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## A One-Day Snapshot of Aboriginal Youth in Custody Across Canada: Phase II



DEPARTMENT OF  
JUSTICE CANADA

Youth Justice Research



Department of Justice  
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Ministère de la Justice  
Canada

Canada



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**A ONE-DAY SNAPSHOT OF ABORIGINAL YOUTH  
IN CUSTODY ACROSS CANADA: PHASE II**

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*The views expressed herein are solely those of the  
authors and do not necessarily reflect those of  
the Department of Justice Canada.*





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# Executive Summary

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Numerous studies contend that Aboriginal people are over-represented at each stage of the Canadian criminal justice system, and particularly in custody. There is limited empirical research, however, that documents the over-representation of Aboriginal *youth*. One of the central goals of this study was to determine precise incarceration rates for Aboriginal and non-Aboriginal youth in Canada using a ‘snapshot’ method. This study also qualitatively examined the experiences of Aboriginal youth in custody using a ‘Sharing Circle’ method, which is similar to a focus group without the standard interaction among participants. Finally, this study examined potential explanations for the overrepresentation of Aboriginal youth in custody using available data sources.

While there have been substantial reductions in the number of Aboriginal youth in custody since 2000, Aboriginal youth continue to experience an appreciably higher incarceration rate compared to non-Aboriginal youth. The incarceration rate of Aboriginal youth was 64.5 per 10,000 population while the incarceration rate for non-Aboriginal youth was 8.2 per 10,000 population. Aboriginal youth were almost eight times more likely to be in custody compared to their non-Aboriginal counterparts.

Sharing Circle participants discussed their experiences both in custody and prior to their incarceration and identified several serious issues including substance abuse, organized gangs, and racism. Participants also discussed their views on effective correctional programming for Aboriginal youth in custody. One of the key findings that emerged was a keen interest in Aboriginal culture/spiritual programming and individual Mentoring.

The high incarceration rate of Aboriginal youth is likely related to a series of interactive factors. High rates of poverty, substance abuse and victimization can lead to family breakdown, and serious criminal behaviour at a young age. Possible discrimination within the youth criminal justice system may lead to the differential treatment of Aboriginal youth. In combination, these factors may be working to incarcerate Aboriginal youth at a rate eight times that of non-Aboriginal youth.





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# 1.0 Introduction

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Numerous studies contend that Aboriginal people are over-represented at each stage of the Canadian criminal justice system, and particularly in custody (Boe, 2002; La Prairie, 1992, 2002; Ratner, 1996; Roberts & Melchers, 2003; Stenning & Roberts, 2001). There is limited empirical research, however, that documents the over-representation of Aboriginal youth. In 2000, the Department of Justice Canada completed the One-Day Snapshot of Aboriginal Youth in Custody Across Canada (Bittle, Hattem, Quann & Muise, 2002), which reported that there were 1,148 Aboriginal youth incarcerated in Canada. The study did not count the number of non-Aboriginal youth, however, which precluded the comparison of Aboriginal and non-Aboriginal incarceration rates.

Statistics Canada (2001) reported that Aboriginal youth represented nearly one-quarter of admissions to custodial facilities in 1998/99 in select provinces and territories.<sup>1</sup> It was also reported that Aboriginal youth represented 7% of all youth in those same provinces and territories. This indicated an overrepresentation of Aboriginal youth in custody. The research, however, used *admissions* as the unit of count rather than *individuals*. Although admissions can serve as a proxy measure of individuals, it can potentially be mistaken for an accurate count of individuals.

There are several reasons why admissions are not an accurate count of individuals. First, in the case of remands, the same individual can be detained and released several times during a single youth court case and therefore be counted more than once. Second, an admission-based method counts individuals who serve multiple unique custodial dispositions during the same fiscal year more than once. Third, an admission-based method counts individuals who are transferred between open and secure custody facilities under subsection

85(4) of the *Youth Criminal Justice Act (YCJA)* more than once. If Aboriginal youth are more likely to experience multiple detention stays in the same year or are more likely to be transferred between open and secure custody facilities, using admissions as the unit of count may affect incarceration rates.

One of the central goals of this study was to determine precise incarceration rates for Aboriginal and non-Aboriginal youth in Canada using a ‘snapshot’ method. A snapshot of youth in custody counts the number of *individuals* in each facility on a particular day.<sup>2</sup> This study also compared Aboriginal and non-Aboriginal youth in custody across several variables including the most serious offence/charge and sentence lengths. In addition, this study compared the results from the original 2000 Snapshot to the 2003 Snapshot to determine changes in the absolute numbers of Aboriginal youth in custody over the three-year period.

This study also qualitatively examined the experiences of Aboriginal youth in custody using a ‘Sharing Circle’ method, which is similar to a focus group without the standard interaction among participants. The qualitative data collected provided insight into potential causes and consequences of over-representation based upon a unique perspective – the voices of the Aboriginal youth themselves. The Sharing Circle participants also provided their opinions on the nature and type of correctional programming, which they believed would enhance rehabilitation.

Finally, this study examined potential explanations for the overrepresentation of Aboriginal youth in custody using available data sources.

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<sup>1</sup>These figures represent the following jurisdictions: Newfoundland and Labrador, Prince Edward Island, Nova Scotia, Manitoba, Alberta, British Columbia, Yukon and Northwest Territories.

<sup>2</sup>While a snapshot method provides accurate incarceration rates, it is limited. A snapshot count does not necessarily reflect average custody counts given that custodial admission rates can vary during the year.

## 2.0 Method

### 2.1 Snapshot Data Collection

Each province and territory in Canada<sup>3</sup> was provided with a standardized Youth Information Form to be completed on all youth in custody on Snapshot Day (see Appendix A). The jurisdictions agreed to collect the data using a combination of manual file reviews, extractions from automated systems and interviews with youth. In addition, all custody facilities in each province and territory completed a standardized Facility Information Form, which provided details of the custody institutions (see Appendix B). The data collection instruments were initially developed by the Department of Justice Canada and reviewed by the National Youth Justice Research Advisory Working Group, which is comprised of federal, provincial and territorial government representatives.

Eleven of the twelve participating jurisdictions collected the Snapshot data on June 4, 2003. For logistical reasons, Ontario collected the data on June 25, 2003 for Phase II youth (aged 16 and 17 years) and July 25, 2003 for Phase I youth (aged 12 to 15 years).

In order to calculate incarceration rates, the 2001 Census was used to determine the population counts of Aboriginal and non-Aboriginal youth in each province and territory.<sup>4</sup> Although many of the individuals in custody on Snapshot Day were older than 17 years of age, all were between the ages of 12 and 17 at the time of their offence. Therefore, the common denominator used for the calculations was youth aged 12 to 17 years.

Many of the individuals in custody have been charged or found guilty of multiple offences. In order to provide summary statements on each individual, the most serious offence (MSO) for those serving custody sentences and the most serious charge (MSC) for those serving remand were selected to represent the individual.<sup>5</sup>

### 2.2 Sharing Circle Data Collection

In addition to the Snapshot data, qualitative data were collected using a Sharing Circle method with Aboriginal youth in custodial facilities between June 2003 and August 2003.<sup>6</sup> The Sharing Circle Research Team, lead by an Aboriginal Elder, conducted Sharing Circles in facilities in Ontario, Manitoba, Saskatchewan, Alberta, British Columbia, and the Northwest Territories (see Appendix C for a complete list of facilities).

During the Sharing Circles, topics were introduced by the Elder and then each youth was passed a ‘talking stone’ and provided with time to share their experiences on the particular subject. The participants were asked to discuss topics such as alcohol and drug use, home life, experiences in custody, and ideas for effective programming to promote rehabilitation. An Aboriginal note-taker was hired to document the discussion and provide written notes for analysis.

<sup>3</sup>While Quebec participated in the original 2000 Snapshot, the province declined to participate in the 2003 Snapshot. As a result, all figures in this report exclude Quebec.

<sup>4</sup>Some individuals in the Census are missed for various reasons, which is termed undercoverage. Undercoverage is considerably higher among Aboriginal people than among other segments of the population due to the fact that enumeration is not permitted, or is interrupted before it could be completed, on some reserves and settlements with primarily Aboriginal residents. For this reason, the incarceration rates included in this report for Aboriginal youth may be slightly elevated.

<sup>5</sup>The most serious offence and the most serious charge were determined using the Seriousness Index developed by the Canadian Centre for Justice Statistics, Statistics Canada – see *Youth Information Form* in Appendix A.

<sup>6</sup>Qualitative data do not allow generalizations to the greater population being studied (i.e., Aboriginal youth in custody). As such, the comments of the Sharing Circle participants should not be viewed as representative of all Aboriginal youth in custody and clearly not representative of Aboriginal youth in general.

## 3.0 Snapshot Results

### 3.1 Incarceration Rates for Aboriginal and Non-Aboriginal Youth

A total of 2,212 youth were reported in custody on Snapshot Day in the twelve reporting jurisdictions. The overall incarceration rate for youth in Canada was 11.5 per 10,000 youth 12 to

17 years old. Table 1 provides the numbers of Aboriginal and non-Aboriginal youth in custody in each jurisdiction as well as the incarceration rate. The three territories and Saskatchewan had the highest incarceration rates, while British Columbia and Alberta had the lowest rates. While Aboriginal youth comprised approximately 5% of the Canadian population, 33% of youth in custody were Aboriginal.

