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Outcomes of Probation and Conditional Sentence Supervision: An Analysis of Newfoundland and Labrador, Nova Scotia, New Brunswick, Saskatchewan and Alberta, 2003/2004 to 2004/2005

by Sara Johnson

Highlights

- On an average day in May 2003, the rate of involvement in community correctional supervision per 100,000 adult population ranged from 426 in Alberta to 760 in Newfoundland and Labrador.
- Probation comprised the majority of admissions to community supervision (80%) and conditional sentences made up the remainder (20%).
- "Attend counselling" and "Abstain from use of drugs and/or alcohol" were optional conditions most frequently attached to a community corrections program.
- Overall, 25% of offenders in Saskatchewan breached a period of community supervision (i.e., failed to complete a period of probation and/or conditional sentence), while 37% of those in Alberta were breached.
- Aboriginal persons had higher rates of breach of a period of community supervision compared to non-Aboriginal persons in both Saskatchewan (32% versus 16%) and Alberta (52% versus 33%). Compared to their male counterparts, Aboriginal females and non-Aboriginal females had lower breach rates in both Saskatchewan and Alberta.
- Offenders who had a sexual offence, a *Criminal Code* traffic offence, or a common assault as their most serious offence had lower rates of breach of a period of community supervision in Saskatchewan and Alberta; offenders who had a break and enter or theft and possession of stolen property had higher rates of breach than the overall rate.
- According to results from Saskatchewan, as the number of criminogenic needs¹ increased, the rate of breach of a period of community supervision increased.
- Among all probation orders completed in Alberta between April 1, 2003 and March 31, 2005, 34% were breached. The rate of breach for conditional sentences in Alberta during this time frame was 25%.
- In Newfoundland and Labrador, Nova Scotia, New Brunswick, and Saskatchewan, persons with community corrections only involvements had lower rates of re-involvement in correctional services within two years of release from correctional supervision than those whose involvement included a period of custody.
- A history of breaching probation or a conditional sentence was associated with higher rates of re-involvement.



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Introduction

To date, little is known about the rate and extent of community correctional supervision breaches and re-involvement in the correctional system following completion of community supervision. Given that most correctional supervision in Canada is community-based, a description of characteristics of community corrections and the outcomes of community corrections is essential to the development of policy and programs.

This *Juristat* profiles community corrections in five provinces – Newfoundland and Labrador, Nova Scotia, New Brunswick, Saskatchewan, and Alberta.² The focus of analysis is provincial/territorial community correctional supervision of probation and conditional sentences (see Text box 1).³ A key objective of this *Juristat* is to examine outcome indicators such as breach of conditions of supervision and re-involvement following release from community corrections.⁴

Text box 1: Adult correctional services in Canada

The adult correctional system is comprised of custodial and community supervision. Custodial supervision is imprisonment, including sentenced custody, and non-sentenced custody such as remand and other temporary detention (e.g., due to immigration holds, or to parole violation) (see *Glossary* at the end of this report for more information on custodial sentences). Community correctional supervision includes probation, conditional sentences, community service orders, restitution orders, community release from custody (day parole, parole and statutory release), and bail supervision.

Adults sentenced to less than two years in custody, held in remand or other temporary detention, as well as those under certain community correctional supervision sanctions (i.e., probation, conditional sentences, restitution orders, community service orders), on bail supervision or provincial parole are the responsibility of provincial and territorial correctional service agencies. In general, those who have been sentenced to two years or more of custody are under the supervision of Correctional Service of Canada (federal system), including those who have been conditionally released (i.e., day parole, full parole, statutory release) from custody.

Community corrections in Canada: Legislation and administration

Probation

Probation is a disposition of the court where the offender is given a suspended sentence or conditional discharge and is released on conditions prescribed in a mandatory probation order. Mandatory conditions are required on all probation orders and include: keep the peace and be of good behaviour, appear before the court when required to do so, and notify the court or probation officer in advance of any change in name or address or any change in employment or occupation (*Criminal Code of Canada*, s.732.1 (2)). The maximum period of probation is three years.

The court may also direct the offender to comply with the conditions of a probation order, in addition to sentencing the offender to a fine, conditional sentence or a period of sentenced custody of two years or less in duration. When the court imposes a sentence of imprisonment of ninety days or less, the court also may order that the sentence be served intermittently, and that the offender must comply with the conditions of a probation order when not in confinement. For example, an offender may be serving an intermittent sentence on weekends, and be supervised in the community under a probation order during weekdays.

Conditional sentence

A conditional sentence is a disposition of the court introduced in 1996 where the offender serves a term of imprisonment in the community under specific conditions.

Although a conditional sentence is served in the community, the policy surrounding the monitoring of conditional sentences is generally more stringent than probation (Hendrick, Martin and Greenberg 2003). Conditional sentences are more restrictive than probation, but less so than custody. A conditional sentence can be applied where the court is satisfied that serving a sentence in the community would not endanger the safety of the community.

A conditional sentence includes the following mandatory conditions: report to a supervisor within two working days, appear before the court when required to do so, keep the peace and be of good behaviour in the community, notify the court or probation officer in advance of any change in name or address or any change in employment or occupation, and remain within the jurisdiction of the court unless written permission to go outside that jurisdiction is obtained from the court or the supervisor (*Criminal Code of Canada*, s. 742.3(1)).

Optional conditions

In addition to standard conditions of probation and conditional sentence supervision that are described above, a judge may impose other optional conditions that respond to the particular circumstances of the offender and/or the offence. These may include such things as attend counselling and/or treatment, abstinence from drugs and/or alcohol, no or restricted contact with certain persons, community service work, restitution/compensation, reside in specific place and/or house arrest, curfew, etc.

These conditions are generally determined at sentencing and may be revised by the court if requested by the probation officer, offender or the prosecutor. Furthermore, for conditional sentences, if a breach of a condition occurs, a change in the optional conditions may be imposed (see *Breaches* section below for more information).

Breaches

A key objective of the probation officer is to 'guide and direct the offender in complying with the conditions of the Court Order' (Saskatchewan Corrections and Public Safety 2002). The probation officer is thus responsible for ensuring that the offender understands the conditions and abides by them. The probation officer then monitors the offender's activities within the community. Should a probation officer become aware that the offender has, without lawful excuse, failed to uphold the obligations of the Court (i.e., has breached a condition of supervision), the probation officer has the responsibility of informing the Prosecutor, and, depending on the situation, filing a violation report. Depending on the situation, such as the severity of the violation, there may be occasion where a violation report is not submitted, but where other actions are taken, such as reviewing the case plan or increasing offender monitoring (Saskatchewan 2002). If a violation report is filed, it is up to the court system to determine the outcome. The possible outcomes are somewhat different for probation compared to conditional sentences.

Breach of probation

If an offender breaches a condition of probation without reasonable excuse, he/she is guilty of an offence (*Criminal Code of Canada*, s.733.1 (1)). In the event of a new offence, the court may revoke the probation order and, in the case of a suspended sentence, impose any sentence that could have been imposed if the passing of the sentence had not been suspended. Alternatively, the court may make changes to optional conditions as deemed desirable by the court (*Criminal Code of Canada*, s. 733.2(5) (d), (e)).

Breach of conditional sentence

In the event of a breach of condition of a conditional sentence, the offender may be incarcerated and compelled to appear before the court within thirty days of the offender's arrest or summons. Depending on the circumstances surrounding the breach, the court may decide to:

- (a) take no action;
- (b) change the optional conditions;
- (c) suspend the conditional sentence order and direct
 - (i) that the offender serve in custody a portion of the unexpired sentence, and
 - (ii) that the conditional sentence order resume on the offender's release from custody, either with or without changes to the optional conditions; or
- (d) terminate the conditional sentence order and direct that the offender be committed to custody until the expiration of the sentence.

If a breach occurs, the conditional sentence stops running between the issuance of the warrant, arrest without warrant, or service of process, and the time when the adjudication of the breach is complete (*Criminal Code of Canada*, s. 742.6).⁵ Unlike the breach of probation, breach of a conditional sentence is not a *Criminal Code* offence.

Methods, concepts, and definitions

The analysis in this *Juristat* is based on two years of data from the Integrated Correctional Services Survey (ICSS) for the provincial adult correctional services of Newfoundland and Labrador, Nova Scotia, New Brunswick, Saskatchewan and Alberta (community corrections only) for the years 2003/2004 to 2004/2005.⁶ These data comprise all adults involved in correctional services at any time during this two-year period from April 1, 2003 to March 31, 2005, and include persons who started involvement prior to April 1, 2003, as well as persons whose involvement extended beyond March 31, 2005. Data on prior correctional involvements, including those of other administrative jurisdictions, that ended prior to April 1, 2003 are not available, nor are those that began after March 31, 2005. Therefore, all references to the first involvement or first admission to correctional involvement only pertain to involvements during this time frame that were supervised directly by the provincial correctional authority in the jurisdictions examined.

Text box 2: Bail supervision in Saskatchewan

Bail supervision, also referred to as pre-trial supervision or judicial interim release, is a supervised recognizance order that provides an alternative to custodial remand for persons awaiting trial and/or sentencing. For the purpose of this *Juristat*, Saskatchewan was able to provide bail supervision data. Saskatchewan was among seven provinces and territories that indicated that they offered pre-trial supervision to adults universally throughout the province or territory (Calverley and Beattie 2005). In Saskatchewan¹ program staff prepare reports for the court to assist in making decisions regarding the granting of bail. If a release is recommended, appropriate conditions are suggested for the Court's approval. In certain circumstances, offenders may require intensive supervision, which may include the use of electronic monitoring.²

The number of adults in bail supervision in Saskatchewan on an average day has been increasing for the past nine years, almost tripling, from 179 in 1996/1997 to 526 in 2004/2005 (Text table 1).³ Furthermore, the number of admissions to bail supervision has more than doubled (+140%) since 1996/1997 and increased by more than 50% since 2000/2001. The increased use of bail supervision in Saskatchewan coincides with rising numbers of custodial remands (Beattie 2006).

Data from the Integrated Correctional Services Survey (ICSS) showed 2,198 admissions to bail supervision in Saskatchewan between April 1, 2003 and March 31, 2005.⁴ In total, there were 1,986 individuals who had one or more periods of bail supervision during this time frame, with the bulk of them (91%) having one. Among these individuals, where Aboriginal Identity was known, 72% were Aboriginal and 28% were non-Aboriginal. This distribution is similar to that observed for other types of community corrections in Saskatchewan (see Text table 3).

Consistent with the legislation, most bail supervision admissions were for violent offences.⁵ For example, almost half of the admissions to bail supervision (45%) were for crimes against persons, mostly common assault (20%) and major assault (13%). Another 22% were for property crimes, primarily theft and possession of stolen property (13%). Among admissions who had completed periods of bail supervision, a mean of 116 and a median of 89 days were spent on bail supervision, with values ranging from 1 to 672 days. The longest mean time served on bail supervision occurred for those with violent offences, such as manslaughter or attempt murder (mean = 192), followed by sexual offences (mean = 171). Offences against the administration of justice (mean = 85) were associated with the shortest periods of bail supervision.

