

OUR HEALTH COUNTS KENORA



COMMUNITY REPORT #5 CRIMINAL JUSTICE, INDIGENOUS ADULTS



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OUR HEALTH COUNTS KENORA: KEY FINDINGS

Adult Criminal Justice

Indigenous peoples represent approximately one third of the prison population in Canada.⁽¹⁾ Research shows that the overrepresentation of Indigenous peoples within the criminal justice system is a result of the ongoing impacts of colonialism and the presence of racism and discrimination in public organizations, including jails, hospitals and other institutions.^(2,3,4) In addition, Indigenous peoples have more serious disputes with the criminal justice system in comparison to the non-Indigenous population.^(2,5)

The overrepresentation of Indigenous adults in prison is a public health crisis.

Incarceration is linked to poor mental and physical health and well-being, fewer employment opportunities, and lower socioeconomic status.^(6,7,8)

The imprisonment of Indigenous adults also contributes to the development of intergenerational trauma, as parental incarceration has a negative impact on the health and well-being of Indigenous children.⁽²⁾

The findings described above are reflected in the Our Health Counts (OHC) Kenora findings, which demonstrate high rates of incarceration among Indigenous adults in Kenora and related homelands.

The OHC Kenora findings also show that **most Indigenous adults (76%) in Kenora and related homelands have reported being arrested by the police, which contributes to high rates of incarceration.**

Kenora is known as a hub for court services as many FNIM from the North and surrounding communities must come to Kenora for court services and processing.

Limited access to culturally safe transitional supports, likely contributes to higher rates of criminal justice involvement among FNIM in Kenora and related homelands.

The following report examines the criminal justice experiences of Indigenous adults in Kenora and related homelands.

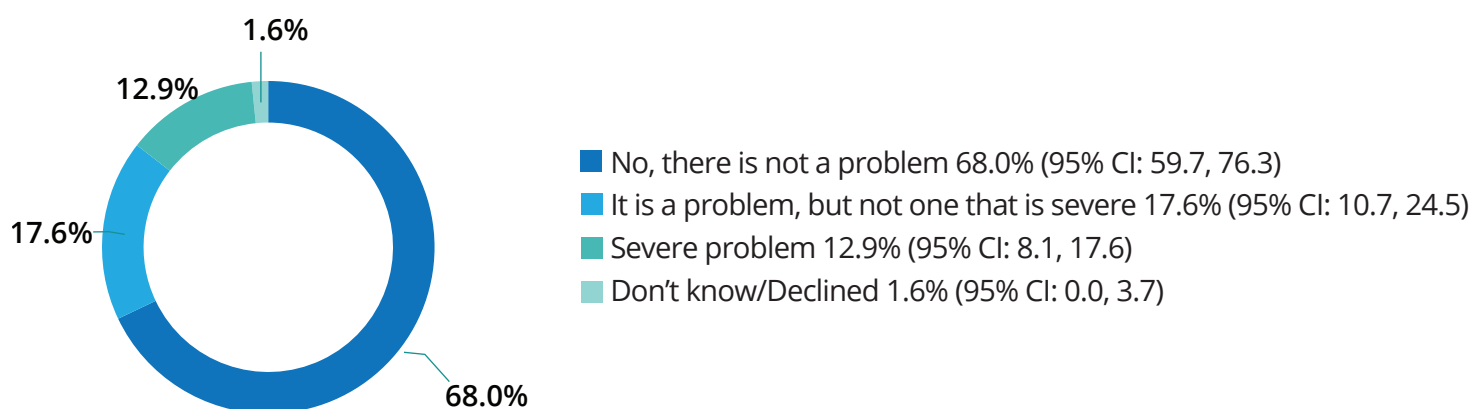
Key recommendations are based on the findings presented.



