THERE IS NO RECONCILIATION WITHOUT JUSTICE

I first acknowledge the traditional custodians of this land on this Anishnabe territory. It is an honour and privilege to be a guest here. I also want to thank everyone involved for your commitment and energy in embarking on this incredibly important work.

Avec le nom Chartrand, vous penseriez que je suis Francasie, mais en verite mes pareatns ne parle pas de tout en Francais, et moi j'ai appris la langue plutot par l'immerision. Donc, malheueresement il me faut presenter en Englais pour me bien exprimer.

Introduction

I am Vicki Chartrand. I am currently an Associate Professor at Bishop's University in Sherbrooke Quebec. Previous to this, I was the Executive Director of a women's shelter in central interior British Columbia. Here I worked extensively with Indigenous women and communities. I also worked at the national office of the Elizabeth Fry Societies, an organization that works for and with women and girls in the criminal justice system, working alongside Kim Pate who is currently a Canadian Senator. I also worked at Correctional Service Canada in the voluntary sector of the Ottawa Parole Office. I have been an advocate for women and children, Indigenous communities and prisoners for over 20 years. I am the founder of the Centre for Justice Exchange at Bishop's University, a collective of academics, students, and individuals who seek to advance more inclusive understandings and practices of justice. This is where I met Mr. Rougier through exchanges on matters relevant to Indigenous imprisonment. It is great to see you in video person, and to have someone with the lived experience to present public testimony as an expert witness.

It is within all these capacities that I speak to you. I do not speak for Indigenous peoples. Nor am I speaking about Quebec, or provincial prison systems in particular. My expertise is based in the federal penitentiaries system. Having said that, I think there is quite a bit of overlap between the two systems. I have visited many prisons across Canada, as well in Australia and even in Cambodia. When I look at solutions, I take direction from Indigenous communities and people themselves, and building on the important work already being done.

Outline

Today, I am talking about colonialism.

•Overview of the literature

•Present an Understanding modern colonialism

•Look at the Trajectory of colonialism in the Canadian penal system, tracing: 1) the emergence of the penitentiary system and its role in establishing the Dominion of Canada; 2) the parallels between the penitentiary and the colonization of Indigenous people; 3) major key colonial and penal events and shifts in the building of the nation; and 4) the convergence between the penitentiary and Indigenous imprisonment into the present.

To note, I use the term Indigenous in a very oversimplified way (Monture, 2006, p. 27; Simpson, 2008, p. 16). This approach actually reflects the penitentiary discourses that treats Indigenous people as a homogenous group. This is also as much a part of a colonial logic that erases the deeply diverse rich traditions, knowledge and ways of Indigenous people.

MacLean's

In 2016, *MacLean's* published an article entitled "Canada's prisons are the new 'residential schools'" (see also, Mallea, 2000). Building on a substantial body of research, the exposé offers an investigation into how Canada's criminal justice system works against Indigenous people at every level from police checks and arrests, bail denial and detention, sentencing miscarriages and disparities and higher rates of imprisonment, classification and segregation. Consequently, these criminal justice trends of Indigenous representation are also well documented across other settler-colonial countries like Australia (Blagg, 2008), New Zealand (Tauri, 1999) and the United States (Jeffries and Stenning, 2014). While the article rightly documents these criminal justice trends within the context of colonialism, it nonetheless continues to describe what are often considered to be the "effects" or a "legacy" of a colonial past that has resulted in a subsequent racism and economic and socio-cultural deprivation experienced by Indigenous people today (see e.g. Adjin-Tettey, 2008). Audra Simpson (2016), however, points out that only conceding to historical wrongs is an attempt to deny the ongoing colonial harms that remain highly visible, but frequently ignored, minimized or trivialized (see also Tedmanson, 2008; Veracini, 2007; Dafnos, 2013). This is not only reflected in the criminal justice system, but in many arenas for Indigenous people such as the missing and murdered Indigenous women and girls, frequent child welfare apprehensions, extreme poverty and unemployment, high rates of violence and suicide and lack of heating, electricity, clean drinking water and other basic resources. By framing colonialism as something of the past, these struggles are symptomized as an unfortunate but inevitable consequence of modern progress, while the structural and systemic manner by which Indigenous people continue to be colonized are rarely explored. In this presentation, I rethink the "colonial legacy" hypothesis in the criminal justice system through an investigation of how the Canadian penal system and the high rates of Indigenous incarceration are linked to a colonial project in Canada.1

