

"Source: *The Native Offender and the Law*, 1974.

Department of Justice Canada.

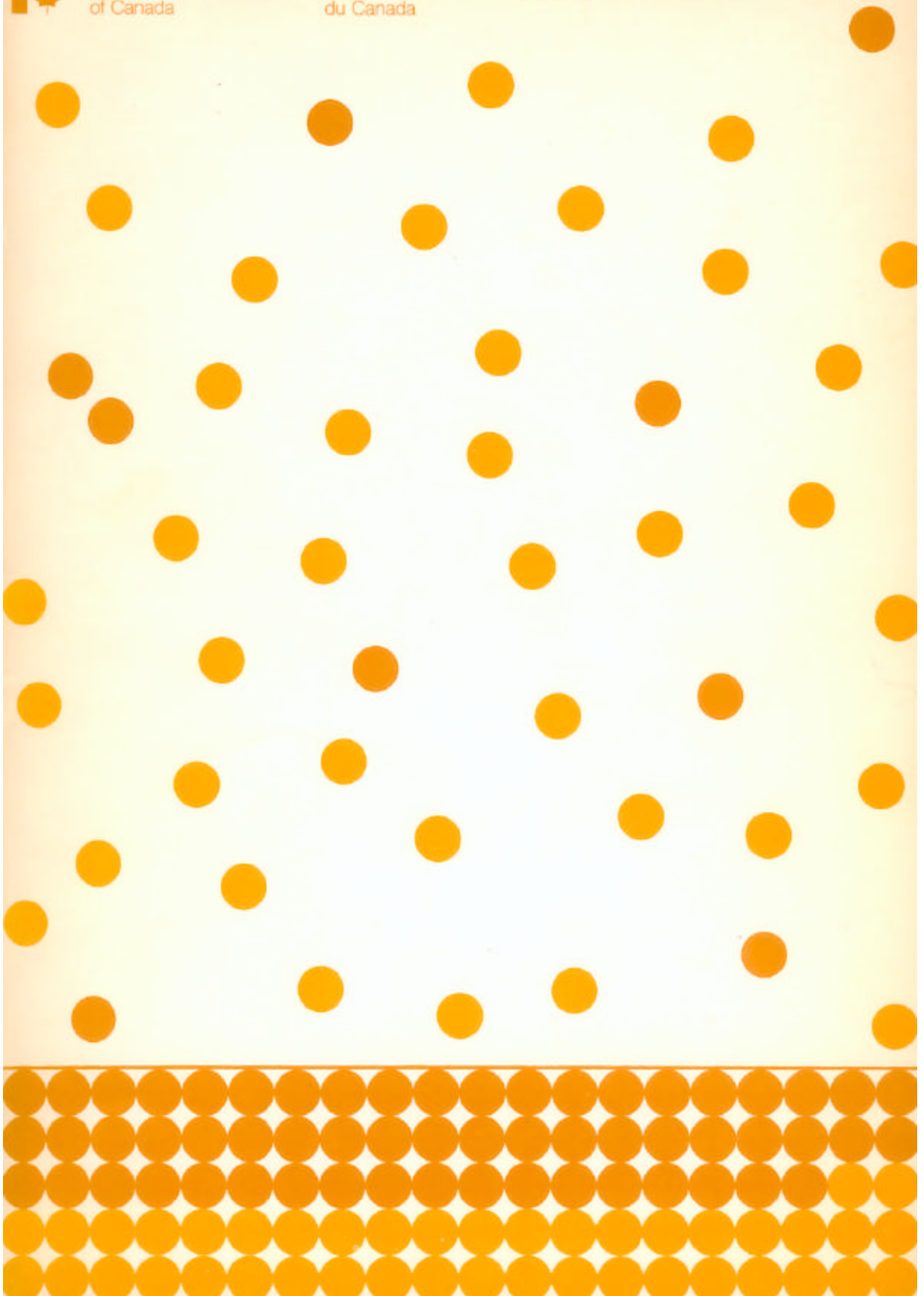
**Reproduced with the permission of the Minister of Public
Works and Government Services Canada, 2007."**

the native offender and the law



Law Reform Commission
of Canada

Commission de réforme du droit
du Canada



the native offender and the law

Prepared for the

LAW REFORM COMMISSION OF CANADA

by

DOUGLAS A. SCHMEISER

Dean of Law,
College of Law, University of Saskatchewan,
Saskatoon,

in conjunction with

HANS W. B. HEUMANN

and

JOHN R. MANNING

© Crown Copyrights reserved
Available by mail from Information Canada, Ottawa, K1A 0S9
and at the following Information Canada bookshops:

HALIFAX
1683 Barrington Street

MONTREAL
640 St. Catherine Street West

OTTAWA
171 Slater Street

TORONTO
221 Yonge Street

WINNIPEG
393 Portage Avenue

VANCOUVER
800 Granville Street

or through your bookseller

Price: \$4.00 Catalogue No. J32 - 4/5-1974

Price subject to change without notice

Information Canada
Ottawa, 1974

Commission

Honourable E. Patrick Hartt, Chairman

Honourable Antonio Lamer, Vice-Chairman

Dr. J. W. Mohr, full-time member

Dr. Gérard V. La Forest, Q.C., full-time member

Mme Claire Barrette-Joncas, Q.C., part-time member

John D. McAlpine, part-time member

Table of Contents

	PAGE
FOREWORD	vii
INTRODUCTION	ix
THE PRISON POPULATION	1
THE TYPE OF OFFENCES COMMITTED	17
USE OF ALCOHOL BY NATIVE OFFENDERS	35
SENTENCING	45
RECIDIVISM RATES	75
GENERAL CONCLUSIONS	81
NOTES	83

Foreword

The Law Reform Commission of Canada receives from time to time background studies for the development of its working papers. A great deal of time and work is usually necessary to develop policy proposals and recommendations for legal change. After the development of the working papers, background papers are generally published in conjunction with them.

In this case, however, because a great deal of interest has been shown in the material of the background paper and because the problem identified in it obviously needs to be considered by many levels of government as well as the public, the Commissioners decided to publish the background paper in the form presented by its authors.

The report is a compilation of recent Canadian statistics on the involvement of one segment of our society—the native people—with one aspect of the criminal process—detention and punishment. The term “native offender” includes Indians, Metis and Inuit (Eskimos). No distinction has been made in the data between registered (status) and non-registered native people.

Most of the material presented concerns the western provinces. This might stem from the fact that natives make up a greater proportion of the population in the western part of the country. The material was gathered from a wide variety of sources, including federal government departments, provincial corrections departments and Attorneys-General, private agencies, Indian and Metis associations, police detachments, and individual judges and magistrates.

The federal institutions surveyed in Saskatchewan and Alberta were also selected because these institutions have the highest proportion of natives. In order to obtain reliable federal statistics, studies were conducted of the prisoners' files at the Prince Albert penitentiary and the Drumheller Institution.

The material is arranged according to prison population, type of offence committed, the involvement of alcohol, sentencing practices and recidivism rates. There are no statistics available on the number of natives brought into court (as opposed to the number convicted), or on the number who plead guilty to the charges against them. There is little data on detentions in local jails, where the shorter sentences are served.

This paper attempts to present facts rather than to draw conclusions. The causes of the disproportionate number of native people incarcerated, or the effects of incarceration on the offenders and their society are not considered and would be almost impossible to present statistically.

The Commission hopes that the publication of this paper, as incomplete as it may be, will contribute to the development of a more complete picture which will permit changes in policies, attitudes and approaches which go far beyond the criminal law. For this purpose the Commission invites comments from all sources concerned with the native offender.

Introduction

An observer of the Canadian penal system will immediately sense that there is an immense social problem concerning the Native offender. A disproportionate number of Native persons are charged with offences. There are too many Natives in jail, often for non-payment of fines. There seems to be a great correlation between the use of alcohol and the commission of offences by Natives.

It is unfortunate that the problem has escaped public attention or public condemnation for so long. The percentages of Native offenders in jail, and the reasons for committal, are shocking statistics, and yet the general public has not indicated a great concern. This seems paradoxical in a period of emphasis on fundamental and minority rights, and on social justice, but part of the explanation seems to be public unawareness of the dimensions of the problem. The only statistics on Native criminality now available to the public are welfare statistics in some provinces and a few localized studies by scattered individuals. There are no federal statistics of any value. Statistics Canada annually publishes a document entitled "Statistics of Criminal and Other Offences", which purports to classify persons convicted of indictable offences according to race, but gaps in reporting the information by court officials, and the lack of definition of the word "Indian" make the data meaningless. Most provinces do not break down their statistics concerning provincial penal institutions according to the race of the offender. Individual researchers have not focussed on the national character of the problem.

What follows hereafter is a compilation of existing Canadian statistical data on the Native offender. The material was gathered from a wide variety of sources, including federal government departments, provincial corrections departments and departments of the attorney-general, private agencies, Indian and Metis associations, police detachments, and individual Judges and Magistrates. In order to obtain reliable federal statistics, studies were conducted of prisoners' files at the Prince Albert Penitentiary and at the Drumheller Institution. The material following is arranged according to prison population, type of offences committed, the involvement of alcohol, sentencing practices, and recidivism rates.

The gaps in the information presented are enormous, but the reference to gaps may pinpoint and emphasize the need for future research. The emphasis clearly is on the "what" rather than on the "why", although certain conclusions seem inescapable even on the basis of incomplete data, and will be summarized in the concluding chapter.

The focus of the report is the Native offender, a term utilized to include Indians, Metis and Eskimos. No attempt has been made in the data to distinguish between registered and non-registered Indians.

Most of the information presented concerns the western provinces, particularly Saskatchewan. The main reason is that provincial statistics are much better in western Canada than in central or eastern Canada. This, in turn, might stem from

Introduction

An observer of the Canadian penal system will immediately sense that there is an immense social problem concerning the Native offender. A disproportionate number of Native persons are charged with offences. There are too many Natives in jail, often for non-payment of fines. There seems to be a great correlation between the use of alcohol and the commission of offences by Natives.

It is unfortunate that the problem has escaped public attention or public condemnation for so long. The percentages of Native offenders in jail, and the reasons for committal, are shocking statistics, and yet the general public has not indicated a great concern. This seems paradoxical in a period of emphasis on fundamental and minority rights, and on social justice, but part of the explanation seems to be public unawareness of the dimensions of the problem. The only statistics on Native criminality now available to the public are welfare statistics in some provinces and a few localized studies by scattered individuals. There are no federal statistics of any value. Statistics Canada annually publishes a document entitled "Statistics of Criminal and Other Offences", which purports to classify persons convicted of indictable offences according to race, but gaps in reporting the information by court officials, and the lack of definition of the word "Indian" make the data meaningless. Most provinces do not break down their statistics concerning provincial penal institutions according to the race of the offender. Individual researchers have not focussed on the national character of the problem.

What follows hereafter is a compilation of existing Canadian statistical data on the Native offender. The material was gathered from a wide variety of sources, including federal government departments, provincial corrections departments and departments of the attorney-general, private agencies, Indian and Metis associations, police detachments, and individual Judges and Magistrates. In order to obtain reliable federal statistics, studies were conducted of prisoners' files at the Prince Albert Penitentiary and at the Drumheller Institution. The material following is arranged according to prison population, type of offences committed, the involvement of alcohol, sentencing practices, and recidivism rates.

The gaps in the information presented are enormous, but the reference to gaps may pinpoint and emphasize the need for future research. The emphasis clearly is on the "what" rather than on the "why", although certain conclusions seem inescapable even on the basis of incomplete data, and will be summarized in the concluding chapter.

The focus of the report is the Native offender, a term utilized to include Indians, Metis and Eskimos. No attempt has been made in the data to distinguish between registered and non-registered Indians.

Most of the information presented concerns the western provinces, particularly Saskatchewan. The main reason is that provincial statistics are much better in western Canada than in central or eastern Canada. This, in turn, might stem from

the fact that the proportion of Native population in western Canada is much greater, and the problems are more acute. The federal institutions surveyed in Saskatchewan and Alberta were also selected because they are located in the region with the highest proportion of Native population.

The term "criminal process" has not been used in the report in a constitutional sense, referring only to the enforcement of federal laws, but in a generic sense, including both federal and provincial offences which are subject to prosecution in the courts and for which incarceration may be imposed.

The authors are extremely grateful for the cooperation and assistance given to them by government officials and private individuals in the compilation of this material.

The Prison Population

Native offenders undoubtedly make up a disproportionate number of Canada's prison population. In this section an attempt will be made to portray on a provincial basis, what proportion of prison inmates are of Native origin. Such a survey is hampered by the lack of available information, especially from Eastern Canada. The most complete data is available from the four Western provinces.

Attention in this section will be focussed on statistics indicating the make-up of the prison population. No attempt will be made here to deal with types of offences, length of sentences, recidivism, etc. The subjects will be dealt with in later sections of this report.

Saskatchewan:

Saskatchewan has the most complete data available concerning prison population in general and the percentage of Native offenders in particular. Saskatchewan's population was put at 926,242 as of the 1971 census. As of December 31, 1971, the Province had a resident population of 37,664 registered Indians.¹ The Province's total Native population was estimated at 117,664 as of March 27, 1972.² By using the estimated Native population figure and the 1971 census, the Native population of Saskatchewan can be estimated at approximately 12.7% of the total population.

The "Provincial Inmate Statistics 1970-71" for the Province of Saskatchewan indicate that in the year 1969-70, 48.7% of all admissions to Provincial Correctional Centres were people of Indian or Metis origin. In the year 1970-71 this percentage increased to 53.8% of all admissions; the actual number of sentenced admissions of Native offenders rose from 3,314 in 1969-70 to 4,062 in 1970-71.³ In the fiscal year April 1, 1971, to March 31, 1972, the percentage of admissions of Native offenders rose to 58.3% of all admissions to Provincial Correctional Centres. However, in 1971-72 the absolute number of Native admissions fell to 3,039, from 4,062 in the previous year.⁴

There are three Provincial Correctional Centres in Saskatchewan. Two are for male inmates and are situated in Regina and in Prince Albert. Female inmates are incarcerated in the Pine Grove Correctional Centre, which is also situated in Prince Albert. Detailed information is available concerning the racial origin of the population of these institutions, and this information will now be presented covering the last two fiscal years.

In the year 1970-71, there were 3,209 admissions to the Prince Albert Correctional Centre, of which 2,022 or 63.0% were Native admissions. This figure is made up of those being admitted after having been sentenced to a term of imprisonment by a Court (sentence admissions), and those remanded in custody prior to trial (remand admissions). Of the 2,311 sentence admissions at the Prince

Albert Centre, 1,512 or 65.4% of those admitted were of Native origin. Also, 56.8% of the remand admissions, representing 510 of 898 persons, were Native.⁵

In the same year there were 3,845 admissions to the Regina Correctional Centre. Of this number, 1,609 or 41.8% were Native. The "sentence admission" component of these 3,845 admissions was 2,142 admissions, of which 1,006 or 47.0% were Native. There were 1,703 people remanded to the Regina Centre. Native people constituted 35.5% of remand admissions (603 admissions).⁶

Native women make up a much greater proportion of jail admissions than male offenders. In 1970-71, there were 494 admissions to the Pine Grove Correctional Centre, with 431 of these admissions or 87.2% being women of Native ancestry. "Sentence admissions" accounted for 440 admissions, and of this group 393 or 89.3% were Native women. There were 54 remand admissions during the year with 38 or 70.4% of them being of Native origin.

In summary, in Saskatchewan, in the year April 1, 1970 to March 31, 1971, there were 7,548 admissions to Provincial Correctional Centres; 4,062 of these admissions, or 53.8%, were admissions of Native offenders. The 7,548 admissions were, as above noted, of two types: 4,893 were "sentence admissions" with 59.5% (representing 2,911 admissions) being Native. Of the 2,655 "remand admissions", 1,151 or 43.4% were Native.

The following is a summary of the statistical data:

SENTENCE AND REMAND ADMISSIONS TO SASKATCHEWAN PROVINCIAL CORRECTIONAL CENTRES

1970 - 1971

Type of Admission, Racial Origin, % Indian & Metis to Total.	Prince Albert	Regina	Pine Grove (Women)	Provincial Total
Total Admissions	3,209	3,845	494	7,548
Indian & Metis Admissions	2,022	1,609	431	4,062
Others	1,187	2,236	63	3,486
% Indian & Metis Admissions to Total Admissions	63.0%	41.8%	87.2%	53.8%
Sentence Admissions	2,311	2,142	440	4,893
Indian & Metis Sentence Admissions	1,512	1,006	393	2,911
Others	799	1,136	47	1,982
% Indian & Metis Sentence Admissions to Total Sentence Admissions	65.4%	47.0%	89.3%	59.5%
Remand Admissions	898	1,703	54	2,655
Indian & Metis Remand Admissions	510	603	38	1,151
Others	388	1,100	16	1,504
% Indian & Metis Remand Admissions to Total Remand Admissions	56.8%	35.5%	70.4%	43.4%

SOURCE: "Provincial Inmate Statistics 1970-71", Research and Statistics Branch, Saskatchewan Department of Welfare.

The statistics for 1971-72 show a drop in the absolute number of sentence admissions to Provincial Institutions compared to the previous year. This is also the case regarding Native offenders where the number of admissions dropped from 4,062 (of 7,548) in 1970-71, to 3,039 (of 5,210) in 1971-72. However, the proportion of Native offenders committed to Provincial jails compared to the total number of admissions actually increased to 58.3%.

The total number of admissions to the Prince Albert Correctional Centre (for men) dropped from 3,209 in 1970-71 to 2,251 in 1971-72. However, 1,459 of those admitted, or 64.8%, were Native. Native people made up 1,298 of 1,941 "sentence admissions" (66.9%), and 161 of 310 "remand admissions" (51.9%).⁷

Total admissions to the Regina Correctional Centre (for men) for 1971-72 dropped from 3,845 in the previous year to 2,480, of which 1,147 or 46.3% were Native. Total admissions on remand for 1971-72 at Regina were 511. Natives accounted for 206 or 40.3% of these admissions.⁸

Similar to the situation in 1970-71, the vast bulk of admissions to the Pine Grove Correctional Centre in 1971-72 were Native women, making up 433 of 479 total admissions, or 90.4%. Breaking down the total admissions figure into its components of "sentence admissions" and "remand admissions", one finds that of 427 "sentence admissions," 390 or 91.3% were Native women, while of 52 "remand admissions", 43 or 82.7% were Native women.⁹ Thus, it is apparent from these admission statistics that the female prison population is overwhelmingly Indian and Metis.

Totalling the admission statistics for the various institutions, the situation for the Province is as follows: total admissions to Provincial Institutions for 1971-72 totalled 5,210, with 3,039 or 58.3% being people of Native ancestry. Native people made up 2,629 of 4,337 "sentence admissions" (60.6%), and 410 of 873 "remand admissions" (47.0%).¹⁰

The following chart summarizes the Saskatchewan admission statistics for 1971-72:

**SENTENCE AND REMAND ADMISSIONS TO SASKATCHEWAN
PROVINCIAL CORRECTIONAL CENTRES**

1971-1972

Type of Admission, Racial Origin, % Indian & Metis to Total	Prince Albert	Regina	Pine Grove (Women)	Provincial Total
Total Admissions	2,251	2,480	479	5,210
Indian & Metis Admission	1,459	1,147	433	3,039
Others	792	1,333	46	2,171
% Indian & Metis Admissions to Total Admissions	64.8%	46.3%	90.4%	58.3%
Sentence Admissions	1,941	1,969	427	4,337
Indian & Metis Sentence Admissions	1,298	941	390	2,629
Others	643	1,028	37	1,708
% Indian & Metis Sentence Admissions to Total Sentence Admissions	66.9%	47.8%	91.3%	60.6%

Type of Admission, Racial Origin, % Indian & Metis to Total	Prince Albert	Regina	Pine Grove (Women)	Provincial Total
Remand Admissions	310	511	52	873
Indian & Metis Remand Admissions .	161	206	43	410
Others	149	305	9	463
% Indian & Metis Remand Admissions to Total Remand Admissions	51.9%	40.3%	82.7%	47.0%

SOURCE: "Provincial Inmate Statistics 1971-72", Research and Statistics Branch, Saskatchewan Department of Social Services.

A word of caution must be voiced when dealing with these admission statistics. A lower number of admissions does not necessarily mean a lessening of the number of offenders. It could mean, for example, that longer sentences are being given to the offender, or that conduct previously considered criminal, such as drunkenness, is no longer punishable.

It is interesting to compare some of the statistics on "admissions" with the actual number of offenders involved. In 1970-71, there were 7,548 admissions with 4,062 (53.8%) being admissions of Native people.

However, the total number of sentenced and remanded individuals actually involved in 1970-71 was 4,917. Native offenders made up 2,620 of this number, thus representing 53.3% of the total number of individuals incarcerated in Provincial Institutions. The number of inmates sentenced to terms of imprisonment was 3,968, and 2,244 of these inmates were Native. This number represents 56.6% of the individuals who received a sentence of imprisonment to a Provincial jail in 1970-71. The remainder of the individuals involved (950 of a total of 4,917) were in jail on remand with 376, or 39.6% being of Native origin.¹¹ It is apparent, then, that Native people represent a higher proportion of those incarcerated after receiving a sentence than those incarcerated on remand. Also, the ratio of Native offenders to the total is not significantly greater when dealing with actual individuals incarcerated throughout the year than when dealing with admissions to jail for the year.

The following chart compares the admission statistics for Saskatchewan Correctional Centres and the actual number of people involved for 1970-71. The chart indicates that many individuals accounted for more than one "admission" during the year. Thus, the actual number of Native people involved with the criminal law (as far as is shown by prison population statistics) is actually less than the bare admission statistics show:

**"ADMISSIONS" COMPARED TO INDIVIDUALS INVOLVED IN
SASKATCHEWAN PROVINCIAL CORRECTIONAL CENTRES, 1970-71**

Admissions		Individual Inmates	
Total Admissions	7,548	Total Number of Inmates	4,918
Indian & Metis Admissions	4,062	Indian & Metis Inmates	2,620
Others	3,468	Others	2,308
% Indian & Metis Admissions to Total	53.8%	% Indian & Metis Inmates to Total . .	53.3%

Admissions		Individual Inmates	
Total Sentence Admissions	4,893	Total Number of Offenders	
Indian & Metis Sentence		Receiving Sentence(s)	3,968
Admissions	2,911	Indian & Metis Sentences	2,244
Others	1,982	Others	1,724
% Indian & Metis Sentence		% Indian & Metis Sentences	
Admissions to Total	59.5%	to Total	56.6%
<hr/>		<hr/>	
Total Remand Admissions	2,655	Total Number of Persons Remanded	950
Indian & Metis Remand		Indian & Metis Remanded	376
Admissions	1,151	Others	574
Others	1,504	% Indian & Metis Remanded	
% Indian & Metis Remand		to Total	39.6%
Admissions to Total	43.4%		

SOURCE: "Provincial Inmate Statistics, 1970-71", Research and Statistics Branch, Saskatchewan Department of Welfare.

All data presented thus far have dealt only with Provincial Institutions. Offenders convicted of offences for which they receive imprisonment for two years or more are sent to a Federal Penitentiary. In Saskatchewan, such offenders are ordinarily sent to the Saskatchewan Penitentiary at Prince Albert, Saskatchewan (maximum security), or to the Drumheller Institution at Drumheller, Alberta (medium security). These two institutions serve the Provinces of Saskatchewan and Alberta, although some inmates occasionally are transferred to and from other institutions for various reasons.

