

Portfolio Environmental Scan 2002



This environmental scan is not meant to be all inclusive but rather to stimulate thought on emerging criminal justice issues. It does not necessarily represent the policy of the Solicitor General Canada, the Government of Canada, or any other Federal Government Agency or Department.

INTRODUCTION

The 2002 Portfolio Environmental Scan provides a summary of the key environmental trends and issues having an impact on the Portfolio of the Solicitor General, and, more broadly, the Canadian criminal justice system, that were identified during a consultation exercise involving officials from the Department and all four Portfolio Agencies (Canadian Security Intelligence Service, Correctional Service of Canada, National Parole Board, and Royal Canadian Mounted Police). The 2002 Scan focuses on some of the key factors influencing the current operating environment, both domestic and international, and their likely implications for corrections and conditional release, policing and law enforcement, and national security.

Background

The Portfolio operates in a complex and evolving environment characterized by:

- ❖ Rapid national and international social, economic and technological change;
- ❖ Shared jurisdictions and the need for extensive partnerships;
- ❖ Growing public demand for effectiveness, openness, and accountability in all facets of government operations, but in particular, matters relating to public safety;
- ❖ Recurring public skepticism regarding the ability of the justice system to meet victim needs; and
- ❖ A renewed attention to threats posed by terrorist groups.

Public safety and security are fundamental to Canada's economic and social well-being. Canadians' quality of life is directly linked to our relatively high degree of personal safety and security. However, a rapidly changing global and domestic environment is placing significant pressures on the continued effectiveness of our law enforcement, security, corrections and parole agencies. Evolving pressures on the criminal justice system may require realignment or adjustment of existing priorities.

Our last Portfolio Scan was released in the fall of 2000. It is interesting to note that a number of the issues that were identified in this scan have either re-surfaced as a policy driver, or led to a response by the Portfolio in the form of policy or programming initiatives. Not surprisingly, however, a number of identified issues proved to be less resilient or more influential than expected.

Methodology

The 2002 Portfolio scan piloted an innovative approach to environmental scanning, directly involving Portfolio opinion.

In January 2002, the Strategic Policy Branch of the Strategic Operations Directorate began an extensive Portfolio-wide consultation to query participants within the Department and Agencies on what they felt would be the five most important "policy-drivers" having the greatest impact on public safety work over the next five years. The consultation, while not strictly following the Delphi model of group communication, closely approximated this approach in that it:

- ❖ Involved ranking of issues;
- ❖ Was conducted anonymously; and
- ❖ Was carried out primarily through the medium of electronic communication (e-mail).

The consultation process, coordinated through the Portfolio Priorities Working Group, took the form of a series of questionnaires administered to participants drawn from the Department of the Solicitor General and each of the Portfolio Agencies. Participants were organized according to their area of expertise – Corrections and Conditional Release (CCR), Policing and Law Enforcement, and National Security.

Participants were initially asked to identify and rank emerging policy-drivers, providing some rationale as to why the issues identified were deemed important. In subsequent “weighted” voting rounds, participants were asked to rank the top five identified issues in order of importance. Results were compiled, collated and ranked.

Issue	Rank Order
Globalization	1
Technology	2
Transnational Organized Crime, and Terrorism	3
Demographics (Aging and Diversity)	4
Aboriginal Issues	5

As a result of this process, the top five issues identified by Portfolio opinion, in order of importance, were: Globalization; Technology; Transnational Organized Crime and Terrorism; Demographics; and Aboriginal Issues.

Format of the 2002 Portfolio Scan

Strategic Operations officers wrote individual scanning articles for each of the five top issues, or themes. Reflecting participant opinion, identification and ranking, each article provides a description of the issue, based on recent data and research findings. Wherever possible, we have let the participants speak, in their own words, to the significance of the issues at hand. Participant opinion is therefore a key feature of the 2002 Scan; participant quotes are prominently referenced throughout the document. Finally, each theme is analyzed in light of the possible impacts that projected developments will have on the policing and law enforcement, national security, and corrections and conditional release fields.

By relying on relatively short (each article is under 10 pages) but well documented and focussed articles that reflect participants’ insight, we hope to provide readers with informative, thoughtful, and pleasant to read material.

Lastly, we hope the 2002 Portfolio Environmental Scan, produced in the spirit of partnership and collaboration, contributes to a meaningful and productive dialogue on public safety and security issues in Canada.

GLOBALIZATION



“Beyond the front pages, globalization is a reality that, for better or worse, touches our lives in ways most of us never stop to think about.”

BBC News, E-Cyclopedia, “Globalization: What on Earth is it about?” <http://news.bbc.co.uk>

Depending on the hat a person wears, globalization can be viewed as either the saviour or the worst evil of our era. Hailed by capitalists and consumers, decried by some environmentalists, human rights advocates and social activists, continuously shrinking time and distance constraints bring about tremendous opportunities as well as challenges to states and individuals.

First, a Few Definitions

La mondialisation, as the French say, can be defined as a *diffusion process that operates worldwide*¹. It concerns an event or a phenomenon that goes beyond the local, national and continental levels of our world and concerns the entire globe. This event can be secondary (e.g., product launch), important (e.g., satellite communication), vital (e.g., vaccination) or deadly (e.g., nuclear risk).

¹ This is based on Geoscope: *L'international sur Internet*, “*La mondialisation: quoi?*”, <http://www.geoscopie.com/themes>

It can also be defined *as the growing interaction and interconnectedness of events or phenomena in a world where there are fewer and fewer barriers.*²

Roll Over Karl Marx

The effects of globalization are apparent in the foods we eat, the goods we purchase, the television we watch, and our travels. But even though previous generations may not have enjoyed as much culinary and cultural diversity as we do today, it has been around for a while.

“The term ‘globalization’ was first coined in the 1980s, but the concept stretches back decades, even centuries, if you count the trading empires built by Spain, Portugal, Britain and Holland.”

BBC News, E-Cyclopedia, “Globalization: What on Earth is it about?” <http://news.bbc.co.uk>

From a macro-economic perspective, globalization can be described as the *second capitalist revolution*, characterized by a *new era of conquests*³. Unlike the initial capitalist revolution, however, the new conquerors are not states, but giant private corporations mostly in Europe, Japan and the U.S.

To give an idea of the might of some of these corporations, General Motors annual sales figures surpass Denmark’s GDP, while the annual sales figures of Mobil Exxon are greater than Austria’s GDP.⁴

This concentration of capital and power has greatly accelerated in the last twenty years due to rapid developments in information

² *Idem.*

³ Ignacio Ramonet, *Guerres du XXIe siècle. Peurs et menaces nouvelles*, Paris, Librairie Compagnie, 2002.

⁴ Ignacio Ramonet, *Ibid.*, p. 5.

technology (IT). Huge sums can now be easily transferred across continents at the click of a mouse.

I. Global Trends Affecting Public Safety and Security

Public safety and security are now, more than ever, strongly influenced by global developments, such as:⁵

- ❖ *The fundamental re-ordering of the international system*: The move away from the bipolar and relatively predictable Cold War international system to one that is complex, unpredictable and ever changing. This new system consists of one superpower, the U.S., and multiple regional powers including China, Russia, Japan, India, and some European countries;
- ❖ *Significant increase in the range of security challenges and risks in the last decade*: Global peace and stability are threatened by military and non-military risks, including ethnic and religious conflict, abuse of human rights, and dissolution of states;
- ❖ *“Think globally, act locally”*: People, states and organizations are increasingly interconnected, which intensifies exposure and vulnerability to world events;
- ❖ *Challenges to state sovereignty arising from globalization*: Debt, crime, and terrorism have undermined the ability of states to effectively manage their affairs and protect their citizens; and

⁵ The following five points drawn from: DND, *Speaking Notes for the General Maurice Baril, Chief of the Defence Staff and the National Security Studies Seminar*, May 14, 1999.

- ❖ *The revolution of life, work and play* by the developments in information technology (i.e. the Internet, e-mail, *télé à la carte*, online banking and so on).

To this list we also add the following:

- ❖ *Polarization*: The formation and deepening of global divides and contrasts, for example, North vs. South, and “Haves” vs. “Have Nots”. Global economic disparities are exacerbated by growing chasms in other areas (e.g., environmental and demographic). This trend is visible at the local, national and global levels.⁶

II. Some Future Global Issues⁷

CBRN Terrorism

Following the 9/11, terrorist attacks in the United States, CBRN terrorism (chemical/biological/radiological/nuclear) tops the list of emerging global threats.⁸

Although it would be difficult for terrorist groups to acquire and/or develop weapons of mass destruction, the relative ease with which low-grade chemical weapons and explosives can be obtained certainly gives pause for reflection.⁹ The sheer terror CBRN threats carry, even if they are

⁶ RCMP *Environmental Scan*, November 1, 2001 and July 2002.

⁷ This list does not pretend to be exhaustive. It intends to bring to light some of the major issues for Canada and to provide food for thought.

⁸ See the scanning article on *Transnational Organized Crime and Terrorism* for more information.

⁹ Please consult the Departmental Working Paper entitled “Strengthening the National Response Capability for Terrorist Incidents”, October 2001, for more details on CBRN threat nature and threat assessment.

hoaxes, can wreak havoc on people's living and working conditions.

Since 9/11, most states around the world, especially Western states, have reinforced their preventative and consequence management measures and emergency plans to deal with CBRN terrorism.

Population Movements

“Some experts believe that the current trend toward economic globalization has also led to an increase in labour migration.”

Daniel Alexander, *Policing and the Global Paradox*,
FBI Law Enforcement Bulletin,
June 2002.

“According to the International Organization for Migration (IOM), the magnitude of human trafficking is global and affects nearly every region of the world.”

David Webb, *Thinking Globally, Acting Locally: A Trafficking Dilemma*,
Crime and Justice International,
May 2002.

One can expect that as a result of economic globalization, there will be increases in population movements. Indeed, with respect to legal immigration, the Department of Citizenship and Immigration projects that by 2011, newcomers will account for all of Canada's labour force growth, and by 2026, it is anticipated that the population will grow solely due to immigration.

While legal immigration brings great benefits to Canada, within the legal migrant population are specific categories of immigrants whose living and working conditions presently pose human rights and sometimes, public safety challenges. These

include mail-order-brides and live-in caregivers, who are largely, if not exclusively, dependent female immigrants. There is at present little empirical data on the number, situation and whereabouts of women who come to Canada as mail-order brides and live-in caregivers.¹⁰ Some NGOs have reported pervasive abuse of immigrant women who fall into these categories, and in some cases reliance, for criminal purposes such as creating prostitution rings, of some individuals and organisations on these under-regulated and under-protected categories of female immigrants.¹¹

While Canada increasingly relies on legal immigration to tackle dwindling demographics, illegal immigration is a growing problem, as our country constitutes a choice residence and at times a stepping-stone to the U.S., specifically for illegal immigrants from China.

“Illegal immigration from China to North America is nothing new, but in recent years, it has become big business. Trade in migrants generated \$180 million last year for foreign smugglers targeting Canada.”

RCMP online, *Human Cargo*, part two, January 2000,
<http://rcmp-grc.gc.ca/online>

In fact, the most rapidly growing area of transnational organized crime is in

¹⁰ For example, upon their arrival, mail-order brides are often isolated, unaware of their rights and totally dependent on their fiancés. There is a lack of statistical and empirical information on the mail-order bride phenomenon – names and numbers of agencies, fees and profits, and the number of men and women involved.

¹¹ These issues were discussed at “*The Precarious State of Dependent Women Immigrants and Their Vulnerability to Abuse: Health Impacts*” seminar that was organized by the Centre of Applied Family Studies and Immigration and Metropolis, on March 21, 2002, Montreal.

trafficking of humans, especially women and children:

“Human trafficking, particularly the traffic of women, is attracting increasing attention as a negative side effect of rapid economic globalization and growing international inequality.”

Portfolio Scan, 2002

Trafficking of women is linked to globalization: it is rooted in the feminization of poverty and in armed conflicts that often lead to population displacement. There is currently a lack of data in Canada providing details on the extent of trafficking of women.¹²

Cyber Crime

As a result of the IT revolution, a new kind of global, borderless crime has emerged: cyber crime. Whether it concerns money laundering, fraud, drug trafficking, scams, child pornography, or hacking into government defence systems, cyber crime is a growing threat to states, people and business. Moreover, it requires new skills and strategies from the policing and law enforcement agencies, as well as the intelligence community, in order to combat it.¹³ These strategies are extremely demanding in terms of cost and preparedness.

“The proliferation of computers and the Internet has resulted in a completely new method of perpetrating crimes on innocent people. [...] We are faced with learning how to track these crimes and document the electronic trail to the degree it can be

¹² *Ibid.*

¹³ CSIS only investigates cyber crime insofar as it poses a threat to national security.

taken to court, when the jurisdiction can be established. When a “normal crime” is investigated and a computer seized we must be able to bypass encryption systems and be able to decipher the contents of the hard disk and present it to a court. These investigations are time consuming, expensive, and require a constant upgrading of skills by investigators concerned about disclosure rules, expertise in court, warrants and arrest procedures.”

Portfolio Scan, 2002

Protest Activities

The proliferation, lack of transparency and lack of inclusiveness of international treaties and organizations inspires social activism directly related to social and economic developments. Social activism in this case often involves legally organized protests and demonstrations, although occasionally vandalism and riots occur.

We can expect these types of protest activities to increase in the future. This means more work for the policing communities to increase security at, and to and from, these gatherings, which is extremely costly.

“Meetings of large international organizations/clubs, present a distinct challenge for police agencies. This challenge presents itself both in hosting and attending these meetings.”