Addressing Indigenous Over representation

Since the 1970s, there have been significant efforts to explain and address the disparities in the justice system for Indigenous people that have included an extensive series of research, commissions, studies, reports and recommendations and legal initiatives

(e.g. LaPrairie, 1990; 1997; 2002; Law Commission of Canada, 1990; Aboriginal Justice Inquiry, 1991; Task Force on the Criminal Justice System and its Impact on the Indian and Métis People of Alberta; Canadian Bar Association, 1991; Roberts and Stenning, 2002; Royal Commission on Canada's Aboriginal People, 1996; Royal Commission on the Donald Marshall Jr. Prosecution, 1989; Rudin, 2007; inter alia). 1996 Sentencing Reform Act which added Section 718.2(e) to the Criminal Code directing sentencing judges to consider alternative sanctions to imprisonment when sentencing Indigenous people. In R. v. Gladue, a landmark interpretation of Section 718.2(e), the Supreme Court held that widespread discrimination and adverse socio-economic factors serve as the source of Indigenous over-representation in the criminal justice system and that alternatives needed to be considered more fully in sentencing. There are the Supreme Court of Canada cases of R. v. Ipeelee, 2012 and the Federal Court decision of Twins v. Canada (Attorney General), 2016 that extend the Gladue principles to breaches of parole and parole respectively. Under Section 81 and 84 of the Correctional Conditional Release Act (1992), Indigenous specific planning and programming in federal corrections was introduced to allow corrections to enter into agreement with Indigenous communities for the provision of correctional and parole services to Indigenous people in the community. Restorative justice approaches were also introduced into the existing arrangements of the criminal justice system, such as an Aboriginal court in Toronto, Ontario.

Rates of Incarceration

Despite these recommendations and reforms, the Office of the Correctional Investigator [OCI] (OCI, 2015: 36) points out that in a ten-year period between March 2005 and March 2015, the

Indigenous federal prison population increased by more than 50% compared to a 10% overall population growth during the same period. Today, Indigenous people make up 26.4% of the total federal prison population with Indigenous women at 37.6% of the federal women prison population (OCI, 2017). In the provincial prisons, Indigenous incarceration rates are as high as 80-90% in some regions of Canada (Perreault, 2009).

Federal Imprisonment

Although policing (e.g. LaPrairie, 2002; Rudin, 2005) and sentencing (e.g. LaPrairie, 1990 Roberts & Reid, 2017) have no doubt figured into these rates of Indigenous incarceration, the prison itself also contributes to this outcome. The idea that prisons are a neutral arbitrator of colonial wrongs is consistently reflected in the various reports that state that the penitentiary can do little to address the rates of incarceration (e.g. Solicitor General, 1989, p; Correctional Service Canada [CSC], 2017, p).

According to the OCI, Indigenous peoples are represented in the most punitive arenas of the systems.
And according to the attorney general, they are ill equipped, prepared or supported for release.

There are, however, many areas where corrections are directly implicated in imprisonment rates. According to the Office of the Correctional Investigator (2017), Indigenous prisoners are disproportionately over-represented in higher security classifications, segregation placements, use of force interventions, maximum security institutions and forced interventions – all of which often lead to longer institutional stays. According to the Auditor General (2016), in 2015-2016, of the Indigenous prisoners released from custody at their statutory release date, 79% were released into the community directly from a maximum or medium security institution, without graduated and structured return to the community. Only 12% of Indigenous prisoners had their cases prepared for a parole hearing once they were eligible, only 20% were able to complete their mandatory programs by the time they were first eligible for release and 83% postponed their parole hearings. Fewer Indigenous prisoners are granted full parole by the National Parole Board and if granted some form of release, it is often later in their sentence.

