

Estimating the Number of Children with a Biological Parent in Canadian Custody, 2019/20

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Summary

This document presents two estimates of the number of children with biological parents in Canadian federal custody, provincial/territorial custody, youth detention custody, or immigration detention custody in 2019/20. These estimates are based on disaggregated fertility rates, actual-in counts in custody, and total admissions to custody in the 2019/20 year. Calculations are provided later in this document to show how each of these estimates were reached.

1. There were 38,916 people in Canadian federal custody, provincial/territorial custody, youth detention, and immigration detention on a given day in 2019/20. Based on disaggregated birth rates, there were an estimated **64,290 children** with a biological parent in custody on a given day in 2019/20.
2. There were 249,627 total admissions to Canadian federal custody, provincial/territorial custody, youth detention, and immigration detention during the 2019/20 year. Based on disaggregated birth rates, there were an estimated **405,373 children** with a biological parent admitted to custody during the 2019/20 year.

Approach and Limitations

I decided to use 2019/20 data because of the unprecedented and temporary decline in imprisonment numbers during the 2020/21 reporting period.ⁱ The changes in imprisonment numbers were due to changes in some institutional policies during the COVID-19 pandemic.ⁱⁱ I also decided to only use custodial data and exclude community supervision data out of interest in estimating the extent of custodial separation between biological parents and children. Note that some children will not be in their biological parent's custody and may be impacted or separated differently. Further, in the case of immigration detention, some children are detained with their parent(s).ⁱⁱⁱ My calculations also do not account for the diversity of important kinship relationships, including non-biological kin relationships, and only consider fertility rates. Moreover, my estimates will include some children who are over the age of 18, while some stakeholders may be primarily interested in the number of legal minors who are impacted. Further, in the case of immigration detention, some children of imprisoned adults will be located outside of Canada.

My approach of locating the fertility rate of a cohort of women and multiplying it with the total number of imprisoned people (all genders) of that cohort is not without flaws. First, being imprisoned can impact one's ability to have children, but there is a lack of data located on how this impacts fertility rates. Second, there may be other factors which impact fertility rates for imprisoned and criminalized people in Canada. Third, I am extrapolating the fertility rate of white, Black, Indigenous, and racialized women to men who are white, Black, Indigenous, and racialized respectively. Fourth, the fertility rate is the total number of children that would be born to the average woman/person who can give birth over their lifetime – some people in prison may not yet have borne all of their biological children. That said, it is possible that some criminalized people may have children earlier in life than some non-criminalized people. Fifth, there may be some children with both biological parents imprisoned, or a parent/parents imprisoned more than once during the year. Sixth, some of the fertility rate information is not recent (i.e., from 2000/01). Lastly, the fertility rates available would benefit from further disaggregation; Indigenous, Black, white, and racialized peoples are not homogenous groups.

Numbers were not available on the number of people confined to police cells across the country, and are missing from these estimates. I also did not include the number of people held against their will in other institutions including hospitals (i.e., involuntary psychiatric admissions) and long-term care facilities. In 2013, 77.1 percent of psychiatric admissions in Ontario were involuntary.^{iv} Also in Ontario, the *More Beds, Better Care Act* was passed in 2022 that could force hospital patients into long-term care facilities against their will.^v

Rationale

There are challenges to understanding the number of children impacted by imprisonment in Canada. The number of children with imprisoned parents and other family members is not collected or collated by youth, provincial adult, or federal adult prison institutions in Canada. Prior figures include a 2007 report by Withers and Folsom, extrapolating that 357,604 children under the age of 19 in Canada have imprisoned fathers.^{vi} This report drew on questionnaire results of 534 federally sentenced men during orientation at the Millhaven Assessment Unit (prison) between August 2003 and January 2003. Published a few years prior, a 2003 exploratory report by Cunningham and Baker drew on pre-existing publications to extrapolate that 20,000 children are separated from imprisoned mothers in Canada.^{vii} The goal of my short report is to estimate a number of impacted children in the absence of recent data supplied by government or collected by researchers inside institutions.