A survey was done of the inmate population at the Saskatchewan Penitentiary at Prince Albert in order to determine, among other things, the number of Native offenders incarcerated. To this end, the files of every inmate at the penitentiary were examined. It was found that as of June 20, 1973, there were 542 inmates incarcerated in this institution, with 150 or 27.6% being of Native origin. These 542 inmates were incarcerated for 817 separate offences, with the 392 non-Native inmates being responsible for 592 offences and the 150 Native inmates responsible for 225 offences.¹²

Thus, the percentage of Native offenders has changed little since the "Interdepartmental Work Group on Some Aspects of the Survey 'Indians and the Law'" reported that 26% of the inmate population at this penitentiary was Native.¹³ However, since the Interdepartmental Work Group did not report the actual number of inmates incarcerated at each institution, it is not known whether the absolute number of Native inmates at the Saskatchewan Penitentiary has increased or decreased. The Interdepartmental Work Group also reported that an additional 10 to 15 per cent of the inmate population could have been of Native ancestry since the percentages given were based on information from only those inmates who acknowledged Native ancestry.¹⁴ It is observable that some persons of mixed Indian-White ancestry will give their racial origin as French or English. Accordingly, there probably is some margin of error in the 1973 survey, as this information presented comes from admission forms based on information given by the inmate to Canadian Penitentiary Service officials. However, it is extremely doubtful if the margin of error would exceed 5%.

As previously mentioned, the other Federal Institution serving Saskatchewan and Alberta is the medium security prison at Drumheller, Alberta. As of July 20, 1973, there were 84 Natives out of a total of 470 inmates incarcerated there.¹⁵ Thus Native inmates made up 17.9% of the inmate population at Drumheller. Of these 84 inmates, 72 were sentenced in Alberta, nine were sentenced in Saskatchewan, and three were sentenced in British Columbia.¹⁶ The proportion of Native inmates has risen slightly from the 16.4% reported by the Interdepartmental Work Group,¹⁷ although again it is not known how many individuals made up this percentage.

Prison population statistics alone cannot show a complete picture of the involvement of a group with the criminal law. However, information is scarce concerning the number of unsolved crimes, the number of charges laid, the disposition of each charge, discretion in laying charges, etc., involving a specific ethnic or racial group.

The "Statistics of Criminal and Other Offences" for 1969 reveal that 443 Indians were convicted of indictable offences in Saskatchewan during that year. The total number of people convicted of indictable offences in the province in 1969 was 2,774.¹⁸ This represents 16.0% of all people convicted of indictable offences in the province in 1969, and if the figure is comparable for recent years, it might indicate that the substantial involvement of Native people in the criminal process is in less serious types of offences.

Another index of group involvement with the law Enforcement process is the number of detentions for public intoxication without criminal charges being laid. These statistics will be discussed in the section on alcohol use and "drunkenness" detentions.

Manitoba

Next to Saskatchewan, Manitoba has the most information available concerning the involvement of Native people with the criminal law.

Manitoba's population was calculated at 988,247 in the 1971 census. As of December 31, 1971, there were 36,851 registered Indians resident in the Province.¹⁹ The Native Council of Canada estimated that as of March 27, 1972, there were 80,000 Metis and non-status Indians in the Province, and, further, that the total Native population was 115,658.²⁰ By using these figures the Native population of Manitoba can be estimated at 12% of the total population of the Province.

The admission statistics to Manitoba Correctional Institutions again provide an interesting contrast to the population statistics. In 1966, 2,508 admissions, out of a total of 6,358, or 39.4% to Provincial Correctional Institutions were admissions of Native offenders. In 1967 the figure was 3,536 out of 7,757 (45.6%); in 1968 it was 3,936 out of 8,822 (44.6%); in 1969 it was 4,254 out of 9,088 (46.8%); in 1970 it was 2,907 out of 6,455 (45.0%); and in 1971 it was 3,654 out of 7,186 (50.9%).²¹

MANITOBA ADMISSIONS TO PROVINCIAL CORRECTIONAL INSTITUTIONS
1966-1971

Year	Total Admissions	Native Admissions	% Native Admissions to Total
1966	6,358	2,508	39.4%
1967	7,757	3,536	45.6%
1968	8,822	3,936	44.6%
1969	9,088	4,254	46.8%
1970	6,455	2,907	45.0%
1971	7,186	3,654	50.9%

SOURCE: *Manitoba Department of Health and Social Development.*

Thus, in the period from 1966 to 1971, Native people, constituting 12% of the population, accounted for 39.4% to 50.9% of all admissions to Provincial jails. The following chart shows the situation in each Provincial Institution for the year:

MANITOBA—1971
ADMISSIONS TO PROVINCIAL CORRECTIONAL INSTITUTIONS

Institutions	Total Number of Admissions	Indian Admissions	Metis Admissions	% Indian & Metis to Total
Headingley	3,310	900	160	32.0%
Brandon	1,012	413	25	43.0%
Dauphin	677	175	239	61.2%
The Pas (male)	1,185	490	319	67.4%
The Pas (female)	730	295	426	98.8%
Portage	255	189	13	79.2%
Vaughn St. (Winnipeg)	17	4	6	58.8%
Total	7,186	2,466	1,188	50.9%

SOURCE: "Annual Statistics Bulletin, 1971," Department of Health and Social Development, Province of Manitoba.

The situation, as far as indicated by the 1972 statistics, has improved somewhat in Manitoba.²² In 1972 there were 5,566 admissions of all types to Manitoba Institutions, down from 7,186 in the previous year. Of this number, 2,520 were of Native origin (1,840 admissions of Indians and 680 admissions of Metis).²³ This represents 45.3% of all admissions, down from 50.9% in 1971.

It must be remembered that the Manitoba statistics do not include detentions under the *Intoxicated Persons Detention Act*,²⁴ which was first enacted in 1969.

The following chart shows admissions to the individual Provincial Institutions for 1972:

MANITOBA ADULT CORRECTIONAL INSTITUTIONS --
ADMISSIONS BY RACIAL ORIGIN

1972

Institution	Total Number of Admissions	Admissions of Indians	Admissions of Metis	% Indian & Metis to Total
Headingley	2,672	790	102	33.4%
Brandon	842	349	37	45.8%
Portage	128	73	14	68.0%
The Pas (male)	747	313	292	81.0%
The Pas (female)	181	114	51	91.2%
Dauphin	309	83	95	57.6%
Vaughn St. (Winnipeg-Male)	531	74	61	25.4%
Vaughn St. (Winnipeg-Female)	156	44	28	46.2%
Provincial Total	5,566	1,840	680	45.3%

SOURCE: *Statistics supplied by Manitoba Department of Health and Social Development.*

The Manitoba statistics refer to individuals admitted and do not take into account the number of times admitted or the number of charges. For example, the 1971 correction statistics show that of 1,012 admissions to the Brandon Correctional Institution, 413 were Indian, 25 were Metis, and one was Eskimo. However, the 439 admissions involved a total of 636 separate charges.²⁵ Thus, a substantial number of offenders were admitted on more than one charge or were admitted more than once during the year.

The above figures also do not represent the total number of persons detained in Brandon in 1971. Added to the above 439 admissions of Native people (involving 636 charges) were 408 admissions of Natives under the provisions of the *Intoxicated Persons Detention Act*, which provides that a peace officer, upon finding an intoxicated person in a public place, may take him into custody for up to twenty-four hours without laying an information.²⁶ These 408 admissions of Native people represent 69.4% of the total number of admissions (588) to Brandon pursuant to this Act.²⁷

If the Brandon statistics reflect the situation in other Provincial Institutions, the involvement of Manitoba's Native people with the criminal process is somewhat greater than the bare statistics indicate. Indeed, the Manitoba Department of Health and Social Development reported that in 1970-71, 3,303 people were detained under the provisions of the *Intoxicated Persons Detention Act*. While no indication is given of the racial origin of those detained, the situation at the Brandon Institution (69.4% of admissions under this Act being admissions of Native people) would indicate that the majority of those detained were Native people. This type of detention will be dealt with more fully in a later section.

It must also be remembered that the statistics presented thus far do not include Native people resident in Manitoba who were sentenced to Federal Institutions. The "Interdepartmental Work Group on Some Aspects of the Survey 'Indians and the Law'" reported that approximately 25% of the population of the Manitoba Penitentiary at Stoney Mountain was Native.²⁸ Although some of these inmates may have been transferred from other institutions, the great majority would be residents of Manitoba.

Further information regarding the involvement of the Native population of Manitoba with the criminal law enforcement process is available from "Statistics of Criminal and Other Offences, 1969". It reported that in 1969, 285 Indians were convicted of indictable offences out of a total of 2,248 people so convicted.²⁹ This would constitute 12.7% of those convicted of indictable offences, and again appears to support the thesis that Indians are mainly involved in less serious offences.

Information concerning Native involvement with the criminal law in Manitoba is also available from the "Analysis of Arrests for the Year 1969 in the City of Winnipeg with Particular Reference to Arrests of Persons of Indian Descent", by Magistrate Ian V. Dubiński, Q.C., and Professor Stephen Skelly. The authors found that in 1969, while Native people were estimated at 3% of the population of greater Winnipeg, they accounted for 27.2% of the 8,923 arrests that were analyzed.³⁰ Of those of Native origin who were arrested, 30% were female and 70% were male. Of all others arrested 11.2% were female and 88.8% were male. The authors attributed the higher percentage of Native women to their greater involvement with offences under the Liquor Control Act.³¹

While the above figures deal with arrests, the authors also followed the cases through to disposition and made the following findings regarding offenders of Native origin: 56.9% received fines of up to \$124.00 with the alternative of incarceration in default of payment; 1.8% of the charges were stayed; 2.7% received a reprimand on a plea of guilty; 3.7% received a sentence of time already spent in custody; 6.5% received a suspended sentence or probation; and 23.8% were juveniles transferred to Family Court for disposition. This compares to the following dispositions for all arrests in the City of Winnipeg: 50.9% received fines of up to \$124.00 with incarceration in default of payment; 3% received a sentence of time already spent in custody; 3.8% received imprisonment; and 25% were juveniles transferred to Family Court.³²

In summary, the Manitoba statistics also indicate that the native proportion of a prison population is higher than the native proportion of the overall population.

Alberta

The population of the Province of Alberta was 1,627,874 at the time of the 1971 census. As of December 31, 1971, there were 29,889 registered Indians in the Province.³³ Alberta's total Native population has been estimated by the Native Council of Canada to be 89,086 as of March 27, 1972.³⁴ Thus, using this latter estimate and the 1971 census figure, Alberta's Native population can be estimated at 5.5% of the total population of the Province.

In the fiscal year April 1, 1971, to March 31, 1972, there were 15,661 admissions to Provincial Correctional Institutions, with Native people accounting for 3,660 or 23.4% of these admissions.³⁵ Admissions of Native people in 1971-72 were down slightly from 1970-71 when Native people accounted for 4,020, or 25.7%, of the 15,625 total admissions.³⁶ The following chart presents the figures for admission of Native people to Alberta's Provincial jails for the past seven years and their proportion of total admissions:

ALBERTA – 1965-1972
ADMISSIONS OF NATIVE PEOPLE TO PROVINCIAL
CORRECTIONAL INSTITUTIONS

Year	Total Admissions	Native Admissions	% Native Admissions to Total
1965-66	16,102	4,964	30.8%
1966-67	18,566	6,134	33.0%
1967-68	18,089	6,213	34.3%
1968-69	19,309	6,325	32.8%
1969-70	17,268	4,568	26.5%
1970-71	15,625	4,020	25.7%
1971-72	15,661	3,660	23.4%

Source: "Annual Report 1972" Corrections Branch, Alberta Department of the Attorney General, p. 152, and "Indians and Metis Admitted to Correctional Institutions" Correction Services Director, Alberta, August 1, 1973.

While the figures represent admissions to the various institutions and not the actual number of persons involved, again it can be seen that Native people make up a disproportionate number of the prison population.

The above information concerns only Alberta's Provincial Institutions. In the section dealing with Saskatchewan it was noted that the Federal Institutions at Prince Albert and Drumheller serve both Saskatchewan and Alberta. At the Saskatchewan Penitentiary at Prince Albert, as of June 20, 1973, 150 or 27.6% of the 542 inmates were Native. However, it is not known how many of these 150 Native inmates were Alberta residents. At the Drumheller Institution, as of July 20, 1973, 84 or 17.9% of the inmates were Native, with 72 of the 84 being sentenced in Alberta.

On the basis of the somewhat limited data available concerning Alberta, it seems fair to conclude that the problem of the high number of Native people in jail contrasted with their rather low proportion of the population, is not significantly different than the situation in the other prairie provinces.

British Columbia:

British Columbia, Canada's third most populated province, had a population of 2,184,621 according to the 1971 census. The number of registered Indians as of

December 31, 1971, was 48,018.³⁷ The total native population of the Province has been estimated at 108,259 as of March 27, 1972, thus representing approximately 5.0% of British Columbia's population.³⁸

The latest detailed information regarding prison population in Provincial Institutions in British Columbia is for the year ending March 31, 1973. In that year there were 9,078 admissions to Provincial Correctional Institutions.³⁹ The British Columbia Correction Services admission statistics have two categories: "British Columbia Indians" and "non-British Columbia Indians". These terms include both status and non-status Indians with "most" of the "non-British Columbia Indians" admitted originating from the United States.⁴⁰ During 1972-73, British Columbia Indians accounted for 976 or 10.75% of total admissions while non-British Columbia Indians accounted for 302 or 3.33% of total admissions.⁴¹

Other information available from British Columbia indicates that the proportion of native offenders in the prison population is declining. In the year 1968, the number of Indians admitted to Provincial Institutions was 3,494 out of a total of 16,765, or 20.8%.⁴² In the year April 1, 1971, to March 31, 1972, Indians from British Columbia and elsewhere made up 15% of the admissions to British Columbia Institutions.⁴³ The number of admissions of Indian males was 1,537 or 13% of the total intake. This represents a drop of 1.5% from the Indian male admissions of 14.5% the previous year. However, the trend was the reverse for Indian women. In 1971-72 they represented 28% of the total female admissions, — an increase of 2% from the previous year.⁴⁴

The above data concerns only Provincial Institutions. The only available material on Federal penitentiaries is from the "*Report of the Interdepartmental Work Group*", which reported that the proportion of Native inmates in the five federal institutions in British Columbia was as follows: B.C. Penitentiary 10%; William Head, 15%; Matsqui, 10%; Aggasiz, 20%; and Mountain Prison, 12%.⁴⁵ These percentages were based on reports from Canadian Penitentiary Service officials and represent only those inmates who acknowledged having Native ancestry. The true percentage of offenders of Native background in Federal Institutions could be somewhat greater.

In summary, the ratio of Native inmates to the prison population as a whole seems to be somewhat lower in British Columbia than in the Prairie Provinces, but remains higher than the proportion of Native population. For example, in 1971-72, the Native population of the Province was about 5.0% of the total population, yet up to 15% of admissions to Provincial jails were Native.

The Yukon and Northwest Territories:

The 1971 census set the population of the Yukon Territory at 18,388. The Indian Affairs Department reported that as of December 31, 1971, there were 3,737 registered Indians resident in the Territory.⁴⁶ The Native Council of Canada has estimated that there are 5,000 Metis and non-status Indians in the Yukon.⁴⁷ Thus the total Native population of the Yukon can be estimated at 47.5% of the total population.

The number of Native people admitted to Correctional Institutions in the Yukon has declined in the three years for which data is available. In the year April

1, 1968, to March 31, 1969, there were 455 admissions of sentenced offenders. Native offenders accounted for 327 or 71.9% of these admissions; 246 of 371 males (66.3%) were of Native origin; along with 81 of 84 females (96.4%).⁴⁸

The admission of Native people to Yukon Institutions showed a significant drop in the following year, while the admission of people of other origins increased slightly. In the year April 1, 1969, to March 31, 1970, there were 383 admissions of sentenced offenders; 246 of these admissions or 64.2% were admissions of Native people.⁴⁹ Native males accounted for 183 of 316 admissions of sentenced male inmates (57.8%) while Native females accounted for 63 of 67 admissions of sentenced female inmates (94.0%).⁵⁰

The Yukon Territory Department of Corrections reported a further drop in admissions to its institutions for the year April 1, 1970, to March 31, 1971. In that year there were 264 admissions of sentenced inmates.⁵¹ Of this number, 140, or 53.0% were admissions of Native offenders. Native males made up 126 out of 245 total admissions, or 51.4%.⁵² The number of admissions of Native females dropped sharply from 63 out of 67 in 1969-70, to only 14 out of 19 in 1970-71 (73.7%).⁵³

While no attempt will be made in this section to discuss types of offences, the great reduction in sentence admissions of Native people, especially for Native women, has been attributed⁵⁴ to the *Drybones* decision,⁵⁵ and to changes in the *Liquor Ordinance*.⁵⁶ The Supreme Court of Canada, in the *Drybones* case, held that s. 95 of the *Indian Act*,⁵⁷ which makes it an offence for an Indian to be intoxicated off a reserve, is rendered inoperative by the provisions of the *Canadian Bill of Rights*.⁵⁸ The new Territorial *Alcoholic Liquors Ordinance* contains substantial changes such as detention without charge for those found intoxicated in a public place.⁵⁹ A large number of the offences previously committed by Native people were against the *Indian Act* and the *Alcoholic Liquors Ordinance*, and the above changes have reduced the number of charges, and consequently, of admissions, of Native people. Even with these reductions, however, the proportion of admissions of Native people is higher than their population ratio.

Little information is available for the Northwest Territories which, according to the 1971 census, had a population of 34,807. There were 6,678 registered Indians resident in the Territories as of December 31, 1971.⁶⁰ The Native Council of Canada has estimated the Metis and non-status Indian population of the Territories to be 10,000.⁶¹ The Eskimo population of the Northwest Territories was stated to be 11,619 in 1970.⁶² Thus the bulk of the population of the Northwest Territories is Native.

Some information concerning the Native offender in the Northwest Territories is available from the 1967-68 Royal Commission Inquiry into the Administration of Justice in the Hay River Area of the Northwest Territories. The Royal Commissioner, the Honourable W.G. Morrow, reported that in 1966, 881 cases came before the four Justices of the Peace who sit in Hay River.⁶³ Of the 881 cases, 609 came under the *Liquor Ordinance*, and 272 under other statutes. The population of Hay River at the time was only 2,575, plus 55 persons in the

surrounding area. The breakdown of population and conviction statistics was as follows:⁶⁴

	<u>Population</u>	<u>Conviction</u>
White	1,065	447
Metis	1,190	231
Indian	375	201
Eskimo		2
Total	2,630	881

Of the 201 Indian convictions, 117 were under the Liquor Ordinance and 84 under other statutes, although only 101 individual Indians were actually involved. The Metis crime rate is comparatively low, but the Indian rate is high; when one considers that the population figure of 375 included women and children, one might conclude that most Indian male adults had run afoul of the law during 1966.

Statistics kept at Inuvik, Northwest Territories, also indicated a disproportionate number of offences committed by Natives. In a survey of liquor convictions at Inuvik from January 1st, 1965, to August 31st, 1966, the total number of convictions was 849, and the non-white population accounted for 800 of these. The following chart compares the population and conviction percentages:⁶⁵

	<u>% of population</u>	<u>% of convictions</u>
Eskimo	30%	49.5%
Indian	8.7%	25.1%
Metis	22.5%	20.8%
White	38.8%	4.6%

Again, the Metis figure is low, but Indians and Eskimos, comprising only 38.7% of the population were responsible for 74.6% of the liquor convictions during this period.

Ontario:

Ontario, the most populated province in Canada, has the largest Native population in terms of numbers but not in terms of percentages. The Province's total population was reported in the 1971 census to be 7,703,106. As of December 31, 1971, there were 58,521 registered Indians resident in Ontario.⁶⁶ The Native Council of Canada has estimated that there also are about 100,000 Metis and non-status Indians living in the Province.⁶⁷ By using the 1971 census figure and the Native Council estimate, the Native population of the Province can be estimated at 2.1% of the total population.

Unfortunately, there is little information available concerning the involvement of Native people in Ontario with the criminal process. The "Statistics of Criminal and Other Offences" indicate that in 1969, 207 Ontario "Indians" were

convicted of indictable offences out of a total of 20,521 such convictions.⁶⁸ This represents 1.0% of all convictions for indictable offences in that year. These statistics are very unreliable, but as far as they can be taken, tend to confirm the conclusion that Indians are more likely to be involved in less serious offences.

It has been reported that there is an especially heavy involvement of Native people with the criminal law in the Kenora region of Northwestern Ontario,⁶⁹ but statistical information is not available concerning this problem. Alcohol-related offences have been referred to as a great part of this problem,⁷⁰ and this will be discussed in the section concerning alcohol use and the Native offender.

The Ontario Federation of Indian Friendship Centres has calculated the number of Native people charged with offences in the centres where it maintained courtworkers for the months of April, May and June, 1973. The following chart details this information:

ONTARIO--APRIL, MAY, AND JUNE--1973
SELECTED CENTRES
MONTHLY TOTALS OF NATIVE PEOPLE CHARGED

Centre	Total Native People Charged			
	April	May	June	Total
Thunder Bay (2)	59	39	22	120
	56	39	58	153
Toronto (2)	60	26	27	113
	36	28	31	95
Geraldton	19			19
London	99	87	96	282
Hamilton	14	18	36	68
Red Lake				
Sault Ste. Marie	72	44		116
Cochrane	24	42	27	93
Fort Frances	25	46	27	98
Sudbury	15	79	46	140
Parry Sound	7	2	8	17
Kenora	86	25	52	163
Totals	572	475	430	1,477

SOURCE: Supplied by Ontario Federation of Indian Friendship Centres, August 1, 1973.

Quebec:

Quebec's population was stated to be 6,027,764 in the 1971 census. Registered Indians resident in the Province were reported to number 26,481 as of December 31, 1971.⁷¹ The Native Council of Canada has estimated the number of non-status Indians and Metis in the Province to be 70,000.⁷² Additionally, there are about 3,800 Eskimos resident in Arctic Quebec.⁷³ This would make the total Native population (including Eskimos) to be 100,281 or about 1.7% of the total population.

In December 1972 the Quebec government published a study entitled "La Justice Au-delà du 50^e Parallèle", which focussed on the administration of justice in the northern part of the province, especially with respect to the Native people, Indian and Inuit, who make up most of that area's population. Charts taken from that report appear in the sections on "Types of offences Committed" and "Sentencing".

New Brunswick:

New Brunswick's population, according to the 1971 census, was 634,667. The Department of Indian Affairs reported the resident population of registered Indians as of December 31, 1971, to be 4,541.⁷⁴ The Native Council of Canada estimated that the total non-status Indian and Metis population of the Maritimes to be 5,000 people,⁷⁵ but does not give estimates for each province. It would seem, accordingly, that the Native population of New Brunswick would be approximately 1% of the population.

It has been reported that New Brunswick has a fairly high ratio of Indian offenders compared to the total population.⁷⁶ A survey was carried out in 1972 by the New Brunswick Department of Justice, Correctional Services Division, on the racial origin of offenders in New Brunswick institutions. The survey was based on a sample of 838 offenders (out of a total of 1,841) and revealed that 36 or 4.30% of the inmate population was Indian.⁷⁷ This represents a rather large number of Indian offenders in New Brunswick institutions when compared to the Indian percentage of the population.

The "Statistics of Criminal and Other Offences, 1969" indicates that 60 Indians were convicted of indictable offences in 1969 out of a total of 1,845 such convictions, or about 3.3%.⁷⁸

Nova Scotia:

The Province of Nova Scotia had a population of 788,960 according to the 1971 census, and there were 4,788 registered Indians resident in the Province as of December 31, 1971.⁷⁹

In the year 1969, 31 Indians were convicted of indictable offences in Nova Scotia out of a total of 1,796 people so convicted,⁸⁰ constituting 1.8% of all convictions.