Portfolio Scan, 2002

Expertise Needed

As a result of globalization, we can also expect increasing demands on the RCMP's International Police Services to play a

greater role in international policing activities, working with civilian police agencies to improve policing operations and assisting countries to rebuild their police capacities. This contributes to building civil and democratic infrastructures, and to preventing the exportation of criminal activities to Canada.

By the same token, we can also expect more demand for the Correctional Service of Canada, a world leader in its field, to provide assistance to foreign countries for the transmittal of knowledge and expertise in corrections and conditional release.

Canada/U.S. Linkages

For Canada, living in a global world also means working more closely with the United States. Our relationship with the United States is unique. The border between the United States and Canada is the single largest undefended border in the world. This relationship provides a number of obvious advantages (not the least of which economic) but it also presents a myriad of challenges, particularly in relation to complementary public safety and security legislation and policies.

The events of 9/11 brought with them a heightened awareness of the border between Canada and the U.S. and its vulnerability to external threats. They also led to the recognition that national and economic security are mutually reinforcing objectives.

The key challenge remains striking a balance between the goals of implementing effective controls, maintaining freedom of movement, and preserving national sovereignty.

To ensure all three of these goals are met, Canada and the United States placed national security, including border reform, high on their bilateral agendas. The 2001 Budget reflected these priorities, which culminated with such recent efforts as the signing of the 2001 Smart Border Declaration, the actual and projected creation of additional Integrated Border Enforcement Teams (IBETs) and Integrated National Security Enforcement Teams (INSETs) as well as the July 2002 Cross Border Crime Forum.

Our efforts to address common threats with joint solutions involve a range of issues in which the Portfolio is actively engaged, including information sharing approaches and mechanisms, and the interoperability of technical equipment.

III. National Security

New threats have emerged from all parts of the globe and intelligence collection methods have drastically changed. For governments, keeping up involves continuing to use traditional intelligence collection methods, developing unique and costly technological tools and constantly updating the legislative regime to ensure lawful access to vital national security information.

In addition, intelligence services today operate in a heightened post 9/11 threat environment, characterized by tremendous political and public pressure to detect potential risks at the source, all the while respecting citizens' civil and privacy rights.

More than ever, intelligence services must build and maintain effective partnerships and cooperate extensively with other government departments and agencies concerned with public safety and security.

IV. Policing

What does globalization mean for the average police officer? It means being prepared to deal with local challenges as well as with a whole new range of threats, including CBRN terrorism, IT related crimes, and growing forms of transnational organized crime such as the trafficking of human beings.

“...the paradox of handling future global issues while dealing with future local concerns represents one of the law enforcement profession’s most challenging endeavours.”

Assistant Chief Alexander, Boca Raton Police Department, quoted in Daniel Alexander, *Policing and the Global Paradox*, **FBI Law Enforcement Bulletin**, June 2002.

Extensive, specialized training is the first step towards ensuring police forces are prepared to deal with these new threats, and efforts have been undertaken, for example with respect to CBRN terrorism. As a result of 9/11, the December 2001 budget set aside new monies to train and equip first responders, such as the police, who would be the first called upon to investigate CBRN threats and incidents.

“Terrorism is on the police agenda like never before. Resources and personnel in this area take a position in budget and operational priorities...”

Portfolio Scan, 2002

Promoting awareness of emerging challenges and threats related to globalization with both the potential victims of crime, and the policing agencies, is a key factor to crime prevention and reduction. For example, the RCMP is

investigating smugglers to identify crime syndicates and to prevent future shipping attempts. It also plans to educate potential migrants about the financial burdens and the risks they face when resorting to the services of “snakeheads”.¹⁴

As in intelligence work, policing today increasingly requires extensive skills.

“The skill level required for many police jobs is very high- computer skills, forensic skills, electronic skills...”

Portfolio Scan, 2002

V. Corrections and Conditional Release

Globalization also means that there is an increasing number of “non-typical offenders”, people who are convicted of crimes that were non-existent or relatively rare a few decades ago, for example cyber crime. The distinct profile of these offenders requires more research and the elaboration of different rehabilitation and reintegration strategies.

“...increasingly, the offence type for which the offender has been incarcerated is becoming problematic. Offenders involved in gang-related offences, Internet crime [...] and terrorist activities demand additional research and development of effective tools.”

Portfolio Scan, 2002

Conservative policies and approaches to criminal justice issues in countries such as the U.S. and U.K. exert pressure on our correctional system to respond in similar

¹⁴ “Snakeheads” refers to people smugglers. Please see RCMP online, *Human Cargo*, part one, January 2000. (<http://rcmp-grc.gc.ca/online>)

fashion. Some may see these “get tough” approaches as viable, there is insufficient evidence of their effectiveness. Nonetheless, a number of private member's bills focus on punitive approaches such as minimum mandatory sentencing and excluding certain types of offences from conditional sentencing.

These pressures are particularly evident in areas such as terrorism and organized crime where there is a desire to have common global approaches that do not necessarily reflect our penal philosophies.

VI. A Vision for the Future

The *Concise Oxford Dictionary* defines “safety”, in the broadest sense, to mean “freedom from danger or risks”; while “security” refers to the “thing that guards or guarantees safety”. When we jump, however, from the individual to the collective form of safety and security (i.e. from individual to public safety or from personal security to national security) we begin to recognize that it is extremely difficult to separate the physical components of safety – in the sense of being and feeling safe from property and violent crime – from the other larger-scale criminal activity, such as transnational organized crime or international terrorism, as these types of crime often have a negative impact on our quality of life.

In Canada, even prior to 9/11, public safety and national security consistently ranked high in national opinion and priority polls, ahead of managing the economy and tax reform. Public safety is a key element in maintaining the quality of life in our country – and just as importantly – preserving Canada’s place of privilege in the world community as one of the safest and most secure countries anywhere.

Criminal justice and law enforcement in a global world will involve a multitude of skilled, highly knowledgeable stakeholders from different countries, who will work together, relying on technology to bridge geographical constraints. The future of intelligence and policing relies more than ever on the timely and efficient information exchange between local, national and international partners within the criminal justice system.

For Canadian criminal justice work, information exchange entails the development of an integrated justice information system. This task is currently being undertaken by the Department of the Solicitor General’s Integrated Justice Initiative Secretariat, through the creation of the Canadian Public Safety Information Network (CPSIN). This resource-intensive task relies on building partnerships, establishing information exchange protocols, ensuring the interoperability of systems, and so forth.

Ideally, similar information exchange mechanisms will be developed at the international level, given that most organized crime and terrorist groups operate globally. However, such an endeavour will also bring its own set of challenges related to privacy rights, sovereignty, and different values and policy regimes.

TECHNOLOGY



Introduction

Across the Portfolio, Scan participants identified technological trends as a major policy-driver. For the most part, issues and trends followed five separate, yet related streams:

- ❖ Technology and Security;
- ❖ Information Security;
- ❖ Information Sharing;
- ❖ Impact of New Technologies; and
- ❖ Technology and Privacy.

I. Technology and Security

The information revolution has brought new technologies to everyone's doorstep. Technological advances provide public safety agencies and officials with unprecedented opportunities and capabilities to share information, build capacity and utilize the latest technology to fight crime and enhance public safety.

While technological advances have conferred numerous advantages on society, their illicit use brings complex policy challenges and drives rapid changes in the policing and security environments.

"New technologies bring new tools to terrorists and criminals and increasingly challenge or defeat law enforcement and national security agencies' investigative capabilities. Recent advances in technology facilitate networked terrorist

and criminal organizations because information flows are becoming quicker, cheaper, more secure and more versatile. Terrorists and organized criminals are likely to increasingly use these technologies for offensive and defensive purposes, as well as to support their organizational structures."

Portfolio Scan, 2002

As the 2001 Public Report of the Canadian Security Intelligence Service (CSIS) observes: "terrorism today is more complex, more extreme, more sophisticated and more transnational than ever before... The use of encryption, computers, the Internet and communications technology to expedite lines of communications and funding, both nationally and internationally, has enhanced the operational capabilities of terrorist organizations and increased the risk that a terrorist attack may not be detected or prevented."

For instance, the widespread use of the Internet is challenging traditional jurisdictional boundaries and creates new opportunities for crime and terrorism. As a high-speed, low-cost communication vehicle, the Internet is an ideal medium for the spread of hate propaganda and child pornography. The Internet has become a conduit for the criminal element involved in drug trafficking, money laundering and terrorism.

"It is vital that increasing resources be invested in our technological capacity... We must strive to be on more even footing with criminals who in some cases are utilizing tools far in advance of our technological arsenal."

Portfolio Scan, 2002

Criminals and terrorists are increasingly using wireless technologies such as satellite and enhanced digital cell phones or Internet communications such as secure e-mail and Voice over IP¹⁵ to support their day-to-day activities. Encryption technologies are becoming cheaper, easier to use, and more difficult to decipher. As a result, this technology makes it difficult to monitor or investigate exchanges between criminal and terrorist individuals and groups, having considerable impact on investigations and intelligence gathering operations.

As we enter the 21st century, the very technologies we depend on to do our work are driving rapid changes in our security environment. Consequently, law enforcement and national security agencies must develop unique and costly tools to keep up with these challenges.

In our 2001 Speech from the Throne, the government pledged to provide modern tools to safeguard Canadians from emerging threat such as cyber crime. In August 2002, the Minister of Justice and Attorney General of Canada, the Solicitor General of Canada and the Minister of Industry initiated a consultation process with Canadians concerning the issue of “lawful access” to information and communications.

Lawful access involves the legal interception of communications and the search and seizure of information by law enforcement and national security agencies, in the course of their investigations. The government’s consultation process addresses the need to update legislation to take into account technical progress. One of the key goals underlying potential

¹⁵ This term refers to the ability to use Internet connections to make telephone calls.

legislative changes is to ensure that the ability to intercept communications under warrant keeps pace with the deployment of technology to consumers.

As technologies develop and their applications widen, Canada's public safety agencies will need to continue to invest in technical solutions to address these challenges. Since 2000, the Government of Canada has committed a total of \$9.5 billion to public safety and national security. In the 2001 Budget, over \$7.7 billion was allocated to support and enhance public safety. Among other initiatives, Budget 2001 included major investments to:

- ❖ Improve coordination among law enforcement, intelligence and national security agencies;
- ❖ Fund science, technological research and development; and
- ❖ Enhance border security and improve the infrastructure that supports major border crossings.

Along with increased funding, keeping on top of the technological curve will demand a sophisticated horizontal approach, involving new partnerships with the provinces, territories and the private sector.

II. Information Security

“We have become extremely dependent on electronic communication for banking, commerce, personal and corporate communications to the point that we are at a distinct disadvantage when our systems fail. The proliferation of computer systems has resulted in individuals and organizations using these systems to impose major frauds and malicious attacks upon individuals, corporations, and governments.”

Portfolio Scan, 2002

Protecting Canadian Networks

In the 2001 Speech from the Throne, the Government of Canada underscored that building a state-of-the-art high-speed information infrastructure is as essential to Canadian success in the 21st century as roads, bridges and airports were to the 20th century.

Within this encompassing vision, Canadians are becoming increasingly reliant on interconnected networks of computers and telecommunications equipment to deliver a range of essential services and infrastructure. This “connectedness” brings significant internal and external security risks. With networks now nationally and globally interconnected, Canada’s critical cyber infrastructures are vulnerable to security breaches from both inside and outside sources.

With more than three-quarters of critical infrastructure in the hands of the private sector, more partnerships and increased awareness are essential to ensure it is properly protected. If not properly protected, these networks can be vulnerable to misuse, placing critical services and

infrastructure at potential risk. In such an environment, "infowar" or "cyberwar" has become a distinct possibility, with a large-scale attack perpetrated through cyber rather than physical warfare means.

For this reason, the Government of Canada created the Office of Critical Infrastructure Protection and Emergency Preparedness (OCIPEP). While the Minister of National Defence provides national leadership in protecting vital national infrastructure, close collaboration with the Portfolio of the Solicitor General of Canada is essential to ensure a cohesive approach.

The private sector tends to under-report breaches of computer network security to police. Presumably, part of this reluctance may be attributed to a desire to retain client confidence or avoid negative publicity, but other factors are also at play.¹⁶

- ❖ The private sector is uncertain which enforcement agency to approach;
- ❖ Enforcement agencies may interrupt corporate operations; and
- ❖ Some investigations may lead to inaction, which could lower confidence in enforcement agencies.

For these reasons, it is essential that the public safety community continue to enhance partnerships with the private sector.

¹⁶

http://www.esecurityonline.com/articles/editorial_apr_25_2002.asp

III. Information Sharing

“The interconnectedness of threats to public safety demand a more integrated approach to security and law enforcement. Integration ... needs to accommodate local, regional, national and international capacities. Interoperability will increasingly be required in technologies, policies, [and] standards...both domestically and internationally.”

Portfolio Scan, 2002

Talking to Each Other...

In the criminal justice and security sectors, the need for secure, timely and efficient sharing of information is not a new issue. Difficulties in information exchange in both domestic (between agencies and across jurisdictional boundaries) and international domains exist due to the sensitive nature of the information, differing degrees of interoperability and professional cultures.

Secure data networks make possible information exchange between systems, people and agencies, thus bridging jurisdictional and professional divides.

One of the key lessons confirmed by scanning participants in the aftermath of the 9/11 attacks is that all levels of government must find new ways to collaborate and communicate to collectively strengthen Canada's crisis management capacity and response. Secure telephones, access to encrypted e-mail, virtual private networks and integrated computer networks that can "talk" to one another are seen as essential enhancements in facilitating exchange of information.

Agencies in the Portfolio are significantly involved in developing the Canada Public Safety Information Network, by redesigning several major computer systems such as the Canadian Police Information Centre and the Offender Management System. They are also involved in the development of various policies, standards and tools to facilitate and promote information sharing beyond current linkages, partnerships and applications. Security, access, privacy and interoperability of systems at the federal, provincial and municipal level are the main challenges that the Portfolio will need to address.