1. Please see the Saskatchewan Department of Corrections and Public Safety website, www.cps.gov.sk.ca for more information.
2. Among the other jurisdictions providing data for this report, Newfoundland and Labrador, Nova Scotia and New Brunswick, do not offer bail supervision services (Calverley and Beattie 2005).
3. Among jurisdictions reporting bail supervision admissions and/or average counts, with the exception of a small decrease in average counts in British Columbia, all reported increases during the 1996/1997 to 2004/2005 time frame. For more information, see D. Calverley and K. Beattie 2005.
4. This included adults who had started a period of bail supervision between April 1, 2003 and March 31, 2005.
5. Persons charged with the most serious indictable offences (*Criminal Code of Canada*, section 469) are not eligible for bail supervision.

Text table 1

Adult average count and admissions to bail supervision, 1996/1997 to 2004/2005, Saskatchewan

	Average count		Admissions	
	Total	Percent change	Total	Percent change
1996/1997	179	...	453	...
1997/1998	198	10.6	489	7.9
1998/1999	240	21.2	612	25.2
1999/2000	304	26.7	763	24.7
2000/2001	315	3.6	704	-7.7
2001/2002	337	7.0	736	4.5
2002/2003	441	30.9	909	23.5
2003/2004	508	15.2	1,113	22.4
2004/2005	526	3.5	1,085	-2.5
Percent change 1996/1997 to 2004/2005	...	193.9	...	139.5
Percent change 2000/2001 to 2004/2005	...	67.0	...	54.1

... not applicable

Note: Average count values for 1996/1997 to 2002/2003 were provided from the Community Corrections special study. Admissions values for 1996/1997 to 1999/2000 were provided from the Community Corrections special study. All other values were provided from the Adult Correctional Services Survey.

Sources: Statistics Canada, Canadian Centre for Justice Statistics, Community Corrections special study, Adult Correctional Services Survey.

It is important to note that all jurisdictions included in this report provided data regarding custodial and community correctional programs with the exception of Alberta. Alberta was only able to provide community corrections data and, as such, Alberta was excluded from some analyses.

Involvement as a unit of measure

This study examines the correctional case histories of individuals according to *involvements*, defined as a continuous period of direct supervision within a specific jurisdiction's correctional system. This continuous period of time may include more than one type of correctional service (e.g., sentenced custody, conditional sentence, probation, etc.) as long as there are no breaks in supervision.

Period of community supervision

Within an involvement there may be one or more continuous periods of time during which an individual is solely involved in probation, conditional sentence and/or bail supervision, which is defined as a *period of community supervision*.⁷ Although legal hold statuses may change, no breaks in involvement in community corrections may occur. If a continuous period of community supervision is interrupted by a period of time in custody, multiple periods of community supervision are counted.

Community corrections in five provinces

Rate of involvement in community corrections differs by province and by Aboriginal Identity

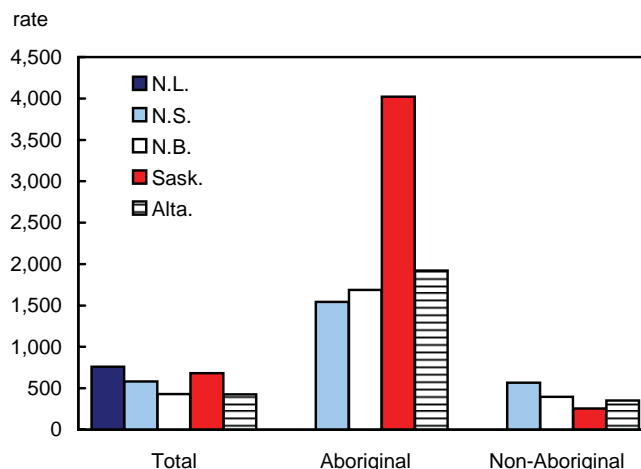
The rate at which adults are involved in community corrections (probation and/or conditional sentence) on an average day in May 2003 per 100,000 adult population⁸ is presented in Figure 1. Overall, the rate ranged from a low of 426 per 100,000 adult population in Alberta to a high of 760 in Newfoundland and Labrador. The rate in New Brunswick (430 per 100,000 adult population) was similar to Alberta while the overall rates for Nova Scotia (582 per 100,000 adult population) and Saskatchewan (681 per 100,000 adult population) were higher than that of New Brunswick, but lower than the rate in Newfoundland and Labrador.⁹

Rates of involvement in community corrections were further broken down by Aboriginal Identity for all provinces with available data (Figure 1). As can be seen, Aboriginal adults had higher rates than non-Aboriginal adults in all provinces. A particularly large difference was observed in Saskatchewan where Aboriginal persons had a rate that was 16 times higher than that of non-Aboriginal persons, 4,021 per 100,000 Aboriginal adults were involved in community corrections compared to 254 per 100,000 non-Aboriginal adults. Aboriginal rates were three times higher than non-Aboriginal rates in Nova Scotia, four times higher in New Brunswick, and five times higher in Alberta.

In comparison, the rates of involvement in provincial custodial corrections are considerably lower. Rates of persons in custody per 100,000 population ranged from 67 in New Brunswick,

Figure 1

Rate of involvement in community corrections per 100,000 adult population on an average day in May 2003, by Aboriginal Identity, selected jurisdictions



Note: Aboriginal Identity data were available for less than half of the cases in Newfoundland and Labrador and therefore these data are not reported.

Sources: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Correctional Services Survey; Demography Division; Census of Population.

to 191 in Saskatchewan.¹⁰ Once again, Aboriginal adults were found to have higher rates of involvement in custodial corrections than their non-Aboriginal counterparts in all jurisdictions with available data, with the greatest difference observed in Saskatchewan.

Conditional sentences more common in New Brunswick and Saskatchewan than in the three other provinces studied

Counts of probation and conditional sentences can be viewed in two ways: first as the total number of sentences commenced (aggregate admissions), and secondly as the total number of individuals serving them. The total number of aggregate admissions in the five jurisdictions is presented in Text table 2 and includes all situations where a continuous period of probation and/or conditional sentence began. Therefore, individuals who have more than one admission during the study period were counted more than once. As can be seen in the table, probation comprised the majority of admissions to community supervision (80%) and conditional sentences made up the remainder (20%). However, there were differences across the five provinces with proportions ranging from 70% on probation in Saskatchewan to 85% in Alberta.

Aboriginal representation higher for conditional sentences than probation in all jurisdictions except Alberta

The high level of Aboriginal representation in the correctional system as compared to their representation in the population

Text box 3: The use of probation and conditional sentences in Canada

In 2003/2004, according to adult criminal court data, a term of probation was the most frequently imposed sanction (46% of guilty cases) (Thomas 2004). The percentage of guilty cases receiving probation has increased in the past ten years in the eight reporting jurisdictions¹ from 37% in 1994/1995 to 46% in 2003/2004. In 2003/2004, cases where 'crimes against the person' was the most serious offence were most likely to include a term of probation – 76% of guilty cases, compared to 55% of offenders found guilty of 'crimes against property'. Of the 43,857 guilty 'crimes against the person' cases that received probation in 2003/2004, 28% also received a prison term.

In Canada, on an average day, approximately 98,800 persons were serving a term of probation accounting for the majority of persons in the adult correctional system (65%) in 2004/2005 (Beattie, 2006). These numbers have been relatively consistent over time.

According to data from adult criminal courts survey, 6% of guilty cases were given a conditional sentence in 2003/2004.² Among convictions, some offences were more likely to receive conditional sentences, in particular, 35% of drug trafficking convictions, 32% of other sexual offences, 22% of sexual assault, 16% of other property crimes, and 15% of fraud.

Within the adult correctional system in 2004/2005, 9% of adults, representing an average of almost 14,000 adults, were serving a conditional sentence on an average day. This was 2% higher than in 2003/2004 (Beattie, 2006).

1. Reporting jurisdictions to the Adult Criminal Court Survey with all data in the time series available include: Newfoundland and Labrador, Prince Edward Island, Nova Scotia, New Brunswick, Quebec (excluding Quebec's municipal courts), Ontario, Saskatchewan, Alberta, and Yukon.
2. In 2003/2004, conditional sentencing data were not available for Quebec and therefore calculations exclude Quebec

Text table 2

Number of aggregate admissions to probation or conditional sentence, by jurisdiction, 2003/2004 to 2004/2005

	Probation		Conditional sentence		Total community corrections ¹
	number	% of community corrections	number	% of community corrections	number
Newfoundland and Labrador	3,440	80.8	816	19.2	4,256
Nova Scotia	6,203	82.7	1,301	17.3	7,504
New Brunswick	3,536	74.0	1,245	26.0	4,781
Saskatchewan	6,962	70.0	2,979	30.0	9,941
Alberta	15,672	84.9	2,795	15.1	18,467
Total	35,813	79.7	9,136	20.3	44,949

1. Includes probation and conditional sentences only, and excludes any other types of community correctional services.

Note: Excludes 22 (0.02%) cases where individuals were less than 18 years of age at the start of the legal status.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Correctional Services Survey.

is an area of ongoing concern. In April 1996, the *Criminal Code* was amended with the addition of Section 718.2 which requires a court to consider the following principle: that

“e) 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 representation of Aboriginal people in sentenced custody across Canada, however, has increased since 2000/2001, and continues to remain higher than their representation in probation or conditional sentences. Aboriginal people represent approximately 3% of the adult population. In 2004/2005, according to data from the Adult Correctional Services Survey, Aboriginal people represented 22% of admissions to provincial/

territorial sentenced custody, 16% of probation admissions and 18% of admissions to conditional sentences. In comparison, in 2000/2001, Aboriginal people represented 20% of sentenced custody admissions, 16% of probation and 18% of conditional sentence admissions.¹¹

Text table 3 presents the number of adults¹² involved in probation, conditional sentence and total community corrections by Aboriginal Identity among jurisdictions participating in this study. Consistent with earlier results, among four provinces, Aboriginal representation was higher for conditional sentences than for probation in all provinces except Alberta. As a proportion of individuals in any community correctional program, the percentage who were serving a conditional sentence was higher for Aboriginal people than for non-Aboriginal people in Nova Scotia (26% versus 18%), New

Brunswick (33% versus 29%) and Saskatchewan (37% versus 29%). Contrary to these results, 12% of Aboriginal people in Alberta who had served any community correctional program had a conditional sentence, compared to 17% of non-Aboriginal offenders. The percentage of individuals in any community correction program who were serving a probation order was slightly higher for Aboriginal people compared to non-Aboriginal people in Alberta (91% versus 86%) but was slightly lower in Saskatchewan (75% versus 79%) and approximately equal in Nova Scotia and New Brunswick.

Almost all community supervision cases had one or more optional conditions imposed

As indicated earlier, both conditional sentences and probation have mandatory conditions and may have optional conditions. Typically, optional conditions are imposed by the court with the goal of protecting society and facilitating the offender's reintegration into the community. To this end, the purposes underlying optional conditions are often consistent with several of the purposes of sentencing such as rehabilitation and reparation, while also assuring the protection of society through an appropriate level of monitoring.