Prince Edward Island:

Canada's smallest province had a population of 111,641 people according to the 1971 census. As of December 31, 1971, there were 451 registered Indians resident on the Island.⁸¹ The "Statistics of Criminal and Other Offences, 1969" reveal that in 1969, none of the 152 people convicted of indictable offences was Indian.⁸²

Newfoundland and Labrador:

The Province of Newfoundland with a population of 522,104 has no Indian reserves or registered Indians. However, it has been estimated that there are about

640 Indians and 1,727 Eskimos resident in Labrador.⁸³ The Native Council of Canada estimates that there are 1,000 non-status Indians and Metis resident in Labrador.⁸⁴ Magistrate C.J. Goodyear of Labrador has compiled a list of "serious" offences committed by Native offenders covering the period from August 1, 1967, to May 31, 1972. He reported that 481 Indians and Eskimos were convicted of "serious offences" (all but two were under the *Criminal Code*) out of a total of 7,248 offences of all types.⁸⁵

Thus "serious offences" committed by Native offenders made up 6.6% of all offences committed during this period, although the percentage of Native population is less than 1%.

The Type of Offences Committed

In this chapter the type of offences committed by people of Native ancestry will be looked at. Some comparisons will be made between this data and information concerning the population as a whole. As in the previous chapter, the available information varies from province to province. Again, the most complete information is from Western Canada, particularly Saskatchewan. Thus the West will be the starting point.

Saskatchewan:

The "Provincial Inmate Statistics 1970-71" for Saskatchewan indicate that there were 2,420 municipal and provincial offences committed by sentenced inmates in Saskatchewan Correctional Centres. Indians and Metis, who comprise about 12.7% of the Province's population, made up most of this number: 1,732 or 71.6% of all breaches of provincial statutes and municipal by-laws by sentenced inmates were committed by Natives.⁸⁶

The vast majority of offences in this category were breaches of two statutes, the *Liquor Act*,⁸⁷ and the *Vehicles Act*,⁸⁸ 2,245 out of 2,420 offences by sentenced inmates were under these Acts. Of the 1,154 that were breaches of the *Liquor Act*, 861 or 74.6% were committed by Native people. Similarly, there were 1,091 separate offences under the *Vehicles Act* committed by sentenced inmates, with 749 or 68.7% having been committed by Indians or Metis. For all other provincial statutes and municipal by-laws there were 175 separate offences by sentenced inmates, with Indians and Metis accounting for 122 or 69.7% of this number.⁸⁹ (The term "separate offences" means that the statistics indicate the number of offences committed by sentenced inmates rather than the actual number of inmates detained. An inmate who has been sentenced for two offences will be counted twice.)

Of the 2,420 offences under provincial and municipal laws committed by sentenced inmates, 2,141 were by males, and of this number 1,467 or 68.2% were by Indians or Metis. There were 279 offences committed by sentenced female inmates, with 265 or 95.0%, having been committed by Indians or Metis.⁹⁰

The following charts summarize these statistics:

SASKATCHEWAN 1970-71
SEPARATE OFFENCES BY SENTENCED INMATES
MUNICIPAL AND PROVINCIAL OFFENCES

Type of Offence	Offences by all Origins	Offences by Indian & Metis	Other	% Offences by Indian and Metis
Liquor Act	1,154	861	293	74.6%
Vehicles Act	1,091	749	342	68.7%
Others	175	122	53	69.7%
Total	2,420	1,732	688	71.6%

SOURCE: "Provincial Correctional Centres Inmate Statistics 1970-71", Research & Statistics Branch, Saskatchewan Department of Welfare.

SASKATCHEWAN 1970-71
SEPARATE OFFENCES BY SENTENCED INMATES
MUNICIPAL AND PROVINCIAL OFFENCES
SEX AND RACIAL ORIGIN

Type of Offence	Offences by Males		Offences by Females		% Indian and Metis to Total Male & Female	
	Indian & Metis	Other	Indian & Metis	Other	Male	Female
Liquor Act	671	293	190	10	70.3%	95.0%
Vehicles Act	708	341	41	1	67.5%	97.6%
Others	88	50	34	3	63.8%	91.9%
Total	1,467	688	265	14	68.2%	95.0%

TOTAL: 2,420 Municipal and Provincial Offences.

SOURCE: "Provincial Correctional Centres, Inmate Statistics 1970-71", Research & Statistics Branch, Saskatchewan Department of Welfare.

It is apparent from these charts that over two-thirds of all offences under provincial statutes and municipal by-laws were committed by people of Native origin. It should be noted that many sentences under these Acts were of the fine-option variety, i.e., the person convicted is incarcerated in default of payment of the fine. The fine-option sentence will be dealt with more fully in a later section.

The charts also show that Native males committed approximately two-thirds of all provincial or municipal offences committed by males. Native women committed an even higher percentage of offences. In all categories the figure was over 90%; it went as high as 97.6%, and the average was 95.0%.

In the year 1970-71, there were a total of 8,170 offences committed by inmates sentenced to provincial institutions for all types of offences, – federal, provincial and municipal. As previously noted, 2,420 of these offences were provincial and municipal, constituting 29.6% of the total. Further, 1,732 of these offences were committed by persons of Native origin. Thus, 21.2% of offences committed by sentenced inmates were breaches of provincial and municipal laws committed by Natives. Breaches of two provincial statutes alone, the *Liquor Act* and the *Vehicles Act*, accounted for 1,610 offences committed by sentenced Native persons. Thus, 19.7% of offences committed by sentenced Native inmates were breaches of the *Liquor Act* and the *Vehicles Act*.⁹¹ Accordingly, a large proportion of the Native inmates in Saskatchewan's Provincial Correctional Centres were incarcerated for breaches of minor statutes, – offences where the "usual" sentence is a fine.

In 1970-71, Native sentenced inmates committed proportionately fewer offences under federal statutes than under provincial statutes or municipal by-laws. For the most part, the federal statutes involved were the *Criminal Code*,⁹² the *Narcotic Control Act*,⁹³ and the *Indian Act*.⁹⁴ In 1970-71, of 8,170 offences committed by sentenced inmates in Saskatchewan's Provincial Correctional Centres, 5,750 were breaches of federal statutes. Generally, offenders receiving a sentence of less than two years imprisonment are incarcerated in Provincial Institutions even though sentenced for a federal offence. People of Native ancestry accounted for 2,802 federal offences, or 48.7% of the total. Federal offences have been further classified into the two categories of offences "not against the person" and offences "against the person". In the category of offences not against the person, Native people accounted for 2,298 or 45.8% of 5,016 offences by sentenced inmates (separate charges). In the category of offences against the person there were only 734 offences by sentenced inmates, but 504, or 68.7% were by Native people.⁹⁵ These statistics show an increase of 25.7% over the previous year in offences against the person committed by sentenced inmates of Native origin, and of 21.8% in offences not against the person. Offences by sentenced inmates of other origins in the same categories increased by 6.0% and decreased by 9.6% respectively.⁹⁶

The following chart shows the breakdown of federal offences committed by convicted inmates in Provincial Institutions:

SASKATCHEWAN 1970-71
FEDERAL OFFENCES – TYPE OF OFFENCE – RACIAL ORIGIN
SEPARATE OFFENCES BY SENTENCED INMATES

Type of Offence	Total	Offences by Indian & Metis	Offences by Others	% Offences by Indian & Metis
NOT AGAINST THE PERSON	5,016	2,298	2,718	45.8%
Theft, B & E. etc.	1,984	843	1,141	42.5%
Fraud & Related Offences	773	154	619	29.9%
Vagrancy & Related Offences	135	32	103	23.7%
Narcotics & Related Offences	140	8	132	5.7%
Escapes, Bail Jumping, etc.	241	147	94	70.0%
Driving Offences	825	506	319	61.3%
Weapons	40	19	21	47.5%
Disturbance	364	269	95	73.9%
Conspiracies, Counselling	77	32	45	41.6%
Counterfeiting, Revenue Offences, etc.	3	1	2	33.3%
Interference with Police	64	39	25	60.9%
Against the Administration of Justice	28	15	13	53.6%
Miscellaneous	107	44	63	41.1%
Indian Act	71	63	8	88.7%
AGAINST THE PERSON	734	504	230	68.7%
Assault & Related Offences	538	410	128	76.2%
Robbery	107	48	59	44.9%
Wounding	21	13	8	61.9%
Rape	6	4	2	66.7%
Indecent Assault	25	13	12	52.0%
Kidnapping & Abduction	10	6	4	60.0%
Homicide	17	5	12	29.4%
Miscellaneous	10	5	5	50.0%
TOTAL	5,750	2,802	2,948	48.7%

SOURCE: "Provincial Correctional Centres Inmate Statistics, 1970-71" Saskatchewan Department of Welfare.

The foregoing chart shows that Native people accounted for 42.5% of all offences of theft, breaking and entering, etc., committed by sentenced inmates; 70.0% of all offences of escape, bail jumping, etc.; 73.9% of all offences of causing a disturbance; 60.9% of all offences of interference with the police; 53.6% of all offences against the administration of justice; and 88.7% of all offences under the *Indian Act*. On the other hand, Native people committed only 5.7% of all narcotics and related offences.

In the category of offences "against the person" the overall number of offences by inmates was much smaller. However, Native people accounted for 76.2% of sentenced offences for assault and related offences. 44.9% of sentenced offences for robbery ; and 61.9% of sentenced offences for wounding. On the other hand, Native people accounted for only 5 of 17, of 29.4%, of sentenced offences for homicide.

It is also possible to break down the figures on types of offences committed by sentenced inmates according to the sex of the offender. The following chart shows offences committed by inmates of the Saskatchewan Correctional Centres by racial origin and sex for 1970-71. Again, it must be remembered that these figures do not represent absolute numbers of people but of offences. If the same inmate were sentenced for more than one offence, he would appear in the tables for each offence.

SASKATCHEWAN 1970-71
TYPE OF OFFENCE – RACIAL ORIGIN AND SEX
SEPARATE OFFENCES BY SENTENCED INMATES

Type of Offence	MALES			FEMALES		
	All Males	Offences by Indians & Metis	% Indians & Metis	All Females	Offences by Indians & Metis	% Indians & Metis
NOT AGAINST THE PERSON	4,719	2,064	43.8%	297	234	78.8%
Theft, B & E., etc.	1,891	772	40.8%	93	71	76.3%
Fraud & Related Offences . . .	745	146	19.6%	28	8	28.6%
Vagrancy & Related Offences	130	27	20.8%	5	5	100%
Narcotics & Related Offences	139	8	5.8%	1	0	0%
Escapes, Bail Jumping, etc. . .	214	125	58.4%	27	22	81.5%
Driving Offences	809	491	60.7%	16	15	93.8%
Weapons	36	16	44.4%	—	—	—
Disturbance	287	195	67.9%	77	74	96.1%
Damage	143	107	74.8%	21	19	90.3%
Counterfeiting, Revenue Offences, etc.	3	1	33.3%	—	—	—
Interference with Police . . .	58	34	58.6%	6	5	83.3%
Against the Administration of Justice	27	15	55.6%	1	0	0%
Miscellaneous	87	39	40.2%	10	5	50%
AGAINST THE PERSON . . .	674	454	67.4%	60	50	83.3%
Assault & Related Offences . .	487	365	74.9%	51	45	88.2%
Robbery	102	46	45.1%	5	2	40.0%
Wounding	20	12	60.0%	1	1	100%
Rape	6	4	66.7%	—	—	—
Indecent Assault	25	13	52.0%	—	—	—
Abduction	10	6	60.0%	—	—	—
Homicide	16	5	31.3%	1	—	0%
Miscellaneous	8	3	37.5%	2	2	100%
PROVINCIAL CODES	2,141	1,467	68.5%	279	265	94.6%
Liquor Act	954	671	70.3%	200	190	95.0%
Vehicles Act	1,049	708	67.5%	42	41	97.6%
Other	138	88	63.8%	37	34	91.9%

SOURCE: "Provincial Correctional Centres Inmate Statistics, 1970-71" Saskatchewan Department of Welfare.

The above chart again emphasizes the heavy involvement of Native people in Saskatchewan with the criminal law. Native male inmates accounted for 43.8% of sentenced offences "not against the person". The proportion of offences committed by Native males varied in different categories. For example, they accounted for 40.8% of offences by male inmates sentenced for theft, breaking and entering, etc.; 58.4% of escapes, bail jumping, etc.; 60.7% of federal driving offences; 67.9% of causing a disturbance; 74.8% of damage to property; 58.6% of interference with police; and 55.6% of offences against the administration of justice. On the other hand, Native male inmates accounted for only 20.8% of fraud and related offences; and only 5.8% of offences of male inmates for narcotics and related offences.

Although fewer inmates are sentenced for offences "against the person", the involvement of Native men is proportionally greater than for other federal offences. It ranges from 31.3% of offences by male inmates sentenced to Provincial Institutions for homicide to 74.9% of offences by male inmates sentenced for assault and related offences, and overall comes to 67.4% of offences by male inmates sentenced for "offences against the person".

The number of offences committed by female inmates is much lower than those by males. However, the proportion of offences committed by Native women is higher in almost every category: 78.8% of offences committed by female inmates in the category of offences "not against the person" were committed by Native females, while 83.3% of offences committed by women inmates sentenced for offences "against the person" were committed by Native females. The corresponding figure for provincial offences is 95.0%.

All of the above information covers the year from April 1, 1970, to March 31, 1971. It is interesting to note changes from the previous year in the numbers and types of offences in order to speculate whether any trends are apparent. The Saskatchewan "Provincial Correctional Centres Inmate Statistics 1970-71" noted the following changes in types of offences from the previous year:

Concomitant with the increased Indian-Metis sentenced admissions, convicted offences of Indian-Metis Inmates increased in all major categories – Municipal/provincial offences up 17.4 per cent, federal offences not against the person up 21.8 per cent and federal offences against the person up 25.7 per cent. In contrast, convicted offences of sentenced inmates of other origins decreased in two of three major categories – Municipal/provincial offences down 18.8 per cent, federal offences not against the person down 9.6 per cent and federal offences against the person up 6.0 per cent.

Most notable changes in the number of offences committed by all sentenced inmates during the year were in:

- (i) 'other' municipal/provincial offences up 44.6 per cent (mostly due to an increase from three in 1969-70 to 83 in 1970-71 for offences under the Liquor Licensing Act);
- (ii) theft, breaking and entering and related offences down 4.7 per cent (Indian-Metis and Other origins down 2.9 and 5.9 per cent respectively);
- (iii) fraud and related offences down 25.2 per cent (Indian-Metis up 21.3 per cent, other origins down 31.7 per cent);
- (iv) vagrancy and related offences up 28.6 per cent (Indian-Metis and other origin up 88.2 and 17.0 per cent respectively);

- (v) narcotics offences up 133.3 per cent (other origins up 140.0 per cent while Indian-Metis offences rose only from five to eight in number);
- (vi) escapes, bail-jumping, failure to comply with probation order and related offences up 209.0 per cent (Indian-Metis and other origins up 250.0 and 161.1 per cent respectively);
- (vii) assault and related offences up 26.0 per cent (Indian-Metis up 38.0 per cent, other origins down 1.5 per cent); and
- (viii) robbery and related offences up 28.9 per cent (Indian-Metis down 7.7 per cent, other origins up 90.3 per cent).⁹⁷

Of course, incarceration in a Provincial Correctional Centre is only one type of sentence passed upon those found guilty of a criminal or quasi-criminal offence. Other dispositions include fines, absolute and conditional discharges (since July 15, 1972), probation, and imprisonment in a federal penitentiary. While information is not available concerning the fines and discharges, some information is available concerning probation and imprisonment in a penitentiary.

The following chart shows the types of offences for which probation was granted in Saskatchewan in 1970-71. A caution must be added here in that these figures include cases for which a pre-sentence report was prepared by a probation officer. Such a case really is not one of probation if the offender is subsequently incarcerated; or it may appear twice if the offender had a pre-sentence report and then was granted probation.

SASKATCHEWAN 1970-71
PROBATION AND PRE-SENTENCE REPORT CASELOAD
(SEPARATE CHARGES)
TYPE OF OFFENCE – RACIAL ORIGIN

Type of Offence	Total	Indian & Metis	Other Origins	% Indian & Metis To Total
OFFENCES "NOT AGAINST THE PERSON"	2,402	490	1,912	20.4%
Theft, B & E, etc.	1,686	373	1,313	33.1%
Fraud & Related Offences	245	36	209	10.6%
Vagrancy & Related Offences	18	5	13	27.8%
Narcotics & Related Offences	99	1	98	1.0%
Escapes, Bail Jumping, etc.	21	5	16	23.8%
Driving Offences	45	12	31	26.7%
Disturbance	29	11	18	37.9%
Weapons	30	4	26	13.4%
Damage	69	19	50	27.5%
Interference with Police	17	4	13	23.5%
Against Administration of Justice	10	0	10	0%
Counterfeiting, etc.	3	2	1	66.7%
Miscellaneous	128	18	110	14.0%

SASKATCHEWAN 1970-71 (Concluded)

"AGAINST THE PERSON"	212	86	126	40.6%
Assault & Related Offences	130	64	66	49.2%
Robbery	27	7	20	25.9%
Wounding	8	4	4	50.0%
Rape	1	1	0	100%
Indecent Assault	21	5	16	23.8%
Abduction	3	0	3	0%
Homicide	9	2	7	22.2%
Miscellaneous	13	4	9	30.8%
PROVINCIAL CODES	19	7	12	36.8%
Liquor Act	10	4	12	40.0%
Vehicles Act	6	0	6	0%
Child Welfare Act	3	3	0	100%
TOTAL	2,633	583	2,050	22.1%

SOURCE: "Probation and Parole Statistics 1970-71", Research and Statistics Branch, Saskatchewan Department of Welfare.

The above chart shows that Native offenders made up 20.4% of the probation and pre-sentence report caseload for "offences not against the person", 40.6% of the probation and pre-sentence report caseload for "offences against the person" and 36.8% of the probation and pre-sentence report caseload for offences against provincial statutes. Overall, Native offenders made up 583 of the 2,633 total probation and pre-sentence report caseload, or 22.1%, and 22% of the caseload for federal offences only.

In order to give a more complete picture for Saskatchewan, a study was made of the inmate population of the Saskatchewan Penitentiary at Prince Albert, Saskatchewan, to determine the number of offenders incarcerated (as of June 20, 1973), the types of offences for which they were incarcerated, their previous records, and the proportion of Native inmates.

The Penitentiary at Prince Albert serves as the maximum security penitentiary for Alberta and Saskatchewan. Consequently, most offenders incarcerated there are from these provinces, although some offenders are transients and others are transferred to Prince Albert from other institutions.

The total Native population of Saskatchewan has been estimated at 12.7% of the population while Alberta's Native population has been estimated at 5.5% of the population. In comparison, Native inmates made up (as of June 20, 1973) 27.7% of the inmate population. The total number of inmates incarcerated there was 542, with 150 being of Native origin. The inmates had been sentenced for a total of 817 offences. Native inmates were responsible for 225, or 27.5%, of these offences. In the category of offences "against the person", there were 227 offences. Native inmates were responsible for 101, or 30.8% of these offences. In the category of

offences "not against the person", there was a total of 365 offences. Native offenders were responsible for 124, or 25.4% of these offences.

The following chart further categorizes the above information into more specific categories of offences:

SASKATCHEWAN PENITENTIARY
OFFENCES COMMITTED BY INMATES RESULTING IN INCARCERATION
JUNE 20, 1973

Type of Offence	Total No. of Offences	Native Offences	"Other" Offences	% Native of Total
AGAINST THE PERSON	328	101	227	30.8%
Homicide	64	21	43	31.3%
Robbery	137	35	102	25.5%
Sexual Offences	50	15	35	30.0%
Assaults	75	30	45	40.0%
Others	2	0	2	.0%
NOT AGAINST THE PERSON	484	124	365	25.4%
Weapons	42	9	33	21.4%
Theft, B & E, etc.	241	82	159	34.0%
Destruction of Property	5	2	3	40.0%
Drug Offences	87	4	83	4.6%
Fraud	39	2	37	5.1%
Other	75	25	50	33.3%
TOTALS	817	225	592	27.5%

Total No. of Inmates 542: 150 Native, 392 Other.
 Source: Study of Saskatchewan Penitentiary Inmate Population, June 19-20, 1973.

The above chart shows a situation somewhat similar to that in Saskatchewan's provincial institutions. There is a higher proportion of Native offences in the category of offences "against the person". The proportion of offences committed by Native offenders is high in the category of theft, breaking and entering, etc. The number of drug offences resulting in incarceration of Native offenders is very low. It is notable that the overall proportion of offences committed by Native offenders is lower than in provincial institutions. This seems to indicate that "Native crime" is more likely to be of a less serious nature, since the offenders incarcerated in federal maximum security institutions generally have long records and/or have committed serious offences.^{9 8}

A survey was also conducted of the Native inmates at the medium security Drumheller Institution. As the following chart shows, the results were similar to the survey of the Saskatchewan Penitentiary. Again there was a high proportion of Native offences in the category of theft, breaking and entering and related offences, and a low proportion of Native offences in the category of narcotics and related offences. One difference, however, was the greater disparity between Native

offences against the person and Native offences not against the person among Native inmates at Drumheller as compared to Prince Albert.

DRUMHELLER INSTITUTION
OFFENCES COMMITTED BY INMATES RESULTING IN INCARCERATION
JULY 20, 1973

Type of Offence	No. of Offences by Native Inmates	% of Total Native Offences
Against the Person	59	37.3%
Homicide	13	8.2%
Robbery	22	13.9%
Sexual Offences	5	3.1%
Assault & Related Offences	17	10.8%
Other	2	1.3%
Not Against the Person	99	62.7%
Weapons	4	2.5%
Theft, B & E., etc.	61	38.6%
Destruction of Property	3	1.9%
Narcotics & Related Offences	3	1.9%
Fraud & Related Offences	2	1.3%
Total	158	100.0%

Total No. of native inmates = 84

Source: Chief Classification Officer, Drumheller Institution August 1, 1973.

Manitoba:

Less data concerning the type of offences committed by Native offenders is available for provinces other than Saskatchewan. The Manitoba "Annual Statistical Bulletin, 1971" of the Department of Health and Social Development does not classify by racial origin the types of offences committed by inmates. However, some information is available for Manitoba, such as the Dubiensi and Skelly analysis of arrests in Winnipeg in 1969.⁹⁹ The authors of this study analyzed arrests in the City of Winnipeg in 1969 to determine the types of offences for which people of Native ancestry were being arrested. The analysis shows that the great majority of arrests were for breaches of provincial statutes, mostly the *Highway Traffic Act*¹⁰⁰ and the *Liquor Control Act*.¹⁰¹

The following chart shows some of the findings of this study. It should be remembered that the information presented deals with arrests only and not with the final disposition of each case. The percentage figures given are percentages in relation to the total number of Native people arrested — not to all people arrested in Winnipeg in that year.

A total of 8,923 offences were involved in the Winnipeg study of which 2,132 offences were allegedly committed by Indians and 695 by Metis.¹⁰² The actual

WINNIPEG, 1969
ARRESTS OF PEOPLE OF NATIVE ORIGIN
TYPES OF OFFENCES

Type of Offence	Percentage of Total Number of Native People Arrested
Federal Offences	
Assault & Related Offences	0.9%
Robbery	0.6%
Sexual Offences	0.2%
Homicide	0.2%
Theft, B & E, Etc.	5.9%
Fraud & Related Offences	0.1%
Driving Offences	1.1%
Weapons	0.2%
Vagrancy & Related Offences	0.9%
Mischief	0.4%
Damage	0.9%
Escapes, Bail Jumping, Etc.	2.2%
Miscellaneous	1.7%
Total	15.3%
Provincial Offences	
Liquor Control Act	64.8%
Highway Traffic Act	2.4%
Other	2.2%
Total	69.4%
Warrant of Committal	8.6%
Grand Total	93.3%
Unknown	6.7%

Source: Dubiński & Skelly "Analysis of Arrests for the year 1969 in the City of Winnipeg with particular reference to arrests of persons of Indian descent".

number of individual Native offenders was 1,250 Indians and 243 Metis. Of the 1,250 Indians involved, 791 had one arrest, and 450 had two or more arrests in 1969. Of the 243 Metis involved, 87 had one arrest, and 156 had two or more arrests in 1969.

