

Politics

## 'Sexist and racist': Indigenous inmate takes prison security tests to the Supreme Court

<https://www.cbc.ca/news/politics/indigenous-prison-supreme-court-1.4350236>

Advocates say biased risk assessments keep Indigenous people behind bars longer with higher security

[Kathleen Harris](#) · CBC News · Posted: Oct 11, 2017 5:04 PM ET | Last Updated: October 11, 2017



The Supreme Court of Canada will hear the case of an Indigenous inmate who says his rights were infringed by culturally biased risk assessment tests. (Peter Macdiarmid/Getty Images)

The Supreme Court of Canada will hear the case Thursday of a Métis inmate who claims the tests that determine prison security level and parole decisions discriminate against Indigenous offenders.

Jeffrey Ewert, who is serving a life sentence for second-degree murder and attempted murder, has been in the federal system for 30 years in prisons across the country.

He says the tools used to measure potential risks for violence are unreliable for Indigenous prisoners, affecting their liberty and breaching their constitutional rights.

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According to documents filed with the Supreme Court, the appellant says relying on test scores that are not scientifically known to be accurate for Indigenous inmates does not afford them "equal protection and benefit of the law."

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"While there is no evidence that Correctional Service Canada's use of these tools is unreasonable in respect to non-Aboriginal inmates, their use in respect to Aboriginal inmates overshoots the objective because unreliable tests likely result in unreliable public safety risk assessments," the records state.

## Assessments called valid

The correctional service argues the assessments are used regularly by psychologists in the private and public sectors around the world to expertly determine risk.

"There are no empirical studies concluding that these tools are unreliable or invalid for use with Indigenous offenders," a document filed with the court reads.

Data provided to CBC News by correctional investigator Ivan Zinger's office shows that Indigenous offenders are less likely to get parole than non-Indigenous inmates and spend longer portions of their sentence behind bars.

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It also shows that the percentage of Indigenous offenders has reached a record high of 27.4 per cent of the total inmate population, according to most recent statistics from August 2017.

Since 2012, the Indigenous inmate population increased by 21.3 per cent, while the non-Indigenous inmate population declined by 11.8 per cent.

# Female Indigenous offender rate high

Female Indigenous offenders now make up 37.9 per cent of the total female inmate population.

Most recent census data from Statistics Canada shows Indigenous people make up 4.3 per cent of Canada's total population.

- [Number of female prisoners is up](#)

Kassandra Churcher, executive director of the Canadian Association of Elizabeth Fry Societies, called the prison classification system that results in a disproportionate number of women incarcerated in more restrictive environments "sexist and racist."

"This translates their needs into risks, and restricts their access to rehabilitation and programs and community reintegration options," she said during a news conference on Parliament Hill Wednesday.

The B.C. Civil Liberties Association is intervening at the Supreme Court in what it calls a "groundbreaking case."

"These risk assessment ratings have severe consequences," it said in a news release. "A bad risk assessment rating can mean an Indigenous offender is less likely to get parole, access to programs, early or temporary release, and more likely to experience solitary confinement and a maximum security setting."



Female Indigenous offenders make up 37.9 per cent of the total female inmate population. Of the overall female Canadian population, Indigenous women and girls comprise just four per cent, according to Statistics Canada. (Ueslei Marcelino/Reuters)