

# 14

## **Aboriginal Sexual Offending in Canada: A Review of the Evidence**

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### **Introduction**

Sexual offending is a serious problem in Canada.<sup>1</sup> Despite a downward trend in the number of reported incidents since the early 1990s, victimization surveys indicate that as many as 600,000 offences still occur in Canada each year (Hylton 2002). Although 95% of sexual crimes do not involve any physical injury, these offences often do cause serious, lifelong trauma to victims, families and communities (Statistics Canada 2000).

Responding to sexual offending is one of the most vexing challenges for the criminal justice system. Although sexual offences make up about 1% of crimes reported to the police, 90% or more of sexual crimes never come to the attention of the authorities. This underreporting rate is higher than for any other crime category (Hylton 2002). Thus, while the consequences of widespread sexual victimization are very serious, at present, the criminal justice system addresses only the tip of a proverbial iceberg. Moreover, even when offences are detected and cases are brought before the courts, there is much that remains to be understood about effective methods for deterring and rehabilitating offenders who have committed sexual crimes.<sup>2</sup>

The impact of sexual offending is particularly devastating in small communities. Victims and offenders involved in sexual crimes are generally known to one another in any event (Statistics Canada 2000), but this is even more likely to be the case in smaller communities. In these communities, victims and offenders—as well as families—may be friends, acquaintances, or even members of the same extended families.

It is well documented that crime rates and rates of involvement in the criminal justice system are higher in many Aboriginal communities (e.g., La Prairie 1996; Wood and Griffiths 1999). A number of reasons for this overinvolvement have been examined elsewhere and will not be repeated

here, except to say that these reasons are complex and relate to a long historical process that has placed the Aboriginal people of Canada at a significant social, economic and cultural disadvantage relative to the general population (see, Royal Commission 1995; Hamilton and Sinclair 1991).

Concerns about high rates of sexual offending within some Aboriginal communities has been expressed for at least the past thirty years, particularly by a number of the leading national Aboriginal women's organizations (Indian and Inuit Nurses Association 1987, 1990, 1991; Pauktuutit 1989, 1991a, 1991b, 1991c). Despite these concerns, however, there has been little attempt to examine the problem systematically. Little is known about the extent to which Aboriginal people are victims of sexual offences, and even less is known about the numbers, characteristics and needs of victims or offenders.

The purpose of this chapter is to consider the available evidence about Aboriginal sexual offending, to analyze this evidence with respect to the prevalence of sexual offending in Aboriginal communities, to consider gaps in available information, and to discuss priorities for future research.

Much of the available information about the prevalence of sexual offending in Aboriginal communities is anecdotal. This information is based on case histories, the testimony of community leaders, grant proposals, briefs prepared by Aboriginal organizations and, occasionally, community case studies. There have also been some government reports that have described the concerns, identified gaps in information, and suggested directions for the future. This anecdotal information is reviewed elsewhere (Hylton 2002).

What little systematic research is available about Aboriginal sexual offending has mostly been sponsored by criminal justice agencies, particularly the correctional agencies that are responsible for the management and treatment of sex offenders. Chief among these are the Solicitor General Canada and Correctional Service of Canada. These organizations have a long history of involvement in sex offender research, particularly research relating to risk prediction and treatment effectiveness. Over the past several years, some resources have been directed towards examining specific issues pertaining to Aboriginal sexual offenders. However, even within the criminal justice system, Aboriginal sexual offending has only very recently come onto the "radar screen" in any significant manner. Fortunately, a number of research projects are currently underway that will help to shed more light on patterns of Aboriginal victimization and Aboriginal offending. These projects will be discussed later in the chapter.

## Aboriginal Sexual Offences Reported to the Police

As mentioned previously, very few sexual offences are reported to the police. Nonetheless, relative to correctional data, policing statistics are a somewhat truer indication of crime volumes in the community because the attrition of cases that normally occurs through subsequent stages of justice-system processing has not yet occurred. Unfortunately, policing statistics do not usually record whether victims or offenders are Aboriginal. Therefore, policing data is generally of limited utility for assessing the prevalence of sexual offending in Aboriginal communities.

## Uniform Crime Reports from Provincial and Territorial Jurisdictions

Some indication of higher crime and victimization rates for sexual offences in Aboriginal communities can be gleaned from Table 1. As the data in that table indicates, the rates of sexual offences reported to the police are highest in the jurisdictions that also have the highest proportions of Aboriginal people in the general population. This is true, for example, in Manitoba, Saskatchewan, the Yukon, the Northwest Territories (NWT) and Nunavut. While it would be a stretch to attribute the higher rates in Manitoba and Saskatchewan to the victimization of Aboriginal people (since Aboriginal people make up less than 12% of the general population in those two provinces), such an association is on safer grounds in the Territories, where the Aboriginal proportion of the population is much higher.