The study indicates that, as in Saskatchewan, the greatest area of involvement of Native people with the criminal process is in the area of provincial offences and regulatory statutes. As the chart shows, offences against the *Liquor Control Act* alone accounted for 64.8% of all arrests of Native people.

Further information from Manitoba concerning the type of offences for which Native people are being incarcerated comes from the Brandon Correctional Institution.

Again, no comparative data regarding other origins is available but the types of offences for which Native offenders were incarcerated during the year 1970-71 can be shown.¹⁰³

The following is a breakdown of the types of offences committed and the number of charges involved. There were 439 admissions of Native people for 636 offences. This does not include 408 admissions under *The Intoxicated Persons Detention Act*,¹⁰⁴ which will be discussed in the next section.

BRANDON CORRECTIONAL INSTITUTION

1970-71

ADMISSIONS OF NATIVE OFFENDERS

NUMBER AND TYPE OF OFFENCE

Type of Offence		Type of Offence	
Liquor Act	199	Criminal Code cont'd	
Highway Traffic Act	30	Wounding	2
Probation	20	Indecent Assault	4
Migratory Birds Act	6	Cause a disturbance	29
National Parks Act	1	Mischief	5
Wives & Children's Maintenance Act	2	Possession of Offensive Weapon . .	8
Petty Trespass Act	6	Theft	58
City Bylaws	6	Break & Enter	39
Indian Act	5	Wilful Damage	11
Criminal Code		Possession of Stolen Goods	8
Murder	7	Robbery	3
Assault	53	Threatening	4
Rape	1	Impaired Driving	64
Suspended Driving	34	Forgery & Uttering	3
Fail to Supply Breath Sample . . .	6	Resisting Arrest	5
Escape	3	Suspended Parole	11
Incest	3		
Total Offences - 636			

No. of Persons - Indian 413, Metis 25, Eskimo 1

Source: Director, Brandon Correctional Institution, June 20, 1972.

It is clear from the foregoing chart that a large number of offences resulting in incarceration of Native people were offences against provincial statutes or other regulatory acts. There were 199 breaches of the *Liquor Control Act* alone, which represent 31.3% of all charges resulting in incarceration of Native people in the Brandon Institution in that year. The "regulatory offences" in the first group listed on the chart (excluding the 5 charges under the *Indian Act*) made up 42.5% of all charges resulting in incarceration of Native offenders at Brandon.

The most common federal offences committed by Native offenders resulting in incarceration at Brandon in 1970-71 were as follows: impaired driving - 64 charges representing 10.1% of the total number of "Native offences"; theft - 58 charges, 9.1%; assault - 53 charges, 8.3%; breaking and entering - 39 charges, 6.1%; and driving while suspended - 34 charges, 5.3%. Thus, if the situation at the Brandon Institution is representative of the types of offences resulting in incarceration of Native people throughout Manitoba, it can be seen that most offences are either breaches of provincial and other regulatory statutes and

municipal by-laws, or less serious offences under the *Criminal Code*. The large number of charges under the *Liquor Control Act* and for impaired driving indicate a substantial alcohol involvement in "native criminality". This theme will be discussed more fully in the next section of the report.

A study of Native inmates in the Manitoba Penitentiary at Stoney Mountain was carried out in 1970 for the "McCaskill Report".¹⁰⁵ It was found that break, enter and theft and robbery accounted for 64.8% of the offences resulting in the incarceration of the 114 Native inmates in the Manitoba Penitentiary at the time of the study. In addition, violent crimes such as assault and manslaughter accounted for a further 25.9%.¹⁰⁶ There was an absence of almost any other type of crime. For example, sexual offences accounted for only 2.0% of the total number of "Native offences", and fraud and related offences only 1.3%.¹⁰⁷

Alberta:

There were 4,020 sentence admissions of Native people to Alberta's provincial institutions in 1970-71¹⁰⁸ (representing 25.7% of all admissions), but unfortunately the Alberta Corrections Branch "Annual Report" does not classify types of offences by racial origin of the offender. No other information or studies appeared to be available.

British Columbia:

Recent information is available from British Columbia concerning the type of offences committed by Native people resulting in their incarceration in provincial institutions.

The following chart shows the types of offences resulting in incarceration in British Columbia's provincial institutions for the period April 1, 1972 to December

BRITISH COLUMBIA PROVINCIAL CORRECTIONAL CENTRES
TYPES OF OFFENCES – RACIAL ORIGIN
APRIL 1, 1972 – DECEMBER 31, 1972

Type of Offence	Total Offences	B.C. Indians	Non-B.C. Indians	% B.C. Indians to Total	% All Indians to Total
Offences Against Public Order	531	42	20	7.9%	11.7%
Offences Against Administration of Law & Justice	479	65	18	13.3%	16.8%
Sexual Offences, Public Morals, Disorderly Conduct	1,179	216	39	18.3%	21.6%
Disorderly House, Gaming & Betting . . .	54	2	4	3.7%	11.2%
Offences Against the Person & Reputation	3,274	547	153	16.7%	21.4%
Offences Against Property	13,209	1,250	420	9.5%	12.6%
Offences Relating to Currency	126	6	5	4.8%	8.7%
Unclassified	6,541	537	205	8.2%	11.3%
Total	25,408	2,665	864	10.5%	13.8%

SOURCE: British Columbia Corrections Service, Report for period April 1, 1972 to December 31, 1972.

31, 1972. These statistics refer to both registered and non-status Indians. The majority of "non-British Columbia Indians" admitted to provincial institutions come from the United States.¹⁰⁹

The category of offences against public order includes unlawful assembly, riot, possession of explosives, and firearm offences. Offences against the administration of law and justice include bribery of and resisting peace officers, perjury, escaping lawful custody, and breach of recognizance. The category of sexual offences, public morals, and disorderly conduct includes causing a disturbance, trespassing, vagrancy, and public mischief as well as the usual sexual offences. Offences against the person and reputation include homicide, criminal negligence, driving offences, assaults, and kidnapping. The unclassified category includes drug offences, contributing to juvenile delinquency, conspiracy, and breaches of various federal and provincial statutes.

The foregoing chart can be misleading unless specific offences contained in the various categories are analyzed. Although the category of sexual offences, public morals and disorderly conduct had the highest proportion of Indian offenders, this is due to the inclusion of the offence of causing a disturbance. In fact, Indian offenders accounted for 184 out of 562 disturbance offences, or 32.7%. Indian offenders also accounted for 15 out of 65, or 23.1%, of trespassing offences.

In the category of offences against the person, where the proportion of Indian offenders was also high, Indians accounted for none of the 16 murders committed, but accounted for 11 out of 20 manslaughter convictions. They also accounted for 52 out of 184, or 28.3%, of offences of causing bodily harm, and 154 out of 608, or 25.3% of assaults. For impaired driving offences, the figure was 269 out of 1,356, or 19.1% of all offences.

In the unclassified category, the proportion of Indian drug offenders was low, 93 out of 2,107, or 4.4%. However, Indian offenders accounted for 91 out of 372 breaches of the Government Liquor Act, or 24.5%.

Thus in almost all categories, the proportion of offences committed by Native offenders was much greater than the Native population of the province (5%) warrants.

Information concerning Native offences was also received from various detachments of the Royal Canadian Mounted Police in British Columbia. The Fort St. John detachment of the Royal Canadian Mounted Police reported that in the period July 15, 1970 to July 15, 1971, 214 Indians were arrested by that detachment. Of this number, 140 were arrested for intoxication and were detained overnight. A further nineteen charges were laid for causing a disturbance either by fighting or by being intoxicated in a public place. Four Indians were arrested for break, enter and theft; seven for theft; and fifteen for impaired driving (only five of this latter group were local residents). A small number was arrested for fraud and related offences and the remaining arrests were for summary conviction offences.¹¹⁰

The Burns Lake, British Columbia detachment reported that in the period January 1, 1971, to August 19, 1971, there were 456 arrests of Native people and

111 arrests of people of other origins.¹¹¹ The following chart summarizes the types of offences for which arrests were made by this detachment during this period:

BURNS LAKE, BRITISH COLUMBIA
 ROYAL CANADIAN MOUNTED POLICE
 ARRESTS, TYPE OF OFFENCES, RACIAL ORIGIN
 JANUARY 1, 1971 – AUGUST 19, 1971

Type of Offence	Native	Other
S. 68 Government Liquor Act (Overnight Detention -- No Charge Laid) .	363	34
Driving Offences	34	48
Sexual Offences	2	0
Theft & Related Offences	13	12
Assaults	3	2
Drugs	0	4
Public Nuisance (Disturbance Etc.)	29	6
Miscellaneous	12	5
Total	456	111

SOURCE: Officer in Charge, Burns Lake, British Columbia, Detachment of the Royal Canadian Mounted Police, August 20, 1971.

The Kamloops Rural Detachment of the Royal Canadian Mounted Police reported that from September 1, 1970, to August 31, 1971, of 4,613 prisoners lodged in their cells, 411 were Indians incarcerated pursuant to s. 68 of the *Government Liquor Act*¹¹² (overnight detention -- no charge laid), and 115 Indians were charged with offences.¹¹³ The majority of these charges was said to relate to such offences as consuming liquor in a public place, causing a disturbance in a public place by being intoxicated, and impaired driving.¹¹⁴

Similar information was supplied by the Prince Rupert Detachment of the Royal Canadian Mounted Police. From January 1, 1971, to September 30, 1971, the detachment made 1,075 arrests. The largest single component was made up of detentions for intoxication (394 native, and 176 other origins). Other offences for which arrests were made included: causing a disturbance, 65 natives, 20 other origins; drug offences, 4 natives, 68 other origins; driving offences, 14 natives, 40 other origins; and theft and related offences, 56 natives, 40 other origins.¹¹⁵

While the above information is not comprehensive, it is suggested that it is fairly representative. It reveals a high involvement of Native people with less serious offences, and especially with liquor and liquor-related offences. Detentions for intoxication in a public place (with no charge laid) almost invariably made up the greatest number of Native detentions. Impaired driving charges were also high on the list. Further, the Royal Canadian Mounted Police members who supplied the above information invariably referred to the high alcohol involvement in Native criminality.

The Yukon and Northwest Territories:

As in Alberta, the Yukon Territory Correction's Branch does not keep statistics on the types of offences according to racial origin. Nor is any information available concerning the types of offences committed by Native people in the Northwest Territories.

Eastern Canada:

There is very little information available concerning the situation in Eastern Canada. A report on the reserves of Weymontachie, Manowan and Obedjwan in Quebec indicates that there is a heavy alcohol involvement in offences committed by the residents of these reserves.¹¹⁶

The following chart sets out the number and types of informations brought before the Provincial Police in Northern Quebec 1969-1971, and a racial breakdown of those charges.

PROSECUTIONS ON A CHARGE, OR SUMMARY CONVICTION,
BY ETHNIC ORIGIN, BETWEEN 1968 AND 1971 *

Court action	Fort-Chimo			Poste-de-la-Baleine			Total
	69	70	71	69	70	71	
A) Indictment charges							
Eskimos	4	7	9	11	9	5	45
Indians				2	11	5	18
Whites	1		1		1		3
	5	7	10	13	21	10	66
B) On summary conviction							
Eskimos	22	19	9	5	5	6	66
Indians				2	3	1	6
Whites				1		1	2
	22	19	9	8	8	8	74
Grand total							
A) Indictment charges	5	7	10	13	21	10	66
B) On summary conviction	22	19	9	8	8	8	74
	27	26	19	21	29	18	140

* 1971 (10 months)

The Ontario Federation of Indian Friendship Centres compiled a monthly breakdown of charges against Native people for the months of April, May and June, 1973, in the Ontario centres where the Federation's courtworkers operate.

The following chart presents this information and reveals a substantial number of charges against Native people:

ONTARIO, 1973
CHARGES AGAINST NATIVE OFFENDERS

Centre	Criminal Code of Canada			Liquor Control Act			Other Acts			Totals
	Apr.	May	June	Apr.	May	June	Apr.	May	June	
Thunder Bay (2)	60	14	12	49	43	16	3	0	1	469
	33	42	25	51	45	68	6	1	0	
Toronto (2)	106	45	64	23	28	8	1	1	0	510
	36	28	31	40	45	52	0	1	1	
Geraldton	2	Sick		6	Sick		2	Sick		10
London	79	65	64	74	77	77	4	0	4	444
Hamilton	7	18	13	7	4	16	0	0	7	72
Red Lake										
Sault Ste. Marie	29	30	Unav.	31	12	Unav.	12	2	Unav.	116
Cochrane	19	47	9	9	24	16	15	11	2	152
Fort Frances	19	46	15	17	39	15	8	15	12	186
Sudbury	14	22	11	4	37	25	5	24	12	154
Parry Sound	2	2	2	4	6	2	4	1	3	26
Kenora	30	10	22	56	10	30	6	0	0	164
Totals:	436	369	268	371	370	325	66	56	42	2,303

SOURCE: Ontario Federation of Indian Friendship Centres, 1973.

The only other source of information for Eastern Canada is a report compiled by Magistrate C.J. Goodyear of Labrador which lists "serious" offences committed by Eskimos and Indians, and covers the period August 1, 1967, to December 31, 1972. There were 481 serious offences involving Native people in this period out of a total of 7,248 offences of all types, or 6.6%. All but two of these "serious" offences were under the *Criminal Code*.¹¹⁷

Use of Alcohol by Native Offenders

It has often been observed that alcohol is a large factor in Native criminality, – being either directly involved in the charge itself, such as intoxication in a public place or impaired driving, or as a motivating factor in other offences, such as committing theft while under the influence of alcohol or in order to obtain funds for alcohol.¹¹⁸ In this section the available information will be surveyed on offences by Native people involving alcohol, overnight detentions of those found intoxicated in a public place, and other criminal offences indirectly involving the use of alcohol. This last category is difficult to comment upon as there is little, if any, direct statistical data. As in the previous two sections, the most complete information is available for the Province of Saskatchewan.

The “Provincial Inmate Statistics, 1970-71” reveal that Native people made up the majority of sentence admissions to Provincial Correctional Centres on charges that can be identified as directly involving alcohol. Native offenders made up 861 or 74.6% of the 1,154 sentence admissions for charges under the *Liquor Act*.¹¹⁹ Native offenders also made up 79 of 94, or 85.0%, of sentence admissions under the *Liquor Licensing Act*.¹²⁰ The percentages were particularly high for women offenders of Native origin: 95.0% of female sentence admissions under the *Liquor Act* and 96.6% under the *Liquor Licensing Act*.¹²¹

While it is generally believed that alcohol is a factor in the commission by Native offenders of many federal offences such as theft and assault,¹²² the bare statistics cannot reveal this. However, one category of federal offences, namely, driving offences, can be directly identified as involving alcohol. In 1970-71, there were 206 offences by sentenced inmates to Saskatchewan’s provincial correctional centres of driving while intoxicated. Native offenders accounted for 132 or 64.1% of these offences. There were also 37 offences of impaired driving resulting in incarceration, and 24, or 64.9% were committed by Native offenders. The other driving offence which is directly related to consumption of alcohol is driving with more than 80 mg. of alcohol in 100 mls. of blood, contrary to s. 236 of the *Criminal Code*. Native offenders accounted for 181, out of 268, or 67.5% of these offences.¹²³

The following chart summarizes the above information and gives a breakdown for the different institutions:

SASKATCHEWAN 1970-71
SEPARATE OFFENCES INVOLVING ALCOHOL BY SENTENCED INMATES
RACIAL ORIGIN

<i>Type of Offence</i>	<i>No. of Offences</i>	<i>Indian & Metis</i>	<i>Others</i>	<i>% Indian & Metis to Total</i>
Prince Albert Correctional Centre				
<i>Provincial Offences</i>				
Liquor Act	616	462	154	75.0%
Liquor Licensing Act	41	38	3	92.7%
Total	657	500	157	76.1%
<i>Federal Driving Offences</i>				
Driving while intoxicated	131	80	51	61.1%
Impaired driving	29	16	13	55.2%
Driving with more than 80 mg.	153	104	49	68.0%
Total	313	200	113	63.9%
Regina Correctional Centre				
<i>Provincial Offences</i>				
Liquor Act	338	209	129	61.8%
Liquor Licensing Act	24	13	11	54.2%
Total	362	222	140	61.3%
<i>Federal Driving Offences</i>				
Driving while intoxicated	71	48	23	67.6%
Impaired driving	8	8	0	100%
Driving with more than 80 mg.	107	70	37	65.4%
Total	186	126	60	67.7%
Pine Grove Correctional Centre (women)				
<i>Provincial Offences</i>				
Liquor Act	200	190	10	95.0%
Liquor Licensing Act	29	28	1	96.6%
Total	229	218	11	95.2%
<i>Federal Driving Offences</i>				
Driving while intoxicated	4	4	0	100%
Driving with more than 80 mg.	8	7	1	87.5%
Total	12	11	1	91.7%
Provincial Totals				
<i>Provincial Offences</i>				
Liquor Act	1,154	861	293	74.6%
Liquor Licensing Act	94	79	15	85.0%
Totals	1,248	940	308	75.4%

SASKATCHEWAN 1970-71

Provincial Totals (Concluded)

<i>Federal Driving Offences</i>				
Driving while intoxicated	206	132	74	64.1%
Impaired driving	37	24	13	64.9%
Driving with more than 80 mg.	268	181	87	67.5%
Totals	511	337	174	65.9%

SOURCE: "Provincial Correctional Centres Inmate Statistics, 1970-71", Research and Statistics Branch, Saskatchewan Department of Welfare.

It is apparent, accordingly, that alcohol plays a large part in Native admissions to provincial correctional centres. In every category of these offences at every correctional centre the percentage of offences committed by Natives made up over 50% of all offences, yet Native people make up only 12.7% of the Province's population.

There is also a provision in Saskatchewan law for detention up to twenty-four hours, without charges being laid, of persons found intoxicated in a public place.¹²⁴ However, no data is collected on a province-wide basis either by the Research and Statistics Branch of the Department of Social Services or by the Attorney General's Department on the number of people detained.¹²⁵

A survey of Royal Canadian Mounted Police detachments located in areas of Northern Saskatchewan with large Native populations also reveals a high involvement of alcohol in offences committed by Native people. The Royal Canadian Mounted Police detachment at La Ronge estimated that, for the year 1970, there were 500 arrests related to alcohol. Native people made up an estimated 80% of this number. There were an estimated 350 detentions (no charges laid) of people found intoxicated in a public place, with an estimated 90% of those detained being persons of Native ancestry. Of the twenty people arrested for impaired driving, 35% were Native. Forty-five charges for common assault which were related to alcohol were laid during the year. Native people made up an estimated 65% of this number. There were an estimated thirty charges for breaking and entering offences which were related to alcohol, and Native people were estimated to be involved in 70% of these.¹²⁶

The Prince Albert City Police reported 416 arrests related to alcohol in 1970; 49% of those arrested were of Native origin. There were 646 detentions of those found intoxicated in a public place; 78% of these detentions were of Native people. Forty-five people were arrested for impaired driving. Approximately 5% were Native people. Approximately one half of the 50 arrests made for offences of common assault that involved alcohol were arrests of Native people. The Prince Albert City Police reported very few break and entry offences directly involving alcohol committed by Native people. Approximately 100 persons of Native origin were arrested for illegal possession of liquor in the City.¹²⁷

The Royal Canadian Mounted Police detachment at Buffalo Narrows, Saskatchewan, reported that from January 1, 1971, to September 20, 1971, 95 to 100% of arrests at that point involved alcohol, and that 95 to 100% of those arrested were Native people. One hundred per cent of the sixty-six people detained

for being intoxicated in a public place were Native as were all of the six people arrested (and convicted) for impaired driving. There were thirty-four charges of assault laid during this period. All directly or indirectly involved alcohol and all involved people of Native ancestry. An estimated 95 to 100% of the break, enter and theft charges involved alcohol and all people involved were Native.¹²⁸

The Royal Canadian Mounted Police detachment at Ile à la Crosse, Saskatchewan, reported 141 arrests related to alcohol for the year covering September 1, 1970, to September 1, 1971. One hundred per cent (100%) of the people arrested during this period were of Native origin. There were 104 people detained overnight for being intoxicated in a public place; 99% were Native. All eight convicted impaired drivers were of Native origin. Also, 100% of the charges laid for common assault, and break, enter and theft were against Native people.¹²⁹

The La Loche, Saskatchewan, detachment of the Royal Canadian Mounted Police reported 477 alcohol-related arrests for the year September 24, 1970, to September 24, 1971, all involving Native people. Similarly all of the 396 people detained for being intoxicated in a public place were Native. Also, all of the forty-one common assault charges and five break and enter charges involving alcohol involved Native people.¹³⁰

The Prince Albert, Saskatchewan, detachment of the Royal Canadian Mounted Police which has responsibility for policing rural areas around the City reported twenty alcohol related arrests for the period January 1, 1971 to September 20, 1971, and 30% of these involved Native people. Five people were detained for being intoxicated in a public place; only one was of Native origin. One hundred and fifty-nine impaired drivers were convicted during this period; sixteen were Native. Native people were involved in fourteen of the twenty-eight common assaults involving alcohol but none of the four break and enter charges involving alcohol.¹³¹

With the exception of Prince Albert, the areas covered by these police detachments are areas with a very large percentage of Native population. In some detachments such as Buffalo Narrows, about the only non-Native residents are the police, school teachers, and federal and provincial civil servants.¹³² Thus, one would expect that the ratio of Native people arrested to non-Native people arrested would be very high. However, even the absolute number of arrests involving alcohol over the various time periods surveyed is unduly high. An example of this is the 477 arrests related to alcohol in one year by the La Loche detachment. These figures indicate that the use of alcohol by Native people is a substantial factor in producing an involvement with the criminal law.

The Manitoba Department of Health and Social Development does not classify offenders by racial origin.¹³³ However, some information on alcohol related offences involving Manitoba's Native people is available. In 1970-71, there were 439 Native people incarcerated at the Brandon Correctional Institution for 636 separate offences. Of these 636 offences, 199 were breaches of the *Liquor Control Act*.¹³⁴

A survey of the files of Native inmates at the Federal penitentiary at Stony Mountain, Manitoba, and the Manitoba Provincial Gaol at Headingly, done for the McCaskill report, revealed that 70.5% of the crimes resulting in incarceration of the

offender directly involved alcohol.¹³⁵ Further, "... 82% of the inmates were considered to have alcohol problems at the time the crime was committed."¹³⁶

The Dubiensi and Skelly analysis of arrests in Winnipeg in 1969 reported the following:

Most of the offences of which [native people] are charged are regulatory ones. With particular reference to the former charges under the Liquor Control Act, such as drunkenness and intoxication these are more of a social problem rather than a legal problem, especially when one considers that 36% of all offences of those of Indian descent are in these categories.¹³⁷

Thus, it is apparent that alcohol is a large factor in Native criminality in Manitoba. However, since the data was collected for the "Dubiensi Report", Manitoba has brought into force legislation providing for detention for up to twenty-four hours without a charge being laid of those found intoxicated in a public place.¹³⁸ The authors of the "Dubiensi Report" noted that had this statute been in effect during the time period surveyed, the number of offences committed by Native people would have been reduced by approximately 26%.¹³⁹

Manitoba has published figures on the number of people held under the *Intoxicated Persons Detention Act*. The following chart shows the number of persons held under this Act at each institution and the percentage of the total inmate population.