**TABLE 1 ABORIGINAL AND NON-ABORIGINAL YOUTH IN CUSTODY BY JURISDICTION**

Jurisdiction	Aboriginal n (row %)	Non-Aboriginal n (row %)	Total n (column %)	Incarceration Rate
Newfoundland and Labrador	5 ( 8)	57 ( 92)	62 ( 3)	13.9
Prince Edward Island	0 ( 0)	13 (100)	13 ( 1)	10.7
Nova Scotia	9 ( 9)	90 ( 91)	99 ( 5)	13.3
New Brunswick	3 ( 4)	75 ( 96)	78 ( 4)	13.1
Ontario	166 ( 15)	937 ( 85)	1,103 (50)	11.8
Manitoba	138 ( 80)	35 ( 20)	173 ( 8)	17.7
Saskatchewan <sup>7</sup>	203 ( 88)	28 ( 12)	231 (10)	24.6
Alberta	90 ( 36)	163 ( 64)	253 (11)	9.5
British Columbia	60 ( 41)	85 ( 59)	145 ( 7)	4.5
Yukon	7 ( 88)	1 ( 13)	8 ( 0)	28.5
Northwest Territories	28 (100)	0 ( 0)	28 ( 1)	72.7
Nunavut	11 (100)	0 ( 0)	11 ( 1)	31.6
<b>CANADA</b>	<b>720 ( 33)</b>	<b>1,484 ( 67)</b>	<b>2,204 (100)</b>	<b>11.5</b>

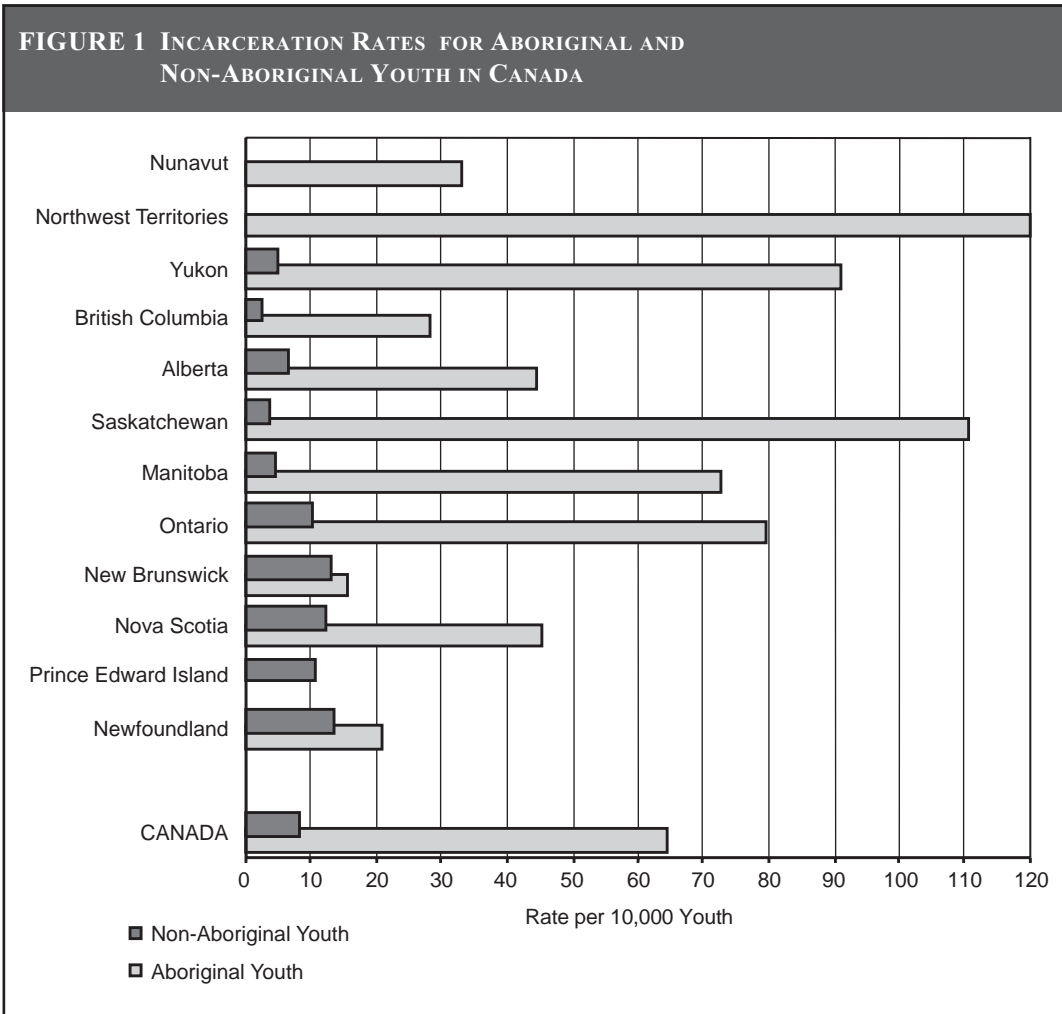
1. Frequencies do not total 2,212 due to missing data.  
 2. Percentages do not always total 100% due to rounding.  
 3. Incarceration rate is based upon 10,000 population aged 12 to 17 years.

Figure 1 presents the incarceration rates for Aboriginal and non-Aboriginal youth in each jurisdiction.<sup>8</sup>

The incarceration rate of Aboriginal youth was 64.5 per 10,000 population while the incarceration rate for non-Aboriginal youth was 8.2 per 10,000 population. Aboriginal youth were almost eight times more likely to be in custody compared to their non-Aboriginal counterparts.

<sup>7</sup>Saskatchewan did not include data on approximately 20 to 25 youth who were in custody on Snapshot Day. As a result, the incarceration rate in Saskatchewan was slightly higher depending upon the exact number of youth. The Aboriginal and non-Aboriginal incarceration rates are also affected depending on the Aboriginal status of the missing youth.

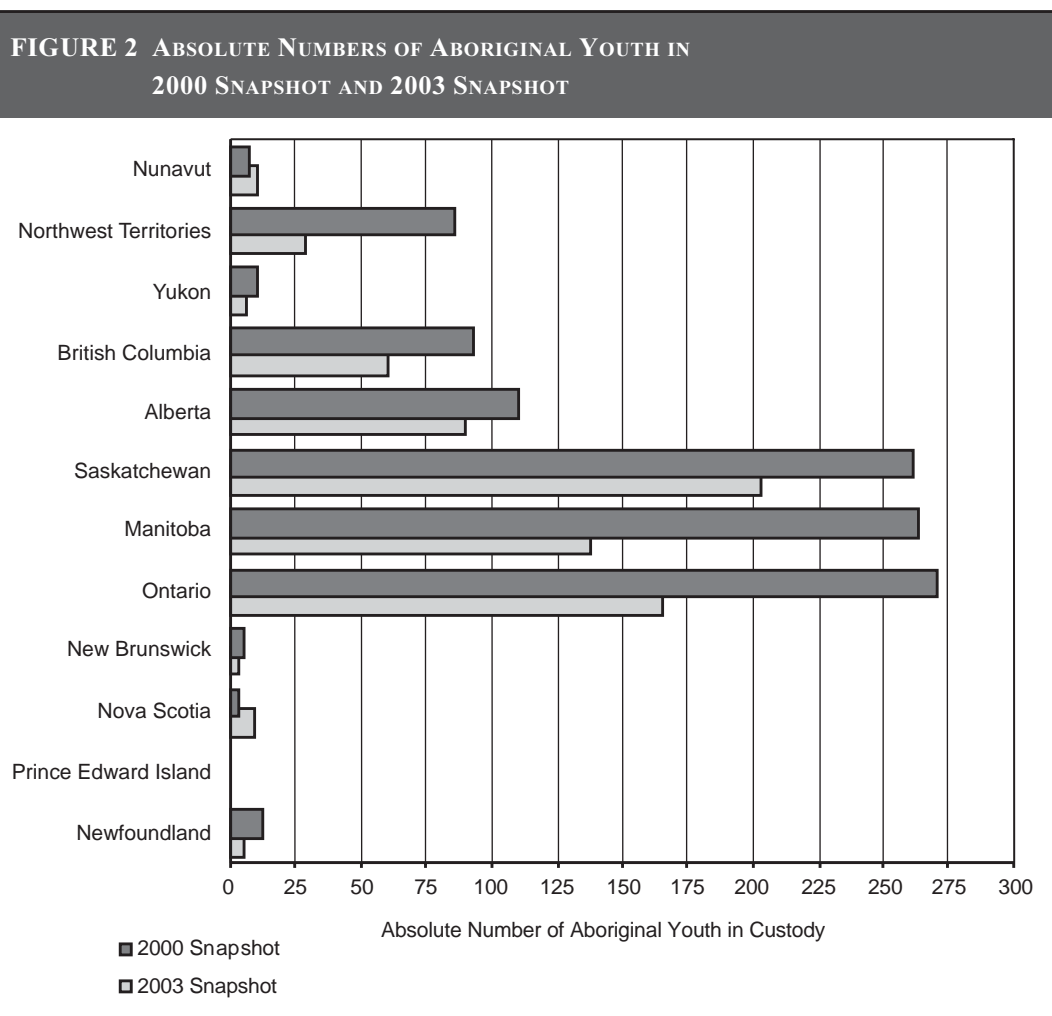
<sup>8</sup>Rates based on a small population may be inflated. It is important to therefore consider the population of Aboriginal youth in each province (see Appendix D). For instance, there were only 177 Aboriginal youth counted in Prince Edward Island during the 2001 Census. If two Aboriginal youth were incarcerated on Snapshot Day, the rate would have been 113 per 10,000 Aboriginal youth.



Generally, the incarceration rates for Aboriginal youth were lower in eastern and western Canada (Newfoundland and Labrador, Prince Edward Island, Nova Scotia, New Brunswick, Alberta, British Columbia), and higher in central and northern Canada (Ontario, Manitoba, Saskatchewan, Yukon, Northwest Territories) with the exception of Nunavut. The incarceration rates for non-Aboriginal youth, in comparison, were generally lower in northern and western Canada and higher in eastern Canada.

All jurisdictions reported higher incarceration rates for Aboriginal youth compared to non-Aboriginal youth with the exception of Prince Edward Island, which did

not report any Aboriginal youth in custody on Snapshot Day. The largest difference between the incarceration rates of Aboriginal and non-Aboriginal youth was in Saskatchewan where Aboriginal youth were 30 times more likely to be incarcerated compared to non-Aboriginal youth. In the Yukon, Aboriginal youth were 18 times more likely to be incarcerated compared to non-Aboriginal youth and in Manitoba, Aboriginal youth were 16 times more likely to be incarcerated compared to non-Aboriginal youth. The smallest differences were found in New Brunswick and Newfoundland and Labrador where Aboriginal youth were only 1.2 and 1.6 times respectively more likely to be incarcerated compared to non-Aboriginal youth.



### 3.2 A Comparison of the 2000 Snapshot and the 2003 Snapshot

Findings from the 2003 Snapshot demonstrated a substantial reduction in the absolute number of Aboriginal youth in custody since the first Snapshot. In 2000, there were 1,128 Aboriginal youth reported in custody in Canada compared to 720 Aboriginal youth in custody in 2003 – a difference of 408 youth.<sup>9</sup> This

represents a 36% reduction in the number of Aboriginal youth in custody. Figure 2 provides data on the absolute number of Aboriginal youth in each Snapshot year across jurisdictions.

Nunavut and Nova Scotia were the only jurisdictions to report an increase in the number of Aboriginal youth in custody between 2000 and 2003. These increases, however, were small in terms of absolute numbers.

<sup>9</sup>Quebec was excluded from the 2000 Snapshot numbers presented in this comparison as the province did not participate in the 2003 Snapshot.

The majority of the change between 2000 and 2003 can be attributed to a reduction in the number of Aboriginal youth serving open and secure custody sentences. There was a 50% reduction in the number of Aboriginal youth serving open custody sentences and a

48% reduction in the number of Aboriginal youth serving secure custody sentences. There was only a 7% reduction, however, in the number of Aboriginal youth in custody on remand (i.e., pre-trial detention) between 2000 and 2003.

