



Just Facts

September 2017

Research and Statistics Division

THE IMPACT OF MANDATORY MINIMUM PENALTIES ON INDIGENOUS, BLACK AND OTHER VISIBLE MINORITIES

This fact sheet presents information on federal offenders who were convicted of an offence punishable by a mandatory minimum penalty (MMP) as the most serious offence in the sentence, and were admitted to federal custody between fiscal years 2007/08 and 2016/17. Data was obtained from the Correctional Service of Canada. Offenders were included in the dataset if the most serious offence upon admission¹ was an offence punishable by an MMP. The goal of this research was to determine whether Indigenous and visible minority offenders were differentially affected by MMPs over a period of ten years.

Black and Indigenous offenders are overrepresented in admissions to federal custody

Of the total Canadian population, 2.9% of people self-identify as Black, 4.3% as Indigenous and 16.2% as 'other' visible minorities.² Combined over the ten year study period, White/non-visible minority offenders comprised 60% of the federal offender population at admission. Indigenous offenders comprised the next largest proportion (23%), while Black and other visible minority offenders comprised approximately 9% each. Of these groups, the proportion of Indigenous offenders increased most dramatically, from 20% of admissions in 2007/08 to 25% in 2016/2017 (see Table 1).

Black and other visible minority offenders are more likely to be admitted to federal custody for an offence punishable by an MMP³

Over the ten year study period, Black and other visible minority offenders were much more likely to be admitted with a conviction for an offence punishable by an MMP. Almost half (48%) of other visible

¹ Only includes admissions for warrant of committal (i.e. first admission in the sentence).

² From Statistics Canada, National Household Survey (2011). 'Other' visible minorities were calculated by subtracting the self-identified Black population from the total visible minority population.

³ Offenders for whom information on race or on offence was not available were not included in the analyses.





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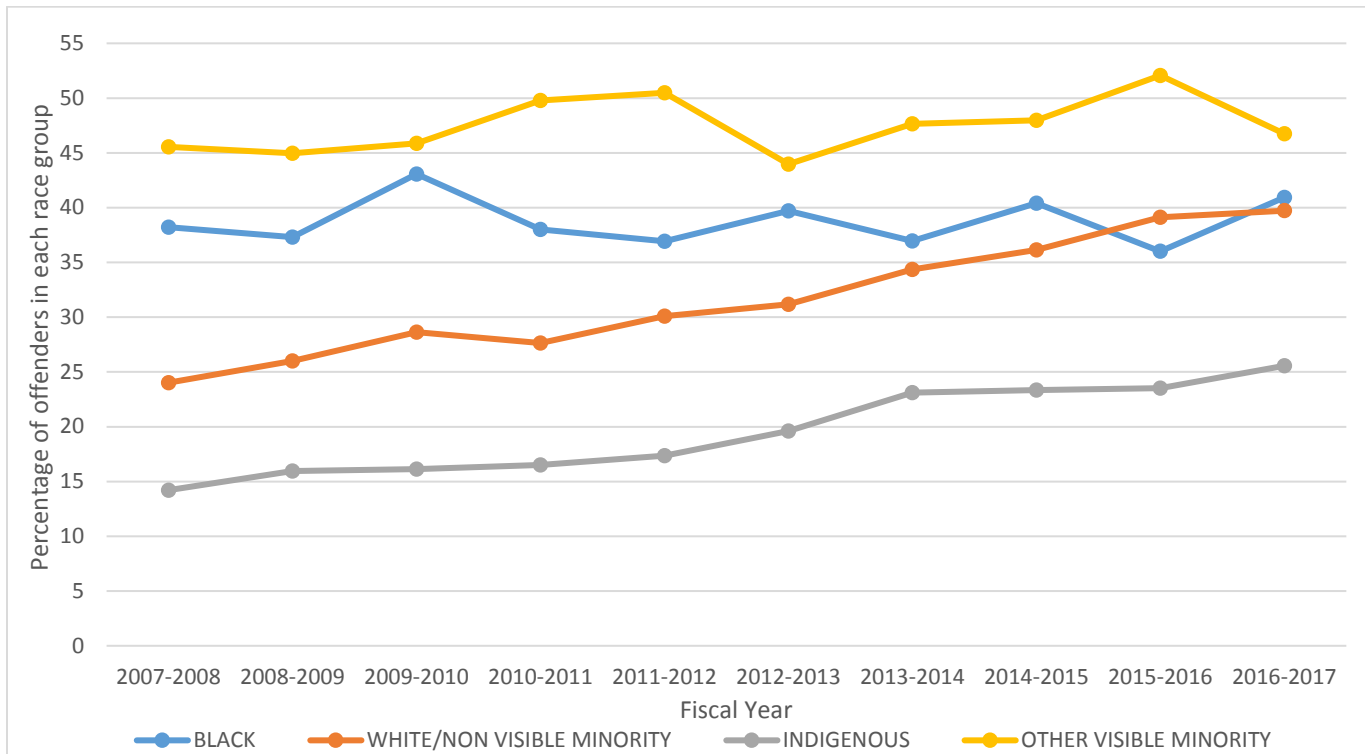
minority offenders were admitted with an MMP offence as the most serious in the sentence, as were 39% of Black offenders, 20% of Indigenous offenders, and 31% of White offenders (see Table 1).