Managing Common Threats

“It is essential that the Portfolio focus its efforts on managing the public safety ‘slice’ of the overall national defence/security and law enforcement relationship with the U.S.A. (e.g., balancing Canada’s sovereignty requirements, and economic and trade imperatives, with safety and security).”

Portfolio Scan, 2002

The tragic events of 9/11 have necessitated unprecedented degrees of cooperation and collaboration between Canada and the U.S. This demonstrates the need to continuously improve the capacity, coordination and collaboration of law enforcement and security agencies, both here at home and abroad.

Success relies on a multi-disciplinary approach to exchanging strategic and tactical information and intelligence. Closer collaboration with Canada/U.S. anti-terrorist efforts also raises a range of complex policy questions related to issues such as sovereignty, interoperability and degrees of information sharing.

IV. Impact of New Technologies

“[DNA] technology has the potential to present policy [challenges] in all areas of criminal justice.”

“We must strive to be on more even footing with criminals who in some cases are utilizing tools far in advance of our own technological arsenal.”

Portfolio Scan, 2002

DNA and Law Enforcement

Genetic information is used by law enforcement for identification purposes. Matching genetic material with an individual can lead to identification of suspects or victims, placing them at the crime scene, and identifying forgeries. While DNA evidence has been used to solve some high profile cases and has led to exoneration in others, there are important limitations to and safeguards for law enforcement applications.

The legislation creating Canada's National DNA Data Bank came into force in June 2000. The data bank is available to all police agencies across Canada. Under the *Criminal Code*, judges (including military and youth court judges) can order those convicted of designated offences to provide samples for DNA analysis. The databank contains DNA profiles of thousands of criminals, information that can be compared to evidence collected at crime scenes.

Privacy is one of the major public policy issues associated with Canada's DNA databank. The *DNA Identification Act* contains strict legal safeguards regulating the collection, use, storage and eventual destruction of DNA information. The

possibility of expanding the legislation so that DNA may be collected from a wider range of offenders, while still ensuring that the legislation does not contravene the *Canadian Charter of Rights and Freedoms*, represents another key policy issue.

In law enforcement, use of DNA has largely been restricted to one-to-one matching, a relatively costly and time-consuming activity. Additional information that can be gleaned from a DNA sample, such as the presence of hereditary factors or medical disorders, raises more challenging legal and ethical concerns.

Biometrics

“We are faced with investigations involving intelligent, organized groups of criminals who are not bounded by bureaucracy and financial constraints in obtaining equipment to do their job effectively.”

Portfolio Scan, 2002

Of increasing importance to public safety and security agencies are issues surrounding applied uses of biometrics. Biometrics refers to measuring and statistically analyzing biological data for identification and verification purposes.

Biometrics has immense potential in the area of criminal justice. In particular, biometrics has the potential to enhance public safety in the fight against crime and terrorism, and the developments of 9/11 have widened the acceptable field of application.

A number of biometrics methods are currently in use:

- ❖ Fingerprint scan;

- ❖ Hand/finger geometry;
- ❖ Facial recognition;
- ❖ Voice recognition;
- ❖ Iris/retinal scan;
- ❖ Dynamic signature verification; and
- ❖ Keystroke dynamics.

Some privacy advocates reject biometric applications to the criminal justice sector. They feel that the marginal security benefits resulting from authentication systems, like close-circuit surveillance systems, are not worth the real, or potential, sacrifice of liberty interests. Like DNA databanks, policy challenges associated with biometrics stems from the way in which personal information is collected, stored, shared and verified.

V. Policing

In policing, while verification and access control within restricted areas is still clearly an issue, suspect and victim identification represent the majority of the needs of law enforcement, and present the most challenges. For the most part, police use automatic fingerprint identification and palm-based technologies. However, other biometric tools are increasingly employed. For example, in the United Kingdom, facial recognition technology has been used in conjunction with surveillance cameras in various urban areas. Another promising application is the use of biometrics in identifying victims and offenders in child pornography images.

Developing commercial applications of biometrics will have an impact on policing in terms of pre-empting or apprehending fraud. They include use of biometrics in banking, social benefit systems, computer network security, as well as citizenship and immigration.

VI. Corrections and Conditional Release

Several identity authentication program applications used in American corrections involve prisoner validation, visitor, and employee identity.¹⁷ From hand-scans to iris scans, the trend continues to grow in the area of corrections.

Correctional Service of Canada is currently piloting an iris-scan for employee verification access in one of their institutions in the Quebec Region. Conceivably, longer-term applications may include use of biometric systems to control inmate access to services and physical movement within the penitentiary.

VII. Technology and Privacy

“In the post 9/11 era we can expect continued nervousness about national security and personal security.”

Portfolio Scan, 2002

In the wake of 9/11, scan participants identified the balance between “competing interests” -- security and privacy, technology and liberty – as an important consideration in the fight against crime and terrorism. The ability of the state to control the collection, use, interception and disclosure of personal information and communications is increasingly viewed as a public policy issue.

While court authority (such as warrants), the office of the Privacy Commissioner, the *Canadian Charter, Privacy Act, the Personal Information Protection And Electronic Documents Act, Access to Information Act* and other Acts of Parliament clearly articulate the acceptable

¹⁷<http://www.wired.com/news/technology/0,1282,8583,00.html>

use of information and regulate state powers, acceleration of the information revolution will continue to demand striking a workable balance between personal privacy protection and public security interests.

TRANSNATIONAL ORGANIZED CRIME and TERRORISM



“... given that transnational crime groups do not consider international borders as impediments, they are not only a threat to the nations where they are based, but threaten any society where they conduct their activities.”

**Canadian Security Intelligence Service, from
Transnational Crime Activity: A Global Context**

A majority of Scan participants identified transnational organized crime (TOC) and terrorism as key policy drivers, in some cases suggesting emerging links, or potential overlaps, between the two phenomena.

This is why we have divided this article into two parts, separately dealing with both of those themes, followed by a discussion on the potential linkages between TOC and terrorism.

I. Organized Crime to Transnational Crime

There is no unified, universally accepted definition of “organized crime” whether in Canada or abroad. In the literature, much time and effort has been spent debating the definition of organized crime. There is difficulty in agreeing upon a definition as

transnational organized crime incorporates a myriad of criminal activity across borders, with varying levels of ‘organization’ and seemingly little in common between the activities of the groups and organizations involved, other than economic motivation.

Some use descriptions based on the characteristics of organized crime groups, while others focus on the types of offences carried out by these groups. *The United Nations Convention Against Transnational Organized Crime* defines an organized crime group as: “... a structured group of three or more persons existing for a period of time and acting in concert with the aim of committing one or more serious crimes and offences in accordance with this Convention in order to obtain directly or indirectly, a financial or other material benefit.” The *Canadian Criminal Code* similarly defines a “criminal organization” as a group comprising of three or more persons who has, as one of its primary activities or purposes, the commission of a serious offence(s), which likely results in a financial gain. It does not include groups which form for the commission of a single crime.¹⁸

In 1998, the leaders of the G8 identified transnational criminal activity as one of three major challenges facing the world in the 21st century. Combating TOC is a colossal task due to its complexity, cross-jurisdictional reach, and the ability of criminal groups to take advantage of:

- ❖ The globalization of telecommunications, banking and financial systems that assists in the flow of goods and people; and

¹⁸ Solicitor General Canada, *Facts About Organized Crime in Canada* (forthcoming).

- ❖ A broad range of criminal enterprises including illegal drugs, human smuggling, economic crime, and money laundering.

Gathering the Data

In order to track and better understand the impact and trends of organized crime, hard data is required. Our efforts to date have revealed the need for an operational definition of organized crime framed in such a way that balances consistency with flexibility, given the wide range of crimes associated with organized criminal activities.

We must understand that organized crime not only defies borders and jurisdictional boundaries, but also challenges the traditional approach of criminal justice systems, which are generally designed to deal with individual offenders rather than criminal organizations.

A Department-led Federal, Provincial, and Territorial Working Group on Organized Crime Research and Analysis is currently devising an operational definition of organized crime that will aid in achieving a clearer, more uniform approach to data collection on organized crime so that law enforcement officials and policy makers may better track its occurrence and impacts on Canadians. The absence of such a definition and accompanying criteria has been repeatedly identified as an impediment to the collection of national police-based data on organized crime in Canada.

In spite of data collection difficulties and the lack of agreement on a definition, it is clear that the sheer scope and impact of transnational organized crime, in all its

forms, is of substantial concern to the intelligence and law enforcement communities.

What Is It Costing Us?

Although there have been attempts to measure the impact of organized crime, such as the Department-sponsored Porteous study (1998), which provided us with some indicators with respect to costs, as of yet there are no authoritative estimates of the total costs associated with transnational organized crime. Because of its clandestine nature, it is difficult to infer its extent from the costs we can actually quantify, based on successful police investigations. However, we can assume from the visible portion of the iceberg that these illegal activities are extremely lucrative, bringing in billions of dollars of profits, and costing individuals, societies and States a great deal in terms of lost revenue, criminal justice and health expenditures, and so on.

Recent research on transnational organized crime indicates the following trends¹⁹:

- ❖ The demographic characteristics of traditional organized crime “groups” are becoming less clear over time. In some instances, groups that were comprised predominantly of one ethnic group are evolving into multi-ethnic organizations;
- ❖ The number of criminal organizations involved in transnational organized crime is increasing;

¹⁹ Canadian Centre for Justice Statistics, *Organized Crime in Canada: An Investigation into the Feasibility of Collecting Police-Level Data* (forthcoming), and Shona Morrison, *Approaching Organised Crime: Where Are We Now and Where Are We Going?*, Australian Institute of Criminology, no. 231, July 2002.

- ❖ Criminal organizations and legitimate transnational corporations are becoming increasingly similar; and
- ❖ Technology is increasingly being used by organizations that deal in the legitimate and illegitimate economies, and sometimes in both.

Organized crime extends into many aspects of our everyday lives; it poses a serious risk to Canada's economic security as well as to the physical security of individual Canadians and their communities.²⁰

Where Are We Focussing Our Efforts?

Canadians are concerned about the growing and pervasive threat of organized crime in their communities. In response to their concerns, and in cooperation with the provinces and territories, the Government of Canada introduced anti-organized crime legislation. The *Anti-Organized Crime Act* (Bill C-24), which received Royal Assent on December 18, 2001, strengthened the ability of law enforcement officers and provided more aggressive strategies to prosecutors to fight organized crime, in part by creating three new offences and tougher sentences targeting various degrees of involvement with criminal organizations.

In combating organized crime, government and law enforcement have recognized the importance of partnerships and coordination between all levels nationally (federal, provincial and territorial) and internationally and are working together to address this problem.

²⁰For the latest data on organized crime in Canada, please consult the Criminal Intelligence Service Canada, *2002 Annual Report on Organized Crime in Canada* (August).

The following seven National Policy Priorities were shared with FPT Ministers responsible for Justice in September 2001:²¹

- ❖ Illegal drugs;
- ❖ Outlaw motorcycle gangs;
- ❖ Economic crime and fraud;
- ❖ Cyber crime;
- ❖ Illegal migration and trafficking in human beings;
- ❖ Money laundering; and
- ❖ Corruption.

Emerging and/or pressing issues included:

- ❖ Street Gangs;
- ❖ Intimidation of Criminal Justice Actors;
- ❖ Gaming;
- ❖ Auto Theft; and
- ❖ Criminal Activities Related to Diamond-Mining.

Illegal Drugs

Illegal drugs are the main source of revenue for organized crime groups.²² A 1999 estimate by the RCMP Criminal Intelligence Directorate indicates that the drug trade in Canada has the potential to generate criminal proceeds of over \$4 billion wholesale and \$18 billion in street-value sales.

According to the RCMP, the most widely available and extensively used illicit drugs in Canada are cannabis derivatives, including marijuana, hashish and liquid hashish.²³ Cocaine ranks as the second most popular drug in Canada while other drugs like heroin and ecstasy are

²¹ For a more detailed description, see Department of Justice Canada Press Release, November 6th, 2002.

²² Solicitor General Canada, *Fact Sheet: Illegal Drug Use and Trafficking in Canada* (forthcoming).

²³ Royal Canadian Mounted Police. Drug Enforcement Program online: www.rcmp-grc.gc.ca/html/drugs.htm

increasingly finding their way into urban centres, particularly as organized crime groups expand their networks across the country.

The social, political and health related impacts of the illegal drug trade are substantial.²⁴ For example, there is a close association between the illegal drug trade and violence. Most often generated between criminals, violence is also sometimes directed against enforcement officials in the line of duty and can impact innocent bystanders, and ultimately contribute to a rising fear of crime among the public.

Outlaw Motorcycle Gangs

“Organized crime used to be looked at as something occurring in the seedier part of town involving persons of one particular ancestry with those affected generally coming from the same environment. The Hells Angels is the most obvious in their business methods with periodic killings of gang members and innocents.”

Portfolio Scan, 2002

One of the most visible components in the world of organized crime, particularly in North America, is the presence of outlaw motorcycle gangs (OMGs). These organizations are continuing to maintain and form connections with associates such as street gangs and puppet clubs who aid them in their activities (CISC, 2002). The Hells Angels continue to rank as Canada’s largest and most criminally active

²⁴ For more information on the adverse effects of substance abuse in Canada and what is being done about it within the Government and the Portfolio specifically, please consult the *Countering Substance Abuse: Activities of the Solicitor General Portfolio* booklet, Solicitor General Canada, May 2002.

motorcycle gang. OMGs in Canada are involved in a variety of activities including: money laundering, intimidation, assaults, attempted murder, murder, fraud, theft, counterfeiting, extortion, prostitution, escort agencies/strip clubs, after-hours clubs (selling alcohol illegally), telemarketing and the possessing and trafficking of illegal weapons, stolen goods and contraband (CISC, 2002:18).

