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ADULT CORRECTIONAL SERVICES IN CANADA, 1999-00

by Charlene Lonmo

HIGHLIGHTS

- On any given day in 1999/00, an average of 152,800 adults was under the supervision of correctional agencies in Canada, a 1% increase from the previous year.
- 31,600 individuals, or approximately one in five adult offenders under supervision in the correctional system, were in custody, a 2% decline from 1998/99. Almost 6 in 10 of these were provincial/territorial inmates.
- There were a further 121,100 individuals under some form of supervision in the community: 102,100 on probation; 9,000 serving conditional sentences; 8,100 supervised by Correctional Service of Canada and 1,900 on provincial parole.
- The adult incarceration rate in Canada in 1999/00 was 135 inmates (in remand, sentenced custody and temporary detention) per 100,000 adult population, a decrease of 3.6% from 1998/99.
- The number of adult admissions to custody in Canada decreased for the seventh year in a row. In 1999/00, there were 220,600 adults admitted to provincial/territorial and federal custody, a decrease of 2% over 1998/99. Approximately half were admitted to remand, 38% to provincial/territorial sentenced custody and 2% to federal sentenced custody. The remainder were admitted to "other/temporary detention" in provincial/territorial facilities (9%) or other federal custody (1%).
- Almost three-quarters of all admissions to provincial/territorial sentenced custody in 1999/00 were for three months or less; almost two-thirds of all admissions to federal sentenced custody were for less than four years.
- In 1999/00, there were 110,000 adults remanded to custody, a 4% increase compared to 1998/99. On any given day, there was an average of 6,700 individuals in remand, up 27% from 1995/96.
- There were 99,326 commencements of community supervision, a decrease of 5% from 1998/99. The majority of these were probation (73%), with the remainder consisting of conditional sentences (16%), federal and provincial parole (6%) and statutory releases (4%).
- Conditional sentence commencements increased 11% over the past year to 15,800. On any given day in 1999/00 there were 9,000 individuals on conditional sentence.
- In 1999/00, 3,800 adult federal offenders completed day parole, 1,700 completed full parole and 4,800 completed statutory release, for which success rates (i.e. the rate of completion without revocation for breach of condition or commission of an offence) were 83%, 73% and 58% respectively. Approximately 2% of conditional releases were revoked due to the commission of a violent offence.
- Spending on correctional services in Canada totalled \$2.4 billion in 1999/00. This represents an increase of 5% over 1998/99 after adjusting for inflation. Almost three-quarters was spent on custodial services, with the remainder spent on community supervision programs, headquarters and parole boards.



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Introduction

The administration of corrections is divided between the federal government and the provincial/territorial governments. In general, if an individual is sentenced to custody for a term of two-years or more, their incarceration is the responsibility of the Correctional Service of Canada (CSC), a federal agency. The federal government also has responsibility for parole administration in all jurisdictions except **provincial offenders** in Ontario, Quebec and British Columbia, which operate their own provincial parole boards. All other corrections matters, such as remand, sentenced custody of less than two years and probation are handled by the provincial/territorial governments.

This *Juristat* provides data on the characteristics of the adult correctional population and the delivery of adult correctional services in Canada. It examines highlights from two surveys conducted by the Canadian Centre for Justice Statistics: the Adult Correctional Services (ACS) Survey and the Resources, Expenditures and Personnel (REP) Survey for correctional services.

Measures of Correctional Activity: Admissions and Inmate Counts

This report makes use of two different indicators that describe the use of correctional services: (i) the number of annual admissions to correctional facilities or to community supervision programs; and (ii) the average count of offenders at a given point in time.

Admissions data are collected when the offender enters the institution or community supervision program. While admissions data describe and measure the changing caseflow of correctional agencies over time, they do not indicate the number of unique individuals using correctional services since the same person can be included several times in annual admissions totals. Although the Adult Correctional Services Survey attempts to standardise the way in which status changes are counted, limitations due to differing jurisdictional operational systems may restrict uniform application of the definitions in some situations. For this reason, inter-jurisdictional comparisons of the actual numbers of admissions should only be made with caution. However, as a result of consistent counting practices within jurisdictions, statements may be made concerning the trends over time within each jurisdiction.

Average counts of inmates in custody or serving a sentence in the community at a given point in time provide a snapshot of the correctional population on any given day and are then used to calculate an annual average count. Average counts provide a useful operational measure for correctional managers and are used as formal indicators of the utilization of bed space in institutions. Typically, correctional officials perform daily counts of inmates in their facility and monthly counts of offenders under community supervision.

Principles of Sentencing

Corrections sanctions are founded on the following objectives:

- 1) **Denunciation** refers to the state's obligation to express society's rejection of certain criminal acts by imposing a penalty. This consists of a loss of liberty, in varying degrees, for a period of time determined by the court according to law.
- 2) **Deterrence** focuses on the future, applying a level of sanction designed to discourage continued criminal conduct by both the offender and other, would-be offenders.
- 3) **Incapacitation** is the removal of the offender from society thereby restricting their opportunity to commit further offences.
- 4) **Rehabilitation** focuses on changing the behaviour of the offender by concentrating on the key factors and circumstances (for example drug and alcohol addiction) that led to the unlawful behaviour. Offenders should be given treatment in such areas as job and life skills, as well as being made aware of the impact of their actions on their victims and engendering a sense of understanding of their victims as individuals.
- 5) **Reparation** involves compensation of the victim by the offender.

Canada's justice system attempts to incorporate the elements from all these theories and principles, which are referred to in the sentencing provisions of the **Criminal Code** (Part XXIII and, in particular, s.718).¹

¹ For further information on theories of corrections and sentencing see: The Keepers and the Kept: Introduction to Corrections in Canada, Ekstead, John W., and Margaret A. Jackson (Toronto: ITP Nelson, 1996) and Criminology: A Canadian Perspective, Linden, Rick (Toronto: Harcourt Canada, 2000).

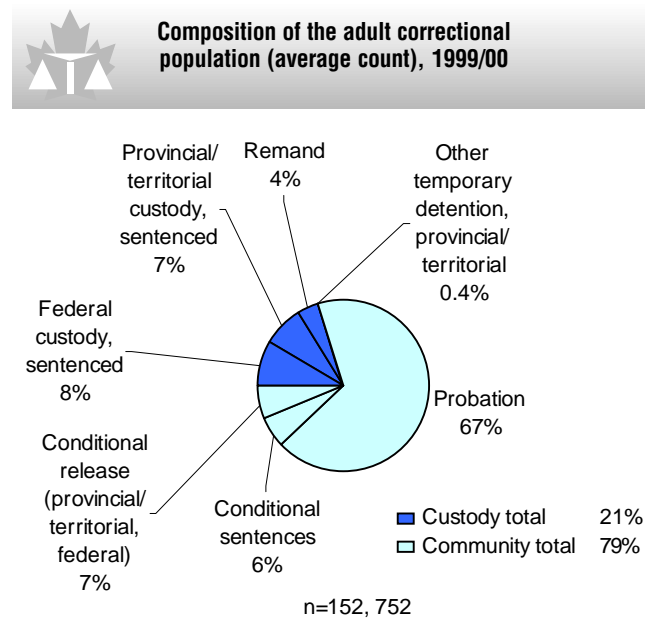
Overview of the Adult Correctional Population

In 1999/00, one in five adult offenders supervised by correctional services were in custody

All federal and provincial/territorial jurisdictions in Canada maintain a count of the number of inmates in custody and offenders in the community as a standard means of examining the relative size of the population under supervision. In Canada, in 1999/00, there was an average of 152,752 offenders under some form of supervision on any given day (See Table 1). Of these offenders, 31,624 (or 21%) were in custody. Amongst offenders in custody: 41% were in federal custody, 36% were in provincial/territorial sentenced custody and 21% were in remand. A further 121,127 offenders were being supervised in the community, of which the majority (84%) were on supervised probation, 8% were on conditional release and 7% were offenders sentenced to a conditional sentence (*for more details, see section on community supervision*). Overall, approximately two-thirds of all offenders under correctional supervision were on probation (See Figure 1).