**Table 1: Sexual assaults in Canada, 1999**

	Offences		Persons Charged			
			Adults		Youth	
	Number	Rate	Male	Female	Male	Female
Newfoundland	644	119	213	3	45	2
Prince Edward Island	105	76	30	0	6	0
Nova Scotia	844	90	249	6	43	2
New Brunswick	775	103	205	4	43	3
Quebec	3,434	47	983	25	181	8
Ontario	8,270	72	2,580	65	534	11
Manitoba	1,307	114	480	7	81	5
Saskatchewan	1,375	134	373	-	83	-
Alberta	2,715	92	736	16	149	5
British Columbia	3,907	97	1,301	20	189	10
Yukon	90	294	47	2	4	1
Northwest Territories	202	486	82	1	10	-
Nunavut	204	754	82	5	5	-
<b>Canada</b>	<b>23,872</b>	<b>78</b>	<b>7,361</b>	<b>154</b>	<b>1,373</b>	<b>50</b>
Total Criminal Code	2.36m	7,733	310,021	66,991	77,142	22,604

Source: Statistics Canada (2000).

In the Yukon, for example, the Aboriginal proportion of the population is about 20%, while the sexual offence rate is about four times the national average. In the NWT, the proportion of the Aboriginal population was about 60% prior to the creation of Nunavut, while the sexual offence rate is about six times the national average. In Nunavut, it has been estimated that about 85% of the inhabitants are Aboriginal, while the sexual offence rate in that territory is about ten times the national average (Aboriginal Issues Branch 2001).

## **Kowalski's Examination of First Nations Policing Statistics**

Some limited research is available that provides a more direct measure of sexual offence reporting rates in Aboriginal communities. In particular, Kowalski (1996) has examined offences reported to a number of First Nations police forces across Canada.

For a number of years, First Nations police forces have been submitting reports to the national Uniform Crime Reporting system maintained by Statistics Canada. These reports are important since these First Nations forces are exclusively involved in providing policing services to First Nations communities. Therefore, an analyses of these data, and comparisons with corresponding data for non-Aboriginal jurisdictions, provides some insight into comparative incident levels of various types of offences. Using 1996 data, Kowalski (1996) carried out just such an analysis.

In Table 2, Kowalski's results for violent offences and for assaults are shown. These data show that violent offences and assaults make up a much larger proportion of the offences reported to the police in Aboriginal communities than they do in a comparison sample of police forces from small urban and rural communities. In particular, violent crimes constitute one in four offences reported to the police in First Nations communities, but only one in seven offences in rural communities, and one in ten offences in small urban communities. With respect to assaults, the rates were about four times higher in First Nations communities than in small urban communities or rural communities.

**Table 2: Violent crimes and assaults reported to police in First Nations, small urban and rural communities, 1996**

	First Nations Communities	Small Urban Communities	Rural Communities
<b>Violent Crime as % of total Criminal Code Offences</b>			
Ontario	20.0	11.0	11.0
Quebec	23.0	7.0	8.0
Manitoba	36.0	11.0	20.0
Nova Scotia	26.0	13.0	15.0
Alberta	28.0	12.0	15.0
<b>Average</b>	<b>26.6</b>	<b>10.8</b>	<b>13.8</b>
<b>Assault rates (per 1,000 population)</b>			
Ontario	252	89	77
Quebec	212	37	35
Manitoba	773	105	182
Nova Scotia	472	146	84
Alberta	346	208	98
<b>Average</b>	<b>411</b>	<b>117</b>	<b>95</b>

*Source:* Kowalski (1996).

Table 3 summarizes Kowalski's results with respect to sexual offences. The data indicate that sexual assaults were two to three times more likely to be reported in First Nations communities than in small urban or rural communities. With respect to other sexual offences, these were approximately four times more likely to occur in First Nations communities than in the comparison communities.

**Table 3: Sexual assaults and other sexual offences reported to police in First Nations, small urban and rural communities, 1996 (rates per 10,000)**

	First Nations Communities	Small Urban Communities	Rural Communities
<b>Sexual Assaults</b>			
Ontario	25.1	9.6	11.2
Quebec	15.7	3.2	4.3
Manitoba	82.9	17.3	22.0
Nova Scotia	39.1	15.2	11.0
Alberta	36.4	30.9	13.6
<b>Average</b>	<b>39.8</b>	<b>15.2</b>	<b>12.4</b>
<b>Other Sexual Offences</b>			
Ontario	11.5	5.6	5.1
Quebec	6.7	1.0	1.5
Manitoba	22.0	1.3	1.4
Nova Scotia	0	1.2	.6
Alberta	0	1.8	1.0
<b>Average</b>	<b>8.0</b>	<b>2.2</b>	<b>1.9</b>

*Source:* Kowalski (1996).