Text table 3

Number of adults involved in probation and/or conditional sentences, by jurisdiction, 2003/2004 to 2004/2005

	Probation			Conditional sentence			Any community correctional program ¹	
	number	percent	% of community corrections ²	number	percent	% of community corrections ³	number	percent
Newfoundland and Labrador ⁴	3,385	...	91.9	796	...	21.6	3,683	...
Aboriginal	...	...	...	...	...	...	...	...
Non-Aboriginal	...	...	...	...	...	...	...	...
Nova Scotia	6,051	...	90.4	1,257	...	18.8	6,695	...
Aboriginal	251	4.1	89.3	74	5.9	26.3	281	4.2
Non-Aboriginal	5,800	95.9	90.4	1,183	94.1	18.4	6,414	95.8
New Brunswick	3,453	...	82.9	1,221	...	29.3	4,167	...
Aboriginal	251	7.3	83.7	100	8.2	33.3	300	7.2
Non-Aboriginal	3,181	92.7	82.8	1,116	91.8	29.0	3,844	92.8
Saskatchewan	6,757	...	77.0	2,906	...	33.1	8,773	...
Aboriginal	3,968	65.2	75.0	1,966	71.6	37.1	5,294	66.3
Non-Aboriginal	2,122	34.8	78.9	779	28.4	29.0	2,689	33.7
Alberta	15,285	...	87.3	2,784	...	15.9	17,516	...
Aboriginal	3,213	21.7	90.9	418	15.4	11.8	3,535	20.8
Non-Aboriginal	11,614	78.3	86.3	2,291	84.6	17.0	13,464	79.2
Total⁵	31,546	...	84.9	8,168	...	22.0	37,151	...
Aboriginal	7,683	25.3	81.6	2,558	32.3	27.2	9,410	26.3
Non-Aboriginal	22,717	74.7	86.0	5,369	67.7	20.3	26,411	73.7
Total⁶	34,931	...	85.5	8,964	...	22.0	40,834	...

... not available

1. Includes individuals who were serving a probation and/or conditional sentence during the study period. Individuals may be serving more than one type of community correctional program during the time frame and therefore individuals may be represented in both probation and conditional sentence counts, but will only be counted once in the 'Any Community Correctional Program' column.
2. This value is calculated as the number of individuals who were serving one or more terms of probation during the study period divided by the total number of individuals who were serving a probation and/or conditional sentence (see footnote 1).
3. This value is calculated as the number of individuals who were serving one or more conditional sentence terms during the study period divided by the total number of individuals who were serving a probation and/or conditional sentence (see footnote 1).
4. Aboriginal Identity was available for only 36% of individuals on probation, 36% on conditional sentence, and 37% of those on any community correctional program, and therefore, data are not reported.
5. Excludes Newfoundland and Labrador.
6. Includes Newfoundland and Labrador.

Note: Jurisdictional totals include cases where Aboriginal Identity was not known.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Correctional Services Survey.

In all jurisdictions, almost all involvements containing community correctional supervision included one or more optional conditions.¹³ Less than 1% of involvements in Nova Scotia and Alberta had no conditions, compared to just over 1% in New Brunswick, and 6% in Saskatchewan.

“Attend counselling” and “abstain from use of drugs and/or alcohol” were the most frequent optional conditions

The most common specific optional condition was “attend counselling” in Alberta (79%), Nova Scotia (73%) and Saskatchewan (34%) (Text table 4).¹⁴ For New Brunswick, the most frequent condition was “abstain from drugs and alcohol” (33%), which was the second most utilized condition in Alberta (50%) and Saskatchewan (24%) and third most common in Nova Scotia (40%). In Nova Scotia and New Brunswick, the second most commonly attached condition was “no or restricted contact with certain persons”, 46% in Nova Scotia and 27% in New Brunswick. Other conditions that were frequently attached included “community service work” in Nova Scotia (19%), New Brunswick (21%) and Alberta (27%); “reside in specific place/house arrest” in New Brunswick (22%) and Alberta (21%); and “area restriction” in Nova Scotia (20%), Saskatchewan (20%) and Alberta (34%).¹⁵

Breaches of community corrections

The ICSS permits the capture of information on probation and conditional sentence breaches where the documentation of these violations is integrated into the jurisdiction’s case management information system. Only in Alberta was it possible to relate breaches to specific periods of supervision.¹⁶ However, by looking at continuous periods of community supervision, during which an individual may be supervised on multiple concurrent or consecutive orders of probation and/or conditional sentences, and the occurrence of a breach during that period, it was possible to determine a breach rate for Saskatchewan in addition to Alberta. This measure provides a general synopsis of types and conditions of supervision and whether or not a breach had taken place.

The occurrence of a breach during a period of community supervision completed between April 1, 2003 and March 31, 2005 was determined for Saskatchewan and Alberta. It should be noted that if there were multiple periods of community supervision per person, only the first one was examined for a breach outcome. The counting of a breach would include any breach that occurred, regardless of the type of community correctional program breached - probation or conditional sentence. The average length of community supervision did not significantly differ between Saskatchewan (mean = 374 days, median = 362.5 days) and Alberta (mean = 375 days, median = 364 days). Thus, differences in

Text table 4

Types of optional conditions on probation and/or conditional sentence orders¹ per involvement, 2003/2004 to 2004/2005, Nova Scotia, New Brunswick, Saskatchewan and Alberta

	Nova Scotia		New Brunswick		Saskatchewan		Alberta	
	number	% of cases ²	number	% of cases ²	number	% of cases ²	number	% of cases ²
Total number of cases with one or more conditions³	10,552	...	6,452	...	10,613	...	26,344	...
Type(s) of conditions								
Attend counseling	7,672	72.7	716	11.1	3,649	34.4	20,864	79.2
Abstain from drugs and alcohol	4,209	39.9	2,139	33.2	2,569	24.2	13,231	50.2
No or restricted contact with certain persons	4,869	46.1	1,745	27.0	...	...	7,857	29.8
Community service work	2,024	19.2	1,361	21.1	1,103	10.4	7,051	26.8
Driving prohibition	1,116	10.6	18	0.3	...	...	371	1.4
Restitution/compensation order	1,337	12.7	1,244	19.3	904	8.5	4,438	16.8
Attend work and/or school	521	4.9	295	4.6	538	5.1	6,405	24.3
Reside in specific place/house arrest	1,622	15.4	1,436	22.3	38	0.4	5,561	21.1
Curfew	1,375	13.0	300	4.6	373	3.5	3,789	14.4
Area restriction	2,093	19.8	821	12.7	2,083	19.6	8,903	33.8
Other ⁴	7,676	72.7	5,770	89.4	10,608	100.0	13,144	49.9

... not available

1. Includes cases where there was one or more probation and/or conditional sentence legal statuses on an involvement. Individuals may have more than one involvement containing a probation or conditional sentence legal status during the time period and therefore may be represented more than once in the table.
2. Percent of cases where there was at least one or more conditions on the involvement with one or more probation and/or conditional sentence legal statuses.
3. Among involvements containing a period of community correctional supervision, less than one percent in Nova Scotia and Alberta, 1% in New Brunswick, and 6% in Saskatchewan had no conditions. Missing values were excluded.
4. Other includes victim surcharge, prohibition/seizure/forfeiture, peace bond, provide support/care dependent, and any other conditions not listed in the table. It should be noted that because of the specific variations in some conditions, there may be some differences in how these conditions may be categorized.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Correctional Services Survey.

Text box 4: Previous research: Outcomes of community corrections

Since the severity of sentence received is often affected by the length and type of criminal history, and given that criminal history is an often-cited risk factor for repeated involvement in the criminal justice system, offenders who are serving community correctional sentences may be 'lower risk' offenders than those receiving custodial sentences (Thomas, Hurley and Grimes 2002). Indeed, current research has indicated that in general, offenders released from community corrections only involvements had lower rates of re-involvement in the correctional system than those who had served custodial sentences (Johnson 2005). Subsequent analyses (Brzozowski, Taylor-Butts and Johnson 2006) found that two factors that predict re-involvement in correctional services among persons released from correctional supervision in Saskatchewan in 1999/2000 are release from custody (as opposed to release from a community correctional program), and custody and community involvement (as opposed to community-only involvement).

In fact, according to meta-analyses of the effect of sanctions on recidivism, when quality of research design was taken into account, those studies in which research was rated as strong¹ showed that incarceration was associated with a slight increase in recidivism (Gendreau, Goggin, Cullen and Andrews 2000; Smith, Goggin, and Gendreau 2002). In addition, a meta-analysis examining the effect of treatment on recidivism rates found that appropriate services delivered in a community setting, as opposed to a residential setting such as a correctional institution, reduced the likelihood of recidivism (Andrews, Zinger, Hoge, Bonta, Gendreau and Cullen 1990).

Breach rates

To date, little is known about the rate and extent to which offenders in Canada are breached for violating the conditions of their community supervision. For example, one early study found that among conditional sentence terminations in 2000/2001 in three provinces (Ontario, Manitoba, Saskatchewan), 22% were breached, with breach rates ranging from 11% in Ontario to 57% in Saskatchewan (Hendrick, Martin and Greenberg 2003; Johnson 2003). Furthermore, among those who breached, almost 50% served part or all of the remainder of the conditional sentence in custody, thus accounting for 11% of conditional sentence terminations in 2000/2001.

Similarly, little is known about breaches of the conditions of probation in Canada. However, there are some sources of information that indirectly address the issue of probation success. For example, the Annual Report of the Alberta Solicitor General (2005) indicated that in 2004/2005, the successful completion of adult probation dispositions was 60%. In this case, an unsuccessful termination occurred when: the disposition was closed on or prior to the expiration date of the probation order as a result of the offender incurring a new criminal charge that resulted in a period of incarceration and the probation order expiring or that will expire during the period of incarceration; failing to report to a probation officer and a warrant being issued under the *Criminal Code* of Canada; having a probation violation outstanding on the expiration date; or incurring a

new *Criminal Code* or other federal statute charge that resulted in a conviction during the period or probation supervision. Note that under this definition, probationers who may have been breached during their probation, but otherwise completed the supervision with no outstanding violations, are considered successful.

One American study found that the success rate (successful exits or completions) for probation was approximately 60% across all years from 1995 to 2004 (Glaze and Palla 2005). This is similar to the rate of success provided above. A study from England found that among the 823 probationers whose supervision outcome was known, 21% were breached at court (Hearnden and Millie 2003).

Relationship between history of breaches and outcome

One of the basic tenets of predicting behaviour is that the best predictor of future behaviour is past behaviour. In this fashion, it would be expected that those who have breached the conditions of community correctional programs in the past would be more likely to breach in the future and/or commit crime. In fact, many risk/need assessment tools, such as the Statistical Information on Recidivism, Level of Service Inventory, and the Wisconsin Risk and Needs Assessment, include 'previous breach of parole/probation' as an item on the scale (Andrews and Bonta 1998).