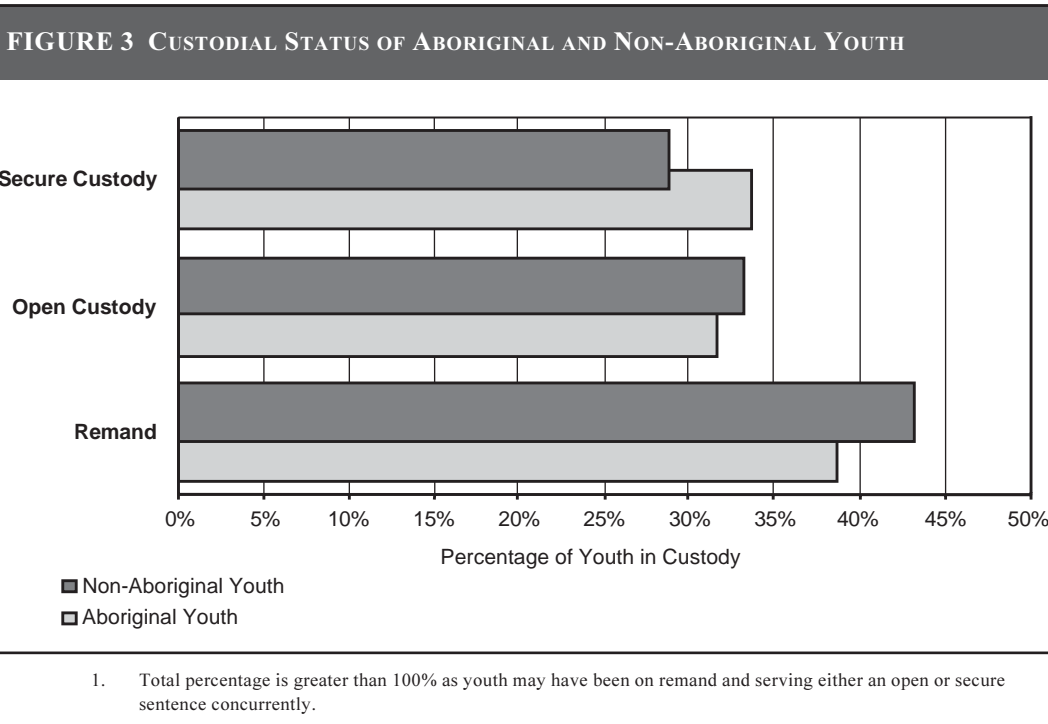
**TABLE 2 ABSOLUTE NUMBERS OF ABORIGINAL YOUTH IN CUSTODY IN SELECT CITIES (2000 AND 2003)**

City	2000 Snapshot (n)	2003 Snapshot (n)	Difference (n)
Winnipeg, Manitoba	145	85	- 60
Prince Albert, Saskatchewan	35	8	- 27
London, Ontario	24	8	- 16
Yellowknife, Northwest Territories	19	5	- 14
Thunder Bay, Ontario	27	15	- 12
Brandon, Manitoba	19	8	- 11
Inuvik, Northwest Territories	14	3	- 11
Forth Smith, Northwest Territories	12	2	- 10
Edmonton, Alberta	33	25	- 8
Meadow Lake, Saskatchewan	10	4	- 6
Moosonee, Ontario	12	6	- 6
Sudbury, Ontario	13	8	- 5
North Battleford, Saskatchewan	18	15	- 3
Yorkton, Saskatchewan	15	13	- 2
Hamilton, Ontario	11	9	- 2
Vancouver, British Columbia	13	11	- 2
Calgary, Alberta	11	10	- 1
Regina, Saskatchewan	47	48	+1
Saskatoon, Saskatchewan	48	50	+2

1. Includes all cities with at least 10 Aboriginal youth in custody in 2000.
2. City is defined as the city in which the offences, which led to custody, were committed.
3. These data represent two points in time and should not be viewed as a trend.

Table 2 provides the absolute number of Aboriginal youth in custody in select cities in 2000 and 2003, and the difference between the two Snapshots. Winnipeg, Manitoba experienced the largest reduction in the number of Aboriginal youth in custody between 2000

and 2003, followed by Prince Albert, Saskatchewan. Saskatoon, Saskatchewan and Regina, Saskatchewan both experienced slight increases in the number of Aboriginal youth in custody in 2003 compared to the Snapshot in 2000.



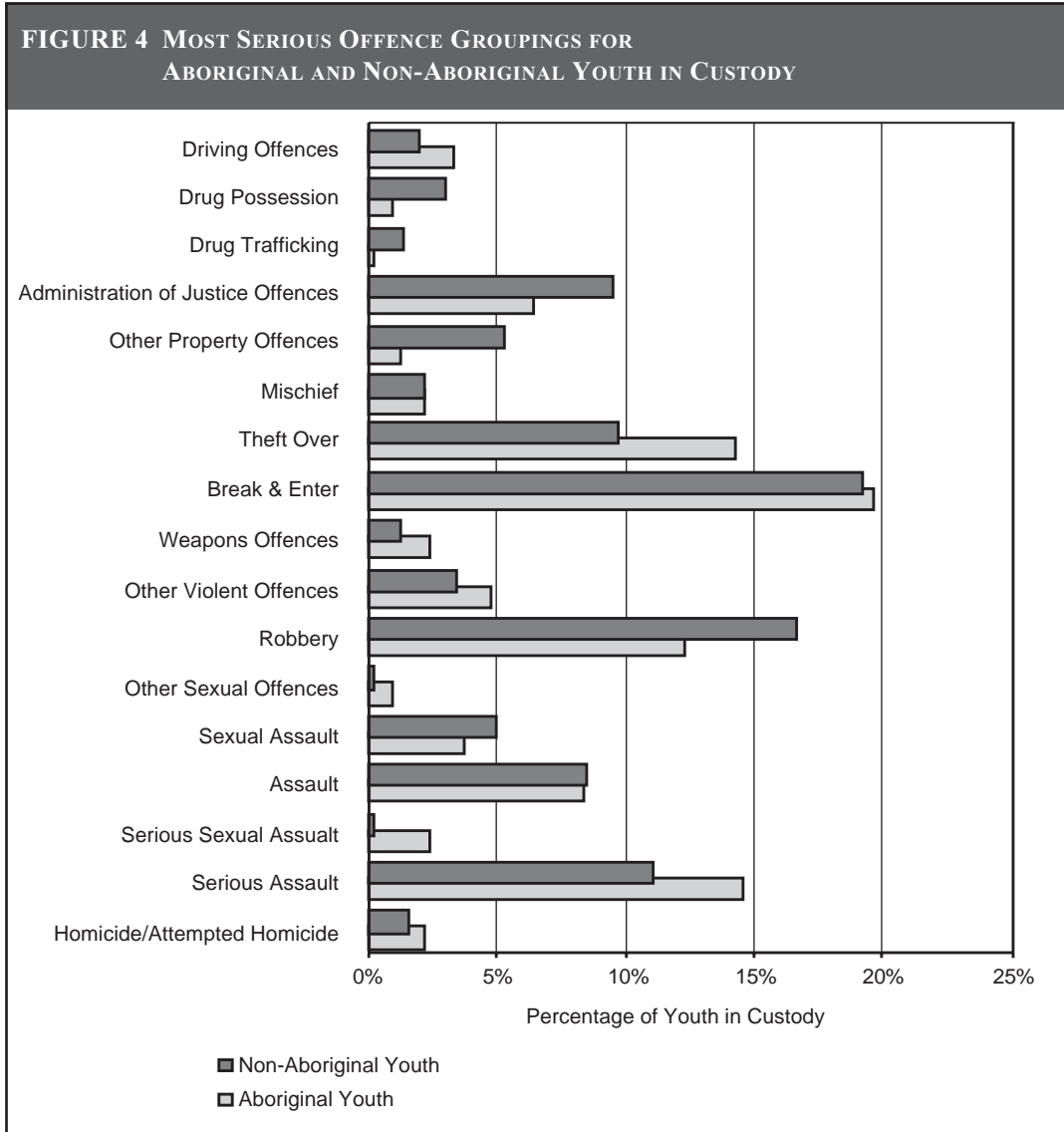
### 3.3 Custodial Status of Aboriginal and Non-Aboriginal Youth

As indicated in Figure 3, relatively the same proportion of Aboriginal and non-Aboriginal youth were serving secure custody (34% versus 29%) and open custody (32% versus 33%) sentences. As well, relatively the same proportion of Aboriginal and non-Aboriginal youth in custody were on remand (39% versus 43%).

### 3.4 Most Serious Offence for Aboriginal and Non-Aboriginal Youth in Custody

Aboriginal youth were more likely to be incarcerated for some of the more serious offences compared to non-Aboriginal youth (see Figure 4). A greater proportion of Aboriginal youth was in custody for ‘homicide/attempted homicide’, ‘serious assault’, and ‘serious sexual assault’ compared to non-Aboriginal youth. Non-Aboriginal youth were more likely to be incarcerated for robbery and some of the less serious offences, such as ‘administration of justice’, ‘other property offences’, and ‘drug possession’, compared to Aboriginal youth.