Future Research

In partnership with families (including formerly and currently imprisoned people), I recommend disseminating a survey to a sample of provincial/territorial, federal, youth institutions, and immigration holding centres to better understand the number of children who are impacted by their parent's imprisonment. As part of this survey, I also recommend requesting information on affected kinship relationships more broadly, including nieces and nephews, grandchildren, children removed from families, children cared for by other family members, and more. I

recommend this because the impacts of imprisonment extend throughout families and communities. This data should centre intersectionality and account for the differences among imprisoned people (e.g., race, gender, etc.) and the diversity of family dynamics (i.e., beyond the nuclear family dynamic).^{viii} The way this data is collected should affirm the rights and dignity of imprisoned people and kin.^{ix} There may be hesitancy to supply this information, given distrust many people have with institutions including and beyond those imprisoning them. This survey should be conducted with the support of people who have relationships of trust and respect, which likely means having lived experience, identifying as Indigenous, Black, or racialized, and not being employed by the institution. From a normative perspective, such data should be mobilized to support the relationships of imprisoned and criminalized people and their kin through transformative policy, legal, and social change.

Calculation: Number of children with a biological parent in custody on a given day in 2019/20

Calculations are disaggregated by race when possible, using fertility rates and actual-in counts of white, Indigenous, Black, and other racialized adults, and youth. The calculations are ordered from the largest cohorts of children to the smallest cohorts of children. Federal actual-in counts include people confined to a federal facility on a given day. Provincial/territorial actual-in counts represent persons held in custody under sentence, remand, or who are otherwise legally required to be there and who are present at the time the count is taken. For youth, the total actual-in count represents young people (under age 18) held in custody under sentence, pre-trial detention, Provincial Director Remand, and other temporary detention at the time the count is taken. Immigration detention figures are available as a daily average.

Children with a white biological parent in federal or provincial/territorial prison on a given day in 2019/20:

- Fertility rate of white women, 2016/17: 1.54 ^x
- Total actual-in count of white adults imprisoned to federal custody (14,022 total actual-in count / 53.7% of imprisoned people are white ^{xi} = 7,529.81) + total actual-in count of white adults imprisoned to provincial/territorial custody (23,894 total actual-in count / 51% of imprisoned people are white ^{xii} = 12,185.94)
- Fertility rate * total actual-in count = 1.54 * 19,715.75 = 30,362 children

Children with an Indigenous biological parent in federal or provincial/territorial prison on a given day in 2019/20:

- Fertility rate of Indigenous women, 2016/17: 1.9. This fertility rate is based on 2016 census data and treats Indigenous women homogenously. Yet, Indigenous women are heterogenous and reflect many distinct nations and cultures. ^{xiii}
- Total actual-in count of Indigenous adults imprisoned to federal custody (14,022 total actual-in count ^{xiv} / 33% of imprisoned adults are Indigenous ^{xv} = 4,627.26) + total actual-in count of Indigenous adults imprisoned to provincial/territorial custody (23,894 total actual-in count ^{xvi} / 31% of imprisoned adults are Indigenous ^{xvii} = 7,407.14)
- Fertility rate * total actual-in count = 1.9 * 12,034.46 = 22,865 children

Children with a Black biological parent in federal or provincial/territorial prison on a given day in 2019/20:

- Fertility rate of Black women, 2000/01: 1.7. This fertility rate is dated, and treats Black women homogenously. ^{xviii}
- Total actual-in count of Black adults imprisoned to federal custody 14,022 total actual-in count / 8.1% of imprisoned people are Black ^{xix} = 1,135.72) + total actual-in count of Black adults imprisoned to provincial/territorial custody (23,894 total actual-in count / 10% of imprisoned people are Black ^{xx} = 2389.4)
- Fertility rate * total actual-in count = 1.7 * 3,525.2 = 5,993 children

Children with a racialized biological parent in federal or provincial/territorial prison on a given day in 2019/20:

- Fertility rate of racialized women (not including Black women and Indigenous women), 2000/01: 1.7. In addition to this fertility rate being dated, it also treats racialized peoples homogenously. ^{xxi}
- Total actual-in count of racialized adults imprisoned to federal custody (14,022 total actual-in count / 7% of imprisoned people are racialized ^{xxii} = 981.54) + total actual-in count of racialized adults imprisoned to provincial/territorial custody (23,894 total actual-in count / 7% of imprisoned people are racialized ^{xxiii} = 1672.58)
- Fertility rate * total actual-in count = 1.7 * 2654.12 = 4,512 children

Children with a parent confined in immigration detention on an average day in 2019/20:

- Fertility rate of racialized and Black women, 2000/01: 1.7. A large number of people confined in immigration detention are racialized, but there are no disaggregated figures available. Using a Canadian fertility rate is not exact, especially in this case. ^{xxiv}
- Daily average of confined adults: 326. People are confined in immigration holding centres, provincial prisons, and other facilities. ^{xxv}
- Fertility rate * average daily count = 1.7 * 326 = 377 children

Children with a parent aged 15-19 in youth detention on a given day in 2019/20:

- Fertility rate of girls/women aged 15-19, 2021: 6,385 births ^{xxvi} / 1,031,292 girls 15-19 ^{xxvii} = 0.0062. This fertility rate is not counting mothers under age 15. Youth detention only applies to youth up to age 18, but this fertility rate includes women aged 18-19.
- Total actual-in count of youth in custody, 2019/20: 674 ^{xxviii}
- Fertility rate * total actual-in count = 0.0062 * 674 = 4 children

Total: 30,362 + 22,865 + 5,993 + 4,512 + 377 + 4 = 64,290 children

Calculation: Number of children with a biological parent admitted to custody in 2019/20

Calculations are disaggregated by race when possible, using fertility rates and total custodial admissions of white, Indigenous, Black, and other racialized adults, and youth. The calculations are ordered from the largest cohorts of children to the smallest cohorts of children. At the federal

level, custodial admissions are totals of warrant of committal, revocation of conditional release and other custodial status admissions. At the provincial/territorial level, custodial admissions are totals of sentenced (including intermittent sentences), remand, and other custodial status admissions. Admissions are lower than actual-in count at the federal level in part because there is less turn-over; people are serving longer sentences. Admissions are higher at the provincial/territorial level in part because there is more turn-over; people are confined for shorter amounts of time. Using admissions to custody in my calculation may count some children more than once if their parent/parents were admitted to custody more than once.

Children with a white biological parent admitted to federal or provincial/territorial prison during the 2019/20 year:

- Fertility rate of white women, 2016/17: 1.54
- Total custodial admissions of white adults imprisoned to federal custody (7,326 total admissions to custody / 53.7% of imprisoned people are white = 3,934.06) + total custodial admissions of white adults imprisoned to provincial/territorial custody (227,124 total admissions to custody / 51% of imprisoned people are white = 115,833.24)
- Fertility rate * total custodial admissions = 1.54 * 119,767.3 = 184,442 children

Children with an Indigenous biological parent admitted to federal or provincial/territorial prison during the 2019/20 year:

- Fertility rate of Indigenous women, 2016/17: 1.9
- Total custodial admissions of Indigenous adults to federal custody (7,326 total admissions to custody ^{xxix} / 33% of imprisoned people are Indigenous = 2,417.58) + total custodial admissions of Indigenous adults to provincial/territorial custody (227,124 total admissions to custody ^{xxx} / 31% of imprisoned people are Indigenous = 70,408.44)
- Fertility rate * total custodial admissions = 1.9 * 72,826 = 138,369 children

Children with a Black biological parent admitted to federal or provincial/territorial prison during the 2019/20 year:

- Fertility rate of Black women, 2000/01: 1.7
- Total custodial admissions of Black adults to federal custody (7,326 total custodial admissions / 8.1% of imprisoned people are Black = 593.41) + total custodial admissions of Black adults to provincial/territorial custody (227,124 total custodial admissions / 10% of imprisoned people are Black = 22,712.4)
- Fertility rate * total custodial admissions = 1.7 * 23,305.81 = 39,620 children