A recent study in England (Hearnden and Millie 2003) found that breach of probation was related to reconviction rates. Those breached at court were more likely to be reconvicted (77%) than those who completed their orders successfully (35%) or had orders terminated early for good behaviour (23%). Furthermore, there was a greater likelihood of reconviction as the number of unacceptable absences (breaches) increased. However, the speed of reconviction did not appear to depend on the number of unacceptable absences (breaches).

One result from a recent CCJS study speaks to this issue (Johnson 2005). When examining re-involvement within four years of release according to the most serious offence of the first involvement, it was found that those who had an offence against the administration of justice as their most serious offence² had a re-involvement rate of 50%, which was higher than the 45% overall rate reported.

1. Studies designated as higher quality were those with random assignment or comparison group design where the two were similar on at least five valid risk prediction domains (e.g., age, criminal history, antisocial values, etc.) (Smith, Goggin and Gendreau 2002).
2. Most serious offence (MSO): Offences are ranked according to the Courts Program Most Serious Offence Index, based on frequencies of charges and their sentences in adult provincial criminal court. This classification of offences into generic categories is done using the incident-based Uniform Crime Reporting (UCR2) Survey violation coding classification structure. The Integrated Correctional Services Survey uses these indices to determine and classify offences for which an offender is sentenced or being held in pre-trial supervision or bail supervision. Out of the 15 most serious offence categories used in the study, *offences against the administration of justice* was ranked 10th. See Johnson, S. (2005) for more information.

breach rates between Saskatchewan and Alberta were not influenced by any systematic differences between the two jurisdictions in time at risk.

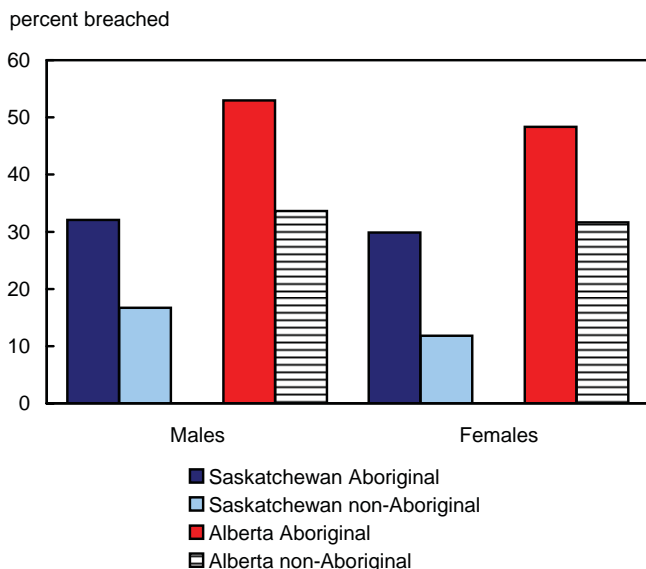
Higher breach rates among Aboriginal offenders¹⁷

Overall, a breach occurred for 25% of persons who had concluded a period of community supervision in Saskatchewan, and for 37% of those in Alberta. Aboriginal offenders showed higher rates of breach than non-Aboriginal offenders in both Saskatchewan (32% versus 16%) and Alberta (52% versus 33%) (Text table 5).

Rates of breach were compared between males and females. Overall, females had breach rates approximately equal to males in both Saskatchewan and Alberta. However, compared to their male counterparts, Aboriginal and non-Aboriginal females had lower breach rates in both Saskatchewan and Alberta (Figure 2). Aboriginal males in Saskatchewan had a breach rate almost double that of non-Aboriginal males (32% versus 17%), while Aboriginal females had a breach rate almost triple that of their non-Aboriginal counterparts (30% versus 12%). In Alberta, breach rates of Aboriginal adults were higher than that of their non-Aboriginal counterparts both for males (53% versus 34%) and females (48% versus 32%).

Figure 2

Periods of community supervision breached, by Aboriginal Identity and sex, Saskatchewan and Alberta, 2003/2004 to 2004/2005



Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Correctional Services Survey.

When comparing breach rates across age and Aboriginal Identity, it was found that as age increased, the rate of breach decreased (Text table 5). For example, the overall rate of breach in Saskatchewan was 32% for offenders who were 24 years of age or younger, compared to 26% for 25 to 34 year olds, 22% for 35 to 44 year olds, and 12% for those who were 45 years of age or older. A similar trend was observed in Alberta, although the rates were generally higher. The rate of breach, however, was consistently higher for Aboriginal offenders than their non-Aboriginal counterparts across all age groups.

Text table 5

Percent of completed periods of community supervision breached, by Aboriginal Identity and age, Saskatchewan and Alberta, 2003/2004 to 2004/2005

	Saskatchewan			Alberta		
	Total	Aboriginal	Non-Aboriginal	Total	Aboriginal	Non-Aboriginal
	percent					
Under 25 years	32.1	37.8	22.0	42.7	57.0	39.7
26 to 34 years	25.8	30.4	17.3	40.5	54.2	36.9
35 to 44 years	21.7	28.3	13.1	32.1	46.7	28.5
45 and over	12.4	17.5	8.3	20.7	33.2	19.2
Total	25.5	31.6	16.2	36.8	52.0	33.4

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Correctional Services Survey.

Breach rates lowest for sexual offences and traffic offences

The relationship between the most serious offence for which the offenders were under community supervision and breach rates is examined in Text table 6. Offenders who had a sexual offence, a *Criminal Code* traffic offence, a common assault, or a drug offence had lower rates of breach in both provinces, whereas offenders who had a break and enter, theft and possession of stolen property, or an offence against the administration of justice as their most serious offence had higher rates of breach than the overall rate. In Alberta, offenders who had a robbery (56%) or a break and enter (55%) as their most serious offence had the highest breach rate, while in Saskatchewan the highest breach rates occurred for those with a theft and possession of stolen property (38%) or a break and enter (38%) as their most serious offence.

The higher the number of needs, the higher the breach rate in Saskatchewan

Risk/need assessments are actuarial assessment tools that assist probation officers in determining need areas to be targeted for intervention and monitoring. They also aid in determining the level of supervision required to reduce the risk of reoffending. Previous research has indicated that the number of criminogenic needs rated at medium/high is related to re-involvement rates (Johnson 2005). Breach rates for offenders in Saskatchewan, where data were available, were examined in relation to the number of criminogenic needs rated as medium/high (see *Glossary* for definitions).¹⁸

Figure 3 presents the breach rate by number of needs assessed as medium/high. As the number of needs increased, the rate of breach increased. Although this finding held for both Aboriginal and non-Aboriginal offenders, the rate was consistently higher for Aboriginal offenders. For example, three times as many Aboriginal offenders with two identified needs were breached compared to their non-Aboriginal counterparts (22% versus 7%). In addition, for non-Aboriginal offenders there were only modest differences in breach rates between zero to three needs, with larger increases for more than three needs and higher. Among Aboriginal offenders, however, there were larger incremental increases in breach rates for each number of needs category.

Text table 6

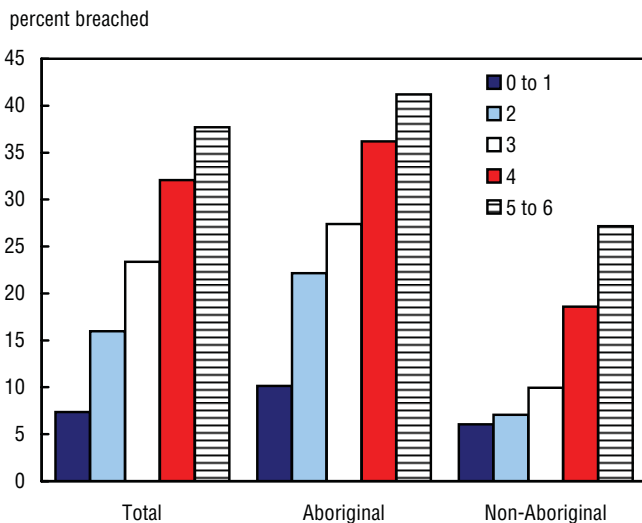
Percent of completed periods of community supervision breached, by most serious offence¹, Saskatchewan and Alberta, 2003/2004 to 2004/2005

	Saskatchewan	Alberta
	percent	
Serious violent offences ²	25.9	32.8
Sexual offences ³	15.8	21.2
Robbery	33.7	55.6
Common assault	17.8	26.7
Other violent offences ⁴	18.7	31.3
Break and enter	38.3	54.6
Theft and possession of stolen property	38.5	47.6
Other property offences	26.0	42.9
Offences against the administration of justice ⁵	30.2	48.7
Other <i>Criminal Code</i> offences (excludes traffic)	29.1	42.7
<i>Criminal Code</i> — traffic offences	15.1	22.5
Drug offences	15.8	27.5
Other offences ⁶	36.7	42.3
Total	25.5	36.8

1. Refers to the most serious offence existing on the relevant community portion of the involvement.
 2. Includes homicide, attempted murder and major assault.
 3. Includes sexual interference, invitation to sexual touching, sexual exploitation, incest, anal intercourse, bestiality, sexual assault, sexual assault with a weapon, threats to a third party or causing bodily harm, aggravated sexual assault.
 4. Includes utter threats, criminal harassment, and other crimes against the person.
 5. Caution should be taken when interpreting these results since this offence may in fact reflect that actual breach (outcome measure).
 6. Includes other federal statute offences, provincial/territorial offences, and municipal bylaw infractions.
- Source:** Statistics Canada, Canadian Centre for Justice Statistics, Integrated Correctional Services Survey.

Figure 3

Periods of community supervision breached, by number of criminogenic needs, Saskatchewan, 2003/2004 to 2004/2005



Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Correctional Services Survey.

Characteristics related to breach of probation in Alberta

One jurisdiction, Alberta, was able to provide information on the breach of a probation order while the offender is being supervised.¹⁹ In total, 14,439 adults had completed one or more periods of supervised probation between April 1, 2003 and March 31, 2005. Between the start of the probation order and the end date, offenders had an average of 402 days and a median of 366 days.

Among these probationers, 34% (4,851) breached. Aboriginal adults had a higher rate of breach on probation than non-Aboriginal adults, 48% compared to 30%. While males and females had similar rates of breach overall, their rates differed when taking Aboriginal Identity into account. The breach rate for non-Aboriginal women was similar to that of their male counterparts (29% versus 30%) while the breach rate of Aboriginal women was lower than that of Aboriginal males (43% versus 49%). Among those who breached in Alberta, the most common conditions breached were the mandatory conditions of “notify of any change of address, place of employment, education, or training” (33%) and “report and be supervised” (28%).

Breach of “restitution/compensation order” condition most common

It is also important to examine the breach rate for specific mandatory and optional conditions among all cases where they were imposed in Alberta. Among the mandatory conditions,

Text table 7

Types of conditions imposed on probation and percent breached, Alberta, 2003/2004 to 2004/2005

	Total — people with condition number	Total — persons breaching condition percent
Type(s) of optional conditions		
Attend counseling	10,793	11.5
Abstain from drugs and alcohol	5,705	12.6
No or restricted contact with certain persons	3,504	10.4
Community service work	3,248	20.7
Driving prohibition	130	8.5
Restitution/compensation order	2,369	27.4
Attend work and/or school	3,023	14.9
Reside in specific place/house arrest	1,727	11.6
Curfew	394	14.5
Area restriction	3,631	10.8
Other	5,717	12.4
Types of mandatory conditions		
Report and be supervised	14,439	9.6
Keep the peace and be of good behaviour	14,439	0.7
Notify of any change of address, place of employment, education, or training	14,439	11.1

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Correctional Services Survey.