While White offenders comprised the majority of offenders admitted with an MMP offence over the 10 year period (61% of all offenders admitted with an MMP were White), the proportions of Black (11%) and other visible minority offenders (13%) admitted with an MMP offence was higher than their overall representation in admissions to federal custody (approximately 9% each; Table 1).

The proportions of Indigenous and White offenders admitted with an offence punishable by an MMP has increased

In 2007/08, 14% of Indigenous offenders admitted to federal custody were convicted of an offence punishable by an MMP as the most serious in the case. By 2016/2017, that proportion increased to 26%. The proportion of White offenders admitted with an MMP also increased, from 24% to 40%, while the proportions of Black and other visible minority offenders remained steady (averaging around 39% and 48% respectively over the 10-year period; see Chart 1).

Chart 1: Proportion of offenders, by race, admitted to federal custody for offences punishable by an MMP, 2007/08 to 2016/17





Drug offences make up the majority of MMP offences for which an offender is admitted to federal custody

Between 2007/08 and 2016/2017, drug offences comprised 75% of all offences punishable by an MMP for which offenders were admitted to federal custody. Most of those drug convictions (89%) were for trafficking (s. 5 of the *Controlled Drug and Substances Act*). The next most common offences punishable by an MMP were sexual interference of a person under the age of 16 (s. 151 of the *Criminal Code*; 8%) and robbery, use of a firearm (s. 344; 5% respectively).

Black offenders are more likely to be admitted with a section 6 CDSA offence - importing/exporting and possession for the purpose of exporting

Over the 10 year period, Black offenders comprised the largest proportion (42%) of offenders convicted of a CDSA section 6 offence (importing/exporting or possession for the purpose of exporting). This proportion increased over time, from 33% in 2007/08 to 43% in 2016/17. The proportion of Indigenous offenders increased from 2% to 12% over the same timeframe, while the proportion of White offenders decreased (from 38% to 25%). The largest increase for Indigenous offenders occurred after the *Safe Streets and Communities Act* in 2012, when MMPs were enacted for the CDSA offences. In 2012/13, Indigenous offenders comprised 1% of all federal offenders that were convicted of a s. 6 CDSA offence and this increased to 12.5% by 2016/17.

White offenders were more likely to be admitted with a trafficking (s. 5 of the CDSA) or production (s. 7 of the CDSA) offence – they comprised 63% and 72% of these two groups, respectively, over the ten year period. Only 30% of the offenders admitted with a s. 6 offence (importing/exporting and possession) were White.

Indigenous offenders comprise an increasingly large proportion of offenders admitted for a firearm-related offence⁴

Between 2007/08 and 2016/17, there were 1,743 offenders admitted to federal custody with a firearm offence punishable by an MMP. Although the number of offenders admitted with a firearm-related offence remained relatively stable over time, Indigenous representation increased. In 2007/08, Indigenous offenders comprised 17.5% of the total number of offenders admitted with a firearm-related offence punishable by an MMP and by 2016/17 the proportion increased to 40%. The proportion of Black offenders decreased from 22% to 11% and the proportion of White offenders decreased from 52% to 41%. The proportion of other visible minorities fluctuated over the ten years, but was similar in 2007/08 (8%) and 2016/2017 (7%).