Webster & Doob (2014) in their study on Alberta's significant decarceration strategy in 1993 was the result of a change of imprisonment policies from a fiscal, political and public will and not through a crime and punishment framework. These documented works alert us to the need to consider the socio-politics of imprisonment and to situate the penal system in a broader set of concerns outside of criminal justice reforms.

Research Data

The concern with the incarceration of Indigenous people in the criminal justice system is currently at the forefront of the Canadian federal government's review of its justice practices, including several House of Commons and Senate Committee studies.[2] Although there is significant discussion on Indigenous imprisonment in both scholarly and public debate, there is little consideration of when the levels of contact between Indigenous people and the prison system occurred and the socio-political context of that occurrence. To develop this insight, I analyze the role of the penitentiary in the project of colonization through an historical analysis of penal trends in the Canadian federal prison system. This investigation reveals how the penitentiary eventually emerged as a "natural" and legal step to historical settler colonial processes of dispossession, assimilation and segregation.

To trace this ordering, I analyze archival material related to the federal penitentiaries and the Indian Department and Agent in Canada. Archival data has been obtained from the Library and Archives of Canada and the Government of Canada Public Library related to the Ministry of Justice, office of the Solicitor General, Office of the Correctional

Investigator, the Correctional Service of Canada, Public Safety Canada and Aboriginal Affairs and Northern Development Canada and consists of annual penal reports, commissions, correctional studies, legal analyses and briefs, legislative acts, and other official reports dating back to 1838 into the present. To manage this data, I used NVivo software to establish initial themes and link nodal categories, explored documents on a text by text basis, as well as used keyword searches related to Indigenous incarceration. This multi-coding method was useful to detect and link themes and codes that would not have otherwise been evident or repeatedly saturated (Berg, 2008). Although official reports do not offer a "complete" account of the material "realities" of the past, they nonetheless provide substantial epistemic and discursive insight into the links between colonial and penal systems over time.

Colonial Logics

Colonialism is a recurrent and worldwide feature of human history. With modern colonialism beginning approximately in the mid 15th-century, Loomba (1998: 15) points out that by the 1930s European colonies and ex-colonies covered almost 85% of the land surface of the globe resulting in a massive importation of European design. She locates the economic system of advanced capitalism as a crucial difference from earlier forms of colonialism that not only extracted tribute, goods and wealth from the countries that it conquered, it also consisted of a restructuring of local economies, markets and governance. Quijano and Wallerstein (1992) argue that a pervasive arrangement of colonialism has been so effectively inscribed and normalized into the narration of the genesis of the modern world that colonial logics now constitute modernity itself. What we think is modern and progressive, is actually colonial mind set.

Colonial modernity imported a knowledge system that made invisible the construction of the colonized as inferior that effectively removes claims to any legitimacy or authority (Patel, 2017). And this is where we still sit today. These epistemic hierarchies and orderings that are central to modern colonial logics are more obviously reflected in the practices of enslavement, genocide or assimilation and segregation, but are also perpetuated through refugee, citizenship and immigrations laws, sterilization practices, child welfare apprehensions and committal to asylums and incarceration. As Thobani (2007) argues that colonial logics continue to invest a difference in the quality of humanity that sees the colonized as deserving of different claims and less entitlements.

The current climate of "nation to nation" and "reconciliation" talks in Canada (Kheiriddin, 2018) gives an appearance that what exists today for Indigenous people on reserves and elsewhere, such as wide scale water advisories, high rates of suicide, ongoing violence and murders and disappearances of Indigenous women, men and children and the common practice of child removal are the symptoms of "historical wrongs" but nonetheless consequences of modern progress in which Indigenous people are not a part of or have not yet been able to catch up with. This is reflective of what Spivak (1988) refers to as an "epistemic violence" – a repressive ordering that has become such a pervasive part of our ontological fabric and psyche that we fail to recognize its patterns or challenge its structures. Modernity still has violent consequences for colonized people. By highlighting the significant features between colonialism and the penitentiary, this work reveals how the penal system remains complicit in a project of colonialism that continues to project Indigenous people as a "problem" population in need of some form or reformation.

