

**DIMENSIONS OF
ABORIGINAL OVER-REPRESENTATION
IN CORRECTIONAL INSTITUTIONS
AND IMPLICATIONS FOR
CRIME PREVENTION**



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**DIMENSIONS OF
ABORIGINAL OVER-REPRESENTATION
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AND IMPLICATIONS FOR CRIME PREVENTION**

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ABSTRACT

This paper describes research into the relationship between demographic characteristics of aboriginal inmates in correctional institutions and those of registered Indians residing in urban areas, particularly in inner cores of cities.

The importance of the findings as set out in this paper is that they identify specific aboriginal groups most vulnerable to the commission of crime and criminal justice processing, ie. registered Indians in specific geographic locations (inner cores of Western cities and in Winnipeg, Saskatoon, Regina and Edmonton, in particular). There are also differences in the demographic profiles of registered Indians in major eastern and western cities. This brings into question the assumption that all aboriginal people are equally vulnerable to the commission of crime and criminal justice processing.

The findings suggest further that where an offense is committed is central to determining the response of the criminal justice system, unless the offense is very serious. Offenses committed off-reserve are more likely to involve formal processing by the criminal justice system than those committed on-reserve. The problem may not be that the system treats aboriginal people differently but that it treats them the same. That factor, and the disproportion of offending patterns off-reserve, provide some insight into disproportional prison populations.

The paper suggests that the characteristics of aboriginal offenders who enter correctional institutions are little different from those in non-aboriginal society (except that they are generally lower on all socio-economic indicators and there are many more proportionately, in the "have-not" category), and that mainstream criminological theories of crime can be applied as well to aboriginal society. In that context, socio-economic status is probably a more potent indicator of who is admitted to correctional institutions than is race.

These findings have certain implications particularly in the area of crime prevention. Broad-based access to justice, cultural sensitivity, and community justice programs have been generally relied upon to translate into a reduction of aboriginal people entering correctional institutions. What these data suggest, however, is that crime prevention and alternative sentencing activities must be more clearly targeted if a decrease is to occur in the number of aboriginal people admitted to institutions.

INTRODUCTION

The past two decades have witnessed the emergence of various initiatives to address aboriginal justice problems in general, and over-representation in particular. Correctional data, however, continue to show a consistent increase in the numbers of aboriginal inmates (Indian Policing Review 1990; Satzewich and Wotherspoon 1991). One of the difficulties in reducing aboriginal prison populations may be a lack of specificity in defining the problems and in understanding the social structuring of contemporary aboriginal society, and how this affects the commission of and response to crime and disorder.

BACKGROUND

The starting point for this paper was integrating findings from the aboriginal criminal justice and mainstream criminology literature into a coherent framework. Some of that literature emphasized the need to understand crime in relation to social structure in contemporary aboriginal communities (LaPrairie 1988; Marenin 1991); some focused on modernization theory and the genesis of crime and mechanisms of social control (Heiland and Shelley 1992); some on inequality and violence (Hsieh and Pugh 1991); while other literature examined social control theory in an expanded form (Braithwaite 1990) or more narrowly (Leblanc 1991). One paper presented explanations for over-representation; another examined formal and informal responses to crime and disorder in one specific aboriginal region (LaPrairie 1990, 1991).

This paper argues that in order to acquire a better understanding of the over-representation problem it is necessary to examine it from a different perspective. In that exercise, research findings, demographic data and various theoretical perspectives are integrated to show that crime and disorder are responded to differently in communities with majority and minority aboriginal populations, that variation in characteristics of registered Indians who live in or migrate to urban areas may explain the regional variation of aboriginal inmates in correctional institutions, that class is a more potent variable than race in explaining the over-representation phenomenon, and that aboriginal communities are not immune to class differentiation and, at that level, are little different from non-aboriginal communities in determining who ends up in correctional institutions. In this approach, the role of the criminal justice system is de-emphasized and the issue of aboriginal people in aboriginal society and in the larger society, is explored.

The perspective put forward here suggests that more registered Indians are in correctional institutions because a disproportionate number of this group are at the bottom of the socio-economic ladder as compared to other aboriginal or non-aboriginal groups. A primary factor (in addition to seriousness of offense) in influencing

involvement with the correctional system, appears to be where the offence is committed. There is some evidence that the response to offending may be different in aboriginal or reserve communities than it is off-reserve, and that the particular characteristics of registered Indians residing in inner cores in Western cities, makes them the most vulnerable of all groups, aboriginal and non-aboriginal alike, to the commission of crime and criminal justice processing. In this model, the demographic position of registered Indian people in a variety of geographic (ie. east and west) and other settings (ie. on-reserve, urban centres, correctional institutions) is examined. An attempt is made to link the crime, correctional and demographic data to underscore the particular situation of registered Indians in the inner core of western cities.

This paper begins with a description of over-representation and some explanations for the phenomenon. The demographic situation for registered Indians on and off-reserve and in eastern and western urban areas is then explored to provide a framework for examining the over-representation of registered Indians in western correctional institutions. This is followed by a discussion of the response to crime and disorder in one aboriginal region and possible reasons for the low representation of reserve offenders in correctional populations. Finally, an attempt is made to integrate the findings with various theoretical perspectives.

OVER-REPRESENTATION

The over-representation issue is used in this analysis because, explicitly or implicitly, it has been central to the body of work in this area. It has also been responsible for identifying other problems such as culture conflict, the lack of aboriginal representation in criminal justice personnel, and the lack of community input into the workings of the criminal justice system.