Other sexual offences mostly involve offences where the victims are children. While sexual assault rates are also higher in the First Nations community, other sexual offences are even more likely to occur relative to the comparison communities. In addition, while the Canada-wide ratio of sexual assaults to other sexual offences has been found to be 7 or 8 to 1, for the First Nations communities in this sample, the ratio was 5 to 1. For the comparison communities, the rates were 7 to 1 for small urban communities, and 6 to 1 for the rural communities. These findings suggest that offences against children make up a larger proportion of sexual offences in First Nations communities.

Other key findings from Kowalski's analysis include the following: (1) the proportion of youth involved in reported violent crimes and sexual offences was similar in First Nations communities and in the comparison communities; (2) women were involved in a higher proportion of reported violent crimes in First Nations communities than in the comparison communities; and (3) there is a wide divergence in reported rates of violence and sexual offences, not only among the First Nations communities included in the study, but in the other communities as well. For example, some communities have twice the reported level of violent offences than others, while sexual offence rates differ by a factor of 4 or 5 or more to 1. These differences may reflect incidence levels of these offences in the community, reporting or enforcement practices, or, in all likelihood, a combination of these factors.

Kowalski's results need to be interpreted with considerable caution. First of all, as previously mentioned, reporting rates often have little to do with the incidence of crime in the community since there is extensive underreporting, particularly of sexual offences. Thus, if members of the First Nations communities in Kowalski's study were even slightly more likely to report these incidents to the police, perhaps because they had a heightened sense of trust or confidence in the ability of their police force to address the issue, this could more than account for the observed differences. In other words, the differences could be due to differences in reporting rather than differences in incidence. Second, very few First Nations communities were examined in Kowalski's study; twenty-four in Quebec and five in Ontario, but only one in each of Manitoba, Nova Scotia and Alberta. Therefore, it is not possible to generalize the findings to other First Nations, Inuit, or Métis communities.

## **A Further Analysis of First Nations Policing Statistics**

A further analysis of First Nations policing statistics was undertaken specifically for this chapter. Through the Canadian Centre for Justice Statistics, Uniform Crime Reporting data for thirty-three First Nations police forces were obtained for each year from 1989 to 1999. As discussed more

fully below, not all the forces reported in each of these years. Nonetheless, the data allowed for an examination of some of the issues addressed by Kowalski using more recent data. In addition, having longitudinal data over a period of eleven years allowed for an examination of trends in reporting. This is important since it permitted an assessment of whether or not the problem of sexual offending is becoming more serious in First Nations communities, at least from the perspective of reported incidents. In addition, the analysis allowed a comparison of trends in reporting to First Nations police forces with corresponding trends in reporting to non-Aboriginal police forces throughout Canada.

As mentioned, data for thirty-three First Nations police forces were obtained: one in Nova Scotia, sixteen in Quebec, seven in Ontario, two in Manitoba, three in Alberta, and four in British Columbia. Not every force reported in each of the years we examined. In fact, most of the First Nations forces did not begin reporting until 1996. Specifically, two forces reported in 1989, three reported in each year between 1990 and 1994, seven forces reported in 1995, twenty-four reported in 1996, eighteen reported in 1997, twenty-eight reported in 1998 and thirty-two reported in 1999. Statistics Canada did not release figures if they were too small to be reliable. Thus, data for earlier years is based on the reports of only a few forces, and, even in the later years, data from some forces was omitted. In addition, even in years where a police force reported, some estimates were used because data was missing for part of the year. For this reason, the rates of occurrence, rather than the number of incidents, are the focus of the discussion that follows.

Because of the small populations served by First Nations police forces in this analysis (the average community size was less than 2,400 in 1999), minimal changes in the number of reported incidents make very large differences in the rates per 100,000 population. This helps to explain some of the widely observed differences in the rates between communities, as well as the broad differences in the same community from year to year.

It is also worth recalling that reported incidence does not measure victimization. Moreover, caution is required in making comparisons over time or between communities, since differences could result from varying reporting or enforcement practices. Thus, these results should be regarded as only one more tool for gaining some perspective on the problem of Aboriginal sexual offending.

One more caution is warranted. Solicitor General Canada (2001) has estimated that some 70% of Aboriginal offenders under federal supervision either did not reside in reserve communities prior to their imprisonment, or if they did, they did not commit their offences on reserves. Since it appears that the vast majority of offences committed by Aboriginal people would not have been reported to First Nations police forces, the examination that follows focuses on only one small dimension of a much larger picture.

