

OVERREPRESENTATION OF INDIGENOUS PEOPLES IN THE CRIMINAL JUSTICE SYSTEM

STATISTICS

Indigenous peoples are overrepresented in the Canadian criminal justice system.

In 2016-2017, Indigenous were representing **30%** of the admissions in prison, while representing only **4,1 %** of the Canadian adult population (CSC, 2017). This overrepresentation is affecting most particularly Inuit (**61%**), Innus (**19%**) and Algonquins (**16%**) (Chéné, 2018).

Statistics indicate a significant gap between Indigenous and non-Indigenous peoples when comparing victimization and prosecution rates:

Situation	Non-Indigenous	Indigenous
Victimization rate (RSD, 2017)	18	28 ¹
Judicialization rate ² (Sylvestre <i>et al.</i> , 2018)	3	15
Preventive detention rate (CV, 2019)	10	23 ³

¹ Including twice the number of violent crimes; being three time higher with women.

² Comparison between those living in Indigenous community and those living elsewhere.

³ Rate that goes up to **30%** with Inuit.

Sentences being also much more severe:

- Up to **91,8%** of sentences being unconditional detention;
- Only **4%** of parole being granted;
- Only **3%** of demands for temporary absences being granted (Viens Commission, 2019).

ANALYSIS

Two models that have been mobilized to explain the overrepresentation of Indigenous peoples in the criminal justice system:

Individual explanations

- Several social, cultural, economic and demographic factors are exposing Indigenous peoples to greater risks of judicialization (La Prairie and Stenning, 2003).
- Colonialism has caused important traumas and has contributed to the vulnerabilization of Indigenous peoples (Turcotte, 2015).

CONSEQUENCES

Social deintegration

Distress
Deprivation
Stigmatization
Impoverishment
Social exclusion
Isolation

Structural explanations

- Indigenous peoples have been victims of discrimination at each level of the criminal justice system (Viens Commission, 2019).
- Colonialism is still exerting domination over Indigenous peoples (Chartrand, 2019).

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* This paper is only summarizing parts of the research report.

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« From the first point of contact with correctional services and until their release, Indigenous people appear to be at a disadvantage »

(Viens Commission, 2019: p. 337)

CULTURALLY ADAPTED PROGRAMMING

CANADIAN EXAMPLES

Types of programs	Location	Examples
Holistic Healing Programs (Jaccoud, 1999; OCI, 2012)	Healing Centres	Stan Daniels Healing Centre and Buffalo Sage Centre (AB)
		Holistic Wellness Centre of the Prince Albert Grand Council (SK)
		O-Chi-Chak-Ko-Sipi Healing Lodge (MB)
		Waseskun Healing Centre (QC)
	Wellness Houses	Kwikwèwelhp Healing Village (BC)
		Pê Sâkâstêw Healing Centre (AB)
Programs based on the Risks/Needs/Responsivity model (problem-solving, anger management, addiction, sexual offenders, etc.)	Correctional institutions	Tupiq (Stewart et al., 2009)
		Aboriginal Offender Substance Abuse Program (Kunic and Varis, 2009)
		"In Search of Your Warrior" Program (Trevethan, Moore and Allegri, 2005)
	Community	Inuit Community Maintenance Program
Provincial programs adapted for Indigenous inmates / Québec ¹	Detention Centre of Sept-Îles	Psychoactive Drug Use Program

¹ According to the Viens Commission (2019) there are six provincial correctional institutions that are providing specific programs for Indigenous peoples.

CHALLENGES FOR IMPLEMENTATION

- Mutual misunderstanding based on biases and prejudices.
- Suspicion and mistrust of Indigenous peoples in regard to institutions who do not respond to their needs, do not provide sustaining solutions and exacerbate traumas.
- Different visions, values, and ways of working.
- Inadequate programs and evaluation tools in regard to the particularities of Indigenous peoples.
- Linguistic barriers.
- Length of sentences in provincial detention centres.
- Considering that all Indigenous peoples are sharing the same culture and similar lifestyles.
- Aboriginalization of prisons, in which the institution is adapting the programs without any substantive reform within the system.

BENEFITS OF PROGRAMS

- Providing healing and appeasement.
- Contributing to reintegration in community.
- Preventing reoffending.
- Reinforcing cultural identity.
- Providing tools for decolonization.

PATHWAYS FOR INTERVENTION

Identity dimension

- Alternative programs driven by Indigenous cultures and values, and that can provide a better response to their needs.

Community dimension

- Promoting the participation of people from the community who can make a difference in regard to social support.
- Avoiding the use of any form of intervention that is reinforcing social and community deintegration.

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