Aboriginal Representation in Correctional Institutions

Simply put, over-representation refers to the proportion of aboriginal people incarcerated in federal, provincial and territorial institutions as compared to their proportion in the general population. Variation exists across the country with over-representation more an issue in the Prairies, B.C. and Territories, and less so in Ontario, Quebec and Maritimes. In 1989, aboriginal women comprised 45% of all female admissions to provincial institutions.

Correctional data reveal that the incarceration of aboriginal people in provincial and territorial institutions west of the Manitoba\Ontario border is 2.8 times higher than east of this border, although the aboriginal population in the western region is only 1.5 times greater than in the east. Moreover, it shows that aboriginal inmate rates are increasing in western and northern areas and decreasing in Ontario, Quebec and the Maritimes (Indian Policing Review 1990). Aboriginal people incarcerated in provincial institutions

in Alberta, Saskatchewan and Manitoba comprised 64% of all incarcerated aboriginal people in 1987-88, although aboriginal people in these provinces comprise only 37% of the total aboriginal population, and 42% of the total registered Indian population in Canada (Loh 1990) (Table 1). In Alberta, registered Indians comprise only 32% of the Total Aboriginal population (Census 1986) but this group comprised 58% of the 1989 provincial correctional population (Cawsey 1991).

TABLE 1
Aboriginal Inmates in Correctional Institutions and

Off-Reserve Registered Indians by Region

REGION	Abor. Inmates in Prov. Instit. % of all inmates	Abor. Inmates in Fed. Instit. % of all inmates	Off Reserve Regist. Indians % of all Reg. Indian s	TOTAL Off Reserve Indian Pop. % of all Indians
Atlant. Prov.	3	3	33	3
Quebec	2	1	22	7
Ontario	8	4	46	26
Man.	49	39	34	12
Sask.	68	52	46	18
Alberta	34	31	34	10
B.C.	18	14	47	20
N.W.T.	91	37	21	1
Yukon	63	94	54	2

Sources: 1. INAC Basic Departmental Data, 1990 and 1991
2. CCJS Adult Correctional Services in Canada 1990-91
Statistics Canada, Cat. 85-211 Annual

With respect to explaining over-representation, the following explanations were put forward in recent work (LaPrairie 1990). These are: aboriginal people commit a disproportionate amount of crime; or aboriginal people commit a disproportionate amount of certain offenses which are more likely to be detected and processed by the criminal justice system (for example, serious (manslaughters and assaults) or visible (disturbances)); or, the criminal justice system is guilty of unwarranted disparity in its treatment of aboriginal people.

These explanations were not presented as mutually exclusive and the conclusions of the paper were that adequate information about each was lacking or, if available, was not used. With the attention to aboriginal justice issues in the past two years, there is now more information upon which to assess the validity of each. Each explanation is discussed in turn below.

1. Disproportionate Crime

There is a growing body of data which suggest a disproportionate amount of crime in aboriginal communities (Manitoba Justice Inquiry 1991; Law Reform Commission, 1992; LaPrairie 1989, 1991; Indian Policing Review (1990); CCJS (1991)). There is some evidence that the situation in some urban centres is similar (CCJS 1992, Edmonton Inner City Task Force Report 1990).

The 1992 Canadian Centre for Justice Statistics (CCJS) study in three western urban centres - Calgary, Regina and Saskatoon revealed that "Of those offenses with an identified accused, the crime rate per 100,000 population for aboriginals was over four and one-half times that of non-aboriginals in Calgary and over twelve times that of non-aboriginals in Regina. In Saskatoon the aboriginal crime rate was eleven times that of non-aboriginals (1992:vi)".

Table 2 below presents homicide data aggregated for a ten-year period from 1980-1989, and involving aboriginal and non-aboriginal homicide suspects (where charges have been laid) and victims in select eastern and western cities. The east\west differences are striking as are those for aboriginal and non-aboriginals, particularly in western cities. The greatest variation in homicide suspects is in Regina where the rate of aboriginal homicide suspects is 76.6\100,000 population as compared to .9 for the non-aboriginal group; Saskatoon follows with 19.9 and 1.1, respectively. The data on homicide victims shows similar east\west and aboriginal\non-aboriginal patterns (Table 2).

TABLE 2
ABORIGINAL AND NON-ABORIGINAL HOMICIDE
SUSPECT AND VICTIM RATES
PER 100,000 POPULATION*
BY SELECT CITIES, POLICE FORCES 1980-1989 **

SUSPECTS			VICTIMS	
City	Aboriginal	Non-Aboriginal	Aboriginal	Non-Aboriginal
Halifax	0	3.4	0	2.9
Montreal	.4	2.5	.8	4.3
Toronto	7.5	2.1	4.8	2.3
Ottawa	3.8	1.7	0	1.8
Thunder Bay	17.4	1.3	15.3	1.5
Winnipeg	25.7	2.1	19.1	1.6
Saskatoon	19.9	1.1	12.9	1.0
Regina	76.6	.9	45.3	1.2
Edmonton	27.9	2.6	21.1	2.7
Calgary	19.7	1.7	12.5	1.8
Vancouver	15.3	3.9	14.4	5.5

- The populations used are based on 1986 Census data for CMA and police force figures.

** The homicide and suspect data were aggregated for a ten-year period.

Aggregated suspect and victim data were provided by the Canadian Centre for Justice Statistics (CCJS)

Note: Rates for the two groups (aboriginal and non-aboriginal) are based on populations for each group.

Some research shows recidivism as characteristic of aboriginal accused. Data from B.C. revealed that more aboriginal inmates had previous contacts with correctional systems and jails than did non-aboriginal inmates. A study of recidivism of federal aboriginal inmates found that only 8% of those incarcerated were first offenders, 16% were first incarcerates, and the over-all recidivism rate for the sample of 282 was 66% (Bonta *et al* 1992). A sexual assault study in N.W.T. (1991) revealed that 1\3 of offenders had previous convictions, and in the James Bay research (1991), 80% of those represented in 1989 occurrences had prior police contacts.