“notify of any change of address, place of employment, education, or training” (11%) and “report and be supervised” (10%) were the conditions most frequently breached (Text table 7). Among the optional conditions, the conditions most frequently breached were the “restitution/compensation order” (27%), the “community service work” (21%), the “attend work and/or school” (15%), and the “curfew” (14%) conditions.

Some differences between males and females and Aboriginal and non-Aboriginal adults occurred regarding breach rates of specific conditions. For example, in comparison to females, males had higher breach rates on the “curfew” condition (16% versus 7%). A higher percentage of Aboriginal adults (26%) who had a “community service work” condition breached that condition than non-Aboriginal adults (20%). Similarly 35% of Aboriginal adults had a breach of “restitution/compensation order” condition compared to 26% of their non-Aboriginal counterparts.

Highest rates of breach of probation among robbery and break and enter offenders

Breach rates of completed periods of probation were further compared according to the most serious offence on the period of probation (Text table 8). As compared to the overall breach rate of 34%, those who had a robbery (56%), or break and enter (50%) as their most serious offence had higher rates of breach of probation. The lowest percentages breached were found for offenders with sexual offences (15%) and *Criminal Code* traffic offences (18%) as their most serious offence.

Breach of conditional sentence in four provinces

Conditional sentences have received extensive public attention since the relevant sections of the *Criminal Code* were enacted in 1996. Despite this, little is known about their outcomes. The following section examines breach outcomes of (1) any breach of a conditional sentence, and (2) admission to custody to serve some or all of the remainder of the conditional sentence in custody following a breach, for four provinces where data were available: Nova Scotia, New Brunswick, Saskatchewan and Alberta. For conditional sentences, breaches of conditions may result in one of three actions: no action, a change in the conditions of the conditional sentence, or an order for the offender to serve some or all of the remainder of the conditional sentence in custody. In two jurisdictions, New Brunswick and Saskatchewan, situations where offenders were admitted to custody to serve some or all of the remainder of the conditional sentence in custody were determined, while breach information (without knowing the outcome of the breach²⁰) was available for Nova Scotia, and Alberta.

The rate of breach in Nova Scotia and Alberta is presented in Text table 9. This refers to cases where the conditional sentence was recorded as not being successfully completed due to a violation of a condition or cases where a breach was indicated. The outcome of the breach, however, was not known and therefore these rates cannot be compared with the rates at which offenders are admitted to custody to serve some or all of the remainder of the conditional sentence. Overall, the percent of conditional sentences which were breached was

Text table 8

Percent of probation breached, by most serious offence, Alberta, 2003/2004 to 2004/2005

	Completed probation	
	Completed cases	Breached ¹
	percent	
Serious violent offences ²	8.1	30.4
Sexual offences ³	2.0	14.9
Robbery	0.6	55.6
Common assault	22.6	28.4
Other violent offences ⁴	6.3	31.3
Break and enter	4.6	49.8
Theft and possession of stolen property	13.8	44.2
Other property offences	6.2	38.3
Offences against the administration of justice ⁵	6.3	42.8
Other <i>Criminal Code</i> offences (excludes traffic)	14.0	39.0
<i>Criminal Code</i> — traffic offences	11.0	17.8
Drug offences	3.8	26.3
Other offences ⁶	0.4	42.2
Overall rate	...	33.6

... not applicable

1. Calculations exclude missing values.

2. Includes homicide, attempted murder and major assault.

3. Includes sexual interference, invitation to sexual touching, sexual exploitation, incest, anal intercourse, bestiality, sexual assault, sexual assault with a weapon, threats to a third party or causing bodily harm, aggravated sexual assault.

4. Includes utter threats, criminal harassment, and other crimes against the person.

5. Caution should be taken when interpreting these results since this offence may in fact reflect that actual breach (outcome measure).

6. Includes other federal statute offences, provincial/territorial offences, and municipal bylaw infractions.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Correctional Services Survey.

22% in Nova Scotia and 31% in Alberta, with some notable differences across Aboriginal Identity and sex. Aboriginal persons consistently had higher rates of breach than their non-Aboriginal counterparts in Alberta across males and females. For example, in Alberta, 46% of Aboriginal persons with a conditional sentence had breached that conditional sentence compared to 28% of non-Aboriginal persons. Furthermore, Aboriginal males in Alberta breached their conditional sentences in 46% of cases, compared to 29% of non-Aboriginal males, while Aboriginal females had a breach rate of 46% compared to 26% for non-Aboriginal females.

Text table 9 also displays the rate at which offenders were admitted to custody as the result of a conditional sentence breach (suspension and/or revocation) in New Brunswick and Saskatchewan. The overall rate was 39% in Saskatchewan and 23% in New Brunswick. When broken down by Aboriginal Identity, non-Aboriginal persons in New Brunswick and Saskatchewan had similar rates of admission to custody – 23% overall in New Brunswick and 28% in Saskatchewan. Aboriginal people in Saskatchewan had much higher rates of admission to custody due to a breach of conditional sentence than non-Aboriginal adults (47% versus 28%), while the rates of Aboriginal and non-Aboriginal adults in New Brunswick were similar (23% each).

Characteristics related to breach of conditional sentences in Alberta

As noted earlier, Alberta was able to provide information on the breach of a particular conditional sentence while the offender was being supervised on that conditional sentence. In total, 2,599 offenders completed a conditional sentence in Alberta between April 1, 2003 and March 31, 2005. Offenders were supervised for an average of 391 days and a median of 364 days. Among these individuals, 25% had breached their conditional sentence.²¹ This breach rate was found to differ between Aboriginal and non-Aboriginal individuals, with 36% of Aboriginal adults breaching compared to 23% of non-Aboriginal adults. Overall, males and females were found to have similar breach rates. Among those who had breached, the most frequent type of mandatory condition breached was to “notify of any change of address, place of employment, education, or training” (44%).

Because not everyone is bound by all conditions, the rates of breach of specific conditions were then examined in the context of the frequency at which these conditions were imposed (Text table 10). Among mandatory conditions, which were imposed on all conditional sentences, the “notify of any change of address, place of employment, education, or training” was the most frequently violated condition (11%). The optional condition of “restitution/compensation order” had the highest breach rate (13%), followed by “community service work” (11%), “no/restricted contact with certain persons” and “abstain from drugs and alcohol” (10% each).

Text table 9

Conditional sentence outcomes, Nova Scotia, New Brunswick, Saskatchewan, and Alberta, by Aboriginal Identity and sex, 2003/2004 to 2004/2005

	Breached			Admitted to custody		
	Aboriginal	Non-Aboriginal	Total	Aboriginal	Non-Aboriginal	Total
	percent					
Nova Scotia	38.4	21.3	22.2	.	.	.
Male	36.8	21.0	21.8	.	.	.
Female	43.7 ¹	23.3	24.9	.	.	.
Alberta	46.1	28.2	30.6	.	.	.
Male	46.1	28.7	30.7	.	.	.
Female	46.2	26.1	30.4	.	.	.
New Brunswick	.	.	.	23.2	23.4	23.1
Male	.	.	.	24.2	23.5	23.4
Female	.	.	.	17.6 ¹	22.8	21.9
Saskatchewan	.	.	.	46.8	27.9	39.3
Male	.	.	.	49.1	29.2	40.9
Female	.	.	.	36.9	16.0	31.2

. not available for any reference period

1. Due to low cell counts, interpretation should be made with caution.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Correctional Services Survey.

Text table 10

Types of conditions imposed on conditional sentences and percent breached, Alberta, 2003/2004 to 2004/2005

Type(s) of optional conditions	Total — people with condition	Total — persons breaching condition
	number	percent
Types of optional conditions		
Attend counseling	1,838	9.2
Abstain from drugs and alcohol	1,737	9.6
No or restricted contact with certain persons	652	10.4
Community service work	1,177	11.1
Restitution/compensation order	345	13.3
Attend work and/or school	621	8.2
Reside in specific place/house arrest	645	8.7
Curfew	1,719	8.7
Area restriction	1,258	6.4
Other	1,310	8.5
Types of mandatory conditions		
Report and be supervised	2,599	2.8
Keep the peace and be of good behaviour	2,599	1.2
Notify of any change of address, place of employment, education, or training	2,599	10.9

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Correctional Services Survey.

Highest rates of breach of conditional sentence among those with robbery and break and enter offences, lowest for sexual offences, traffic offences, and drug offences

The proportion of offenders serving a conditional sentence in Alberta who had breached their conditional sentence was compared across most serious offence profiles (Text table 11). Compared to the overall breach rate of 25% among

all conditional sentences, those who had a break and enter (41%) or robbery (39%) showed the higher rates of breach, while the lowest rates were observed for those who had a sexual offence (12%), *Criminal Code* traffic offence (18%), or a drug offence (22%) as their most serious offence. Given that 28% of adults supervised on conditional sentences in Alberta during this time frame had a drug offence as their most serious

Text table 11

Percent of conditional sentences breached, by most serious offence, Alberta, 2003/2004 to 2004/2005

	Completed conditional sentences	
	Completed cases	Breached ¹
	percent	
Serious violent offences ²	8.6	29.0
Sexual offences ³	5.8	12.2
Robbery	2.5	39.1
Common assault	5.0	28.9
Other violent offences ⁴	3.3	23.5
Break and enter	5.5	40.7
Theft and possession of stolen property	13.7	28.0
Other property offences	1.7	30.2
Offences against the administration of justice	3.3	27.1
Other <i>Criminal Code</i> offences (excludes traffic)	15.8	23.0
<i>Criminal Code</i> — traffic offences	6.2	17.6
Drug offences	28.2	22.1
Other offences ⁵	0.4	27.3
Overall rate	...	25.0

... not applicable

1. Calculation excludes missing values.

2. Includes homicide, attempted murder and major assault.

3. Includes sexual interference, invitation to sexual touching, sexual exploitation, incest, anal intercourse, bestiality, sexual assault, sexual assault with a weapon, threats to a third party or causing bodily harm, aggravated sexual assault.

4. Includes utter threats, criminal harassment, and other crimes against the person.

5. Includes other federal statute offences, provincial/territorial offences, and municipal bylaw infractions.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Correctional Services Survey.

offence, the relatively low overall rate of breach of conditional sentence may be explained, in part, by the lower rate observed for these offenders.

Re-involvement in correctional supervision

In this section, re-involvement in correctional services upon completion of a previous set of supervised obligations in the correctional system is examined. Unless otherwise specified, all analyses in this section include Newfoundland and Labrador, Nova Scotia, New Brunswick and Saskatchewan.²² Offenders released from correctional involvement between April 1, 2003 and March 31, 2004 were analyzed in terms of their rate of re-involvement within the same jurisdiction of release across various indices. Offenders had a minimum of 12 months and a maximum of 24 months to become re-involved in correctional services. With the use of survival analysis or the fixed follow-up method of analysis, time at risk for re-involvement was taken into account (see Text box 5 for more information).