“People can have confidence now that justice works...”

Prosecutor France Charbonneau upon the conviction of Maurice “Mom” Boucher of the Hells Angels in May 2002.

The Hells Angels are especially visible to Canadians given their turf wars with rival biker gangs like the Bandidos and Outlaws, with tensions occasionally escalating into violence. OMGs are also involved in acts of intimidation against those involved in the criminal justice system including victims of crime, witnesses and law enforcement officials (CISC, 2002).

The impact of the violence associated with the recent biker wars in Quebec further resonates with Canadians when it involves the injury or death of innocent bystanders, for example, the killing of Daniel Desrochers, 11, who was hit in the head by metal fragments when a Jeep was blasted with a Hell's Angels bomb in 1995.

Economic Crime and Fraud

Transnational criminal organizations continue to diversify their activities, increasingly extending into economic ventures traditionally associated with legitimate business activities.

The most prevalent form of these illegal economic activities is fraud, including

insurance fraud, cellular phone fraud and telemarketing fraud.

The Payment Card Partners who represent the collective interests of Visa International, MasterCard, and American Express in Canada, reported a dollar loss of \$182.7 million in 2001 compared with \$172.5 for 2000.²⁵ This increase has been attributed to a rise in the fraudulent use of credit cards, and an increase in the number of fraudulent credit card applications.

Another example of emerging concern in this field are transnational criminal organizations adept at conducting telephone scams.²⁶ These are over-the-phone hoaxes that attempt to secure advance fee payments from individuals predicated upon the promise of larger rewards to follow. This form of fraudulent activity is particularly threatening to the elderly who are at times talked out of their life savings with allure of large rewards, but who have little or no recourse to reclaim their lost investment.

Fraud is particularly dangerous because it preys upon the unsuspecting and the recovery of their proceeds is often difficult, if not impossible when the proceeds are transferred out of the country through illegal export or money laundering.

Cyber Crime

Among developed countries, Canada is one of the most sophisticated users of computers, information and telecommunication technologies. However, reliance on such systems can potentially open-up unique vulnerabilities to public safety and national security. Cyber-crime –

²⁵ www.rcmp-grc.gc.ca/scams/ccandpc.htm

²⁶ Canadian Security Intelligence Service. *Transnational Criminal Activity: A Global Context*, August 2000.

a harmful act or acts committed from or against a computer or network – is a growing problem in Canada and in other developed countries around the world. Such activity results in the loss of business revenue and damage to computer equipment and data, estimated to cost the world economy over \$1 trillion dollar (U.S.) every year.²⁷

Cyber-crimes are typically divided into three different categories:

- ❖ Traditional crimes carried out via computer technology (money laundering, child pornography, the sale of illegal drugs, and illegal gambling, for example);
- ❖ Crimes directed against computers (including “hacking” – illegal access, duplication and/or subsequent manipulation of data, theft of telecommunications, and/or copyright violations of software and other data); and
- ❖ Crimes that use computers as a repository (using information systems and the Internet to communicate and conceal criminal information or records of crimes committed).

Activities such as hacking require access to a computer and a reasonably good knowledge of information and data systems, as well as time and patience. In fact, automated hacking tools make committing a cyber-crime relatively easy.

With this in mind, there is growing concern that hacking is within the reach of organized crime and criminal extremist

²⁷

<http://www.ecommercetimes.com/perl/story/3741.html/>

groups, who can leverage technology to further their criminal enterprises, or worse, wilfully damage or destroy critical infrastructure.

What's more, broad-based initiatives, such as Government On-Line, significantly increase the level of connectivity – *between* government departments and agencies and *with* Canadians. This “connectedness” also brings significant security challenges.

Like many illegal activities within the purview of organized crime syndicates, cyber-crime is complex and involves many jurisdictions of law enforcement and government. National borders are not barriers for hackers; the Internet makes it possible to mount a “cyber attack” remotely, anonymously and on a large scale. All levels of government in Canada must work together in partnership and collaborate with the private sector and with other countries, so that all elements of cyber-crime can be kept in check.

Illegal Migration and Trafficking in Human Beings

Migrant smuggling, which is closely tied to the trafficking in humans for sex and other enforced labour, parallels organized crime activity, such as drug trafficking, in that it is an inherently transnational crime that has become highly organized, realizing extremely lucrative profits for its organizers.

Portfolio Scan, 2002

The trafficking in human beings is almost always for economic exploitation.²⁸ The smuggling of humans by air and by sea into

²⁸ Solicitor General Canada, *Fact Sheet: Trafficking in Human Beings* (forthcoming).

Canada will likely continue to present a challenge for law enforcement, customs and immigration officials (Porteous, 1998).

Two sets of challenges must be overcome at the domestic level to properly tackle the trafficking of human beings. As pointed out in the scanning article on globalization, there is a paucity of data regarding the extent of this problem in Canada. Secondly, this is a complex issue involving many jurisdictions and requiring participation from many departments and agencies, such as the Solicitor General, the RCMP, Canada Customs and Revenue Agency, Department of Foreign Affairs and International Trade, and Justice Canada.

Money Laundering

Money laundering is the mechanism of choice used by criminals to hide their illegal proceeds of crime as well as to avoid prosecution, increase profits, avoid seizure of accumulated wealth, evade taxation and appear legitimate.²⁹ In recent years, there has been an explosion of money laundering at the global level. The International Monetary Fund estimates that \$500 billion annually is laundered, equivalent to roughly 2 to 5 percent of the world's Gross Domestic Product.³⁰

Much as high-tech crimes are borderless due to new communications technologies, money laundering is also borderless when

²⁹ Royal Canadian Mounted Police. *Money Laundering: A Preventive Guide for Small Business & Currency Exchanges in Canada*. Online: www.rcmp-grc.gc.ca/html/laundry.htm

This figure represents a widely held general rule of thumb whereby the amount of money laundered roughly equals 2% of a state's GDP.

³⁰ Financial Action Task Force (FATF) /Organization for Economic Cooperation and Development (OECD) Policy Brief. *Money Laundering*. 1999. http://www1.oecd.org/fatf/pdf/PB9906_en.pdf

funds are moved rapidly between countries, often using complex legitimate channels to hide their illicit sources and ultimate beneficiaries. Enormous sums of money and economic resources are estimated to rest hidden in the hands of criminal groups who can use it corruptly, and even affect legitimate markets.

Money laundering is accomplished through a variety of methods. Criminal organizations may structure or their proceeds so as to deposit cash or bank drafts in amounts lower than \$10,000. Financial institutions, however, are required by law to only report transactions over \$10,000.

In order to counter money laundering activities, Canada has introduced a number of measures. For example, the RCMP's Proceeds of Crime Program includes twenty Integrated Proceeds of Crime (IPOC) units across the country. IPOC units combine RCMP investigators with lawyers from the Department of Justice, forensic accountants and customs officers from Canada Customs and Revenue Agency (CCRA).

The units investigate and identify unreported wealth as well as respond to requests for assistance from foreign and domestic police agencies. To date, IPOC units have facilitated the seizure of over \$140 million in illegal assets and have realized over \$70 million in forfeitures and fines.³¹

In addition, the Financial Transactions and Reports Analysis Centre of Canada

³¹ Solicitor General Canada. US Attorney General and Solicitor General of Canada Attend Sixth Annual Canada-US Cross Border Crime Forum. News Release. July 22, 2002. online: www.sgc.gc.ca/Releases/e20020722.htm

(FINTRAC) serves as an independent agency responsible for the collection, analysis, assessment and disclosure of information relating to money laundering and terrorist financing.

FINTRAC, like its American counterpart the Financial Crimes Enforcement Network (FinCEN) and Australian cousin AUSTRAC, is part of a collective global effort to stem the spread of organized crime profits.

Corruption

Corruption is a serious problem. It knows no geographical boundaries and affects all countries: developed countries, countries with economies in transition, and developing countries. Its impact can be devastating. Corruption can undermine good governance and threaten the rule of law, as well as democracy and human rights. It can assist organized crime, distort international trade, and impede economic and sustainable development.

Corruption has the insidious effect of calling into question the fairness and impartiality of those who serve the public and ultimately eroding popular support for government itself.

There is also an economic price to be paid. Corruption of public officials has a direct impact on international trade and investment. It distorts the marketplace and prevents companies from competing on the basis of quality, price and service.

In recent years, a proliferation of regional instruments has been developed by the international community -the Organization of American States (OAS), the Organization for Economic Cooperation and Development (OECD) and the Council of Europe- treating corruption primarily as

a criminal law issue. Canada is a signatory to the OAS and OECD Conventions. Canada's Bill S-21 (*Corruption of Foreign Public Officials Act*) which came into force in February, 1999 allowed us to ratify the treaties.

Currently, the United Nations is negotiating a legally-binding convention on corruption that is expected to capture both governance and criminal justice issues. To date, the discussions among member countries have been heavily focussed upon the transfer of funds of illicit origin, but future sessions are expected to cover issues of police cooperation and prevention, among other issues. It is estimated that a new corruption convention could be completed as early as November or December 2003.

II. Terrorism

“Terrorism is on the (Solicitor General) Portfolio agenda like never before. There is a link to the drug files, the G8 file, contract policing files, and policy work. It is everywhere and affects everything.”

Portfolio Scan, 2002

The Solicitor General is Canada's lead minister for counter-terrorism, a role that reflects his responsibilities for both the Royal Canadian Mounted Police and the Canadian Security Intelligence Service. He is responsible for co-ordinating Canada's response to domestic terrorist incidents, and, specifically, for the National Counter-Terrorism Plan.

The Portfolio of the Solicitor General also plays a national leadership role in developing approaches to ensure the continuing readiness of Canada's counter-

terrorism response capability, including our capability to respond to chemical, biological, radiological or nuclear (CBRN) threats.

“In recent years, we have seen a trend toward this end of the terrorist spectrum—where the objective is simply to kill as many people, and cause as much damage, as possible. While the probability of a CBRN terrorist incident is considered low, the potential impact is so high that it must be factored in to our planning.”

Portfolio Scan, 2002

The December 2001 federal budget provided \$7.7 billion over the next five years to enhance security for Canadians. This included funding for the detection, prevention, and prosecution of terrorist acts, as well as funding to improve Canada's capacity to respond to potential CBRN threats and incidents.

Legislative amendments, such as the new *Anti-terrorism Act* and the *Anti-Organized Crime Act*, go some distance to respond to the new realities of crime and terrorism.

The Government's approach to fighting terrorism has been grounded in its commitment to ensure a fine balance between individual rights and the security of Canada.

The *Anti-terrorism Act* creates measures to identify, prosecute, convict and punish those who provide support terrorist groups; provides new investigative tools to law enforcement and ensures that Canadian values of respect and fairness are preserved and manifestations of hatred are addressed through stronger laws against hate crimes and propaganda.

The Act also contains checks and balances to ensure consistency with Canada's legal framework, including the *Canadian Charter of Rights and Freedoms*. Some of the Act's safeguards include:

- ❖ A Parliamentary review of the anti-terrorism legislation in three years;
- ❖ Annual reporting to Parliament on preventative arrest and investigatory hearings with eventual sunseting in five years;
- ❖ Clearly defined provisions that are strictly targeted at terrorists and terrorist groups and protection of legitimate political activism and protests through the precise definition of terrorist activities;
- ❖ Placement of burden of proof on the state to establish that there was intent on the part of the accused "for the purpose of facilitating or carrying out terrorist activity"; and
- ❖ Provision for the listing of terrorist "entities". Ensuring that the process of adding a group to the list of terrorist entities incorporates a number of protections, including provisions for removal, judicial review and safeguards to address cases of mistaken identity. As well, the Solicitor General must review the list every two years.

III. Are Transnational Organized Crime and Terrorism Linked?

The tragic events of 9/11 have raised questions about the potential existence of linkages between organized crime and the methods by which terrorist activities are financed.

"There are a number of ways in which transnational organized crime impacts on our public safety system, such as money-laundering, drug sales, corruption, and the obstruction of investigations or prosecutions."

Portfolio Scan, 2002

While no major studies have concluded a direct link between TOC and international terrorist activities, some scholars and practitioners have begun to investigate if connections do exist.³² Law enforcement and intelligence communities are also examining the possible linkages between organized crime and terrorism. Although the two forms of crime have much in common - for example, both TOC and terrorism benefit from the resultant social disruptions - there is currently limited empirical evidence to suggest a convergence between the two in Canada.

Most recently, at the G8's 2002 Justice and Interior Ministers Meeting, ministers tasked their experts to continue their examination into apparent and potential links between terrorism and human smuggling, travel document fraud, drug trafficking, illicit

³² Shona Morrison of the Australian Institute of Criminology writes, "Although there have long been known links between organised crime groups and terrorists or insurgent groups, the event of 9/11 are likely to amplify concerns about the potential impacts of such alliances. The relationships between organised crime groups and insurgent or terrorist organisations are complex." *Op. cit.*

trafficking in firearms and money laundering.

IV. Conclusion: What Does this Mean for the Portfolio?

Both TOC and terrorism invite expanded opportunities to collaborate and share information across borders. Information sharing and assistance across jurisdictions will be pivotal to Canada's success in implementing and maintaining a sound security policy in the post 9/11 environment.

Key among Canada's external relationships in this environment will be continued good relations with the United States and our other allies.

Existing relationships between Canada and the United States in the areas of finance, immigration, borders, law enforcement and trade will continue to be further integrated. Security concerns are likely to be paramount as North American linkages increase.

In the wake of 9/11, security concerns will continue to preoccupy Canadian policy makers. The security and intelligence community will continue to face challenges in balancing individual rights and liberties while maintaining Canada's reputation as a peaceful, just and democratic society.

