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GUIDE TO STATISTICS ON NATIVE OFFENDERS

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PREFACE

Recently, a growing interest has been shown by individuals, as well as organizations, in statistics relating to Native Offenders in Canada with a view to examining all aspects of legal justice from the standpoint of Native people.

In this report an attempt has been made to identify and document:

- (i) existing data bases;
- (ii) on-going or proposed studies;
- (iii) selected studies carried out in the recent past; and
 - (iv) literature;

pertaining to this subject area.

It is believed that this documentation will be of some help in providing direction for further investigation into the subject. It must be stated, however, that this document has been prepared in a very short time and is by no means an exhaustive one. The intention is to up-date and supplement it as we come across more material relevant to the purpose. All comments and suggestions will be most welcome and may be sent directly to the undersigned.

M. A. Rahim Statistics Development Officer Information Systems and Statistics Division Ministry of the Solicitor General

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1. INTRODUCTION

The nature and extent of criminal offences committed by the Native people in Canada and the related social problems involving them, is a major concern at this time. The Law Reform Commission of Canada has already pointed out that there are "Major gaps" in statistics on Native criminality in Canada and particularly "There is very little information concerning central and eastern Canada". At this point of time there is no well organized, established statistical system under which all relevant data regarding Native offenders are regularly recorded, monitored and processed in a standardized format usable by all concerned. Although a large amount of work has been done in the past, these are mostly one time studies designed to meet certain special requirements and are widely scattered.

The purpose of this report - as explained in the preface is to provide information in one place that can be helpful for any research worker in providing direction for further studies into all aspects of legal justice from the standpoint of Native people.

With this in view, the material in this report is presented in the following order:

- Section 2: provides a listing of all the existing data bases along with a description of data items contained in the base.
- Section 3: provides a short description of various studies either on-going or currently under consideration of Federal Government Departments or private organizations.
- Section 4: provides a listing of selected important studies carried out in the recent past along with a synopsis of purpose and content.
- Section 5: provides a list of literature relevant to the subject area.

Copies of certain forms, currently in use for recording basic data, are shown in the appendix.

2. DATA BASES

In this section we will list the various existing data bases that contain, among other things, statistics relating to Native Offenders. Under each data base we will furnish a brief background as to how it is generated and maintained, and who should be approached in order to have access to the data base. Following this, we will list each individual data item that goes into the record along with a short explanation of the same.

2.1 INMATE RECORD SYSTEM (IRS)

When an individual, convicted of a crime, enters into a federal penitentiary, an admission form is filled out. Information contained in the admission form, coupled with certain other records made during his stay in the penitentiary, is computerized and maintained by the Canadian Penitentiary Service (CPS) of the Ministry of the Solicitor General. The actual data lie in the computer system of a private organization known as "Systems Dimensions Ltd." (SDL). The data can be accessed through CPS.

A complete listing of the data items that go into the IRS is furnished below, along with brief explanations. It should be pointed out, however, that certain information collected on drug, alcohol usage, employment status and number of dependents, which goes into this system, is self reported, not very reliable and for many inmate records, not stated.

F.P.S. number: This is a number assigned by the R.C.M.P. to the fingerprint of a particular inmate for identification purpose.

<u>Inmate number:</u> This is another identification number assigned to each inmate, on admission, by the C.P.S.

Institution number: This is a number assigned to each institution under the C.P.S. for identification purpose. Two special codes are also assigned to identify cases "unlawfully at large" and "Provincial transfer and release from Provincial".

Surname and Initials: The last name in full and the initials of the inmate are recorded as they appear on the warrant authorizing the Institution to keep him in custody.

Type of Reception: This means the basis upon which an inmate is admitted. The following categories are defined for the purpose:

- (i) Warrant of committal
- (ii) Transfer from provincial in accordance with section 659(5) of the criminal code
- (iii) Transfer from provincial under the federal/ provincial contract agreement
 - (iv) Parole revocation
 - (v) Parole forfeiture
 - (vi) Mandatory supervision revocation
- (vii) Mandatory supervision forfeiture

One of the above, applicable for an inmate, is recorded in terms of a given code number. If it is a case of "transfer from provincial" then the name of the Province (or Territory) is also recorded.

<u>Date of Admission:</u> The day, month and year of admission are recorded.

<u>Date Sentence Commenced:</u> The date indicated on the warrant of committal is recorded. If this is not indicated, the date when the warrant was signed, is recorded.

Aggregate Sentence: The total length of sentence, in terms of days, I to 10,960, is recorded. This includes any remnant from the previous term. One of the five other categories of sentences, if applicable, is recorded in terms of special codes. These categories are:

Finite sentence from 30 years or more
Detained at pleasure of Lt. Governor
Preventive detention
Life imprisonment
Life imprisonment - commuted from death
(Repealed since July 26, 1976)

<u>Probable Release Date:</u> This date is calculated at the time of admission in anticipation of awards of full statutory and earned remission for which the inmate is eligible. This is recorded in terms of the day, month and year.

<u>Sex:</u> Classification of the inmate, in terms of male or female, is recorded.

<u>Date of Birth:</u> Recorded in terms of day, month and year.

<u>Birthplace:</u> One of the following birthplaces of the inmate is recorded. In case no birthplace is entered in the admission form, it is recorded as 'not stated' through a special code.

Newfoundland
Prince Edward Island
Nova Scotia
New Brunswick
Quebec
Ontario
Manitoba

Austria
Czechoslovakia
France
Germany
Greece
Hungary
Italy

Saskatchewan

Alberta

British Columbia

Yukon

Northwest Territories

British Isles

(includes Ireland)

United States

West Indies

Other American (North Central, South)

Netherlands

Poland

Scandinavian Countries

U.S.S.R.

