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The Overrepresentation of Indigenous People in the Criminal Justice System

Indigenous people continue to be overrepresented in Canada's criminal justice system as both victims and those accused of crime. This fact sheet presents a statistical overview of the key areas of overrepresentation of Indigenous people at different stages of the criminal justice system.

Although the collection of national data on the Indigenous identity of those in contact with the criminal justice system has improved over time, there continues to be limited data with respect to distinctions-based breakdowns (i.e., First Nations, Inuit, Métis).

This fact sheet summarizes available data from a variety of sources, including Statistics Canada (i.e., General Social Survey (GSS) on Canadians' Safety (Victimization),¹ the Survey of Safety in Public and Private Spaces (SSPPS), the Homicide Survey, and correctional surveys), the Department of Justice Canada's National Justice Survey (NJS), Public Safety Canada, and the Office of the Correctional Investigator (OCI).

Note: While this JustFacts provides a statistical overview of the Indigenous overrepresentation in Canada's criminal justice system, contextual information on Indigenous peoples' histories, cultural differences, and experiences with systemic discrimination and socio-economic marginalization are critical to further understand the data presented. Justice Canada's [State of the Criminal Justice System online Dashboard](#) presents data alongside contextual information via its Indigenous people population-based theme, available at: <https://www.justice.gc.ca/socjs-esjp/en/ind-aut/lm-sp>.

Confidence in police is lower amongst Indigenous people compared to non-Indigenous people.

According to the 2019 GSS, Indigenous people generally recorded similar perceptions of police performance to that of non-Indigenous people, except in relation to enforcing the laws, where First Nations respondents recorded lower positive perception than non-Indigenous people (36% and 47%, respectively). In addition, Indigenous people (30%) were less likely to say they had a great deal of

¹ The GSS is conducted every five years to ask Canadians 15 years of age and older about their experiences with criminal victimization, including incidents not reported to the police. The 2019 GSS asked about eight offence types in the 12 months prior to the survey. See Cotter, A. 2019. "Criminal Victimization in Canada, 2019." Available online: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2021001/article/00014-eng.htm>.

confidence in the police compared with non-Indigenous people (42%).² First Nations people reported the lowest level of confidence in police, with 27% saying they had a great deal of confidence in the police, followed by Métis people (32%).³ Similar results were found in the 2023 National Justice Survey, with Indigenous people overall reporting lower confidence in the criminal justice system being fair (11%) and accessible (16%) to all people than White people (17% and 23%, respectively).⁴

Indigenous people are overrepresented as victims of violent incidents.

According to the 2019 GSS, the rate of violent victimization among Indigenous people aged 15 and over was more than double that of non-Indigenous people (177 violent incidents per 1,000 population vs. 80 per 1,000, respectively).⁵ This was mainly explained by the high rates of violent victimization among Inuit (265^E per 1,000)⁶ and Métis people (225 per 1,000).

According to the 2018 SSPPS, Indigenous women face the highest risk of experiencing violent victimization in their lifetime (i.e., since the age of 15⁷).⁸ Specifically, 63% of Indigenous women have experienced physical or sexual violence in their lifetime. Further, First Nations (64%) and Métis (65%) women were more likely to report physical or sexual victimization compared to Inuit (45%) and non-Indigenous (45%) women.

While there was no statistically significant difference in rate of violent victimization between Indigenous and non-Indigenous youth according to the 2019 GSS, research has found that young people are more likely to experience violent victimization.⁹

Note: While childhood maltreatment, drug use and homelessness are associated with increased risk of violent victimization regardless of Indigenous identity, Indigenous people are more likely to report these factors and have higher rates of violent victimization.¹⁰ This increased presence of risk factors is rooted in historical and ongoing trauma and violence as a result of colonization, residential schools, and other factors affecting Indigenous people.¹¹

² Ibrahim, D. 2020. "Public perceptions of the police in Canada's provinces, 2019." Available online: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2020001/article/00014-eng.htm>

³ The proportion of Inuit respondents was too unreliable to publish.

⁴ Questions on confidence in the CJS being fair and accessible to all people were asked on a scale of 1 to 5 where 1 is "not confident" and 5 is "very confident". The term "confident" refers to a rating of 4 or 5 on the 5-point scale, while the term "moderately confident" refers to a rating of 3 and the term "not confident" refers to a rating of 1 or 2. Justice Canada. [Perceptions of and confidence in Canada's criminal and civil justice systems: Key findings from the 2023 National Justice Survey](#)

⁵ Cotter, A. 2019. "Criminal Victimization in Canada, 2019." Available online: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2021001/article/00014-eng.htm>.