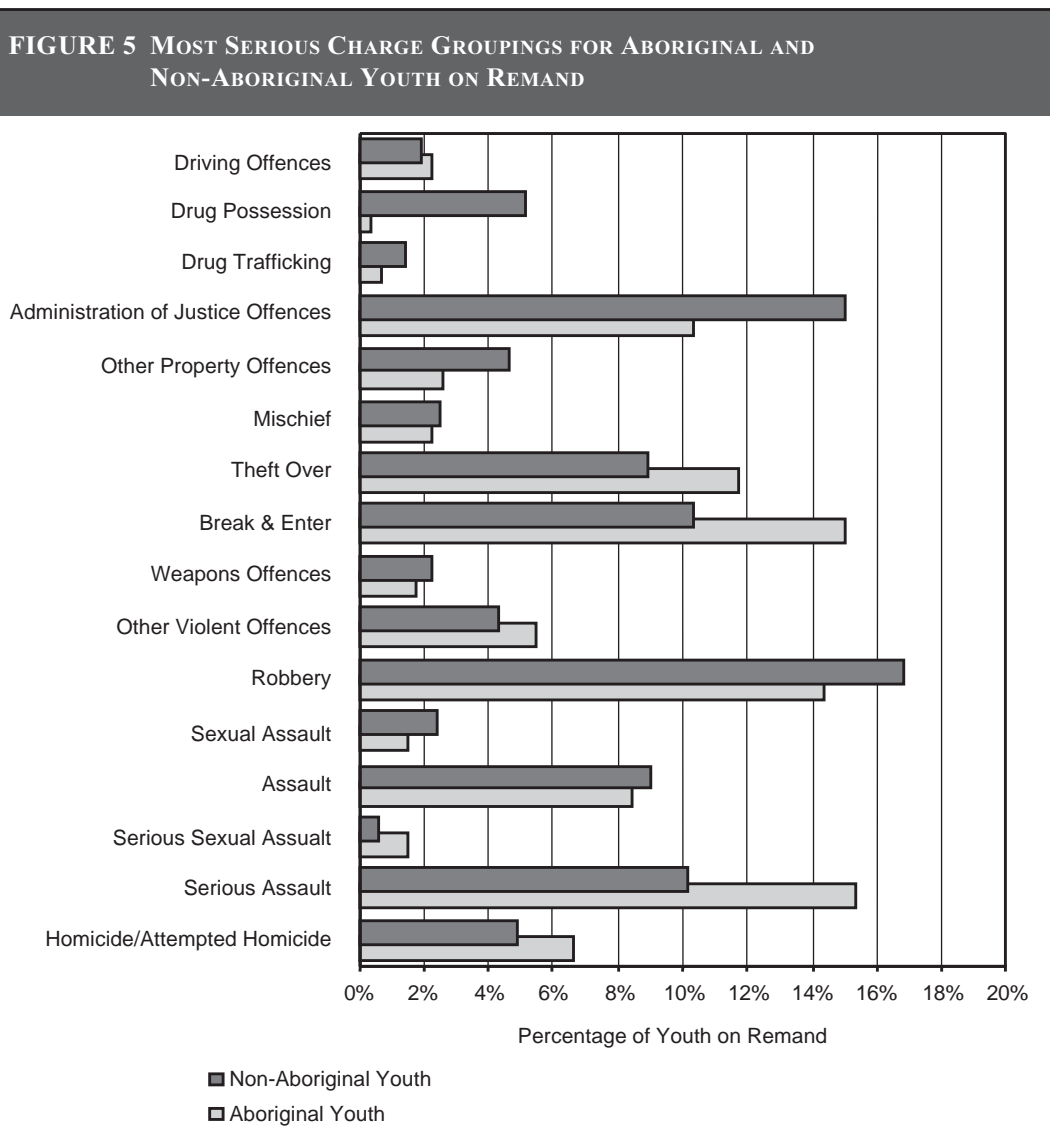




### 3.5 Most Serious Charge for Aboriginal and Non-Aboriginal Youth on Remand

more likely to be on remand for some of the more serious offences and non-Aboriginal youth were more likely to be on remand for some of the less serious offences.

Figure 5 provides the proportion of Aboriginal and non-Aboriginal youth on remand by offence groupings. As with custodial sentences, Aboriginal youth were

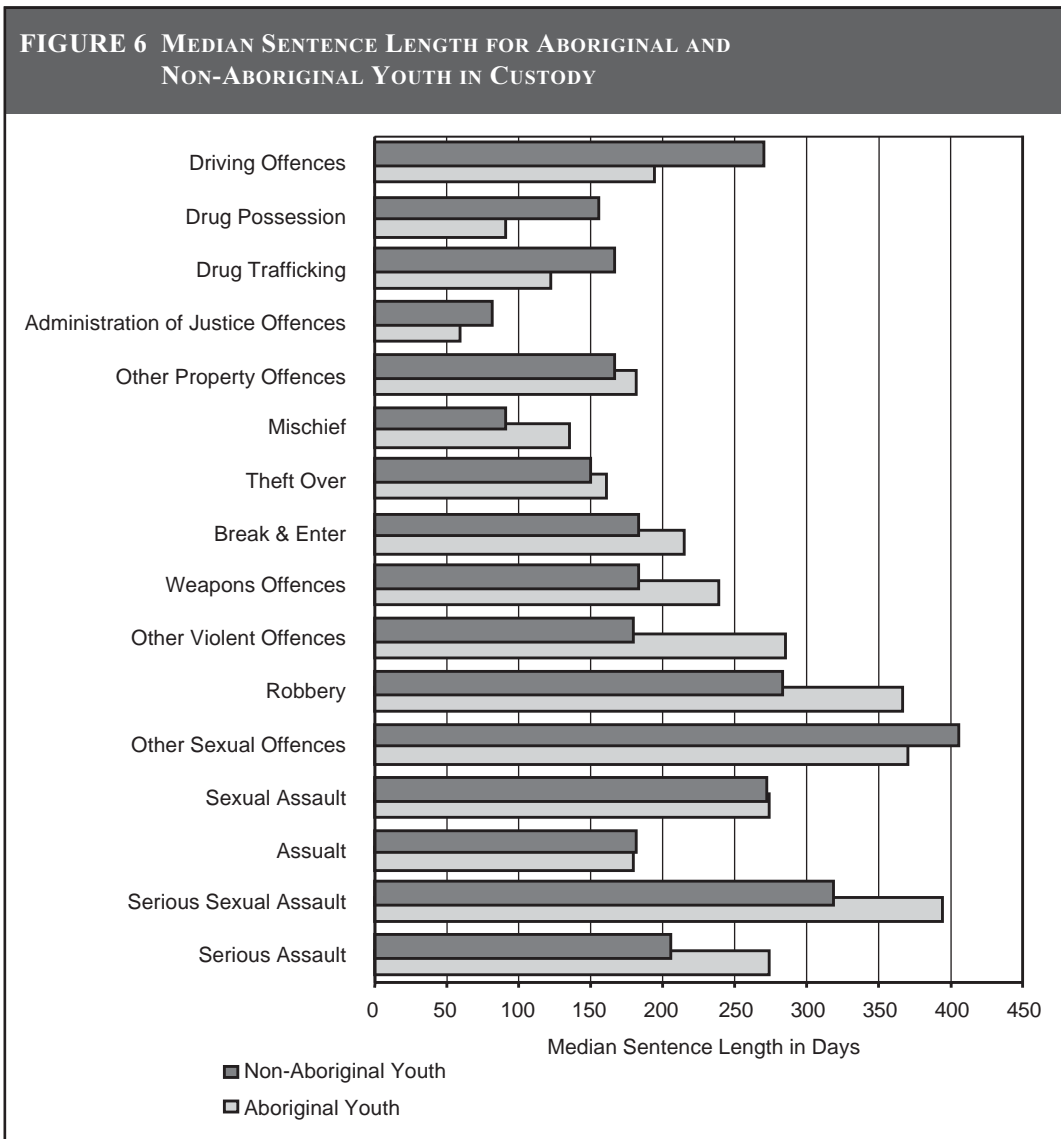


### 3.6 Sentence Lengths for Aboriginal and Non-Aboriginal Youth in Custody

The median sentence length for Aboriginal youth in custody was 212 days while the median sentence length for non-Aboriginal youth in custody was 182 days.<sup>10</sup> Figure 6 provides the median sentence length for both groups across offence groupings. Aboriginal youth

received longer sentence lengths, on average, within many offence groupings, and particularly in the ‘serious assault’, ‘serious sexual assault’, ‘robbery’, and ‘other violent offences’ groupings. Non-Aboriginal youth received longer sentences, on average, for several less serious offences such as those in the ‘driving’ and ‘drug possession’ groupings. The sentence lengths for the ‘homicide/attempted homicide’ category were too large to include in Figure 6.

<sup>10</sup> This comparison does not control for two of the more of the more important factors typically considered in sentencing - criminal history and the severity of the offence.



### 3.7 Gender and Age of Aboriginal and Non-Aboriginal Youth in Custody

Table 3 provides the gender and age breakdowns for Aboriginal and non-Aboriginal youth in custody. Aboriginal youth in custody were more likely to be younger than non-Aboriginal youth. As well, there was a higher proportion of Aboriginal females in custody compared to non-Aboriginal females.

**TABLE 3 GENDER AND AGE OF ABORIGINAL AND NON-ABORIGINAL YOUTH IN CUSTODY**

	Aboriginal n (column %)	Non-Aboriginal n (column%)
<b>Age</b>		
12 to 15 year olds	241 (34)	408 (28)
16 and 17 year olds	390 (54)	788 (53)
18+ years old	86 (12)	284 (19)
<b>Gender</b>		
Male	600 (84)	1312 (88)
Female	118 (16)	172 (12)

1. Frequencies do not total 2,212 due to missing data.

### 3.8 Additional Information on Aboriginal Youth in Custody

Additional data were collected on Aboriginal youth in custody but were not collected on non-Aboriginal youth. The decision was made to restrict the amount of data each facility was required to collect in order to reduce response burden.

Table 4 provides information on the Aboriginal origin and status of Aboriginal youth in custody. The majority of Aboriginal youth in custody (78%) were reported to be of First Nations origin. Three-quarters of Aboriginal youth in custody (74%) were reported to be Status Indians.

	n	%
<b>Aboriginal Origin</b>		
First Nations	550	78
Metis	114	16
Inuit	19	3
Other/unknown	19	3
<b>Aboriginal Status</b>		
Status Indian	515	74
Non-Status Indian	179	26

1. Frequencies do not total 720 due to missing data.

Table 5 provides information on the living arrangements of Aboriginal youth in custody at the time of their admission to custody. Sixty-three percent of Aboriginal youth in custody were living with parents at the time of their admission and 16% were living with extended family members.

Thirty-nine percent of Aboriginal youth in custody were reported to be involved with child protection agencies at the time of their admission – 16% were a ward of the state and 23% had an active file. Almost half (47%) of Aboriginal youth resided in a family that received social assistance as a primary source of income.

**TABLE 5 LIVING ARRANGEMENTS OF ABORIGINAL YOUTH IN CUSTODY**

Living Arrangements	n	%
Dual-parent	146	21
Lone-parent	292	42
Extended family	108	16
Foster parents	36	5
Group home	60	9
Transient/on the streets	15	2
Independent living	32	5
Other arrangements	7	1

1. Frequencies do not total 720 due to missing data.  
2. Percentages do not total 100% due to rounding.

Thirty percent of Aboriginal youth in custody experienced their first conviction at the age of 12, while 23% were first convicted at the age of 13 and 22% at the age of 14 ( $M=13.6$ ,  $SD=1.45$ ).

On average, the highest grade completed by Aboriginal youth, at the time of their admission to custody, was grade eight ( $M=8.3$ ,  $SD=1.43$ ). Only 2% of Aboriginal youth in custody aged 18 and over had successfully completed high school.

Approximately one in six Aboriginal youth in custody were suspected or confirmed to have had Fetal Alcohol Spectrum Disorder (FASD) – 4% reported a confirmed medical diagnosis, 5% were suspected by the custody facility, and 8% self-reported that they had FASD.

More than eight out of every ten Aboriginal youth in custody were suspected or confirmed to have a substance abuse problem – 57% had a confirmed problem and 24% were suspected to have had a problem.

Information was also collected on the prevalence of self-harm and suicide in custody, and on prior suicidal attempts and thoughts. Self-harm includes intentional acts such as cutting, slashing, and burning. Eight percent of Aboriginal youth were reported to have harmed themselves while in custody. Approximately 11% of Aboriginal youth were reported to have had suicidal thoughts and 3% had attempted suicide while in custody. One in five Aboriginal youth were reported to have attempted suicide and 14% were reported to have had suicidal thoughts prior to admission to custody.