DEMOGRAPHICS: Aging



“...the implications of an aging society will be profound and enduring...[We will need to] shape our society in ways that maximize the advantages of an older population while meeting the challenges.”

National Advisory Council on Aging, highlights from 1999 and Beyond/Challenges of an Aging Society.

In Canada, as in most other developed countries, two major trends will characterize our demographic landscape for the 21st century:

- ❖ An aging population; and
- ❖ An ever-diversifying population.

The first part of this article deals with the aging of the Canadian population, its projected impacts on the criminal justice system in general, and on the policies and practices within the Portfolio agencies.

1. Canadians are Growing Older

Due to the increase in life expectancy, dropping birthrates, medical advances and the aging of Baby Boomers, seniors are one of the fastest growing population groups in Canada.³³ Statistics Canada projects that by:

³³ These remarks do not apply to Aboriginal populations, whose age structure is comparable to the demographics of developing nations. In 2000, almost

- ❖ 2021, there will be almost 7 million seniors, representing 19% of the population; and
- ❖ 2041, there will be over 9 million seniors, who will make up close to 25% of the population.

Women represent the bigger part of the senior population in Canada. In 2000, they accounted for 57% of Canadians aged 65 and over, with proportions increasing in the older segments of the senior population:³⁴

- ❖ 53% of people aged 65-74;
- ❖ 60% of those aged 75-84; and
- ❖ 70% of all persons aged 85 and older.

Don't Put all Seniors in the Same Boat

Ma and Pa stereotypes of older people no longer fit the ticket. People today are not aging the way they used to and seniors do not form a homogeneous group.³⁵ Some seniors are fit and healthy, while others are chronically ill and/or disabled; some are active members of the community, while others live in isolation; some live on their own, while others live in residential settings; and some are well-off, while others barely get by. Seniors' socio-economic status and health vary widely according to a number of factors: gender,

half of the Registered Indian Population (48%) was less than 25 years of age, compared to 33% for Canada as a whole. And only 5% of the Registered Indian population were aged 65 or over, compared to 13% for the total Canadian population. (Statistics Canada, Annual Demographic Statistics 2000, March 2000).

Seniors as a percentage of the population are the lowest in the three territories, where Aboriginal people are present in large proportions. For more information, please refer to the *Aboriginal Peoples* scanning article.

³⁴ *Ibid.*

³⁵ The actual age at which one becomes a “senior” is a subject of debate.

ethnicity, and extent of their formal and informal support system.

However, in terms of health and well-being, generally speaking, according to the *National Advisory Council on Aging*:

- ❖ People aged 65 to 74 closely resemble those under 65;
- ❖ People aged 75 to 84 are in a transition phase; and
- ❖ People over 85 most likely to be affected with conditions associated with old age (i.e. poor health).

Dependencies increase with age, and the fastest growing segment of the overall Canadian senior population is that of people aged 85 and over. These seniors are the most likely to be characterized by many of the conditions associated with old age, and could be at a greater risk of victimization, especially abuse of the elderly.

Gearing for Greying

Population aging concerns everyone. The private and the public sector are thinking of ways to address possible workers' shortages and other challenges associated with an aging workforce. The federal government is especially preoccupied with the effects an aging population will have on the labour market, the health care system as well as on public pensions and other public income support measures for older Canadians.

Within the Solicitor General Portfolio, an aging population brings two general sets of challenges:

- ❖ External, i.e. policies, programs and practices; and
- ❖ Internal, i.e. workforce related.

We are Entering Uncharted Waters

It appears that the elderly are a new area of interest and concern to criminologists.³⁶ There is one major gap characterizing the study of crime and older people, having to do with the types of crimes that affect the elderly, and the ways in which our measures of crime truly reflect older peoples' experience of victimization.

For example, the June 2001 Canadian Centre for Justice Statistics *Profile on Seniors*³⁷ reveals that:

- ❖ Seniors are less likely to be victims of crime than younger age groups and police-reported victimization rates among seniors are lower than other age groups;
- ❖ Seniors reported very little violence by children, caregivers and spouses;³⁸
- ❖ The risk of violent victimization is higher for female seniors;
- ❖ Of all age groups, seniors are the least satisfied with their personal safety from crime (lower sense of overall safety);
- ❖ Seniors are less likely to be victims of violent assault than younger people, but more likely to be victims of robbery;

³⁶ John A. Winterdyk and Douglas E. King, *Diversity and Justice in Canada*, Toronto, Canadian Scholar's Press Inc., 1999, p. 173.

³⁷ CCJS Profile Series, *Seniors in Canada*, June 2001.

³⁸ We debate this statement in the section entitled "Abuse of the Elderly", which follows.

- ❖ Injury levels among senior and younger victims do not substantially differ;
- ❖ Seniors are satisfied with the police, less satisfied with courts, prison and parole systems; and
- ❖ Seniors represent a very small minority of offenders.

Although it appears that currently the elderly are less susceptible than the general population to be victims and/or perpetrators of crime, because of their projected increase in absolute and relative numbers within the population, we could expect:

- ❖ An increase in the fear of crime (i.e., seniors disproportionately display fear of crime); and
- ❖ An increase in the number of crimes typically targeted towards the elderly, such as fraudulent schemes and scams, and abuse of the elderly.

Nothing to Fear but Fear Itself

Some research indicates that the fear of crime increases with age. Indeed, the CCJS profile shows seniors reported the lowest level of overall safety among all age groups (87% vs. 93% for the youngest age group).

However, the effect is more pronounced when people are asked about hypothetical situations than about everyday realities.³⁹ Hence, when respondents are asked about fear when engaging in certain activities, for example walking alone in the area after dark, all age levels showed similar levels of fear. When asked if they would walk alone more often at night if they felt safer from

³⁹ Statistics Canada, A Profile of Criminal Victimization: Results of the 1999 General Social Survey, p. 54.

crime, only 25% of people aged 65 or more indicated they would do so, vs. 36% for people aged 45 to 64, 41% for those aged 25 to 44 and 44% for those aged 15 to 24.⁴⁰

These findings are interesting and point to a need for more data on two key aspects related to seniors' fear of crime:

- ❖ The actual impacts of fear on seniors' quality of life; and
- ❖ The effects of greater fear on overall perceptions of crime and satisfaction with the police, the courts, and the prison and parole systems.

Most of us put in place reasonable measures to reduce our chances of victimization. However, an inordinate level of fear can compel people to change important aspects of their lifestyle, to the point where it decreases their enjoyment and quality of life. How many seniors limit their outings, or avoid certain areas and/or social situations because they are afraid of crime? How many others, who would be able to live on their own, even choose to reside in an institutional setting because of fear of victimization? It is just as important to protect seniors from actual criminal behaviour, as it is to alleviate unnecessary fears that have a detrimental impact on their quality of life.

As well, while we do know that seniors are satisfied with the police, but less satisfied with courts and the parole and prison systems,⁴¹ we do not know the exact reasons for their lower levels of satisfaction with respect to the latter elements of the criminal justice system. It would be interesting to determine how seniors' fear

⁴⁰ *Idem*

⁴¹ CCJS Profile Series, Seniors in Canada, June 2001

of crime interrelates with perceptions of the crime levels and overall levels of satisfaction with respect to the criminal justice system. If these elements are linked, then as the population ages, we could expect overall increases in public perceptions of crime⁴² and hardening of attitudes towards offenders. Knowing that most offenders are young, this could in turn contribute to intergenerational rifts.

All this points to a need for more policy work concerning seniors' fear of crime, with a view to improve seniors' quality of life as well as intergenerational relations.

Double Your Money, Guaranteed!

One of the most prevalent types of crime perpetrated against the elderly is fraudulent telemarketing. In Canada, two out of five telemarketing fraud victims are over sixty, and 67% of them are women.⁴³

Phonebusters, a national working group devoted to combating fraudulent telemarketing in Canada, revealed that between January and May 1997, more than half of the victims of this type of fraud were 60 years of age or older, 73% of which had lost more than \$5000.

The National Mass Marketing Fraud Strategy Group, a Federal, Provincial, and Territorial forum, focuses on crime prevention through heightened public awareness. The RCMP, in cooperation with the Sûreté générale du Québec and the Ontario Provincial Police, cooperatively produced public safety announcements featuring comedians David Broadfoot and Clémence Desrochers.

⁴² Which are already high, even if the statistics show general crime levels are declining.

⁴³ Statistics reported by Stats Canada based on Uniform Crime Reporting Survey.

To further address the issue of frauds and scams against the elderly, Federal, Provincial, and Territorial Ministers Responsible for Seniors⁴⁴ proposed in 1999 to initiate:

- ❖ A national survey to determine the exact frequency, nature, and location of these crimes;
- ❖ A national register of crimes against the elderly and of the offenders committing them;
- ❖ More public awareness campaigns; and
- ❖ Community forums for the elderly on crime prevention.

Abuse of the Elderly

Abuse of the elderly can involve both older men and women and it can be emotional, physical and/or financial. Abusers can be spouses, children or other family members, and caregivers. It can happen in private households as well as in institutional settings such as hospitals, older people's homes, or long-term care facilities.

The CCJS profile does not give sufficient attention to the fact that crimes against older people, especially abuse of the elderly, may be underestimated because of victims' shame, fear of retaliation or lack of awareness they've been victimized. As pointed out by the Federal, Provincial, and Territorial Ministers Responsible for Seniors at their latest meeting in June 2002.

⁴⁴ Ministres Responsables des Aînés, Améliorer la sécurité des aînés du Canada : l'établissement d'un cadre d'action, septembre 1999.

“Research indicates that the abuse of older adults is a hidden problem as reported cases only represent the “tip of the iceberg”. Older adults are often reluctant to report abuse due to fears of retaliation, shame, family loyalty, abandonment and institutionalization. Therefore, continuing attention to public education is important. Ministers have requested further analysis on existing abuse of the elderly strategies and legislation across jurisdictions in Canada.”

June 27, 2002, press release at http://www.hc-sc.gc.ca/english/media/releases/2002/2002_51.htm

In Australia, a country also facing population aging, some authors have pointed out that some types of abuse may incorporate behaviours which do not fall strictly under criminal law, but which can cause considerable harm to elderly victims and deteriorate their quality of life.⁴⁵ In its 1998 *Strategic Agenda*, the Law Commission of Canada recognized a similar lacuna in our country:

“Canadian law seems inadequate to respond to physical, economic, psychological, and sexual abuse in a wide variety of situations involving children, domestic partners and the elderly.”

To address this, the Law Commission has undertaken introductory research concerning older adults' personal relationships of dependence and interdependence,⁴⁶ and plans to do further research on the theme.

⁴⁵ Marianne James and Adam Graycar, *Preventing Crimes Against Older Australians*, Australian Institute of Criminology, Research and Public Policy Series, no. 32, 2000.

⁴⁶ For information on the Law Commission of Canada *Relationships Involving Older Adults* research project,

II. Policing

Aging will have tangible impacts on policing, and correctional and parole services as the offender population is also rapidly aging.

Elderly people generally have special needs that require police to adopt a different approach. Of those who live alone, some suffer from anxiety; this can trigger non-emergency calls to the police from seniors who feel lonely and powerless. Some are also disabled, or have more fragile health, and are therefore at a greater risk of injury. They require special measures to make their homes safer and extra care to ensure medication is taken properly.

To promote seniors' safety and provide them with tools and techniques to reduce their risk of victimization, the RCMP recently published the *Seniors Guidebook to Safety and Security* (available off their website at <http://www.rcmp-grc.gc.ca/>).

The Guidebook offers useful safety prevention tips for all types of situations and debunks frequent myths associated with seniors and crime. It also contains an extensive section on con artists and consumer frauds, crimes that are typically targeted towards the elderly.

Some communities across North America, especially the more remote and rural areas where few young people choose to stay, will be more strongly affected by aging. It is likely that new policing strategies will have to be devised and implemented in these communities:

consult their website at http://www.lcc.gc.ca/en/themes/pr/oa/2000/oa2000_main.asp

“Police officers could find themselves rendering elderly residents services that go beyond victim assistance.”

The Police Chief, March 2001

Is Anyone Home?

This is already the case in some aging communities across the United States, where police stations have noticed an increase in the number of calls placed by concerned neighbours, friends or family, requesting that the police check on the welfare of elderly people living alone, who have not been seen or heard from in a while. If the person’s whereabouts cannot easily be determined, police must force entry into the home. This takes times and causes property damage.

The Deputy Cook Project

In North Carolina, U.S.A., the High Point Police Department has put in place a comprehensive program to effectively deal with senior citizens entitled The Deputy Cook Project.⁴⁷

Police first met with community organizations and spoke to neighbours, friends and family in order to identify elderly individuals who would benefit from a regular visit by a police officer.

They afterwards set up a database listing participants’ names, birth dates, emergency contacts or family members and specific information on medical conditions, treating physicians, and so forth.

⁴⁷ Information on this project is from Debra C. DUNCAN, *Community Policing: Preserving the Quality of Life of Our Senior Citizens*, *The Police Chief*, March 2001, vol. LXVIII, number 3.

The database is linked to the department’s computer-aided dispatch system and can be accessed in the event an officer is dispatched to check on the welfare of a participant.

Other elements of the program include:

- ❖ Training for officers on how to communicate with elderly citizens;
- ❖ Participant pairing with a specific officer; and
- ❖ Regular courtesy visits.

Police forces hope the project will reduce the number of unnecessary calls to the station, as well as unnecessary break-ins and entering to determine the whereabouts of “missing” elderly citizens.

Officers are happy with the project’s results but have reported that the courtesy visits can sometimes be quite time-consuming.