2. Disproportionate Offenses

A considerable amount of information exists about the commission of certain offenses by aboriginal offenders. The McCaskill (1970\85), Planning Branch, Treasury Board Secretariat (1975), and more recently the James Bay (1991), Amerindian Police (1986), and Canadian Centre for Justice Statistics (1991) research revealed higher rates of crimes against the person, disturbances, and offenses involving liquor. While there is evidence of lower rates for some offenses, such as frauds and property offenses, the Total offense rates are usually disproportionately higher where data are available.

Correctional data have long shown that aboriginal inmates in federal institutions are disproportionately incarcerated for offenses against the person (Treasury Board 1975; McCaskill 1970, 1984). More recently, the Alberta Cawsey Report revealed that between 1985-89, 55.5% of the offenses for which aboriginal males, and 65% of those for which aboriginal females were incarcerated in Alberta federal institutions, were crimes against the person and violent offenses, as compared to 39.9% and 31%, respectively, for non-aboriginal offenders. In Alberta provincial institutions, liquor related, other provincial statute, property offenses and offenses against the administration of justice were the most common aboriginal offenses. However, there appears to be a trend in some provincial institutions for aboriginal inmates to have committed a disproportionate volume of offenses against the person (McCaskill 1984). There is also disproportionate use of alcohol in the crimes for which aboriginal offenders are incarcerated in federal and provincial institutions (Birkenmeyer and Jolly 1981; Metis and Non-Status Crime and Justice Commission 1977; McCaskill 1970, 1985).

3. Criminal Justice System Processing

Interestingly, the evidence used most often to explain disparity in criminal justice processing is "over-representation" despite a serious lack of empirical data about the role of the system in contributing to this phenomenon. Some data allude to differential treatment by police but it is neither empirical nor recent (Jayewardene 1980; Canadian

Corrections Association 1967; Bienvenue and Latif 1974). An exception, however, is an analysis of police data in one Western city which suggests little difference in charging levels for aboriginal and non-aboriginal alike (CCJS 1992). The Canadian Centre for Justice Statistics (CCJS) study in Saskatchewan in 1991, found similar “cleared by charge” rates for on-reserve and rural violent offenses, but higher charging rates on-reserve for property offenses (the rate of actual adults and youth charged per population was much higher for reserves). Data from the 1970’s suggested that aboriginal people were charged more often than non-aboriginals for minor offenses (Hagan 1974; Schmeiser 1974).

The propensity of aboriginal accused to plead guilty more often than non-aboriginal accused and lack of legal representation, are often presented as major factors in over-representation. There is, however, limited data to support these claims. Recent research suggests little difference in the proportion of guilty pleas for Cree accused in James Bay, Quebec than elsewhere in the province (LaPrairie 1991), but comparable data in other provinces and territories are not available. The lack of legal representation is raised in the Manitoba Aboriginal Justice Inquiry Report (1991:102), but the James Bay research found that virtually all adults and youth appearing in James Bay courts from 1986-89 were represented by lawyers. In respect of findings of guilt, Bienvenue and Latif (1974) found no difference between aboriginal and non-aboriginal accused appearing in court.

The Aboriginal Justice Inquiry in Manitoba relied on the Manitoba Provincial Court study which showed differential use of incarceration, but the range of legal and extra-legal variables taken into account was not identified. For example, there are factors other than seriousness of offence and prior record of offender which explain differential sentences. The court component of the James Bay research found detention was used less frequently for Cree adults than for non-aboriginals elsewhere in Quebec; the use of detention was similar for aboriginal and non-aboriginal youth but considerably less secure detention was used for the former. Some research has shown shorter sentence lengths generally for aboriginal accused (Treasury Board, 1975; Clark, 1989), and for aboriginal women in particular (Cawsey, 1991). An important and often over-looked factor is the routine use of carceral sentences for certain offenses, some of which aboriginal people appear to commit disproportionately.

There is evidence that aboriginal offenders receive somewhat shorter sentences but may actually stay longer in institutions because of lower parole release rates, fewer temporary absences, or the inability to pay fines (Cawsey 1991). Other evidence suggests that aboriginal offenders may be remanded in custody more often than non-aboriginals (Cawsey 1991; Aboriginal Justice Inquiry 1991). The recent Task Force on Aboriginal People in Federal Corrections (1991) reveals, however, some reduction in time served by aboriginal inmates.

CORRECTIONAL FINDINGS

It is generally accepted that there is a disproportionate amount of crime and a disproportionate amount of certain offenses on reserves. One would, therefore, expect

offenders from reserves to be equally represented in institutions but correctional data do not reveal this to be the case.

Two characteristics appear to identify the aboriginal inmate - being a registered Indian (Morse and Lock 1985; CSC 1990; Cawsey 1991; McCaskill 1984) and committing the offense (for which incarceration resulted), in the urban area (McCaskill 1970, 1985; Metis and Non-Status Crime and Justice Commission 1978). Morse and Lock found that 60% of aboriginal males and nearly 50% of aboriginal females in their federal and provincial correctional institutional sample were treaty or status Indian (1985:23); two-thirds to three-quarters of McCaskill's Manitoba inmate sample were status Indian (McCaskill 1985).