Yugoslavia

Other European

Asia

Africa

Southern Pacific Region

Other

Citizenship: The individual's citizenship, at the time of admission, is recorded in terms of one of the following categories:

Canadian

U.S.A.

Others

Ethnic Origin: The ethnic origin of the inmate is recorded in terms of the following categories:

British Isles

French (means French-speaking Canadian)

Other European

North American Indian

Métis

Eskimo

Asiatic

Negro

Other

The particular category that the inmate identifies for himself is accepted.

Language Spoken: The language in which the inmate can best express himself, is recorded in terms of the following categories:

Not stated
English only
French only
English and French both
Neither English nor French

Apparent Major Ailment or Defect: This is recorded at the time of admission as indicated by the inmate, observed by the reporting officer or obtained by a supporting document, in terms of the following categories:

None Major medical Other ailments or defects

<u>Province of Residence:</u> The Province (or Territories) of residence prior to conviction; or one of the two following categories, if applicable, is recorded:

No permanent address

No permanent add Outside Canada

<u>Tattoo:</u> Whether the inmate had any tattoos, is recorded in terms of two categories: 'yes' or 'no'.

Major Offence: Major offence, in terms of the definition under Canadian Criminal Code, is recorded. If there is more than one offence, the major offence is the one for which the longest sentence was awarded. If same sentence was awarded to more than one offence, the major offence is the one for which maximum penalty allowed under the law is highest.

<u>Length of Major Sentence</u>: Length of sentence for the major offence is recorded.

<u>Date of Sentence</u>: The date on which the inmate was sentenced for the current major offence on admission is recorded.

<u>Place of Sentence:</u> The location where the court was sitting when it passed the sentence for major offence is recorded. The location is described in terms of Province, Judicial District, City or Town.

Type of Court: The type of court is recorded in terms of the following eight classifications:

Justice of Peace, Police Magistrates, Provincial, Municipal

Session de la paix

County, District

Supreme, Superior, Queen's Bench

Family Juvenile

Martial

Appeal

Not Stated

Social Insurance Number: The number, as reported in the admission form, is recorded.

<u>Life-time Major Offence:</u> This is a recording of the most serious offence that the inmate has been convicted of during his crime career, as it stands at the time of his current admission.

Previous Commitments and Time Served: The number of previous penitentiary terms served by the inmate is recorded. Also, the total length of time served under all those previous terms is shown in terms of nine following classifications:

Nil

Under 3 months

Under 6 months

6 to 12 months

1 to 2 years

2 to 3 years

3 to 5 years

5 to 10 years

Over 10 years

Marital Status: Marital status is recorded in terms of seven following classifications:

Single

Married

Common Law

Widowed

Separated

Divorced

Not Stated

Religion: Religion of the inmate is recorded in terms of the following ten classifications:

Anglican

Roman Catholic

Baptist

United (Methodist)

Doukhobor

Other Protestant

Jewish

Other Religion

Presbyterian

Atheist (Agnostic) and

not stated

Alcohol Usage: Inmate's own statement is recorded in terms of the following four classifications:

Alcoholic

Problem Drinker

No Problem

Not Stated

<u>Drug Usage:</u> Inmate's own statement is recorded in terms of the following four classifications:

User

Addict

Not Applicable

Not Stated

<u>Employment Status:</u> Employment information, at the time of offence, is recorded in terms of four classifications:

Employed

Not Employed

Others

Not Stated

Education Level: Inmate's education level is recorded in terms of the following four classifications:

Illiterate

School grade completed (1 to 13)

Educated beyond High School

Not Stated

Type of Release: The basis of the inmate's release at the end of the term is recorded in terms of the following nine classifications:

Expiration of sentence

expiredion of sentenne

Paro1e

Minimum parole

Court Order

Death

Executive clemency (including

pardon and other)

Transfer to Provincial

Institution

Mandatory supervision

Other

Release Date: The date when the inmate physically departs from the institution is recorded.

<u>Warrant Expiry Date:</u> This is the date on which the warrant of committal expires. This is different from date of release which depends on statutory and earned remission credits, discretion under the Parole Act,

...10

Number of Escapes: The number of times the inmate is convicted - during his prison terms - of breaking prison or escaping from custody and at large without lawful excuse, is recorded under three different classifications:

No escapes Actual number of escapes (if it is from 1 to 8) Greater than 8

Number of Disciplinary Board Convictions: Total number of convictions by Disciplinary Boards for violation of institutional regulations, during the term, is recorded. Appearances before Disciplinary Boards, such as Warden's Court not resulting in convictions are not included.

Statutory Remission Lost: Under statutory remission 25% of aggregate sentence is reduced for an inmate. An inmate may forfeit such reduction owing to misbehavior. The actual number of days lost this way is recorded.

Earned Remission Lost: An inmate earns up to 10% reduction of his aggregate sentence. He forfeits such earned remission owing to misbehaviour. The actual number of days lost this way is recorded.

<u>Custodial Classification on Release:</u> At the time of release, an inmate's custodial classification is recorded in terms of the following three classifications.

Maximum

Medium

Minimum

<u>Treatment Received:</u> Any counselling and psychiatric services received by an inmate is recorded in terms of the following classifications:

None
Diagnostic
Individual
Occasional
group

group

Occasional group Intensive Both individual and occasional group

Both individual and intensive group

Milieu Therapy

Not stated

<u>Private Agency after Care Contacts:</u> The private or public agency that will be contacted after release, voluntarily by the inmate or under supervision, is recorded. These agencies are classified as below:

No contacts
John Howard Society and/or Elizabeth Fry Society
Société d'Orientation et de Réhabilitation Sociale
Salvation Army
Le Service social de l'ouest Québecois
Catholic Rehabilitation Service
Service de Réadaptation sociale
Narcotic Addiction Foundation
Half-Way Houses
Others

Prognosis by Classification Officer: Opinion about the inmate regarding his chances of recidivating following release, is recorded under one of the following classifications:

Not applicable (in case of death, transfer to Province, etc.)