Table 4 summarizes the number of incidents and rates of sexual assaults and other sexual offences reported to the sample of First Nations police forces. While the rates vary considerably from year to year, in every year, they have been substantially higher than the rate for Canada as a whole (Statistics Canada 2000). It will be recalled that reported rates of sexual assault in Canada have decreased by 20% over the past several years. The rate stood at 78 incidents per 100,000 population in 1999. In contrast, the rate of sexual assault reported to the First Nations police forces in this sample averaged 255 incidents per 100,000 over the past eleven years, about three times the current national rate. In some years, the rate has been considerably higher. In the most recent year, for example, First Nations police in this sample reported sexual offenses at a rate five times the national average. In addition, unlike the Canada-wide rates, there is no clear downward trend in reported incidents to the First Nations police.

With respect to “other sexual offences,” which usually involve offences against children, it will be recalled that the Canadian rate has been hovering between 11 and 12 incidents per 100,000 population for the past five years. The rate in the First Nations sample averaged 14 per 100,000 over the eleven-year period, about 20% higher than the 11.4 average rate in Canada over the past five years. However, the average rate of reported incidents to First Nations police forces is low because there were no reported incidents in the early years when there were very few First Nations police forces, and fewer still who were reporting to the Uniform Crime Reporting program. Over the past five years, however, the First Nations rate has averaged 31.4, about three times the Canadian rate.

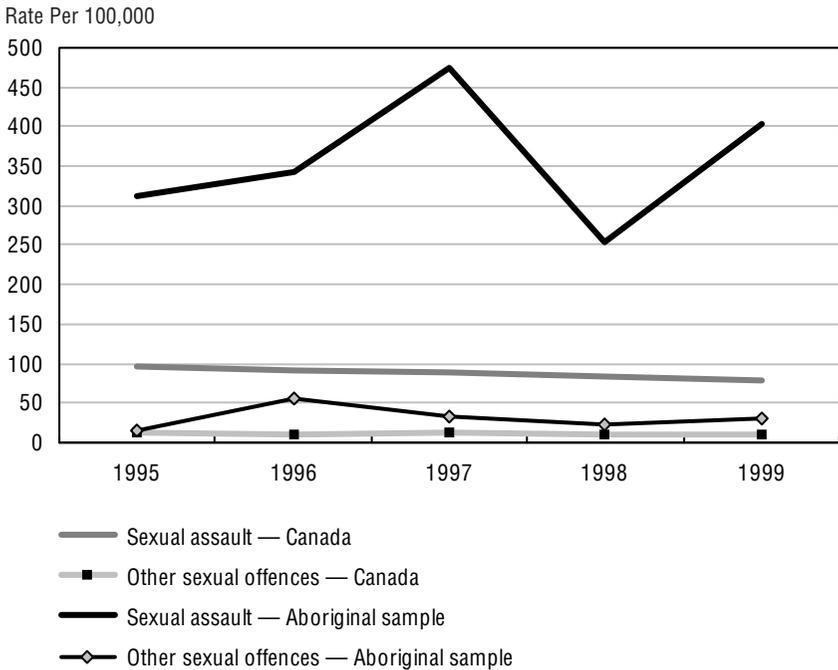
**Table 4: Sexual offences reported to thirty-three First Nations police forces, 1989-99**

	Sexual assaults		Other sex offences		Total	
	Number of Incidents	Rate	Number of Incidents	Rate	Number of Incidents	Rate
1989	5	70	0	0	5	70
1990	10	58	0	0	10	58
1991	24	172	0	0	24	172
1992	40	288	0	0	40	288
1993	33	237	0	0	33	237
1994	34	199	0	0	34	199
1995	86	312	4	15	90	327
1996	151	343	25	57	176	400
1997	209	474	14	32	223	506
1998	174	253	15	22	189	275
1999	301	403	23	31	324	434
<b>Average</b>		<b>255</b>		<b>14</b>		<b>270</b>

*Source:* Customized data set generated by the Canadian Centre for Justice Statistics. Numbers may not add due to rounding.

The trends for reported sexual assaults, other sexual offences for Canada as a whole, and for the First Nations police forces in this sample are summarized in Graph 1. Data for the past five years is presented. The chart indicates much higher reported rates of sexual offences in the First Nations sample. Moreover, unlike the Canadian rates, particularly for sexual assault, there does not appear to be any downward trend in reported sexual incidents in the First Nations sample.

**Graph 1: Sexual offences reported to the police, Canada and First Nations sample, 1995-99**



Several other findings from the analysis of data from the First Nations police forces may be mentioned:

- In Canada, sexual assaults outnumber other sexual offences by 7 or 8 to 1. While the rate of other sexual offences in the First Nations sample is higher than the Canadian rate, other sexual offences are a smaller proportion of the sexual offences reported to the police. Over the eleven-year period, the ratio in the First Nations sample was 18 to 1, while in the past five years, the ratio was nearly 12 to 1. There has been speculation (e.g., Kuptana 1991) that sexual offences against Aboriginal children are even less likely to be

reported to the police than offences involving other Canadian children. However, these ratios also likely reflect the fact that sexual assaults are much more likely to occur in these Aboriginal communities.