RELATIONSHIP WITH PUBLIC ORGANIZATIONS

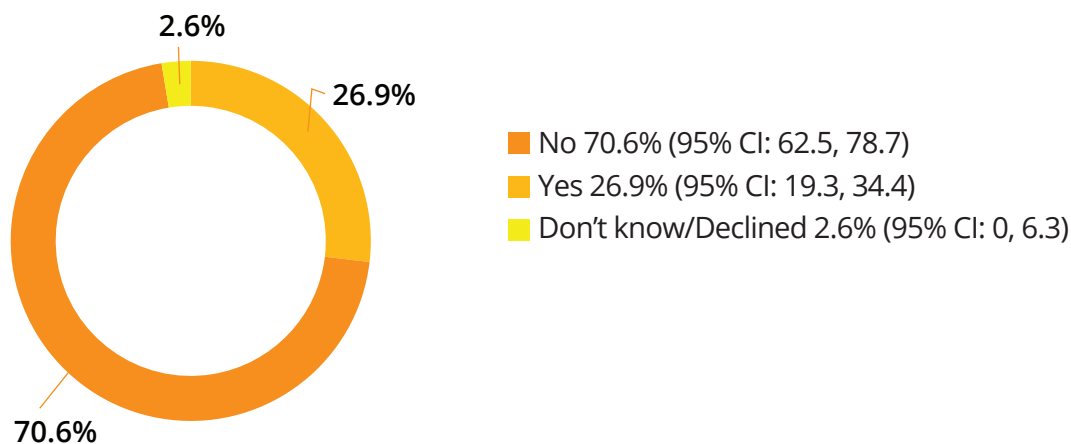
Almost **1 in 3** Indigenous adults in Kenora and related homelands reported having a problem with public organizations including the police, health, social, or education systems. This is consistent with current research which has shown that Indigenous peoples are less confident in Canadian institutions such as the school systems, media organizations, and Federal Parliament.⁽²⁾

Figure 1: Do you/and or partner have difficulties with public organizations, such as police, health, social services, and/or education?



Over **1 in 4** Indigenous adults in Kenora and related homelands reported they were likely to do things which put them in conflict with the law.

Figure 2: Are you doing things likely to, or which have put you in conflict with the law?



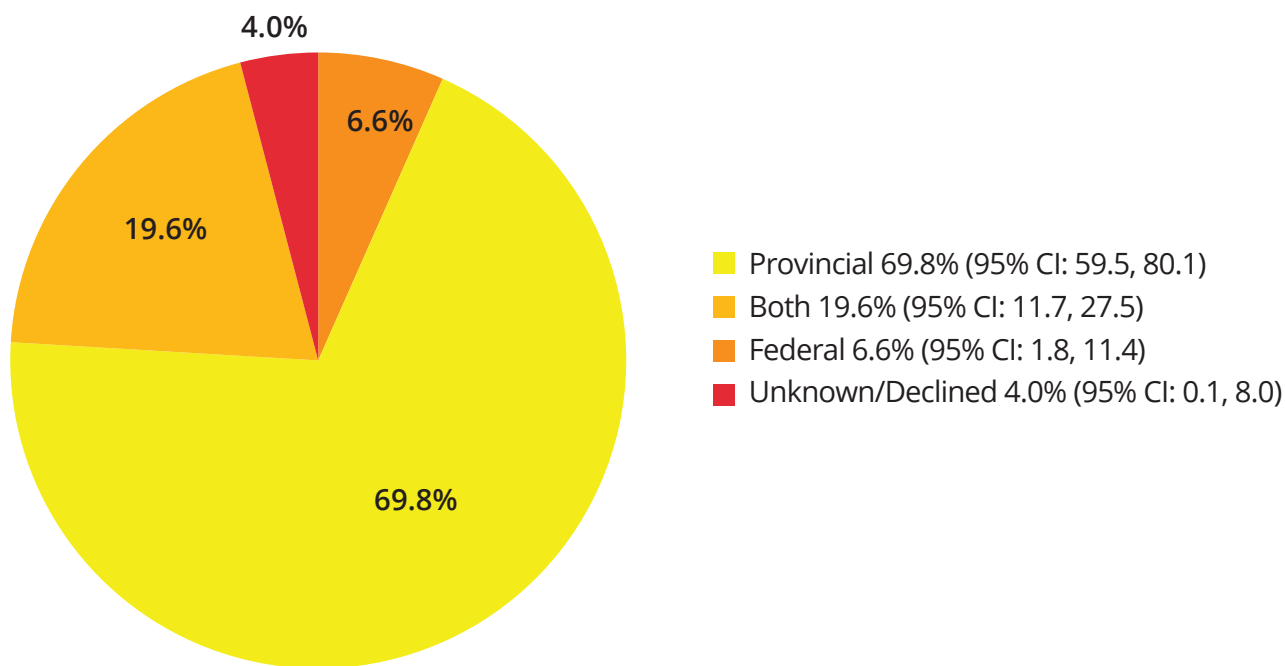
ARREST AND INCARCERATION

OHC Kenora data shows that approximately **3 in 4 Indigenous adults in Kenora and related homelands have reported being arrested by the police**, with the majority (69.8%) being arrested for provincial offences or crimes (See Figure 3).