Involvement in community corrections associated with lower rates of re-involvement

In a recent CCJS report analyzing data from the ICSS (Johnson 2005), it was shown that various characteristics were related to re-involvement outcomes in Saskatchewan, such as Aboriginal Identity, sex, age, criminogenic needs, type of correctional

involvement, etc. With the ability to analyze survey data from more provinces, this report expands upon the finding that persons who had been involved in only community corrections during their involvement had lower rates of re-involvement than those whose involvement included a period of custody. As can be seen in Figure 4, this finding held true with the addition of data from three other provinces (Newfoundland and Labrador, Nova Scotia and New Brunswick). For example, twelve months following release from correctional supervision, approximately 11% of persons with community-only involvements were returned to correctional supervision, compared to just over 30% of those with custody-only (31%) or mixed community and custody (32%) involvements.²³

Upon examination of provinces separately, rates of return were consistently lowest for offenders who had participated in community corrections only, but some differences between rates of those with combined custody and community involvements and those with custody-only involvements were observed. Within twelve months following release from correctional supervision, the re-involvement rate of those with community and custody involvements was higher than that of custody-only involvements in New Brunswick (37% versus 31%) and Saskatchewan (37% versus 32%). In contrast, in Newfoundland and Labrador and Nova Scotia, re-involvement rates were higher among those with custody-only involvements than community and custody involvements – 24% versus 19% in Newfoundland and Labrador, and 33% versus 29% in Nova Scotia, respectively.

Text box 5: Statistical methods of examining re-involvement

Survival analysis

Survival analysis is a statistical technique to assess the amount of time until a specified event (e.g., re-involvement in any correctional program) occurs while controlling for differences in follow-up periods. Survival analysis was designed for use with longitudinal data regarding the occurrence of events, and determines both whether or not and when an event is likely to occur (Allison 1995). It is useful for studying many different kinds of events in both the social and natural sciences. Survival analysis focuses on the time interval between two events or survival time (Wright 2000). Survival analysis is most often applied to the study of deaths and was originally designed for that purpose.

Survival analysis, using the Kaplan-Meier procedure, is employed in this *Juristat*. The Kaplan-Meier procedure is one of the most widely used method for estimating survivor functions¹, when censoring is present (Allison 1995). This technique can be thought of as an ‘enhanced’ frequency distribution table, where the distribution of survival times is divided into a certain number of time intervals. For each interval, the number and proportion of cases that entered the respective interval ‘alive’ (i.e., number not re-involved), the number and proportion of cases that failed in the respective interval² (i.e., number re-involved), and the number of cases that were lost or censored in the respective interval are computed. Censored data refers to persons who have reached the end of the pre-determined follow-up period but have not failed (i.e., have not become re-involved). This may be because a person never experiences the event in his or her lifetime (e.g., because he or she never returns to provincial correctional supervision in the same jurisdiction), or because the event had not occurred as of the end of the follow-up period (e.g., he or she does not return to provincial correctional supervision in the same jurisdiction as of the end of the follow-up period). Persons who are censored are removed from the calculation estimating the proportion of subjects who failed by a certain time interval. The amount of censoring increases as the end point of the study approaches and therefore, estimates calculated on the basis of observations late in the study are less stable.³

Survival analysis provides a number of benefits. First, it makes it possible to consider all cases without regard to length of time they can be followed-up. Second, it provides a visual examination of the data, showing the rate of failure (i.e., re-involvement) across time, so that groups that fail very quickly after release can be identified and compared to those that fail more slowly and over a longer period of time.

Individuals involved in correctional services were followed from the date at which they were released until they were re-involved in any correctional service or until the end of the follow-up period if they were not re-involved. The time to re-involvement in any correctional service was plotted on a survival curve. The slope of the curve demonstrates the rate of surviving without a re-involvement over time. Steep slopes

indicate that many offenders are failing within a relatively short period of time while more gradual slopes demonstrate that re-involvement is more steady and gradual over time. For ease of interpretation of survival analysis results, failure rates (i.e., re-involvement rates) are examined as opposed to survival rates (i.e., no re-involvement rates), which is the conventional method used in survival analysis. Survival analysis curves are therefore presented using a simple mathematical transformation (i.e., 1 minus the proportion surviving).

It is also possible to test the null hypothesis that the survivor functions are the same among sub-groups, such as those who had a period of community supervision in their first involvement versus those who didn’t have a period of community supervision (i.e., that the survivor functions were obtained from the same population). This type of analysis was used throughout this *Juristat*.

Fixed follow-up

A second methodology to assess re-involvement in the correctional system is the fixed follow-up method which examines the presence or absence of an event (e.g., a re-involvement in correctional services) for a fixed period of time. That is, persons are followed forward from the date of release from correctional involvement until some fixed period of time after that release to determine whether or not they were re-involved in correctional services.

The main advantage of the fixed follow-up method is that it is easily understood. However, to be included in the analysis, subjects must be able to be followed for the full duration stipulated as the follow-up period. In comparison, survival analysis allows subjects with variable follow-up periods to be included, and statistically adjusts accordingly. Survival analysis, though, is a more complex analysis, requiring more extensive explanation of results. In addition, although survival analysis statistically adjusts for time at risk, results later in the follow-up period are less reliable due to censoring (see footnote 3).

1. The Kaplan Meier procedure uses the cumulative proportion surviving which is the cumulative proportion of cases surviving up to the respective interval. Since the probabilities of survival are assumed to be independent across the intervals, this probability is computed as a product of the probabilities of survival across all previous intervals. The resulting function is also called the survivorship or survival function (StatSoft Inc. accessed 2004).
2. The proportion failing is computed as the ratio of the number of cases failing in the respective interval, divided by the number of cases at risk in the interval. The number of cases at risk is the number of cases that entered the respective interval alive, minus half of the number of cases lost or censored in the respective interval. Conversely, the proportion surviving is computed as 1 minus the proportion failing.
3. Large numbers of censored values decrease the equivalent number of subjects exposed (at risk), making the life table estimates less reliable than they would be for the same number of subjects with less censoring (PROPHET StatGuide accessed 2004).

Community involvements, alone or in combination with custody, were further broken down in terms of the most serious community correctional program (conditional sentence followed by probation) and analyzed in relation to re-involvement outcomes. Among both community-only and community and custody involvements, those who had a conditional sentence were found to have slightly higher re-involvement rates than those who had a term of probation as their most serious community correctional program. For example, among those with community and custody involvements, 34% of those with a conditional sentence compared to 31% serving a period of probation were re-involved within twelve months following

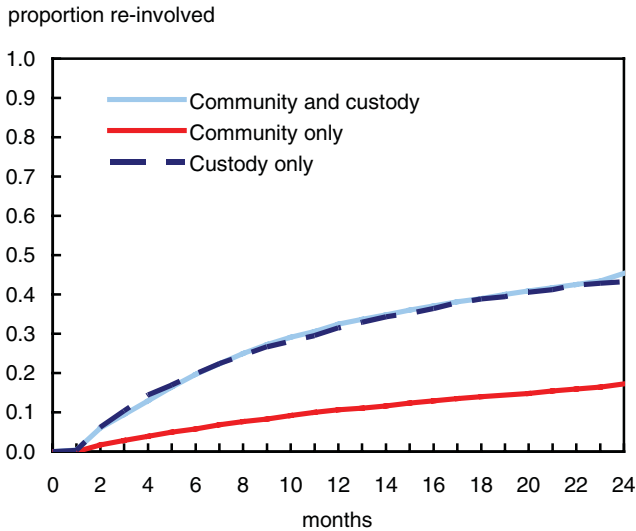
release, while among those with community-only involvements, the re-involvement rate within twelve months was 11% for conditional sentences and 10% for probation. Similar to the community and custody involvement results, for those offenders with custody-only involvements, 31% were re-involved within twelve months of release.

Higher rates of re-involvement among offenders with prior breaches of community corrections

Histories of breach of probation or breach of conditional sentence on the first involvement are examined in relation to re-involvement following release from correctional supervision.

Figure 4

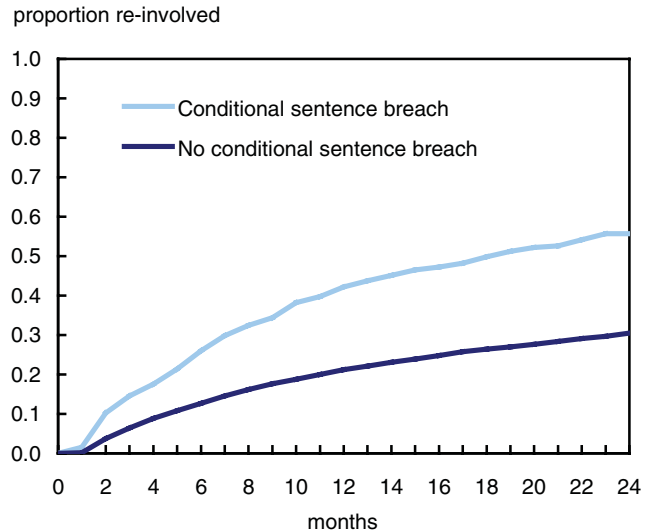
Cumulative proportion re-involved, 2003/2004 release cohort, to March 31, 2005, by type of involvement



Note: Includes Newfoundland and Labrador, Nova Scotia, New Brunswick, and Saskatchewan.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Correctional Services Survey.

Figure 5

Cumulative proportion re-involved, 2003/2004 release cohort, to March 31, 2005, by breach of conditional sentence history in first involvement



Note: Includes Nova Scotia, New Brunswick, and Saskatchewan.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Correctional Services Survey.

For a breach of probation, regardless of the type of correctional supervision, the occurrence of the offence of 'breach of probation' was detected through the Most Serious Offence fields in the ICSS. Breaches of conditional sentence on the first involvement were also examined as an indicator of breach history in relation to re-involvement outcomes. For breach of probation, it is important to note that an indication of a breach, although recorded in the first involvement may have occurred during the first involvement or during a previous involvement not contained in the analysis database. However, a history of breach of conditional sentence was related to a breach occurring within the first involvement only.