Early Settlement I

In Canada, justice and security apparatuses, such as the penitentiary, emerged as part of a colonial process of early settlement and nation building and played a significant role in managing the colonies and securing dominion.[3] As part of a process to consolidate the Dominion, penitentiaries would be strategically erected in the more populated areas within five years after a province would join the

federation.[4] Local gaols in Canada, on the other hand, predated the penitentiary and operated within the districts to regulate local issues, including Indigenous affairs. Jacobs (2012) establishes the links between the gaols and colonial logics of assimilation whereby Indian Agents would use band funds to build local gaols on reserves as a way to take over where reserve policies failed. Conversely, the penitentiary was intimately woven into the politics of colonialism as modernity's new and advanced mechanism of establishing security and civility over the land.

Emerging in 1835, Kingston penitentiary was modeled as a state-of-the-art institution, at the vanguard of humanitarianism and civilization (Miron, 2011). Also occurring with modern penal punishments was the development of penal discourses and practices to correct and maximize the potential of the individual through labour, segregation and moral reformation. Particularly in the early years, the penitentiary was calculated in terms of its specific function, capacity and worth and unless properly administered, its modern value and objective of progress and reformation would be lessened. In short, the penitentiary was designed to police modern logics of rationalism, reformation and modern progress.

Early Settlement II

From its construction to the mid 20th-century, the penitentiary in Canada was initially reserved for white settlers, with Indigenous people organized through the Indian Agent. Even though the logics of reformation were similar to those of segregation and assimilation, colonial administration did not see Indigenous people as having the same capacities or needs as settler convicts. According to the penal officials, Indigenous prisoners were argued to be easily amenable to reform, said to have weak constitutions, an inability to adapt to long prison sentences, predisposed to diseases and posed a significant expense for the penitentiary.[5] Ongoing efforts to reduce the Indigenous population were achieved by offering clemency, issuing tickets of leave, providing compassionate leaves, or exoneration through pardons.

From the 1830s into the 1960s, the rates of Indigenous incarceration in the penitentiaries remained low, averaging from 1% to 8% of the prison population.[6] Indigenous people were regulated outside of modern norms on reserves, in local gaols, and through racialized legislation, including the ceding of land, criminalization of culture and ceremony, confinement to and regulation over reserves, restructuring of native governance and mandated residential and industrial school requirements.[7]

Height of Assimilation I

Despite the separate management, the regulation over Indigenous people was nonetheless consistent with penal models of reformation through the tri-pastoral power of routines of labour and material hardship, moral instruction and bodily health. Given the overlap, practices that were particular to and that affected the penitentiaries were also common to reserves and residential schools such as overcrowding, sickness and death, malnutrition, punishments, floggings and beatings, forced labour, food deprivation, isolation, restricted mobility, sexual abuse, escapes, suicide (see RMJPC, 1912; DCARSP, 1929; ARCP, 1959; Kelm, 1996: 56).

Labour in the penitentiary and on reserves and residential schools were central to colonialism. Residential school children were making garments and uniforms for prisoners, women prisoners were making clothing for men in prison, and the men in prison would make uniforms, shoes, and desks for the Indigenous children. Agriculture on reserves and the penitently was introduced to provide local sustenance, eliminate nomadic traditions and instill a work ethic. Punishments in the forms of floggings, whippings, beatings, food deprivation and solitary were common practices in both penitentiaries and residential schools. Indigenous children were often chained to their beds and stocks would be used in

the playgrounds to prevent escapes. Indigenous mobility was also restricted through the Indian Act and pass system whereby Indian agent authorization was required to travel off reserve, similar to remission and tickets of leave schemes, which also required regular reporting to the police chief). In 1914, the Indian Act (No. 6. Section 92) was amended to limit "habitat dwelling" to avoid overcrowding and the spread of disease.