Almost **2 in 3 Indigenous adults in Kenora and related homelands have reported doing some time in prison**. This finding is consistent with current research which shows that Indigenous adults accounted for approximately one-third of all adult admissions to provincial and territorial custody in Canada in 2020.⁽¹⁾ **This finding is concerning given that 70% of Indigenous adults from Kenora and related homelands report they are not doing things likely to put them in conflict with the law** (See Figure 2).

It is widely known that the main reason for the overrepresentation of Indigenous adults within the prison system is due to **discriminatory policing practices**. Within Canada, Indigenous communities are subjected to both over-policing and under-policing, resulting in increased contact with the criminal justice system, including courts and prison. ^(3,5)

Figure 3: If arrested, was this for a Federal or Provincial offense/crime?



HEALTH AND SOCIAL CHALLENGES FOR INCARCERATED ADULTS

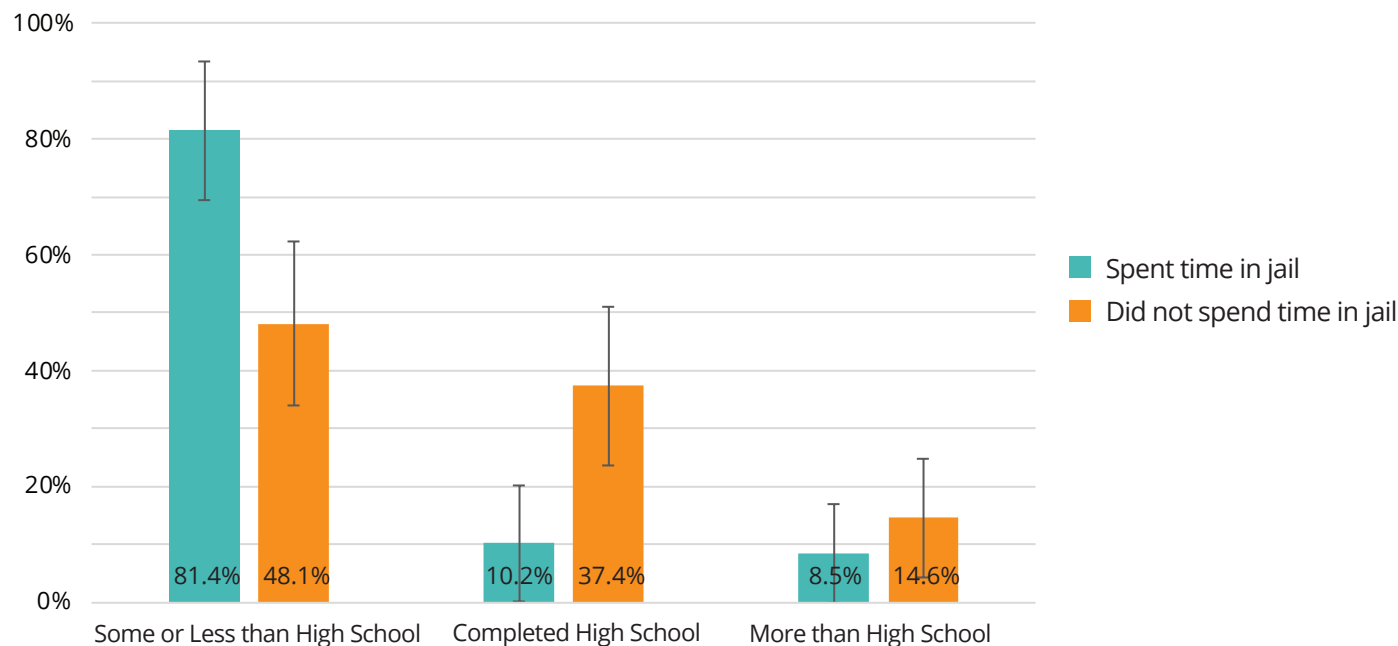
Incarceration is 3 times as common in Indigenous males in comparison to Indigenous females in Kenora and related homelands. This finding is consistent with Ontario provincial rates, which show that men account for 88% of total custodial admissions.⁽⁹⁾

OHC Kenora results show low rates of high school completion (see *Community Report 1: Project Overview & Demographics*). **81% of Indigenous adults who are incarcerated report having completed some high school or having less than high school education.** In comparison, 48% of Indigenous adults who have not been incarcerated have completed some high school or have less than high school education (See Figure 4).