LOCATION OF OFFENCE

Recent findings show a disproportionate volume of crime committed on reserves (CCJS 1991; Hyde and LaPrairie 1988; LaPrairie 1991; Indian Policing Review 1990). This is an important finding but one which is difficult to understand when examining correctional data, which show offenses committed in urban areas to be dominant among the aboriginal inmate population. There are not extensive data to explain this phenomenon but the findings from the James Bay Cree research provide one explanation.

One of the major conclusions from that research was the extent to which the Cree communities absorbed crime and disorder. Of reported incidents, only a small proportion were recorded and an even smaller number proceeded to court. Attrition was highest for interpersonal offenses (LaPrairie 1992). Possible explanations include kinship and other relationships between community members, and between victims and offenders which complicate and limit the formality of responses to crime and disorder; the repetition of offenses committed by the same offenders which suggest to communities the futility of formal responses; concerns about retribution; and the fear of losing community members to external systems (LaPrairie and Diamond 1992).

If this finding is applicable more widely, it suggests that communities retain the majority of crime and disorders problems committed within their boundaries. It may also suggest that when the same behaviours occur outside the boundaries of communities, the criminal justice system responds. If this is the case, the finding that more registered Indians are incarcerated for offenses committed in urban areas, becomes understandable. For those who leave because of opportunities denied them on reserve and/or because of their behaviour, migration into the urban areas appears to be the basis for involvement in the correctional system.²

The Cawsey report revealed that nearly 14% of all persons charged in Alberta in 1989 were aboriginal but that only 5.7% of all aboriginals charged were charged on-reserve. McCaskill's longitudinal study of Manitoba federal and provincial inmates, found that 40% lived in urban areas in 1970 but by 1984 this figure had risen to 67%. More interesting,

however, was the finding that nearly 80% of offenders in both years had committed the offence for which they were incarcerated off-reserve. In a background study for the Manitoba Aboriginal Justice Inquiry, 30% of youth and 19% of adults appearing in Winnipeg courts in 1986 were found to be aboriginal although the proportion of aboriginal people in that city is about 5% (Peat Marwick et al 1990).

In considering the commission of crime in urban areas and particularly in inner cores of cities, the CCJS study of urban centres revealed that in Calgary and Saskatoon in 1990 “the largest proportion of incidents involving at least one aboriginal accused occurred in the city core (CCJS 1992:20). The greatest proportion of aboriginal victims was found in the same area. The Edmonton Inner City Violent Crime Task Force report showed that aboriginal people were involved as suspects in nearly one-half the combined homicides and other crimes against the person in the inner city for the period 1974-1989 (1990:7)

DEMOGRAPHIC CHARACTERISTICS OF ABORIGINAL ACCUSED/INMATES

Not incorporated in most analyses but evident in the literature, is the socio-economic disparity between aboriginal and non-aboriginal accused and inmates, and other significant characteristics of aboriginal offenders and offenses. These are important to identify because they provide a context within which to understand both the nature and the dimensions of the problem.

LaPrairie (1983) found that aboriginal youth offenders in northern B.C., came from families with less income, higher unemployment, more single parent families, and had less education than their non-aboriginal youth counterparts. Other studies of aboriginal inmates have found this group to be less educated, more dysfunctional, from more severe family backgrounds, less skilled than other aboriginal people, non-aboriginal offenders, or non-aboriginal inmates (Cawsey 1991; McCaskill 1970, 1985; Planning Board 1975). The aboriginal group also had more alcohol problems, were younger (particularly in provincial institutions), had more prior contacts with the criminal justice system, and more prior victimization (Canadian Committee on Corrections 1969; Government of the N.W.T 1991; Government of B.C. 1991).

DEMOGRAPHIC CHARACTERISTICS OF ABORIGINAL GROUPS

1. Demographic Overview

The literature on the demographics of aboriginal groups reveals differences between registered Indians on- and off-reserve, and between registered Indians and other

aboriginal people (including Metis and Inuit). There is also considerable regional variation particularly between eastern and western urban centres. While there are less pronounced differences across the country for on-reserve registered Indians than for registered Indians off-reserve, the former are still lower on the socio-economic scale than all aboriginal groups except those in the inner cores of cities.³

Over-all, birth rates are higher (particularly for registered Indians on-reserve where the population increased 26% from 1986-89) and age distributions are different, that is, there is a much higher proportion of under 25 year old aboriginal than non-aboriginal people. In looking at the age group most vulnerable to criminal justice processing, 21% of the Canadian aboriginal population is 15-24 years of age as compared to 16% for the comparable non-aboriginal population. For off-reserve registered Indians by province, nearly one-third in Saskatchewan are 15-24 years of age, as compared to one-quarter in Ontario, B.C., Manitoba and Alberta. For the 19 and under group the figures are even more extreme - 45% of the aboriginal population was in this age group as compared to 29% for the general population in 1986 (Statistics Canada 1986).

Education, employment and income levels are lower, and unemployment and single parent family levels are higher on-reserve, whether compared to off-reserve registered Indians or to the general aboriginal population (Laroque and Gauvin 1989). Saskatchewan, the N.W.T. and Manitoba have the highest levels of on-reserve registered Indian people with less than grade nine education. There is an interesting pattern to the demographics of the various groups - for example, the further from the reserve the higher the demographic profile, except in the inner core of western cities where aboriginal people appear to be the most disadvantaged of all groups (Edmonton Inner City Task Force 1990; Ma Mawi Wi Chi Itata Centre 1990). Although there are no data which identify this group as registered Indians, the high migration rates off-reserve would suggest that this is the case.