⁶ Statistics Canada notes that the reader should accept this statistic with caution as estimates with the letter E have been deemed to be of marginal quality.

⁷ If interested in learning about Indigenous children's experiences with crime and violence, read: [Profile of Canadians who experienced victimization during childhood, 2018 \(statcan.gc.ca\)](#) and [RSD_JF2017_Victimization of Indigenous Children and Youth \(justice.gc.ca\)](#)

⁸ Heidinger, L. 2022. "Violent victimization and perceptions of safety: Experiences of First Nations, Métis and Inuit women in Canada." Available online: <https://www150.statcan.gc.ca/n1/pub/85-002-x/2022001/article/00004-eng.htm>.

⁹ If interested in learning about Youth experiences with the CJS, read: [State of Criminal Justice System Report: A Focus on Youth](#).

¹⁰ Perrault, S. 2020. "Victimization of First Nations people, Métis and Inuit in Canada." Available online: [Victimization of First Nations people, Métis and Inuit in Canada \(statcan.gc.ca\)](#).

¹¹ Ibid.

Indigenous people are overrepresented as victims and accused of homicide.

Although Indigenous people account for only 5% of Canada's population,¹² they accounted for 25% of all homicide victims in 2023.¹³ Of the 193 Indigenous victims of homicide reported by police that year, 141 were men (73%) and 50 were women (26%). In 2023, the rate of homicide for Indigenous people was over six times higher than the rate for non-Indigenous people (9.31 victims per 100,000 population for Indigenous people, compared with 1.46 for non-Indigenous people).¹⁴ The rate of homicide for Indigenous women (4.60 victims per 100,000 Indigenous women in 2021, 5.26 victims in 2022, and 4.74 victims in 2023), and for Indigenous men (15.13 victims per 100,000 Indigenous men in 2021, 17.27 victims in 2022, and 13.85 victims in 2023) have fluctuated year to year, with men consistently having a higher rate.

Consistent with recent previous years, one third (33%) of accused of homicide in 2023 were identified by police as Indigenous.¹⁵ The rate of Indigenous people accused (9.60 per 100,000 Indigenous people) was nearly nine times higher than non-Indigenous people accused (0.98 per 100,000 non-Indigenous people).¹⁶ In 2023, the rate of Indigenous men accused (15.22 per 100,000 Indigenous men) was almost nine times higher than that of non-Indigenous men (1.80 per 100,000 non-Indigenous men).¹⁷ Further, the rate of Indigenous women accused (4.17 per 100,000 Indigenous women) was just over 26 times higher than the rate of non-Indigenous women accused (0.16 per 100,000 non-Indigenous women).

Indigenous people are overrepresented as accused in criminal courts and experience disproportionate negative outcomes.

Canadian criminal courts do not currently collect information on the Indigenous identity of people accused. To address this data gap, Justice Canada collaborated with Statistics Canada to obtain the Indigenous identity of accused through a data linkage project.¹⁸ The study estimated that in 2015/2016, Indigenous people made up 25% of all accused (adults and youth), while representing only 5% of the Canadian population, which means they were overrepresented by a factor of five.

¹² Statistics Canada. 2022. "Indigenous population continues to grow and is much younger than the non-Indigenous population, although the pace of growth has slowed." (The Daily). Retrieved from <https://www150.statcan.gc.ca/n1/daily-quotidien/220921/dq220921a-eng.htm>.

¹³ Statistics Canada. [Table 35-10-0060-01 Number of homicide victims and persons accused of homicide, by Indigenous identity, age group and gender.](#)

¹⁴ Statistics Canada. [Table 35-10-0156-01 Number, percentage and rate of homicide victims, by gender and Indigenous identity.](#)

¹⁵ Statistics Canada. [Table 35-10-0157-01 Number, percentage and rate of persons accused of homicide, by gender and Indigenous identity.](#)

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Saghbini, C., Bressan, A. & Paquin-Marseille, L. (2021). Indigenous People in Criminal Court in Canada: An Exploration using the Relative Rate Index. Department of Justice Canada: Research and Statistics Division.

Between 2005/2006 and 2015/2016, compared to White¹⁹ accused, Indigenous people accused were on average more likely to be found guilty (+14%), less likely to be acquitted (-33%), more likely to encounter a stay of proceedings (+47%), and less likely to encounter a withdrawal, dismissal or discharge (-55%).²⁰ Once found guilty and sentenced, Indigenous people accused were on average more likely to receive more serious sentences such as a custodial (+30%) or conditional (+11%) sentence, and less likely to receive probation (-13%), or a fine (-14%).