MANITOBA 1970-71

DETENTIONS UNDER INTOXICATED PERSONS DETENTION ACT

<i>Institution</i>	<i>Detentions</i>	<i>% of Total Inmate Population</i>
Headingley	14	0.4%
Brandon	588	37.0%
Dauphin	220	32.4%
The Pas (male)	1,794	67.0%
The Pas (female)	577	79.0%
Portage (female)	87	34.1%
Vaughan St. (female)	23	8.9%
Total	3,303	33.7%

SOURCE: Annual Statistical Bulletin, 1971, Manitoba Department of Health and Social Development, pp. 12, 18.

It is apparent from these figures that detainees under the Act form a large proportion of admissions to the various institutions. Although provincial figures are not broken down by racial origin, this information is available for the Brandon Correctional Institution. In 1970-71, 408 of the 588 intoxication detentions at the Brandon Institution, or 69.4%, were of persons of Native origin. If Brandon is representative of the Provincial situation, it would appear that the majority of people detained without being charged for being intoxicated in a public place are of Native origin. As has been seen, Native people also make up a large proportion of the admissions to provincial jails for offences where a charge has been laid and the

person subsequently convicted.¹⁴⁰ Admissions under the *Intoxicated Persons Detention Act* are not counted in those statistics. Thus although the introduction of intoxication detention legislation has reduced the number of convictions against Native people, at least as many persons (if not more) continue to come into contact with the penal system.

Little information is available concerning the relationship between the use of alcohol and offences committed by Native people in Alberta. The "Annual Report, Corrections Branch" does not categorize by racial origin the types of offences resulting in incarceration of the offender.¹⁴¹ However, the Native Counselling Services of Alberta, which provides a courtworker and counselling service for Native persons charged with offences, reported a very high incidence of alcohol problems among the people who made use of its services. During the year 1971, Native Counselling Services handled a total caseload of 3,469 cases and reported that "... it was determined that the element of alcohol was basic to 97% of the cause/effect relationship in terms of the number of cases processed."¹⁴²

Alberta also has made provision for detention without charge of people found intoxicated in a public place.¹⁴³ However, no statistics have been published concerning the number of Native persons detained pursuant to this legislation.

British Columbia does not have a statute similar to the above, although it seems that police forces are detaining inebriates under section 68 of the *Government Liquor Act*¹⁴⁴ (which makes it an offence to be drunk in a public place) without charging them. No information is available on how many people are detained in such a manner or how many people are charged with offences that can be definitely identified as alcohol-related. However, a survey was made of some Royal Canadian Mounted Police detachments in British Columbia by the Union of British Columbia Indian Chiefs. At Fort St. John, British Columbia, there were 214 Indians arrested during the year July 15, 1970, to July 15, 1971. Of this number, 140 were arrested and detained overnight for intoxication. Nineteen were charged with causing a disturbance by fighting or by being intoxicated in a public place, charges which "... were only laid where the person became a nuisance or a repeated intoxicant". Fifteen Indians were arrested for impaired driving. Intoxication was noted by the officer in charge of the detachment to be a problem on the local reserves.¹⁴⁵

The Burns Lake, British Columbia, detachment of the Royal Canadian Mounted Police reported that 363 Native people and 34 non-Native people were detained under section 68 of the *Government Liquor Act* between January 1, 1971, and August 19, 1971. Although the statistics provided by this detachment on other offences do not, in themselves, reveal alcohol involvement, the officer in charge observed that "... the majority of offences by Indian people in this area have been committed while under the influence of alcohol."¹⁴⁶ Similarly, the officer in charge of the Campbell River, British Columbia, detachment of the Royal Canadian Mounted Police commented on the alcohol involvement in Native crime in the following manner:

The majority of Natives arrested for various offences usually have alcoholic problems and it has been found that in a very large percentage of the serious offences committed by Natives, alcohol has had a direct bearing on the commission of the offence.¹⁴⁷

Along the same lines is the response from the Kamloops rural detachment of the Royal Canadian Mounted Police which made 4,613 arrests during the year September 1, 1970, to August 31, 1971. There were 411 Indians detained pursuant to section 68 of the *Government Liquor Act*. A "major portion" of the 115 Indians detained on charges were arrested for such offences as consuming liquor in a public place, causing a disturbance in a public place by being drunk, and impaired driving.¹⁴⁸

The Royal Canadian Mounted Police detachment at Prince Rupert, British Columbia, reported 1,075 arrests for the period January 1, 1971, to September 30, 1971. Of the 450 non-Natives arrested, 176 were detained for being intoxicated. A total of 650 Native people were arrested, with 395 of these being detentions for intoxication.¹⁴⁹

The above figures that have been supplied by Royal Canadian Mounted Police detachments again point to the problem of alcohol and the Native offenders. In most of the detachments surveyed, the principal reasons for the Native person coming into contact with the police were offences directly related to alcohol: public intoxication, causing a disturbance, impaired driving, etc. When other offences indirectly involving alcohol, such as assaults are added in, the use and abuse of alcohol becomes an even greater factor.

The Yukon Territory has very liberal liquor laws, permitting such things as drinking in public. There also is provision for detention up to twenty-four hours of those found intoxicated in a public place.¹⁵⁰ The changes in the liquor laws have been reflected in the decrease in incarceration for alcohol related offences. The following chart shows liquor-related offences committed by sentenced inmates for the years 1969-70 and 1970-71. The sharp drop will be noticed under the *Liquor Ordinance* and the *Indian Act*. The main cause of the sharp drop in offences under the *Indian Act* is the *Drybones*¹⁵¹ decision in which the Supreme Court of Canada held that s. 96 of the *Indian Act* was rendered inoperative by the *Canadian Bill of Rights*.

YUKON TERRITORY 1969-71
LIQUOR RELATED OFFENCES COMMITTED
BY SENTENCED INMATES – SEX

Statute	Male		Female		Totals	
	1969-70	1970-71	1969-70	1970-71	1969-70	1970-71
Criminal Code	26	98	Nil	6	26	104
Liquor Ordinance	112	9	26	1	138	10
Indian Act	85	Nil	48	Nil	133	Nil
Juvenile Delinquents	1	Nil	Nil	Nil	1	Nil
Totals	224	107	74	7	298	114

PERCENTAGE OF LIQUOR RELATED OFFENCES TO TOTAL OFFENCES
COMMITTED BY SENTENCED INMATES 1970-71

	1970-71	(1969-70)
Male 107/389	27.5%	(50.5%)
Female 7/28	25.0%	(93.7%)
Total 144/417 . . .	24.9%	(56.85%)

SOURCE: *Government of the Yukon Territory, Corrections Branch Annual Report, 1970-71.*

Thus one can see a great decrease in liquor-related offences with the changing of the liquor laws, but this is accompanied by a sharp increase in *Criminal Code* charges. Although the figures are not classified by racial origin, it is obvious that Native people have been affected by the changes in the law. The main charge under the *Indian Act* was under s. 95 for being intoxicated off a reserve and all of these have been eliminated.¹⁵² The changes in the liquor laws have been the main reason for the decrease in sentence admissions to Yukon Correctional Institutions from 383 in 1969-70 to 264 in 1970-71, especially in the case of female offenders.¹⁵³

Little information is available concerning the use of alcohol by Native offenders in the Northwest Territories. The 1967-68 Royal Commission Inquiry into the Administration of Justice in the Hay River area of the Northwest Territories, conducted by the Honourable W. G. Morrow, Judge of the Territorial Court, reported that 881 cases came before the four Justices of the Peace at Hay River in 1966, and that 609 of these cases involved charges under the *Liquor Ordinance*.¹⁵⁴ One hundred and seventeen of the 609 cases involved persons of Indian status (Treaty Indians).¹⁵⁵

There is almost a total lack of information available in eastern Canada concerning alcohol related offences committed by Native people. In 1971, the Ontario *Liquor Control Act*¹⁵⁶ was amended to allow a policeman who finds someone intoxicated in a public place to take the person to a detoxification centre rather than laying an information.¹⁵⁷ Six public hospitals have thus far been designated as detoxification centres. Initial experience with the legislation indicates a substantial increase in the number of detentions compared with the previous number of arrests for public drunkenness. Kenora, where a detoxification centre opened, on September 12, 1972, is an example.¹⁵⁸ During March, 1973, 821 persons were arrested in Kenora for liquor offences, almost 2.8 times the number arrested in March of 1972.¹⁵⁹ Most of those taken to the detoxification centre were reported to be Native people, although exact percentages are not known.¹⁶⁰

There is not yet sufficient data to indicate whether the use of detoxification centres would reduce the native rate of crime. In the prairie provinces, however, detentions without charge have not been shown to reduce overall native criminality. However, detainees in the prairie provinces are taken to jail rather than to medical centres, and the Ontario experience might result in different findings.

The only information available from Quebec again concerns the three reserves of Weymontachie, Manowan and Obedjwan. It has been estimated that up to 99%

of offences committed by residents of these reserves were committed while under the influence of alcohol.¹⁶¹

Magistrate C. J. Goodyear of Labrador reported that a large number of Indians and Eskimos are charged with offences under the *Alcoholic Liquors Act* of Newfoundland,¹⁶² mainly for illegal possession and for drunkenness. He also reported that alcohol is involved in many of the *Criminal Code* offences involving assaults and damage to property.¹⁶³

Sentencing

In this chapter, the available information on sentencing of native offenders will be surveyed. For Saskatchewan, there are two types of sentencing data available in which it is possible to differentiate between native and other offenders: the type of sentence and the days served per sentence.

The following chart shows the total sentence admissions in 1970-71 to Saskatchewan's provincial correctional centres by the type of sentence received by the offender:

SASKATCHEWAN CORRECTIONAL CENTRES
SENTENCE ADMISSIONS BY TYPE; RACIAL ORIGIN; SEX

Racial Origin	Sentence Admissions			
	Total	Initial Jail Sentence and % of total	Sentence & Fine & % of Total	Fine/Default & % of Total
Native	2,910	1123/38.6%	117/4.0%	1670/57.4%
Male	2,518	1010/40.1%	104/4.1%	1404/55.8%
Female	392	113/28.8%	13/3.3%	266/67.9%
Other Origins	1,982	1186/59.8%	109/5.5%	687/34.7%
Male	1,935	1155/59.7%	106/5.5%	674/34.8%
Female	47	31/66.0%	3/6.4%	13/27.6%
Totals	4,892	2309	226	2357

SOURCE: "Provincial Correctional Centres Inmate Statistics 1970-71", Research and Statistics Branch, Saskatchewan Department of Welfare.

As this chart shows, Native Offenders had a lower proportion of initial jail sentences than non-Native offenders. The disposition of an initial jail sentence accounted for 38.6% of all types of sentences of Native admissions and 59.8% of all types of sentences of non-Native admissions. Conversely, default of payment of fines accounted for a high proportion of admissions of Native offenders than of non-Native offenders; 57.4% of all admissions of Native offenders were for fine defaults while only 34.7% of all types of admissions of non-Native offenders were for fine default.

The above pattern becomes more evident when Native admissions are compared with the admissions of all inmates:

SASKATCHEWAN CORRECTIONAL CENTRES
ADMISSIONS BY TYPE OF SENTENCE – RACIAL ORIGIN

Racial Origin	Sentence Admissions			
	Total Admissions	Initial Jail Sentence	Jail & Fine	Fine Default Only
Native	2,910	1,123	117	1,670
Total	4,892	2,309	226	2,357
% Native to Total	59.5%	48.6%	51.8%	70.9%

SOURCE: "Provincial Correctional Centres Inmate Statistics, 1970-71", Research and Statistics Branch, Saskatchewan Department of Welfare.

Considering that 12.7% of the total provincial population is made up of Native people,¹⁶⁴ it is clear that in all types of sentences, a highly disproportionate number of Natives were incarcerated in 1970-71. As shown in the above chart, one-third of all people admitted to jail are Natives sentenced for non-payment of fines (1,670 out of 4,892, or 34.1%).

The length of jail sentences of inmates in Saskatchewan's correctional centres can be computed by means of information on "sentences discharged", contained in the Saskatchewan "Inmate Statistics". Information is available for the years 1970-71 and 1971-72 for each correctional centre, and is presented in the following charts:

**PRINCE ALBERT CORRECTIONAL CENTRE, 1970-71, 1971-72
SENTENCE LENGTH AND RACIAL ORIGIN**

Days Served	Total— All origins		% of Total Days Served		% of Total Sentences Discharged		Total Indian & Metis		% of Indian and Metis	
	1970-71	1971-72	1970-71	1971-72	1970-71	1971-72	1970-71	1971-72	1970-71	1971-72
Total Sentences Discharged	2,050	2,265	N.A.	84.9	100	100	1,367	1,623	66.7	72.0
1- 7 Days	290	269	—	1.1	14.2	11.9	206	194	71.0	72.9
8-14 Days	678	682	—	6.1	33.1	30.1	514	549	75.8	80.5
15-29 Days	482	580	—	9.3	23.5	25.6	324	438	67.2	75.5
1 Month	27	23	—	0.6	1.3	1.0	16	18	59.3	78.3
1-3 Months	335	405	—	18.0	16.3	17.9	189	264	56.4	65.2
3 Months	11	4	—	0.3	0.5	0.2	7	2	63.6	50.0
3-6 Months	123	157	—	16.9	6.0	7.0	60	89	48.8	56.7
6 Months-1 Year	86	115	—	22.5	4.2	5.1	45	56	52.3	48.7
Over 1 Year	18	30	—	10.1	0.9	1.3	6	13	33.3	43.3
Still in	261	242	—	15.1	—	—	145	147	—	—

SOURCE: "Provincial Correctional Centres Inmate Statistics, 1970-71" and "1971-72".

**REGINA CORRECTIONAL CENTRE, 1970-71, 1971-72
SENTENCE LENGTH AND RACIAL ORIGIN**

Days Served	Total— All origins		% of Total Days Served		% of Total Sentences Discharged		Total Indian & Metis		% of Indian and Metis	
	1970-71	1971-72	1970-71	1971-72	1970-71	1971-72	1970-71	1971-72	1970-71	1971-72
	Total Sentences Discharged	1,844	2,220	N.A.	83.6	100	100	881	1,178	47.7
1-7 Days	400	375	-	1.3	21.7	16.7	178	176	44.5	46.9
8-14 Days	507	693	-	5.5	27.5	31.2	299	439	59.0	63.3
15-29 Days	313	332	-	4.8	17.0	15.0	130	182	41.5	54.9
1 Month	16	26	-	0.6	0.9	1.2	7	10	43.8	38.5
1-3 Months	308	408	-	16.9	16.7	22.4	140	200	45.5	49.0
3 Months	6	4	-	0.3	0.3	0.2	2	1	33.3	25.0
3-6 Months	189	238	-	23.2	10.2	10.7	79	112	41.8	47.1
6 Months-1 Year	95	106	-	18.4	5.2	4.8	41	44	43.2	41.5
Over 1 Year	10	38	-	12.6	0.5	1.7	5	14	50.0	36.8
Still in	298	241	-	16.4	-	-	125	101	-	-

SOURCE: "Provincial Correctional Centres Inmate Statistics, 1970-71" and "1971-72".

PINE GROVE CORRECTIONAL CENTRE (WOMEN), 1970-71, 1971-72
SENTENCE LENGTH AND RACIAL ORIGIN

Days Served	Total - All origins		% of Total Days Served		% of Total Sentences Discharged		Total Indian & Metis		% of Indian and Metis	
	1970-71	1971-72	1970-71	1971-72	1970-71	1971-72	1970-71	1971-72	1970-71	1971-72
Total Sentences Discharged	420	530	N.A.	87.7	100	100	379	496	90.2	93.6
1-7 Days	68	85	-	3.2	16.2	16.0	62	82	91.2	96.5
8-14 Days	196	241	-	18.6	46.7	45.5	184	238	93.9	98.8
15-29 Days	87	110	-	15.3	20.7	20.8	80	102	92.0	92.7
1 Month	1	3	-	0.7	0.2	0.6	1	3	100.0	100.0
1-3 Months	45	67	-	25.5	10.7	12.6	34	55	75.6	82.1
3 Months	1	0	-	-	0.2	0	1	0	100.0	0
3-6 Months	18	19	-	17.1	4.3	3.6	14	13	77.8	68.4
6 Months-1 Year	4	5	-	7.4	1.0	0.9	3	3	75.0	60.0
Over 1 Year	0	0	-	-	-	0	0	0	0	0
Still in	20	30	-	12.3	-	-	14	23	-	-

SOURCE: "Provincial Correctional Centres Inmate Statistics 1970-71" and "1971-72".

SASKATCHEWAN
TOTAL OF ALL CENTRES, 1970-71, 1971-72
SENTENCE LENGTH AND RACIAL ORIGIN

Days Served	Total - All origins		% of Total Sentences Discharged		Total Indian & Metis		% of Indian and Metis	
	1970-71	1971-72	1970-71	1971-72	1970-71	1971-72	1970-71	1971-72
Total Sentences Discharged	4,314	5,015	100.0	100.0	2,627	3,297	60.9	65.7
1 - 7 Days	758	759	17.6	15.1	446	452	58.8	59.5
8 - 14 Days	1,381	1,616	32.0	32.2	997	1,226	72.2	75.9
15 - 29 Days	882	1,022	20.5	20.4	534	722	60.5	70.6
1 Month	44	52	1.0	1.0	24	31	54.5	59.6
1 - 3 Months	688	880	15.9	17.6	363	519	52.8	59.0
3 Months	18	8	0.4	0.2	10	3	55.6	37.5
3 - 6 Months	330	414	7.7	8.3	143	214	43.3	51.7
1 Year	185	226	4.3	4.5	89	103	48.1	45.6
Over 1 Year	28	68	0.6	1.4	11	27	39.3	39.7
Still In	579	512	-	-	284	271	-	-

SOURCE: "Provincial Correctional Centres, 1970-71" and "1971-72" Inmate Statistics.

As these charts indicate, the largest proportion of Native offenders in 1971-72 were in the Prince Albert and Pine Grove Centres, with 72.0% and 93.6% respectively of the total inmate population being Native. As for the individual sentence length categories, the largest proportion of Native offenders was in the eight to fourteen day category. The proportion of Native offenders tended to decrease as sentences lengthened.

The next four charts indicate the number of sentenced admissions, the type of offence (municipal, provincial, federal or a combination thereof), and the number of days served in each sentence category for Native and non-Native offenders in each provincial correctional centre, and the totals for the province, in 1970-71:

PRINCE ALBERT CORRECTIONAL CENTRE
SENTENCE ADMISSIONS BY TYPE, JURISDICTION, DAYS SERVED AND RACIAL ORIGIN, 1970-71
(FOR SEPARATE SENTENCES)

Type of Sentence and Jurisdiction	Total		Racial Origin			
	Sentences	Days Served*	Indian-Metis		Other	
			Sentences	Days Served	Sentences	Days Served
All Sentences and/or Fine Admissions	2,311	105,078	1,512	56,222	799	48,856
Municipal/Provincial	684	7,325	521	5,437	163	1,888
Federal Only	1,368	86,297	810	43,897	558	42,400
Combined	259	11,456	181	6,888	78	4,568
% of All Sentence Admissions	100.0	100.0	100.0	100.0	100.0	100.0
Sentences	1,015	82,962	557	41,198	458	41,764
Municipal/Provincial	27	473	16	221	11	252
Federal Only	925	77,969	503	38,498	422	39,471
Combined	63	4,520	38	2,479	25	2,041
% of All Sentence Admissions	43.9	78.9	36.9	73.3	57.3	85.5
Fine-Option Sentences	1,192	16,286	894	11,743	298	4,543
Municipal/Provincial	657	6,852	505	5,216	152	1,636
Federal Only	413	6,893	293	4,450	120	2,443
Combined	122	2,541	96	2,077	26	464
% of All Sentence Admissions	51.6	15.5	59.1	20.9	37.3	9.3
Combined Sentence and Fine	104	5,830	61	3,281	43	2,549
Municipal/Provincial	—	—	—	—	—	—
Federal Only	30	1,435	14	949	16	486
Combined	74	4,395	47	2,332	27	2,063
% of All Sentence Admissions	4.5	5.6	4.0	5.8	5.4	5.2

*Days served are calculated on an admission-discharge basis, rather than number of days served during fiscal year. For those individuals still in the institution at end of fiscal year, days served are calculated from date of admission to March 31.

SOURCE: "Provincial Correctional Centre Inmate Statistics 1970-71", Research and Statistics Branch, Department of Welfare.

REGINA CORRECTIONAL CENTRE
SENTENCE ADMISSIONS BY TYPE, JURISDICTION, DAYS SERVED AND RACIAL ORIGIN, 1970-71
(FOR SEPARATE SENTENCES)

Type of Sentence and Jurisdiction	Total		Racial Origin			
	Sentences	Days Served*	Indian-Metis		Other	
			Sentences	Days Served	Sentences	Days Served
All Sentence and/or Fine Admissions	2,142	111,751	1,006	49,426	1,136	62,325
Municipal/Provincial	480	4,657	317	3,077	163	1,580
Federal Only	1,489	97,011	593	41,861	896	55,150
Combined	173	10,083	96	4,488	77	5,595
% of All Sentence Admissions	100.0	100.0	100.0	100.0	100.0	100.0
Sentences	1,150	94,199	453	40,415	697	53,784
Municipal/Provincial	11	165	3	40	8	125
Federal Only	1,112	91,457	437	39,622	675	51,835
Combined	27	2,577	13	753	14	1,824
% of All Sentence Admissions	53.7	84.3	45.0	81.8	61.4	86.3
Fine-Option: Sentences	886	9,635	510	5,910	376	3,725
Municipal/Provincial	469	4,492	314	3,037	155	1,455
Federal Only	355	4,034	151	2,040	204	1,994
Combined	62	1,109	45	833	17	276
% of All Sentence Admissions	41.4	8.6	50.7	11.9	33.1	6.0
Combined Sentence & Fine	106	7,917	43	3,101	63	4,816
Municipal/Provincial	—	—	—	—	—	—
Federal Only	22	1,520	5	199	17	1,321
Combined	84	6,397	38	2,902	46	3,495
% of All Sentence Admissions	4.9	7.1	4.3	6.3	5.5	7.7

*Days served are calculated on an admission-discharge basis, rather than number of days served during fiscal year. For those individuals still in the institution at the end of the fiscal year, days served are calculated from date of admission to March 31.

SOURCE: "Provincial Correctional Centres Inmate Statistics 1970-71," Research and Statistics Branch, Saskatchewan Department of Welfare.