- In Canada, about five adults are charged with a sexual offence for every young offender charged. In the First Nations sample, the proportion is similar at 6 to 1 (Table 5).
- In Canada, 98% of those charged with a sexual offence are male, and 2% are female, although females make up a larger proportion of the young offenders charged. In the First Nations sample, 92.3% of those charged were male. Among young offenders, the ratio of men to women charged was 4.5 to 1 compared to 27 to 1 for Canada as a whole. These findings suggest that the problem of sexual offending may be much more prevalent among Aboriginal women than among non-Aboriginal women (Table 5).

**Table 5: Age and gender of persons charged with sexual offences reported to First Nations police forces**

Persons Charged	Sexual assault		Other sex offences		Total	
	Number	%	Number	%	Number	%
Adult Males	379	81.2	29	67.4	408	80.6
Adult Females	24	5.2	2	4.7	26	5.1
Male Youth	47	10.2	12	27.9	59	11.7
Female Youth	13	2.8	0	0	13	2.6
<b>Total</b>	<b>463</b>	<b>91.5</b>	<b>43</b>	<b>8.5</b>	<b>506</b>	<b>100.0</b>

*Source:* Customized data set generated by the Canadian Centre for Justice Statistics. Numbers may not add due to rounding.

- In Canada, 8.2% of violent crimes and 1% of all Criminal Code incidents committed by adults and reported to the police are sexual offences. Among the First Nations sample, 7.5% of violent crimes and 1.9% of all Criminal Code incidents are sexual offences.
- In Canada, 97% of sexual assault charges are level 1, the kind that involve the least physical injury to the victim. The remaining 3% are more serious charges. In the First Nations sample, 94% of charges involved a level 1 assault, while 6% involved level 2 or 3 assaults. There were proportionately twice as many serious assaults in the First Nations sample. It is not clear whether this difference reflects more serious offences, different charging practices, or both.

- Among the sexual offences reported to the First Nations police in this sample, 79% were cleared by charge and 31% were cleared otherwise. In Canada, about 50% of charges relating to sexual offences are either stayed or withdrawn. Further research is required to determine if charging and prosecuting patterns for offences dealt with by First Nations police differ from those in Canada.

## **Aboriginal Sexual Offenders in Correctional Systems**

The use of official data from the criminal justice system is an imperfect way to measure the amount and volume of crime in the community. While the limitations are generally well known, it is worth remembering that as few as one in one hundred violent offenders end up being imprisoned, and the number of sexual offenders could be even smaller (Griffiths and Verdun-Jones 1994). Therefore, any data from criminal justice system agencies seriously underestimates the total volume of crime, and it also likely distorts, in a variety of unknown ways, the true nature of the offences that are committed and the characteristics of the offenders and victims involved. Therefore, a good deal of caution is required. Nonetheless, official statistics from correctional agencies confirm what Aboriginal organizations and communities have been saying about the high prevalence of sexual abuse.

## **The Number of Aboriginal Sex Offenders in the Federal Correctional System**

A number of studies carried out by the Correctional Service of Canada over the years shed some light on patterns of Aboriginal incarceration for sexual offending. For example:

- Blanchette (1996) found that Aboriginal sexual offenders were highly overrepresented among inmates in the federal correctional system at the end of 1995. Of those Aboriginal offenders serving over two years in custody, 40% were sex offenders.
- Motiuk and Belcourt (1998) found that Aboriginal inmates made up 13.2% of the population in federal institutions at the end of 1997, but 19% of the sex offenders.
- Johnston (2000) also carried out a survey of federal offenders. In a sample of Aboriginal offenders admitted from the Northern regions of Canada, 36% were sex offenders. Among the Aboriginal sex offenders, 56.3% were Inuit, 14.1% were Metis, 9.4% were Dene, 4.7% were Chippewan, 3.1% were Gwich'in and 12.5%

were from other or mixed Aboriginal ancestries. Over half the Aboriginal sample had a criminal history that included at least one conviction for a sexual offence.