⁴ Many of the firearm-related offences have had mandatory minimum penalties since 1995, however there were some amendments (i.e. increases in minimums) made in the *Tackling Violent Crime Act* (2008). Note that the number of offenders admitted in each fiscal year with firearm-related offence punishable by an MMP was relatively low (between 151 and 197 per year), therefore, caution should be exercised when interpreting percent changes over time.



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Black, Indigenous and other visible minority offenders are disproportionately represented for various violent and non-violent offences involving the use of a firearm

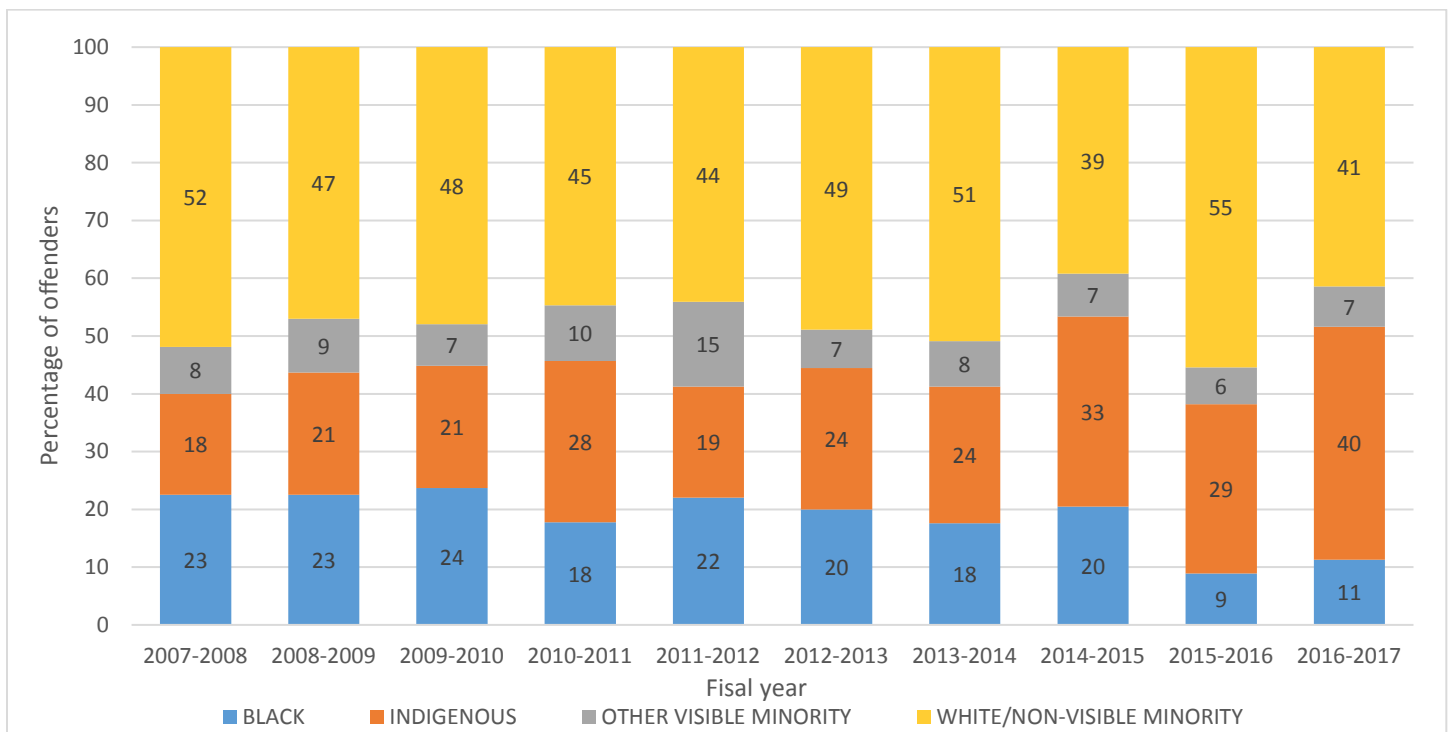
The proportion of offenders admitted with a firearm-related offence punishable by an MMP that were Indigenous increased dramatically between 2007/08 (17%) and 2016/2017 (40%). Concurrently, the relative proportions of Black and White offenders decreased (see Chart 2).