Indigenous adults and youth, in particular women, are overrepresented in provincial and territorial correctional services.

In 2022/2023, Indigenous adults made up 30% of admissions to provincial/territorial correctional services²¹ despite only accounting for 4% of the adult population in Canada in 2021.²² This overrepresentation was slightly more pronounced among custody admissions (30%)²³ than among community supervision admissions (27%).²⁴ While all groups of Indigenous people are overrepresented in provincial/territorial corrections, the disproportionality is more pronounced among Indigenous women. In 2020/2021, Indigenous adult females accounted for 42% of female custody admissions, while Indigenous adult males accounted for 30% of male custody admissions.²⁵

In 2022/2023, Indigenous youth accounted for 40% of youth admissions to provincial/territorial correctional services despite representing only 8%²⁶ of the Canadian youth population in 2021.²⁷ Similarly to adults, the overrepresentation of Indigenous youth was more pronounced among custody admissions (46%) than community supervision admissions (37%) in the reporting jurisdictions.²⁸ Overrepresentation was also more pronounced amongst female Indigenous youth who accounted for 55% of female youth custody admissions in 2022/2023 (51% pre-trial detention, 70% secure custody, 76% open custody, and 95% provincial director remand), while male Indigenous youth accounted for 44% of youth male custody admissions (43% pre-trial detention, 45% secure custody, 53% open custody, and 73% provincial director remand).²⁹

¹⁹ The White comparison group included predominately White people. Any reference to the term "White" in the report cited above includes individuals who did not identify as Indigenous nor as a visible minority on the 2016 Census of Population long-form.

²⁰ Percentages marked with a '+' or '-' refer to Indigenous accused relative to White accused.

²¹ Statistics Canada. 2023. "Correctional services statistics: Interactive dashboard." Retrieved from <https://www150.statcan.gc.ca/n1/pub/71-607-x/71-607-x2019018-eng.htm>.

²² Statistics Canada. 2022. "Indigenous population continues to grow and is much younger than the non-Indigenous population, although the pace of growth has slowed." (The Daily). Retrieved from <https://www150.statcan.gc.ca/n1/daily-quotidien/220921/dq220921a-eng.htm>.

²³ Statistics Canada. Table 35-10-0016-01 Adult custody admissions to correctional services by Indigenous identity.

²⁴ Statistics Canada. Table 35-10-0020-01 Adult admissions to community services by Indigenous identity.

²⁵ Statistics Canada. 2022. "Adult and youth correctional statistics, 2020/2021." Retrieved from <https://www150.statcan.gc.ca/n1/daily-quotidien/220420/dq220420c-eng.htm>.

²⁶ Statistics Canada. 2021 Canadian Census. 2021. (special request).

²⁷ Statistics Canada. Table 35-10-0007-01 Youth admissions to correctional services, by Indigenous identity and sex.

²⁸ Data are not available for Quebec and Prince Edward Island for 2022/2023.

²⁹ Statistics Canada. 2023. "Youth admissions to correctional services, by Indigenous identity and sex." Retrieved from <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510000701>.

Indigenous adults, in particular women, are overrepresented in federal corrections.

In 2022/2023, Indigenous adults accounted for 33% of admissions to federal custody.³⁰ Specifically, Indigenous women accounted for 49% of female admissions, while Indigenous men accounted for 32% of male admissions.

Between 2018/2019 and 2022/2023, the number of Indigenous adults in the federal offender population saw an increase of 4.5%.³¹ Further, in 2022/2023, 29% of offenders under federal jurisdiction were Indigenous; of these offenders who self-identified as Indigenous, 69% were First Nations, 28% were Métis, and 3% were Inuit.

The percentage of Indigenous women in federal custody has been increasing over the years. For the first time, in April 2022, exactly half of the 596 federally incarcerated women were Indigenous (298).³²

In addition to being overrepresented, Indigenous federal offenders face harsher in-custody experiences.

In 2021/2022, a lower percentage of Indigenous offenders were classified as a minimum security risk (15%) and a higher percentage were classified as a medium (69%) and maximum security risk (16%) compared to non-Indigenous federal offenders (22%, 65% and 13%, respectively).³³

Between April 1, 2019 and November 30, 2019, Indigenous federal offenders accounted for 40% of all admissions to administrative segregation,³⁴ despite only accounting for 30% of the in-custody offender population at the time.³⁵ Following the abolishment of administrative segregation, Structured Intervention Units (SIUs)³⁶ were introduced in November 2019; in March 2022, 49% of persons housed in an SIU self-identified as Indigenous.³⁷

Of all use of force incidents³⁸ recorded between April 2015 and October 2020, 39% involved Indigenous federal offenders, while comprising only 28% of the prison population over the same time.³⁹ Although women accounted for 5% of all individuals involved in a use of force incident during this time, Black,

³⁰ Statistics Canada. Integrated Correctional Services Survey. n.d. (special request).