Racism and discrimination are present in the education system. Research shows that **Indigenous students are disproportionately disciplined within the education system** compared to non-Indigenous cohorts. Indigenous students receive harsher punishments related to zero-tolerance policies, which increases experiences of suspension, expulsion, or law enforcement referral.^(4,5) These measures increase exposure to the criminal justice system from a young age and impact high school completion rates.

By exposing youth to the criminal justice system through enforcing inequitable disciplinary measures at school, the education system contributes to the overrepresentation of Indigenous adults in prison.^(4,5)

Figure 4: Education Level by Incarceration Status



HEALTH AND SOCIAL CHALLENGES FOR INCARCERATED ADULTS

Other factors such as substance use and precarious housing status also contribute to high rates of criminal justice involvement among FNIM adults in Kenora and related homelands.

- **50% of Indigenous adults who had been incarcerated reported illicit substance use.** In comparison, 20% of Indigenous adults who had not been incarcerated reported illicit substance use.
- **39% of Indigenous adults who had been incarcerated were living unsheltered/homeless.** In comparison, 16% of Indigenous adults who had not been incarcerated were living unsheltered/homeless.
- **63% of Indigenous adults who had been incarcerated had CPA involvement in their lifetime.** In comparison, 59% of Indigenous adults who had not been incarcerated had CPA involvement in their lifetime.
- **33% of Indigenous adults who had been incarcerated have had a mental health diagnosis.** In comparison, 29% of Indigenous adults who had not been incarcerated have had a mental health diagnosis.

COMMUNITY RESOURCES

26% of Indigenous adults believe that the established **community services in Kenora and related homelands addressing the impacts of incarceration are inadequate.**

50% of Indigenous adults believe **legal services for Indigenous peoples in Kenora and related homelands are inadequate.**

RECOMMENDATIONS MOVING FORWARD

Given the results of the OHC Kenora study, and the ongoing evidence of discriminatory policing practices and the overrepresentation of Indigenous adults within the prison system, we call upon the city of Kenora, provincial, and federal governments to work in partnership with urban Indigenous peoples and organizations to:

- **Address, evaluate, and reduce discriminatory practices against Indigenous communities within public organizations.** This includes police, health, social services and educational institutions.
- **Mandate anti-Indigenous racism policies at a systems level and establish a plan for reconciliation within the criminal justice system.** This includes relationship building between Indigenous communities and policing, court, and corrections leadership and personnel.
- **Re-evaluate current policing approaches within Indigenous communities and eliminate discriminatory policing practices contributing to arrests and incarceration.**
- **Increase safe and equitable access to legal services** that respond to the impacts of incarceration among Indigenous peoples.
- **Actively ensure that Indigenous peoples in Kenora and related homelands lead the development and implementation of all Indigenous-specific programming for incarcerated adults or individuals returning to the community after incarceration,** including life skills development, cultural and land-based programs, transitional supports, and education and employment programs.

RECOMMENDATIONS MOVING FORWARD

- **All students have the right to an education free of discrimination.**
Support Indigenous students in Kenora and related homelands by **ensuring that educational institutions are committed to reducing punitive measures** such as surveillance or excessive disciplinary actions which contribute to school non-completion and instead ensure safe, equitable access to education, mandate trauma-informed practices and engage in positive programming.
- **Develop and implement health promotion programming for Indigenous youth** that focuses on connection to culture and community. This includes **cultural and land-based programs to reduce early life criminal justice involvement among youth.**
- **The Truth and Reconciliation Commission** ⁽¹⁰⁾ similarly recommends that all levels of government must commit to the following:

Eliminating the overrepresentation of Indigenous people in custody.

Evaluating community sanctions that will **provide realistic alternatives to imprisonment for Indigenous offenders while responding to the underlying causes of offending.**



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Well Living House