III. Corrections and Conditional Release

Even though seniors represent a very small minority of offenders and are much less likely than younger age groups to be involved in criminal activity as offenders, their numbers are increasing. As a result of their rapid increase,⁴⁸ and recognizing that seniors form a special group within the

⁴⁸ The CSC defines “older offenders” broadly: those who are 50+. Included in the term are the subcategories of old offenders (50 to 64), elderly offenders (65 to 69) and geriatric offenders (70+). The CSC study revealed a 10% growth in the older offender population from 1993 to 1996 and determined that the number of older offenders in federal prisons is growing much faster than the number of younger offenders. In 2001, there were 1544 older offenders in federal institutions and 1899 on parole, representing 16% of Canada’s federal institution population (Maclean’s, *Growing Old Inside*, April 9, 2001, Special Report)

prison population whose needs substantially differ from those of the average offender, Correctional Services Canada began a series of studies on older offenders in 1998.⁴⁹

CSC identified three categories of older offenders based on their incarceration history. The data for July 1996 showed that:

- ❖ 10.2% of older offenders were incarcerated young and grew old in prison;
- ❖ 17.1% of older offenders have multiple or serial reincarcerations, i.e., the career criminal; and
- ❖ 72.8% of older offenders were admitted later in life.

Older first offenders therefore constitute the largest category within the older offender population. In 1999, 40% of seniors accused of a Criminal Code offence were for a violent crime, 42% were accused of a property offence, and 17% of another Criminal Code offence (e.g., offences against the administration of justice, disturbing the peace).⁵⁰ That same year 13% of charges were for sexual assault and 3% for sexual offences.⁵¹

Generally speaking, older offenders in prison tend to be “low profile and fit in pretty well”.⁵² Both needs and risks appear

⁴⁹ Correctional Service of Canada, *Managing Older Offenders: Where Do We Stand?*, 1998, no R-70.

⁵⁰ CCJS Profile Series, *Seniors in Canada*, June 2001.

⁵¹ *Idem*. With respect to the relatively high rates of sexual offences among seniors, the CCJS states, “The relatively high incidence of sexual offences among seniors appears to be due in part to a growing willingness of adult victims to report incidents which allegedly occurred years earlier.”

⁵² CSC, *Ibid.*, p. 4.

to diminish as the age of an offender increases,⁵³ with the important exception of health care and medical needs, which are much more significant in older than younger offenders.

“An aging offender population will lead to increased demands for palliative care and dealing with issues such as death within the institutional setting. There may be calls for more compassionate responses to large numbers of offenders dying in prison.”

Portfolio Scan, 2002

Mental health problems, high incidences of multiple chronic health problems, and greater disability rates within the older offender population require providing a full range of health care services, including medical, dental, nutritional and long-term care, adapting accommodations and structures and having professional staff trained in geriatrics, all very costly measures.

Other challenges with the older offender population include offering programming and activities adapted to their specific needs. As pointed out in the CSC study, vocational and employment training needs for older offenders may not be as important as for younger offenders, just as intense physical activities may not be suitable for the older crowd.

Victimization and the fear of victimization from younger inmates is another important issue for older offenders and correctional staff. Older inmates can be more

⁵³ *Idem*. Need is defined in this context as “a lack of some resources or skill that may hamper [an offender’s] ability to function effectively in the community in a law abiding fashion (p. 54).

vulnerable than younger inmates to intimidation and extortion.

The CSC study identifies the following ways in which institutions can choose to accommodate older offenders:

- ❖ Mixed environment but special accommodations including specific housing areas, special diets and job assignments;
- ❖ Segregated facilities with specialized equipment and personnel;
- ❖ Parole release for eligible, non-violent elderly offenders over 65; and
- ❖ Release non-violent geriatric offenders (70 years or more) on parole and place them in community seniors' institutions (for inmates unable to rely on their families).

Some community programs, such as LifeLine, in which lifers on parole provide advice and support to new parolees and those in institutions, and Long-Term Inmates Now in the Community (LINC) are also paying more attention to the special housing, medical and psychological needs of older offenders.

The Parole Paradox

“The older guys have two fears. They fear dying in prison. And they fear getting out.”

Mike Corbett, Westmorland Warden, quoted in, the *Maclean's*, April 9, “2001 Special Report, Growing Old Inside”

Ironically, while many older offenders fear dying in prison, officials are observing a new phenomenon: elderly inmates who do not want to leave even when they can,

because of fears of loneliness, lack of a support system, etc. And among those wishing to leave, their chances of being paroled are often less than younger inmates' because of longer criminal records, poor participation in regular programming, and reduced means to support themselves once out. Studies show however, that they have greater post-release success than the general population of inmates.

To address these problems, the CSC study recommends parole modifications to recognize older offenders' unique set of problems in reintegrating the community.

Concluding on an Inside Note

We must not forget that the aging of the workforce in itself represents a serious challenge for Government.

Within the Portfolio, for example, 7000 CSC employees, or 50% of the workforce, are eligible for retirement in the next five years; as for the RCMP, its attrition rate will peak around 2005-6 but remain at high levels, in the 700 plus range.⁵⁴

“RCMP members (who have an earlier retirement option) are retiring and the pace is picking up—we see turnover and potential turnover with a significant loss of seasoned and experienced workers. The RCMP will be much, much changed in as little as 2-3 years. This has implications in terms of corporate memory and leadership for the future.”

Portfolio Scan, 2002

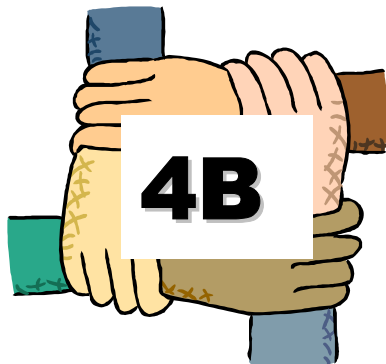
⁵⁴ RCMP Environmental Scan, September 2000, p. 12.

“A high percentage of employees will be retiring in the upcoming few years. [...] Within the corrections and conditional release systems it is particularly important to respond effectively given the direct link to public safety.”

Portfolio Scan, 2002

In a nutshell, departments and agencies have to deal with population aging from the inside as well as the outside. The aging of Canadian society will require extensive rethinking of the gamut of public policies, services and programs we offer. We must also tackle the real, internal challenge of ensuring we are putting in place the right policies to ensure our own workforce is being replenished and our corporate memory is being maintained. This will not be easy as there will be strong competition for recruits. All the more reason to ensure we make government a workplace of choice.

DEMOGRAPHICS: Diversity



“Canada will become increasingly a multicultural society as a result of receiving immigrants from various nations. Although this will bring benefits in the context of a globalized world, it will also present challenges because of suspicions of certain cultural groups particularly in times of generalized fear in the population. The public safety community will need to take a more strategic approach to preventing social exclusion and marginalization, particularly as Canada’s population becomes increasingly diverse, in order to offset the tendency for marginalized individuals to enter into a life of criminality. Key areas include immigrant communities, Aboriginal communities, and youth.”

Portfolio Scan, 2002

I. Variety is The Spice of Life

Visible minorities constitute a diverse and growing population in Canada.⁵⁵ In fact,

⁵⁵ Persons considered to be in a visible minority group, as defined for employment equity purposes, include persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in color. The visible minority population includes those who self-report as Chinese, South Asian, Black, Arab/West Asian, Filipino, Southeast Asian, Latin American, Japanese, Korean, and Pacific Islander.

the number of visible minorities has doubled in the past 10 years, largely because of increasing immigration from countries outside Europe. In 1986, the visible minority population in Canada numbered 1.6 million, which increased to 2.5 million in 1991 and 3.2 million in 1996. Consequently, people in a visible minority group made up 11% of the total population in 1996, up from 9% in 1991 and 6% in 1986.⁵⁶

“The number of visible minority adults is projected to triple between now and 2016 to just over six million, accounting for 20% of the adult population. By contrast, the non-visible minority adult population is projected to increase by approximately one quarter.”

Karen Kelly, “Visible Minorities: A Diverse Group”, in J.A Wynterdyk and D.E. King, Diversity Justice in Canada, Canadian Scholars’ Press, Toronto, 1999.

Many Different Backgrounds

In 1996, about two-thirds of all people in a visible minority group in Canada were Chinese (27%), South Asian (21%), or Black (18%). A smaller proportion were Arab or West Asian (8%), Filipino (7%), Latin American (6%), Southeast Asian (5%) Japanese (2%), and Korean (2%). Approximately 2% belonged to other visible minority groups and another 2% belonged to more than one visible minority group.⁵⁷

The Fountain of Youth

People in a visible minority are younger, on average, than other Canadians:

⁵⁶ Statistics Canada

⁵⁷ Statistics Canada

- ❖ In 1996, 24% of the visible minority population was under 15 years of age compared to 20% of the non-visible minority population;
- ❖ 16% of visible minorities, compared with 13% of other people, were aged 15-24; and
- ❖ 6% of the visible minorities, compared with 12% of the remaining population were 65 or older in 1996.

Immigrants form the Large Majority of the Visible Minority Population

In 1996, 68% of visible minority residents were immigrants, 27% were born in Canada and 3% were non-permanent residents⁵⁸. Moreover, many visible minority immigrants are very recent arrivals.

- ❖ Approximately one quarter of visible minorities living in Canada in 1996 arrived in Canada between 1991 and 1996;
- ❖ 22% arrived between 1981 and 1990; and
- ❖ Only 22% had come to Canada in the years before 1980.

From East To West

Much of the recent growth in the size of the visible minority population in Canada can be traced to the shift in the number of immigrants coming from different source countries. While in the 1950's, approximately 80% of immigrants were from Europe, by 1996, just 17% of immigrant arrivals were from Europe, and over half (54%) were from Asia.

⁵⁸ Statistics Canada

In 1996, Hong Kong and China accounted for 11% each of all immigrants arriving in Canada. As well, India accounted for 10%, followed by Taiwan and the Philippines (6% each), Pakistan (4%), and Sri Lanka (3%).

Essential to Population Growth

During the last decade, the birthrate in Canada declined by almost two-thirds. With the natural population increase declining, immigration will become essential to a continually growing Canadian population.

“Immigration is central to the Canadian experience and identity. We have welcomed people from all corners of the globe: all nationalities, colours and religions. This is who we are.”

Prime Minister Chrétien, Sept. 17, 2001

According to the 2001 Census, for the first time since 1945 most of Canada's growth came from immigration. On average, Canada has welcomed about 200, 000 immigrants each year over the past decade. Canada's population, now 30 million, rose only 4% since the 1996 Census and immigration accounted for more than 50% of Canada's population growth between 1996 and 2001. The Census figures tell us that immigration is the driving force of population and labour growth. By comparison, the United States population grew by 5.4% and Mexico's grew twice as fast.

Big City Life

Approximately 80% of Canadians live in towns of more than 10,000. Immigrants overwhelmingly prefer Canada's largest metropolitan centers: Toronto, Montreal and Vancouver. More than half of immigrants who came to Canada after 1996 settled in Ontario, and two-thirds of those went to Toronto, where 40% of residents are now foreign-born. Because of the high concentration of immigrants in the largest Canadian cities, these cities have increasingly become multiethnic and multiracial. Diversity is a reality for Canada and the changing face of Canadian society presents particular challenges to the justice system.

Renewed Interest in Research on Crime, Ethnicity and Immigration

For many years, policy-makers and academics have examined the relationships among factors such as crime, ethnicity, and immigration. More recently, the connections between these variables have received renewed attention in Canada, in part, because of media politicization of crime and punishment and allegations that immigrants and particular ethnic groups are responsible for a disproportionate amount of crime.⁵⁹

Despite the renewed interest in crime, ethnicity, and immigration, there is a lack of information on visible minorities and immigrants in the criminal justice system. The Canadian Centre for Justice Statistics, for example does not collect race data in its offender statistics. There are also

⁵⁹ Robert M. Gordon and Jacquelyn Nelson, *Crime Ethnicity and Immigration*, in J.A. Wynterdyk and D.E. King, *Diversity Justice in Canada*, Canadian Scholars' Press, Toronto, 1999.

methodological issues involved in identifying and locating some minority and immigrant groups.

Diversity in the Criminal Justice System

The most comprehensive information on visible minorities and immigrants in the criminal justice system comes from the 1999 General Social Survey on victimization. The June 2001 Canadian Center for Justice Statistics *Profiles on Visible Minorities and Immigrants* reveal that:

- ❖ Visible minorities were as likely as non-visible minorities to be personally victimized;
- ❖ Recent immigrants were as likely as earlier immigrants to be personally victimized, but less likely than Canadian born;
- ❖ Both the visible minority and immigrant population were slightly less likely than their counterparts to report having been victims of spousal violence in the five years preceding the 1999 survey;
- ❖ The risk of hate crime victimization was more than two times greater for visible minorities than for others;
- ❖ Visible minorities were somewhat more fearful than non-visible minorities. The immigrant population was slightly more fearful than the non-immigrant population;
- ❖ Although most members of visible minorities were satisfied with their local police force, they were somewhat more critical of the police than were non-visible minority respondents; and

- ❖ Recent immigrants were as likely as earlier immigrants and Canadian born to rate their local police forces positively.

Crimes against visible minorities and immigrants may be underestimated because of victims' unwillingness to report their victimizations to the police. Immigrants in particular, may be especially suspicious of the police because of negative experiences with the police in their homelands.

II. Policing

“In the Greater Toronto Area we are faced with investigations involving a population base with over 106 different languages and comprising 82% of all immigrants arriving in Canada. We are trying to enforce laws while dealing with cultures, heritage, languages, and ideology we have little knowledge of. [...]. Our challenge is to maintain our expertise while recruiting ethnically diverse candidates with the education and background to investigate “organized crime.”

Portfolio Scan, 2002

The ability to meet the needs of a growing ethnic population continues to challenge police forces across Canada in terms of recruitment, enforcement, culturally sensitive service delivery, community supervision and community involvement.