The types of offences also differed by race group. Over the 10 year period, Indigenous offenders comprised a disproportionately high percentage of offenders admitted for criminal negligence causing death (s. 236; 31%), discharging a firearm with intent (s. 244; 31%), sexual assault with a weapon (s. 272; 43%) and robbery, use of a firearm (s. 344; 27%).

Black offenders are disproportionately represented for use of a firearm in the commission of an offence (s. 85; 15%), discharging a firearm with intent (s. 244; 25%), attempted murder, use of a firearm (s. 239; 28%), and robbery, use of a firearm (s. 344; 17%). Black offenders also comprised a disproportionately high percentage of offenders admitted for non-violent firearms offences, including weapons trafficking (s. 99; 25%) and firearms trafficking (s.100; 42%).

Other visible minority offenders are disproportionately represented for attempted murder, use of a firearm (s. 239; 17%).

Chart 2: Federal offenders admitted for firearm-related offences punishable by an MMP, by race, 2007/08 to 2016/17





The proportion of Indigenous offenders admitted with a child sexual offence is increasing

Over the ten year period, 1,882 offenders were admitted to federal custody with a child-related sexual offence punishable by an MMP. The number of offenders increased substantially from 31 in 2007/08 to 366 in 2016/17.⁵ In 2007/08, Indigenous offenders comprised 10% of the total group of offenders admitted with a child sexual offence punishable by an MMP, and this proportion increased to 18% by 2016/17. The proportion of White offenders in this group decreased from 84% to 75% over the same timeframe.

Table 1: Admissions to federal custody, by race, 2007/2008 to 2016/2017

Race Group	Fiscal Year										Total
	2007/ 2008	2008/ 2009	2009/ 2010	2010/ 2011	2011/ 2012	2012/ 2013	2013/ 2014	2014/ 2015	2015/ 2016	2016/ 2017	
<i>All Admissions to Federal Custody (%)</i>											
White	63.6	62.5	60.7	59.5	57.4	58.2	59.1	59.1	58.6	59.3	59.8
Indigenous	20.3	20.1	21.6	22.7	23.9	22.9	23.2	23.5	25.9	25.4	22.9
Black	8.4	9.2	9.4	9.1	9.9	9.7	8.6	8.5	7.4	7.4	8.8
Other Visible Minority	7.7	8.2	8.3	8.6	8.7	9.2	9.0	9.0	8.1	8.0	8.5
<i>Breakdown of MMP Group by Race (%)</i>											
White	61.5	61.2	60.7	59.0	58.3	59.3	61.2	61.6	63.9	63.9	61.1
Indigenous	11.6	12.1	12.2	13.4	14.1	14.6	16.3	15.9	16.9	17.8	14.7
Black	12.8	12.9	14.0	12.3	12.7	12.8	9.6	10.1	7.6	8.3	11.2
Other Visible Minority	14.1	13.9	13.1	15.4	14.9	13.2	12.9	12.4	11.6	10.1	13.1
<i>% of Each Race Group at Admission with an Offence Punishable by an MMP</i>											
White	24.0	26.0	28.6	27.7	30.1	31.2	34.4	36.1	39.1	39.7	31.4
Indigenous	14.2	16.0	16.1	16.5	17.4	19.6	23.1	23.3	23.5	25.6	19.7
Black	38.2	37.3	43.1	38.0	36.9	39.7	37.0	40.4	36.0	40.9	38.8
Other Visible Minority	45.6	45.0	45.9	49.8	50.5	44.0	47.6	48.0	52.1	46.7	47.5

⁵ Note that the number of non-White offenders admitted in each fiscal year with a child-related sexual offence punishable by an MMP was relatively low, therefore, caution should be exercised when interpreting percent changes over time.