Good

Doubtful

Poor

Case of deportation

<u>Inmate's Response to Program:</u> Inmate's response to institutional program is recorded under one of the following classifications:

Uncooperative or actively uncooperative $\ensuremath{\mathsf{Ambivalent}}$

Cooperative or actively cooperative

<u>Fund in the Account:</u> Total dollar value of the inmate's penitentiary accounts (including bonds and securities), made available to him at the time of his release, is recorded.

2.2 TREASURY BOARD TAPE "SOL: 08 NATIVE"

During January, 1975, the Planning Branch of the Treasury Board Secretariat prepared a report on Native inmates within the Federal Penitentiary System. This was primarily a comparative study of Native and Non-Native inmates with regard to certain "structural" and "behavioural" characteristics. The data were collected from a sample of inmates and based on available information from the Judicial Division of Statistics Canada and the Ministry of the Solicitor General's inmate record system. The sample was restricted to those inmates who were admitted after 1966 and whose initial terms were to expire between January 1, 1970 and December 31, 1972. These data were merged and put into one tape. The tape has since been lying with SDL and its reference number or serial number is SH 9005.

The data items (or variables) stored in this tape are similar to those listed under Section 2.1. It has a few additional items, however, which are listed below.

Number of sentences: The inmate's total number of charges for the present term.

Age on admission: Actual age of the inmate, in years, at the time of admission.

Age on release: Actual age of the inmate, in years, at the time of release.

<u>Time served:</u> Actual time served, in days, between date of admission and release date.

Type of Sentence: Type of sentence under the following classifications:

Simple
Simple and lash
Simple and fine
Concurrent
Concurrent & fine
Consecutive
Consecutive and lash
Consecutive and fine
Concurrent and consecutive
Concurrent, consecutive
and lash
Parole revocation
Parole forfeiture and

sentence

Concurrent, consecutive and fine

Concurrent and preventive detention

Concurrent, preventive detention and lash

Remanet and lash

Consecutive and preventive detention

Concurrent, consecutive and preventive detention

Concurrent, consecutive and preventive detention

Order Lt. Governor

Number of Dependents: Number of dependents under the following categories:

Actual number if it is 0 to 7 Above 7 Not stated

Type of Previous Penal Record: Type of previous penal record under the following classifications:

No previous commitment
Previously committed to gaol
Previously committed to reformatory
Previously committed to penitentiary
Previously committed to gaol and reformatory
Previously committed to gaol and penitentiary

Previously committed to reformatory and penitentiary

Previously committed to gaol, reformatory and penitentiary

<u>Proportion of Aggregate Sentence:</u> Proportion of aggregate sentences actually served, in terms of percentage.

2.3 F.P.S. REPORT SYSTEM:

A standardized form (a-216) is supplied by the R.C.M.P. (see Appendix 1) to police forces in Canada for recording fingerprints, offence(s) and disposition(s) as well as some socio-economic data about an offender following each incident of crime. These forms are sent to the R.C.M.P.'s Identification Branch which in turn maintains this information for each individual offender (identified by fingerprint) chronologically (see Appendix 2). This system of recording the crime history of an offender is usually referred as F.P.S. Report System.

The F.P.S. report is treated as confidential and private researchers cannot have access to the data. However, under the limits of the "Identification of Criminals Act", those who are responsible for the administration of the law are eligible to have access to the data through the R.C.M.P.

As to individual data items that are recorded under this system, one can see them in the two sample forms shown under Appendix 1 and Appendix 2.

2.4 NATIONAL PAROLE STATISTICAL INFORMATION SYSTEMS (NPSIS):

The National Parole Service under the National Parole Board has a system of recording certain data about an inmate when he becomes subject to the Board's discretion under the provisions of the Parole Act. There are eight different forms in which these data are recorded. This information along with certain other information derived from the case files of the

inmates is finally computerized and maintained with SDL. The data base thus generated is referred as NPSIS. This data base, in its current operational form, does not record the ethnic origin of the parolee. However, it is the intention that in the long run, this characteristic along with certain other socio-economic characteristics will be recorded in the Eventually, therefore, it may be possible for the research workers to extract desirable data from this system for the Natives and Non-Natives separately. In view of such a possibility we are providing a description of this system However, for the sake of brevity, we will not list here a description of each individual data item. will group the entire data base and under each group we will outline the type of information that is currently available or is likely to be available later on. For details of the exact nature of data items, one may refer to appendices 3-10, where actual forms in which data are recorded are displayed.

Identification: Under this group, information for identification purposes, such as, name of the parolee, inmate institutional number, FPS number, sex, date of birth is recorded.

<u>Jurisdiction:</u> Under this group, information concerning the name of the institution, the province in which it is situated and whether the parolee is under federal or provincial authority is recorded.

Current Offences and Aggregate Sentence: Under this group, information concerning parole violation and its type, major offence and its type, secondary offence and its type, earliest date of offence, aggregate sentence type, length of sentence, date when sentence is started, time on bail, date of arrest for cases of life imprisonment, and the status, such as, habitual, criminal or dangerous sexual offender is recorded.

Prior Criminal History: Under this group, information concerning number of prior terms served, parole violations and forfeiture including day parole, full parole and mandatory supervision, first adult offence type, and age at the first adult offence is recorded.

Socio-economic history: Under this group no information is recorded at present, but intended to be recorded later on. It is expected to include ethnic origin, language spoken, province of residence, employment, education, marital status, alcohol and drug abuse, etc.

Case Preparation: Under this group, information concerning the case, such as date of application, type of application, status of application, community assessment, cumulative summary, number of decisions, subsequent review date, date of parole eligibility, etc. is recorded.