Inmates may be incarcerated in a provincial/territorial facility for a variety of reasons: custodial sentences of less than two years, remand while their case is being adjudicated or some form of other/temporary detention, such as "immigration holds". Of the 18,650 inmates held in provincial/territorial custody on any given day in 1999/00, 61% were in sentenced custody. The number of offenders in sentenced custody declined by 8% from the previous year, a trend that has been in effect since 1995/96. The average number of offenders held in provincial/territorial sentenced custody has fallen by 20% since 1995/96.

Figure 1



Note: percentages may not add to total due to rounding.
Source: Adult Correctional Services Survey.

Offenders in remand comprised more than one third of inmates in provincial/territorial custody at any given time in 1999/00. Offenders may be held in custody in remand for several reasons: there is a risk that they will fail to appear for their court date, they pose a danger to themselves and/or others, or they present a risk to re-offend. For most offences, the onus is on the prosecutor to establish justification for detaining

Table 1

Federal and Provincial/Territorial Offender Population, Average Count, 1999/00

	Provincial/Territorial							Federal				Total	% change
	Sentenced Custody	% change	Remand	% change	Total ³	Community Supervision	% change	Custody	% change	Conditional Release ⁴	% change		
1990/91	13,181	-5	4,711	14	17,944	85,340	13	11,289	-1	9,406	5	123,979	13
1991/92	13,925	6	4,947	5	18,940	95,970	12	11,783	4	9,707	3	136,400	10
1992/93	14,135	2	5,111	3	19,376	103,579	8	12,342	5	9,914	2	145,211	6
1993/94 ¹	14,251	1	5,130	-	19,481	106,262	3	13,322	8	10,132	2	149,197	3
1994/95	14,316	-	5,327	4	19,811	103,586	-3	13,948	5	9,422	-7	146,767	-2
1995/96	14,249	-	5,266	-1	19,730	105,130	1	14,076	1	9,272	-2	148,208	1
1996/97	13,522	-5	5,734	9	19,526	110,163	5	14,197	1	7,405	-20	151,291	2
1997/98	12,573	-7	6,109	7	18,955	115,730	5	13,759	-3	7,479	1	155,923	3
1998/99	12,478	-1	6,472	6	19,220	110,756	-4	13,173	-4	7,791	4	150,940	-3
1999/00 ²	11,438	-8	6,665	3	18,650	113,032	7	12,974	-2	8,095	4	152,752	1

⁻ nil or zero.

¹ Federal Conditional Release count was a snapshot taken on March 31.

² Due to major system modifications, community supervision data for Manitoba for 1999/00 were not available. Yearly change calculations have been adjusted accordingly.

³ Provincial/Territorial Total also includes "other/temporary detention"

⁴ This count includes all releases supervised by the National Parole Board.

offenders in custody prior to the adjudication of their crimes. Those not held in remand are released to the community on an order of 'judicial interim release', which may require the offender to deposit funds and/or abide by specific conditions as directed by the judge.²

From 1989/90 through 1995/96, individuals in remand represented between 26% and 28% of all offenders in provincial/territorial custody. Since then, the proportion of the custodial population in remand has increased and by 1999/00, 36% of all individuals in provincial/territorial custody were in remand. Ontario and Manitoba reported the highest proportion of their custodial population in remand, at 43% and 45% respectively. The Atlantic Provinces generally reported a lower proportion of individuals in remand with Prince Edward Island reporting the lowest level in Canada at 10%.

Trends in Remand

Since 1995/96, the number of individuals remanded to custody has increased by 3% but the average count of individuals in remand has increased by 27%. Accordingly, it would appear that the length of time individuals are spending in remand has increased. For example, between 1995/96 and 1999/00, the proportion of individuals admitted to remand for one week or less has declined from 66% to 55%. By contrast, the proportion of individuals held in remand for more than one week to three months has almost increased from 30% to 38%, while the proportion of those held for more than three months has tripled from 2% to 6% of all remanded individuals.

These increases in the remand population, both numerically and as a proportion of individuals in custody, have occurred despite a 10% decrease in criminal incidents recorded by the police and a 7% decrease in the number of adults charged since 1995/96. Given the 'high security' nature of remand facilities, the net effect has been an increase in the resources required to administer these spaces.

Sources: Adult Correctional Services Survey, Uniform Crime Reporting Survey (UCR2) and Adult Criminal Courts Survey, Canadian Centre for Justice Statistics, Statistics Canada

Profile of Offenders Admitted to Custody

While the average counts provide a picture of a typical day in the correctional system, admissions data look at individuals as they commence correctional programs, thus providing a measure of the case "flow" into the correctional system and its programs. Admissions counts include the number of remands as well as new program commencements, including sentenced custody, conditional sentences and community supervision. As such, the same individual can be counted more than once for each specific but separate program commenced while under continuous supervision. Jurisdictional counting systems are based on local priorities and information needs that may differ, sometimes substantially, from one jurisdiction to another. As such, inter-jurisdictional comparisons using these data should be made with caution.

In 1999/00, there were 220,569 custodial program commencements in Canada (See Table 2), representing a decrease of 2% from 1998/99³. The majority of these (97%) were to provincial/territorial custody. Remands accounted for 50% of the total, while provincial/territorial sentenced custody and "other/temporary detention" accounted for 38% and 10% respectively. The remaining 3% were to federal custody (See Figure 2).

Provincial/territorial sentenced custody program commencements have fallen by 26% since 1995/96 while remand admissions have risen by 3% over the same period.

² See s.515 of the Criminal Code for the provisions dealing with judicial interim release

³ Note that British Columbia changed its reporting practice to include other/temporary detentions, which were not counted in the past. In 1999/00 there were 7,919 other/temporary detentions, which were included in the calculation of the total number of admissions but not in the calculation of the rate of change in the number of admissions.