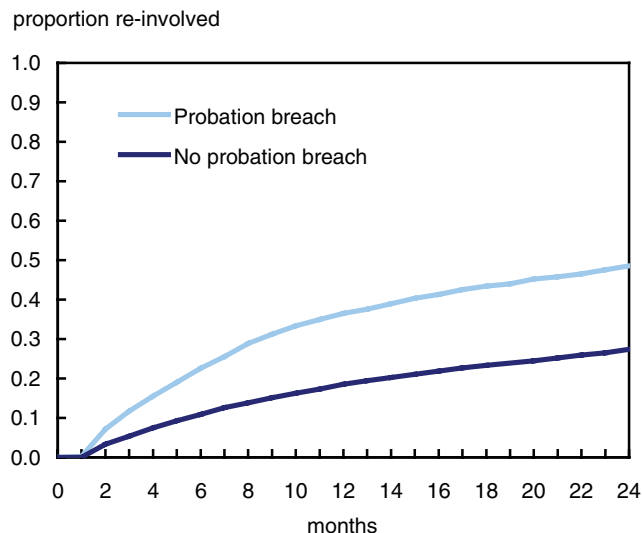
In this *Juristat*, rates of re-involvement have been analyzed for offenders who had a history of breach of community corrections recorded within the first involvement. Separate analyses compared those who had a history of conditional sentence or probation breach against those who didn't. Due to limitations in coverage, analysis was limited to Nova Scotia, New Brunswick and Saskatchewan. As can be seen in the Figure 5, those with a history of conditional sentence breach had higher rates of return than those who didn't. For example, the rate of return within twelve months among those with a history of conditional sentence breach was double that of those without a breach history, 42% compared to 21%.

Similarly, offenders who had a history of breaching probation indicated in their first involvement were more likely to become re-involved in correctional supervision. Within twelve months of release, offenders with a history of breach of probation were twice as likely to return as those who didn't (36% versus 18%) (Figure 6). For those who had a probation breach history, half of all returns occurred within the first 6 months of release, while, in comparison, half of the returns for those without a history of probation breach occurred within 8 months of release.

In order to examine the effect of breach history on re-involvement while accounting for the type of first involvement (custody-only, community-only, community and custody), a survival analysis of involvement type by any community corrections breach history on the involvement was performed. Any breach history includes the presence of a breach of conditional sentence and/or a breach of a probation indicated at any time during the first involvement. Overall, rates of re-involvement were highest among involvements containing custody alone or in combination with community, who had a breach history, followed by custody involvements (with or without community) without a breach history (Figure 7). However, the indication of a breach history was consistently found to be related to higher rates of re-involvement over time, even for community-only involvements, where the re-involvement rate was considerably lower than those whose first involvement contained a period of custody.

Figure 6

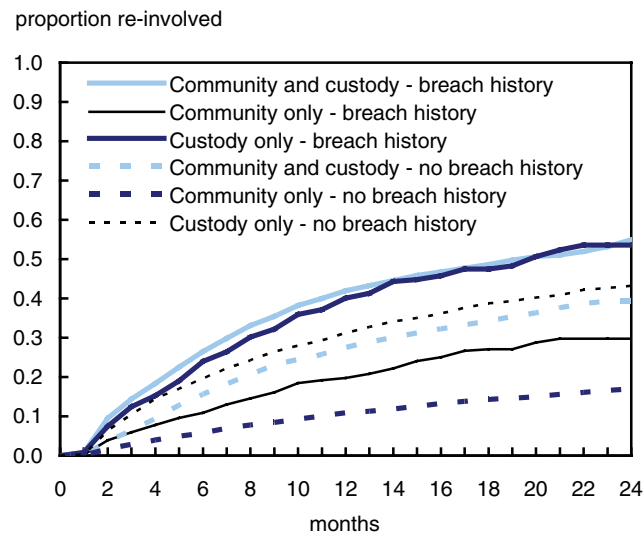
Cumulative proportion re-involved, 2003/2004 release cohort, to March 31, 2005, by breach of probation history in first involvement



Note: Includes Newfoundland and Labrador, Nova Scotia, New Brunswick, and Saskatchewan.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Correctional Services Survey.

Figure 7

Cumulative proportion re-involved, 2003/2004 release cohort, to March 31, 2005, by type of involvement and breach history in first involvement



Note: Includes Nova Scotia, New Brunswick, and Saskatchewan.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Correctional Services Survey.

Text table 12

Re-involvement rate within one year of release of 2003/2004 release cohort, by most serious offence¹ in first involvement and involvement type, Newfoundland and Labrador, Nova Scotia, New Brunswick and Saskatchewan

	Community only		Community and custody		Custody only	
	Release cohort	Re-involved	Release cohort	Re-involved	Release cohort	Re-involved
	percent					
Serious violent offences ²	7.7	12.4	10.5	32.4	6.3	41.2
Sexual offences ³	2.9	5.6	4.8	27.1	3.1	31.6
Robbery	0.3	12.5	5.1	50.3	4.7	30.9
Common assault	23.9	9.4	4.8	28.1	2.7	33.3
Other violent offences ⁴	6.8	10.3	5.9	31.2	2.8	43.2
Break and enter	4.3	12.7	16.6	40.5	8.0	50.8
Theft and possession of stolen property	11.9	13.7	9.8	37.6	9.8	50.3
Other property offences	4.8	14.4	1.6	35.7	1.5	34.0
Offences against the administration of justice	6.7	14.4	6.6	32.8	9.9	47.9
Other <i>Criminal Code</i> offences (excludes traffic)	14.3	12.3	20.7	34.7	12.0	32.8
<i>Criminal Code</i> — traffic offences	8.3	8.7	10.0	21.2	25.3	16.2
Drug offences	6.0	7.5	2.5	28.9	3.7	22.7
Other offences ⁵	2.0	10.5	1.2	13.6	10.2	32.2
Overall rate	...	11.1	...	33.7	...	33.5

... not applicable

1. Refers to the most serious offence existing on the involvement.

2. Includes homicide, attempted murder and major assault.

3. Includes sexual interference, invitation to sexual touching, sexual exploitation, incest, anal intercourse, bestiality, sexual assault, sexual assault with a weapon, threats to a third party or causing bodily harm, aggravated sexual assault.

4. Includes utter threats, criminal harassment, and other crimes against the person.

5. Includes other federal statute offences, provincial/territorial offences, and municipal bylaw infractions.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Integrated Correctional Services Survey.

Re-involvement rates differed by type of involvement and most serious offence on first involvement

As seen in the sections examining breaches, different types of offences were associated with higher rates of breach. Furthermore, an earlier report (Johnson 2005) found that re-involvement rates differed on the basis of the most serious offence in the first involvement, with robbery offenders having the highest re-involvement rates. Text table 12 presents a distribution of one-year fixed follow-up re-involvement rates by most serious offence and involvement type (community-only, community and custody, custody-only). Overall one-year fixed rates of return to correctional supervision were 11% for community-only involvements and 34% for community and custody, and custody-only involvements. Among community-only offenders, as compared to the overall rate (11%), offenders with a theft and possession of stolen property, other property offences and offences against the administration of justice had the highest rates of re-involvement (14% each). Theft and possession of stolen property was also associated with a higher rate of re-involvement than the overall rate for both community and custody involvements (38% versus 34%) and custody-only involvements (50% versus 33%). Similar results were found for break and enter where 40% of offenders involved in community and custody (versus 34%) and 51% of those involved in custody only (versus 33%) were re-involved. In addition, community and custody offenders who had a robbery as their most serious offence also had had higher rates (50% versus 34%). Some of the lowest re-involvement rates were found for sexual offences, drug offences, and *Criminal Code* traffic offences for all three groups.

Summary

This *Juristat* profiles community corrections and examines outcomes of community corrections in five provinces. The most common optional conditions imposed on community corrections were “attend counselling”, “abstain from drugs and alcohol”, and “no or restricted contact with certain persons”. However, it is interesting to note that in general, optional conditions frequently imposed on probation or conditional sentence orders were not the most frequently breached among those where the conditions were imposed.

In total, these results pinpoint some of the factors that are related to outcomes of offenders under community correctional supervision. Lower breach rates were found for those with fewer needs, those who were younger, and offenders who had sexual offences or traffic offences as their most serious offence. Other characteristics found to be related to lower breach rates included being non-Aboriginal and being female. The overall breach rate for an aggregate period of community supervision was 25% in Saskatchewan and 37% in Alberta.

It was possible to further examine breach for specific types of community supervision, probation or conditional sentences, in Alberta. The breach rate for probation in Alberta was 34% and

was 25% for conditional sentences. The most serious offence on the probation related to the highest rates of breach were for robbery and break and enter while the lowest rates were for those with sexual offences and *Criminal Code* traffic offences. For conditional sentences, similar results were observed, however, drug offences were also found to be associated with lower breach rates.

Many of these same factors, including offence type, Aboriginal Identity and sex, were also found to be related to re-involvement following completion of community correctional supervision. When looking at re-involvement in correctional supervision following completion of an involvement, persons who had been involved in only community corrections in Newfoundland and Labrador, Nova Scotia, New Brunswick and Saskatchewan had lower rates of re-involvement than those whose involvement included a period of custody. When broken down further, it was found that among those with any community involvement, those with a conditional sentence were found to have slightly higher re-involvement rates than those with a probation. Furthermore, higher rates of re-involvement were found for those who had a history of breaching community correctional supervision conditions, for both conditional sentence breaches and probation breaches.

Data sources

The Integrated Correctional Services Survey

The Integrated Correctional Services Survey (ICSS) is a person-based survey that is gradually being implemented by the Canadian Centre for Justice Statistics (CCJS) in jurisdictions across Canada. The ICSS collects detailed data pertaining to the delivery of both youth and adult correctional services. These microdata are collected through three distinct records organized by (1) *person* (e.g., socio-demographic characteristics such as age, sex, Aboriginal Identity, etc.); (2) the person's *legal status*, such as sentenced custody, remand, probation and the characteristics of the status (e.g., aggregate sentence length, convicted offences, etc.); and, (3) *events* that pertain to the supervision (e.g., escapes, temporary absence, conditions of supervision, breaches of probation, parole and conditional sentences, rehabilitation programs, etc.).

Through an annual data extraction process in jurisdictions reporting to the survey, the ICSS database is updated with any new correctional supervision activity that occurred over the survey year. The result is the creation of a longitudinal database of the case histories of all persons involved in correctional services. These case histories can be examined in relation to concepts such as offence and supervision histories, breaches of conditional release and community correctional programs, the length of time between admissions, as well as the characteristics of involved persons, such as Aboriginal Identity, education level, etc. In addition, the survey collects information on other important indicators such as the assessment of offender needs; conditions attached to conditional releases, probation and conditional sentences; and security concerns associated with offenders under correctional supervision.

Re-involvement

A correctional re-involvement is counted when an individual returns to any type of correctional supervision in a provincial/territorial system after having fully completed a previous set of supervised obligations within the same jurisdiction.²⁴ In this *Juristat*, the first completed involvement from which persons are followed is referred to as the *first involvement*. The date when this involvement ended is referred to as the *first release*.

Since an important element of a follow-up period is its duration, the re-involvement rate and its opposite – the rate of not being re-involved are examined in the current study using two different methodologies, *survival analysis* and *fixed follow-up analysis*. Both of these methodologies take the time at risk into consideration. More information on both techniques is provided in Text box 5.

Note of caution

Comparing indicators derived from the ICSS survey in this *Juristat* to data from the Adult Correctional Services Survey (ACS) should not be made due to differences in definitions of concepts. For example, in this *Juristat*, a single period of community supervision may include more than one type of community supervision. In the ACS each type and separate occurrence of supervision would be counted separately, whereas in this *Juristat* (using ICSS data), the entire portion would be counted as one period of community supervision.

Glossary

Custodial supervision/custody: Detention of a person in a secure facility (prison), including sentenced custody, remand and temporary detention.