PINE GROVE CORRECTIONAL CENTRE
 SENTENCE ADMISSIONS BY TYPE, JURISDICTION, DAYS SERVED AND RACIAL ORIGIN, 1970-71
 (FOR SEPARATE SENTENCES)

Type of Sentence and Jurisdiction	Total		Racial Origin			
	Sentences	Days Served*	Indian-Metis		Other	
			Sentences	Days Served	Sentences	Days Served
All Sentence and/or Fine Admissions	439	10,295	392	8,370	47	1,925
Municipal/Provincial	178	2,004	170	1,912	8	92
Federal Only	219	7,114	183	5,470	36	1,644
Combined	42	1,177	39	988	3	189
% of All Sentence Admissions	100.0	100.0	100.0	100.0	100.0	100.0
Sentences	144	6,360	113	4,923	31	1,437
Municipal/Provincial	3	120	3	120	-	-
Federal Only	138	6,027	107	4,590	31	1,437
Combined	3	213	3	213	-	-
% of All Sentence Admissions	32.8	61.8	28.8	58.8	66.0	74.7
Fine-Option Sentences	279	3,171	266	3,003	13	168
Municipal/Provincial	175	1,884	167	1,792	8	92
Federal Only	79	926	75	861	4	65
Combined	25	361	24	350	1	11
% of All Sentence Admissions	63.6	30.8	67.9	35.9	27.7	8.7
Combined Sentence and Fine	16	764	13	444	3	320
Municipal/Provincial	-	-	-	-	-	-
Federal Only	2	161	1	19	1	142
Combined	14	603	12	425	2	178
% of All Sentence Admissions	3.6	7.4	3.3	5.3	6.3	16.6

*Days served are calculated on an admission-discharge basis, rather than number of days served during fiscal year. For those individuals still in the institution at the end of the fiscal year, days served are calculated from date of admission to March 31.

SOURCE: "Provincial Correctional Centres Inmate Statistics, 1970-71", Research and Statistics Branch, Saskatchewan Department of Welfare.

ALL SASKATCHEWAN CORRECTIONAL CENTRES
SENTENCE ADMISSIONS BY TYPE, JURISDICTION, DAYS SERVED AND RACIAL ORIGIN, 1970-71
(FOR SEPARATE SENTENCES)

Type of Sentence and Jurisdiction	Totals		Indian-Metis		% of Total Days Served by Indian-Metis		Other Racial Origin		% of Total Days Served by Others	
	Sentences	Days Served	Sentences	Days Served	Sentences	Days Served	Sentences	Days Served	Sentences	Days Served
All Sentence and/or Fine Default Admissions	4,892	227,124	2,910	114,018	50.2%	112,106	1,982	112,106	49.8%	
Municipal/Provincial	1,342	13,986	1,008	10,426	74.6%	3,560	334	3,560	25.4%	
Federal Only	3,076	190,422	1,486	91,228	47.9%	99,194	1,490	99,194	52.1%	
Combined	474	22,716	316	12,364	54.4%	10,352	158	10,352	45.6%	
% of All Sentence Admissions	100.0	100.0	100.0	100.0	—	100.0	100.0	100.0	—	—
Sentences	2,309	183,521	1,123	86,536	47.1%	96,985	1,186	96,985	52.9%	
Municipal/Provincial	41	758	22	741	99.5%	377	19	377	0.5%	
Federal Only	2,175	175,453	1,047	82,710	47.1%	92,763	1,128	92,763	52.9%	
Combined	93	7,310	54	3,445	47.1%	3,865	39	3,865	52.9%	
% of All Sentence Admissions	47.2%	80.8%	38.1%	75.9%	—	86.5%	59.8%	86.5%	—	—
Fine-Option Sentences	2,357	29,092	1,670	20,656	71.0%	8,436	687	8,436	29.0%	
Municipal/Provincial	1,301	13,228	986	10,045	75.9%	3,183	215	3,183	24.1%	
Federal Only	847	11,853	519	7,351	62.0%	4,502	328	4,502	38.0%	
Combined	209	4,011	165	1,460	36.4%	751	44	751	63.6%	
% of All Sentence Admissions	48.2%	12.8%	57.4%	18.1%	—	7.5%	34.1%	7.5%	—	—
Combined Sentence and Fine	226	14,511	117	6,826	60.9%	7,685	109	7,685	39.1%	
Municipal/Provincial	—	—	—	—	—	—	—	—	—	—
Federal Only	34	3,116	20	1,167	37.5%	2,949	34	2,949	62.5%	
Combined	172	11,395	97	5,659	49.7%	5,736	75	5,736	50.3%	
% of All Sentence Admissions	4.6%	6.4%	4.5%	6.0%	—	6.0%	6.1%	6.0%	—	—

SOURCE: "Provincial Correctional Centres Inmate Statistics 1970-71", Research and Statistics Branch, Saskatchewan Department of Welfare.

Thus in 1970-71, Native people received the highest proportion of sentences for municipal and provincial offences, 74.6%. However, as the following chart indicates, municipal and provincial offences accounted for only 27.5% of total sentence admissions to provincial correctional centres in 1970-71, and only 6.2% of total days served for all types of sentences in that year.

**SASKATCHEWAN CORRECTIONAL CENTRES
ADMISSIONS BY TYPE OF OFFENCE, DAYS SERVED, 1970-71**

Type of Sentence	Total Sentences	% of Total Sentences	Days Served	% of Days Served
Municipal/Provincial	1,342	27.5%	13,986	6.2%
Federal only	3,076	62.9%	190,422	83.8%
Combined	474	9.6%	22,716	10.0%
Total Admissions	4,892	100%	227,124	100%

SOURCE: "Provincial Correctional Centres Inmate Statistics, 1970-71" Research and Statistics Branch, Saskatchewan Department of Welfare.

During 1970-71, fine default incarcerations accounted for 57.4% of admissions of Native offenders. However, such admissions accounted for only 18.1% of all days served by Native offenders. The comparable figures for non-native offenders are as follows: fine defaults accounted for 34.1% of all non-native admissions and resulted in 7.5% of all days served by non-native offenders.

Sentences of imprisonment for federal offences without the option of a fine accounted for the largest number of admissions as well as for the majority of days served by all offenders. In 1970-71 sentences of incarceration for federal offences accounted for 35.9% of Native sentence admissions to Saskatchewan's provincial jails and 56.9% of non-Native sentence admissions to provincial jails. Similarly, 72.5% of days served by Native offenders and 82.7% of days served by non-Native offenders were served for offences in this category.

Overall, Native offenders accounted for 2,910 of 4,892, or 59.4%, of all sentenced admissions to Saskatchewan's provincial correctional centres in 1970-71. This resulted in Native people serving 50.2% of total days served in that year. The 9.3% difference between the proportion of sentence admissions and the proportion of days served again indicates that Native people are being incarcerated for shorter periods of time than non-Native offenders.

Several factors explain the apparently shorter sentences of Native inmates in provincial jails. First, Native offenders predominate in the provincial and municipal offences category, where the sentences are shorter. As has been seen, convictions for municipal and provincial offences of Native offenders accounted for 27.5% of all sentence admissions, but only 6.2% of total days served in 1970-71. Further, fine default admissions constituted 48.2% of total sentence admissions, yet resulted in only 12.8% of total days served.

Thus far, all of the information presented has concerned Saskatchewan's provincial institutions. Offenders from Saskatchewan sentenced to two or more years imprisonment usually are incarcerated at the Saskatchewan Penitentiary in Prince Albert, Saskatchewan, or at the Drumheller Institution in Alberta. Consequently a survey was carried out to determine the length of sentences received by both Native and non-Native offenders incarcerated at the maximum security Saskatchewan Penitentiary as of June 20, 1973.¹⁶⁵

The following chart shows sentence length categories for both Native and non-Native offenders. All offenders were divided into two groups: those offenders whose incarceration resulted from an offence against the person, and those offenders whose incarceration resulted from an offence not against the person. Several offenders were incarcerated after being convicted of more than one offence. However, since the chart shows the "most serious offence" resulting in incarceration, each offender is listed only once. If an offender was incarcerated for offences against the person and offences not against the person, he will appear in the category of "against the person" as it is generally considered that this type of offence is more serious.¹⁶⁶ The first percentage column indicates the proportion of Natives receiving sentences of the particular length indicated. The second percentage column indicates the proportion which sentences of that length formed of total sentences given to Natives. The third and fourth percentage columns indicate comparable data for non-Native inmates.

SASKATCHEWAN PENITENTIARY, PRINCE ALBERT, SASKATCHEWAN
SENTENCES BEING SERVED BY INMATES, JUNE 23, 1973

Length of Sentence	NATIVES				OTHERS			
	No.	% of "Totals"	% of Native Sentences in each category	No.	% of "Totals"	% of other sentences in each category	TOTALS	
Offences against the person ³								
0 - 2 yrs.	7	87.5%	4.7%	1	12.5%	0.3%	8	
2 - 5 yrs.	58	41.1%	38.7%	83	59.9%	21.2%	141	
5 - 10 yrs.	7	11.9%	4.7%	52	88.1%	13.3%	59	
10 - 15 yrs.	4	13.8%	2.7%	25	86.2%	6.4%	29	
15+ yrs.	0	0.0%	0	6	100%	1.5%	6	
Life	11	25.0%	7.2%	33	75.0%	8.4%	44	
Indefinite	0	0.0%	0	4	100%	1.1%	4	
Total	87	29.9%	53.0%	204	70.1%	52.2%	291	
Offences not against the person ³								
0 - 2 yrs.	24	43.6%	16.0%	31	56.4%	7.8%	55	
2 - 5 yrs.	34	26.9%	22.7%	92	73.1%	23.5%	126	
5 - 10 yrs.	5	8.2%	3.3%	56	91.8%	14.2%	61	
10 - 15 yrs.	0	0.0%	0	6	100.0%	1.5%	6	
15+ yrs.	0	0.0%	0	1	100.0%	0.3%	1	
Life	0	0.0%	0	0	0.0%	0.0%	0	
Indefinite	0	0.0%	0	2	100.0%	0.5%	2	
Total	63	25.0%	42.0%	188	74.9%	47.8%	251	
Total all sentences	150	27.7%	100.0%	392	72.3%	100.0%	542	

SOURCE: Survey of Inmate Population, Saskatchewan Penitentiary, June 19, 20, 1973.

Native inmates in the Prince Albert Penitentiary obviously have a higher proportion of sentences in the short sentence categories than non-Native inmates. Of all sentences being served by Natives in this institution, 82.1% were five years or less in duration, whereas 52.8% of sentences being served by non-Native are in this category.

A somewhat similar survey was conducted of the Native inmate population at the Drumheller Institution in Alberta.¹⁶⁷ It is clear from the following chart that the greatest concentration of Native inmates is in the lower sentence length range, especially the two to five year sentence-length category:

DRUMHELLER INSTITUTION, JULY 20, 1973
SENTENCE LENGTH OF NATIVE INMATES

Years	No. of Native Inmates	% of Total
0 - 2	21	34.5%
2 - 5	44	52.4%
5 - 10	6	7.1%
10 - 15	1	1.2%
15+	0	0%
Life	4	4.9%
	84	100%

SOURCE: Chief Classification Officer, Drumheller Institution.

The percentage of Native inmates in the 0 - 2 year category at Drumheller is much higher than at Prince Albert (34.5% compared to 20.7%). The reason is that Drumheller is a medium security institution. Of the Native inmates at Drumheller, 72 were sentenced in Alberta, 9 in Saskatchewan and 3 in British Columbia.¹⁶⁸

Additional sentencing data was compiled in 1969 by Magistrate Ian Dubiński, Q.C., in Winnipeg.¹⁶⁷ The chart below indicates the disposition of cases for Indians and Metis arrested in 1969 and the percentage of dispositions in each category.

WINNIPEG - 1969
DISPOSITIONS OF CHARGES AGAINST NATIVES DURING 1969

Disposition	Number	% of Total
Dismissed	5	0.2%
Stayed	51	1.8%
Withdrawn	4	0.1%
Transferred to Family Court	674	23.8%
Transferred to R.C.M.P.	7	0.2%
Transferred to Psychiatric	8	0.2%
Suspended	76	2.7%

WINNIPEG-1969 (Concluded)

Suspended Sentences		
1- 3 Months	3	0.1%
4- 6 Months	37	1.3%
7-12 Months	35	1.2%
13-24 Months	19	0.7%
Probation		
1- 3 Months	1	0.1%
4- 6 Months	46	1.6%
7-12 Months	31	1.1%
13-24 Months	11	0.4%
Total	1,641	58.3%
Fines		
\$ 0-\$ 10	379	13.4%
\$ 11-\$ 24	438	15.5%
\$ 25-\$ 49	399	14.4%
\$ 50	215	7.6%
\$ 51-\$ 99	45	1.6%
\$100-\$124	125	4.4%
\$125-\$149	2	0.1%
\$150-\$199	26	0.9%
\$200-\$249	7	0.2%
\$250	3	0.1%
\$251-\$500	2	0.1%
Time in Custody	106	3.7%
Gaol Sentences		
1- 6 Days	3	0.1%
7 Days	8	0.2%
8-14 Days	6	0.2%
15-29 Days	4	0.1%
30 Days	9	0.3%
30-60 Days	10	0.4%
60-90 Days	11	0.4%
3 Months- 4 Months	1	0.1%
5 Months- 6 Months	3	0.1%
10 Months-12 Months	1	0.1%
12 Months-18 Months	3	0.1%
2 Years	5	0.2%
30 Months- 3 Years	2	0.1%
Transferred to Mental Hospital	5	0.2%
Committed for Trial	3	0.1%
Totals	2,827	100%

SOURCE: Dubiensi and Skelly, "Analysis of Arrests for the Year 1969 in the City of Winnipeg with Particular Reference to Arrests of Persons of Indian Descent."

It was estimated that there were 12,000 to 15,000 Native people in Winnipeg in 1969 out of a population of approximately 500,000, or 3% of the total population.¹⁷⁰ As the chart indicates, 1,641 sentences or 58.3% of all dispositions of charges against Native people in Winnipeg in 1969 were fines, and 56.9% of Natives arrested received fines of less than \$124.00. The Dubiensi Study, from which the above chart is derived, analyzed a total of 8,923 offences of which 6,096 were allegedly committed by non-Native offenders; 2,132 by Indian offenders; and 695 by Metis offenders.¹⁷¹ Using the above data, one can see that 31.7% of all offences analyzed by the Dubiensi Study were committed by Native people, and that 18.4% of all offences were disposed of by a fine given to a Native offender.

The pattern of disproportionate arrests and sentences is again evident. Native involvement was shown in the Dubiensi Study to be especially high in the areas of minor and regulatory offences. For example, 64.8% of all Native offences analyzed were violations of the *Liquor Control Act*.¹⁷² There were 1,276 *Liquor Control Act* violations by Native people which resulted in fines.¹⁷³ Thus, 77.8% of all fines given out to Native people in Winnipeg in 1969 were a result of *Liquor Control Act* violations.

In addition to the numerically disproportionate convictions of Native people for regulatory offences, there was a greater proportion of fines when compared to non-Native offenders. Fines to non-Native offenders comprised 50.9% of all dispositions of cases involving non-Native people, compared to the 64.8% for Native people.

Although full comparisons of disposition of cases involving non-Native offenders is not available, the Dubiensi Study does highlight several types of dispositions where disproportionate sentencing was evident. While only 2.5% of Native offenders received a sentence of incarceration at first court appearance, 3.8% of all dispositions were of this type. This might be explained by the less serious nature of offences committed by Native people. However, the fact that 8.6% of all dispositions of cases involving Native people were by warrant of committal where no time was given for payment of a fine and the offender was committed to jail at once (compared to only 6.3% for non-Native offenders) suggests a problem involving fine-default incarcerations.

The following chart presents the sentences imposed on native offenders in Northern Quebec between 1968 and 1972. There is a rather high proportion of suspended sentences, and only three sentences are for longer than one year. The small number of fines levied may reflect the fact that the area in question is remote.

SENTENCES BY NATURE OF INFRACTIONS, 1968-1972

DISPOSITION	CRIMINAL CODE		Release	Cond. release	Acquittal	Suspended sentence	Fine - \$50.00	Fine + \$50.00	Prison - 1 month	Prison + 1 month	+ 3 months	+ 6 months	+ 1 year	Penitentiary	TOTAL
Indecent assault	149	(141)								2					1
Pointing firearm	86	(86)				1			1					1	3
Impaired driving	233-234	(221-222)				1			1						3
Discharging firearm	86	(86)				1									1
Disobedience to order	666	(640A)	2						1	5	2	1			6
Damage	387	(372)				5			2		1	1			12
Damage	388	(373)			1	1			1		1				5
False alarm	393	(378)				1					1				1
Fraud	338	(323)							1						1
Homicide by abortion	227	(215)							1						1
Breaking and entering	306	(292)				1			1				1		4
Arson	389	(374)							1			2			2
Possession of dangerous weapon	83	(83)													3
Unlawful presence in dwelling-house	307	(293)													2
Taking of motor-vehicle	295	(281)				1		1							4
Resisting police officer	118	(110)	1												1
Attempting arson	389	(374)								2	1				4
Attempting suicide	225	(213)							1						1
Disturbing peace	171	(160)				4		3	1	5	4				17
Common assault	245-1	(231-1)		1		8			3	3	1	1			18
Assault	245-2	(231-2)	2	1	1	4		1	4	1	1	2			16
Assault with intent	246	(232)	1			1				4	1	1			8
Robbery	283	(269)								1					2
Theft from mail	314	(298)								3					3
Total			6	2	2	28	6	1	16	29	12	10	1	2	115

Fine Default Incarcerations:

The high number of fine default incarcerations of Native people has already been referred to in previous portions of this report. Information is available for Saskatchewan's provincial correctional centres showing the total sentence admissions for 1970-71 by type of offence and type of sentence. This information, already shown in previous charts, will be presented in shortened form below. Added to these charts are the proportions of total sentences and days served for the various categories of offences resulting in fine default incarcerations.

PRINCE ALBERT CORRECTIONAL CENTRE, 1970-71
SENTENCE ADMISSIONS BY TYPE, JURISDICTION, DAYS SERVED AND RACIAL ORIGIN

Type of Sentence & Jurisdiction	Total				Native Offenders		
	Sentences	Days Served	Sentences	% of Total (2311)	Days Served	% of Total (105,078)	
All Sentences and/or Fine Admissions	2,311	105,078	1,512	65.4%	56,222	53.5%	
- Municipal/Provincial	684	7,325	521	22.5%	5,437	5.2%	
- Federal	1,368	86,297	810	35.0%	43,897	41.8%	
- Combined	259	11,456	181	7.9%	6,888	6.5%	
Fine Option Sentence Admission	1,192	16,286	894	38.7%	11,743	11.2%	
- Municipal/Provincial	657	6,852	505	21.9%	5,216	4.9%	
- Federal	413	6,893	293	12.7%	4,450	4.2%	
- Combined	122	2,541	96	5.1%	2,077	2.1%	
% of Total	51.6%	15.5%	59.1%	38.7%	20.9%	11.2%	

Sources: "Provincial Correctional Centres Inmate Statistics 1970-71", Research and Statistics Branch, Saskatchewan Department of Welfare.

REGINA CORRECTIONAL CENTRE, 1970-71
SENTENCE ADMISSIONS BY TYPE, JURISDICTION, DAYS SERVED AND RACIAL ORIGIN

Type of Sentence & Jurisdiction	Total				Native Offenders			
	Sentences	Days Served	Sentences	% of Total (2,142)	Days Served	% of Total (111,751)	Days Served	% of Total (111,751)
All Sentences and/or Fine Admissions	2,142	111,751	1,006	46.9%	49,426	44.3%		
- Municipal/Provincial	480	4,657	317	14.8%	3,077	2.8%		
- Federal	1,489	97,011	593	27.7%	41,861	37.5%		
- Combined	173	10,083	96	4.4%	4,488	4.0%		
Fine Option Sentence Admission	886	9,635	510	23.8%	5,910	5.3%		
- Municipal/Provincial	469	4,492	314	14.7%	3,037	2.7%		
- Federal	355	4,034	151	7.0%	2,040	1.8%		
- Combined	62	1,109	45	2.1%	833	0.8%		
% of Total	41.4%	8.6%	50.7%	23.8%	11.9%	5.3%		

Source: "Provincial Correctional Centres Inmate Statistics 1970-71", Research and Statistics Branch, Saskatchewan Department of Welfare.

PINE GROVE CORRECTIONAL CENTRE, 1970-71
SENTENCE ADMISSIONS BY TYPE, JURISDICTION, DAYS SERVED AND RACIAL ORIGIN

Type of Sentence & Jurisdiction	Total				Native Offenders			
	Sentences	Days Served	Sentences	% of Total (439)	Days Served	% of Total (439)	Days Served	% of Total (10,295)
All Sentences and/or Fine Admissions	439	10,295	392	89.3%	8,370	81.3%	8,370	81.3%
-- Municipal/Provincial	178	2,004	170	38.7%	1,912	18.5%	1,912	18.5%
-- Federal	219	7,114	183	41.7%	5,470	53.1%	5,470	53.1%
-- Combined	42	1,177	39	8.9%	988	9.7%	988	9.7%
Fine Option Sentence Admission	279	3,171	266	60.6%	3,003	29.2%	3,003	29.2%
-- Municipal/Provincial	175	1,884	167	38.0%	1,792	17.4%	1,792	17.4%
-- Federal	79	926	75	17.1%	861	8.4%	861	8.4%
-- Combined	25	361	24	5.5%	350	3.4%	350	3.4%
% of Total	63.6%	30.8%	67.9%	60.6%	35.9%	29.2%	35.9%	29.2%

Source: "Provincial Correctional Centres Inmate Statistics 1970-71", Research and Statistics Branch, Saskatchewan Department of Welfare.

From the preceding charts, one can see that fine default admissions of Native people accounted for 38.7% of all admissions to the Prince Albert Correctional Centre; 23.8% of all admissions to the Regina Correctional Centre; and 60.6% of all admissions to Pine Grove Correctional Centre (women). Correspondingly fine default admissions of Native people accounted for 11.2% of total days served in Prince Albert; 5.3% of total days served in Regina; and 29.2% of total days served in Pine Grove in 1970-71. Thus, although the numbers of Native admissions for fine defaults clearly comprised an inordinate proportion of total admissions, the proportion of actual days served was not nearly as great.

The following chart summarizes the Provincial statistics regarding fine defaults in 1970-71:

SASKATCHEWAN CORRECTIONAL CENTRES, 1970-71
SENTENCE ADMISSIONS BY TYPE, JURISDICTION, DAYS SERVED AND RACIAL ORIGIN

Type of Sentence & Jurisdiction	Total				Native Offenders		
	Sentences	Days Served	Sentences	% of Total (4,892)	Day Served	% of Total (227,124)	
All Sentences and/or Fine Admissions	4,892	227,124	2,910	59.5%	114,018	50.2%	
- All Municipal/Provincial	1,342	13,986	1,008	76.0%	10,426	74.6%	
- All Federal only	3,076	190,422	1,586	51.6%	91,228	47.9%	
- Combined	474	22,716	316	66.7%	12,364	54.4%	
Fine Option Sentence Admissions	2,357	29,092	1,670	70.9%	20,656	71.0%	
- Municipal/Provincial	1,301	13,228	986	75.8%	10,045	75.9%	
- Federal only	847	11,853	519	61.3%	7,351	62.0%	
- Combined	209	4,011	165	81.5%	1,460	36.4%	
% of Total	48.2%	12.8%	57.4%	70.9%	18.1%	71.0%	

SOURCE: "Provincial Correctional Centres Inmate Statistics 1970-71", Research and Statistics Branch, Saskatchewan Department of Welfare.

Thus the proportion of Native offenders is high in all categories of offences. Native offenders, constituted 59.5% of all sentences served and 50.2% of all days served in Saskatchewan provincial jails in 1970-71. Also, Native people made up 70.9% of all fine default sentences, and 71.0% of all days served for fine default sentences. Thus, incarceration of Native offenders was most frequent for fine default situations and for municipal/provincial offences.

The Dubiński Study¹⁷³ in Manitoba reported that during 1969 over 50% of the Native people incarcerated at Headingly Provincial Gaol were serving fine default sentences. Of 4,302 admissions to Headingly in 1969, 1,056 or 24.4% were admissions of Native offenders.¹⁷⁴ Thus, at least one-eighth of all inmates at Headingly in 1969 were Natives serving fine default sentences.