<u>Violations:</u> Under this group, information concerning parole violation status, suspension, date of warrant, date of arrest, date when charged, date of conviction, type of offences and parole condition breaches is recorded.

Inmate Case Status: Under this group, information concerning the date when the inmate escaped, date when he was captured, date of death while in the institution, etc., is recorded.

Parole Board Decisions: Under this group, information concerning the Parole Board decisions for day parole, full parole, parole for deportation and the type of parole granted, denied, or cancelled for current and prior applications is recorded. In addition, information regarding special conditions and any modifications to special conditions is recorded. Special conditions are "obtain psychiatric treatment", "not to operate motor vehicle", "avoid gambling", "abstain drugs", etc. If parole is granted, further information is recorded regarding destination and whether the inmate will be under the supervision of certain agencies such as federal agencies, provincial or territorial probation services and other public, private or social agencies.

Case Supervision Status: Under this group, information concerning date of release, warrant expiry date, type of release, current supervision agency, previous supervision agency, transfer of case supervision, date of supervision termination, type of termination, etc. is recorded.

3. ON-GOING OR PROPOSED STUDIES

3.1 PROJECT UNDER NATIVE COUNCIL AND MÉTIS AND NON-STATUS INDIAN CRIME AND JUSTICE COMMISSION:

Consequent upon a decision at the National Assembly of Native Council of Canada, during 1975, a Crime and Justice Commission was formed with a view to examining all aspects of legal justice, from the viewpoint of Native people. This Commission along with the Native Council of Canada is currently conducting a survey with the following objectives:

- 1. "To listen to convicts and ex-convicts, to enlarge and bring up-to-date, our understanding of the needs which they feel; and to work out some ways whereby legitimate needs may be answered; and to recommend on these.
- 2. To determine, on the basis of our experience and further study the conditions which are likely to lead to crime and recidivism among Native people; and to look for ways whereby these conditions can be changed; and to recommend on matters which relate directly and indirectly to prevention of crime, and to parole, after-care programs and rehabilitation methods.
- 3. More generally, to seek to understand, from the viewpoint of Native people, the inter-relationship of crime,
 inadequate sense of cultural and personal identity,
 and an under-developed socio-economy; and to contribute
 to the development of remedial measures."

In short, this study is primarily directed towards "Discovering the important factors that lead large numbers of Natives into Canada's prisons; and proposing appropriate solutions to many of the problems identified."

The proposed method of investigation consists of selection of sample of inmates from the institutions and gathering data from them, in a prescribed questionnaire, through interviews. The interviews will be conducted by the Commissioners of the Crime and Justice Commission and their designates. In view of the concentration of Native inmates, sample size in the west has been set at 25% of all Native inmates. This would give about 150-200 individuals. In the east, from Ontario to the Atlantic, all the Native inmates are to be included in the sample.

Nearly half of the field work, at this point of time, has been completed. A preliminary report relating to this study is also ready and available from the Commission.

An outline of the type of information collected through the survey questionnaire is given below:

Demographic and family information: This includes age, sex, ethnic group, place of residence and information on the other members of the inmate's family.

Education and financial status: This includes level of education, employment and financial status of the inmate as well as other families in his locality.

<u>Crime information</u>: This includes causes of imprisonment, previous crime history, place of crime, previous probation history, alcohol and drug habits, membership of any club or organization in his community, whether he spent any time living on skid row, etc.

Police and court informations: This includes whether he was arrested by R.C.M.P., city police or Band constable, whether he pleaded guilty or not in the court, whether he got help from court worker or not, whether he had a lawyer, what was the ethnicity, of the court worker or lawyer, etc.

<u>Prison information</u>: This includes information such as whether he participates in institution programs, if the prison has any native staff or liaison worker, if there is any facilities for lodging grievances, etc.

<u>Parole information</u>: This includes the inmate's knowledge about parole procedures as well as other information about parole granting, transfer from another institution, etc.

<u>Legal aid services</u>: This includes information about the inmate's knowledge of legal aid services, whether any lawyer has assisted him, if the lawyer is of Native origin, etc.

Others: This includes information about Native halfway houses and in general the inmate's opinion about the prison treatment, the cause of over-representation of Natives in the prison, what had caused or influenced him to commit crime, etc.

For further information about exact items of data collected, reference may be made to the questionnaire used. Information concerning the questionnaire can be obtained from the office of the Native Council at 77 Metcalfe Street, Ottawa; Phone 238-3511.

3.2 PROJECTS UNDER POLICY BRANCH (CITIZENSHIP), DEPARTMENT OF THE SECRETARY OF STATE:

There are two projects under the Policy Planning and Priori ies Directorate which deal with the phenomenon of migration among the Native people and have an indirect relationship with some aspects of the legal justice system as well as incidences of crime.

The first study, by Dr. Linda Gerber, represents an analysis of migration by Reserva. It attempts to specify the kind of Reserves which sustain high (and low) levels of off-Reserve residence. Included in this analysis are factors such as community development, isolation, and language retention among others. The implication is that Native migrants will have very different experiences of urban society by virtue of having been raised in different environments - and that Natives from some Reserves will, as a rule, have fewer adjustment problems than Natives from other Reserves.

The second study, is a survey of the clients of twelve Native Friendship Centres across Canada. The unit of analysis here

is the individual. The survey attempts to document patterns and causes of migration among Status and Non-Status Indians, Métis, and Inuit people. The special problems of adjustment are explored, and the respondents are asked to indicate possible services which might be provided to smooth the transition from Reserve or rural area to the towns and cities. The results of this study are expected to be available by late June, 1977.

3.3 PROJECTS UNDER THE DEPARTMENT OF JUSTICE:

Within the Department there is an on-going process of evaluation of the law in the light of changing conditions in society and related works by the Law Reform Commission. This results in the development of programs to meet perceived needs concerning the administration of justice in Canada. Some of these programs offer outright grants and contributions to associations and individuals, others are cost-sharing programs worked out in cooperation with the provinces, but all are aimed at making a positive impact on the quality of the judicial system, legal education and research.