- In their survey, Motiuk and Nafekh (2000) found that Aboriginal offenders in federal institutions were even more disproportionately represented among sex offenders than among inmates. While Aboriginal inmates made up 16.8% of the general population, they were 22.7% of the sex offenders. A more specific breakdown by Aboriginal ancestry was also available. Indians were 11.6% of the institutional population, but 15.7% of sex offenders. Inuit made up 1% of the offender population, but 3.4% of the sex offenders. The Métis, in contrast, were 4.2% of the general population, but 3.6% of the sex offenders. Non-Aboriginal inmates made up 83.2% of the offender population, and 77.3% of the sex offenders.
- Finn et al. (1999) found that 10% of Aboriginal offenders under federal jurisdiction had committed a serious assault, while this was true for only 2% of non-Aboriginal offenders. Whereas 20% of Aboriginal offenders had committed a sexual assault, this was true of only 12% of non-Aboriginal offenders.
- The Aboriginal Issues Branch (2001) of CSC has recently reported that, of Aboriginal people under federal jurisdiction, 71% are Indian, 25% are Métis and 4% are Inuit. While 26% of sexual offenders are Aboriginal, Aboriginal people make up 20% of the overall population. Twenty percent of Aboriginal offenders and 12% of other offenders have committed a sexual offence.

A tabular presentation of some of Motiuk and Nafekh (2000) results clearly shows that the proportion of Aboriginal people under jurisdiction of the federal correctional system has been increasing over the past five years. As Table 6 indicates, Aboriginal sex offenders were 16.5% of all federal sex offenders in 1994, but they made up 20% of sex offenders in 1999, a 20% increase in proportion over the five years. However, the proportion of Aboriginal offenders in the federal system is increasing for all offence types, from 10.5% of all offenders in 1994 to 14.4% in 1999, a 37% increase. Thus, while the number of Aboriginal sex offenders under federal supervision is increasing, it is not increasing as rapidly as one might expect given the general increase in Aboriginal offenders in the federal system.

Another way to examine the data in Table 6 is to focus on the number of sex offenders under federal jurisdiction. The number of sexual offences reported to the police has been declining (Hylton 2002). As might be expected, the number of sex offenders under federal jurisdiction has also been declining for the past four years. In fact, since 1994, there has been a 4.9% decline in the total sex offender population, while the sex offender

population in institutions has declined by 10%. Aboriginal sex offenders, however, have made up an increasing proportion of these declining numbers. The result is that, even though the total number of sex offenders has declined, the number of Aboriginal sex offenders has not. Over the past four years, the number of Aboriginal sex offenders has been hovering between 700 and 750.

**Table 6: Sexual offenders under federal jurisdiction\*1994-99**

	Sex offenders				All offenders	
	Non-Aboriginal Number	Aboriginal Number	Aboriginal %	Non-Aboriginal %	Aboriginal %	Non-Aboriginal %
1994	3,748	618	16.5	83.5	10.5	89.5
1995	3,875	639	16.5	83.5	10.9	89.1
1996	4,041	719	17.8	82.2	12.0	88.0
1997	3,914	744	19.0	81.0	13.2	86.8
1998	3,676	732	19.9	80.1	14.0	86.0
1999	3,564	713	20.0	80.0	14.4	85.6

*Source:* Motiuk and Nafekh (2000). \* Studies undertaken by the CSC have determined that the actual number of sex offenders is about 17% higher than the number recorded by CSC's Offender Management System. Therefore, while the proportions would not change, the actual number of sex offenders is likely 17% higher than recorded in this table.

The latest data available about sex offenders under federal jurisdiction has been provided by Sharon Williams, the corporate advisor for sex offender programs at the Correctional Service of Canada.<sup>3</sup> A November 2000 snapshot completed by Williams (Table 7) indicates that there were approximately 778 Aboriginal sex offenders under federal jurisdiction.<sup>4</sup>

The Aboriginal sex offenders in Williams' survey made up just over one-fifth of the sex offenders under federal jurisdiction at that time. The proportion of offenders in institutions was about the same for both Aboriginal and non-Aboriginal populations; for both groups, there were two institutionalized offenders for every offender in the community. It is also noteworthy that two-thirds of Aboriginal sex offenders were under the jurisdiction of CSC's Prairie Region.

**Table 7: Aboriginal and non-Aboriginal sexual Offenders under federal jurisdiction,\* November 2000**

	Total Offenders	In Institutions	In the Community
<b>Aboriginal</b>			
Atlantic	22	13	9
Quebec	39	30	9
Ontario	101	72	29
Prairie	403	263	140
Pacific	100	70	25
<b>Total</b>	<b>665</b>	<b>448</b>	<b>212</b>
<b>Non-Aboriginal</b>	<b>2,435</b>	<b>1,582</b>	<b>858</b>
<b>Total</b>	<b>3,100</b>	<b>2,030</b>	<b>1,070</b>

\* As in the previous table, federal studies have determined that the actual number of sex offenders is about 17% higher than the number recorded by CSC's Offender Management System. Therefore, while the proportions would not change, actual numbers of sex offenders are likely 17% higher than recorded in this table.

