentenced offenders, with substantial gains noted specifically for Indigenous offenders. Despite this improvement, release outcomes for Indigenous offenders continue to fall short relative to non-Indigenous comparison groups. Indigenous offenders are less likely to be granted a discretionary release, and are also less likely to successfully complete periods of community supervision. In addition, they are more likely to be detained past statutory release and be suspended or revoked during conditional release. They are also less likely to obtain and maintain community employment. While the overall improvements in release outcomes point the efficacy of strategies to support offender reintegration, continued

efforts may be needed to enhance post-release outcomes for Indigenous offenders.

Research findings pertaining to Indigenous-focused interventions highlight that many Indigenous offenders are engaged with current services and approaches available to them, including Healing Lodges, Section 84 releases, Pathways Initiatives, and Indigenous Intervention Centres. Additionally, participation in a Section 84 release plan was associated with higher rates of successful community reintegration. Overall, such findings highlight the value of opportunities for cultural and community engagement during both incarceration and periods of community release.

## **Conclusion**

In light of the overrepresentation of Indigenous peoples in Canada's correctional system, substantial efforts have been undertaken to develop a comprehensive understanding of various facets of Indigenous corrections. The current review synthesized existing literature pertaining to the profile characteristics, institutional experiences, and release trajectories of Indigenous offenders, as well as their engagement with Indigenous initiatives. Findings highlight ongoing differences between Indigenous and non-Indigenous offenders with respect to profile, institutional and release factors, though illuminate the utility of Indigenous-based interventions. These results thus indicate the ongoing need for and relevance of CSC's Indigenous Continuum of Care, a model of Indigenous corrections designed to provide culturally relevant interventions and opportunities at all stages of an offender's sentence. In light of the dynamic and changing nature of the federal offender population, ongoing efforts are also needed to monitor the efficacy and utility of emerging approaches to Indigenous corrections.

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