Sentenced custody: Detention of offenders convicted of a crime, either in a federal (2 years or more), or a provincial or territorial (less than 2 years) facility.

Non-sentenced custody:

- 1) **Remand:** Court ordered detention of a person while awaiting a further court appearance.
- 2) **Temporary detention:** Incarceration of a person (who is not on remand or has not been sentenced) for other reasons, e.g. immigration matters, parole suspension.

Community supervision: Supervision of offenders on probation, conditional sentence and community release (parole or statutory release). Offenders in the community are often supervised by a probation or parole officer.

Probation: Disposition of the court where the offender is given a suspended sentence or conditional discharge and is released on conditions prescribed in a mandatory probation order, including reporting to a probation officer. In some circumstances, in addition to a fine or a sentence, the court may also place the offender on probation.

Conditional sentence: Disposition of the court introduced in 1996 where the offender serves a term of imprisonment in the community under specified conditions. Conditional

sentences are more restrictive than probation, but less serious than custody. This type of sentence can only be imposed in cases where the term of imprisonment would be less than two years, and are therefore administered by provincial and territorial correctional agencies.

Community release: Supervision of offenders on day parole, full parole, statutory release and long-term supervision orders. The National Parole Board (NPB) has the authority to grant, deny, terminate or revoke parole, to terminate or revoke statutory release, detain certain offenders past their statutory release date, and grant unescorted temporary absences.

Parole: Programs of conditional release from custody into the community under the authority of parole boards.

Provincial parole: Programs of conditional release managed by administrative tribunals in Quebec, Ontario and British Columbia that have the authority to grant, deny, terminate or revoke parole in their jurisdiction.

Day parole: Release of an offender into the community granted by the National Parole Board or a provincial parole board to prepare the offender for full parole or statutory release. The conditions require the offender to return to a penitentiary, a community-based residential facility or a provincial correctional facility each night. Federal offenders serving determinate sentences are eligible to apply for day parole six months prior to their full parole eligibility date or one-sixth of their sentence for cases that meet accelerated parole review criteria.

Full parole: Release of an offender into the community to serve part of their prison sentence. Offenders are under supervision by a parole officer and are required to abide by conditions designed to reduce the risk of re-offending and to foster re-integration into the community. Federal offenders serving determinate sentences are eligible to apply for parole after serving one third of their sentence or seven years after admission, whichever is less.

Statutory release: Release of federal offenders into the community after serving two-thirds of their sentence, unless they are detained by the National Parole Board or they waive statutory release.

Bail supervision: Bail supervision, also referred to as pretrial supervision, is a supervised recognizance order that provides an alternative to custodial remand for offenders awaiting trial. This is an option that incorporates supervision of the accused in the community (e.g., reporting to a probation officer, respecting curfew hours, etc.) as part of a judicial interim release.

Other community supervision programs: Includes restitution orders and community service orders.

Restitution order: A condition requiring the offender to make restitution for injuries or to pay compensation for loss of or damage to property as a result of the offence.

Community service order: A court order that the offender perform a certain number of hours of volunteer work or service in the community.

Most serious offence (MSO): Offences are ranked according to the Courts Program's Most Serious Offence Index, based on frequencies of charges and their sentences in adult provincial criminal court. The classification of offences into generic categories is done using incident-based Uniform Crime Reporting (UCR2) Survey's violation coding classification structure. The ICSS uses these indices to determine and classify offences for which an offender is sentenced or being held in pre-trial supervision or bail supervision. For example, if an offender is sentenced with more than one offence, the most serious offence rule states that where several offences occur in one incident, only the three most serious offences per legal hold status are recorded.

Criminogenic needs: needs or problems that are more directly related to offending than others.

Attitude: degree to which an individual accepts responsibility for the offence and shows a willingness to change.

Peers/companions (social interaction): level of problems associated with some or all of the individual's peers.

Drug or alcohol abuse (substance abuse): degree to which use of alcohol and/or drugs is associated with problems.

Employment: employment status (employed vs. unemployed) and employment history.

Family/marital relationships (marital/family): presence or absence of serious problems in relationships.

Emotional stability of offender (personal/emotional): whether or not emotional instability exists and the degree to which this related to serious problems.

Involvement: A continuous period of direct supervision within a specific jurisdiction's correctional system.

Period of community supervision: A continuous period of community correctional involvement (probation, conditional sentence and/or bail supervision) in a specific jurisdiction's correctional system.

Aggregate admission: An admission to a continuous period of probation or conditional sentence in a specific jurisdiction's correctional system. There may be more than one aggregate admission per person.

Breach: Violation of conditions imposed on a community supervision program, such as probation or conditional sentence.

Re-involvement: A re-involvement is counted when an individual returns to correctional supervision after having fully completed a previous set of supervised obligations. It should be noted that new offences committed and dealt within the court system while a person is already under the supervision of correctional services is not considered a 're-involvement' since the additional sentence would be incorporated within the existing sentence.

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Endnotes

1. Criminogenic needs refer to needs or problems, such as substance abuse or employment/education, that are more directly related to offending than others.
2. Data for this report come from the new person-level survey being implemented across Canada, the Integrated Correctional Services Survey (ICSS). At the time of writing this *Juristat*, data were available for Newfoundland and Labrador, Nova Scotia, New Brunswick, Saskatchewan and Alberta. See Method, Concepts and Definitions and Data Sources sections for more information.
3. Other types of community correctional supervision, such as community release (provincial and federal day parole and parole, and federal statutory release), community service orders and restitution orders are not examined in this *Juristat*. Federal day parole, parole and statutory release are under the jurisdiction of the Correctional Service of Canada and therefore, are not included. Community service orders and restitution orders are often unsupervised, and may not be recorded in a jurisdiction's correctional case management system unless they accompany a probation or a conditional sentence order.
4. This is the second *Juristat* profiling data from the Integrated Correctional Services Survey (ICSS), the first being "Returning to Correctional Services after release: A profile of Aboriginal and non-Aboriginal adults involved in Saskatchewan Corrections from 1999/00 to 2003/04" (2005). The first *Juristat* examined correctional involvement and re-involvement outcomes of Aboriginal and non-Aboriginal persons in Saskatchewan's adult correctional system between 1999/2000 and 2003/2004. The current report builds upon this work with the addition of four more provinces and a more detailed examination of community correctional outcomes.
5. If a person is imprisoned for another offence, regardless of when it was committed, the running of the conditional sentence order is suspended during the sentence of imprisonment for the other offence, unless the court otherwise orders under s. 742.4(3) (change in option conditions) or under s.742.6(9) (change in optional conditions, suspension or termination of conditional sentence for breach of conditions).
6. Several of the jurisdictions (Newfoundland and Labrador, Nova Scotia, New Brunswick, Alberta) provided integrated data from youth and adult correctional services to the ICSS. However, analysis has been limited to individuals under adult correctional supervision only. Those who had a correctional involvement that started in the youth system and continued into the adult system were retained, with the involvement start date revised to reflect that date at which involvement in the adult system began.
7. Bail supervision data were available in Saskatchewan only.
8. The rate of involvement in community corrections was calculated by dividing the average number of individuals on probation and/or conditional sentence on an average day in May 2003 by the total adult population per province. Similarly, the rate of involvement in custodial corrections was calculated by dividing the average number of individuals held in sentenced custody, remand or other temporary detention on an average day in 2003 by the total adult population per province.
9. These results may be influenced by crime rates and sentencing patterns in jurisdictions, as well as other factors.
10. Due to the unavailability of ICSS custody data in Alberta, rates of involvement in custodial corrections in Alberta were not calculated.
11. Source: Adult Correctional Services Survey. Due to missing data for some years, values exclude Newfoundland and Labrador, Prince Edward Island, New Brunswick, Manitoba, Northwest Territories, and Nunavut.
12. Individuals may be serving more than one community correctional program (probation and/or conditional sentence) during the time frame and therefore individuals may be represented in both probation and conditional sentence counts. However, individuals with more than one of the same community correctional programs are represented only once per community correctional program.
13. It was not possible within the methodology of this study to count the exact number of conditions, nor which conditional sentence or probation disposition it was associated with for those with more than one. Therefore, it was only possible to detect if there was 'one or more conditions', or 'no conditions' as well as the specific types of conditions attached.
14. Due to differences across jurisdictions in reporting practices, comparisons between jurisdictions on the types of conditions attached to a period of community correctional supervision should be interpreted with caution.
15. It should be noted that a large percentage of cases in all provinces also had 'other' conditions. This category includes 'victim surcharge', 'prohibition/seizure/forfeiture', 'peace bond', 'provide support/care to dependent', and any other conditions not specifically listed in the table. Furthermore, due to specific variations in some conditions, there may be some differences in how conditions are categorized. For example, in certain circumstances a condition such as 'attend financial management program' could be categorized under one of the categories listed in the table (e.g., 'attend counselling'), while in other circumstances, it could be categorized as an 'other' condition.
16. This type of information specific to Alberta is provided later in this report. Alberta was able to provide both probation breach dates and conditional sentence breach dates, while other jurisdictions were only able to provide conditional sentence breach dates. However, given that the type of community program breached was not known for Saskatchewan, it was only possible to examine these findings in relation to an overall breach rate per period of community supervision. These values are therefore considered comparable since only the presence or absence of a breach was measured.
17. Throughout this report, Aboriginal adults frequently had higher rates of breach and re-involvement than non-Aboriginal adults. This result is consistent with the re-involvement results of the S. Johnson 2005 report, and should be placed into the context of the social circumstances of Aboriginal people in Canada. For more information, please see S. Johnson 2005 and J. Brzososki, A. Taylor-Butts and S. Johnson 2006.

18. The following criminogenic needs were assessed as low or medium/high: substance abuse, social interaction, family/marital, attitude, employment, and personal/emotional. Those assessed as medium/high per person were then counted and a composite score was derived, with a minimum possible value of 0 and a maximum of 6.
19. Alberta was the only jurisdiction where breach events and dates could be tracked directly to the relevant period of supervision under probation or conditional sentence.
20. That is, it was not possible to detect which of the three possible actions (no action, change in the conditions of the conditional sentence, or an order for the offender to serve some or all of the remainder of the conditional sentence in custody) was taken following the occurrence of a breach.
21. These rates differ from those reported earlier in this report for conditional sentences. This is due to the use of multiple methods to derive a breach indicator in the earlier results compared to just one method used in this section. However, these values are calculated in the same manner in which breach of probation in Alberta values are calculated.
22. It was not possible to include Alberta in the re-involvement analyses since Alberta's dataset included only those under community supervision and therefore any returns to custody would not be detected.
23. Community-only involvements refer to persons who were only under community supervision during their correctional involvement and were not in custody at any time, while custody-only involvements refer to persons who were only supervised in custody and were not under community supervision at any time during the involvement. Community and custody involvements include persons whose correctional involvements contain periods of both community and custodial correctional supervision.
24. It should be noted that new offences committed and dealt within the court system while a person is already under the supervision of correctional services is not considered a correctional 're-involvement' in this study since the additional sentence would be incorporated within the existing sentence.

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.

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