*Source:* Williams (personal correspondence).

A breakdown of more specific Aboriginal origins has been provided by Motiuk and Nafekh (2000). Based on a year-end review of offenders under federal supervision in 1998, the proportions of Indian, Métis and Inuit sex offenders were determined (Table 8).

## Aboriginal Sexual Offenders in Provincial and Territorial Correctional Systems

Provincial and territorial correctional systems generally do not have as much information as the federal system about the offenders under their supervision. There are several related reasons for this: (1) many offenders serving time in provincial and territorial correctional facilities are incarcerated for brief periods, thus there is often little point collecting the type of detailed background information that the federal system uses for classification and programming purposes; (2) provincial and territorial jurisdictions, especially the smaller jurisdictions, generally have not developed the type of sophisticated information management systems that are available federally for recording inmate histories and characteristics; and (3) there has been a stronger tradition of research within the federal correctional system that is not paralleled in most provincial and territorial systems—a considerable body of research on federal offenders has been produced by a large in-house research staff, as well as by academics and external consultants.

**Table 8: Aboriginal sex offenders under federal supervision by Aboriginal ancestry, 1998**

	Institutional %	Conditional Release %
<b>Aboriginal</b>		
Indian	15.7	13.2
Metis	3.6	3.9
Inuit	3.4	3.4
Total	22.7	20.4
Non-Aboriginal	77.3	79.6

*Source:* Motiuk and Nafekh (2000).

While provincial and territorial information is limited, some data is available. The results of a 1996 snapshot reported by the Aboriginal Issues Branch (2001) indicates that 8% of all Aboriginal inmates were incarcerated for sexual assault, compared to 6% for non-Aboriginal offenders. Since the snapshot captured 23,494 provincial and territorial offenders, and 18% of these were Aboriginal (Statistics Canada 1999), it can be estimated that there were approximately 340 Aboriginal sex offenders and approximately 1,150 non-Aboriginal sex offenders in provincial/territorial custody. However, since only 57% of sex offenders receive a sentence of imprisonment, while 43% receive probation or some other disposition, the actual number of Aboriginal offenders under provincial/territorial jurisdiction at any one time is likely closer to 500.

In terms of the experience with Aboriginal sex offenders in specific jurisdictions, the following information was obtained:

- Manitoba.** On March 13, 2001, a snapshot of Aboriginal people in the custody of the Manitoba correctional system was completed for this review. The snapshot revealed there were 113 Aboriginal people charged or convicted of a sex offence on that day (Coles 2001).<sup>5</sup> Of these, 103 were adults, and 10 were young people. Fifty Aboriginal inmates (44%) were charged, but not convicted, while the remaining 63 had been sentenced for a sex offence. On average, the sentence length for adult Aboriginal sex offenders was 394 days, but there was significant variation in sentence lengths (the standard deviation was 264 days). Although limited information about the characteristics of those charged or sentenced was collected, the available information indicates that these offenders displayed many of the socioeconomic, family and other characteristics of Aboriginal offenders. Few (31%) were in stable marital or common-law relationships, and most (74%) were unemployed prior to their incarceration. For 26% of the offenders,

the maximum education attained was elementary school. Substance abuse problems were reported in 18% of cases, while drug abuse problems were reported in 17% of cases.

- **Saskatchewan.** Data regarding sex offender admissions were obtained from Saskatchewan Justice for the four years from 1996 to 1999 (Nasim 2001).<sup>6</sup> The data indicate that during this four-year period, 576 offenders out of 14,514 (4%) who were admitted to provincial correctional centers for Criminal Code violations had been convicted of sex offences. There were 468 admissions for sexual assault and 108 for other sexual offences. Of these offenders, 55% were First Nations, 11% were Metis and 34% were non-Aboriginal. These were approximately the same proportions as for Criminal Code admissions. Whereas one in four non-Aboriginal sex offenders had committed “other” sexual offences, offences which usually involve children, only one in five Aboriginal sex offenders had committed “other” offences. The average sentence for a Criminal Code admission other than sex offences was 230 days, while the average for sexual assault admissions was 916 days. For “other” sexual offences, it was 553 days. Overall, sentence lengths for First Nations, Métis and other offenders appeared to be similar.
- **Nunavut.** Recently, the Nunavut Corrections Planning Committee (1999; Evans et al. 1998) developed a plan for correctional services in Nunavut. In assessing the needs in Nunavut, the plan points out that the NWT and Nunavut have the highest crime rates in Canada, and that an increasing proportion of crimes are violent. While incarceration rates are similar to other parts of Canada, offenders in Nunavut are more likely to be incarcerated if they have committed a violent offence. Over half of the sentenced admissions in Nunavut are for violent offences, and 72% of the correctional centre population in Nunavut has committed a violent offence. This compares with 38% for provincial prison populations in Canada.