### 3.9 Youth Custody Facilities in Canada

A total of 229 facilities were reported in Canada on Snapshot Day. This number should be interpreted with caution as some provinces may not have reported information on each facility, especially if there were no youth in custody on Snapshot Day. Table 6 provides the number of facilities and the number of permanent beds available in each participating province/territory. The majority of facilities and available beds in the country are located in Ontario.

Facilities also indicated the type of custody that they provided.<sup>11</sup> Approximately 26% of facilities provided secure custody and 80% provided open custody. Facilities also offered remand (44%) or another type of custodial service (12%). Other custodial services may include psychological or forensic assessment placements or child welfare placements.

A description of facilities was also provided by respondents. The majority of facilities were described as being either a group home (50%) or a secure detention/custody facility (32%). Foster or community homes comprised 10% of the sample. The remainder of facilities (8%) were wilderness camps/ranches, adult facilities, or therapeutic foster homes.

Figure 7 provides the percentage of beds in each province that were filled on Snapshot Day.<sup>12</sup> Approximately 43% of all available beds in Canada were occupied on Snapshot Day. The Northwest Territories (34%) and Alberta (35%) were the provinces with the lowest occupancy rate. While Nunavut appears to have been running at a high capacity (75%), there was only one facility reported in the territory, with only 15 permanent beds available.

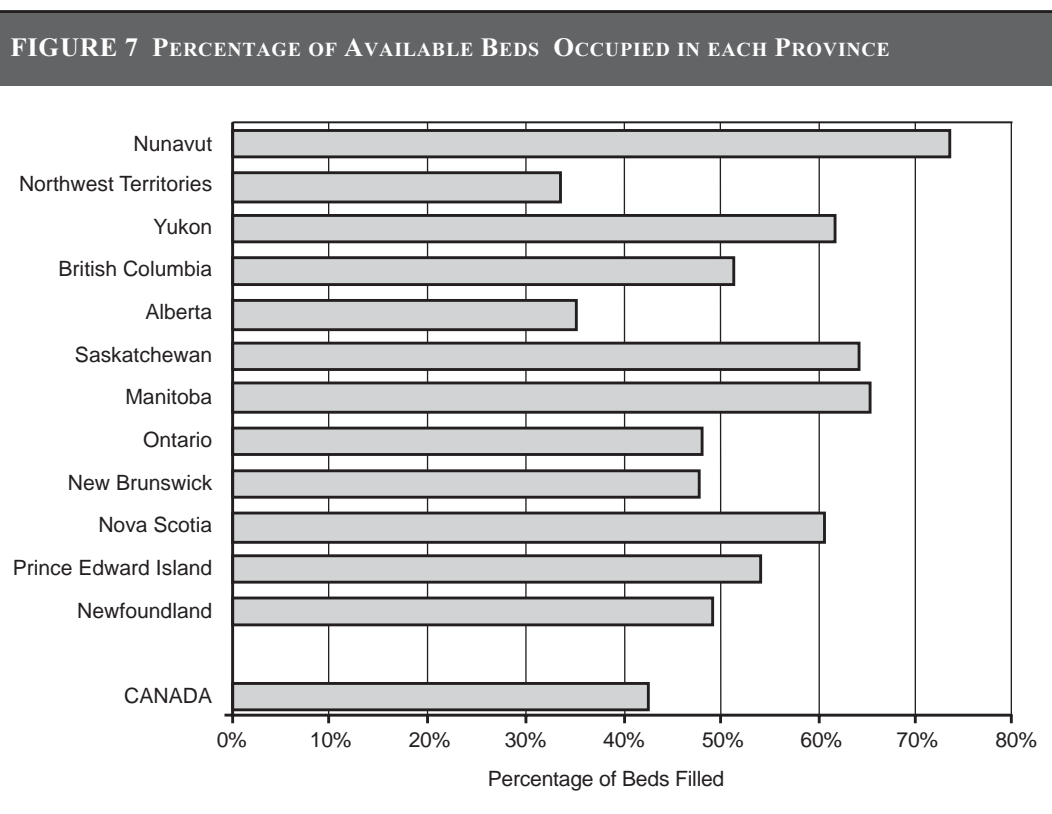
**TABLE 6 TOTAL CUSTODIAL FACILITIES BY PROVINCE AND BEDS AVAILABLE**

Province	Total Facilities Reported n (%)	Permanent Beds Available n
British Columbia	6 ( 3)	273 ( 6)
Saskatchewan	11 ( 5)	364 ( 8)
Alberta	14 ( 6)	716 (16)
Manitoba	3 ( 1)	272 ( 6)
Ontario	139 (61)	2,296 (51)
New Brunswick	21 ( 9)	163 ( 4)
Prince Edward Island	2 ( 1)	24 ( 1)
Nova Scotia	3 ( 1)	164 ( 4)
Newfoundland and Labrador	13 ( 6)	128 ( 3)
Yukon	3 ( 3)	13 ( 0)
Nunavut	1 ( 0)	15 ( 0)
Northwest Territories	13 ( 6)	83 ( 2)
<b>TOTAL</b>	<b>229 (100)</b>	<b>4,511 (100)</b>

1. Percentages do not always total 100% due to rounding.

<sup>11</sup>Total percentage is greater than 100% as facilities may provide more than one type of custody.

<sup>12</sup>The rate of occupancy should be viewed in reference to the number of permanent beds in each province reported in Table 6.



Finally, over half (53%) of facilities in Canada provide Aboriginal cultural programming. However, this number should also be interpreted with caution. Some facilities may provide Aboriginal programming within the facility itself, whereas others may have linkages with programming and cultural groups outside the facility, and will offer the programs on an as needed basis (i.e., when there is an Aboriginal youth in custody). It is not clear if some facilities understood

the question to mean *only within the facility*. Therefore, those facilities that did not report the presence of Aboriginal programming may still have access to community-based programming on an as needed basis. There were 59 Aboriginal youth in custody on Snapshot Day within facilities that did not report the presence of Aboriginal cultural programming.

## 4.0 Sharing Circle Results

The two central goals of the Sharing Circle research were to better understand the experiences of Aboriginal youth in custody and to identify potential strategies to reduce future incarceration from the perspective of the participants. The Sharing Circle Team conducted 41 Sharing Circles with approximately 250 Aboriginal youth in 11 different custody facilities (see Appendix C for a list of facilities). The data from the Sharing Circles have been aggregated so that individual institutions are not identifiable. Twelve central themes emerged from the data and were organized into three distinct time-frames.<sup>13</sup>

### Life on the Outside (Past)

1. Family Life
2. Racism
3. Substance Abuse
4. Organized Gangs

### Life on the Inside (Present)

5. Custodial Staff
6. Suicide
7. Gender
8. Custody/Probation

### Solutions (Future)

9. Cultural Programming
10. Mentoring
11. General Programming
12. Community Service

### 4.1 Life on the Outside (Past)

There were several common experiences among many of the Sharing Circle participants concerning their life prior to incarceration, particularly within their families of origin (e.g., victimization and substance abuse) and within the criminal justice system (e.g., racism).

#### 4.1.1 Family Life

*“Why are we victims?  
Why are we making victims?”*

The Sharing Circles provided an opportunity for the participants to reflect on the cycle of dysfunction within their families of origin. Many spoke of physical, sexual and emotional abuse and neglect, but in general terms. A few participants provided more specific comments on their feelings of shame, betrayal and anger due to their childhood victimization.

*“I feel dirty and ashamed...  
it is my family that did it to me.”*

*“...it makes me angry to talk about it.”*

*“I had to move away from home  
because I was scared of being abused.”*

There was overwhelming agreement among the participants that substance abuse within their families was an acute problem.

*“Don’t drink and do drugs?  
It’s pretty hard when that is  
what it is like at home.”*

*“There are always people at my  
house having parties and I don’t  
want to go back home, people  
would be drunk...”*

In addition, some participants spoke of criminality within their families, with many parents, siblings and extended family members serving federal custodial sentences. Exposure to suicide amongst family members was also commonplace for participants in the Sharing Circles. Finally, there was an expressed sense of frustration that, according to some participants, there are no acceptable options available to them if their homes are not appropriate environments.

*“I don’t want to be at home, but I don’t  
want to be a ward of the state.”*

<sup>13</sup>These time-frames are somewhat artificial as the themes within them are not necessarily mutually exclusive to the specified period of time. The Sharing Circle participants continued to deal with issues such as substance abuse and youth gangs, for example, during their period of incarceration.

### 4.1.2 Racism

*“...they feel like I am dirty, because I am Aboriginal.”*

One of the more consistent experiences expressed by the participants was the sense that mainstream society, and particularly the criminal justice system, is overtly racist. The incidents described were not typical of covert systemic racism often ascribed to the system. Rather, these were direct, deleterious comments said to the participants by criminal justice professionals. The descriptions of racism shared a common element – the notion that Aboriginals are perceived as ‘dirty’ and ‘alcoholic’.

*“I hear racist comments like dirty Indian, go back to the bush.”*

*“...all Indians are drunk Indians.”*

Some Sharing Circle participants also experienced unfair treatment by criminal justice professionals, in their opinion, based solely on the fact that they were Aboriginal.

*“They won’t allow natives to hang together, because we are suspected of being in a gang.”*

*“They just treat Aboriginals like dirt... we are not treated with respect.”*

### 4.1.3 Substance Abuse

*“Drugs and alcohol...really took me down.”*

Participants in the Sharing Circles dealt with serious substance abuse issues, particularly alcohol and cocaine addiction. Some of the participants explained that alcohol and drugs were used as an escape from their reality. There was an initial positive experience described with their substance of choice. Eventually, however, there were serious negative experiences wherein participants committed their offences while intoxicated or in order to obtain drugs/alcohol. The positive effects disappeared and there was often very serious consequences including incarceration and suicides/overdoses among their peers.

*“I feel no one is there to care about me... so then I go to drugs and alcohol to try not to think about it as much as possible.”*

*“It is always there...drugs.”*

*“Drinking and drugs...causes and leads to suicide.”*

### 4.1.4 Organized Gangs

*“Gangs are stupid to join, but even stupider to quit.”*

Sharing Circle participants identified participation in organized gangs as a serious issue. Joining a gang provided some participants with self-esteem, confidence and a sense of belonging that was missing from their families. Gangs were also viewed as a means of protection and as a source of excitement, power and drugs.

*“The gang is my family.”*

*“You have to protect yourself, do what you need to do to survive.”*

As with substance abuse, however, the positive consequences were overshadowed by a sense of entrapment. Some participants believed that they were forced into participating in a gang because their older family members and friends were already gang members. All participants agreed that once you were in gang, leaving was extremely difficult. Those who attempted to leave were assaulted and punished for such behaviour.

*“It’s hard because...I have family members in the gang...it is hard...”*

*“I have seen a lot of people commit suicide as a way out of the gang.”*

*“Hard to get out of the gang, they will turn on you, stab you...”*

*“Have to relocate where you live if you don’t want to be part of a gang... even then they will find you.”*

## 4.2 Life on the Inside (Present)

As with their experiences prior to incarceration, the participants in the Sharing Circles described common experiences inside custody facilities.