Incarceration Rate

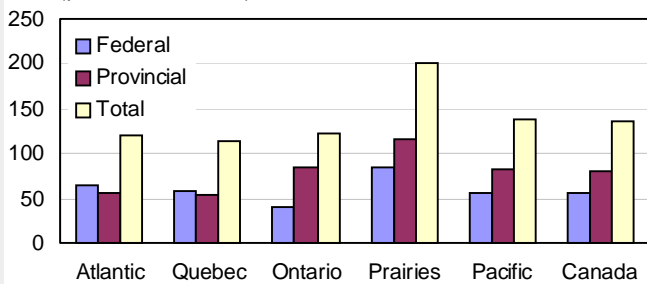
The Adult Correctional Services Survey calculates the incarceration rate as adult inmates (sentenced, remand and temporary detention) per 100,000 adult population using the average counts by jurisdiction. Using this definition, Canada's incarceration rate in 1999/00 was 135, a decline of 3.6% from 1998/99. Over the past twenty years, Canada's incarceration rate has ranged from a low of 128 in 1979/80 to a high of 154 in 1994/95. The rate has declined each year since 1994/95.

The incarceration rate varied by region with the Prairies reporting the highest rate and Quebec reporting the lowest. Quebec and Atlantic Canada had a higher rate of offenders in federal custody whereas Ontario, the Prairies and the Pacific region had a greater rate of offenders in provincial/territorial custody.



**Regional Incarceration Rates
1999-2000**

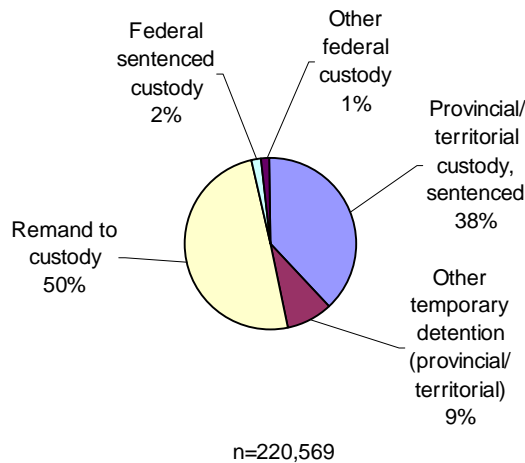
Rate (per 100,000 adults)



Note: According to CSC, data from Nunavut is combined with Ontario, Northwest Territories with Prairies and Yukon with BC

Figure 2

Composition of the adult correctional population (admissions), 1999/00



Source: Adult Correctional Services Survey.

Both federal and provincial/territorial sentenced custody program commencements are decreasing

Adult sentenced admissions to provincial/territorial custody declined by 9% from 1998/99, to 84,869 (See Table 3). Sentenced admissions to provincial/territorial custody were most noticeably lower in Newfoundland, Prince Edward Island, Quebec and Saskatchewan, which saw declines of 22%, 19%, 17% and 13% respectively. The other jurisdictions reported between 4 and 9% fewer sentenced admissions while British Columbia and Yukon reported levels that were basically unchanged.

Federally, adult admissions to custody numbered 7,152 in 1999/00 (See Table 2), a decrease of 4% over 1998/99 levels and 9% since 1995/96. Fifty-nine percent of federal admissions to custody were warrant of committal (i.e. sentenced) admissions and a further 36% were the result of revocation of parole. Admissions to federal sentenced custody declined by 6% over 1998/99.

Most inmates in Canada have been incarcerated for non-violent offences

Admissions data are classified according to the most serious offence based on several factors, such as the length of the maximum penalty associated with the offence and whether violence was involved.

While most offenders admitted to custody are sentenced under the provisions of the *Criminal Code*, offenders may also be sentenced to custody pursuant to a variety of other federal legislation such as the *Controlled Drugs and Substances Act*, the *Canada Shipping Act*, the *Excise Act*, the *Immigration Act*, etc., or under provincial legislation.


Table 2

Adult Admissions to Custody, 1999/00

Jurisdiction	Provincial/Territorial				Federal			
	Sentenced Custody	Remand	Other temporary	Total Provincial/territorial	Sentenced Custody	Revocation	Other	Total Federal
Newfoundland	936	263	9	1,208	...	...	...	...
Prince Edward Island	647	191	-	838	...	...	...	...
Nova Scotia	1,825	1,553	462	3,840	...	...	...	...
New Brunswick	2,179	1,301	-	3,480	...	...	...	...
Quebec	18,016	25,814	2,698	46,528	...	...	...	...
Ontario	30,747	46,637	5,533	82,917	...	...	...	...
Manitoba	1,268	4,860	2,036	8,164	...	...	...	...
Saskatchewan	3,368	8,665	200	12,233	...	...	...	...
Alberta	14,728	7,784	-	22,512	...	...	...	...
British Columbia	9,739	11,602	7,919	29,260	...	...	...	...
Yukon	308	321	6	635	...	...	...	...
Northwest Territories	1,108	694	..	1,802	...	...	...	...
Nunavut ¹	..	..	..	..	...	...	...	...
Provincial/Territorial Total	84,869	109,685	18,862	213,417	...	...	...	...
Federal	...	...	...	...	4,221	2,569	362	7,152
Total Admissions	220,569							

... figures not available.
 ... figures not appropriate or applicable.
 - nil or zero.
¹ Note that adult admissions data for Nunavut are not available

Table 3




Jurisdiction	Number of admissions	Change from previous year (%)	Female (%)	Aboriginal (%)	Median age	Median Sentence Length (days)
Newfoundland	936	-22	6	7	..	..
Prince Edward Island	647	-19	8	1	..	..
Nova Scotia	1,825	-7	6	6	30	60
New Brunswick	2,179	-4	6	6	31	14
Quebec	18,016	-17	10	2	34	29
Ontario	30,747	-6	9	9	31	45
Manitoba	1,268	-9	8	57	30	61
Saskatchewan	3,368	-13	10	75	30	90
Alberta	14,728	-5	11	39	31	30
British Columbia	9,739	1	8	19	31	60
Yukon	308	3	8	66	33	30
Northwest Territories ¹	1,108	-30	5	..	..	..
Nunavut	..	...	..	..	..	..
Provincial/Territorial Total	84,869	-9	9	17	...	...
Federal Total	4,221	-6	5	17	31	1,111

.. figures not available.

... figures not appropriate or applicable.

¹ Figures reported by Northwest Territories no longer include figures reported by Nunavut.

Table 4



Jurisdiction	Unit of Count	Number	Criminal Code				Total	Federal Statutes			Provincial/Territorial/Municipal Statutes	
			Crimes of violence	Property crimes	Impaired Driving	Other CC		Drug offences	Other	Total	Total	Fine default admission ¹
Newfoundland	MSO	..	..	..	..	..	..	..	..	..	..	..
Prince Edward Island	MSO	647	9	29	4	12	53	11	19	30	17	1
Nova Scotia	MSO	1,825	18	20	9	34	81	8	3	11	8	19
New Brunswick	MSO	2,179	9	14	6	35	63	3	25	29	9	11
Quebec	MSO	18,016	5	9	12	9	35	5	1	6	60	59
Ontario	MSO	30,747	26	29	8	25	89	7	1	8	3	..
Manitoba	MSO	1,268	..	..	..	..	...	..	..	..	..	..
Saskatchewan	MSO	3,368	32	19	14	26	90	1	4	4	6	6
British Columbia	MSD	9,739	20	26	4	16	66	9	20	29	6	1
Northwest Territories	..	..	..	..	..	..	..	..	..	..	..	..
Nunavut	..	..	..	..	..	..	..	..	..	..	..	..
Total Provincial/Territorial	MSO/MSD ²	67,789	20	23	9	21	72	6	5	12	16	19
Federal	MSO	4,221	52	18	2	10	83	17	..	17	..	...
Number of Charges of Adults Sentenced to Custody²												
Alberta	MC	41,222	8	22	5	30	66	4	1	5	29	33
Yukon	MC	1,856	16	17	7	53	92	4	2	6	2	2

Note: Figures may not add due to rounding

.. figures not available

... figures not appropriate or applicable

-- amount too small to be expressed.