The following on-going programs are partly or wholly concerned with the Native population in Canada:

- Native people and officials involved with the administration of justice,
- 2. Native courtworker program,
- 3. Native law students program,
- 4. Special projects legal aid.

It must be pointed out that these programs under the Department of Justice are not statistical in nature, in the sense that they are not aimed at collecting data relating to Native offenders in particular. However, they do yield much information and are concerned with many aspects of legal justice from the standpoint of Native people. Therefore, they would certainly be valuable for formulating further research in this subject area.

A particular study report, expected to be soon available, is with regard to the delivery of legal services in the north.

3.4 PROJECT UNDER THE CANADIAN ASSOCIATION IN SUPPORT OF THE NATIVE PEOPLE:

The Canadian Association in Support of the Native People, in collaboration with Canadian Penitentiary Service and Canada Council, intends to carry out a study with regard to the Native inmates in penitentiaries. At this point of time, the whole project is at a discussion stage. It is understood from the Director of the association that the study is expected to be operational in about six months time. Among other things it is expected to yield valuable quantitative information concerning Native inmates.

3.5 PROJECT UNDER THE COMMUNITY RELATIONS AND SPECIAL PROGRAMS, MINISTRY OF THE SOLICITOR GENERAL:

A pilot summer project, entitled "A study to measure dangerousness of Native Offenders" was undertaken during 1976 by the Chief of Community Relations and Special Programs in collaboration with the Chief of Operational Information Services, Canadian Penitentiary Services; and Chief of Correctional Services, Research Division; under the Ministry of the Solicitor General. The study was initially restricted to the Native inmate population in the Prairie Region. The objective was to analyse, on the basis of available information, the "relative dangerousness of Native Offenders, and any trends as to location of origin, precipitating or causal factors, and so forth". Two summer students employed for the purpose collected data by means of reviewing the files of identified Native Offenders. The data consisted of Native and Non-native inmates by violent and nonviolent offences, offence category by age, offence category by marital status, offence category by number of previous commitments, offence category by aggregate sentence, etc. The data are lying with the Ministry and no final report has yet been published.

4. SELECTED STUDIES IN THE PAST

In this section we will present a listing of certain important studies carried out in the past. Under each study, we will briefly state who carried it out, what was the objective, what method was adopted and a general statement about the nature of its content.

The Indians in British Columbia:

This study was undertaken by the University of British Columbia with Dr. H. B. Hawthorn as the Director of the project, for the Department of Citizenship and Immigration, during the period 1954-56. The result was presented in the form of a book published by the University of Toronto Press.

It is a socio-economic study of Indian life with special emphasis on the extent of adjustment of the Indians to the Canadian economy and society. It contains descriptive observations about the Indian community in British Columbia regarding their community and family life, resources, employment, education, relations with the law, social welfare needs and administration. In the area of crime it shows a few selected statistics such as commitments of Indians to provincial Jails from April 1, 1943 to March 31, 1953 and the number of Indians arrested by the police department of the city of Vancouver, 1938-53.

The study was carried out by a household survey using a questionnaire as well as through interviews with people and organizations in selected communities.

The Native Inmate within the Federal Penitentiary System:

This report was prepared by the Planning Branch of the Treasury Board Secretariat, for internal use only, during January 1975.

It shows a comparison between Native and Non-Native population in the federal penitentiaries with regard to "structural characteristics" (age, marital status, employment, education, number of dependents, use of drugs, use of alcohol, previous penitentiary incarceration, previous time served in penitentiary,

number of sentences, crime type, province of residence, province of sentence) and "behavioural characteristics" (escape, disciplinary board convictions, statutory remission lost, earned remission unearned, response to program). Thereafter, certain conclusions have been made as to which of the structural characteristics had an influence upon the Native behaviour. Also an explanation has been provided on the question of over-representation of Natives within the Canadian Criminal Justice System.

The data were collected from a sample of inmates and based on information available from Judicial Division of Statistics Canada and the Ministry of the Solicitor General's inmate record system. The sample was restricted to those inmates who were admitted after 1966 and whose initial terms were to expire between January 1, 1970 and December 31, 1972.

Arrests, Disposition and Recidivism: A Comparison of Indians and Whites:

This is a research paper by R. M. Bienvenue and A. H. Latif published in April 1974, in the Canadian Journal of Criminology and Corrections, Vol. 16, No. 2, Page 105.

It shows an analysis of a set of data to investigate whether male and female Indians are over-represented in arrests as well as convictions, in all types of crimes as well as liquor offences, in terms of fines and probations as well as incarcerations. It shows some statistics such as percent distribution of criminal offences by Indians and Whites, and percent distribution of dispositions by Indians and Whites.

The data were obtained from arrest statistics for all those 18 years of age and over who were arrested and charged in 1969 by the Winnipeg City Police. The sample consists of 5,995 offences in all, 5,316 involving males and 679 involving females.

A Study of Needs and Resources related to Offenders of Native Origin in Manitoba:

Mr. Don McCaskill of the Department of Sociology, University of Winnipeg conducted this study for the Correctional Planning

Branch of the Ministry of the Solicitor General during 1970.

The report shows some data regarding the proportion of Indian and Métis offenders among the inmates and parolees in the province of Manitoba, along with a few other information such as educational level and origin or residence. This study primarily contains policy recommendations and action proposals for the Ministry of the Solicitor General aimed at the rehabilitation of Indian and Métis offenders. In fact, the objective of this study was to assess the economic, vocational, educational and employment opportunities that are available to parolees and exinmates of Indian and Métis origin upon release, and to discover which factors facilitate their social rehabilitation.