### 4.2.1 Custodial Staff

*"I have been told by staff that I am a loser and a lowlife and some praise me and have hope for me."*

The comments regarding custodial staff were both positive and negative. To many of the participants, it was often not the credentials of the staff members that were relevant to their experience. Rather, it was the personality of the individual who held the position that was important. Many participants also believed that their relationships with many staff lacked respect and fairness.

*"Some of the staff have good personalities, make me laugh, make me feel good about myself."*

*"Staff seem to have no hope or trust in us, they keep on saying that we will be back right away. I feel like they are not trying to help me, they are just putting me down."*

*"...like going to bathroom, I ask three times and I don't get to go...I want to be respected for that, I don't want to have to wait and wait."*

An overarching theme throughout the Sharing Circles was a lack of trust expressed by the participants. Most do not trust the system and do not trust the professionals within the system. Moreover, they fear that staff share personal information with others, even with a promise of confidentiality.

*"It's a trust thing..."*

*"They write down everything, and it gets put on your file and everyone reads it and I don't want that getting around and everyone knowing my business."*

### 4.2.2 Suicide

*"When I tell staff how I am feeling they stick me in isolation...and sticking me in the hole makes me feel more depressed."*

Suicidal thoughts, self-harm and attempted suicide were reported by participants as prevalent not only within custody but in their communities as well.

*"It's hard to give people hope, that there is more to live for."*

*"Everyone knows some one who committed suicide."*

Many participants in the Sharing Circles were critical towards the policies inside custody facilities that direct staff on how to deal with youth who reveal suicidal thoughts and feelings. According to the participants, if a youth indicates he is feeling suicidal to staff, he is immediately isolated in a holding cell, stripped of personal clothing and possessions, dressed in a gown, and observed every few minutes. Such practices appeared counterintuitive to the participants and clearly discouraged them from expressing suicidal thoughts. The system responded to their despondency with a practice that, in the eyes of the participants, punished them.

*"There is no one you can talk to in this place without fear of them putting you in the hole."*

*"Most people are scared to say yes they are suicidal, because they don't want to go to the hole."*

### 4.2.3 Gender

*"Boys get a better deal 'cause there are so many of them."*

The male and female participants in the Sharing Circles provided similar comments on many of the themes contained in this report. One area that was clearly different, however, was the perception among female participants that males were provided with more opportunities simply because of their numbers. According to most female participants, the custody facilities that participated in the Sharing Circles provided access to more cultural programming and recreation for male youth compared to female youth.

*"Boys get more free time..."*

*"There are no sweat lodges for the girls...."*



#### 4.2.4 Custody/Probation

*“Probation is just an excuse to keep me in jail... It takes nothing to make a mistake...everyone has breaches, everyone is here for a breach.”*

While the Sharing Circle participants did not provide much information on custody as a specific disposition, they did perceive incarceration as a chance to improve their criminal skills through association with more experienced youth.

*“Going to jail makes you a better criminal...”*

There was agreement among participants that probation was not beneficial. In fact, they argued that probation was detrimental to their rehabilitation and increased the likelihood of returning to custody.

*“Probation is a charge magnet.”*

*“You come back here for stupid reasons.”*

Primarily, the conditions attached to probation orders were considered unrealistic, particularly curfews and those prohibiting drug and alcohol use and association with anti-social peers (those with a known criminal record). Most of the participants expressed a sense of futility, as almost everyone in their lives were either chemically-addicted or a known criminal.

*“I am not used to being on curfew, and there are too many restrictions.”*

*“Drugs conditions are the hardest, there is always going to be that time when you slip.”*

*“You are told you can’t talk to your clan...”*

*“I can’t associate with known criminals, but everyone I know is a criminal.”*

#### 4.3 Solutions (Future)

When asked what would be effective in assisting them in custody and upon reintegration, the Sharing Circle participants were consistent in their ideas and solutions.

#### 4.3.1 Cultural Programming

*“I would like to live with the Aboriginal culture I was raised with.”*

There was a clear appetite amongst most participants for traditional Aboriginal programming that focused on culture and spirituality. The participants stated that having a clearer understanding of Aboriginal culture would be beneficial to their rehabilitation. Activities identified by the youth included sweat lodges, sharing circles, pow-wows, drumming, singing, dancing, horseback riding, cultural camps, smudging, and crafts. There was also an interest in learning Aboriginal languages and history from an Aboriginal perspective. Finally, many participants would like to be able to access Aboriginal elders more frequently.

*“I would like more teachings, classes to tell me about the history, spiritual stuff, something to learn more about my culture.”*

*“I am more happy and energetic and healthy...after a sweat lodge.”*

Some participants, however, identified their substance abuse issue as a serious impediment to being able to actively participate in cultural programming. Many of the programs offered, according to some Sharing Circle participants, prohibit youth from participating if they are not alcohol- and drug-free. In addition, if a youth has been identified as a gang-member, he or she may also be prohibited from participation.

*“A few times elders turned me down... because I was drunk or stoned...”*

*“Alcohol and that prevents me from getting involved in culture because native traditions are alcohol- and drug-free.”*

There was also concern expressed by some participants that programming is only easily accessible inside custody facilities. Once the participants are back in their communities, they do not always have the knowledge necessary to access community-based programs. The mentor concept mentioned in the next theme, wherein the youth are linked with an appropriate mentor upon release, was proposed as a possible solution to this problem.

*“It’s hard to go to the sweat lodge on the outside because I don’t know who to contact to find out about this stuff.”*

### 4.3.2 Mentoring Program

*“I would rather go somewhere to talk to someone that I can trust, the certificate or degree doesn’t matter, I would rather someone who will understand.”*

As indicated, trust was particularly important among the Sharing Circle participants. In general, one-on-one programming was articulated as the preferred method of interaction within custodial programming. Many of the youth proposed a Mentoring Program to address the lack of trust they feel towards the system and to facilitate effective rehabilitation. One-on-one mentors who have experienced their reality, the youth argued, would be more beneficial than traditional interactions with custodial staff. It does not necessarily have to be a formal therapeutic relationship. It would be of value if there was someone from whom they could seek informal advice as well as someone that could spend leisure time with them.

*“I feel that they don’t have to be qualified, they just have to listen or understand the position that I am in, or even better, have gone through a similar thing.”*

*“It would it be helpful to have a mentor or social worker, that you can go to if you need assistance with resumes, or even just someone to go to the movies with so you stay out of trouble.”*

*“I would like to access a mentor...that volunteers...someone to be there for me... not because they are getting paid.”*

### 4.3.3 General Programming

*“I want to change...”*

In addition to enhanced cultural programming with easier access and a mentorship program, there were numerous other programming ideas offered by the Sharing Circle participants that, in their opinion, would promote rehabilitation.

1. Conventional employment programming and apprenticeships (e.g., auto mechanics, aesthetics, culinary programs), as well as resume writing and interviewing techniques, which are designed to increase participants’ employability and assist them in acquiring and maintaining employment;

2. Recreational programming, including unstructured and structured sports and weight training;
3. Intensive longer-term substance abuse programming for alcohol/drug addiction;
4. Suicide prevention programming, with information on how to deal with the sudden death of friends and family members;
5. Life skills programming with a focus on independent living (e.g., finding and maintaining housing, budgeting, cooking, cleaning, laundry, parenting); and,
6. Family intervention programming that involves not only the youth, but also his or her family directly, particularly in family situations with a high level of dysfunction (e.g., violence, substance abuse).

Several key concepts related to effective programming emerged during the Sharing Circles. First, according to some of the participants, programming needs to be widely available *after release* from custody. Second, there needs to be a transitional phase, wherein youth are offered an opportunity to gradually reintegrate back into society with an emphasis on continued support and programming. Third, the focus needs to be on families as a whole, rather than simply on the individual. Finally, youth on remand are often not eligible for programming but often spend substantial amounts of time in custody. It would be advantageous to offer programming for youth on remand, according to the participants, as many of them end up being sentenced to ‘time served’.

*“I wish there was more community support...”*

*“I would like a transition place...where when I get out I will be able to do programs, get recreation and life skills for free... where I will be able to make a better life.”*

*“Need to get help into the family, instead of sticking me back into a dysfunctional family.”*

*“Remand youth are treated like the bottom of the barrel...”*

#### 4.3.4 Community Service

*“Community service...do the hours and you are done, nothing hanging over your head.”*

Many of the Sharing Circle participants proposed ‘community service’ as an alternative to probation and custody. The main rationale put forward was that it would be a simple and relatively brief sentence without a series of onerous conditions. According to participants, it also has the potential of providing them with a sense that they have ‘given back’ to their community. Finally, it also was noted by some of the participants that community service may provide valuable employment skills and experience.

*“...I would rather do community work, it makes you stronger anyway, gives you job experience.”*

*“...should be able to just do community service and give back to the community.”*

#### 4.4 Questions for Future Research

The data from the Sharing Circles raised several important questions for future research.

1. Is it difficult for Aboriginal youth to voluntarily leave an organised gang? If so, how can the youth criminal justice system assist youth in leaving organized gangs?
2. Are current institutional policies that delineate suicide prevention practices ineffective? If so, how can custodial staff better deal with Aboriginal youth in custody who reveal suicidal thoughts?
3. Are custody programming resources allocated unfairly towards Aboriginal male youth compared to Aboriginal female youth?
4. How can the youth criminal justice system better respond to Aboriginal youth to minimise the number of administration of justice offences (e.g., breach of probation)?
5. How would the programming solutions identified by the Sharing Circle participants effect rehabilitation?
  - a. enhanced cultural programming?
  - b. Mentoring programs?
  - c. continuing programming in the community?
  - d. family intervention?
6. Is community service an effective youth criminal justice system response for Aboriginal youth? If so, in what circumstances?

## 5.0 Discussion

The results from the Snapshot data analysis confirmed that Aboriginal youth experience an appreciably higher incarceration rate compared to non-Aboriginal youth in Canada. The question that remains is ‘why?’. There are several data sources that can be examined to answer this question.

### 5.1 Snapshot Data

The Snapshot data revealed that Aboriginal youth, generally, are convicted of their first offence at an early age (between 12 and 14 years of age). Early involvement in the youth criminal justice system may play a role in the high incarceration rate of Aboriginal youth. Early involvement increases the likelihood of a criminal record, which can lead to more serious sentences.

The Snapshot data also indicated that 47% of Aboriginal youth in custody lived in families that received social assistance. La Prairie (1992, 2002) argued that the central factor related to higher incarceration rates among Aboriginal people is poverty. These data provide additional support for La Prairie’s assertion.