MSO - Most Serious Offence

MSD - Most Serious Disposition

MC - Multiple Charge

¹ The percentage shown for 'Fine default admissions' is based on the total number of sentenced admissions in Table 3 i.e., at least one of the charges the offender was convicted for was fine default).² Alberta and Yukon classify program commencement using a 'multiple charge' method. This means that an individual commencing a custody program for multiple charges will be counted for each distinct but separate charge. As such, these data are excluded from the provincial/territorial total and are presented separately.

In 1999/00, approximately 3% of all incarcerated offenders were admitted to federal institutions. Of these offenders, the majority (52%) were admitted for a violent offence. Property offences accounted for 18% while “other *Criminal Code* offences”, other federal and provincial statute offences and impaired driving accounted for 10% and 2% respectively. Virtually all other federal admissions were for offences under the *Controlled Drugs and Substances Act*. This distribution of offence type for federal admissions has remained fairly stable over the past five years.

In contrast to federal admissions, only 20% of provincial/territorial offenders were admitted for a violent offence. In fact, 44% were admitted for property crimes or other *Criminal Code* offences (e.g. disturbing the peace, public morals offences and offences against the administration of justice such as failing to appear or to comply with an undertaking), while another 19% were incarcerated for fine default. Impaired driving, drug offences and other federal offences accounted for 9%, 6% and 5% of admissions respectively while the remainder were for provincial/territorial offences.

There is considerable variation between jurisdictions in the offence types for which offenders commence sentenced custody. In 1999/00, at least 30% of all adult admissions to sentenced custody in Nova Scotia, New Brunswick and Alberta, and over 50% of such admissions in the Yukon were the result of “other *Criminal Code* offences”. Many of these are against the administration of justice and are usually among the more minor *Criminal Code* offences. In addition, 6 in 10 provincial custodial commencements in Quebec were for fine default while 1 in 3 offenders in Alberta was also admitted for this reason.

In some jurisdictions, the percentage of offenders being incarcerated for violent offences appears to be increasing. For example, in Saskatchewan, 32% were incarcerated for violent offences in 1999/00, up from 23% in 1998/99.⁴ In British Columbia, 20% were incarcerated on a violent offence, an increase from 16% in 1998/99. In contrast, in Ontario, the reverse occurred, with 26% of offenders admitted to sentenced custody for violent offences in 1999/00, down 24% from the year before.

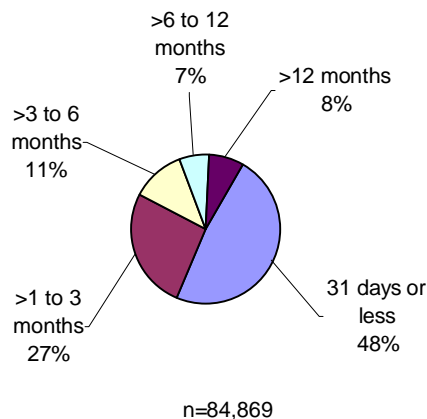
Nearly one half of sentenced admissions to provincial custody were terms of less than a month

Roughly one-third of sentenced admissions to provincial sentenced custody were between 8 and 31 days. In almost all jurisdictions the next most common sentence lengths were between 32 and 92 days (27%); New Brunswick and Alberta were the exceptions where sentences of between 1 and 7 days were more common. Overall, almost half of all sentenced admissions were for a term of one month or less.

Federally, two-thirds of the 4,221 sentenced admissions to federal custody in 1999/00 were for terms under four years. Four percent of all sentenced admissions to federal custody were life sentences. The percentage of life sentences has not varied significantly over the past 20 years.

Figure 3

Length of Aggregate Sentences to Provincial/Territorial, 1999/00



Source: Adult Correctional Services Survey.

Federal Sentence Length	percent
2 years < 3 years	46
3 years < 4 years	21
4 years < 5 years	11
5 years < 10 years	14
10 years or more (but not life)	3
Life	4

A sentenced adult entering a custodial facility in 1999/00 was likely to be a male between the ages of 18 and 34

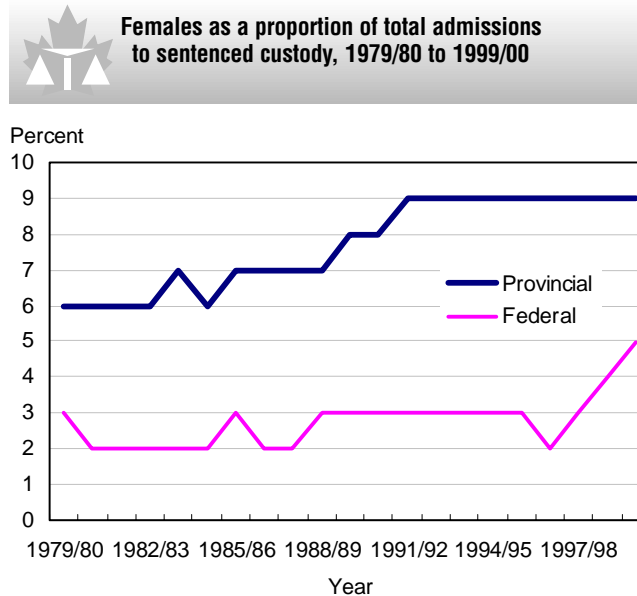
In general, most inmates commencing sentenced custody are male; women constituted only 9% of provincial/territorial admissions and 5% of federal admissions in 1999/00 (See Figure 4). While the proportion of women commencing sentenced custody continues to be significantly lower than that of men, it has been increasing. For example, in 1979/80, 6% of all provincial/territorial admissions were females. This proportion rose slowly to 9% by 1991/92 and has remained fairly constant since then.

However, at the federal level, women constituted less than 3% of all federal warrant of committal admissions between 1979/80 and 1997/98 but reached 5% by 1999/00. In fact, during this period, there have been more total annual

⁴ Data from the Uniform Crime Reporting Survey indicate that neither the number nor the proportion of charges for violent offences in the past year would account for this shift. Saskatchewan has recently begun to include risk assessments in pre-sentence reports, thus enabling the courts to better identify those offenders who would be appropriate candidates for conditional sentences. Further data will be required to establish whether this change accounts for the shift in offence profile of those admitted to sentenced custody.

admissions of females to federal custody than in the years prior to 1998/99 (almost 200 total admissions per year in 1998/99 and 1999/00 as compared to less than 145 total admissions prior to this period).

