

Introduction

- Aboriginal individuals are disproportionately involved in the criminal justice system as offenders and as victims ¹
- Discrimination, implicit biases, and social inequalities disproportionately impact Aboriginal individuals lives ²
- Bill C-41 and the Gladue principles were enacted to acknowledge that various systemic factors lead to increased criminality for Aboriginal individuals, and ensures judges take special consideration to those factors during sentencing ^{2,3}
- Studies conducted indicate offender race can affect sentencing outcomes ⁴

Current Study

Compared sentencing outcomes for Aboriginal and non-Aboriginal males convicted of manslaughter

Methods

Sample

- 189 males sentenced for manslaughter (1993-2013)
- 45 Aboriginal and 144 non-Aboriginal
- Age: $M = 28.7$ years ($SD = 11.0$, ranging 17-71)
- Sentence length : $M = 81.7$ months ($SD = 78.3$)

Measures

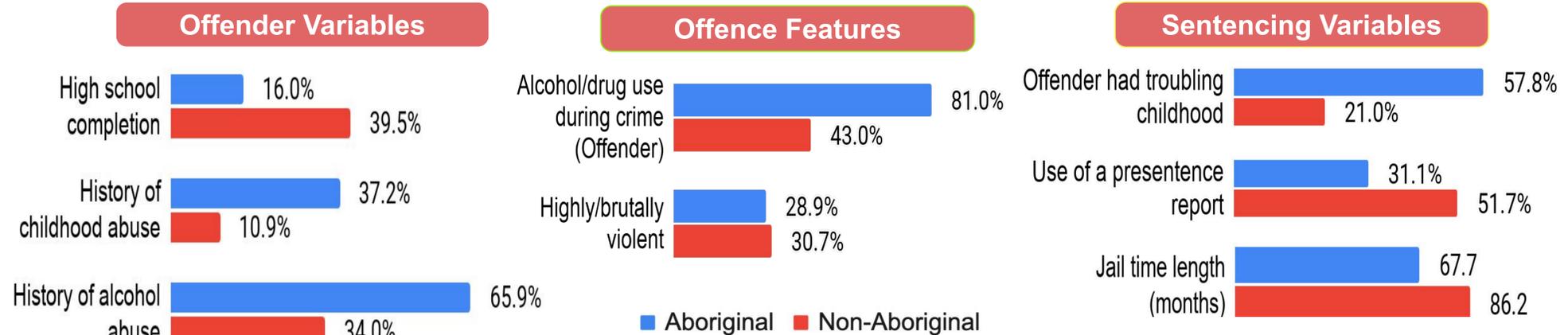
Coding form developed for the following variables:

- Offender variables
- Index offence variables
- Sentencing variables
- Sentencing outcomes

Procedures

- Sentencing decisions extracted through Canadian Legal Information Institution (CANLII; <https://canlii.org>)

Results



Note. Analyses were conducted using t-tests for continuous variables and Pearson chi-square (χ^2) tests for categorical variables.

Only statistically significant findings are illustrated ($p < .05$).

Non-significant results included: Age at time of offence, victim was a stranger, use of a weapon, use of a gun, use of a knife, offender entered guilty plea, offender was perceived as remorseful, offender cooperated with police, and possibility of rehabilitation.

Discussion

Key findings

- No significant difference for length of sentence received by each group.
- A presentence report was utilized less frequently in Aboriginal offenders cases despite the implementation of Bill C-41 and the Gladue principles.
- Large differences observed ($p \leq .001$) between the groups for:
 - history of childhood abuse
 - history of alcohol abuse
 - presence of a troubling childhood
 - prior violent charges
 - alcohol/drug use during crime by offender
 - high school completion rates

- The findings indicated that the Aboriginal offenders were disproportionately impacted by social inequalities that could lead to increased criminality.
- Of note, the standard deviations for jail time length for Aboriginal offenders ($SD = 87.66$) was much greater than non-Aboriginal offenders ($SD = 32.94$), suggesting a wider disparity in sentencing Aboriginal individuals.
- Study limitations:
 - Retrospective nature and reliance on details on the sentencing decision by the judiciary, rather than what was actually relayed during the trial or sentencing.
- Future research:
 - Use sentencing transcripts rather than sentencing decisions
 - Compare the outcomes of sentencing verdicts for other ethnic groups
 - Examine reasons for why presentence reports are not conducted as frequently for Aboriginal offenders

Manslaughter Sentencing Disparities Between Aboriginal and Non-Aboriginal Offenders in Canada

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Abstract

The following study examines sentencing disparities among Aboriginal and non-Aboriginal manslaughter offenders in Canada. The data utilized was extracted through the online database (CANLII) and included 189 Canadian sentencing decisions for male manslaughter offences from 1993 to 2013. Aboriginal and non-Aboriginal offenders were compared on offender variables, offence features, and sentencing variables. The main objective of the study was to compare the length of sentencing for Aboriginal and non-Aboriginal offenders and to examine other factors that may have differed between the two groups. The results indicated that, although sentence length did not differ, there were many observed differences that demonstrated social inequalities between the two groups.

References

- ¹ Roy, J., & Marcellus, S. (2019). Homicide in Canada, 2018. *Statistics Canada*.
<https://www150.statcan.gc.ca/n1/pub/85-002-x/2019001/article/00016-eng.htm>
- ² Legal Services Society. (2018). Gladue report guide.
<http://www.bcrb.bc.ca/Gladue-Report-Guide-eng.pdf>
- ³ Bill C-41, An Act to amend the Criminal Code (sentencing) and other Acts in consequence thereof, 1st session, 35th Parliament, 1995.
- ⁴ Maeder, E.M., & Yamamoto, S. (2018). Investigating race salience, defendant race, and victim race effects on mock juror decision-making in Canada. *Justice Quarterly*, 36(5), 929-953.
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