Data reveal that two-thirds of the off-reserve registered Indians in Canada live west and north of the Manitoba\Ontario border although Ontario alone has nearly one-quarter of all off-reserve registered Indians in the country. The largest off-reserve regional gains south of 60 degrees between 1966 and 1989 were in Alberta and Saskatchewan; Quebec region had the lowest increase. The highest proportions of registered Indians off-reserve occurs in B.C., Ontario and Saskatchewan, and the lowest in Quebec and N.W.T. (Table 1) (DIAND 1990\91). In 1986, more registered females (55%) than males (45%) lived off-reserve and this was fairly consistent across the country. While relatively steady and high in all regions, off-reserve migration for females is higher than for males, particularly in the west.

Migration is difficult to understand fully because of the amount of transiency on and off-reserve, particularly where reserves are in close physical proximity to urban or semi-urban areas. For example, Prince Albert, Regina, Kenora, Prince Rupert, and many other communities are surrounded by reserves so there is considerable movement back and

forth. Census data for 1986 showed that during a five-year period, 61% of off-reserve aboriginal people changed residence as compared to 44% of the Canadian population and some of the aboriginal group were, no doubt, moving back and forth between urban centres and reserves.

2. Demographics of Aboriginal People and Registered Indians in Urban Centres

When examining off-reserve registered Indian demographic data, one of the most interesting findings is the marked but consistent differences in western and eastern cities.⁴ As Table 3 reveals, there is variation in labour force participation, unemployment, “without income”, and income levels, for off-reserve registered Indians living in cities east and west of the Manitoba\Ontario border (although Thunder Bay is more similar demographically to western than to eastern cities).

TABLE 3

REGISTERED INDIAN AND TOTAL ABORIGINAL DEMOGRAPHICS BY CITY

CITY	AGES 0-14		GRADE 9		LABOUR PART.		UN-EMPLOYMENT		WITHOUT INCOME		INCOME	
	Reg %	Abor. %	Reg %	Abor. %	Reg %	Abor. %	Reg %	Abor. %	Reg %	Abor. %	Reg \$	Abor. \$
HALIFAX	29	31	14	11	81	88	22	12	12	14	11,700	15,588
MONTREAL	22	25	20	13	85	85	15	15	16	12	14,577	16,705
TORONTO	28	30	14	7	85	92	15	8	15	10	13,284	7,399
OTTAWA	24	28	4	5	90	91	9	9	12	9	18,152	18,593
THUNDER BAY	40	38	27	14	66	82	33	19	21	16	10,284	12,573
WINNIPEG	42	35	24	18	67	81	33	18	22	16	9,519	12,034
SASKATOON	45	41	23	18	60	78	40	20	24	17	9,831	12,186
REGINA	45	41	22	5	58	81	41	20	24	17	10,276	12,500
EDMONTON	45	36	22	15	62	78	38	22	19	15	10,786	13,783
CALGARY	39	36	11	8	69	84	31	16	19	13	10,699	15,459
VANCOUVER	30	29	24	9	64	81	37	19	20	14	10,209	13,382

SOURCE: Quantitative analysis and Socio-Demographic Research, Indian and Northern Affairs Canada 1991

Data based on 1986 Census

Reg = Registered Indians

Abor. = Total Aboriginals

In general, registered Indian populations in western cities, and especially in Winnipeg, Saskatoon, Regina and Edmonton, have more children and young people, more with less than grade nine education, less participation in the labour force, more unemployment, more people without incomes, and lower incomes, than do registered Indians in Halifax, Montreal and Toronto. For example, of all the urban centres selected, Saskatoon and Regina have the highest proportion of registered Indian children 0-14 years of age, the smallest proportion of registered Indians in the labour force, and the highest proportion of those unemployed or without income (as mentioned previously, nearly one-third of the Saskatchewan off-reserve population is between 15-24 years). By way of contrast, Ottawa has one of the smallest registered Indian populations 0-14 years, 4% of the population has less than grade nine education, 90% are in the labour force, only 9% unemployed, and 12% without an income.

Of particular interest is the finding that the registered Indian population is different from the total aboriginal population (which includes both registered and non-registered Indians and Metis) in all cities, and the east/west differences for the total aboriginal population are less extreme. For example, while only 58% of the Regina registered Indian population 15 and over participates in the labour force, 81% of the aboriginal population so participates. The total aboriginal population in all cities is generally better educated, has more employment and less unemployment. They also consistently earn more income than do the registered Indian groups (Table 3).

3. Demographics of Aboriginal People in Inner Cores of Urban Centres

Data about aboriginal people and registered Indians in urban areas exist, but there is little information about these same groups within the inner core of cities. However, there are indications that it is these areas which are most problematic in terms of contact with the criminal justice system. For example, a four block radius in the inner core of Edmonton consists primarily of aboriginal people who are transient, homeless, unemployed, single adults, with serious alcohol problems and involved in offenses as victims and/or offenders. Violence is a regular feature of life for many and offenses against the person constitute the single highest category of crime. People who go into correctional institutions often return to the same locale upon release (Edmonton Inner City Crime Task Force 1990).

One of the few available studies by the Ma Mawi Wichi Centre in Winnipeg (1989), found demographic differences between inner city and outer city aboriginals and non-aboriginals (Table 4). The results show clearly that proportionately more aboriginal than non-aboriginal people reside in the inner core of the city. Moreover, the inner city aboriginal groups are far below their outer city aboriginal counterparts, but also below their inner city non-aboriginal counterparts on all demographic indicators. On those which relate to education and employment, the inner city aboriginal group was in the most disadvantaged position,

and those between 15-24 (the age group most likely to be involved with the criminal justice system), even more so than the other groups.

