

Behind Bars in Canada

On an average day in 2005/06, 153,000 adults were under the supervision of correctional services agencies in Canada. On any given day, there were approximately 33,440 adult prisoners in custody. Canada imprisoned its adult population at the rate of 131 per 100,000 adults. Conditional sentencing was introduced in 1996 to provide judges with the option of allowing eligible provincial and territorial adults, sentenced to a jail term of less than two years, to serve their sentence in the community with conditions. With judges opting for Conditional Sentences in a growing number of cases, the number of prisoners sentenced to custody has decreased. However the use of remand (awaiting trial) has increased by over 80% the last decade and temporary detention (ie: immigration holds) has increased by 30%. On an average day there are more non-sentenced prisoners than sentenced prisoners in the provincial jails.

Youth make up 8% of Canada's total population. On any given day in 2004/05 there were 13,000 youth aged 12 to 17 in sentenced custody; 700 in secure custody, 600 in open custody. 800 were held on remand, and 450 on a Deferred Sentence (similar to Conditional Sentencing for adults). The incarceration rate is 8 per 10,000 youth population. The YCJA gives the courts the discretion to impose adult sentences on youth and has extended the group of youth who can receive adult sentences to include 14 and 15 year olds.

The cost of incarceration

Correctional service expenditures for 2004-05 were \$3 billion. The cost to the public;

- Federal prisoner \$260 per/prisoner/per day
- Federal female prisoner:
\$50,000-\$350,000 per prisoner/per year
- Provincial prisoner: \$143 per prisoner/per day

The costs of alternatives such as probation, bail supervision and community supervision are much lower. 14% of the correctional budget was used to supervise 120,500 prisoners in the community while 71% of the budget was used to keep 31,500 prisoners in custody. Once you add the costs of policing and courts the justice budget is over \$11 billion a year.

Recommendations from the Office of The Correctional Investigator

The Correctional Service does not control admissions to penitentiaries, but it does have a constitutional and statutory obligation to manage sentences in a culturally responsive and non-discriminatory manner. The areas of concern associated with Aboriginal Corrections go far beyond over-representation and require focusing on what happens to Aboriginal prisoners while in the care and custody of the Correctional Service

- *implement a security classification process that ends the over-classification of Aboriginal prisoners;*
- *increase timely access to programs and services that will significantly reduce time spent in medium and maximum security institutions;*
- *significantly increase the number of Aboriginal prisoners housed at minimum security institutions;*
- *significantly increase the use of unescorted temporary absences and work releases;*
- *significantly increase the number of Aboriginal prisoners appearing before the National Parole Board at their earliest eligibility dates;*
- *build capacity for and increase use of section 84 and section 81 agreements with Aboriginal communities; and.*
- *re-establish the National Aboriginal Advisory Committee, as required by section 82 of the legislation.*

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The Costs of Incarceration

The Correctional Investigator

Aboriginal Prisoners

First Nations, Inuit, Metis

Healing Lodges

Aboriginal Prisoners First Nations, Inuit, Metis

There are a disproportionate number of Aboriginal people in federal / provincial prisons and in youth detention centres.

The incarceration rate for aboriginal adults is 1,024 per 100,000 compared to a national incarceration rate of 131 per 100,000 adult population.



The 1988 Taskforce on Aboriginal Peoples in Federal Corrections found that:

Aboriginal prisoners:

- are less likely to receive temporary absences or parole,
- serve more time before parole is granted,
- are more likely to have their parole revoked than non-native prisoners.

20 years later these findings have not changed. Due to Euro-centric models of classification rating scales, aboriginal prisoners are more likely to be classified as a higher security risk, and therefore spend more of their time in maximum security prisons than non-aboriginals convicted of the same offence. 46% of all

federally sentenced women classified as maximum security are Aboriginal.

Historically, prisons around the world have been used a means of social control, whether against race or class, they are essentially warehouses for the poor, the marginalized and the dispossessed. Canada's prisons are no different, systemic racism is apparent in all levels of the justice system.

Aboriginal Adults :

- 4% of adult population in Canada
- 18% of federal prisoner population
- 24% of provincial prisoner population
- 19% of remand prisoner population
- 20% of conditional sentences
- 32% of female prisoner population
- 30% of female provincial prisoners

Statistics vary from region to region:

- in Saskatchewan Aboriginal adults are incarcerated at 35 times the rate of non-aboriginals, where they make up 79% of the total prisoner population versus 10% of the provincial population
- Manitoba 71% prisoner population Vs 11%
- BC 20% prisoner population Vs 4%

Aboriginal Youth:

- 5% of youth population in Canada
- 22% of total youth admissions to remand
- 25% of total youth prisoner population

In recognition of the high level of representation of Aboriginal youth in custody the Youth Criminal Justice Act YCJA calls for special considerations when dealing with Aboriginal Youth in the justice system. In the year following the April 2003 implementation of the YCJA the number of total youth in custody declined by nearly one-half. However, the

proportion of Aboriginal youth in both sentenced custody and remand has increased during this period.



The number of Aboriginal prisoners continues to increase despite changes made by Parliament to the sentencing provisions of the criminal code. These changes were made to address Aboriginal over-representation in custody s718.2 (e) of the criminal code provides that:

“All available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of aboriginal offenders.”

Healing Lodges

For Aboriginal prisoners, incarceration usually means separation from their family, their culture and their community. Under Section 81 of the Corrections and Conditional Release Act a number of Healing Lodges and Healing Centres have been opened for minimum security Aboriginal federal prisoners and parolees. These Healing Lodges can be accessed by non-native prisoners as well.

However, due to the reality of over-classification of Aboriginal prisoners, as maximum and medium security, the majority of prisoners that these prisons were designed to assist cannot even access them.