The study was carried out, firstly by reviewing the files of the National Parole Service and the Manitoba Provincial Jail, and secondly through a series of discussions with representatives of Native organizations and people.

The Native Offender and the Law: By Schmeiser, D.A., Heumann, H.W.B. and Manning, J.R.

This special study was undertaken for the Law Reform Commission of Canada and the report was published in 1974.

It contains data relating to Native (Indians, Métis and Inuit) offenders without any distinction as to whether they are registered or not. Broad categories of data are; prison population, type of offences, offences involving use of alcohol, sentence, and recidivism rates. These data are shown separately for each province and classified by Native and Non-Native offenders. The formats of the data are not strictly comparable from province to province. Further, it is only with regard to Western provinces that the data are sufficiently complete.

The data were collected from a wide variety of sources. namely, federal government departments, provincial correction departments and Attorneys-General, private agencies, Indian and Metis associations, police detachments and individual judges and magistrates.

Indians and the Law: By The Canadian Corrections Association: The Canadian Welfare Council, Ottawa

This special study was undertaken for the Department of

Indian Affairs and Northern Development during the period 1966-67 and the report was published in August 1967.

It contains general observations on the following aspects:

- (i) examination of the extent to which Indians and Eskimos come into conflict with the law in Canada:
- (ii) review of law enforcement, judicial and correctional processes as they relate to Indians and Eskimos;
- (iii) examination of the effect of the correctional experience on Indian or Eskimo offenders with emphasis on the attitudes of Indians and Eskimos towards law enforcement and judicial processes;
 - (iv) recommendations on steps required to improve the services already existing or to initiate new services for Indians and Eskimos in conflict with the law.

In addition, it shows data on Native population, and number of Natives convicted of an indictable offence relating to the period 1961, for each province separately. It also provides data by ethnic group on number in Federal Penitentiaries as of December 31, 1965; number in Provincial correctional institutions during selected months in 1965 and 1966, and number of Indians, Metis and Eskimo juveniles in selected training schools in Canada during selected months in 1965 and 1966.

The general study was carried out by actual field visits to communities in urban, rural and remote areas of the provinces. The data were collected by Statistics Canada. The data relating to Yukon and N.W.T. were collected from the R.C.M.P. "G" Division.

Native People and the Law - A Preliminary Statistical Review:

This is primarily a compilation of data relating to Native and other offenders, done by the former Statistics Co-ordination Section of the Ministry of the Solicitor General.

It contains statistics in tabular form as described below:

- Table 1 Total and Native Populations in Provinces and Territories, Federal Penitentiary Populations and Total and Native Admissions to Provincial Correctional Institutions by Province and Canada Total, 1971 Approximation;
- Table 2 Penitentiary Inmates on Register as at
 November 15, 1973: Selective Ethnic Origin
 by Aggregate Sentence, Canada and Provinces;
- Table 3 Penitentiary Inmates on Register as at November 15, 1973; Selected Ethnic Origin by Age on Admission, Canada, and Provinces;
- Table 4 Etnnic Origin of Admissions to Provincial Correctional Institutions, Alberta, 1971-72;
- Table 5 Ethnic Origin of Admissions to Provincial Correctional Institutions, British Columbia, 1971-72;
- Table 6 Ethnic Origin of Admissions to Provincial Correctional Institutions, Manitoba, 1972;
- Table 7 Ethnic Origin of Population of Provincial Correctional Institutions, New Brunswick, as at November 30, 1973;
- Table 8 Ethnic Origin of Population of Provincial Correctional Institutions, New Brunswick, as at December 6, 1973, by Offence Type;
- Table 9 Ethnic Origin of Population of Provincial Correctional Institutions, Newfoundland, as at December 4, 1973;
- Table 10 Ethnic Origin of Admissions to Provincial Correctional Institutions, Nova Scotia, January 1, 1973 to December 1, 1973, inclusive;

Table 11 Ethnic Origin of Population of Provincial Gaols, Prince Edward Island, as at November 30, 1973;

Table 12

- (a) Ethnic Origin of Admissions to Provincial Correctional Institutions, Quebec, 1971;
- (b) Age and Sex of Native People Admitted to Provincial Correctional Institutions, Quebec, by Offence Type, 1971;
- Table 13 Ethnic Origin of Admissions to Provincial Correctional Centres and Adult Training Centres, by Major Offence at Admission, and Admissions to Gaols, Ontario, 1971-72;
- Table 14 Indian Crime Pattern Saskatchewan.

 Criminal Patterns of Native Offenders 1969/70;
- Table 15 Ethnic Origin of Admissions to Yellowknife Correctional Centre, Northwest Territories, most recently available Period of Twelve Months to November 1973;
- Table 16 Ethnic Origin of Admissions to Territorial Correctional Institutions, Yukon, April 1, 1973 December 5, 1973.

The data were obtained from secondary sources, namely from various federal, provincial and territorial government departments.

Indians on Skid Row:

This study was conducted by H. Brody of the Northern Science Research group (currently renamed as Northern Social Research Division) under the Department of Indian Affairs and Northern Development in 1971.

The study is concerned with the behavioural aspect of Indian migrants including the recurrence of violence, in a skid row community of a large urban centre. Although a local study, it

identifies situations resulting from dislocation of Indian life from mainstream economic opportunities and traditional or pseudotraditional values that lead to the deviant behaviour of the Native population in Canada.

Deviance among Indians and Eskimos in Aklavik:

This study was conducted by D.H.J. Clairmont of the Northern Social Research Division under the Department of Indian Affairs and Northern Development, based on certain data collected in 1961 from Aklavik, in the Northwest Territories.

Apart from various other aspects such as demographic structure, family organization, ethnic relations, etc., the study mainly deals with excessive drinking patterns and various forms of crime prevalent among the Natives.