TABLE 4**INNER AND OUTER CITY: ABORIGINAL AND NON-ABORIGINAL, WINNIPEG 1986**

GROUP	POP. DISTRIBUTION %	SINGLE PAR. %	< GRADE 9 %	15 - 24 < GR.9 %	UNEMP. %	15 - 24 UNEMP. %	LABOUR FORCE PART. %	15 - 24 LAB.FOR PART. %
Inner aboriginal	42.4	18.7	27.7	10.3	31.6	37.3	52.4	49.1
Outer Non-aboriginal	81.5	5.1	21.6	4.5	15.9	11.4	62.7	74.1
Outer aboriginal	57.6	11.0	13.9	5.6	11.0	15.9	68.9	59.9
Inner Non-aboriginal	18.5	4.3	11.0	2.6	6.7	8.8	70.0	73.9

Source: Ma Mawi Wi Chi Itata Centre, Intensive Supervision and Interim Release Supervision Program, Winnipeg n.d. (From Social Planning Council of Winnipeg)

There are no data which contrast the inner cores of western and eastern cities. One might expect, however, that other western city inner core aboriginal groups share many of the same characteristics as those in Winnipeg. Inner cores in eastern cities may have substantial aboriginal populations but the demographic data (Table 3) suggest that, in proportion, there may be fewer registered Indians, and those who live in these areas are not as disadvantaged as their western city counterparts.

DISCUSSION

Correctional data show that the proportion of aboriginal people in institutions has not decreased in any significant way over the past decade, that aboriginal inmates are predominately status Indians who committed the crimes for which they are incarcerated in urban areas, and that aboriginal crime and particularly violent crime, appears to be disproportionate to non-aboriginal crime both on and off-reserve. Registered Indians living in eastern cities are higher on socio-economic indicators than those in western cities, and particularly Winnipeg, Saskatoon, Regina and Edmonton. The cities which show the greatest discrepancy in the socio-economic status of registered Indians also appear to have the highest aboriginal crime rates.

The demographic characteristics of aboriginal groups in a variety of locations revealed that with some regional variation, on-reserve registered Indians were lower in virtually all socio-economic indicators, including education, employment, and income than all other aboriginal groups. Off-reserve registered Indians were generally "above" the on-reserve groups in relation to these same indicators but still lower than other aboriginal groups who are clearly more integrated into off-reserve economic and other institutions. However, limited data from the inner core of cities (in this case Winnipeg and Edmonton) suggest that the resident aboriginal group may be the most disadvantaged and dysfunctional of all groups, aboriginal and non-aboriginal alike.

There are several findings to explain. One involves the relationship between socio-economic factors such as education, unemployment, lack of skills, income and crime; another involves regional differences in socio-economic status of registered Indians, and between this group and the total aboriginal population. A third relates to the social structure of contemporary aboriginal communities and the implications for crime and disorder, and transiency and migration. Criminological literature will be examined to explore socio-economic status and crime, whereas some of the modernization and dependency literature will frame the discussion of change and restructuring in contemporary aboriginal communities.

1. Socio-economic Status and Crime

In the early 1980s, Muirhead found that urban residency and socio-economic factors were more important than race in identifying aboriginal correctional populations. Despite the fact that aboriginal people in Canada have long been described as a “marginal underclass”, variations within the “aboriginal” grouping have not been widely explored. The findings presented above show that a differentiation of this grouping may be necessary to better understand the over-representation phenomenon.

The finding of a relationship between socio-economic status and crime has enjoyed wide support in criminology literature. For example, Hsieh and Pugh analyzed 17 U.S. aggregate studies of the relationship between income inequality and violent crimes and found that socio-economic status, particularly as it translates into income inequality and poverty, is “without exception positively associated with assault, homicide, rape and robbery (1991:11)”. Regional variation in rates of homicides in Canada were found by Kennedy *et al* to be “an artifact of the social structural distribution of inequality and social disorganization factors in Canada” (1991:406). Important to the discussion here, was the other finding of Kennedy *et al* that the relationship between inequality and homicide may be mediated by the effect of population composition, for example, the proportion of young males. These findings are important when examining economic inequality, social disorganization and age distributions in aboriginal communities.

There are a number of explanations for the relationship between socio-economic status and crime. One of the most interesting has recently been put forward by Australian criminologist, John Braithwaite. In an expansion of control theory to explain crime causality and societal responses to criminal behaviour, Braithwaite asserts how and why “shame” is a critical factor in determining behaviour. He locates this in the belief that the degree to which one is “hooked” into significant people and institutions (schools, jobs, family and community are the primary players in this regard), will affect one’s behaviour and control anti-social tendencies. It is the opinions of others which makes conscience a more important factor than an external legal authority in regulating behaviour. There is, however, unequal access to employment and other institutions so those at the bottom of the socio-economic scale may simply not have the same “hooks” into mainstream institutions or opportunities as those further up. Moreover, for reasons of poverty and marginalization, family dysfunction may be more common among the marginalized groups, a factor also related to deviance (Leblanc 1992). Registered Indians residing in inner cores of western cities would seem to have the fewest opportunities and the greatest degree of family dysfunction of any group.

It is difficult to imagine that offender characteristics and the lack of identifiable community support do not have an impact on both the commission of crime and criminal justice processing. While legal factors play the major role in determining sentence (LaPrairie, 1991; Clark, 1991), the importance of extra-legal factors such as employment, community support, and education, should not be minimized in

influencing sentencing decision-making. This is particularly important when demographic findings show that aboriginal inmates generally have lower education, income, skill and employment levels than their non-incarcerated aboriginal and non-aboriginal inmate counterparts. Moreover, aboriginal people living in the inner core of urban centres, particularly in Western Canada, are lower on the socio-economic scale and generally more dysfunctional than non-aboriginals in the same locations. The end result may be the commission of crime where, at sentencing, judges have few options from which to choose, particularly when dealing with inner city aboriginal offenders who lack the personal and community requisites to justify sentencing alternatives.