In Winnipeg in 1969, 27.2% of all charges analyzed by the Dubiński Study were allegedly committed by Native offenders.¹⁷⁵ Breaches of the *Liquor Control Act* accounted for 64.8% of the cases involving Native people.¹⁷⁶ Fines under \$500.00 accounted for 58.9% of all dispositions of cases involving Natives,¹⁷⁷ with 1,276 or 77.8% of these fines being imposed for breaches of the *Liquor Control Act*.¹⁷⁸ In addition, 8.6% of dispositions of charges against Native people were by warrant of committal whereas such dispositions accounted for only 6.2% of cases involving non-Natives.¹⁷⁹ In summary, the number of fines, fine defaults and sentences for regulatory offences reported by the Dubiński Study closely parallels the situation in Saskatchewan.

Imprisonment for non-payment of fines appears to be an inconsistent and negative technique in the criminal process. It does not rehabilitate the offender, as is evident from the high recidivism rate in regulatory offences. It destroys the deterrent value of prison.¹⁸⁰ It is very expensive, being the most costly form of supervision, and actually penalizes society for the wrongs of the offender. It also gives the appearance of being discriminatory against the poor.

The Saskatchewan Corrections Study Committee, 1971,¹⁸¹ suggested several alternative methods of enforcing payment of fines. The first suggestion was to place the defaulter on probation, with repayment of the fine being a condition of probation.¹⁸² Should probation be breached, the offender would be returned to court, where his debt would be collected by civil process (garnishment of wages, execution against property, etc.)¹⁸³

Alternative suggestions were linked to the Committee's recommendation that small scale, local lock-ups be established throughout Saskatchewan. The offender would spend nights or weekends in custody, and might be forced to participate in government work-training programs for the duration of his sentence.¹⁸⁴

Probation:

Comprehensive data concerning the use of probation as a means of sentencing is available only for Saskatchewan. This information concerns the type of offence for which probation was granted, and the origin of the probationer by region and by rural or urban residence.

The following chart shows the type of offence for which probation was granted in Saskatchewan in 1971-72. Also shown is the sex and racial origin of the

offender. Any probationer will appear in the statistics more than once if he was granted probation for more than one offence.

SASKATCHEWAN PROBATION CASES, 1971-72
SEPARATE OFFENCES

Type of Offence	All Males	Native Males	All Females	Native Females
<i>Offences not against the person</i>	2,950	631	361	158
Theft, B & E etc.	2,006	483	212	74
Fraud & related Offences	478	58	90	51
Vagrancy & Related Offences	11	2	7	5
Narcotics & Related Offences	88		7	0
Escapes, Bail-Jumping, etc.	13	3	2	0
Driving Offences	42	14	2	1
Weapons	32	9	—	—
Disturbance	16	5	10	9
Damage	101	29	16	13
Counterfeiting, Revenue Offences	2	1	0	0
Interference with Police	10	4	2	2
Against Administration of Justice	9	3	3	1
Miscellaneous	142	20	10	2
<i>Offences against the Person</i>	245	116	34	24
Assault & Related Offences	136	84	21	16
Robberies & Related Offences	36	11	7	5
Wounding	8	6	1	0
Rape	4	4	—	—
Indecent Assault	39	7	—	—
Abduction	2	—	—	—
Homicide	4	—	—	—
Miscellaneous	16	4	5	3
Provincial offences	12	8	2	2
Liquor Act	3	1	1	1
Vehicles Act	7	5	—	—
Child Welfare Act	1	1	1	1
Liquor License Act	1	1	—	—

SOURCE: "Probation Statistics 1971-72", Research and Statistics Branch, Saskatchewan Department of Social Services.

The summary of these statistics is as follows:

SASKATCHEWAN PROBATION CASES 1971-72

Type of Offence	All Origins	Native	% Native of Total
Not against the person	3,311	789	23.8%
Against the person	279	140	50.2%
Provincial offences	14	10	71.4%
Totals	3,604	939	26.1%

SOURCE: "Probation Statistics 1971-72", Research and Statistics Branch, Saskatchewan Department of Social Services.

As can be seen from this chart, Natives were involved in 26.1% of offences for which probation was granted. This is much lower than the proportion of Native inmates in Provincial jails. In 1971-72, 3,568 out of 5,528, or 64.5%, of all jail sentences (for offenders discharged or still in prison) were served by Native people.¹⁸⁵ As has been noted previously, Native offences usually are of a "less serious" type. Thus one may wonder why Native offenders should not receive as high a proportion of probation as of jail sentences. The Saskatchewan Corrections Study Committee, 1971, found that part of the disparity between the proportion of Natives in jail and Natives on probation was due to the fact that Native people in Saskatchewan live predominantly in rural areas where probation supervision is not as practical under the present probation structure.¹⁸⁶ Another factor may be the types of offences of which Native people are convicted. As has been seen, Native people are convicted of proportionately more provincial, municipal and regulatory offences. Courts often would not view probation as an appropriate sentencing alternative in such a situation. This hypothesis would appear to be borne out by the previous chart which shows Saskatchewan's total probation caseload by type of offence.

The total figures for the urban and rural probation case load for Saskatchewan in 1971-72 were as follows:

SASKATCHEWAN PROBATION CASE LOAD
1971-72

Type of Residence & Origin	Total	% of Total
Total Probationers	2,289	100%
Urban	1,906	83.3%
Rural	383	16.7%
Total Native Probationers	641	28.4%
Urban	424	22.2% (of urban probationers)
Rural	217	56.7% (of urban probationers)

As can be seen above, Native probationers made up only 28.4% of all probationers in 1971-72. On the other hand, in the same year Native people accounted for 1,298 out of 1,941 (66.8%) of sentenced individuals in the Prince Albert Correctional Centre; 941 out of 1,969 (47.8%) of sentenced individuals in the Regina Correctional Centre; and 390 out of 427 (91.3%) of sentenced individuals in the Pine Grove Correctional Centre (women). This amounted to a provincial total of 2,629 out of 4,337, or 60.6%, of the total sentenced individuals to Provincial correctional centres in 1971-72.¹⁸⁷

The problems connected with rural probation services, as reported by the Saskatchewan Corrections Study Committee, include poor supervision and inadequate and untrained staff.¹⁸⁸ Rural probationers constituted only 16.7% of all

probationers in 1971-72, even though the 1966 census reported that 487,017 out of 955,344 or 51% of Saskatchewan's population lived in a rural residence, i.e. in communities under 1,000 people.¹⁸⁹ Since most Natives live in rural areas, any inadequacy in probation services, with a resulting diminution of sentencing alternatives, weighs heavily on the Native population.

The following chart compares the probation caseload in 1971-72 with the number of people sentenced to provincial jails for the various Saskatchewan Department of Social Services regions. Although the figures for sentenced individuals are for 1970-71 (the latest available) and the numbers of sentenced individuals will have changed somewhat in 1971-72, the regional distribution of sentenced individuals should not have changed significantly from 1970-71 to 1971-72.

This chart again supports the conclusion that probation services are utilized more frequently in urban areas. Another conclusion is that Native offenders are less likely to receive probation rather than jail sentences even in urban areas. In the Regina region, 22.1% of probationers in 1971-72 were of Native origin, but 36.7% of sentenced individuals in 1970-71 were of Native origin. In the Saskatoon region, 12.2% of probationers in 1971-72 were of Native origin, but 19.0% of sentenced individuals in 1970-71 were of Native origin. In the Moose Jaw region, 4.7% of probationers in 1971-72 were of Native origin, but 14.3% of sentenced individuals in 1970-71 were of Native origin. In the Prince Albert region, 46.7% of probationers in 1971-72 were of Native origin, but 77.1% of sentenced individuals in 1970-71 were of Native origin. Thus, it seems apparent that Native offenders are receiving less probation than non-Native offenders in both the urban and rural areas of Saskatchewan.

SASKATCHEWAN

TOTAL PROBATIONERS 1971-72, TOTAL SENTENCED INDIVIDUALS 1970-71, AND % OF TOTAL OFFENDERS
IN REGION*; NATIVE PROBATIONERS AND % OF TOTAL PROBATIONERS 1971-72, NATIVE SENTENCED
INDIVIDUALS AND % OF TOTAL SENTENCED INDIVIDUALS 1970-71, IN REGION.

Region	Total Probationers & % of Total Offenders in Region		Total Sentenced Individuals & % of Total Offenders In Region		Native Probationers & % of Total Probationers in Region		Native Sentenced Individuals & % of Total Sentenced Individuals In Region	
Regina**	502	51.3%	477	48.7%	121	22.1%	175	36.7%
Saskatoon	466	54.1%	396	45.9%	57	12.2%	75	19.0%
Moose Jaw	186	62.4%	112	37.6%	9	4.7%	16	14.3%
Prince Albert	321	34.9%	599	65.1%	150	46.7%	462	77.1%
Swift Current	107	52.5%	97	47.5%	5	4.7%	19	19.6%
Yorkton	160	37.1%	271	62.9%	61	38.1%	204	75.3%
North Battleford	88	16.9%	433	83.1%	37	42.0%	363	83.8%
Weyburn	106	44.0%	135	56.0%	10	9.4%	64	47.4%
Melfort	132	38.7%	209	61.3%	45	34.1%	137	65.6%
Meadow Lake	121	22.2%	423	71.8%	102	84.3%	293	69.3%
Qu'Appelle	100	19.8%	406	80.2%	44	44.0%	350	86.2%

SOURCE: "Probation Statistics 1971-72", Research and Statistics Branch, Saskatchewan Department of Social Services.

*Total offenders in region refers to the total of all probationers plus all sentenced individuals in the region. For example, total offenders in the Regina region number 502 + 477 or 979.

**The regions are presented in descending order of population for the major centre of the region. The first four regions have been defined by the Saskatchewan Corrections Study Committee as urban.

Pre-sentence Reports

Pre-sentence reports often are vital aids to proper sentencing. Information is available in Saskatchewan on the number of pre-sentence reports prepared by the Department of Social Services. The following chart classifies this information by type of residence (urban or rural) and racial origin of the offender.

SASKATCHEWAN 1971-72
TOTAL PRE-SENTENCE REPORTS, TYPE OF RESIDENCE,
RACIAL ORIGIN

Type of Residence and Origin	Total	% of Total
Total Pre-Sentence Reports	1,682	100%
Urban	1,439	85.7%
Rural	243	14.3%
Native Pre-Sentence Reports	381	22.6%
Urban	262	18.2% (of Total Urban)
Rural	119	49.0% (of Total Rural)

SOURCE: "Probation Statistics 1971-72", Research and Statistics Branch, Saskatchewan Department of Social Services.

As can be seen, the preparation of pre-sentence reports for offenders in Saskatchewan in 1971-72 closely parallels the use of probation, especially with regard to Native and rural offenders. The proportion of Native pre-sentence reports (22.6%) was significantly smaller than the proportion of Native incarcerations in provincial correctional centres (60.6%).

Pre-sentence reports given to offenders from rural areas accounted for only 14.3% of all pre-sentence reports. Of all "rural pre-sentence reports," 49.0% concerned Natives, while only 18.2% of "urban pre-sentence reports" concerned Natives. Despite the lower urban percentage, pre-sentence reports for Natives in urban areas accounted for 262 out of 381, or 68.2%, of all Native pre-sentence reports. As with probation services, accordingly, pre-sentence reports are not as available in rural areas as in urban areas. Even in urban areas, however, the problem is acute for Native offenders since a higher proportion of Natives were sentenced to jail than the proportion who received pre-sentence reports. For example, in the Regina region, 87 out of 393, or 22.1%, of all offenders who received pre-sentence reports in 1971-72 were Natives, but 175 out of 477 or 36.7% of all sentenced individuals from the region in 1970-71 were Natives.

Recidivism Rates

The only available data on recidivism rates comes from the Saskatchewan Department of Social Services, from a study of inmates at the Prince Albert Penitentiary, and from the 1969 Dubiensi Study of arrests in Winnipeg.

The most complete record of recidivism was obtained in the Prince Albert Penitentiary Study.¹⁹⁰ The following charts indicate the number of prior convictions by type of offence for each category of offence for which the offender was then incarcerated. This latter offence is the most serious offence for which the offender was incarcerated. Thus each offender is categorized only once, although his record may appear twice – once in the category of prior convictions for offences against the person, and again in the category of prior convictions for offences not against the person.

From the following charts it is clear that in all categories more Natives incarcerated in the Saskatchewan Penitentiary at Prince Albert as of June 20, 1973, had prior records than do non-Natives. There were 87 Natives incarcerated for offences against the person. Of this number, 93.1% had prior convictions for offences against the person while 94.2% had prior convictions for offences not against the person. Of the 204 non-Native offenders incarcerated for offences against the person, 83.3% had prior convictions for offences against the person and 83.3% had prior convictions for offences not against the person.

Of the 63 Natives in the Prince Albert Penitentiary for offences not against the person, 65.1% had prior convictions for offences against the person, and 96.8% had prior convictions for offences not against the person. Of the 188 non-Natives incarcerated for offences not against the person, 42.6% had prior convictions for offences against the person, while 93.7% had prior convictions for offences not against the person.

The pattern of previous convictions was somewhat similar for Natives and non-Natives alike in that persons incarcerated for offences against the person had about the same number of prior convictions in both categories, and the persons incarcerated for offences not against the person had significantly more prior convictions in that category than in the category of offences against the person. In addition, the great majority of prior convictions of persons incarcerated for offences not against the person fell in to the category of “1 to 5” for offences against the person, and the category of “16+” for offences not against the person. This was not the case for those incarcerated for offences against the person, although even here the majority of prior convictions for offences against the person were in the “1 to 5” category.

There also were some differences in the records of Natives and non-Natives. Native inmates had longer records for each type of offence. They also had a greater prior involvement in crimes against the person. Even for offences not against the person, 65.1% of Natives had prior convictions for offences against the person, while only 42.6% of non-Natives in this category had prior convictions for offences against the person.

SASKATCHEWAN PENITENTIARY – JUNE 20, 1973.
 SENTENCED OFFENCE (AGAINST THE PERSON), RACIAL ORIGIN,
 PRIOR CONVICTIONS
 SENTENCED OFFENCE

Record	Homicide	Robbery	Sexual Offences	Assaults	Other	Total	% of offenders* with records in category
NATIVES							
No Record	1	1	0	1	0	3	3.4%
Prior Offences Against the Person							
1 - 5	14	26	11	11	0	62	71.3%
6 - 10	3	8	1	6	0	18	20.7%
11 - 15	1	0	0	0	0	1	1.1%
16+	0	0	0	0	0	<u>0</u>	<u>0</u>
						81	93.1%
No Record Against the Person						<u>6</u>	<u>6.9%</u>
Total						87	100.0%
Prior Offences Not against the person							
1 - 5	7	7	3	3	0	20	23.0%
6 - 10	6	7	4	3	0	20	23.0%
11 - 15	4	4	3	2	0	13	14.9%
16+	3	15	2	9	0	<u>29</u>	<u>33.3%</u>
						82	94.2%
No record not against the Person						<u>5</u>	<u>5.8%</u>
Total						87	100.0%
NON-NATIVES							
No Record	11	3	4	4	0	22	10.8%
Prior Offences Against the Person							
1 - 5	22	87	17	11	3	140	68.6%
6 - 10	4	12	5	4	1	26	12.7%
11 - 15	1	2	1	0	0	4	2.0%
16+	0	0	0	0	0	<u>0</u>	<u>0</u>
						170	83.3%
No Record Against the Person						<u>34</u>	<u>16.7%</u>
Total						204	100.0%
Prior Offences Not Against the Person							
1 - 5	9	22	6	3	1	41	20.1%
6 - 10	7	18	5	6	1	37	18.1%
11 - 15	5	15	4	3	0	27	13.2%
16+	8	43	5	6	3	<u>65</u>	<u>31.9%</u>
						170	83.3%
No Record Not Against the Person						<u>34</u>	<u>16.7%</u>
						204	100.0%

*Offenders with sentenced offence (most serious) being against the person: Native 87; Others 204.

SASKATCHEWAN PENITENTIARY – JUNE 20, 1973.
 SENTENCED OFFENCE (NOT AGAINST THE PERSON), RACIAL ORIGIN,
 PRIOR CONVICTIONS
 SENTENCED OFFENCE

Record	Weapons	Theft, B/E	Des- truc- tion	Drugs	Fraud	Other	Total	% of offenders* with records in category
NATIVES								
No Record	0	0	0	0	0	0	0	0%
Prior Offences Against the Person								
1 – 5	3	23	0	2	0	3	31	49.2%
6 – 10	1	9	0	0	0	0	10	15.9%
11 – 15	0	0	0	0	0	0	0	
16+	0	0	0	0	0	0	0	
							41	65.1%
No Record Against the Person							22	34.9%
Total							63	100%
Prior Offences Not Against the Person								
1 – 5	1	1	0	1	0	1	4	6.4%
6 – 10	0	7	0	0	0	0	7	11.1%
11 – 15	0	9	0	1	0	2	12	19.0%
16+	3	35	0	0	0	0	38	60.3%
							61	96.8%
No Record Not Against the Person							2	3.2%
Total							63	100%
NON-NATIVES								
No Record	0	0	1	5	2	0	8	4.2%
Prior Offences Against the Person								
1 – 5	8	41	0	19	7	4	79	42.0%
6 – 10	1	0	0	0	0	0	1	0.6%
11 – 15	0	0	0	0	0	0	0	0
16+	0	0	0	0	0	0	0	0
							80	42.6%
No Record Against the Person							108	57.4%
Total							188	100%
Prior Offences Not Against the Person								
1 – 5	0	5	1	20	1	0	27	14.4%
6 – 10	3	20	0	12	0	1	36	19.2%
11 – 15	3	9	0	7	0	1	20	10.7%
16+	7	59	0	11	14	2	93	49.4%
							176	93.7%
No Record Not Against the Person							12	6.3%
Total							188	100%

*Offenders with sentenced offences (most serious) being not against the person: Native 63; Others 188.

**SASKATCHEWAN CORRECTIONAL CENTRES 1971-72
SENTENCED AND REMANDED ADMISSIONS, RACIAL ORIGIN**

Number of Admissions Per Individual	Prince Albert		Regina		Pine Grove		All Centres		
	Total	Native	Total	Native	Total	Native	Total	Native	Native %
	Total Sentenced and Remanded	2,251	1,459	2,480	1,147	479	433	5,210	3,039
Sentenced (Total)	1,941	1,298	1,969	941	427	390	4,337	2,629	60.6%
Admissions	1,523	959	1,582	689	332	298	3,437	1,946	56.6%
1 Admission	312	246	295	186	68	66	675	498	73.8%
2 Admissions	75	64	66	48	21	20	162	132	81.0%
3 Admissions	23	21	19	16	1	1	43	38	88.4%
4 Admissions	5	5	2	2	5	5	12	12	100%
5 Admissions	3	3	-	-	-	-	3	3	100%
6+ Admissions									
Remanded (Total)	310	161	511	206	52	43	873	410	46.9%
Admissions	144	63	225	88	41	34	410	185	45.1%
1 Admission	75	46	102	46	6	5	183	97	53.0%
2 Admissions	22	12	52	26	4	4	78	42	53.9%
3 Admissions	20	11	35	13	1	-	56	24	42.9%
4 Admissions	14	8	25	11	-	-	39	19	48.7%
5 Admissions	35	21	77	22	-	-	112	43	38.4%
6+ Admissions									

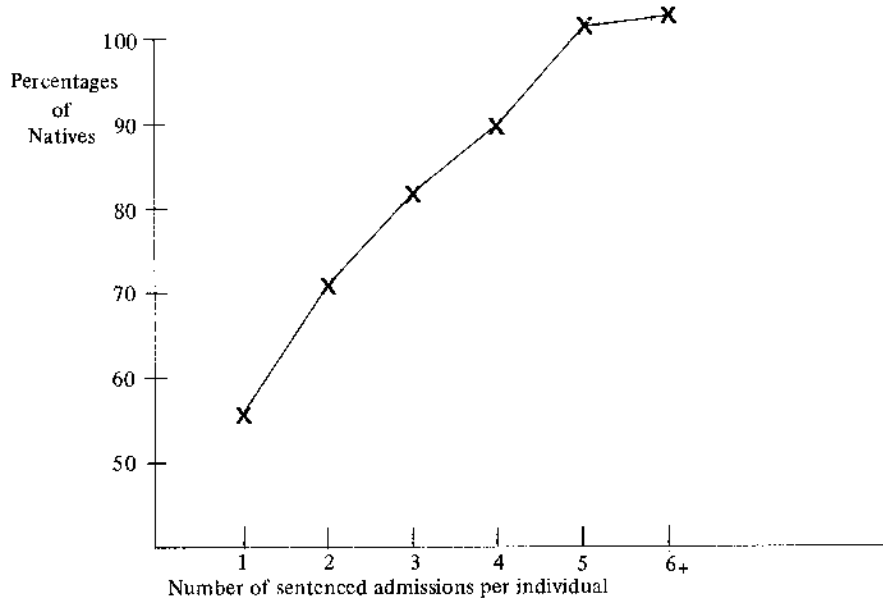
SOURCE: "Provincial Correctional Centres Inmate Statistics 1971-72", Research and Statistics Branch, Saskatchewan Department of Social Services.

It has previously been observed that the majority of offences committed by Native people incarcerated in provincial institutions are of a less serious nature, yet Native inmates in the Saskatchewan Penitentiary generally have longer records than non-Native offenders as well as a greater involvement in offences against the person. It should also be noted that the proportion of the inmate population made up by Native offenders at the Saskatchewan Penitentiary is much lower (27.6% as of June 20, 1973) than in Saskatchewan's provincial jails (58.3% of sentence admissions in 1971-72), the latter containing offenders sentenced to less than two years imprisonment.

For Saskatchewan Provincial Correctional Centres data is available showing the number of admissions during 1971-72 of each individual offender.¹⁹¹ The above table indicates the number of admissions to each institution of sentenced individuals and of remanded individuals for 1971-72.

The following graph shows that the recidivism rate among Native people admitted to provincial jails in Saskatchewan in 1971-72 is higher than among non-Natives. Native people made up the majority of individuals sentenced more than once to a provincial jail in Saskatchewan in 1971-72. There were 895 people admitted more than once. Native people made up 685 or 76.5% of this number. Further, Native people also made up increasingly greater proportions of offenders with multiple admissions. Native people accounted for 498 of 675 offenders of those with two admissions (73.8%); 132 of 162 of those with three admissions (81.0%); 38 of 43 of those with four admissions (88.4%); and 15 of 15 of those with five or more admissions (100%). The increase in Native involvement as the number of admissions increased may be illustrated graphically as follows:

SASKATCHEWAN CORRECTIONAL CENTRES, 1971-72
 PROPORTION OF NATIVE INDIVIDUALS IN
 MULTIPLE ADMISSION CATEGORIES



The deterrent effect of incarceration for the minor types of offences involved in multiple admissions surely must be doubtful in the light of this data, particularly for the Native offender.

The data for remanded individuals does not show an increase in proportion of Native individuals as the number of remands for 1971-72 increases, but the relevance of this data is obscure and it is presented only to show the types of admissions to Provincial institutions.

The Dubiensi Study reported that in the City of Winnipeg in 1969, 3,979 non-Native people were arrested. Of the 3,979, 2,778 were arrested once and 1,201 were arrested more than once. There were 1,493 Native offenders arrested; 878 were arrested once, and 615 were arrested more than once.¹⁹² Thus, 30.2% of non-Native offenders had more than one arrest in 1969 in Winnipeg while the comparable figure for Native offenders was 41.2%. Again, then, there was a higher recidivism rate for Native people than for non-Native people.