Figure 4

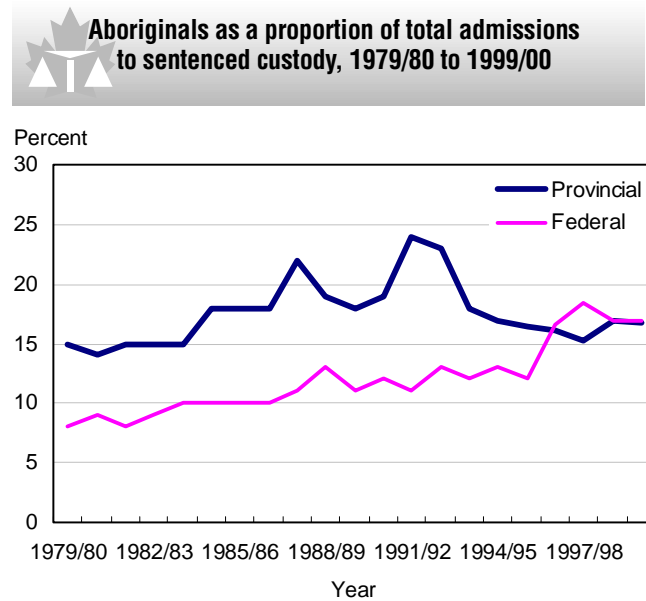


Source: Adult Correctional Services Survey.

Aboriginals continue to be over-represented as a proportion of both federal and provincial/territorial sentenced custody

The 1996 Census of Population indicated that Aboriginal peoples constituted 2% of the total Canadian adult population. In 1999/00 they constituted approximately 17% of admissions to both provincial/territorial and federal sentenced custody (See Figure 5). Over the last twenty years the proportion of Aboriginals commencing provincial/territorial incarceration has remained relatively constant between 15% and 18% (except for the interval between 1987/88 and 1992/93). However, their representation with respect to federal sentenced custody has increased steadily over the past 20 years, from 8% to 17%. In fact, over the past four years the proportion of Aboriginal representation among federal sentenced inmate admissions has equalled or exceeded that of provincial/territorial inmate populations. This increase has occurred despite changes made by Parliament to the sentencing provisions of the *Criminal Code*. These changes, which were endorsed by the Supreme Court of Canada in *R. v. Gladue*, were designed to address Aboriginal over-representation in custody. While Aboriginals are generally over-represented in inmate admissions throughout the country, they constitute the majority of both federal and provincial/territorial sentenced admissions in Manitoba and Saskatchewan, as well as the majority of federal sentenced admissions in the Northwest Territories and Nunavut and the majority of territorial offenders in the Yukon.⁵

Figure 5



Source: Adult Correctional Services Survey.

Sentencing Aboriginal Offenders

Recent changes to the *Criminal Code* were designed to address the issue of Aboriginal over-representation within the sentenced inmate population. These changes have been endorsed by the Supreme Court of Canada in such decisions as *R. v. Gladue* (1998) and *R. v. Wells* (1999). In fact, s.718.2 (e) of the *Criminal Code* provides that "all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of aboriginal offenders".

The Court also indicated that courts can take judicial notice of broad systemic and background factors affecting Aboriginal people. In practical terms, when attempting to determine the appropriate sentence for an Aboriginal offender, the court must take into account the primary importance of restorative justice principles within Aboriginal conceptions of sentencing. This does not mean, however, that judges must always put the greatest weight on this factor, particularly when the offence is very serious.

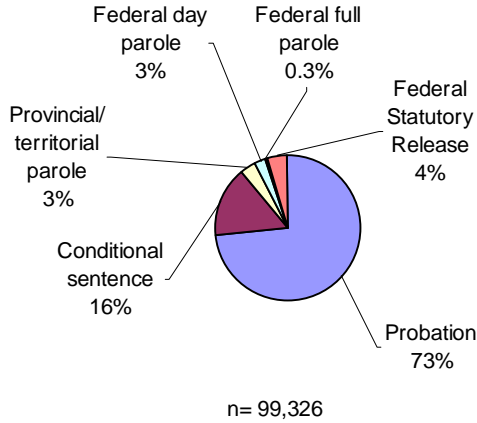
Conditional Releases to Community Supervision

A conditional release refers to an offender being released into the community to serve the remainder of a custodial sentence. These releases are typically accompanied by specific conditions where failure to meet them can result in reincarceration.

⁵ Note that 1996 Census data indicate that the proportion of Aboriginals within the population of these provinces and territories is significantly higher than the national average, ranging from 8% in Saskatchewan to over 50% in the Northwest Territories (before Nunavut was created).

Figure 6

Composition of admissions to community supervision, 1999/00



Source: Adult Correctional Services Survey.

The National Parole Board (NPB) is responsible for the administration of all matters relating to conditional release for all federal offenders as well as for provincial/territorial parole for all but three provinces: British Columbia, Ontario and Quebec, which operate provincial parole boards.

Completed releases supervised by the Correctional Service of Canada

For federal offenders there are three different types of conditional release to the community: day parole, full parole and statutory release.

Ordinarily, offenders are entitled to apply for day parole after one sixth of their sentence has been served⁶. However, in practice, the average offender released on day parole has served about one-third of his/her sentence⁷. Day parole permits offenders to participate in activities (such as training or treatment programs) in the community while still being under fairly close supervision. Typically, offenders granted day parole live in a correctional facility or halfway house. In 1999/00, there were 5,308 applications by federal offenders to the National Parole Board for day parole, of which 72% were granted (see Table 5).

Day parole releases were the most likely federal releases to be completed successfully. Of the 3,779 federal day parole completions⁸ in 1999/00, 83% were successful (See Table 6), 12% were revoked for breach of condition, 5% were revoked as a result of the commission of a non-violent offence and less than 1% (or 29 parole releases) were revoked due to the commission of a violent offence.

Offenders are generally entitled to apply for full parole after having served one-third of their sentence in custody. The average actual amount of time served by those granted full parole was 40% of their sentence.⁹ As with day parole, under full parole, offenders are released into the community with conditions. In 1999/00, there were 4,960 federal applications for full parole of which 44% were granted. This rate was consistent with that reported in 1998/99. Previous rates through the 1980s were stable at slightly more than 30%, but rose to the current rate over the past 10 years.

⁶ Note that for the most serious offences, these eligibility provisions do not apply. Legislation and the sentencing judge determine eligibility for parole.
⁷ p. 25, Performance Monitoring Report 1998/99, prepared by the National Parole Board, Performance Measurement Division
⁸ Note that data on outcomes are based upon the number of terms of parole completed in the year, not the number of offenders released on parole.
⁹ p. 32, Performance Monitoring Report 1998/99, prepared by the National Parole Board, Performance Measurement Division

Table 5

Grant Rates for full and day parole, 1999/00

	Day Parole			Full Parole		
	Number of Applications	Applications Granted	Grant Rate	Number of Applications	Applications Granted	Grant Rate
%						
National Parole Board						
Federal offenders	5,308	3,838	72	4,960	2,169	44
Provincial offenders	376	286	76	684	416	61
Provincial Parole Boards						
Quebec	..	..	...	3,551	2,331	66
Ontario	..	..	...	2,523	702	28
British Columbia	..	..	...	..	..	...