2. Regional and Group Demographic Variation

The regional proportions of registered Indians living off-reserve by itself does not appear to correlate with the proportion of aboriginal offenders in correctional institutions. However, the variation in demographics of registered Indians in eastern and western cities suggest that these and geography, are important factors in determining the involvement of registered Indians with the correctional system. These findings, and findings about the disproportionate commission of serious offenses such as homicide, provide a context for understanding why registered Indians who commit offenses for which they are incarcerated in urban areas, are over-represented among all aboriginal offenders in correctional institutions. The findings also provide a possible explanation for the over-representation of aboriginal females in the criminal justice and correctional systems.⁵

There is little clarity about the eastern and western variation in demographic characteristics of registered Indians. Long term sedentary living coupled with larger size and proximity to urban centres, may provide some eastern reserves with more social stability and greater access to mainstream institutions, than is the case with many western reserves. Although large eastern urban centres have registered Indian populations which are demographically different from those in the western cities, Thunder Bay is more western than eastern in that regard. It may be that reserves surrounding Thunder Bay share more characteristics with their western than eastern counterparts.

Existing demographic data show clearly that people residing on reserves have, in general, less education and employment than those off-reserve, whether registered Indian or the general aboriginal population. There are a number of factors which may contribute to these differences - geography, lack of opportunities for education and employment, low skill levels of members, relocation and length of time as sedentary communities, the erosion of traditional activities, a dependency on

welfare, and the fact that once they are educated people may not remain in or return because of limited opportunities in communities. It is interesting that the provinces and territory (ie. Saskatchewan, Manitoba and N.W.T.) with the highest incarceration rates of aboriginal people also have the highest levels of registered Indians on-reserve with less than grade nine education. Quebec has a high level as well but there is some evidence that more Quebec aboriginal people on reserve are involved in traditional hunting and trapping activities (LaPrairie 1991). Low education coupled with high transiency and migration rates, may mean that people with limited skills and education end up in inner cores of urban areas.

3. Influences in Contemporary Communities

There are indications that the response to crime and disorder may be different on and off-reserve, implying that aboriginal inmates are disproportionately incarcerated for offenses committed in urban areas. This suggests that when “problem” individuals leave the boundaries of communities and migrate into urban centres, the situation changes dramatically.⁶ There is not the same community tolerance for the behaviour and external systems, often in the form of criminal justice, come into play. To understand migration from communities and pressures on some to leave, aspects of contemporary communities must be examined.

Reserves are not necessarily the peaceful and cohesive communities which are the subject of much political rhetoric. More often, high crime, unemployment and other indicators of social disorganization, such as poverty and violence, characterize modern reserve life. The disproportionate levels of violence might suggest that interpersonal violence has become normative behaviour, having evolved from the particular context in which people live in these communities. While some theorists attribute this to social learning and social norms (Collins and Flewelling 1991), in other jurisdictions it has been portrayed as a response to repression, racism and colonization (Wilson and Lincoln 1991). Taking both approaches into account, is to see many contemporary aboriginal communities as shaped by competing traditional and modern value systems, scarce resources, and hierarchical administrations, where powerful families or individuals often dictate all aspects of community life and where few opportunities for opposition exist. In this context, tensions between people who are closely tied through kinship, culture and community are commonplace. Because of the enormous flux and change in many communities in the past two decades, particularly in those where sedentary living was not the norm, the contemporary characteristics of some communities may be understood, in part, within a modernization perspective.

Recent deliberations on modernization theory hold that all sectors of communities in the process of development do not necessarily have the same access to the benefits of change at the same time. It also means that modernization does not always “lead to more contentment and harmony. Rather, enhanced social tensions, conflicts and societal disharmony are the results of social differentiation, the growing number of life choices, and the relative deprivation that accompanies the

modernization process” (Heiland and Shelley 1991:6). As Marenin describes village life in Alaska “villages are enmeshed in complex and changing patterns of dependence and claims for autonomy” (1991b:22). For many aboriginal communities caught for so long in the mire of undevelopment and underdevelopment, social, economic and political changes, including increased autonomy over much of institutional life, have been both recent and dramatic. There is little doubt that these factors, while positive in the long term goals of aboriginal people and communities, create some degree of social restructuring, particularly in the more recently sedentary communities in the throes of change. Social disorganization may be a temporary product of the forces of change.

However, in criticizing the lack of detail in applying macro-theories to contemporary aboriginal communities, Marenin proposes that the “specific situational factors which are important for any analysis of Native criminality and further hypothesizing include: length and continuity as permanent settlements, technological subsistence, family ties and alcohol use” (Marenin 1991b:25) and that it is variation in the influence of these factors which accounts for different levels of crime and disorder in communities. It may be possible to build on Marenin’s approach to explain transiency and migration into urban centres as responses to social differentiation at the community level.

Marenin claims that the length and continuity as permanent settlements is important in the contemporary response to sedentary living because people who once lived apart now live as neighbours; technological subsistence (the amount that technology has taken over traditional subsistence activities) changes culture particularly in relation to sharing and in dictating the amount of free time available. Technology also changes the way people behave toward one another with the result that “the weakening of norms of authority shifts the basis of legitimacy from culture to family relations” (Marenin 1991b:27). Family relations and ties may “capture village government” and weaken traditional informal control mechanisms, creating acrimonious cleavages between people. Crime is one outlet from all this, alcohol is another. People drink because there is not much else to do (Marenin 1991b:25-27). Transiency and migration, in addition to crime and alcohol, may be other responses to life in contemporary communities.