The committee identifies a number of needs of Nunavut inmates that increase the likelihood they will recidivate. These needs relate to substance abuse, previous convictions and imprisonment, criminal associates, unemployment and low educational attainment. Many inmates, according to the plan, have also experienced dysfunctional family life, early exposure to violence and other forms of abuse, Fetal Alcohol Syndrome and Fetal Alcohol Effect, learning disabilities, inability to adapt to school environments, lack of social skills, poverty and despair.

The committee's plan identifies the need to develop a core treatment and rehabilitation program within Nunavut corrections that specifically focuses on sexual offending. The plan points out that, at present, limited programming is provided at the Baffin Correctional Centre. The committee's recommendations call for the development of one or more program modules that would provide culturally relevant relapse prevention programs in conjunction with Northern communities.

Although we did not approach every provincial and territorial jurisdiction, we did approach some others that were unable to provide any statistical information about Aboriginal sexual offending. These included jurisdictions that are known to have high rates of Aboriginal overrepresentation.

These findings suggest that the challenge of providing programs and services for Aboriginal sexual offenders is no less daunting within provincial/territorial correctional systems than within the federal system. In fact, because many offenders are given community dispositions or short prison sentences, the opportunities available to provincial and territorial correctional systems to effectively deal with Aboriginal sexual offending are quite limited.

## Conclusion

All of the available evidence suggests that rates of violence and sexual offending in many Aboriginal communities are substantially higher than corresponding rates for Canada as a whole. While precise figures are not available, it is reasonable to conclude from the available information that overall rates of sexual offending in Aboriginal communities are as much as five times higher than Canadian rates, and perhaps higher.

On any given day in Canada, there are some 1,500 adult and young Aboriginal sexual offenders under supervision of various provincial, territorial and federal correctional authorities. These offenders represent 20%–25% of all sex offenders in the Canadian correctional system. These offenders are the “tip of the iceberg,” since only one in one hundred violent offenders is eventually incarcerated and the ratio for sex offenders may be much less.

We do not know how many offences Aboriginal sex offenders commit. However, the use of a very course method for estimating the number yields disturbing figures—some 600,000 sexual offences committed in Canada each year (Hylton 2002). If Aboriginal offenders are responsible for 20%-25% of these offences, as incarceration statistics suggest, Aboriginal sexual offenders may be responsible for some 120,000 to 150,000 offences each year.<sup>7</sup>

Despite the sustained efforts of a few Aboriginal organizations to focus attention on the issue of sexual offending, surprisingly little is known about victimization and offending patterns in Aboriginal communities, about how Aboriginal offenders are dealt with by the criminal justice system, or about Aboriginal community perspectives on the extent of the problems and what should be done about them. Getting a perspective on the enormity and features of Aboriginal sexual offending thus requires a good deal of estimation, extrapolation and outright guesswork. Clearly, the available information does not provide an adequate base upon which to build detailed needs assessments or plans.

Some important research is in the planning stages or is already underway. For example, a second Aboriginal Peoples Survey is being completed by Statistics Canada. In addition, the Social Sciences and Humanities Research Council, and others, have provided support for the completion of an Aboriginal victimization survey. This study, which is being carried out by a group of criminologists at Simon Fraser University, is currently being piloted in British Columbia.

Given widespread sexual offending and victimization in some Aboriginal communities, it is clear that a significant commitment to prevention, recovery and rehabilitation efforts is required. However, a much stronger commitment to adequate research is also needed. Such research is needed not only to help guide the design of these efforts, but also to assess their efficacy.

## Endnotes

This paper is based on a more detailed study of Aboriginal sexual offending commissioned by the Aboriginal Healing Foundation. See Hylton (2002).

1. In Canada, sexual offences are classified into two main categories for criminal justice system reporting purposes: sexual assault and other sexual offences. A sexual assault, previously referred to as a rape, involves an adult victim, whereas other sexual offences mostly involve offences against children, including child molestation.
2. Although Canada is a world leader in the relatively new field of sex offender treatment, there are few programs, and little information is available about their effectiveness, particularly for Aboriginal sex offenders. See Hylton (2002).
3. Personal correspondence.
4. The estimate of 778 is derived by applying a 17% correction factor to the number in Table 7. See the note to Table 6 for an explanation.
5. Coles (2001). Personal correspondence from Ron Coles, Manitoba Justice.
6. Nasim (2001). Personal correspondence from Shaukat Nasim, Saskatchewan Justice.
7. Of course, this estimate assumes that Aboriginal and non-Aboriginal offenders are equally likely to be detected and prosecuted. Since this may not be the case, the resulting figures are, at best, “ballpark” estimates.

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