Problems of Native Offenders in the Correctional System:

This is a research paper published by W.T. Badcock in the Canadian Journal of Criminology and Corrections, Vol. 18, No. 4, in October 1976.

The paper deals with the problem of over representation of the Natives in Canada's prison population. The author has identified a few cases and has made some concrete suggestions. One of his findings for the high percentages of Native inmates, is the fact that "Many Natives have a tendency to plead guilty without understanding exactly what they are doing. This is because many Natives, especially in the Western provinces, don't speak English and are unable to understand the difference between innocent and not guilty." Some of his recommendations are "As far as the correctional system is concerned, Native recruitment should be encouraged in the Canadian Penitentiary Service and in the National Parole Service, and Non-Native personnel in contact with Native inmates should be trained in language and culture by Native instructors."

5. LITERATURE ON THE SUBJECT

In this section we will list some relevant literature available on the subject. It should be pointed out that some of them may be text books, some are research papers published in periodicals, some are Government documents prepared for internal use while some are unpublished works by Government or private organizations. They are listed below chronologically:

- 1. The Indians of British Columbia: Hawthorn, H.B., et al: University of Toronto Press: (1957)
- A Study of the People of Indian Ancestry in Manitoba: Winnipeg Department of Agriculture and Immigration: (1959)
- 3. Indians and the Law: A Report prepared for the Department of Indian Affairs by the Canadian Corrections Association, The Canada Welfare Council: (1967)
- 4. Indians and the Law: Miss H.M. Heseltine: Unpublished Survey Report prepared for the John Howard Society of Vancouver Island: (1967)
- 5. Inquiry into the Administration of Justice in the Hay River area of the Northwest Territories: Justice W.C. Morrow, Commissioner: (1967-68)
- 6. The Offender of Indian Ancestry: W.R. McGrath: A Report of the Alberta Penology Study: (1968)
- 7. Indians, Eskimos and the Law: D.A. Schmeiser: Saskatchewan Law Review: Vol. 33: (1968)
- 8 The Law and Native Population: A.E. Golden, et al, Panel discussion, 51st Annual Meeting of Canadian Bar Association: (1969)
- 9. A Study of Needs and Resources related to Offenders of Native origin in Manitoba: A Report prepared by Don McCaskill for the Correctional Planning Branch, Ministry of the Solicitor General: (1970)

- 10. Analysis of Arrests for the year 1969 in the City of Winnipeg with particular reference to arrests of persons of Indian origin: Dubienski, I.V. and Skelly, S., University of Manitoba: (1970)
- 11. Indians on Skid Row: Northern Science Research Group, (currently renamed as Northern Social Research Division) Department of Indian Affairs and Northern Development: (1971)
- 12. Canada's Indians A Powerless Minority: John Harp and John Hofley (eds), Poverty in Canada: Prentice Hall: (1970)
- 13. Reserves of Injustice Indians and Eskimos in Prison: K. Johnstone: The Montreal Star: August 7 (1971)
- 14. Correctional Services in the Northwest Territories: A Report of the Study Committee: Real Jubinville: Department of Social Development, Northwest Territories and Department of the Solicitor General: (1971)
- 15. The Forgotten People: Native Council of Canada: Metis and Non-Status Indian Association: (1972)
- 16. Report of the Task Force on Community-based Residential Centres: Prepared under the Chairman-ship of W.R. Outerbridge, and published under the authority of the Hon. Warren Allmand, Solicitor General of Canada: (1972)
- 17. Justice on Northern Reserves: Mike Flynn, Winnipeg Tribune: April 8 (1972)
- 18. For Minor Offences too many Native People Jailed: Winnipeg Free Press: February 2 (1972)
- 19. Why are so many Indians in jail? Senator asks: The Globe and Mail: March 2 (1972)
- 20. Crime and Society in Churchill: C.H.S. Jayewardene, Centre of Criminology, University of Ottawa: (1972)
- 21. Violence and Social Policy in Churchill: T. Griegier, Centre of Criminology, University of Ottawa: (1973)

- 22. Native People and the Law A Preliminary Statistical Review: A Report prepared by the Statistics Coordination Section, Statistics Division, Ministry of the Solicitor General: (1973)
- 23. The Native Offender and the Law: A Report prepared for the Law Reform Commission by Schmeiser, D.A., Heumann, H.W.B. and Manning, J.R.: (1974)
- 24. Arrests, Dispositions and Recidivism A Comparison of Indians and Whites: Bienvenue, R.M. and Latif, A.H.: Canadian Journal of Criminology and Corrections: (1974)
- 25. Surveys of Native Populations by Offence in the County jails of Brantford, Brockville, Cornwall, Fort Frances, Kenora, North Bay, Sarnia, Sault Ste. Marie, Sudbury, Thunder Bay, Windsor and Woodstock: Prof. H.R.S. Ryan: An unpublished report prepared for the Ministry of Correctional Services, Ontario: (1974)
- 26. The Native Inmate within the Federal Penitentiary System: A report prepared by the Planning Branch, Treasury Board: (1975)
- 27. Native Peoples and Justice: Report on the National Conference on Native Peoples and the Criminal Justice System prepared by the Communication Division, Ministry of the Solicitor General: (1975)
- 28. Papers on Native Offenders presented at the National Conference on Native Peoples and the Criminal Justice System, February 3-5: (1975)
 - NCJ-4 Department of Northern Saskatchewan Positional Paper re the National
 Conference: Native Offenders
 - NCJ-5 Saskatchewan Department of Social
 Services The Native Offender in
 Saskatchewan
 - NCJ-7 Ontario Proposals