There is evidence that considerable variation exists in Canadian aboriginal communities. Gerber has done extensive work in typing communities to show some aspects of variation, and more recently research into crime and disorder issues has revealed other differences in communities (Gerber 1979; LaPrairie, 1991; Auger et al 1992). However, it is clear that much more is required before modernization and situational factors and their impact on contemporary aboriginal communities, in creating crime and disorder and in shaping responses to deviance, will be adequately understood.

CONCLUSION

This paper has attempted to examine the issue of over-representation from a different perspective. It has integrated crime, correctional, and demographic data and prevailing explanations for over-representation, to identify the nature of the problem in more specific terms. This approach provides a rationale for enhancing crime prevention and alternative sentencing initiatives. It also provides a more comprehensive framework for considering any number of aboriginal justice issues, and over-representation, in particular.

The findings suggest that attention might be shifted from the criminal justice system to provide an explanation for over-representation, to examining the phenomenon as a broader social issue and, considering aboriginal age distributions, migration and transiency rates to off-reserve areas, a mounting criminogenic problem. In the quest for theories which more adequately explain over-representation, it may be useful to turn to models which examine and facilitate an understanding of aboriginal people in urban centres and in contemporary aboriginal communities. These models should account for geographic and situational factors in determining variation in communities with regard to social differentiation, social disorganization, and loss of traditional mechanisms of social control, as influencing levels of crime and disorder, community responses and off-reserve migration. Off-reserve, and particularly in inner cores of western urban centres, the severely disadvantaged personal and socio-economic situations of registered Indians must be addressed, if a decrease in aboriginal correctional populations is to occur. Creating "aboriginal justice systems" by itself, is unlikely to achieve substantial gains in this regard.

Despite numerous activities and initiatives in aboriginal justice, it is obvious that the level of information about the exact nature and scope of the problems to be addressed is low, and that knowledge about many of the issues is limited or non-existent. While it is not popular to recommend more research, large gaps in knowledge remain and outstanding questions must be answered. In the context of this paper, some of these questions relate to the propensity of people to leave reserves, the regional variation in transiency and migration, the need for more comprehensive information about the location of offenses and criminal justice

processing, more knowledge about the genesis of demographic and regional differences among registered Indians and other aboriginal groups, and the emergence of new social structures in aboriginal communities which dictate social relations and access to opportunities. In order to better understand the disproportionate representation of aboriginal people in correctional institutions, criminologists may have to turn their attention more to the same criminological theories they apply to non-aboriginal society.

The other important point these findings raise is in relation to crime prevention. For too long, the response to the over-representation phenomenon has been broad-based programming such as improving access to courtworkers, cultural sensitivity training etc. in the hope that these initiatives would reduce the numbers of aboriginal

people entering correctional institutions. The data presented here show it may be possible to target geographic areas and particular groups of aboriginal people most vulnerable to the commission of crime and to criminal justice processing leading to carceral sentences. While there is a plethora of education, employment and job creation initiatives for aboriginal people, these may not be sufficiently related to criminal justice issues or to the aboriginal groups most vulnerable to the commission of crime and criminal justice processing, to make a difference. The challenge to government and to aboriginal groups alike, is to develop responses to improve the life chances of these groups, and to have an real impact on recidivism and on entry to correctional institutions.

NOTES

1. Beginning with the Donald Marshall Inquiry in 1988, there have been two other provincial inquiries in Alberta and Manitoba, and most recently, reports emanating from the Law Reform Commission of Canada and the Saskatchewan Tripartite Indian Justice Review Committee.
2. Transiency and migration off-reserve may reflect two quite different realities which are based on social differentiation. There is the reality of external educational and employment opportunities drawing some members away from communities, for long or short periods of time; there is the other reality of “troublemakers” being pressured to leave when the limits of tolerance for their disruptive behaviour are exceeded. It is this group who is likely to constitute the inner city aboriginal population. Like non-aboriginal society, aboriginal society is not classless and those who come into conflict with communities or with the criminal justice system because of their behaviour, share many of the social and economic characteristics of the same group in non-aboriginal society. The difference may lie in the proportion of the group, that is, more “have-nots” in aboriginal society than are found in the dominant non-aboriginal one. An examination of the socio-economic situation of registered Indians in a variety of circumstances and locations, is helpful in understanding that phenomenon.
3. An interesting variation is that non-aboriginal populations near reserves share many of the socio-demographic characteristics of on and off-reserve registered Indians and are often closer demographically to these groups or to the total aboriginal group, than to the general Canadian population (Laroque and Gauvin 1989; Hagey, Laroque and McBride 1989). What this finding suggests is that geography may be a critical factor in determining economic and social well-being.
4. Special runs were requested from the Quantitative Analysis and Socio-Demographic Research Branch, Indian and Northern Affairs Canada. I would like to thank Pierre Gauvin and Darryl Buffalo for their assistance.
5. The demographic data reveal that more registered Indian women than men reside off-reserve, and this group has lower employment, are more often single parents, and have less income and education than the general off-reserve population. These findings and recent data about aboriginal women as victims of crime (CCJS 1992), make their representation in the criminal justice and correctional systems understandable.
6. The disadvantaged position of many of the youth and young people who come into cities from reserves or who live as members of inner western cities, is reflected in the demographics of where they came from and what they take with them. While the negative effects of these may be less apparent when one remains on-reserve, they may be very apparent when one leaves. The lack of “hooks” into the dominant economic and social institutions severely disadvantage both newcomers and long-time residents who remain at the bottom of the economic ladder. The fallout is often seen in new generations involved in child welfare, youth and adult criminal justice systems.

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