.. figures not available
 ... figures not appropriate or applicable

Table 6



National Parole Board Outcomes¹, 1999/00

	Cases	Regular Expiry	Release Revoked		
		Successful Completion	Breach of Condition	Non-violent Offence	Violent Offence
		%		%	
Day Parole					
Federal	3,779	83	12	5	1
Provincial/territorial	283	79	18	3	-
Full Parole²					
Federal	1,677	73	14	11	2
Provincial/territorial	409	84	13	3	1
Statutory Release					
Federal	4,781	58	27	12	3
Provincial/territorial	...	...	...	...	...

¹ Outcomes represent only those for which the conditional release was completed during 1999/00.

² Full parole outcomes constitute determinate sentences only.

... figures not appropriate or applicable

- nil or zero

Federal offenders who completed full parole in 1999/00 had a success rate of 73%, with 1,221 of 1,677 completed successfully. Fourteen percent were terminated due to a breach of condition, 11% were terminated as a result of non-violent offences and 2% were terminated as a result of the commission of a violent offence.

Federal offenders are eligible for statutory release after having served two-thirds of their sentence. Regarding statutory releases, unlike applications for day and full parole, the onus is on the Correctional Service of Canada to make a recommendation to the National Parole Board as to why any offender should not be granted the release. Of the three types of conditional release, statutory releases were the least likely to be completed successfully. Of the 4,781 statutory release completions in 1999/00, 58% were completed successfully, 27% were revoked for breach of condition, 12% of statutory releases were revoked for non-violent offences and 3% for violent offences.¹⁰

Community-Based Corrections

On average, four of five provincial/territorial offenders in 1999/00 were supervised in the community

On any given day in 1999/00, there was an average of 113,032 provincial/territorial offenders being supervised in the community, an increase of 2% from 1998/99. This represents almost three-quarters of the total correctional population. Of these offenders, 90% were serving a sentence of probation, 8% a conditional sentence and 2% were on provincial parole.

Probation program commencements down from 1998/99

In 1999/00, there were 72,789 intakes to probation, representing a decrease of 8% from 1998/99. In addition, there were 3,355 intakes to provincial parole and 15,792 intakes to conditional sentences.

As was the case with custody, most probationers in 1999/00 were male, however the percentage of female probationers was slightly higher than of females in custody; 16% of probationers were female as opposed to 9% of inmates in provincial/territorial custody. Aboriginal people constituted 12% of probationers, as compared to 17% of provincial/territorial inmates.

Conditional Sentences

In September of 1996, the Sentencing Reform Bill (C-41) was enacted into law creating a new sentencing option – the conditional sentence. Like probation, conditional sentences are intended to be served in the community, but there are differences. These differences were enunciated by the Supreme Court of Canada in *R. v. Proulx* (1999). The Court indicated that conditional sentences were not to be confused with probation. While probation focuses on rehabilitation as its primary objective, conditional sentences are intended to provide both denunciation and rehabilitation. This means there should be a punitive element in the form of restrictions on liberty, such as house arrest. These restrictions, the Court stated, ought to be the norm, not the exception. In addition to restrictions on movement, more onerous conditions than those imposed under probation may be appropriate.

¹⁰ There is a fourth type of release, called warrant expiry. Warrant expiry releases occur when the inmate has served the full sentence. This is not a type of conditional release however as there is no authority to impose any restrictions or conditions upon the offender.

Table 7



Probation intakes by selected characteristics, 1999/00

Jurisdiction	Numer of admissions	Change from previous year	Percent female	Percent aboriginal	Median age
		%	%	%	
Newfoundland	1,811	-5	19	8	34
Prince Edward Island ¹	592	...	..	..	..
Nova Scotia	3,791	2	16	4	31
New Brunswick	1,429	-18	17	..	29
Quebec	7,098	3	13	8	31
Ontario	33,432	-3	17	6	32
Manitoba ¹	..	...	..	..	..
Saskatchewan	3,242	-2	18	65	29
Alberta	8,706	2	19	22	..
British Columbia	12,283	-4	16	17	31
Yukon	405	-13	17	46	32
Northwest Territories ²	..	...	..	..	..
Nunavut ²	..	...	..	..	..
Provincial/Territorial Total	72,789	-1	16	12	...

¹ Community corrections data for Prince Edward Island, Manitoba, Nunavut and Northwest Territories are unavailable for 1999/00. The calculation for provincial/territorial annual change have been adjusted accordingly.
 ... figures not available.
 ... figures not appropriate or applicable.

Nationally, the number of conditional sentences imposed has increased since the measure was implemented. In fact, there were 15,792 conditional sentence program commencements in 1999/00, an increase of 11% from 1997/98. Provincially, the number of conditional sentences imposed over this time period has increased in Prince Edward Island, Nova Scotia, Quebec, Ontario, Saskatchewan, Alberta, British Columbia and the Yukon while remaining fairly constant in Newfoundland and decreasing in New Brunswick and Manitoba.

Regarding average caseload, the average daily number of offenders in Canada supervised in the community pursuant to a conditional sentence has increased each year since the measure was introduced. In 1997/98, the first year for which complete data are available, the average number of offenders supervised on a conditional sentence was 6,818 (See Table 8). In 1998/99 the daily average increased by 12% to 7,627 and a further 18%, to 8,984 between 1998/99 and 1999/00. In fact, in 1999/00, there were two provinces – Quebec and Saskatchewan – where the average daily counts of offenders on conditional sentence actually exceeded those in sentenced custody.

When conditional sentences were introduced, there were some concerns expressed that, instead of reducing the use of incarceration, the imposition of the “more severe” conditional sentences might end up reducing the use of the less punitive disposition of probation. The possibility of conditional sentences given to those who otherwise would have been sentenced to probation is referred to as “net widening”. However, limitations of aggregate data, such as an inability to analyse individual dispositions, makes it difficult to link trends in one sentence type to trends in another.

Determining the appropriateness of a conditional sentence - R. v. Proulx [2000] 1 S.C.R. 61

Firstly: using a purposive approach, the judge should first determine if a sentence in a penitentiary (i.e. sentenced custody for more than 2 years) is appropriate. If not, is a sentence of probation appropriate?

Secondly: once these two options have been rejected the judge should then consider whether it would be appropriate for the offender to serve his or her sentence in the community. To do this the judge must first determine whether it is likely that the offender would reoffend while in the community. In making this determination the judge must consider the potential for any type of criminal activity, not just criminal activity that would be likely to cause psychological or physical harm to a victim.

Thirdly: if the judge is satisfied that there is a low likelihood of criminal activity, he/she should then consider whether a conditional sentence would meet the objectives of rehabilitation and deterrence set out in ss.718 to 718.2. While conditional sentences can provide some deterrence and denunciation of criminal behaviour, there may be some circumstances where only incarceration would be suitable to express society's condemnation of the offence or to deter similar conduct in the future.