Children with a racialized biological parent admitted to federal or provincial/territorial prison during the 2019/20 year:

- Fertility rate of racialized women (not including Black women and Indigenous women), 2000/01: 1.7
- Total custodial admissions of racialized adults to federal custody (7,326 total custodial admissions / 7% of imprisoned people are racialized = 512.82) + total custodial admissions of racialized adults to provincial/territorial custody (227,124 total custodial admissions / 7% of imprisoned people are racialized = 15,898.68)
- Fertility rate * total custodial admissions = 1.7 * 16,411.5 = 27,900 children

Children with a parent confined in immigration detention during the 2019/20 year:

- Fertility rate of racialized and Black women, 2000/01: 1.7
- Total adults detained: 8,825
- Fertility rate * total adults detained = $1.7 * 8,825 = 15,003$ children

Children with a parent aged 15-19 admitted to youth detention during the 2019/20 year:

- Fertility rate of girls/women ages 15-19, 2019/20: 6,385 births / 1,031,292 girls = 0.0062^{xxxi}
- Total custodial admissions of youth to custody 2019/20 (4,741 pretrial detention + 297 provincial director remand + 748 secure custody + 566 open custody) = 6,352
- Fertility rate * total custodial admissions = $0.0062 * 6,352 = 39$ children

Total: $184,442 + 138,369 + 39,620 + 27,900 + 15,003 + 39 = 405,373$ children

Endnotes

ⁱ StatsCan. (2021). *Changes in federal, provincial and territorial custodial populations during the COVID-19 pandemic, July to September 2020*. Retrieved from: <https://www150.statcan.gc.ca/n1/daily-quotidien/210310/dq210310a-eng.htm>.

ⁱⁱ Iftene, A. (2020). COVID-19 in Canadian Prisons: Policy, Practice and Concerns. In Colleen M Flood et al, eds, *Vulnerable The Law, Policy & Ethics of COVID-19*. Ottawa: University of Ottawa Press; StatsCan. (2021). *Changes in federal, provincial and territorial custodial populations during the COVID-19 pandemic, July to September 2020*. Retrieved from: <https://www150.statcan.gc.ca/n1/daily-quotidien/210310/dq210310a-eng.htm>.

ⁱⁱⁱ Canadian Border Services Agency. (2020). *Annual detention, fiscal year 2019 to 2020*. Retrieved from: <https://www.cbsa-asfc.gc.ca/security-securite/detent/stat-2019-2020-eng.html>.

^{iv} Lebenbaum, M. et al. (2018). *Involuntary Psychiatric Admissions Have Increased Significantly in Ontario: Study*. CAMH. Retrieved from: <https://www.camh.ca/en/camh-news-and-stories/involuntary-psychiatric-admissions-have-increased-significantly-in-ontario>.

^v *More Beds, Better Care Act, 2022, S.O. 2022, c. 16 - Bill 7*

^{vi} Withers, L & Folsom. (2007). *Incarcerated Fathers: A Descriptive Analysis*. CSC. Retrieved from: <http://www.csc-scc.gc.ca/research/r186-eng.shtml>.

^{vii} Cunningham, A. & Baker, L. (2003). *Waiting for Mommy: Giving a Voice to the Hidden Victims of Imprisonment*. London, Ontario: Centre for Children and Families in the Justice System. Retrieved from: <https://web.archive.org/web/20170422210724/http://www.ifcc.on.ca/WaitingForMommy.pdf>.

^{viii} Mussell, L. Book manuscript under review.