General Conclusions

In the preceding chapters, an effort has been made to assemble the statistical data on Native criminality in Canada. Unfortunately, there are many gaps in the available material. There is little information concerning central and eastern Canada. Most of the information presented concerns the four western Provinces, which have the highest percentage of Native population. Much research remains to be done, but what information is available suggests the following conclusions:

1. A disproportionate number of Native persons in Canada are being convicted of offences and sent to jail. In British Columbia the proportion of admissions of Native offenders to provincial institutions in recent years has ranged from 14% to 21%; in Alberta, from 23% to 34%; in Saskatchewan, from 50% to 60%; and in Manitoba, from 40% to 50%; even though the Native population is approximately 5% in British Columbia and Alberta, and 12½% in Saskatchewan and Manitoba. The proportion of Native offenders in the Saskatchewan Penitentiary is approximately 30%.
2. Native women constitute a much greater proportion of the female prison population than do Native men of the male prison population. In Saskatchewan, the figure has been approximately 90%.
3. Native offenders usually are involved in less serious crimes than non-Native offenders. Many are incarcerated for breaches of provincial and municipal statutes, particularly liquor and vehicles legislation.
4. The average length of sentence served by a Native offender is less than that served by a non-Native offender.
5. A large number of Native offenders are sent to jail for non-payment of fines. In 1970-71, 57.4% of all Natives admitted to Saskatchewan jails, constituting 1/3 of all admissions, were admitted for non-payment of fines, and the time spent constituted 18.1% of total days served by Natives.
6. Federal offences committed by Native offenders are more likely to be offences against the person. The more common federal offences committed by Natives are assault, theft, breaking and entering, causing a disturbance, and driving offences involving the use of alcohol. Native offenders rarely are involved in narcotics offences.
7. Natives incarcerated in the Saskatchewan Penitentiary are more likely to have a previous record and a longer record than non-Natives, particularly of crimes against the person.
8. Native offenders in both provincial and federal institutions have a higher recidivism rate.
9. Much, if not most, Native crime is associated with the use of alcohol. The association may be direct, such as in the offences of impaired driving, public drunkenness, and causing a disturbance; or it may be indirect, such as assault following drinking, or theft or breaking and entering to obtain alcohol.

10. In areas where there is a substantial Native population, the enactment by many provinces of legislation providing for the detention without charge of intoxicated persons has led to a substantial reduction in the number of convictions of Native persons, but it has led to an increase in the number of detentions, and most of the detainees are in fact Native persons.

11. The Native offender is less likely to receive probation or a pre-sentence report, whether sentenced in a rural or urban area. Facilities are not as available in rural areas, where most Natives live, and the differential in urban areas partly may be explained by the less serious nature of charges against Native persons.

Notes

1. Departmental Statistics Division, Department of Indian Affairs and Northern Development, September 13, 1972.
2. Estimate of the Native Council of Canada obtained from Provincial Organizations and supplied by Legal Research and Planning Section, Department of Justice, Ottawa, June 23, 1972.
3. "Provincial Correctional Centres Inmate Statistics 1969-70" and "Provincial Correctional Centres Inmate Statistics 1970-71", Research and Statistics Branch, Saskatchewan Department of Welfare.
4. "Provincial Correctional Centres Inmate Statistics 1971-72", Research and Statistics Branch, Saskatchewan Department of Social Services.
5. "Provincial Correctional Centres Inmate Statistics 1970-71".
6. *Ibid.*
7. "Provincial Correctional Centres Inmate Statistics 1971-72".
8. *Ibid.*
9. *Ibid.*
10. *Ibid.*
11. *Ibid.*
12. Survey of Saskatchewan Penitentiary Inmate Population, June 19-20, 1973.
13. "Report of the Interdepartmental Work Group on Some Aspects of the Survey 'Indians and the Law'", p. 4.
14. *Ibid.*, p. 4.
15. Statistics supplied by Chief Classification Officer, Drumheller Institution, August 1, 1973.
16. *Ibid.*
17. Interdepartmental Work Group, *supra* Footnote 13, p. 4.
18. "Statistics of Criminal and Other Offences, 1969", Ottawa, Statistics Canada. Unfortunately these statistics are very unreliable because of the lack of a precise definition of "Indian" and because of reporting variations. The statistics attempted to include anyone who appeared to be of Indian background.
19. Departmental Statistics Division, Department of Indian Affairs and Northern Development, September 13, 1972.
20. "The Forgotten People", Ottawa: Native Council of Canada, March, 1973, p. 6; Legal Research and Planning Section, Department of Justice, Ottawa.
21. Statistics supplied by Manitoba Department of Health and Social Development.
22. 1972 statistics concerning racial origin of those admitted to Provincial jails are supplemental, and supplied by the Manitoba Department of Health and Social Development. These statistics are not published in the "Annual Report 1972".
23. Adult Correctional Institutions, admissions by racial origin -1972, unpublished, supplied by O. Blanchet, Administrative Assistant to Director of Corrections, Manitoba Department of Health and Social Development, June 7, 1973.

24. R.S.M. 1970, C. I-90.
25. Letter from Mr. John M. Gillingham, Superintendent, Brandon Correctional Institution, June 20, 1972.
26. R.S.M. 1970, C. I-90, ss. 2 and 3.
27. Adult Corrections, Table 7, Manitoba Department of Health and Social Development.
28. Report of the Interdepartmental Work Group on Some Aspects of the Survey "Indians and the Law", p. 4.
29. "Statistics of Criminal and Other Offences, 1969", Ottawa, Statistics Canada. See footnote 18, *supra*, as to the meaning of "Indian".
30. Magistrate Ian V. Dubiński, and Professor Stephen Skelly, "Analysis of Arrests for the Year 1969 in the City of Winnipeg with particular reference to Arrests of Persons of Indian Descent", 1970, p. 4.
31. *Ibid.*, p. 5.
32. *Ibid.*, p. 7.
33. Departmental Statistics Division, Department of Indian Affairs and Northern Development, September 13, 1972.
34. Estimate of Native Council of Canada based on figures supplied by Provincial Organizations and furnished by Legal Research and Planning Section, Department of Justice, Ottawa, June 23, 1972.
35. "Annual Report 1972", Corrections Branch, Province of Alberta, Department of the Attorney General, pp. 148 and 152.
36. "Annual Report of The Correctional Institutions Superintendent April 1, 1970 – March 31, 1971", Province of Alberta, Department of the Attorney General, Corrections Branch, p. 83.
37. Departmental Statistics Division, Department of Indian Affairs and Northern Development, September 13, 1972.
38. Estimate of Native Council of Canada based on figures compiled from Provincial Organizations and furnished by Legal Research and Planning Section, Department of Justice, Ottawa, June 23, 1972.
39. British Columbia Corrections Service, Report for Period 01/04/1972 to 31/03/1973.
40. Letter from M. Taylor, Research Officer, British Columbia Department of the Attorney General, Criminal Justice Planning and Research Unit, September 20, 1973.
41. British Columbia Corrections Service, *supra*, footnote 39.
42. "Annual Report of the Director of Corrections, 1968", British Columbia Department of the Attorney General.
43. Letter from Director of Corrections, British Columbia Corrections Service, June 6, 1972.
44. *Ibid.*
45. "Report of the Interdepartmental Work Group on Some Aspects of the Survey 'Indians and the Law'", p. 4.
46. Departmental Statistics Division, Department of Indian Affairs and Northern Development, September 13, 1972.
47. "The Forgotten People", Ottawa, Native Council of Canada, March, 1973, p. 6.
48. "Annual Report 1969-70", Government of the Yukon Territory, Department of Corrections, p. 9.
49. *Ibid.*, p. 9.

50. *Ibid.*, p. 9.
51. "Annual Report 1970-71", Government of The Yukon Territory, Corrections Branch, Appendix A, p. 2.
52. *Ibid.*, Appendix A, p. 2.
53. *Ibid.*, Appendix A, p. 2.
54. *Ibid.*, p. 6.
55. *R. v. Drybones* (1970) S.C.R. 282, 9 D.L.R. 3d 473, 10 C.R.N.S. 334, 71 W.W.R. 161, (1970) 3 C.C.C. 355 (S.C.C.).
56. *The Alcoholic Liquors Ordinance*, O. Yuk. 1970, c. 3.
57. R.S.C. 1970, c. 1-6.
58. Stat. of Can. 1960, c. 44.
59. *The Alcoholic Liquors Ordinance*, O. Yuk. 1970, c. 3, s. 84.
60. Departmental Statistics Division, Department of Indian Affairs and Northern Development, September 13, 1972.
61. "The Forgotten People", Ottawa, Native Council of Canada, March, 1973.
62. Report of the Commissioner of the Northwest Territories, 1971, p. 99.
63. "Inquiry into the Administration of Justice in the Hay River area of the Northwest Territories", 1967-68, The Honourable Mr. Justice W. C. Morrow, Commissioner, pp. 25-26.
64. "Evidence and Proceedings before the Royal Commission", Vol. 1, pp. 202-206, evidence of Constable Robert John Anderson, August 16, 1967.
65. These statistics were found in the Inuvik Research Laboratory, Inuvik, Northwest Territories.
66. Departmental Statistics Division, Department of Indian Affairs and Northern Development, September 13, 1971.
67. "The Forgotten People", Ottawa, Native Council of Canada, March, 1973, p. 7.
68. "Statistics of Criminal and Other Offences, 1969", Ottawa, Statistics Canada. See footnote 18 concerning these statistics.
69. See, for example, "Indian Life and Canadian Law, A Report on the Ontario North", 1973, Toronto, Canadian Civil Liberties Education Trust.
70. Letter from Stephen V. Fram, Counsel, Province of Ontario, Ministry of the Attorney General, June 14, 1973.
71. Departmental Statistics Division, Department of Indian Affairs and Northern Development, September 13, 1972.
72. "The Forgotten People", Ottawa, Native Council of Canada, March, 1973.
73. Canada Yearbook, 1972.
74. Departmental Statistics Division, Department of Indian Affairs and Northern Development, September 13, 1972.
75. "The Forgotten People", Ottawa, Native Council of Canada, March, 1973, p. 7.
76. Letter from Mr. Charles Deschenes, Supervisor of Classifications, Province of New Brunswick, Department of Justice, Correctional Services Division, June 14, 1972.
77. Survey provided by Mr. Charles Deschenes, Supervisor of Classifications, New Brunswick Department of Justice, Correctional Services Division, July 5, 1973. The term Indian was not defined; however, in an earlier letter, Footnote 72, *supra*, it was noted that there were no Metis offenders in New Brunswick Provincial jails.

78. "Statistics of Criminal and Other Offences, 1969", Ottawa, Statistics Canada. See Footnote 18, *supra*.
79. Departmental Statistics Division, Department of Indian Affairs and Northern Development, September 13, 1972.
80. "Statistics of Criminal and Other Offences, 1969", Ottawa, Statistics Canada. See Footnote 18, *supra*.
81. Departmental Statistics Division, Department of Indian Affairs and Northern Development, September 13, 1972.
82. "Statistics of Criminal and Other Offences, 1969", Ottawa, Statistics Canada. See Footnote 18, *supra*.
83. Submission of Magistrate C. J. Goodyear to the Law Faculty, University of Saskatchewan and the National Law Reform Commission. Appendix "C".
84. "The Forgotten People", Ottawa, Native Council of Canada, March, 1973, p. 7.
85. Magistrate C. J. Goodyear, *supra*, Footnote 79, Appendix "A".
86. "Provincial Correctional Centres Inmate Statistics, 1970-71", Research and Statistics Branch, Saskatchewan Department of Welfare, p. 15.
87. R.S.S. 1965, c. 382.
88. R.S.S. 1965, c. 377.
89. "Provincial Inmate Statistics, 1970-71", *supra* Footnote 86, p. 15.
90. *Ibid.*, p. 15.
91. *Ibid.*, p. 15.
92. R.S.C. 1970, c. C-34.
93. R.S.C. 1970, c. N-1.
94. R.S.C. 1970, c. I-6.
95. "Provincial Inmate Statistics, 1970-71", *supra*, Footnote 86, p. 15.
96. *Ibid.*, pp. 6-7.
97. *Ibid.*, pp. 6-7.
98. All information presented here concerning the Saskatchewan Penitentiary Inmate population is based on a study of Inmate files and was carried out on June 19th and 20th, 1973. The proportion of Native inmates could be slightly greater (perhaps up to 5%) as the origin of inmates was taken from admission forms which are based on information supplied by the incoming inmate.
99. Magistrate Ian V. Dubiński, Q.C., and Professor Stephen Skelly, LL.B., "Analysis of Arrests for the Year 1969 in the City of Winnipeg with particular reference to Arrests of Persons of Indian Descent".
100. R.S.M. 1970, c. II-60.
101. R.S.M. 1970, c. L-160.
102. The authors of the Winnipeg Study expressed the view that the number of people listing themselves on police information sheets as metis was somewhat low, and the number listing themselves as French was somewhat high, thus, the actual number of metis involved may be somewhat greater than stated.
103. Letter from Mr. John M. Gillingham, Director, Brandon Correctional Institution, Province of Manitoba, Department of Health and Social Development, June 20, 1972.
104. R.S.M. 1970, c. I-90.

105. Don McCaskill, "A Study of Needs and Resources Related to Offenders of Native Origin in Manitoba", prepared for the Correctional Planning Branch, Solicitor General's Department, October, 1970.
106. *Ibid.*, p. 24.
107. *Ibid.*, p. 25.
108. "Annual Report of the Correctional Institutions Superintendent, Province of Alberta", Department of the Attorney General Corrections Branch, p. 83.
109. Letter from M. Taylor, Research Officer, British Columbia Department of the Attorney General, Criminal Justice Planning and Research Unit, September 20, 1973.
110. Letter from Fort St. John Detachment, Royal Canadian Mounted Police to Marguerite Jackson, Law Program, Union of British Columbia Indian Chiefs, August 4, 1971.
111. Letter from Burns Lake, British Columbia, Detachment of the Royal Canadian Mounted Police to Marguerite Jackson, Union of British Columbia Indian Chiefs, August 20, 1971.
112. R.S.B.C. 1960, c. 160.
113. These figures were reported to be within 10% accuracy, because no distinction was made in the records between Indians and non-Indians, and this information was based on recollection, see Footnote 114.
114. Letter from Kamloops Rural Detachment of the Royal Canadian Mounted Police to Marguerite Jackson, Union of British Columbia Indian Chiefs, August 30, 1971.
115. Letter from Prince Rupert City Detachment of the Royal Canadian Mounted Police to Marguerite Jackson, Union of British Columbia Indian Chiefs, September 30, 1971.
116. Letter from F. Trudel, Resp. for Indian Affairs, Le Service Social de la Mauricie, Grand'Mère, Quebec, June 16, 1972.
117. Submission of Magistrate C. J. Goodyear to Law Faculty, University of Saskatchewan and National Law Reform Commission, Appendix "A".
118. See, for example, Hugh Brody, "Indians on Skid Row", Northern Science Research Group, Department of Indian Affairs and Northern Development, Ottawa, 1971, Information Canada, pp. 22, 33-45.
119. R.S.S. 1965, c. 382.
120. R.S.S. 1965, c. 383.
121. "Provincial Correctional Centres Inmate Statistics, 1970-71", Research and Statistics Branch, Saskatchewan Department of Welfare.
122. Brody, *supra*, footnote 1.
123. "Inmate Statistics 1970-71", *supra*, footnote 4.
124. *The Summary Offences Procedure Act, 1969*, S.S. 1969, c. 62, s. 3 (1), amended S.S. 1971, c. 53.
125. Letter from Mr. L. T. Ellis, Research Officer, Research and Statistics Branch, Saskatchewan Department of Social Services, June 28, 1973.
126. Letter from La Ronge Detachment of the Royal Canadian Mounted Police to Executive Director, Indian-Metis Friendship Centre, Prince Albert, Saskatchewan, September 23, 1971.
127. Letter from Prince Albert City Police to Indian and Metis Friendship Centre, Prince Albert, Saskatchewan September 22, 1971.
128. Letter from Buffalo Narrows, Saskatchewan, Detachment of the Royal Canadian Mounted Police, to Executive Director, Indian-Metis Friendship Centre, Prince Albert, Saskatchewan, September 21, 1971.

129. Letter from Ile à la Crosse, Saskatchewan, Detachment of the Royal Canadian Mounted Police to Executive Director, Indian and Metis Friendship Centre, Prince Albert, Saskatchewan, September 23, 1971.
130. Letter from Laloche, Saskatchewan, Detachment of the Royal Canadian Mounted Police, to Executive Director, Indian-Metis Friendship Centre, Prince Albert, Saskatchewan, September 24, 1971.
131. Letter from Prince Albert, Saskatchewan, Detachment of the Royal Canadian Mounted Police, to Executive Director, Indian and Metis Friendship Centre, Prince Albert, Saskatchewan, September 21, 1971.
132. *Supra*, footnote 11.
133. "Annual Statistics Bulletin 1971" and "Annual Report 1972", Province of Manitoba, Department of Health and Social Development.
134. Letter from John M. Gillingham, Director, Brandon Correctional Institution, June 20, 1972.
135. Don McCaskill, "A Study of Needs and Resources related to Offenders of Native Origin in Manitoba", prepared for the Correctional Planning Branch, Solicitor General's Department, Ottawa, October, 1970, p. 25 (only three-quarters of the files at Headingly Gaol were examined).
136. *Ibid.*, p. 25.
137. Magistrate Ian V. Dubiński, Q.C., and Professor Stephen Skelly, LL.B., "Analysis of Arrests for the Year 1969 in the City of Winnipeg with Particular Reference to Arrests of Persons of Indian Descent", p. 11.
138. *The Intoxicated Persons Detention Act*, R.S.M. 1970, c. I-90.
139. Dubiński and Skelly, footnote 20, *supra*, p. 5.
140. See Chapter II.
141. "Annual Report of The Correctional Institution Superintendent April 1, 1970 -- March 31, 1971" and "Annual Report 1972 Corrections Branch", Province of Alberta, Department of the Attorney General Corrections Branch.
142. Submission of The Native Counselling Service of Alberta to the Honourable Allen Adair, Minister of Northern Development, and to the Government of Alberta, June 9, 1972, p. 4.
143. *The Liquor Control Act*, R.S.A. 1970, c. 211, s. 84.
144. R.S.B.C. 1960, c. 160.
145. Letter from Fort St. John, British Columbia Detachment, Royal Canadian Mounted Police to Marguerite Jackson, Union of British Columbia Indian Chiefs, August 20, 1971.
146. Letter from Burns Lake, British Columbia, Detachment of the Royal Canadian Mounted Police, to Marguerite Jackson, Union of British Columbia Indian Chiefs, August 20, 1971.
147. Letter from Campbell River, British Columbia, Detachment of the Royal Canadian Mounted Police, to Marguerite Jackson, Union of British Columbia Indian Chiefs, August 24, 1971.
148. Letter from Kamloops, British Columbia, Rural Detachment of the Royal Canadian Mounted Police, to Marguerite Jackson, Union of British Columbia Indian Chiefs, September 30, 1971.
149. Letter from Prince Rupert, British Columbia, Detachment of the Royal Canadian Mounted Police, to Marguerite Jackson, Union of British Columbia Indian Chiefs, September 30, 1971.
150. *The Alcoholic Liquors Ordinance*, O. Yuk. 1970, c. 3, s. 84.

151. *R. v. Drybones* (1970) S.C.R. 282, 9 D.L.R. 3d 473 (S.C.C.)
152. "Annual Report 1970/71", Government of the Yukon Territory, Corrections Branch.
153. *Ibid.*, p. 6, Appendix A.
154. R.O.N.W.T. 1956, c. 60.
155. "Inquiry re. Administration of Justice in the Hay River Area of the Northwest Territories", 1968, The Honourable Mr. Justice W. G. Morrow, Commissioner, pp. 25-26. See the further discussion of this Inquiry in Chapter II, *infra*.
156. R.S.O. 1970, c. 249.
157. R.S.O. 1970, c. 249, am. 1971, vol. 2, c. 88, s. 1.
158. Letter from Stephen V. Fram, Counsel, Ministry of the Attorney General, Province of Ontario, June 14, 1973.
159. *Ibid.*
160. *Ibid.*
161. Letter from François Trudel, Responsible for Indian Affairs, Le Service Social De La Mauricie, Grand'Mère, Quebec, June 16, 1972.
162. R.S. Nfld. 1952, c. 93.
163. Submission to the Law Faculty, University of Saskatchewan, and the National Law Reform Commission by C. J. Goodyear, Magistrate, Province of Newfoundland and Labrador, pp. 12-15.
164. Estimate based on 1971 census and Native population estimate by the Native Council of Canada.
165. Survey of Inmate Population at Saskatchewan Penitentiary, Prince Albert, Saskatchewan, June 19, 20, 1973.
166. The categories of offences shown in the chart include the following:
- AGAINST THE PERSON:
- (a) Homicide: murder, manslaughter, attempted murder, criminal negligence.
- (b) Robbery: armed robbery, attempted robbery, robbery with violence.
- (c) Sexual offences: rape, indecent assault, attempted intercourse, intercourse with minor.
- (d) Assaults: assault causing bodily harm, wounding, wounding with intent, obstruction, assaulting a police officer, common assault.
- (e) Other: extortion, abduction.
- NOT AGAINST THE PERSON:
- (a) Weapons, pointing a firearm, possession of weapon dangerous in public place.
- (b) Theft, Breaking and Entering: all breaking and entering, all possession of stolen property charges, all thefts.
- (c) Destruction: vandalism, destruction of property.
- (d) Drugs: possession and trafficking in illegal drugs.
- (e) Fraud: fraud, uttering forged documents, forgery, obtaining by false pretences.
- (f) Other: parole revocations are counted here only where such was the only "offence" listed for the convict.
167. Information received from Chief Classification Officer, Drumheller Institution, August 1, 1973.

168. Chief Classification Officer, Drumheller Penitentiary, August 1, 1973.
169. Dubiensi and Skelly, "Analysis of Arrests for the year 1969 in the City of Winnipeg with particular reference to arrests of persons of Indian descent".
170. *Ibid.*, p. 3.
171. *Ibid.*, p. 3.
172. R.S.M. 1970, c. L-160.
173. Dubiensi and Skelly, *supra*, footnote 6.
174. *Ibid.*, p. 7.
175. *Ibid.*, p. 3.
176. *Ibid.*, Table 8.
177. *Ibid.*, Table 8.
178. *Ibid.*, p. 7 and Table 8.
179. *Ibid.*, Table 8.
180. "Saskatchewan Corrections Study Committee Report", 1971, Saskatchewan Department of Welfare and Canada. Department of the Solicitor General, pp. 43.
181. *Ibid.*, fn. 17.
182. *Ibid.*, p. 42.
183. *Ibid.*
184. *Ibid.*, p. 43.
185. "Provincial Correctional Centres Inmate Statistics, 1971-72", Research and Statistics Branch, Saskatchewan Department of Social Services, Table 4.
186. *Ibid.*, fn. 17. The Committee listed inadequate staff, the part-time nature of probation duties for welfare officers in the field, inadequate training, and poor coordination of services as defects in Saskatchewan's probation structure.
187. "Provincial Correctional Centres Inmate Statistics 1971-72", Research and Statistics Branch, Saskatchewan Department of Social Services.
188. See footnote 18, *supra*.
189. 1966 Census of Canada, "Population" vol. 1 (1-8), March 1968, Dominion Bureau of Statistics.
190. Survey of the Inmate Population of the Saskatchewan Penitentiary, Prince Albert Saskatchewan, June 19-20, 1973.
191. "Provincial Correctional Centres Inmate Statistics 1971-72", Research and Statistics Branch, Saskatchewan Department of Social Services.
192. Dubiensi and Skelly, "Analysis of Arrests for the Year 1969 in the City of Winnipeg with particular reference to Arrests of Persons of Indian Descent", p. 3.