The Court also indicated that no offences should be excluded from the conditional sentencing regime (other than those with a minimum term of imprisonment specified in the *Criminal Code*) nor should there be presumptions for or against a conditional sentence for particular offences.

Available data indicate that for conditional sentence program commencements, the most serious offence is most frequently a property offence (42%), followed by violent offence (29%), other *Criminal Code* offence (18%) and drug offences (10%).

Note that data on the most serious offence committed by offenders receiving conditional sentences are only available for Newfoundland, New Brunswick, Quebec and Ontario.

Table 8

Custody, conditional sentences and probation admissions and average daily counts 1997/98 to 1999/00

Jurisdiction	Year	Provincial/territorial admissions			Provincial/territorial average counts		
		Conditional sentences	Sentenced custody	Probation	Conditional sentences	Sentenced custody	Probation
Newfoundland	1997/98	304	1,166	1,982	108	248	2,389
	1998/99	300	1,199	1,903	128	258	2,337
	1999/00	310	936	1,811	180	222	2,260
Prince Edward Island	1997/98	29	869	744	11	79	834
	1998/99	35	803	564	..	73	..
	1999/00	50	647	592	..	71	..
Nova Scotia	1997/98	476	1,914	3,715	..	299	4,884
	1998/99	510	1,964	3,719	..	285	5,209
	1999/00	628	1,825	3,791	..	247	4,614
New Brunswick	1997/98	596	2,278	1,858	..	319	2,687
	1998/99	507	2,273	1,740	..	274	2,599
	1999/00	499	2,179	1,429	..	244	2,416
Quebec	1997/98	3,983	26,188	7,225	2,350	2,117	11,496
	1998/99	4,202	21,735	6,877	2,444	2,102	7,296
	1999/00	4,557	18,016	7,098	2,876	2,010	7,925
Ontario	1997/98	4,293	33,971	35,930	1,971	4,631	52,352
	1998/99	3,690	32,815	34,469	2,268	4,441	52,659
	1999/00	4,271	30,747	33,432	2,488	4,003	52,013
Manitoba	1997/98	526	1,439	3,659	171	570	5,272
	1998/99	672	1,393	4,426	311	615	5,167
	1999/00	584	1,268	..	534	603	5,997
Saskatchewan	1997/98	928	3,894	3,261	580	958	3,622
	1998/99	1,083	3,850	3,305	713	955	3,760
	1999/00	1,243	3,368	3,242	877	854	3,720
Alberta	1997/98	1,343	14,467	7,794	741	1,463	7,886
	1998/99	1,035	15,491	8,544	704	1,601	7,968
	1999/00	1,120	14,728	8,706	749	1,430	8,311
British Columbia	1997/98	2,080	10,565	13,440	883	1,525	14,436
	1998/99	2,142	9,628	12,805	1,033	1,513	13,495
	1999/00	2,439	9,739	12,283	1,241	1,467	14,453
Yukon	1997/98	50	304	451	3	60	547
	1998/99	60	300	467	26	52	492
	1999/00	91	308	405	39	43	438
Northwest Territories ¹	1997/98	..	1,573	1,547	..	304	..
	1998/99	..	1,594	..	..	309	..
	1999/00	..	1,108	..	..	207	..
Nunavut	1997/98	..	..	..	..	..	..
	1998/99	..	..	..	..	..	..
	1999/00	..	..	..	..	36	..
Provincial/Territorial Total	1997/98	14,608	98,628	81,606	6,818	12,573	106,405
	1998/99	14,236	93,045	78,819	7,627	12,478	100,982
	1999/00	15,792	84,869	72,789	8,984	11,438	102,147

.. figures not available.

... figures not appropriate or applicable.

¹ Figures reported by Northwest Territories for 1999/00 no longer include figures reported by Nunavut.

However, examining data from 1993/94 to 1995/96, 60% of program commencements were generally to sentenced custody while 40% commenced supervised probation. After the introduction of conditional sentencing, the number of sentenced custody program commencements decreased to 49% while those of probation actually increased to 42%. As conditional sentences are intended to be an alternative to custody, these data would imply that net widening is not occurring at the national level.

Alternatives to Incarceration - The Drug Treatment Court Experiment in Toronto

Modelled on an American experiment, Toronto's Drug Treatment Court (DTC) was established as an alternative to the more traditional justice system responses to drug offences. It is a diversion program in that participants avoid custody provided they comply with certain conditions. This new strategy is based upon a belief that the traditional approach does not sufficiently address the underlying health issues. The focus of this program is therefore to alter the behaviour of the individual while in the community, where triggers to drug use and opportunities are plentiful. The development of the four-year experimental project, which began in December 1998, was a collaborative effort involving Public Health authorities, the federal Department of Justice, the National Crime Prevention Centre, representatives of the judiciary and the legal community, as well as organizations responsible for the delivery of court services and community corrections,

Canada's DTC project has modified the established American model in a number of ways. The most significant change involves replacing the requirement of absolute abstinence during participation in the program with a set of conditions to which the participant must comply. In addition to attending substance abuse treatment, participants in the Canadian program must submit to regular testing for drug use but are allowed the occasional lapse provided they remain honest with the court about their drug use. Participants must also demonstrate a pattern of reduction, culminating in being drug-free (crack/cocaine or heroin) in order to complete the program. The other significant difference is that the Canadian program allows Methadone treatment for those addicted to heroin.

The federal prosecutor may deem individuals 'eligible' for this program if they have been charged with a relatively minor drug-related offence, including small-scale trafficking. Individuals are ineligible if they have also been charged with a violent offence. Participants must volunteer to enter the program and openly acknowledge their dependence. In general, the program features two possible streams based upon the severity of the offence. The first option applies to less serious crimes whereby individuals completing the program will have their charges stayed or withdrawn. For more serious offenders, including those involved in trafficking, successful completion of the program will result in probation. Failure to abide by the conditions will result in the case being dealt with in the more traditional 'criminal' court environment.

Part of the DTC project includes in-depth analysis of the effectiveness of this program with respect to recidivism and long-term substance abuse. Although still early (18 months of results), 50% of the 168 participants have graduated or are still participating, of which 75% of these have not re-offended. Given that most participants are known to be repeat offenders with long-term drug use and significant criminal records, the initial assessment of the project is positive.

Deaths of offenders under supervision, 1999/00

A total of 189 offenders died under supervision in 1999/00. Almost 2 in 3 of these deaths were the result of natural causes (illness, old age) or accident; 8% of deaths under supervision were the result of murder. The death rate for adult offenders in federal custody was 4.2 per 1,000 and 2.5 per 1,000 in provincial custody.