With over 100 ethnic communities in its vicinity, the Greater Toronto Area remains the largest multicultural community in Canada. Community policing is made more difficult as what works for one community may not be appropriate for another community.

Come Join Us

An important aspect of achieving cultural sensitivity is the recruitment of members of minority groups. The community-policing framework depends upon developing recruitment and training strategies that respond to diversity. It is essential that police forces reflect the communities they serve so as to increase confidence and trust in the criminal justice system.

According to the 1996 Census, members of the visible minority population accounted for 6.8% of all persons employed in the Canadian justice system. This was less than their representation of 10% in the experienced labor force as a whole. By comparison, immigrants accounted for 13.2% of all employees in the Canadian justice system in 1996, a figure that was much lower than their 19% representation in the experienced labor force as a whole.⁶⁰

Integration into Canadian Culture

Citizen engagement is also important in terms of increasing the involvement of diverse, ethno-cultural communities in community policing strategies. Immigrants may have difficulty integrating into Canadian culture as they may wish to continue the cultural practices they bring.

There are many potential points at which some cultural practices of immigrant or minority groups in Canada will conflict with Canadian law.

As such, public education is required on certain issues such as: family violence; how Canadian legal culture is different from that of a country of origin.

⁶⁰ Statistics Canada

Women Immigrants

With respect to these issues, it should be noted that the social, cultural and religious experiences of women immigrants are generally very different than those of the host society and also different from the experiences of male immigrants. Women immigrants may be less well educated than their male counterparts and removed from their family and social networks. Mail-order brides in particular are often isolated and not made aware of their rights and are completely dependent on their fiancés, thus rendering them prime targets for victimization.

A Question of Trust

Among visible minorities, there is some evidence to suggest a general fear of approaching the justice system, of seeking the protection of the justice system, or of cooperating with the justice system. The problem is exacerbated by the fact that many immigrants have experienced the police as abusive and repressive in their country of origin. For example, in Richmond, B.C., police found that rather than call police; members of the Asian community would go directly to their security advisors (former RCMP members) to report crimes because of their mistrust of police.⁶¹

Moreover, the perception of racism in the justice system is felt by members of many minority groups. This undermines respect for the rule of law and confidence in the justice system.

⁶¹ www.rcmp-grc.gc.ca/online/online0010a.htm

The Changing Face of Organized Crime

Diversity in the Canadian population is also reflected in the operations and networks of organized crime groups. While organized crime groups can be culturally based (e.g. the Asian gangs, the East European mafia), some groups cross ethno-cultural lines. Furthermore, different groups may work together on large-scale criminal operations and recruit members from their own ethnicity only, making it more difficult for police to infiltrate these groups.

III. Corrections and Conditional Release

Identifying the needs and cultural differences of offenders who are members of ethnic minority groups has become more challenging. The increase in the number of offenders of diverse origins has resulted in a widening range of cultural, religious and ethnic requirements. To meet the ensuing demands, CSC has produced a directory of ethno-cultural communities to facilitate contact with ethnic community associations throughout the country. This is essential for reintegration into society as the ethno-cultural communities can assist CSC in finding employment for offenders from their communities.

Examples of CSC Initiatives to Respond to Canadian Cultural Diversity

- ❖ **The Atlantic Region** purchased an African Canadian History package that will allow teachers to include culturally appropriate material in the Adult Basic Education curriculum;
- ❖ **Edmonton Institution** established a second Cultural Center to accommodate the transition-release population of inmates;

- ❖ **Rochwood Institution** provides Personal Development Temporary Absences for specific cultural purposes;
- ❖ **Pacific Region** has established a developmental program to hire and train visible minorities for Parole Officer positions to address the needs of offenders in the institutions and community;
- ❖ **Quebec Region** has established an ethno-cultural volunteers and resources network to strengthen links between ethno-cultural communities and inmates.

Another challenge associated with an ethnically diverse offender population includes offering programs and activities in a language in which offenders are able to understand and in a way that is culturally sensitive. Moreover, risk and needs assessment diagnostics, developed and administered to all offenders, may not be sensitive to cultural or ethnic differences.

Recruitment and Training

An important aspect of easing the transition into the Canadian correctional system for ethnic minorities is the representativeness, of CSC staff. Ideally, those who work with offenders should reflect the diversity of the population they serve. CSC has recently launched a demographic self-identification survey in order to obtain an accurate profile of the representation of CSC's workforce. Cultural sensitivity training is also important in addressing the needs of offenders in institutions and in the community.

Ethnic Gangs

Gangs and violence are two of the most serious issues facing the CSC in its efforts to provide a safe, secure and humane working and living environment for both inmates and staff. A more diverse inmate population could lead to the formation of ethnic gangs within prisons. CSC does not segregate inmates on the basis of racial or cultural origin. As a result, culturally sensitive training and programming is important for staff and inmates alike as well as the establishment of positive links to the various ethno-cultural communities.

Conclusion

While Canada has generally met the test of integrating newcomers, the next decades will prove crucial, as immigration will constitute the sole source of workforce and population growth. As the socio-cultural landscape changes, our policies and programs will need to reflect this if we want to remain an example for the rest of the world.

ABORIGINAL PEOPLES



I. The Aboriginal Population in Canada

According to the 1996 Census, approximately 800,000 people, 3% of the population of Canada, identified themselves as Aboriginal people⁶². North American Indian (66%) constituted the largest group of Aboriginal people followed by Metis (26%) and Inuit (5%).

A Young Population

The Aboriginal population in Canada is young compared with the overall population. According to the 1996 Census, the average age of Aboriginal people was 25.5 years, 10 years younger than the figure of 35.4 years in the general population. More specifically, according to the 1996 Census:

- ❖ 35% of Aboriginal people were under 15, compared with 20% of the non-Aboriginal population;

⁶² In the 1996 Census, two questions were used to determine the size of the Aboriginal population: one on the Aboriginal origin/ancestry, and the other on Aboriginal identity. The numbers reported refer to the latter, and includes the population who reported self-identifying with at least one Aboriginal group that is North American Indian, Metis, or Inuit. The Aboriginal population also included people who did not identify with an Aboriginal group, but who were Registered Indians and/or First Nations Band members.

- ❖ 18% of the Aboriginal population was aged 15-24 compared with 13% of the non-Aboriginal population; and
- ❖ Seniors made up only 4% of the Aboriginal population compared with 12% of the non-Aboriginal population.

According to the Indian Register in 2000, almost half of the registered Indian population (48%) was less than 25 years of age. For Canada as a whole, 33% of the population fell into this category. Moreover, only 5% of the Registered Indian population in 2000 was aged 65 or older, compared with 13% for the total Canadian population.

Rapidly Growing

Given the number of young children, and the much higher birthrate (twice the non-Aboriginal birthrate), large increases in the Aboriginal population among those 15-24 years of age are predicted to occur in the next decade. In 1996, there were about 144,000 in this age group. This is projected by Statistics Canada to increase to 181,000 by 2006, representing an increase of 26%, while those aged 35-54 are expected to grow from 173,000 to 244,000, an increase of 41% by 2006.

Given that persons up to 35 years of age are the most “at risk” for criminal activity, the large numbers of Aboriginal youth may have implications for the criminal justice system for many years. It is possible that the increasing growth rate of the Aboriginal youth population may result in an increasing crime rate for this population while the rest of the country is experiencing a decrease as a result of demographic aging.

A Move to Urban Areas

According to the 1996 Census, just under one-half of Aboriginal people lived in an urban area. Moreover, only 29% of Aboriginal people lived on reserve. Among Aboriginal people, the Metis (67%) are the most urbanized, followed by North American Indians (43%), and Inuit (28%).

Urbanization Among Aboriginal People

“An increasing number of Aboriginal people migrating to and born in urban areas, most often residing in the inner core areas, has resulted in a growing number of Aboriginal youth street gangs in western Canadian cities. A number have become more organized and have formed alliances with Biker gangs. Aboriginal gangs are unique in that women form a significant portion of the gang’s membership.”

Portfolio Scan, 2002

Not only is the Aboriginal population younger and growing faster, but there appears to be a growing concentration of this population in the core of the larger cities (especially in the West). This urban movement may greatly increase the likelihood of contact with the criminal justice system. In fact, the large majority of Aboriginal offenders (70%) at the time of sentence were living in an urban center or committed their offence off a reserve. Many will also return to urban centers upon release.⁶³ Living in a larger urban center can be an alienating experience, lacking in more traditional supports, which may account for the high crime rate among urban Aboriginals and the formation of Aboriginal gangs. This illuminates the

⁶³ CSC, Aboriginal Issues Branch Activity Year-End Report 2000-2001

need to build community health and capacity, as these are the foundation for public safety.

*The North*⁶⁴

The majority of First Nations in Canada are situated in rural and remote areas of the country. The remoteness is a key factor in the involvement of Aboriginal people with the law and the delivery of justice services.

There is also the concern that Aboriginal people in the North, some of whom do not speak English, have limited understanding of the principles of Canadian law and the functioning of the system of criminal justice. Moreover, a penitentiary sentence for a northern Aboriginal offender invariably results in the removal of the offender to a correctional facility many miles from their community, as there are no federal institutions in the three territories.

Young Aboriginal offenders living in remote communities often experience:

- ❖ Difficulties with acquiring legal counsel for trial;
- ❖ Trial delays due to scheduling and transportation problems of judges; and
- ❖ Complications in the maintenance of detainment facilities for young offenders separate from those for adult offenders because of the remote locations of the facilities.

⁶⁴ “The North” refers to the Northwest Territories, the Yukon, and Nunavut.

The Socio-Economic Situation of Aboriginal People

A larger proportion of Aboriginal than non-Aboriginal persons live under disadvantaged socio-economic conditions. This plays a significant role in their involvement in criminal behavior. Previous reports have established a link between criminality and variables such as unemployment, low income, and lower education.⁶⁵

Current justice programs are insufficient to address the problems generated by underlying socio-economic conditions. An overarching policy framework and a coordinated strategy between the public and private sectors, Non-Governmental Organizations and Aboriginal communities is needed to support Aboriginal communities in strengthening governance and ensuring their basic needs are met for jobs, health, education, housing and infrastructure. Strong, healthy communities, which offer real job prospects for youth, are the first and foremost cornerstones of crime prevention and crime reduction.

With respect to Fetal Alcohol Syndrome and Fetal Alcohol Effects (FAS/E), CSC plays a preventive and remedial role.⁶⁶ There is an opportunity with women offenders to take some preventive measures and male potential fathers to take educative measures. The Service is working with mental health professionals to devise

⁶⁵Indian and Northern Affairs Canada, 1990; Royal Commission on Aboriginal People, 1996; Saskatchewan Indian Justice Review Committee, 1992; Solicitor General of Canada, 1988; Task Force on the Criminal Justice System and its Impact on the Indian and Metis People of Alberta, 1991

⁶⁶ Although often discussed in connection with Aboriginal offenders this is an issue that cuts across racial/ethnic lines.

reliable testing and diagnostic tools and measurements so that appropriate regimes can be developed to balance assistance and control to Aboriginal offenders with FAS/E, who often have difficulties with learning, impulse control, and aggression.

The overall challenge for CSC is to develop programming that complements other federal initiatives designed to address the socio-economic problems of the Aboriginal population. To achieve this, building partnerships with the appropriate departments and agencies is key. This means, for example, working closely with Human Resources Development Canada in the area of skills and training, and with Health Canada on FAS/E.

Aboriginal People in the Criminal Justice System

The most comprehensive data available on Aboriginal people in the criminal justice system comes from the corrections sector:

- ❖ Aboriginal youth are over-represented in alternative measures and in sentenced custody admissions;
- ❖ Aboriginal people represent 2% of the adult population, but accounted for 17% of the admissions to provincial/territorial custody in 1998-99 and the same proportion to federal custody;
- ❖ Aboriginal women account for almost one-quarter of female inmates;
- ❖ Aboriginal offenders are more likely to be serving a sentence in an institution than in the community under supervision (69% vs. 58% of non-Aboriginal offenders);

- ❖ Aboriginal offenders are less likely to be on day or full parole or statutory release supervision (31% vs. 42% of non-Aboriginal population); and
- ❖ Aboriginal inmates are considered at higher risk of re-offending and have higher needs.⁶⁷

The General Social Survey on victimization⁶⁸ also includes information on Aboriginal people:

- ❖ Suicide rates, family violence (especially against women) and the prevalence of fetal alcohol syndrome and effects are higher in the Aboriginal population than in the non-Aboriginal population;
- ❖ The personal victimization rate for Aboriginal people was twice the national average (288 incidents per 1,000 population compared to 157);
- ❖ Aboriginal people were more likely to be victims of spousal violence as compared to non-Aboriginal people; and
- ❖ Aboriginal people were more likely than non-Aboriginal people to report

⁶⁷ Risk refers to the probability that an offender will engage in criminal behaviour in the future. An overall index of risk combined information regarding the extent of criminal history with ratings on seven need dimensions. The criminal history factors examined included number of previous convictions, previous incarcerations, number of current offences, negative outcome on community supervision, and history of escape from custody. The need factors examined included substance abuse, personal/emotional, community functioning, attitude, social interaction, marital/family and employment.

⁶⁸ Statistics Canada, as part of the General Social Survey Program, conducts a survey on criminal victimization every 5 years. The most recent survey was conducted in 1999 in the 10 Canadian provinces for Canadians 15 years of age and older.

that their local police forces were doing a poor job.

Overrepresentation of Aboriginal People in the Justice System

“This has been a serious problem for many years and continues to be. Aboriginal offenders are very much over-represented in both the provincial and federal offender populations, particularly in the western provinces. A high proportion of Aboriginal people will soon be entering their most crime-prone years and this could exacerbate the problem of over-representation if drastic action is not taken. The problem has been acknowledged as a serious concern in the Speech from the Throne”.