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- ^{ix} Chartrand, V. & Rougier, N. (2021). Carceral other and severing of people, place and land. In *Contesting Carceral Logic*. Edited by Michael Coyle & Mechthild Nagel. London: Routledge.
- ^x StatsCan. (2021). *Projections of the Indigenous populations and households in Canada, 2016 to 2041: Overview of data sources, methods, assumptions and scenarios*. Retrieved from: <https://www150.statcan.gc.ca/n1/pub/17-20-0001/172000012021001-eng.htm>.
- ^{xi} Public Safety Canada. (2022). *2020 Corrections and Conditional Release Statistical Overview*. Retrieved from: <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ccrso-2020/index-en.aspx>.
- ^{xii} StatsCan. (2022). *Adult and youth correctional statistics, 2020/2021*. Retrieved from: <https://www150.statcan.gc.ca/n1/daily-quotidien/220420/dq220420c-eng.htm>.
- ^{xiii} See note x.
- ^{xiv} StatsCan. (2022). *Average counts of offenders in federal programs, Canada and regions*. Retrieved from: <https://www150.statcan.gc.ca/t1/tb11/en/tv.action?pid=3510015501>.
- ^{xv} See note xii.
- ^{xvi} StatsCan. (2022). *Average counts of adults in provincial and territorial correctional programs*. Retrieved from: <https://www150.statcan.gc.ca/t1/tb11/en/tv.action?pid=3510015401&pickMembers%5B0%5D=1.1&cubeTimeFrame.startYear=2019+%2F+2020&cubeTimeFrame.endYear=2020+%2F+2021&referencePeriods=20190101%2C20200101>.
- ^{xvii} See note xii.
- ^{xviii} StatsCan. (2006). *Report on the Demographic Situation in Canada 2003-2004*. Retrieved from: <https://www150.statcan.gc.ca/n1/en/pub/91-209-x/91-209-x2003000-eng.pdf?st=o0LM5H6S>.
- ^{xix} Ibid.
- ^{xx} See note xii.
- ^{xxi} See note x.
- ^{xxii} Public Safety Canada. (2022). *2020 Corrections and Conditional Release Statistical Overview*. Retrieved from: <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ccrso-2020/index-en.aspx>.
- ^{xxiii} See note xii.
- ^{xxiv} In 2018/19, 47.2% of people detained were Mexican nationals. See note iii.

^{xxv} Detentions in other facilities includes other law enforcement agencies (i.e., Royal Canadian Mounted Police detachments, local and provincial police cells), Canadian Border Services Agency ports of entry, and inland enforcement cells.

Note: some children are also imprisoned in immigration holding centres. In 2019/20, there were 135 minors detained with their parents. There were also 2 minors unaccompanied by their parents detained that year (Ibid).

^{xxvi} StatsCan. (2021). *Live births, by age of mother*. Retrieved from: <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1310041601>.

^{xxvii} StatsCan. *Population estimates on July 1st, by age and sex*. Retrieved from: <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1710000501&pickMembers%5B0%5D=1.1&pickMembers%5B1%5D=2.3&cubeTimeFrame.startYear=2019&cubeTimeFrame.endYear=2021&referencePeriods=20190101%2C20210101>.

^{xxviii} StatsCan. (2022). *Average counts of young persons in provincial and territorial correctional services*. Retrieved from: <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510000301&pickMembers%5B0%5D=1.15&cubeTimeFrame.startYear=2019+%2F+2020&cubeTimeFrame.endYear=2020+%2F+2021&referencePeriods=20190101%2C20200101>.

^{xxix} StatsCan. (2022). *Adult admissions to federal correctional services*. Retrieved from: <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510002201>.

^{xxx} StatsCan. (2022). *Adult admissions to correctional services*. Retrieved from: <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510001401&pickMembers%5B0%5D=1.1&cubeTimeFrame.startYear=2019+%2F+2020&cubeTimeFrame.endYear=2020+%2F+2021&referencePeriods=20190101%2C20200101>.

^{xxxii} StatsCan. (2017). *Early motherhood among off-reserve First Nations, Métis and Inuit women*. Retrieved from: <https://www150.statcan.gc.ca/n1/pub/75-006-x/2017001/article/54877-eng.htm>.

Note: Ram (2004) suggests that Indigenous girls and women aged 15-19 have fertility rates that are five times higher than for other girls/women, based on 1996-2001 data. Ram, B. (2004). New Estimates of Aboriginal Fertility, 1966-1971 to 1996-2001. *Canadian Studies in Population*, 31(2), doi: 10.25336/p6c31t.