³¹ Correctional Services Canada. n.d. (special request).

³² Office of the Correctional Investigator. 2022. "Office of the Correctional investigator Annual Report 2021-2022." Retrieved from <https://oci-bec.gc.ca/en/content/office-correctional-investigator-annual-report-2021-2022>.

³³ Public Safety Canada. 2024. "2022 Corrections and Conditional Release Statistical Overview." Retrieved from [2022 Corrections and Conditional Release Statistical Overview \(publicsafety.gc.ca\)](https://publicsafety.gc.ca/2022-Corrections-and-Conditional-Release-Statistical-Overview).

³⁴ Changes to the *Corrections and Conditional Release Act* abolished administrative segregation as of November 30, 2019.

³⁵ Public Safety Canada. 2022. "2021 Corrections and Conditional Release Statistical Overview." Retrieved from [2021 Corrections and Conditional Release Statistical Overview \(publicsafety.gc.ca\)](https://publicsafety.gc.ca/2021-Corrections-and-Conditional-Release-Statistical-Overview).

³⁶ SIUs are units in an institution where an inmate can be transferred, based on legislative criteria, if they cannot be managed in a mainstream population.

³⁷ Office of the Correctional Investigator. 2022. "Office of the Correctional investigator Annual Report 2021-2022." Retrieved from <https://oci-bec.gc.ca/en/content/office-correctional-investigator-annual-report-2021-2022>.

³⁸ Use of force incidents are situations where correctional authorities determine the situation as problematic, disruptive, or potentially unsafe. In these situations, correctional staff may use a variety of tools and approaches to manage the situation include, but not limited to, physical handling, restraint equipment, and inflammatory spray.

³⁹ Office of the Correctional Investigator. 2021. "Office of the Correctional investigator Annual Report 2020-2021." Retrieved from [Office of the Correctional Investigator Annual Report 2020-2021 | OCI | BEC \(oci-bec.gc.ca\)](https://oci-bec.gc.ca/en/content/office-correctional-investigator-annual-report-2020-2021).

Indigenous, and women of colour accounted for 67% of all women involved in use of force incidents, mostly driven by the high numbers of Indigenous women.⁴⁰ On average, 60% of all women involved in use of force incidents implicated an Indigenous woman, despite them accounting for approximately 40% of federally incarcerated women over the last five years.⁴¹

Indigenous offenders experience disproportionate negative outcomes from parole hearings.

In 2021/2022, the rates of day⁴² and full parole⁴³ granted to Indigenous offenders (72% and 21%, respectively) were lower than non-Indigenous offenders (77% and 33%, respectively), a trend that has remained consistent over the past 10 years.⁴⁴ This means that a higher percentage of Indigenous federal offender releases were statutory releases⁴⁵ (76%) compared to non-Indigenous federal offender releases (57%).⁴⁶

In 2021/2022, Indigenous offenders also served longer proportions of their sentences before being released on their first day and full parole (42% and 48% of their sentence, respectively), than non-Indigenous offenders (37% and 45%, respectively).

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Day parole is a type of conditional release granted by the Parole Board of Canada whereby offenders are permitted to participate in community-based activities in preparation for full parole or statutory release. The conditions require offenders to return nightly to an institution or half-way house unless otherwise authorized by the Parole Board of Canada.

⁴³ Full parole is a type of conditional release granted by the Parole Board of Canada whereby the remainder of the sentence is served under supervision in the community.

⁴⁴ Public Safety Canada. 2024. "2022 Corrections and Conditional Release Statistical Overview." Retrieved from [2022 Corrections and Conditional Release Statistical Overview \(publicsafety.gc.ca\)](https://publicsafety.gc.ca/2022-Corrections-and-Conditional-Release-Statistical-Overview).

⁴⁵ Statutory release refers to a non-discretionary conditional release that is subject to supervision after the offender has served two-thirds of their sentence.

⁴⁶ Public Safety Canada. 2024. "2022 Corrections and Conditional Release Statistical Overview." Retrieved from [2022 Corrections and Conditional Release Statistical Overview \(publicsafety.gc.ca\)](https://publicsafety.gc.ca/2022-Corrections-and-Conditional-Release-Statistical-Overview).