Height of Assimilation II

While colonial systems of justice were initially reserved for the white settler population, the "Indian problem" was managed by the Indian Agent through segregation and assimilation projects as a way to improve the "less developed people" (TRCC, 2015, p. 18). Colonial logics for the Indigenous population triggered a reformation for the "savage", while the penitentiary was reserved for a reformation of the white settler "criminal". These parallel but separate logics persisted throughout the 19th and mid 20th centuries.[8] After the Second World War (see Chartrand, 2014) a new relationship between the colonizer and colonized emerged in Canada with "a repositioning of 'Indians' within the general social welfare programs of the state" (Jacobs, 2012, p. 4; see also Sangster, 2011).

Recognition & Humanitarianism I

In Canada, the post-war era with brought in a new wave of humanitarian-based reforms in the settlement of the nation. In 1950, Indian Act amendments repealed the anti-potlatch provisions and barriers to making land claims. Further amendments in 1951 allowed women to participate in band democracy, prohibitions on traditional ceremonies were removed, and the residential and industrial school requirement was abandoned. These trends were the beginning of what Coulthard (2014, p. 3) refers to as a politics of recognition – "the now expansive range of recognition-based models of liberal pluralism of "reconciliation". Coulthard (2014, p. 30-31) argues that colonial powers in Canada shifted from an overt domination to a model of state recognition and accommodation that retained the same colonizing relationship of Indigenous land dispossession and capacity for self-determination.[9] This shift to a politics of recognition also established colonialism as a historic moment, effacing European settlement while subordinating the Indigenous population by other means and institutions. As Scott (1995: 213) points out, while reforms mark a great leap forward in the march of rationality, progress and freedom, they also signal a reconfiguration of colonial power, its redistribution and redeployment.

Recognition & Humanitarianism II

As Canada was hosting a new era of rights and freedoms, the security function of the state was also taking on a new form.[10] In 1961, the *Penitentiaries Act* (1962) underwent a complete revision to "reinforce faith in modern, enlightened solutions" (ARCP, 1964: 1). Part of this new correctional vision was to include the protection of society, the safe custody of inmates, strict but humane discipline and the reformation and rehabilitation of prisoners. Also coinciding with a wave of humanitarian reforms, was an explosion in the number of prisons with the building of penitentiaries, farms, camps, Annexes, training centres, Healing Lodges and women's facilities. From 1950 to 2000, within a 50-year period, approximately 46 federal prisons were built. This is compared to the 13 penitentiaries constructed in the first 115-year period. From 1900 to 1960 the general penitentiary population increased 22% from 1424 convicts to 6344, while rates of Indigenous incarceration only increased 3% from 31 Indigenous convicts to 85. Beginning in the 1960s, along with a politics of recognition, the reporting of race entirely disappears from the penitentiary reports and the penitentiary quietly began to assume a new role in the lives of Indigenous people (see also Hogg 2001: 354-355).

Indigenous federal incarceration increased from 2.5% in 1960 to 15% in 1965 across six federal penitentiaries – Dorchester Penitentiary, Manitoba Penitentiary, Saskatchewan Penitentiary, BC Penitentiary, William Head Institution, and Agassiz Camp.[11] The rate of Indigenous incarceration has increased 1% to 3% every year from 1960 to its current rate of 26.4%. By the 21st-century, the penitentiary quietly hosted a new "problem population" now identified as the "Aboriginal criminal".