There were a considerable number of Aboriginal youth in custody, according to the Snapshot data, with substance abuse problems. Approximately 57% of Aboriginal youth had a confirmed problem and an additional 24% had a suspected problem with alcohol and/or drugs. Substance abuse has been well documented as a correlate of criminal behaviour among youth (Dawkins, 1997; Huizinga & Jakob-Chien, 1998; Latimer, Kleinknecht, Hung & Gabor, 2003). Previous research has also demonstrated a clear link between alcohol or drug abuse and violent crime (Fergusson, Lynskey & Horwood, 1996; Watts & Wright, 1990), which is associated with more serious sentences.

The Snapshot data indicated that a large proportion (39%) of Aboriginal youth were involved with child protection agencies. Recent research into the correlates of delinquency found that negative parenting (e.g., inconsistent parenting, low levels of supervision, harsh discipline) was significantly correlated with criminal behaviour among youth (Latimer, Kleinknecht, Hung & Gabor, 2003). Involvement with child protection agencies is a good indication that a youth has experienced negative parenting.

Poor school attachment (e.g., performance, attendance, behaviour) has also been significantly correlated with delinquency among youth (Latimer, Kleinknecht, Hung & Gabor, 2003). A high proportion of Aboriginal youth in custody were reported to have limited education indicating school attachment issues.

Unfortunately, none of these variables (age at first conviction, social assistance, substance abuse, child protection agency involvement, highest grade completed) were collected on non-Aboriginal youth thus limiting conclusions.

The Snapshot data did reveal that, on average, Aboriginal youth receive longer custodial sentences compared to non-Aboriginal youth for many offence groupings. This finding should be viewed with some caution, however, as the criminal history of the youth and the seriousness of the offence within the offence grouping were not controlled for in the analysis. These factors are important in the sentencing process and may have explained a large proportion of the variance in the sentence lengths of Aboriginal and non-Aboriginal youth in custody. Nonetheless, this may partially explain why Aboriginal youth experience a higher incarceration rate as longer sentences have been previously identified as a leading contributor to higher incarceration rates (Young & Brown, 1993).

### 5.2 National Longitudinal Survey of Children and Youth

Self-report data from the National Longitudinal Survey of Children and Youth indicated that the same proportion of Aboriginal youth and non-Aboriginal youth are involved in criminal behaviour. The data also indicated, however, that Aboriginal youth commit more serious offences compared to non-Aboriginal youth (Latimer, Kleinknecht, Hung & Gabor, 2003). This may also partially explain why Aboriginal youth experience a higher incarceration rate compared to non-Aboriginal youth. Youth who commit more serious offences are more likely to receive a custodial sentence compared to youth who commit less serious offences. Furthermore, since these data are self-reported, they are not subject to the same potential bias as official data sources.

### 5.3 *YCJA* Monitoring Study: Baseline Phase

Data collected by the Department of Justice Canada from youth courts in 1999/2000 indicated that Aboriginal youth are more likely to receive custody as the most serious disposition across almost all offence categories compared to non-Aboriginal youth, including drug possession, drug trafficking, serious assaults, common assaults, break and enter, theft over \$5,000, and mischief (Latimer & Verbrugge, forthcoming). These data also indicated that the median sentence length for Aboriginal youth (90 days) is three times the median sentence length for non-Aboriginal youth (30 days). Again, however, these analyses did not control for the criminal history of the youth or the seriousness of the offence.

### 5.4 Sharing Circle Data

Data from the Sharing Circle suggested additional reasons that may explain some of the variance in incarceration rates of Aboriginal and non-Aboriginal youth. The Aboriginal participants in the Sharing circles disclosed high rates of victimization in their families, substance abuse and organized gang participation. These factors are widely recognized as significant correlates of delinquency (Latimer, Kleinknecht, Hung & Gabor, 2003; Andrews & Bonta,

1998). In other words, a history of child maltreatment, drug and alcohol abuse, and involvement with anti-social peers places youth at a significant risk for engaging in criminal behaviour. The Sharing Circle data do not, however, substantiate that non-Aboriginal youth in custody experience lower rates of victimization, substance abuse and/or organized gang participation.

In addition to these factors, participants in the Sharing Circles reported serious incidents of individual racism. Police officers and probation officers have the discretion to formally charge a youth or deal with him or her informally. Judges have the discretion to impose custodial or non-custodial sentences within the restrictions of the *Youth Criminal Justice Act*. It is possible that Aboriginal youth may experience a higher formal charge rate and a higher likelihood of receiving custody even when criminal history and the seriousness of the offence are considered. The Snapshot data, as well as the data from the Baseline Phase of the *YCJA* Monitoring Study, provided preliminary support to this hypothesis. A more detailed analysis of the data from the *YCJA* Monitoring Study, which will control for criminal history and offence severity is in the developmental stages. It is anticipated that this analysis will provide more evidence to answer the question of whether or not a systemic bias against Aboriginal youth exists in the youth criminal justice system.

## 6.0 Conclusion

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While there have been substantial reductions in the number of Aboriginal youth in custody since 2000, Aboriginal youth continue to experience an appreciably higher incarceration rate compared to non-Aboriginal youth.

The high incarceration rate of Aboriginal youth is likely related to a series of interactive factors. High rates of poverty, substance abuse and victimization can lead to family breakdown, and serious criminal behaviour at a young age. Possible discrimination within the youth criminal justice system may lead to

the differential treatment of Aboriginal youth. In combination, these factors may be working to incarcerate Aboriginal youth at a rate eight times that of non-Aboriginal youth.

The Sharing Circle participants provided suggestions that may have an impact on the rehabilitation of Aboriginal youth in custody. Without a broader range of solutions, however, with a preventative focus, such measures will not be exceptionally effective in reducing the high incarceration rates of Aboriginal youth alone.



# References

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- Andrews, D.A. & Bonta, J. (1998). *The Psychology of Criminal Conduct* (2<sup>nd</sup> ed.). Cincinnati, OH: Anderson Publishing.
- Bittle, S., Hattem, T., Quann, N., & Muise, D. (2002). *A One-Day Snapshot of Aboriginal Youth in Custody Across Canada*. Ottawa, ON: Research and Statistics Division, Department of Justice Canada.
- Boe, R. (2002). Future demographic trends may help Canada's Aboriginal youth. *Forum on Corrections Research*, 14, 3, 13-16.
- Dawkins, M.P. (1997). Drug use and violent crime among adolescents. *Adolescence*, 32, 395-405.
- Fergusson, D.M., Lynskey, M.T., & Horwood, L.J. (1996). Alcohol misuse and juvenile offending in adolescence. *Addiction*, 91, 483-494.
- Huizinga, D. & Jakob-Chien, C. (1998). The contemporaneous co-occurrence of serious and violent juvenile offending and other problem behaviours. In R. Loeber, & D.P. Farrington, (Eds.), *Serious & violent juvenile offenders: Risk factors and successful interventions*. (pp. 47-67). Thousand Oaks, CA: Sage Publishing.
- Latimer, J., Kleinknecht, S., Hung, K., & Gabor, T. (2003). *The Correlates of Self-Reported Delinquency: Analysis of the National Longitudinal Survey of Children and Youth*. Ottawa, ON: Research and Statistics Division, Department of Justice Canada.
- Latimer, J., & Verbrugge, P. (forthcoming). *The Youth Criminal Justice Act Monitoring Study: Baseline Phase Overview Report*. Ottawa, ON: Research and Statistics Division, Department of Justice Canada.
- La Prairie, C. (1992). *Dimensions of Aboriginal Over-Representation in Correctional Institutions and Implications for Crime Prevention*. Ottawa, ON: Solicitor General Canada.
- La Prairie, C. (2002). Aboriginal over-representation in the criminal justice system: A tale of nine cities. *Canadian Journal of Criminology*, 44, 181-208.
- Ratner, R. S. (1996). In cultural limbo: Adolescent Aboriginals in the urban life-world. In G. M. O'Bireck (Ed.), *Not a Kid Anymore: Canadian Youth, Crime and Subcultures*. (pp. 185-202). Toronto, ON: Nelson Canada.
- Roberts, J., & Melchers, R. (2003). The incarceration of Aboriginal offenders: Trends from 1978 to 2001.
- Statistics Canada (2001). *Aboriginal Peoples in Canada*. Ottawa, ON: Canadian Centre for Justice Statistics, Statistics Canada.
- Stenning, P., & Roberts, J. (2001). Empty promises: Parliament, the Supreme Court, and the sentencing of Aboriginal offenders. *Saskatchewan Law Review*, 64, 137-168.
- Watts, W.D., & Wright, L.S. (1990). The relationship of alcohol, tobacco, marijuana, and other illegal drug use to delinquency among Mexican-American, Black, and White adolescent males. *Adolescence*, 25, 171-181.
- Young, W., & Brown, M. (1993). Cross-national comparisons of imprisonment. In M. Tonry (Ed), *Crime and Justice: A Review of Research*, vol. 17. (pp. 1-49). Chicago, IL: University of Chicago Press.







## Legal Information

6. Legal Status of Youth (Please check ALL that apply)

- Remand
- Serving an OPEN sentence
- Serving a SECURE sentence
- Other (specify) \_\_\_\_\_

7. **If serving a custodial sentence:** Most Serious Offence (Please consult the Seriousness Index attached as Appendix A to determine the youth's most serious offence and enter the three digit numerical code)

Most Serious Offence (MSO)

8. **If on remand:** Most Serious Charge (Please consult the Seriousness Index attached as Appendix A to determine the youth's most serious charge and enter the three digit numerical code)

Most Serious Charge (MSC)

9. Date of Admission (Please indicate the date of the youth's FIRST admission to custody for the specific MSO or MSC indicated above)

             
Year                      Month                      Day

10. Legislation (Please indicate if the youth is serving YOA or YCJA sentence)

- Young Offenders Act (YOA)
- Youth Criminal Justice Act (YCJA)
- Converted YCJA (Previous YOA sentence)

11. AGGREGATE Custody Sentence (Please record the total number of days for the aggregate YOA sentence OR the total number of days of the CUSTODIAL PORTION for the aggregate YCJA sentence)

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12. Has an application been approved to maintain the youth in custody beyond the ordered number of days?