	Federal	Provincial	Total
Murder	13	3	16
Suicide	19	26	45
Natural Causes / Accidents	98	20	118
Other *	9	1	10
Total	139	50	189

* Other includes "unknown"

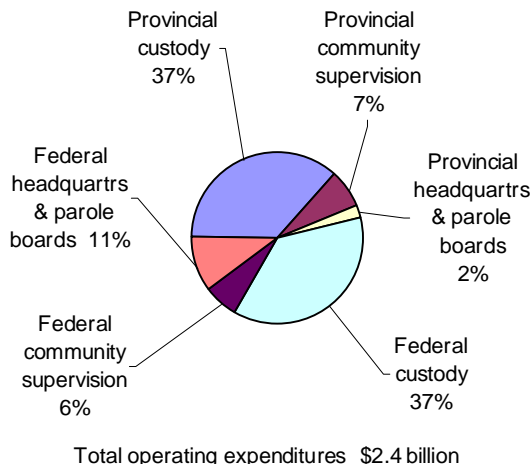
Resources, Expenses and Personnel

Corrections Expenditures

Total operational spending on corrections in Canada amounted to \$2.4 billion, of which 54% was spent by the Correctional Service of Canada and 46% by the provinces and territories (See Figure 7). Expressed in constant dollars, this represents an increase of 9% federally and 1% provincially over the last year and 26% federally and 6% provincially since 1995/96. Per capita federal and provincial/territorial spending on correctional institutional services amounted to \$37.66 and \$36.17 respectively (See Table 9). However, expenditures per inmate per day by contrast were \$183.66 federally and \$128.10 provincially. The difference in inmate costs is the result of a number of factors including the higher level of security required at federal facilities or the requirement to provide different and more comprehensive rehabilitative programs for offenders.

Figure 7

Distribution of Total Operating Expenditures, 1999/00



Source: Adult Correctional Services Survey.

Table 9



Expenses per inmate, 1999/00¹

Jurisdiction	Total Institutional Operating Expenses	% change	Total days stay	% change	Per capita cost	% change	Cost per inmate per day	% change
	current dollars (000s)	constant dollars			current dollars	constant dollars	current dollars	constant dollars
Newfoundland	17,789	2	110,157	(12)	38.91	2	147.97	15
Prince Edward Island	4,198	2	30,081	(3)	40.04	2	139.55	5
Nova Scotia	19,708	7	127,844	(7)	27.34	3	154.16	15
New Brunswick	12,395	4	143,472	20	21.28	(14)	86.39	-13
Quebec	121,534	(6)	1,143,604	(6)	22.96	(1)	106.27	-1
Ontario	389,765	5	2,693,760	(4)	40.45	0	144.69	10
Manitoba	43,333	11	402,066	3	48.74	14	107.78	8
Saskatchewan	49,389	2	418,704	(5)	56.55	4	117.96	8
Alberta	61,770	(4)	720,654	(7)	27.45	(5)	85.71	4
British Columbia	137,748	6	934,764	13	43.26	4	147.36	-6
Yukon	5,952	(6)	22,505	(16)	262.33	(5)	264.48	12
Northwest Territories ²	9,971	(36)	85,775	(34)	253.20	(5)	116.25	-3
Nunavut	..	..	21,008	..	125.96	..	..	..
Provincial/territorial total	876,952	3	6,845,911	(2)	36.17	1	128.10	5
Federal CSC	869,716	3	4,735,510	-2	37.66	8	183.66	5

.. figures not available.

... figures not appropriate or applicable.

¹ Note that this table provides a breakdown of custodial expenses but does not include funds expended on headquarters, community supervision and parole boards.

² Figures reported by Northwest Territories for 1999/00 no longer include figures reported by Nunavut.

Correctional Facilities

In 1999/2000, there were 212 correctional facilities across Canada. Sixty-nine, or approximately one third of these facilities fell under federal jurisdiction, of which 17 community correctional centres had a total of 526 spaces while the remaining 52 federal institutions had 13,426 spaces. Federal facilities contained 41% of the total institutional capacity in Canada. Provincial/territorial facilities had a total operational capacity of 19,547 in 143 institutions. Of these 80% were secure and the remainder open custody facilities such as halfway houses. In general, provincial/territorial capacity has remained relatively constant over the last few years. However, federal capacity has increased by 10% since 1995/96.

Staffing and Personnel

A total of 30,290 staff worked in corrections at the provincial/territorial and federal levels in 1999/00. Of these individuals, 44% worked for the Correctional Service of Canada and 56% worked for the various provincial/territorial departments. The vast majority (79%) of both federal and provincial/territorial staff worked in custodial services. Staff in federal corrections increased by 5% overall from 1998/99 levels with the greatest increases coming in headquarters staff and community supervision, both increasing by 11%. Provincially, overall staffing levels have risen by 4% since 1998/99.

Conclusions

The fundamental issues facing the administration of correctional services have not changed substantially in recent years. Reducing the reliance on incarceration and addressing the over-representation of Aboriginal people continue to be priorities in the area of justice administration. Legislative initiatives, such as the creation of the conditional sentence, as well as a general decrease in crime rates, have helped reduce the overall corrections population. However, while the average number of sentenced inmates has dropped, the use of custodial remand has increased. In addition, it is difficult to determine whether changes to the *Criminal Code*, designed to address the issue of Aboriginal over-representation in custody, have had a significant effect.

Further research will be required to gain insights into the causes underlying the changes in the prison population given the recent shift from sentenced custody to custodial remand. Greater detailed information, including performance indicators, will be useful in analyzing whether legislative initiatives in the areas of Aboriginal over-representation and the reduction in the use of incarceration have had their desired effects.

Methodology and data limitations

The information presented in this *Juristat* comes from data collected on the operation of adult correctional services in Canada through two surveys: the Adult Correctional Services (ACS) Survey and the Resources, Expenditures and Personnel (REP) Survey. These surveys are conducted annually, on a fiscal year basis from April 1 to March 31.

The ACS Survey is designed to collect aggregate caseload and case characteristics information on adult offenders (18 years and over) under some form of provincial/territorial or federal correctional supervision. The data are provided by the various provincial, territorial and federal ministries, departments and agencies that administer correctional services across the country.

There are operational differences between jurisdictions in the manner of counting program commencements, as well as in their method of classifying them by offence type. As a result, inter-jurisdictional comparisons are to be made with caution.

Data relating to operating expenditures are collected on a fiscal year basis through the Resources, Expenditures and Personnel Survey.

Because data are reported in an aggregate form, there are limits on the types of analyses that can be performed. Data such as median age of offenders and median sentence length for each province cannot be combined to calculate a national median for all offenders. In addition, the ability to do any cross-tabulations is limited. This significantly restricts the complexity of analysis that is possible.

Concern over potential Y2K problems with older computer systems led many jurisdictions to replace or substantially modify their local information systems. As a result, some provinces were not able to provide complete statistics for the fiscal year 1999/00. To facilitate providing comparable national indicators, adjustments were made, where appropriate, to account for missing jurisdictional data.

Canadian Centre for Justice Statistics

For further information, please contact the Canadian Centre for Justice Statistics, 19th floor, R.H. Coats Building, Ottawa, Ontario K1A 0T6 at (613) 951-9023 or call toll-free 1 800 387-2231. To order a publication, you may telephone (613) 951-7277 or fax (613) 951-1584 or internet: order@statcan.ca. You may also call 1 800 267-6677 (Canada and United States) toll-free. If you order by telephone, written confirmation is not required.

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