Rates of Incarceration

With a criminal justice system projected in rationalist discourses of progress and advancement and intervening along well-established discourses of "criminal" reformation, incarceration becomes a "normal" and legal response to the receding assimilation practice. The same reasoning of racial inferiority that was historically used to keep Indigenous peoples out of the penitentiary (e.g. the lack of resources, capacity, weak constitution), shifted to a need for imprisonment in a politics of recognition that assumes equal treatment and participation *within* the system. Where historically "civility" and "savagery" were the tropes of the Indian Agent, the discourse eventually shifted to symptoms of a "colonial legacy" and ensuing "criminality" with an ongoing reformation through the system with Aboriginal specific approaches and programming that "integrates Aboriginal views of justice and reconciliation (e.g. CSC, 2006, p. 1). The penal apparatus is inserted into those spaces and sites considered appropriately "Aboriginal", without challenge to the overall legitimacy or colonial ties of such interventions. Muhammad (2010) argues that the colonial principles of inferiority have been repackaged through a language of criminal justice. As the author argues, we are told that black people today are not worthy of full citizenship until the they conquer their "vices" through the similar tropes of broken homes, violence, alcohol and drug use, poverty and bad parenting. Through a politics of recognition, the social hierarchies on which modern colonialism are based are retained.

Although the language and institutions have shifted, a relationship of subordination remains intact. As Saleh-Hanna (2015: 9) argues historical "crimes of enslavement within plantations, chain gangs, reservations and penitentiaries are shielded from moral interrogation while processes of confinement (whom, how and for how long) conveniently take precedence". This is the ongoing epistemic violence of colonialism that retains the historical binaries of white supremacy and Indigenous inferiority, while making it a feature if modern progress. A shift to the criminal justice system, and other punitive and restrictive arrangements, disperses the colonial logic into something that is necessary and normal and obfuscates the same logic and processes used throughout the history of colonization.

Conclusion

The penitentiary was central to a project of modern settler colonialism in Canada by helping solidify justice over the land and expanding a security infrastructure and establishing the colonizer as the rightful subjects of the nation. Despite the historic separation of settler convicts from Indigenous populations, the penitentiary could eventually assume the role of regulation and containment of Canada's Indigenous population given that it was consistent with logics of reformation. Through discourses of progress and modernity, the past is separated from the present and exonerates our current systems and structures from scrutiny.

Where the literature often links Aboriginal overrepresentation to administrative, procedural, and systemic forms of discrimination, it makes it appear as though the existing colonial relationship is irrelevant or inevitable today. Understanding how the structures and logics of colonialism persist today is essential to a discussion of "Aboriginal over-representation" and moving away from colonizing frameworks that continue to enmesh Indigenous populations.

Solutions
Although federal, they can also be implemented provincially:

Front end strategies that are Indigenous led and more long-term – Support Bill C-262 which outlines the implementation of the United Nations Declaration on the Rights of Indigenous People and is line with the TRC recommendation. We need to make sure the basic rights of Indigenous people are being met as well as building capacity.

Minimize and mitigate the harmful impacts of the prison, such as for example, the abolishment of segregation, at the very least starting for women in prison and judicial oversight.

Decarceration strategies and Community Options where Indigenous and non-Indigenous prisoners can serve their sentence and parole in a supported way in the community. In implementing these remedies with the needed resources, must build on the internal strengths and capacities of Indigenous communities, as well as be creative in our options.

As noted by Romeo Saganash, NDP's critic for Intergovernmental Indigenous Affairs, "there will be no reconciliation without justice".

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[1] I am cognizant that I use the term Indigenous in an oversimplified or "pan-Aboriginalism" way (Monture, 2006, p. 27; Simpson, 2008, p. 16). I use this term as it also reflects the penitentiary discourses that treats Indigenous people as a homogenous group. This is as also a part of a colonial logic that erases the deeply rich Indigenous traditions, knowledge and ways of being.

[2] In addition to a wide scale review by the Justice Department's "transforming the criminal justice system" initiative, there is also the Senate Committee on Human Rights who is currently conducting what has been referred to as a landmark study on the issues relating to the human rights of prisoners in the correctional system. At the House of Commons, the Standing Committee on Public Safety and National Security is currently investigating Indigenous people in the correctional system, while the Standing Committee on the Status of Women is looking into Indigenous women in the correctional systems. Quebec is also carrying out its own work in this area through its Public Inquiry Commission on Relations Between Indigenous Peoples and Certain Public Services in Québec, including corrections.