Yes

No

12.1 If yes, how many additional days has the youth served?

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12.2 **If yes, how many additional days remain?**

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**Aboriginal Status Information**

13. Aboriginal Status

Non-Aboriginal

Aboriginal

**IF THE YOUTH IS ABORIGINAL, PLEASE  
COMPLETE THE REMAINDER OF THIS  
QUESTIONNAIRE**

**IF THE YOUTH IS NON-ABRORIGINAL  
STOP HERE**



## Information on Aboriginal Youth Only

### 14. Aboriginal Identity

- First Nations
- Metis
- Inuit
- Innu
- Inuvialuit
- Unknown
- Other (specify) \_\_\_\_\_

### 15. Aboriginal Status

- Status Indian
- Non-status Indian

### 16. Living Arrangements (Please indicate status prior to admission to custody)

#### Dual-parent

- Lone-parent
- Extended family
- Foster parents
- Group home
- Transient/living on the streets
- Other (specify) \_\_\_\_\_

17. Child Welfare Status (Please indicate status prior to admission to custody)

- Ward of the State
- Active Child Welfare File – NOT a Ward of the State
- No child welfare involvement

18. Social Assistance (Please indicate if the youth resided in a family that received social assistance as the primary source of income)

- Yes
- No

19. First Conviction (Please indicate the age of the youth at their first conviction)

<input type="text"/>	<input type="text"/>
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20. Education (Please indicate the highest grade COMPLETED in school)

<input type="text"/>	<input type="text"/>
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21. Diagnosis of Foetal Alcohol Syndrome/Foetal Alcohol Effects

- Confirmed diagnosis (obtained from medical records)
- Suspected (obtained from custodial file)
- Suspected (obtained from self-report)
- No information available

22. Substance abuse problems

- Confirmed problem
- Suspected
- No information available



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23. Suicide (PRIOR to current CUSTODY admission)

- Previous attempts
- Previous suicidal thoughts
- No information available

24. Suicide (WITHIN CUSTODY during current sentence)

- Attempts
- Suicidal thoughts
- No information available

25. Self-Harm (WITHIN CUSTODY during current sentence)

- Yes (self-cutting/slashing/burning, etc.)
- No
- No information available





## Serious Index

The following Index is used by the Canadian Centre for Justice Statistics in order to calculate the Most Serious Charge/Offence. The seriousness of an offence is ranked according to offence type and the potential impact on the person. Offences are ordered from most to least serious.

Please select the most serious charge (MSC) or offence (MSO) for each youth, for the *current* custody or remand admission. If there is only one offence, then that offence is the MSC/MSO. If there is more than one offence, then the MSC/MSO is determined by the following offence severity scale. For instance, if a youth committed “break and enter” and “theft under,” the MSO would be the break and enter. You would then enter numerical code 031 as the youth’s most serious charge/offence. The number of offences does not matter. For example, if a youth was convicted for multiple “theft under” offences but only one “break and enter”, the MSO remains “break and enter”.

### Offences Against the Person

- 001 - Murder, First degree
- 002 - Murder, Second degree
- 003 - Manslaughter
- 004 - Criminal Negligence Causing Death
- 005 - Other related offences causing death
- 006 - Attempted Murder
- 007 - Conspire to Commit Murder
- 008 - Aggravated sexual assault
- 009 - Kidnapping
- 010 - Hostage Taking
- 011 - Robbery
- 012 - Extortion
- 013 - Other Violent Violations
- 014 - Sexual Assault with a Weapon
- 015 - Aggravated Assault – Level 3
- 016 - Discharge Firearm with intent
- 017 - Sexual Assault
- 018 - Assault with weapon or causing bodily harm – level 2
- 019 - Unlawfully causing bodily harm
- 020 - Criminal negligence causing bodily harm
- 021 - Abduction under 14
- 022 - Abduction contravening a custody order
- 023 - Abduction – no custody order
- 024 - Infanticide
- 025 - Assault – level 1
- 026 - Assault against peace-public officer
- 027 - Abduction under 16
- 028 - Other sexual crimes
- 029 - Other assaults
- 030 - Criminal harassment

### Break and Enter

- 031 - Break and Enter

### Controlled Drug and Substance Act

- 032 - Trafficking – Heroin
- 033 - Trafficking – Cocaine

- 034 - Trafficking – Other N.C.A
- 035 - Trafficking – Cannabis
- 036 - Importation – Heroin
- 037 - Importation – Cocaine
- 038 - Importation – Other N.C.A.
- 039 - Importation – Cannabis
- 040 - Trafficking – Controlled drugs
- 041 - Trafficking – Restricted Drugs
- 042 - Possession – Heroin
- 043 - Possession – Cocaine
- 044 - Possession – Other N.C.A.
- 045 - Possession – Cannabis
- 046 - Cultivation – Cannabis
- 047 - Possession Restricted Drugs

### Other Criminal Code Offences

- 048 - Offensive Weapons – Explosives

### Criminal Code Traffic Violations

- 049 - Dangerous Operation Causing Death
- 050 - Impaired Operation/Related Violations Causing Death

### Offences Against Property

- 051 - Arson

### Other Criminal Code Offences

- 052 - Counterfeiting Currency
- 053 - Firearms and Other Offensive Weapons (Part III C.C.)
- 054 - Offences Related to Currency (Part XII C.C.)

### Criminal Code Traffic Violations

- 055 - Dangerous Operation Causing Bodily Harm
- 056 - Impaired Operation/Related Violations Causing bodily Harm



### **Offences Against Property**

- 057 - Theft over
- 058 - Fraud
- 059 - Possession of Stolen Goods
- 060 - Mischief – Property Damage

### **Other Criminal Code Offences**

- 061 - Offence Against Public Order (Part II C.C.)
- 062 - Prostitution – Procuring
- 063 - Offences Against the Rights of Property (Part IX C.C.)

### **Other Criminal Code Offences**

- 064 - Offensive Weapons - Prohibited
- 065 - Offensive Weapons - Restricted
- 066 - Offensive Weapons - Firearms Transfer/Serial Numbers
- 067 - Offensive Weapons - Other
- 068 - Offences Against the Administration of Law and Justice (Part IV C.C.)
- 069 - Fraudulent Transactions Relating to Contracts and Trade (Part X C.C.)
- 070 - Wilful and forbidden Acts in Respect of Certain Property (Part XI C.C.)
- 071 - Attempts, Conspiracies, Accessories (Part XII C.C.)

### **Criminal Code Traffic Violations**

- 072 - Dangerous Operation of Motor Vehicle, Vessel or Aircraft
- 073 - Impaired Operation of Motor Vehicle, Vessel or Aircraft over 80 MG
- 074 - Failure to Provide a Breath Sample
- 075 - Failure to Provide a Blood Sample
- 076 - Other *Criminal Code*

### **Other Federal Statute Violations**

- 077 - *Canada Shipping Act*
- 078 - *Income Tax Act*
- 079 - *Customs Act*
- 080 - *Competition Act*
- 081 - *Immigration Act*
- 082 - *Bankruptcy Act*

### **Other Criminal Code Offences**

- 083 - Prostitution – Bawdy House
- 084 - Gaming and Betting – Other Gaming and Betting
- 085 - Bail Violations
- 086 - Escape Custody
- 087 - Public Morals
- 088 - Obstruct Public Peace Officer
- 089 - Prisoner Unlawfully at large
- 090 - Fail to appear
- 091 - Sexual Offences, Public Morals and Disorderly conduct (Part V C.C.)
- 092 - Invasion of Privacy (Part VI C.C.)
- 093 - Offences against the person and reputation (Part VIII C.C.)

### **Criminal Code Traffic Violations**

- 094 - Failure to stop or remain
- 095 - Driving while prohibited

### **Other Federal Statute Violations**

- 096 - *Excise Act*
- 097 - *Young Offenders Act*

### **Other Criminal Code Offences**

- 098 - Prostitution – Other Prostitution
- 099 - Gaming and Betting – Betting House
- 100 - Gaming and Betting – Gaming house
- 101 - Disturb the Peace
- 102 - Indecent Acts
- 103 - Trespass at Night
- 104 - Breach of Probation
- 105 - Threatening/Harassing Phone Calls
- 106 - Disorderly Houses, Gaming and Betting (Part VII C.C.)
- 107 - All other *Criminal Code* (includes Part XII.2 C.C.)

### **Other Federal Statutes**

- 108 - Other Federal Statutes

### **Provincial Statute Violations**

- 109 - Other provincial statute violations
- 110 - *Securities Act*
- 111 - *Liquor Act*
- 112 - *Highway Traffic Act* (or equivalent)
- 113 - Fail to Stop or Remain
- 114 - Dangerous Driving without due care and attention
- 115 - Driving while disqualified or license suspended

# Appendix B

## Facility Information Form (To be completed by each facility)

**Instructions:** Please complete this facility information form and return it with the data collection forms. Only ONE facility information form should be completed for each participating facility. Please print your answers in the spaces provided or check the appropriate box.

1. Name of facility

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2. City/Town

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3. Province (Please use a two letter abbreviation for your province)

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4. Types of custody provided (Please check ALL that apply)

- Secure custody
- Open custody
- Remand
- Other (specify) \_\_\_\_\_

5. Gender (Please check the ONE box that BEST describes your facility)

- Male Only Facility
- Female Only Facility
- Co-ed Facility

6. Description of facility (Please check the ONE box that BEST describes your facility)

- Foster/Community Home
- Group Home
- Secure Detention/Custody Facility
- Community Residential Centre
- Training Centre
- Treatment Centre
- Boot Camp
- Forest/Wilderness Camp/Ranch
- Adult Facility
- Other (specify) \_\_\_\_\_

7. Facility capacity (Please indicate the total number of permanent beds in your facility)

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8. Does your facility offer cultural programming specifically for Aboriginal youth?

- Yes
- No

***If you have any questions when completing this form please contact:***

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# Appendix C

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## Facilities that Participated in the Sharing Circles

1. Cecil Facer Youth Centre – Sudbury, Ontario
2. Thunder Bay Youth Centre – Thunder Bay, Ontario
3. Manitoba Youth Centre – Winnipeg, Manitoba
4. Aggasiz Youth Centre – Portage la Prairie, Manitoba
5. Paul Dojack Youth Centre – Regina, Saskatchewan
6. Kilburn Hall – Saskatoon, Saskatchewan
7. Edmonton Young Offender Centre – Edmonton, Alberta
8. Calgary Young Offender Centre – Calgary, Alberta
9. Burnaby Youth Secure Custody Centre – Burnaby, British Columbia
10. Prince George Youth Custody Centre – Prince George, British Columbia
11. North Slave Young Offender Facility – Yellowknife, Northwest Territories

# Appendix D

## Population Counts for Aboriginal and Non-Aboriginal Youth

ESTIMATED COUNTS OF ABORIGINAL AND NON-ABORIGINAL YOUTH IN CANADA BY PROVINCE/TERRITORY			
Province/Territory	Aboriginal Youth (12-17 yrs)	Non-Aboriginal Youth (12-17 yrs)	Total Youth (12-17 yrs)
Newfoundland and Labrador	2,380	42,297	44,677
Prince Edward Island	177	11,996	12,173
Nova Scotia	1,992	72,338	74,330
New Brunswick	1,910	57,522	59,432
Ontario	20,939	913,586	934,525
Manitoba	18,982	79,021	98,003
Saskatchewan	18,352	75,626	93,978
Alberta	20,217	246,881	267,098
British Columbia	21,098	298,756	319,855
Yukon	768	2,044	2,812
Northwest Territories	2,406	1,445	3,851
Nunavut	3,300	180	3,480
<b>CANADA</b>	<b>120,179</b>	<b>2,330,791</b>	<b>2,450,970</b>

1. Estimates are based upon data from the 2001 Census, Statistics Canada.