Portfolio Scan, 2002

The disproportionate involvement of Aboriginal persons in the criminal justice system has been recognized for some time. In the 2001 Speech from the Throne, the government made the commitment to “...significantly reduce the percentage of Aboriginal people entering the criminal justice system, so that within a generation it is no higher than the Canadian average.”

At the same time, there are many research gaps with regards to Aboriginal people in the criminal justice system. Some of the challenges involved in collecting information on Aboriginal people and in data analysis relate to definitional issues, data reliability, agency or government policies restricting the collection of race-based statistics and the methodological challenges involved in data collection and analysis for a small portion of the Canadian population.

Self-Government

It has become increasingly clear that the Canadian criminal justice system is not adequately addressing the needs of Aboriginal people at a satisfactory pace. This includes their demands for more control and authority in resolving criminal disputes within their communities. Self-government agreements may include provisions for separate Aboriginal justice systems based upon Aboriginal values, philosophies, customs, and traditions.

One of the challenges will be to develop the capacity and infrastructure to allow Aboriginal communities to develop healing lodges, community healing strategies, and conditional release management processes. According to Scan participants, not all of the present conditions contribute to this objective:

“The current band council election process on most First Nations, where elections are held every two years, does not lead to stable communities in which healing can take place or effective community corrections services can be established.”

“A number of First Nations are negotiating self-government agreements that include provisions for enforcement, policing, and corrections. By federal policy, funding these commitments must come from the affected line department. The Portfolio does not have the financial resources to implement agreements.”

Portfolio Scan, 2002

II. Policing

The ability of the police to meet the needs of Aboriginal communities has increasingly become a challenge. Mistrust stemming from historical conflict and service delivery that is culturally untailed to Aboriginal peoples often hampers the relationship between the police and Aboriginal communities.

First Nations Policing

The First Nations Policing Policy (FNPP) and Program was approved in 1991 as the framework for the negotiation of First Nations and Inuit policing arrangements between the federal government, provincial or territorial governments, and First Nations and Inuit communities.

Agreements are cost-shared 52% by Canada and 48% by the province or territory, and provide First Nations and Inuit communities with access to police services that are professional, effective, culturally appropriate and accountable to the communities they serve.

The FNPP funds more than 120 tripartite policing agreements covering 61% of the on-reserve population. More than 300 communities (228,000 persons) are served by nearly 800 police officers. These agreements span all provinces with a single arrangement in the Territories (Yukon).

The FNPP has achieved major progress in providing community policing through two main models: First Nation-administered police services and dedicated Aboriginal contingents in existing police services (e.g., RCMP). Slightly less than half (45%) of the First Nations Policing services are delivered by the First Nations themselves. In these cases, the First Nation is the employer, and is responsible for managing

both staff and facilities. Slightly more than one half (55%), of First Nations Policing services are delivered by the RCMP. Both forms of police service are located on reserve, and, in both cases, services are to be provided by the Aboriginal officers dedicated to that particular community or group of communities.

The FNPP is the foundation for public security and stability in First Nation communities and, therefore, is critical to the overall success of social and economic programs and initiatives. It reflects the unique values and cultures found in First Nations communities, is recognized as an excellent example of inter-jurisdictional collaboration and a strategic investment that serves to advance the government's agenda for Aboriginal people.

The FNPP provides meaningful employment opportunities in First Nations communities for police officers and civilian staff. It strongly supports and encourages the building of local capacity to manage direct and participate in the police service. The FNPP builds local leadership and encourages community support for other elements of the justice system (e.g. healing lodges, community-based corrections).

Further, the FNPP supports the goals of the Speech from the Throne by strengthening governance and accountability, building community capacity and contributing to efforts to reduce Aboriginal incarceration rates.

First Nations Police Services increasingly are working effectively with other police services combining skills, expertise and knowledge, thus changing the fabric of the Canadian policing network.

“The collaboration of the Akwesasne Mohawk Police Service, the supporting police services in both Canada and the United States, and the community of Akwesasne as a whole, is a shining example of how cooperation, experience, dedication, and the belief in peace can be successful.”

Summit of the Americas Protest

The ability to maximize the delivery of effective culturally appropriate policing services to First Nations is challenged by the changing context in which the FNPP operates, including the increased influence of organized crime and gangs, the migration of individuals in and out of the community, rising program delivery costs due to inflation and limited program resources.

First Nations policing is seen by many members of Aboriginal Communities as an integral part of the process of self-government for Aboriginal people.

RCMP in the Provinces

In those provinces where the RCMP provides contract policing services, the RCMP actively participates in the administration and implementation of the FNPP through community tripartite agreements. The RCMP has also entered into formal protocols with the FNPP policing services; actively participates in or organizes various workshops or conferences on Aboriginal policing in provinces where it is the provincial police service; and implements mentoring programs for Aboriginal youth for potential recruitment into the RCMP or related career streams.

Recruiting Aboriginal people into the policing community fosters positive

relations between the police and Aboriginal communities, provides culturally sensitive policing and builds community capacity. Representative police forces have heightened awareness of Aboriginal communities and related issues and are therefore able to enhance community capacity to prevent and deal effectively with crime.

RCMP in the Territories

The RCMP under contract provides policing services in the territories. Other RCMP national programs also benefit these northern communities. Some are targeted directly at Aboriginal people:

- ❖ Aboriginal Cadet Development Program;
- ❖ Aboriginal Youth Training Program;
- ❖ White Stone Suicide Prevention Program;
- ❖ Commissioner's National Aboriginal Advisory Committee; and
- ❖ Community Justice Forums.

CSC has Exchange of Service Agreements with the three territories for the provision of transfers, temporary detention, and parole and community supervision. It works in partnership with the territories to ensure access to home, community and cultural milieu for federally sentenced offenders from the North. CSC also establishes culturally appropriate programs for northern offenders serving their sentence in correctional institutions in the South.

Limited Data Relative to Law Enforcement

Given the over-representation of Aboriginal people in correctional facilities, there has been pressure on the policing community to collect information on Aboriginal people coming into contact with the criminal justice system. The policing community has been reluctant to collect Aboriginal crime data that is unrelated to an investigation due to privacy concerns and the potential that collection of such statistics may be perceived as being discriminatory or racially motivated.

In the absence of such data, it is difficult to accurately assess the magnitude of Aboriginal crime.

Restorative Justice Initiative

The concept of restorative justice, which includes circle sentencing and victim-offender mediation, can be described as an approach that involves all stakeholders in a constructive discussion to minimize the harm caused by an offending action. The challenge in implementing restorative justice is that it involves a departure from the reactive role of the police being responsible for the short-term goal of "arresting" and "charging" the offender to that of a discretionary power of attempting to heal communities and meeting the needs of victims.

III. Corrections and Conditional Release

The over-representation of Aboriginal people in correctional facilities has been recognized for some time:

“This has been a serious problem for many years and continues to be. Aboriginal offenders are very much over-represented in both the provincial and federal offender populations, particularly in the western provinces. A high proportion of Aboriginal people will soon be entering their most crime-prone years and this could exacerbate the problem of over-representation if drastic action is not taken. Effective action must be taken within the corrections and conditional release systems while emphasizing that this is a societal problem that must be addressed on many fronts.”

Portfolio Scan, 2002

As reported by the Royal Commission on Aboriginal Peoples (1996) “Reports and inquires... have not only confirmed the fact of over-representation (of Aboriginal offenders in the criminal justice system) but, most alarmingly, have demonstrated that the problem is getting worse, not better.”

Several factors contribute to the disproportionate levels of Aboriginal incarceration. These include limited rehabilitative options and resources, imprisonment of Aboriginal people for offences against the system such as fine default, failure to appear, non-compliance with restrictions and inadequate funding for community based, pro-active approaches to crime prevention.

The challenge for corrections now is to continue to look towards the community

and more actively find community-based alternatives to incarceration.

Culturally Appropriate Programming

Another challenge for CSC is to intensify its efforts in accommodating the needs of Aboriginal offenders in a culturally sensitive way that emphasizes reintegration.

Within CSC, there has been a growing commitment to provide culturally relevant interventions to address criminogenic factors among Aboriginal offenders. CSC works to recruit Aboriginal educators and to put in place Aboriginal educational institutions for the explicit purpose of designing and delivering educational and healing programs that are culturally appropriate and effective.

In some cases, providing culturally appropriate programming also means delivering it in an Aboriginal language. Although many Aboriginal people speak English or French, service delivery in their Aboriginal mother language can help reach those who do not understand English or French, as well as reinforce cultural pride in all Aboriginal people who speak an Aboriginal language, regardless of their ability to speak English or French.

As well, the National Parole Board has implemented a program of *Elder-assisted* hearings, to ensure that the parole hearings are sensitive to and respectful of the languages and cultures of Aboriginal people. NPB has also developed community-assisted hearings, which allow for the parole hearings to take place in the community, rather than the institution.

Corrections and Conditional Release Act (CCRA)

CSC has created two minimum-security healing lodges for Aboriginal offenders. The objective of these facilities is to assist in the successful reintegration of Aboriginal offenders through holistic and culturally sensitive programming.

Under section 81 of the CCRA, CSC can transfer Aboriginal offenders to be supervised in their communities. The arrangement encourages Aboriginal communities to take direct responsibility for their own people and allows the community to play a greater role in the rehabilitation of Aboriginal offenders. Agreements under this section can range from a large facility to a framework agreement for a small number of offenders.

Section 84 of the CCRA allows communities to be involved in the release plans of Aboriginal offenders.

CSC continues to work with the Aboriginal community on options under sections 81 and 84 of the CCRA.

Aboriginal Gangs

One of the most pressing issues facing CSC is the effective management and safe reintegration of Aboriginal gang members. A considerable amount of institutional time and resources is expended to manage these individuals and to protect those affected by them.

Since the early 1990's, Aboriginal gang membership has increased steadily, mainly in the western provinces. Though small, Aboriginal gangs exert a powerful influence over the institutional and community population.

CSC has been working to engage Elders from Aboriginal communities and seek their assistance in helping Aboriginal offenders address their issues. This initiative has made important contributions to the rehabilitation mission of CSC.

In addition, CSC has a pilot Aboriginal Gang Initiative operating in Winnipeg, Manitoba. This initiative, utilizing Elders and cultural practices, assists those who want to leave gangs and the gang lifestyle.

IV. Conclusion

Given the specific demographics of Aboriginal peoples in Canada, i.e. a very young population that is growing rapidly while the rest of Canada ages rapidly, we can anticipate that Aboriginal issues will gain more profile in the next few decades. For example, in the province of Saskatchewan, where Aboriginal people represent approximately 11% of the total population, Aboriginal youth will constitute a big portion of *la relève* in the next decades, as the overall population ages. It is imperative that these Aboriginal youth, in Saskatchewan and everywhere else in Canada, be provided with the appropriate tools and support to ensure a transition to a bright future, not just for themselves and their communities, but also for the entire population.

The Speech from the Throne's commitment to lower the percentage of Aboriginal people coming into contact with the criminal justice system, means the Department and Portfolio agencies will need to devote more time and resources putting in place sound strategic approaches.

The consequences of inaction, or of ill-advised action, to address longstanding and

emerging Aboriginal issues will prove devastating in the short to long term, not only for the Aboriginal communities themselves but for the entire country.

CONCLUSION

The 2002 Portfolio Environmental scan complements other corporate planning tools, such as the Departmental Performance Report, the Report on Plans and Priorities, as well as Ministerial mandate letters to the heads of agencies.

This should not be taken to mean that our intended audience is restricted to senior officials and strategic planners in the criminal justice and national security fields. We hope that this document, and its successors, will be used by all individuals interested in developing an understanding of emerging issues and trends in criminal justice and national security, and also to gain a very real sense of Portfolio work and challenges.

The 2002 Portfolio Scan represents a significant departure from previous scans in that we endeavoured to identify and rank emerging issues and trends based on an extensive consultative process. By actively soliciting expert Portfolio participation, we attempted to inject more rigour into our analysis of emerging trends and issues. For this exercise, participants included managers and senior officers working in policy, operations, communications, and research across the Portfolio.

As mentioned in the Introduction, the methodology we employed was partially successful. Relying on the feedback and cooperation of the Department and the Portfolio agencies, we hope to improve the process and build upon this pilot project for future scans. By proceeding this way, we aim to track changes in the environment and priorities over time, offering our readers a more systematic and reliable view of the trends and tendencies impacting public safety.



Solicitor General Canada, Portfolio Scan, 2002

Feedback and Evaluation Form

The Department of the Solicitor General Canada would like to invite your feedback on this year's Portfolio Environmental Scan. We aim to improve the quality and value of the Scan to those who might use it as a planning tool or information item. Please complete and return this form. Your comments are appreciated.

How useful did you find this document for each of the following:

Policy and Planning

N/A Not useful 1 2 3 4 5 Very Useful

Learning About Portfolio Programs and Initiatives

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How accurately did you find this document reflected major issues in:

(1=Poor; 5=Acceptable; 10=Excellent)

Corrections

1 2 3 4 5 6 7 8 9 10

Policing and Law Enforcement

1 2 3 4 5 6 7 8 9 10

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Did you like the format? Yes/No

Please elaborate:

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How did you judge the Portfolio Scan in terms of:
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Readability and clarity

1 2 3 4 5 6 7 8 9 10

Organization

1 2 3 4 5 6 7 8 9 10

Relevance/Usefulness of Information

1 2 3 4 5 6 7 8 9 10

Timeliness of Information

1 2 3 4 5 6 7 8 9 10

Overall Value

1 2 3 4 5 6 7 8 9 10

Thank you for your feedback on the 2002 Portfolio Scan. Please complete the information box below and return this form by e-mail, fax or mail to:

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