Canadian Justice System failing Indigenous peoples

Reverse Outline (sample)

As early as the 1990s, numerous reports, and inquiries as well the Supreme Court of Canada, have recognized that the justice system is failing Indigenous people. In his report from the National Round Table on Aboriginal Justice Issues, James McPherson reviewed federal and provincial reports including "the Donald Marshall, Jr., Prosecution (Nova Scotia, 1989); the Aboriginal Justice Inquiry of Manitoba (1991); the Task Force on the Criminal Justice System and its Impact on the Indian and Metis People of Alberta (1991); the Reports of the Saskatchewan Indian and Metis Justice Review Committee (1992); the federal Task Force on Federally Sentenced Women (1991); and the Law Reform Commission of Canada's Report on Aboriginal Peoples and Criminal Justice (1991)," and concluded the major and unanimous theme of these reports was that "The current Canadian justice system, especially the criminal justice system, has failed the Aboriginal people of Canada."

Overrepresentation is the evidence
-statistics

Overrepresentation of Indigenous people is commonly cited as evidence of this failure, so much so that the Royal Commission on Aboriginal Peoples called overrepresentation "injustice personified." In the late 1980s, Indigenous people made up almost 10% of the federal penitentiary population despite their national population consisting of merely 2%. The stark numbers of overrepresentation themselves have been seen as reason to incite reform.

Govt implements sentencing reforms
- calls for decreased reliance on incarceration
-Gladue calls judges to consider systemic factors when sentencing

In 1996, the federal government implemented sentencing reform. One of the reforms, 718.2(e), called for decreased reliance on incarceration for Indigenous people: "all available sanctions, other than imprisonment, that are reasonable in the circumstances and consistent with the harm done to victims or the community should be considered for all offenders, with particular attention to the circumstances of aboriginal offenders." The decision in *Gladue*, the first case to 718.2(e), expressed concern for overrepresentation and called for judges to consider "the unique systemic or background factors which may have played a part in bringing the particular aboriginal offender before the courts," and "The types of sentencing procedures and sanctions which may be appropriate in the circumstances for the offender because of his or her particular aboriginal heritage or connection," when sentencing Indigenous offenders.

In addition to sentencing reforms, the government began funding various initiatives. One such initiative included diversion programs, which enabled the community and elders to provide sentencing recommendations. Another such initiative were post-sentencing rehabilitation programs, aimed at ameliorating overrepresentation.

Govt begins funding diversion programs:
-diversion programs
-post-sentencing rehab programs - overrepresentation

Unfortunately, if reducing overrepresentation is the metric used to evaluate those reforms and programs, these efforts too have failed. Overrepresentation has only worsened since

Reforms and programs a failure:
- overrepresentation worsened
Reason for failure - reforms and programs nested within Canadian criminal justice system

these legislative reforms, judicial decisions, and program implementations. The number of Indigenous people imprisoned federally is at an all-time high, with Indigenous people representing over 30% of the federally incarcerated population.