[3] Modern colonialism in Canada can be generally divided into five time-periods that include contact and conquest (1497-1763), early settlement (1763-1867), nation building (1867-1910), the height of assimilation and segregation (1910-1950) and recognition and humanitarian era (1950-present) (adapted from Armitage, 1995). Systems of justice helped establish the colony throughout the land through the laying of British laws (e.g. Provincial Penitentiary Act, 1851; British North America Act, 1867; Federal Penitentiary Act, 1868) the establishment of a federal police force (Dominion of Police, 1868; North-West Mounted Police, 1873; Royal North-West Mounted Police, 1904) and a national court of justice (Supreme Court of Canada, 1875).

[4] The opening and closing of penitentiaries during early settlement is as follows: Provincial Penitentiary of the Province of Upper Canada - Kingston Penitentiary (1835-2013); Provincial Penitentiary of the Province of New Brunswick - Saint John Penitentiary (1842-1880); Provincial Penitentiary of the Province of Nova Scotia - Halifax Penitentiary (1844-1880); Rockwood Criminal Lunatic Asylum, Kingston ON (1865-1877); St Vincent de Paul Penitentiary, Laval QC – Laval

Institution (1873-open); Manitoba Penitentiary, Lower Fort Garry MB, (Stony Mountain, 1972) (1876-open); British Columbia Penitentiary, New Westminster BC (1878-1980); Dorchester Penitentiary, Dorchester NB (1880-open); Alberta Penitentiary, Edmonton AB (1906-1920); Saskatchewan Penitentiary, Prince Albert SK (1911- open).

[5] Of the 106 penitentiary reports dating from 1838 to 1968, outside of rates of incarceration, Indigenous people were only spoken of in 39 of those reports and in no substantive way.

[6] An exception to Indigenous incarceration rates was after the 1885 Red River rebellion whereby the rates ranged from 11-15% in the Prairies and then decreased to previous recorded rates five years later in 1900.

[7] In 1755, the Indian Department was established "for political relations with Indian people, protection from traders, boundary negotiations, and the enlistment of Indian people during times of war" (Armitage, 1995: 73). The Gradual Civilization Act (1857) set out enfranchisement processes. The Enfranchisement Act (1896) further elaborated on enfranchisement, restricted individual land holding and stripped women and children of "Indian" status through marriage to "non-Indians". The Dominion Lands Act (1872) encouraged European settlement through land entitlements. The Indian Act 1876 consolidated existing legislation with more power to the Superintendent General of Indian Affairs and provided the Department of Indian Affairs with legal and administrative powers to declare any traditions, ritual life, social and political organization, or economic practices as obstacles to Christianity and civilization. The 1909 Indian Act amendment made residential school attendance compulsory for Indigenous children between the ages of 7 and 15. By 1927, 80 residential and industrial schools were in operation with over 17,000 children in forced attendance (Legacy of Hope Foundation, 2011).

[8] The rates of Indigenous incarceration in each penitentiary would vary by geographic location whereby the prairies and British Columbia often reflected elevated numbers upwards of 11% Indigenous incarceration.

[9] A politics of recognition climaxed with the 1969 Canadian White Paper that sought the complete Indigenous assimilation, dismantling of state fiduciary duty and elimination of Indigenous claims to land, self-determination, treaty rights, or nationhood (Coulthard, 2016, p.1).

[10] In 1955 the *Criminal Code* was revised to define criminal offences and establish penalties. In 1958 the Parole Act & National Parole Board was established to replace tickets of leave. In 1959 the *RCMP Act* outlined new procedures for governance and enabled RCMP to undertake provincial and municipal policing duties.

[11] Ontario and Quebec were found to have insignificant data.