- NCJ-8 Federation of Saskatchewan Indians Position Paper on Services for Indian
 Offenders
- NCJ-9 National Association of Friendship Centres - A Current Summary of Recommendations from Member Centres
- NCJ-10 Native Council of Canada Submission to the Conference
- NCJ-11 Inuit Tapirisat of Canada Synopsis of Planning Meeting for Conference
- NCJ-12 British Columbia Native Indian and
 Metis Education Club British
 Columbia Penitentiary: B.C. Native
 Brotherhood Briefing Paper
- NCJ-13 Ministry of the Solicitor General Inventory of Federal and Provincial
 Programs and Services for Native
 People in Relation to the Criminal
 Justice System
- NCJ-15 Native Counselling Services of
 Alberta Submission to the National
 Conference
- NCJ-18 Report of the Conference on Northern Justice, September 30 - October 5, 1973
- NCJ-21 National Indian Brotherhood Brief Presented to the National Conference
- NCJ-22 The British Columbia Indian Delegation
 Proposals for Presentation to the
 Conference
- NCJ-24 Yukon Indians and the Law Committee Recommendations to the Conference

- NCJ-25 The Métis Society of Saskatchewan,
 Native Women of Saskatchewan, Northern
 Municipal Council Position Paper
- NCJ-28 Native Clan Organization of Manitoba Positional Paper re The National
 Conference: Native Offenders
- NCJ-29 Métis Society of Saskatchewan, Native
 Women's Movement (Sask) Northern
 Municipal Council, Native Brotherhood
 (Prince Albert Penitentiary) Position
 Paper on Native Offenders (Preliminary
 Draft)
- NCJ-30 Newfoundland and Labrador Position Paper
- NCJ-31 N.B. and P.E.I. Association of Métis and Non-Status Indians Position Paper for the National Conference
- NCJ-33 The Native Courtworkers and Counselling Association of British Columbia What is the Need for an Indian Court Worker System
- NCJ-39 Indian Brotherhood of the Northwest
 Territories, Metis Association of the
 Northwest Territories, Department of the
 Solicitor General of Canada, Government
 of the Northwest Territories Report of the
 the Study Committee: Prepared by Committee
- NCJ-40 Indian Association of Alberta Submission to the Conference
- NCJ-41 Ontario Native Brotherhood and Sisterhood Groups ~ Native Inmate Assistance Program
- NCJ-42 Program and Satellite Camps

- NCJ-49 Native Brotherhood of Indians and Métis
 (Prince Albert Penitentiary) Brief to
 be presented to the Kirby Board of Review,
 Metaskiwin, May 3, 1974
- NCJ-51 Native Inmates of Ontario Recommendations
- NCJ-52 British Columbia Delegation Proposals Relating to Female Institutions
- NCJ-53 Report: Native Inmate Assistance Project, Kingston, Ontario
- NCJ-69 Conference Secretariat Résumé of Workshop Reports
- NCJ-74 Native Inmates of Stony Mountain Penitentiary - Recommendations re Instructors in Institutional Workshops
- NCJ-77 Northwest Territories Joint Recommendation of the Indian Brotherhood and Métis Association
- NCJ-84 Conference Secretariat Summary record of Proceedings: Federal-Provincial Ministerial Conference February 5, 1975.
- 29. Family Law and Native People: Law Reform Commission of Canada: (1975)
- 30. Native People and Justice: Communication Division, Ministry of the Solicitor General: (1975)
- 31. Canadian Indians and the Law; Selected Documents; 1663-1972: D.S. Smith, McClelland and Stewart Ltd., Toronto: (1975)
- 32. Problems of Native Offenders in the Correctional System: W.T. Badcock: Canadian Journal of Criminology and Corrections, Vol. 18(4): (1976)
- 33. Native People and Legal Services in Canada: Bradford Morse: McGill Law Journal: Vol. 22 (1976)
- 34. The Policies of the Reserve Indian: C.B. Carter: Unpublished masters thesis from the Department of Criminology, University of Ottawa: (1976)

- 35. Interim Report of the Métis and Non-Status Indian Crime and Justice Commission: This is a preliminary report prepared by the Crime and Justice Commission for Native Council of Canada: (1977)
- 36. A Nation's Disgrace: By Paul Grescoe: This is a national report that appeared in the magazine section of the Ottawa Citizen on April 23, (1977)
- 37. Data on Indian incarceration in federal and provincial prisons in Ontario: Nelson Small Legs Junior (A.I.M.S.) Foundation, Native Canadian Centre, Toronto: (1977)
- 38. Annual Reports of Provincial/Territorial Correction Branch:

Saskatchewan: Provincial Correctional Center Inmates Statistics: By Research and Statistics Branch, Saskatchewan Department of Welfare

<u>Manitoba</u>: Annual Statistics Bulletin: By Manitoba Department of Health and Social Development

Alberta: Annual Report of the Correctional Institutions Superintendent: By Corrections Branch, Department of the Attorney General

<u>British Columbia</u>: Annual Report of the Director of Corrections: By British Columbia Department of the Attorney General

Yukon Territory: Annual Report of the Correction Branch, Department of Health, Welfare and Rehabilitation

Northwest Territories: Annual Report of the Corrections Branch, Department of Social Development

Ontario: Ministry of Correctional Services Annual Statistics: Government of Ontario.

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APPENDIX 3 CURRENT OFFENCE AND CRUMINAL HISTORY DERNIÈRE INFRACTION ET ANTÉCÉDENTS CRIMINELS

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Parole

Libération conditionnelle

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APPENDIX 5

Solicitor General Canada

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Parria

Libération conditionnelle

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APPENDIX 6

Solicitor General Canada

Soliciteur general Canada

CHANGE IN CASE SUPERVISION

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Solicitor General Canada

Solliciteur générai Canada

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NOTE:

This form is currently undergoing some modification.

Solic for General Soliciteur general Canada

COMMUNITY ASSESSMENT

FILE NO. - NO DE DOSSIEN

9/0169

L beration conditionnelle

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NOTE:

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